



Council

Town Hall
Wallasey

17 October 2014

Dear Councillor

This supplement for the Council meeting to be held at **6.15 pm on Monday, 20 October 2014** in the Council Chamber, within the Town Hall, Wallasey, should be read in conjunction with the Council Summons dated 10 October 2014.

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AGENDA SUPPLEMENT

7. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 1 - 82)

C. Matters referred to the Council by Cabinet at its meeting on 9 October, 2014:

- Minute 67 - Wirral Climate Change Strategy 2014-19 (The minute, report and Strategy are attached) (**Pages 1 – 38**)
- Minute 68 - Street Lighting Strategy and Action Plan 2014 (The minute and report are attached) (**Pages 39 – 44**)
- Minute 70 - Anti-Social Behaviour, Crime and Policing Act 2014 Update and Proposed Amendments to the Scheme of Delegation to Officers (The minute, report and appendix 2 are attached) (**Pages 45 – 56**)
- Minute 71 - Revision of Constitution Arrangements for Wirral Partnership Homes Trading as Magenta Living to Enable a Proposed Group Structure (The minute, report and appendix are attached) (**Pages 57 – 82**)

10. MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES (Pages 83 - 112)

C. Minority Reports

The minutes of the Coordinating Committee which considered The Lyndale School matter are attached

11. AMENDMENTS TO NOTICES OF MOTION (Pages 113 - 114)

The Council is requested to consider amendments to Notices of Motion, submitted in accordance with Standing Order 12(1) and (9).

12. VACANCIES

To receive nominations, in accordance with Standing Order 25(6), in respect of any proposed changes in the membership of committees, and to approve nominations for appointments to outside organisations.

Outside Bodies

- Replace Councillor Anita Leech with Councillor Matt Daniel on Clatterbridge Cancer Centre NHS Foundation Trust

Committees

Policy and Performance Coordinating Committee

Councillor A Hodson to replace Councillor C Blakeley as spokesperson and Councillor C Blakeley to become a deputy for this Committee.

A handwritten signature in black ink, appearing to be 'A. Hodson', written in a cursive style.

Head of Legal and Member Services

CABINET

9 OCTOBER 2014

67 WIRRAL CLIMATE CHANGE STRATEGY 2014-19

Cabinet Members - Support Services and Environment and Sustainability introduced a report by the Assistant Chief Executive which set out a new climate change strategy for Wirral. The strategy set a framework for action over the next five years to reduce greenhouse pollution and to help ensure Wirral adapted to unavoidable changes in the climate. The strategy had been developed via the Wirral Climate Change Group in accordance with a previous Council decision. Cool – Wirral Climate Change Strategy 2014 – 2019, July 2014 was appended to the report.

RESOLVED: That

- (1) the strategy be endorsed by the Council as the agreed framework to encourage and co-ordinate local climate-related action in Wirral; and**
- (2) the Cabinet be provided with an update on climate change and specifically its effect in relation to Wirral, on an annual basis.**

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WIRRAL COUNCIL

CABINET

9 OCTOBER 2014

SUBJECT:	Wirral Climate Change Strategy 2014-2019
WARD/S AFFECTED:	All
REPORT OF:	David Armstrong
RESPONSIBLE PORTFOLIO HOLDER:	Cabinet Member – Environment and Sustainability Cabinet Member – Support Services
KEY DECISION?	Yes

1.0 EXECUTIVE SUMMARY

- 1.1 This report introduces a new climate change strategy for Wirral. The strategy sets a framework for action over the next five years to reduce green house pollution and to help ensure Wirral adapts to unavoidable changes in the climate. The strategy has been developed via the Wirral Climate Change Group in accordance with a previous council decision.
- 1.2 It is recommended that the strategy be endorsed as the agreed framework to encourage, develop and co-ordinate local climate-related action in Wirral.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Wirral Council has a long-held commitment to action on climate change. The Council was an early signatory to the Nottingham Declaration on Climate Change (Council, 13 February 2006, Minute 91). It recently reaffirmed this commitment by signing up to the Local Government Association's 'Climate Local' initiative (Sustainable Communities Overview and Scrutiny Committee, 29 January 2013, Minute 63). This entails a public commitment to cutting emissions and adapting to unavoidable changes in the climate.
- 2.2 In support of its public commitment to action the Council adopted its first strategy on climate change in 2007 (Cabinet, June 2007, Minute 99.) Work to develop a replacement strategy was agreed in 2012 (Sustainable Communities Overview and Scrutiny Committee, January 2012, Minute 67).
- 2.3 The creation of the new climate strategy has been overseen via the Wirral Climate Change Group. This partnership group was set up by Wirral Council to help coordinate climate action. The group includes officers and elected members as well as representatives from various public bodies, community, voluntary and faith interests.

- 2.4 The new strategy (see appendix) was shaped through various consultation stages. An initial 'working' draft was produced for summer 2013. This drew on the outcomes from an earlier programme of public consultation activities. The 'working' draft was refined through consultation within the Wirral Climate Change Group. A consultation draft was then published publicly in December 2013 with comments invited by February 2014. A final draft – taking on board comments made - was agreed in July 2014. The Wirral Climate Change Group's recommendation is that partner organisations endorse this as the framework to encourage, develop and co-ordinate local climate-related action and investment.
- 2.5 The strategy's goals are to substantially cut climate pollution associated with Wirral, and to adapt Wirral to unavoidable climate change. To cut pollution the strategy aims to:
- Reduce demand for energy and make Wirral more energy efficient
 - Generate and source more of our local energy needs from 'renewable' sources;
 - Use more sustainable modes of transport, more fuel-efficient vehicles and less polluting means of getting around; and
 - Reduce the indirect negative impacts that our decisions have for climate pollution in Wirral and elsewhere;
- To adapt to unavoidable change the aim is to:
- Identify the risks and vulnerabilities from expected changes and bring forward plans and actions to limit negative impacts and improve resilience
- In support of both goals the aim is to:
- Build capacity for action by strengthening local networks and partnerships and by developing wider awareness and education initiatives.
- For each of the aims, the strategy signals the 'direction of travel' needed, highlights the context for action and identifies a set of objectives to be met.
- 2.6 To reduce demand for energy the strategy promotes efforts to secure investment in energy efficiency improvements. It recognises the opportunities to link such investments with the development of local skills and to promote local businesses. It highlights the potential for investment in heat networks and flags up the opportunities presented by the Wirral Waters development. The strategy also advocates the sharing of existing resources and expertise about energy efficiency and related awareness campaigns.
- 2.7 To encourage renewable energy the strategy promotes the formation of a co-operative to pool local investment. It advocates identifying potential sites for solar investment and promoting other technologies. It recognises the importance for further investment to develop Wirral as a centre of excellence for wind energy. It also flags up opportunities to link investments with the development of local skills and the promotion of local business.
- 2.8 To encourage more sustainable transport the strategy advances measures to promote active transport - cycling and walking. It advocates improvements to public transport both integration and ticketing. It promotes the development of electric vehicle charging infrastructure and the uptake of alternative fuelled vehicles.

- 2.9 To reduce indirect climate impacts the strategy advocates the promotion of green procurement and local supply chains. It envisages the further development of the embryonic Wirral food movement to encourage the cultivation and consumption of local and seasonal produce. It promotes initiatives to reduce waste and encourage the re-use of materials. It also advocates greater use of sustainability appraisal to encourage more climate sensitive decision making
- 2.10 To advance climate adaptation the strategy advocates engaging key stakeholders in a risk assessment process and the promotion of the Environment Agency's 'Climate Ready' programme. It encourages the creation of community-specific adaptation information and steps to build community capacity to respond to weather events. The strategy also highlights a need for health planning to take climate issues into account. It flags up the importance of the natural environment in ameliorating climate impacts and directs support for initiatives to increase green infrastructure. It advocates water saving practices and rainwater harvesting as well as promoting permeable surfaces to reduce rainwater run-off. The framework highlights the opportunity to promote local businesses who offer goods and services related to adaptation.
- 2.11 To build capacity for action the strategy promotes the creation of an independent partnership, network and campaign to encourage widespread action. It advocates the spread of low carbon community and 'transition town'-type groups to foster community action. It also promotes the development of exemplar eco-buildings and the sharing of existing good practice. Education is seen to have a key role with links made to eco schools work, lifelong learning and vocational training.

3.0 RELEVANT RISKS

- 3.1 Without an effective up-to-date framework in place, Wirral could be disadvantaged when trying to take advantage of the various opportunities associated with the transition to a low carbon economy. Wirral may also be ill-prepared to manage the risks associated with changes in the climate, for example, to cope with the consequences of more extreme weather.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 Prior to producing the replacement strategy the Wirral Climate Change Group considered and rejected the option to disband. The group recognised the advantages of sharing resources and expertise. It also recognised the benefit of a common framework to help co-ordinate local action.

5.0 CONSULTATION

- 5.1 The strategy's production is based on:
- An online survey on cutting climate pollution (July – August 2012)
 - A public workshop on cutting climate pollution (November 2012)
 - An online survey on adapting to climate change (October - December 2012)
 - A public workshop on adapting to climate change (April 2013)
 - Consultation between partners within the climate change group on a working draft (summer 2013)

- Publication of a consultation draft for public comments via the Council's website (December 2013-February 2014)

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 N/A

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 Climate change poses challenges and creates opportunities for all sectors. The strategy highlights potential actions that groups from the community sector can take. The consultation draft was praised by Community Action Wirral for doing so.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 The new strategy does not commit the Council to any additional expenditure, IT or staffing resources. Work to develop a supporting action plan is ongoing and will be submitted for approval in due course. It is anticipated that this action plan will form the basis of the Council's future submission made to the Climate Local programme.

8.2 The Council already has a corporate target compatible with the new strategy's goal to substantially reduce climate pollution. The target is to reduce corporate carbon emissions 60% by 2025. This target is supported by a carbon budget process that anticipates year-on-year reductions of 5% and associated investments in energy efficiency. A recent estimate of the financial impact of reducing emissions in line with the carbon budget indicated this could yield potential savings of £1,026,901 between 2013/14 and 2015/15 (Budget Cabinet, February 2014). The savings anticipated come from reduced gas and electricity consumption and a reduction in payments for allowances required under the government's mandatory Carbon Reduction Commitment Energy Efficiency Scheme (CRCEES).

8.3 The Council's asset strategy approved by Cabinet on 19 June 2014 already acknowledges the importance of the climate agenda for assets, noting:

The implications for the Council's land and buildings are considerable. There is a need to plan and manage our assets to reduce energy use – for heat, power and travel – and also for the potential to harness renewable energy from the estate. Both these steps to reduce our carbon footprint present opportunities to limit revenue expenditure. Crucially we must also adjust our approach to managing property to increase resilience to future climatic change. Here we will need to assess the risks and adapt the portfolio accordingly. Severe weather events can damage assets and disrupt service delivery. It will be important to adapt to the prospect of more extreme weather to ensure business continuity

The vision contained in the asset strategy looks to a future in which:

Assets are managed efficiently. They are well maintained, energy efficient, adapted to climate risks and exploit renewable energy wherever this is feasible.

8.4 Generally the adoption of the strategy is considered to present positive opportunities for Wirral in that it:

- Provides an up-to-date foundation for funding bids
- Provides a platform to encourage investment in Wirral.
- Promotes efficient resource use for both energy and water;
- Helps limit vulnerability to extreme weather impacts

9.0 LEGAL IMPLICATIONS

9.1 There are no legal issues foreseen associated with recommendation to endorse the strategy beyond those set out in the body of this report.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached – (*insert appropriate hyperlink*).

<http://bit.ly/CXEIA>

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 The strategy accords with the Council's existing carbon reduction ambitions with a substantial part of the strategy focused on reducing green house gas emissions.

11.2 The draft strategy was subject to a sustainability appraisal in July 2014 and found to be broadly compatible with sustainability.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 The strategy is compatible with the emerging planning framework for Wirral which supports the transition to a low carbon economy and anticipates the need to adapt to climate change. In particular it lends support to the draft plan's objective for sustainable development and its policies on:

- Sustainable energy in the Wirral Waters development;
- The development of priority sectors including offshore wind and the low carbon economy;
- Sustainable transport;
- Green infrastructure;
- Flood risk and coastal protection;
- Drainage; and
- Design, heritage and amenity.

12.2 The strategy supports several measures to improve pedestrian, cycle and driver safety. It advances the benefits of developing the cycle route network; promoting cycle skills, maintenance and cycle security measures; introducing 20MPH zones in residential areas; discouraging pavement parking; and promoting smarter driving techniques.

13.0 RECOMMENDATION/S

13.1 That the strategy is endorsed by the Council as the agreed framework to encourage and co-ordinate local climate-related action in Wirral.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 Wirral Council has long-held and public commitments to climate action. The strategy presents a framework to help advance these commitments. The Wirral Climate Change Group was tasked with developing a replacement climate change strategy. This has now been produced. The group recommends that it be endorsed by the partner organisations involved.

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APPENDICES

Cool: Wirral Climate Change Strategy - 2014 – 2019

BACKGROUND PAPERS/REFERENCE MATERIAL

[Report of Cutting Climate Pollution Workshop](#)

[Report of Adapting to Climate Change Workshop](#)

[Report cutting climate pollution survey](#)

[Report adapting to climate change survey](#)

Summary of comments on the Wirral Climate Change Strategy Consultation Draft, response and modifications proposed

Rapid Sustainability Appraisal of the Wirral Climate Change Strategy – July 2014

Carbon Budget 2013/14 - Budget Cabinet, 12 February 2014

Transforming our Assets and Asset Management - Strategic Asset Management Plan 2014 – 2017

BRIEFING NOTES HISTORY

Briefing Note	Date
-	-

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Sustainable Communities Overview and Scrutiny	January 2013
Sustainable Communities Overview and Scrutiny	January 2012

Cool

**Wirral Climate Change Strategy
2014 – 2019**

July 2014

Foreword

There are a growing number of people and organisations in Wirral taking action on climate change. *Cool/* provides a common framework to encourage and co-ordinate such action and so boost its impact. We already know many of the things we need to do to tackle climate change; but we need to do them more widely and fast. Many of these actions will make Wirral a better place: healthier, less polluted, more accessible and self-reliant. They will present some exciting *and sustainable* economic opportunities too.

Global climate change can be a daunting issue. When faced with a frightening prospect it's natural to feel overwhelmed, to question the problem or simply ignore it in the hope that it goes away. By acknowledging the issue however, we can start to put things right. Climate change matters to Wirral; ignoring it won't help. The climate is changing as global temperatures rise. This temperature rise is associated with 'greenhouse gas' pollution from our activities – principally the burning of fossil fuels for heat, power and transport. We need to cut this pollution to limit the damage. We also need to adapt to unavoidable changes from pollution already in our atmosphere. 'Business as usual' is no longer an option *but better business is*.

Whilst climate change is a global problem, it is in local communities – our workplaces, our schools, our families - where the impacts are felt. It is here on the 'front-line' where many solutions lie. We urge you to join us on Wirral's front-line: not just to read this strategy but to help put it into practice. If we all do that that really would be *Cool/*.

Wirral Climate Change Group

1. Introduction

This strategy's purpose is to encourage and co-ordinate climate change-related action and investment by people and organisations with an interest in Wirral (Box 1.1). To do this, the strategy charts the broad direction of travel needed over the next five years. It highlights:

- The main areas where we need change;
- The local course of action to create it; and,
- The opportunities for communities, organisations, households and individuals to help bring this change about.

It's important to remember that you - and other people who read this strategy - need to take action to help make these changes happen. Bear this in mind as you read on.

Box 1.1 Introducing Wirral

Wirral is a coastal Borough in northwest England. It lies on the peninsula between the Mersey and Dee estuaries strategically located between the economic centres of Liverpool and Chester. Its position and infrastructure ensure Wirral presents good opportunities for development.

Wirral is one of the largest metropolitan areas in England at 60 square miles. It is home to around 320,000 people and over 8,000 businesses. Just over half of Wirral is open countryside. Its coastline is an attractive destination for tourists and is also of international importance for migratory birds. Older urbanised areas lie to the east adjacent to docks, port and maritime facilities along the banks of the Mersey.

Many, though by no means all, Wirral residents enjoy a good quality of life with good housing, schools and a high quality environment. However, there is a strong contrast between the older, highly urbanised areas of Birkenhead and Wallasey which contain some of the poorest communities in England, and the wealthier commuter settlements in the west which include one of the most affluent. There are some serious quality of life and health inequalities between these communities. Tackling these inequalities is a key concern for the local council and partner agencies.

The strategy has two major goals, to:

1. *Substantially cut climate pollution associated with Wirral* (Box 1.2); and,
2. *Adapt Wirral to unavoidable climate change* (Box 1.3).

Box 1.2: Cutting climate pollution

The burning of oil, gas and coal for heat, electricity and transport results in carbon dioxide (CO₂) pollution. Cutting this and related climate pollution (CO₂e) is believed to be a key part in stopping major climate disruption. The UK already has a target to cut CO₂e pollution by at least 37% by 2020 and 80% by 2050 (from 1990 levels). Early action has started to reduce this pollution, but we need to do more. In Wirral, to play our part in achieving the national targets we need to cut emissions to 1289kt (CO₂e) by 2020 and down to 449kt (CO₂e) by 2050.

Box 1.3: Adapting to unavoidable climate change

Even if we substantially cut pollution from burning fossil fuels some impact will be inevitable from pollution previously released into the atmosphere. Weather events already impact on people's health and livelihoods in Wirral. In the future, Wirral is likely to experience:

- Higher summer temperatures with prolonged dry spells and increased frequency of heat waves;
- Warmer, wetter winters;
- More storms and floods; and,
- A rise in sea levels.

Wirral organisations and households will need to adapt to the likelihood of these changes to avoid disruption

To substantially cut climate pollution the *aims* are to:

1. Reduce demand for energy and make Wirral more energy efficient;
2. Generate and source more of our local energy needs from 'renewable' sources;
3. Use more sustainable modes of transport, more fuel-efficient vehicles and less polluting means of getting around; and
4. Reduce the indirect negative impacts that our decisions have for climate pollution in Wirral and elsewhere.

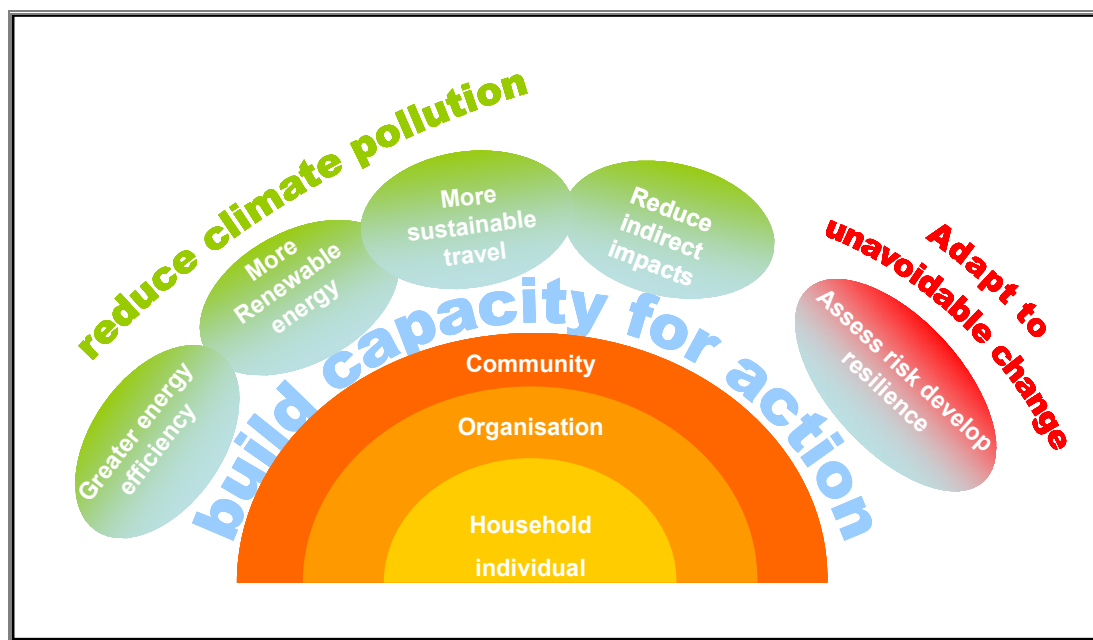
To adapt to unavoidable changes in Wirral's climate the *aim* is to:

5. Identify the risks and vulnerabilities from expected changes and bring forward plans and actions to limit negative impacts and improve resilience.

To support both goals the strategy also aims to:

6. Build capacity for action by strengthening local networks and partnerships and by developing wider awareness and education initiatives.

The key elements of the strategy are summarised below.



The remainder of this document introduces these six aims in turn. For each it indicates the:

- Direction of travel needed;
- Foundation for action and potential support; and,
- Objectives to be met.

A final part details the local mechanisms to co-ordinate action, report progress and develop the strategy going forward. Importantly this part also highlights some of the things you can do at home, at work and in the wider community. An appendix provides more detailed background information to illuminate the context for action for each aim. By taking action in support of these aims you'll be helping move towards our vision:

Our vision: In five years time...

Cosy Wirral: *Buildings are well insulated*

- Nearly every home with a cavity wall and roof space has been insulated properly.
- Older “solid walled” buildings and other properties that used to be considered “hard to treat” are being upgraded in volume. The techniques and skills needed to make them more energy efficient are widely available locally.
- Many new buildings far surpass minimum requirements and some set the highest standards.

Intelligent Wirral: *Less heat and power is wasted*

- Older, inefficient heating boilers are few and far between and decent controls mean people can keep buildings comfortable without wasting energy.
- Low energy lighting is the norm with LED lighting now commonplace.
- New combined heat and power systems are in use in several places.

Brighter Wirral: *Solar energy is a growing source of heat and power*

- We have a good understanding about the potential for local buildings to exploit solar energy and solar panels for both heat and power are commonly seen in Wirral.
- Local people and organisations have pooled resources to invest money co-operatively in local renewable energy installations.

Green for go Wirral: *Local transport is more civilised and less polluting*

- With good facilities for walking and cycling in place - and getting better - the ‘default’ choice for short journeys is no longer to reach for the car keys.
- Transport services and ticketing are well integrated with smart technologies widely used that make it easier to get around.
- Dedicated charging and alternative fuel filling points are in place to support the growing number of electric powered and alternative fuelled vehicles in the local fleet
- Drivers are aware of how to drive their vehicles in a fuel-efficient way.

Green shoots Wirral: *Investment in climate-related action is high*

- There is a strong and growing group of local businesses that produce products or deliver services that help in the transition to a low carbon, climate-ready world.
- The take-up of programmes designed to provide incentives for, or remove barriers to climate-related improvements, is high.
- Targeted help and support has reached households vulnerable to the cold or in “fuel poverty”. Most have now taken advantage of support available from utility companies and others to improve their homes.
- Wirral is a widely recognised centre for investment in the manufacture and servicing of off-shore wind turbines.
- The Wirral Waters development is beginning to take shape based on plans for a major district heating scheme with combined heat and power.
- Wirral is widely seen as a place that means business with respect to climate action

Switched on Wirral: *Awareness and action on climate change is widespread and growing*

- There is a flourishing network of people and organisations committed to take action on climate change.
- Education, awareness and behaviour change programmes are active and successful.
- A range of exemplar buildings exist to educate and inspire others in “low carbon” and “climate ready” building - both new build and retrofit.
- Awareness about the support available for carbon cutting improvements is high.
- Waste reduction, re-use and recycling have reduced total waste significantly, a process which is continuing
- Awareness about our vulnerability and the risks from climate change is growing.
- The links between climate change and health are well understood with action being taken to ensure a safe and healthy Wirral in the face of climate change
- Communities and organisations are taking actions that make them more resilient to current extreme weather events.
- ‘Future proof’ decisions are being taken that anticipate expected changes in the local climate later in the century.
- People routinely consider the knock-on effects of their decisions for climate pollution elsewhere.

- *Cool*, Wirral's climate change strategy developed back in 2013, made a difference. It has now been refreshed ready to steer the next phase of climate action.

2. Reducing demand for energy and making Wirral more energy efficient

With much of our energy coming from burning fossil fuels a key way to reduce our impact is to use less energy. Making Wirral more energy efficient means getting more from the energy that we use for heat and power. Doing this should not only limit climate disruption but also help keep bills down at a time when energy costs are rising.

Aim: Make Wirral more energy efficient

Direction of travel needed

- Improve the fabric of buildings to stop unnecessary heat loss
- Upgrade heating systems and controls and make better use of existing ones
- Adopt more energy efficient plant, processes, appliances and lighting
- Design/adapt buildings to make use of natural light, passive heating and cooling
- Introduce district heating networks and combined heat and power systems
- Raise awareness about energy use and promote 'good housekeeping'

Foundation for action/potential support

- The Energy Company Obligation (ECO)
- The Green Deal
- Cosy Loans scheme
- Cosy Homes programme
- Wirral Council Home Energy Conservation Act 1995 – Further Report 2013
- Higher standards to be phased in under the Building Regulations
- Liverpool City Region (LCR) Project Viridis partnership
- The Carbon Reduction Commitment Energy Efficiency Scheme (CRC)
- Regulations to require energy certificates and minimum standards for rental property
- The roll out of smart meters by utility companies by 2019
- The LCR Sustainable Energy Action Plan (SEAP)

Objectives to be met

- Contact the owners/occupiers of at least 95% of the remaining "easy to treat" homes to highlight the opportunities for improvement
 - Improve a minimum of 200 properties each year mainly in the east of Wirral using a range of funding streams including ECO investment
 - Identify and refer vulnerable and 'fuel poor' households to available support via social, health, housing and education services and community and faith groups
 - Lobby Government for support to improve take-up of energy efficiency measures including steps to make the Green Deal more attractive
 - Target high energy use households in the west of Wirral with information about the Green Deal and other energy efficiency opportunities
 - Create targeted locally relevant support to complement national energy efficiency opportunities taking into consideration existing barriers to local participation
 - Develop local capacity in the skills to design, build and refurbish buildings to the highest energy efficiency standards by promoting education and training opportunities and linking them with local building programmes
 - Bid to the LCR Local Enterprise Partnership or other sources of funding to work up the feasibility of potential heat networks in Wirral in support of the LCR SEAP
 - Promote investment in 'Wirral Waters' as an exemplar sustainable energy opportunity
 - Assemble the market evidence to identify areas where it is feasible to demand more than minimum energy efficiency standards through the planning system
 - Develop targeted energy efficiency campaigns for places of work, leisure, education and worship
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- Seek support for improving the energy efficiency of community buildings
 - Assemble a set of “good house-keeping” promotional resources to support energy awareness campaigns
 - Create a mechanism to promote voluntary peer review of energy efficiency efforts in different organisations and to encourage the sharing of resources to support the work of energy/eco champions
 - Create a directory of local suppliers of accredited energy efficient goods and services and promote these through an expo event
 - Upgrade outdoor lighting fixtures and controls including street lights
 - Create a Wirral-focussed energy efficiency campaign linked to the roll out of smart meters
 - Pilot a ‘smart grid’ in at least one Wirral community
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Your actions: What could you do to help make Wirral more energy efficient?

3. Meeting more of our energy needs from renewable sources

Gradually weaning ourselves off fossil fuels, such as oil, gas and coal in favour of energy from more renewable sources should help promote greater self-reliance. It may also help limit our exposure to price volatility in world energy markets.

Aim: Generate and source more of our local energy needs from renewable sources

Direction of travel needed

- Exploit new renewable energy opportunities on and off-shore
 - Purchase more energy from renewable sources
-

Foundation for action/potential support

- The Feed-in-Tariff (FiT)
 - The Renewable Heat Incentive (RHI)
 - The LCR 'Project Viridis' partnership
 - Investments made in existing dock/maritime assets and skills to support off-shore wind energy
 - Collective energy supply 'switching' campaigns
 - The Green Deal
 - The Green Energy Training Centre on Wirral International Business Park.
 - LCR Sustainable Energy Action Plan (SEAP)
 - The On-Farm Anaerobic Digestion Fund
-

Objectives to be met

- Create a renewable energy co-operative to pool local investment
 - Identify potential sites for solar energy investment
 - Establish a small-scale wind turbine trial
 - Identify the potential for the use of bio-mass heat and power in parks and countryside facilities
 - Promote the availability of support to establish the feasibility of on farm anaerobic digestion plant and explore other opportunities to produce biogas from wastes
 - Highlight the availability of incentives to support installation of micro-renewable energy including FiTs and RHI
 - Promote the use of biomass fuels in off-grid locations and raise awareness about the use of correct appliances in smoke control areas
 - Win further resources to develop Wirral as a centre of excellence for wind energy
 - Promote Wirral's value as a location for investment in emerging renewable energy technologies
 - Build local skills to assess, install and service renewable energy equipment by promoting education and training opportunities and linking them with local renewable energy investments
 - Create a directory of local suppliers and installers and promote them through an expo event
 - Highlight renewable energy tariffs in collective switching and related campaigns
-

Your actions: What could you do to help meet more of our local energy needs from renewable sources?

4 Making use of more sustainable means for transport

With better facilities, more integrated travel options, new technologies, novel fuels and new infrastructure to support walking and cycling it should be easier and cleaner to get around Wirral.

Aim: Use more sustainable modes of transport, more fuel efficient vehicles and less polluting means of getting around

Direction of travel needed

- Raise awareness of the advantages of sustainable travel for people and goods
- Safer and more convenient routes for cyclists and pedestrians
- More secure cycle parking at public transport interchanges, workplaces, education establishments, retail and leisure facilities
- Increase the proportion of low-emission, fuel-efficient vehicles within the wider 'fleet' including electric and alternatively fuelled models
- Provide more electric vehicle charging points and fuelling points for 'alternative' fuelled vehicles to cater for the growing number of these vehicles
- Ensure there are regular public transport services and straightforward connections between them *and other modes of transport*
- Improve information about transport options and connections between them
- Create tickets which are convenient and affordable *for entire journeys*
- Make railway stations, bus stations and shelters easier to use, more comfortable and safer.
- Raise awareness of smarter fuel-efficient driving

Foundation for action/potential support

- The third Merseyside Local Transport Plan (LTP3)
- The Merseyside Transport Partnership
- Wirral Core Strategy Local Plan
- Wirral Council's Travel Solutions Team
- Wirral Council's Business Travel Support Team
- Merseyside Travelwise
- The planned introduction of smart card ticketing in Merseyside
- Bus Quality Partnerships
- Office for Low Emission Vehicles (OLEV)
- The emerging LCR e-mobility strategy
- The development of an LCR active transport strategy
- The 'Bike and Go' railway station cycle hire initiative
- The Safer Routes to School programme

Objectives to be met

- Establish a Wirral cycle route network map and develop the network
- Promote cycle skills training, cycle maintenance and cycle security measures
- New 20 MPH zones in residential areas to improve pedestrian and cycle safety
- Run an awareness campaign to discourage pavement parking and take enforcement action where necessary to improve the pedestrian environment
- Ensure that the majority of households are aware of journey planning tools
- Develop travel plans at key employment sites, leisure facilities and retail centres
- Complete the introduction of secure cycle parking at all Wirral railway stations
- Introduce local bus quality partnerships to extend the co-ordination of timetables and ticketing between operators
- Promote the development and uptake of flexible ticketing options and ensure the introduction of new ticket systems include consideration of the opportunities for new flexible ticket products.
- Establish a network of publicly accessible electric vehicle charging points with at least one rapid charger to serve the strategic road network

-
- Promote the availability of 'alternative' fuels at filling stations through online maps
 - Create a directory of local suppliers of alternative fuelled vehicles and vehicle convertors and promote these through an expo event
 - Promote smarter driving tips and techniques
 - Promote car sharing for journeys when applicable
-

Your actions: What could you do to make use of more sustainable means of transport?

5 Reducing 'indirect' climate pollution

Decisions about where we live and work, what we buy and eat and what we throw away can all have indirect implications for climate pollution. By thinking about these wider implications we can often make better decisions that help cut pollution.

Aim: Reducing the indirect negative impacts that our decisions have for climate pollution in Wirral and elsewhere

Direction of travel needed

- Spread environmentally-informed procurement practice
 - Shorten supply chains to reduce unnecessary travel and promote the procurement of local goods and services
 - Reduce the energy intensity of the food we eat by promoting local and seasonal food where this makes sense and by reducing unnecessary meat consumption
 - Reduce waste, promote re-use and maximise recycling of materials that would otherwise be wasted
 - Consider the sustainability implications of strategic decisions
 - Promote land use patterns and technologies that reduce the need for motorised travel, support local food production and consumption, and limit waste to landfill
-

Foundation for action/potential support

- Good practice guides to sustainable procurement
 - The Public Services (Social Value) Act 2012
 - Invest Wirral and its business networking services
 - Wirral's growing local food movement
 - The development of the local food programme
 - 'Resources Merseyside' – the Joint Recycling and Waste Management Strategy
 - The Merseyside Recycling and Waste Authority's community project funding
 - Joint Waste Local Plan for Merseyside and Halton 2013
 - ReciproCity Wirral
 - Wirral's Core Strategy Local Plan
-

Objectives to be met

- Host a green procurement fair to promote the greening of local supply chains and encourage the spread of environmentally sensitive procurement practice
 - Promote local inter-trading to shorten supply chains through Invest Wirral and local trade associations
 - Reduce the need to travel through online working or online meetings
 - Create a recognisable brand to aid the development of Wirral's local food movement and promote the consumption of local and seasonal produce
 - Develop community cultivation on suitable vacant or underutilised land through: asset transfer to create allotments, land sharing and cultivation agreements
 - Create a directory of local food producers and promote these through an expo event
 - Ensure climate change issues are reflected in Wirral's local food programme
 - Highlight the benefits of reducing consumption of meat
 - Bring forward new initiatives - and strengthen existing ones - to reduce waste and encourage the re-use of materials
 - Encourage the use of sustainability appraisal to ensure climate sensitive decision making and utilise the skills of stakeholders in the Wirral Climate Change Group
 - Ensure the policies of Wirral's Core Strategy Local Plan (and related supporting documents) that help minimise climate pollution are implemented
-

Your actions: What could you do to help reduce 'indirect' climate pollution?

6 Adapting to unavoidable changes in Wirral's climate

Some climate impacts are unavoidable due to pollution already in the atmosphere. Wirral already experiences disruptive weather events. These are predicted to become more commonplace. By preparing for change we can ensure Wirral remains open for business whatever the weather.

Aim: Identify risks and vulnerabilities from expected changes and bring forward plans and actions to limit negative impacts and improve resilience

Direction of travel needed

- Raise awareness of the likely changes in the local climate– higher summer temperatures with prolonged dry spells and increased frequency of heat waves; warmer, wetter winters; and more storms and floods exacerbated by a rise in sea levels - and their impacts
- Promote the advantages of preparing for change and the tools to help
- Develop an understanding of the main risks, vulnerabilities and uncertainties and manage them in a balanced way
- Upgrade critical physical infrastructure to cope with expected changes
- Create awareness about the benefits of natural 'green and blue infrastructure' to limit negative impacts and take steps to harness these benefits
- Promote behaviour change to adapt to likely changes
- Build capacity in organisations to enable continuity of business and services
- Develop support networks in communities to improve responses to emergency situations and support vulnerable groups

Foundation for action/potential support

- The UK Climate Impacts Programme (UKCIP) adaptation tools
- The Environment Agency's 'Climate Ready' programme
- CLASP – the climate change local authority support programme
- Wirral Core Strategy Local Plan
- Wirral Coastal Strategy
- The Wirral Joint Strategic Needs Assessment (JSNA) to identify local health needs
- Green Infrastructure to Combat Climate Change: A Framework for Action in Cheshire, Cumbria, Greater Manchester, Lancashire, and Merseyside
- The Liverpool City Region Green Infrastructure Framework
- Wirral's planned green infrastructure strategy
- The Wirral Green Streets project
- Wirral's emerging Parks and Open Spaces Strategy
- Wirral parks and countryside 'friends of' groups
- Local emergency planning and resilience programmes
- The Wirral Emergency Volunteers scheme
- Experiences gained setting up local flood groups

Objectives to be met

- Develop a co-ordinated adaptation response through Wirral's climate partnership
- Engage key stakeholders in a risk assessment process using UKCIP's adaptation wizard to identify risks, vulnerabilities and priority actions
- Produce community-specific adaptation information
- Promote awareness of the links between climate change and health so that local health planning takes climate issues into account
- Promote the use of porous materials in gardens, driveways and landscaping schemes and the use of green roofs and walls in buildings to limit run-off, provide shade and ameliorate temperatures
- Promote water saving practices and the use of rainwater harvesting systems
- Raise awareness of the role of the natural environment in combating adverse impacts in order to support investment in Wirral's green infrastructure and green

and open spaces strategies

- Seek funding to extend Wirral Green Streets-type projects in the east of Wirral
- Run a campaign to promote engagement with the Environment Agency's 'Climate Ready' programme
- Develop community capacity to respond to weather events
- Create a directory of local firms that provide goods and services that help with adapting to climate change and promote them at an expo event

Your actions: What could you do to adapt to unavoidable changes in Wirral's climate?

7 Building capacity for action

To help build capacity for action there is a need to strengthen local partnerships, build networks and expand awareness and education initiatives. With more people on board and better co-ordination we can make a bigger impact.

Aim: Building capacity for action by strengthening local networks and partnerships and by developing wider awareness and education initiatives

Direction of travel needed

- A strong independent voice to champion action and win investment to support it
- Involve stakeholders from all sectors
- Raise awareness about how people and organisations can play their part
- Showcase real-world examples of best practice to inspire wider action
- Foster connections between groups active in different places – within and beyond Wirral
- Create opportunities for people to connect with one another to share information and develop new projects
- Develop local climate-related educational resources
- Ensure climate education is part of life-long learning and vocational training

Foundation for action/potential support

- Wirral Climate Change Group
- CRed Wirral carbon reduction pledge campaign
- Super-homes network and Green Open Homes network
- Eco Schools programme
- Project Dirt social network
- Low Carbon Communities Network and Transition Towns Network
- Wirral Environment Network
- Faiths for Change
- Community Action Wirral
- The Green Energy Training Centre on Wirral International Business Park

Objectives to be met

- Create an independent Cool Wirral Partnership from the Wirral Climate Change Group
- Develop a Cool Wirral campaign to promote the desirability of climate actions and gather pledges in support of the strategy from individuals and from organisations in the public, private, voluntary, community and faith sectors
- Develop a network in support of Cool (building on existing networks) and provide opportunities for interaction between participants through an e-bulletin, social media and public events
- Encourage the formation of low carbon communities/transition towns-type groups to promote climate action at community level with at least one group in each constituency committee area
- Develop a network of exemplar eco buildings including examples of different building types with at least one Superhome in each constituency committee area and promote 'open house'-type events
- Expand the number of good practice case studies on-line and encourage connections between organisations in different parts of the borough to spread good practice and avoid 'reinventing the wheel'
- Develop climate change-related resources to support local 'eco' work in schools
- Develop leading schools and community buildings as hubs for wider community learning on climate change
- Develop a programme of climate-related life-long learning opportunities
- Ensure that vocational training is in place to ensure the skills needed for the transition to a low carbon economy can be found locally

Your action: What could you do to help build capacity for action?

8 Moving forward and staying on track

To ensure progress is made with the strategy across its six aims:

- The Cool Wirral Partnership will be the lead body to champion implementation, win investment, co-ordinate action, and monitor progress;
- An action plan will be put together and maintained on a rolling basis. This will include details of actions identified by partners in Cool Wirral and pledged action from the wider community;
- Leaders will be identified to encourage action and report progress, or barriers to it, via the Cool Wirral Partnership;
- Measures of success will be identified for each area of action and an annual 'score card' to report progress will be published online and shared with key partners;
- Relationships will be developed with the new constituency committees being developed by Wirral Council and LCR Local Enterprise Partnership
- Barriers to progress will be reported to the Public Services Board (the executive of Wirral's Local Strategic Partnership) where relevant
- The creation of a replacement strategy will begin in four years time to ensure a seamless transition to a new framework;
- You are asked to identify and pledge actions in support – Box 8.1 'Putting Cool into practice' may help you; and
- You are asked to implement your pledged actions and keep in touch via the Cool Wirral network.

Box 8.1: Putting Cool into practice

Reduce demand for energy. More energy efficient

As an individual/household

- ☐ Check home is insulated to modern standards – add top-up loft insulation, insulate cavities and draught-strip around windows, doors and letter boxes if needed
- ☐ Replace halogen and tungsten bulbs with lower energy CFLs and LEDs where possible
- ☐ If you have an older boiler look into replacing it with a more efficient model
- ☐ When appliances need replacing choose the most energy efficient models
- ☐ Ring the local energy efficiency advice line – 0800 043 0151- to get the latest information and details about support that may be available to help you.
- ☐ Check heating controls – learn how to use existing controls and/or upgrade them to give you more control over comfort
- ☐ Learn to use the new energy monitor when your energy provider installs a smart meter in your property

In your community

- ☐ Refer your relatives, neighbours and friends to available support via the local energy efficiency advice line - 0800 043 0151
- ☐ Make sure your school, faith group or club is actively promoting energy efficiency and takes part in planned awareness campaigns

At work

- ☐ Get your organisation to participate in energy efficiency programmes and campaigns
- ☐ Volunteer to be an energy/eco champion and participate in local initiatives to share best practice
- ☐ If your company provides energy efficiency-related goods and services make sure they are featured in the planned local directory and expo event/s

- ☐ If you work in the building sector make sure you can take advantage of new opportunities relating to energy efficiency by participating in relevant accredited training programmes for the Green Deal

More renewable energy

As an individual/household

- ☐ Switch to a renewable energy tariff
- ☐ Consider becoming part of the proposed renewable energy co-operative
- ☐ Find out whether you have a suitable site to install renewable energy – such as solar power, solar heating, wind, or biomass
- ☐ If you do, find out whether the feed-in tariff or renewable heat incentive could help you

In your community

- ☐ Get your school, club or faith group to switch to a renewable energy tariff.
- ☐ Find out whether your school, faith group or club has a suitable site for a renewable energy installation
- ☐ If they have, look into possible ways to support this, including the proposed renewable energy co-operative

At work

- ☐ Get your employer to switch to a renewable energy tariff
- ☐ Find out whether your workplace has a suitable site for a renewable energy installation
- ☐ If it does, look into possible ways to support this, including the proposed renewable energy co-operative
- ☐ If your company provides renewable energy-related goods and services make sure they feature in the planned local directory and expo event/s
- ☐ Explore whether your company's goods and services might contribute to establishing Wirral as a centre of excellence in off-shore wind power
- ☐ If you work in the building sector, make sure you can take advantage of new opportunities relating to renewable energy by participating in relevant accredited training programmes such as MCS and Green Deal

More sustainable transport

As an individual/household

- ☐ Consider the options to walk and cycle more – familiarise yourself with available routes and cycle parking
- ☐ If you haven't used your cycle for a while, get it checked out and book yourself onto some refresher training or a suitable guided bike ride
- ☐ If you are new to cycling book yourself onto a cycle training course
- ☐ Familiarise yourself with the public transport services and journey planning tools available to you
- ☐ Get a Walrus Smart Card when available to make it easier to use public transport
- ☐ If you drive, learn a smarter energy efficient driving style
- ☐ If you are driving and others are travelling to the same destination offer them a lift
- ☐ Consider getting your petrol vehicle converted to run on LPG
- ☐ If replacing your vehicle consider the switch to electric, or choose a low carbon vehicle that will cost you less in road tax

In your community

- ☐ Make sure your school, faith group or club has a sustainable travel plan in place – is information about local public transport on hand? Are there secure places to leave a cycle?

- ☐ Find out whether there are any local community facilities where publicly accessible electric charging points could be introduced
- ☐ Apply for OLEV funding to support the implementation of electric charging facilities

At work

- ☐ Make sure your workplace has a travel plan in place – if it doesn't contact Merseyside Travelwise or Wirral's Smarter Choices team
- ☐ Make sure your workplace provides information about access by public transport, cycling and walking – not just access by cars
- ☐ Make sure your workplace has adequate secure cycle parking in place
- ☐ If your workplace has a fleet of vehicles, explore the opportunities to use electric or alternative fuelled vehicles as part of the fleet
- ☐ Promote smarter driving tips generally and promote training for those who drive in the course of their work
- ☐ If your workplace supplies or converts alternative fuelled or electric vehicles in Wirral make sure that it is featured in the planned local directory and expo event/s
- ☐ Does your workplace have a suitable site for electric vehicle charging points?

Less indirect climate pollution

As an individual/household

- ☐ Consider the overall cost of the goods and services you buy not just the initial purchase price
- ☐ Favour energy efficient, environmentally sensitive products
- ☐ Choose local goods and services
- ☐ Choose local, seasonal and less energy intensive produce – support local farmers markets and shops
- ☐ Grow some of your own food or take part in a local food project
- ☐ Consider eating less meat as part of a balanced diet
- ☐ Avoid products with excessive packaging
- ☐ Support local waste reduction and reuse campaigns and projects such as Love Food Hate Waste, Recipro City and Community Repaint
- ☐ Recycle the waste you can't avoid or re-use

In your community

- ☐ Make sure your school, faith group or club has a sustainable procurement policy favouring the purchase of local and environmentally sensitive supplies
- ☐ Look into your school, faith group or club's approach to waste. Make sure it has a waste minimisation policy and actively seeks to reduce waste, promote re-use and maximise recycling. Make sure it considers using local projects Recipro City and Community Re-paint as a source of supplies
- ☐ Explore the possibility of bidding for funding from the Merseyside Recycling and Waste Authority to support a community waste minimisation project
- ☐ Look into whether your school, faith group or club has space for food growing, if so, link-up with a local food project, or start one

At work

- ☐ Make sure your workplace has a sustainable procurement policy favouring the purchase of local and environmentally sensitive supplies
- ☐ Ensure your workplace participates in Invest Wirral's business networks and makes links with local companies in an effort to shorten supply chains
- ☐ Look at your workplace's approach to waste. Make sure you have a waste minimisation policy and actively seek to reduce waste, promote re-use and maximise recycling

- ☐ If your work is in the construction sector, make sure that surplus materials are kept in use by using local services such as those provided by Recipro
- ☐ Look into whether your work site has space for food growing and, if so, explore the possibility of linking with a local food project
- ☐ If your workplace produces food locally make sure it is signs up to Wirral's planned local food brand, is in the local directory and takes part in the expo event/s

Better adapted to unavoidable changes

As an individual/household

- ☐ Find out if your home is at risk from flood and if it is, take precautionary action to make it more resilient. You can view flood risk maps for your locality via: www.environment-agency.gov.uk
- ☐ Re-model your garden and driveway to increase vegetation and replace impervious materials with porous surfaces
- ☐ Be aware of your water use and adopt good housekeeping practices to save water
- ☐ Fit water saving devices in your home and use a water butt to water your garden

In your community

- ☐ If your home is in an area at risk from flooding, join or help set up a local flood group
- ☐ Consider joining the Wirral Emergency Volunteers
- ☐ Join/help set up a local park 'friends of' or a practical conservation group
- ☐ Look into ways your school, faith group, or club could increase natural vegetation cover in its grounds and make hard surfaces more permeable
- ☐ Make sure your school, faith group or club promotes water saving awareness and adopts water-saving practices

At work

- ☐ Find out if your business is in an area at risk from flood, and if it is, take precautionary action to make it more resilient
- ☐ Take part in the Climate Ready programme
- ☐ Use the UKCIP Business Area Climate Assessment Tool
- ☐ If your workplace offers goods or services that help adapt to climate change, e.g. water saving devices, make sure it is featured in the proposed directory and expo event
- ☐ Look into ways your workplace could increase natural vegetation cover in its grounds and make hard surfaces more permeable
- ☐ Make sure your workplace promotes water saving awareness and adopts water saving practices

More capacity for action

As an individual/household

- ☐ Take part in the Cool Wirral network and make pledges in support of the strategy
- ☐ Join the Cool Wirral project on the Project Dirt website
- ☐ Consider retrofitting your home to save at least 60% of the carbon emissions to make it part of the SuperHomes network to inspire others
- ☐ If you have already made eco improvements to your home, volunteer it to be part of a Green Open Homes event

In your community

- ☐ Join, or help set up, a local low carbon community or transition-type group.
- ☐ Form links with similar low carbon or transition groups in other parts of Wirral

and elsewhere and share good practice

- ☐ Get your group to join the Wirral Environment Network
- ☐ Get your group to join Cool Wirral project on the Project Dirt website
- ☐ Make sure your school is on board with the eco schools programme and uses the new local climate-related education materials when available
- ☐ Encourage your school to be a hub for wider community learning on climate change
- ☐ Make sure your faith group connects with local initiatives such as Faiths4Change
- ☐ Make sure your school, faith group or club make pledges in support of Cool Wirral, is part of the network, supports the Cool Wirral campaign and participates in planned events
- ☐ Could your group's premises become an exemplar eco building to inspire others?
- ☐ Could you group's premises be a hub for wider community learning on climate change?

At work

- ☐ Make sure your workplace joins the Cool Wirral network and Cool Wirral Project on the Project Dirt website
- ☐ Make sure your workplace makes pledges in support of Cool Wirral, is part of the network, supports the Cool Wirral campaign and participates in planned events
- ☐ Could your premises be an exemplar eco-building to inspire others?

Appendix: Background information and context for action

Part 2: Reducing demand for energy and making Wirral more energy efficient

The so called 'energy hierarchy' (Box 2.1) gives priority to using less energy. The cuts in pollution needed from reduced demand and improvements in energy efficiency are substantial but achievable. The Government have estimated that per capita demand for energy will need to reduce by between around a third and a half (from 2007 levels) in order to meet national carbon reduction targets¹. We'll all need to act to make these improvements.

Wirral's 140,000 households account for a large part of local energy consumption. The domestic sector used around 45% of the energy consumed locally in 2010². In the same year, the commercial and industrial sector accounted for around 30% of consumption and transport around a quarter (transport is discussed further in Part 4). What we do at home clearly matters.

Box 2.1: The energy hierarchy

1. Find ways to use less energy
2. What we do use, use it more efficiently
3. Get this energy from renewable sources
4. If we still need energy from non renewable resources get it in less polluting ways

Energy consumption across Wirral is not even. Residential areas with higher energy consumption tend to correspond with more affluent areas to the west and south. Areas with lower consumption tend to mirror those with lower income to the east. Many of the Borough's estimated 65,000 difficult-to-insulate solid walled properties, however, are found in the east³ where fuel poverty remains a problem.

Wirral has seen considerable progress with home energy efficiency improvements since the Home Energy Conservation Act 1995. We will need to maintain momentum, however, if we are to achieve climate targets. There has been substantial investment in social housing – which accounts for 15% of local housing stock – as providers have sought to meet the 'decent homes' standard. The latest data indicates social housing is currently the most energy efficient tenure in the borough - rated a 'C' on average⁴. Owner occupied and private rented accommodation - rated 'D' on average⁵ - have been targeted more recently through the Warmer Wirral programme (Box 2.2). This has helped narrow the 'gap' with social housing as previous to this private properties were rated 'E' on average⁶. There remain around 26,000 properties with un-insulated cavities and around 7,000 with less than

Box 2.2: Warmer Wirral Insulation

Wirral's free insulation programme ran between October 2010 and January 2013. During this time it supported the installation of over 24,000 insulation measures in around 20,000 Wirral homes. It was a three-way partnership between Wirral Council, local charity Energy Projects Plus and British Gas, who contributed around £5 million towards the cost of the insulation. The scheme's legacy includes around 350,000 tonnes of CO₂ saved over the lifetime of the insulation.

¹ DECC (2012) The Energy Efficiency Strategy: The Energy Efficiency Opportunity in the UK

² DECC - Sub-national total final energy consumption 2010

³ Wirral Private Sector Stock Condition Survey 2008

⁴ Wirral Area Mapping Project 2013

⁵ Wirral Private Sector Stock Condition Survey 2013

⁶ Wirral Private Sector Stock Condition Survey 2008

100mm of loft insulation⁷. Amongst private housing stock it is estimated that 17,900 have boilers over 15 years old. This presents a good opportunity for energy efficiency improvement.

Nationally, mechanisms to support the installation of household energy efficiency measures have changed recently. The Energy Company Obligation (ECO) is the latest obligation on major energy companies to fund improvements in home energy efficiency (Box 2.3).

Its introduction should bring forward more

finance for harder to treat properties. The Green Deal is a new mechanism to enable loan finance for installation of energy efficiency measures at no up-front cost

(Box 2.4). There has been some initial criticism about the attractiveness of Green Deal finance and it remains to be seen if the initiative will deliver the improvements needed.

In Wirral there remain some locally specific support programmes. These include the Cosy Loans scheme which helps with the installation of energy efficiency measures

for around 70 households per year and the Cosy Homes heating upgrade programme which assists householders on benefits. Project Viridis is a partnership of local authorities and housing associations working together to pursue sustainable energy opportunities at the 'city region' level.

Box 2.3: The Energy Company Obligation (ECO) consists of three different strands: (i) support for heating and insulation improvements for low-income and vulnerable households; (ii) support to insulate properties with solid-walls or 'hard-to-treat' cavities; and, (iii) support for insulation measures for people living in the UK's most deprived areas.

Box 2.4: The Green Deal is a framework created by the Government designed to help encourage the uptake of energy efficiency measures in buildings. It enables improvements to be made without up front costs through a loan mechanism. Costs are recouped through charges added to a property's electricity bill paid back over time. The amount added to bills is offset by the savings from the improvements so that bills should not rise as a result. Unlike a conventional loan, finance is linked with the property's electricity meter, not directly to a person. Thus when the building's occupants change, the charge is picked up by the new bill payer who will benefit from the improvements.

To get Green Deal finance properties must first be assessed by an independent advisor. The occupier can then choose a Green Deal provider through which the identified improvements are made.

Some additional energy demand is anticipated through new residential development. If new-build targets are met there will be extra demand for up to 58,536 MWh of energy by 2025⁸. It is thus vital to ensure that new buildings are as energy efficient as possible. The Wirral Waters development in Birkenhead will be a major focus for such new build. It has already been identified⁹ as a key opportunity for sustainable energy infrastructure through the creation of district heating system. The tightening of energy efficiency standards under Part L of the Building Regulations will see the introduction of zero carbon standards in new residential buildings by 2016 and new non-domestic buildings by 2019. It is already a legal requirement that rented property should have an energy performance certificate. By 2018 it will become unlawful to rent out a residential or business premise that does not reach a minimum

⁷ Wirral Private Sector Stock Condition Survey 2013

⁸ The Liverpool City Region Renewable Energy Capacity Study in 2009

⁹ Liverpool City Region Sustainable Energy Action Plan, adopted by the LCR Local Enterprise Partnership

energy efficiency standard. There needs to be investment if some local buildings are to meet the grade.

Information about energy efficiency in the industrial and commercial sector is less readily available than in the residential sector. There are currently no specific local business support programmes to assist with energy efficiency although a variety of regional and national programmes offer support and advice. Several local firms already offer products and services related to energy efficiency. The push to make Wirral more energy efficient should present some local economic opportunities. The poor state of energy efficiency in many community buildings was flagged up through the strategy consultation exercise. Wirral Council previously supported improvements in such buildings through a community energy efficiency grant programme. Unfortunately with funding constraints this is now closed to further applications.

A number of local organisations are actively trying to manage energy; some are required to do so by law¹⁰. Here the human factor remains a critical element with awareness campaigns and networks of workplace champions driving home the 'good housekeeping' message.

Part 3: Meeting more of our energy needs from renewable sources

'Renewable' energy comes from sources that can be used time and again (wind, sun, water, wave, tide) or replenished relatively quickly (wood fuels, bio-mass). The UK Renewable Energy Strategy (RES) signalled the UK's intention to secure 15% of all its energy (30% of electricity, 12% of heat and 10% of transport) from renewables by 2020. We'll need to see a lot more energy generated from renewable sources to achieve this.

Wirral has good wind resources but local constraints currently limit prospects for large on-shore wind farms; there remains scope for smaller wind developments and micro-wind installations. Off-shore there is a growing renewable energy capacity with the development of the Burbo Bank Offshore Wind Farm. This currently comprises 25 wind turbines situated on the Burbo Flats in Liverpool Bay around 4.5 miles from Wirral. An application is currently lodged for the Burbo Bank wind farm extension. Wirral's existing dock and maritime industrial assets make it an obvious location for supporting the development of off-shore wind farms. There has already been public and private sector investment to make Wirral a centre of excellence in this growing industry.

Smaller scale renewably generated electricity has been given a boost since the introduction of the Feed-in-Tariff (FiT) - an incentive payment for electricity generated from renewable means. In Wirral the majority of installations supported through the FiT have been solar photovoltaic (PV) on residential properties. In 2010/11 there were 91 FiT supported domestic PV installations; by September 2013 this had grown to 1185¹¹. Thus far there have only been two FiT supported wind installations and one micro Combined Heat & Power (CHP) installation. The extension of the Renewable Heat Incentive - an incentive payment for heat created from renewable

¹⁰ The Carbon Reduction Commitment Energy Efficiency Scheme (often referred to as simply 'the CRC') is a mandatory scheme to cut emissions in large public and private sector organisations including supermarkets, water companies, banks, local authorities and all central government departments

¹¹ Sub-national Feed-in Tariff Statistics, DECC, October 2013

means – to include residential installations by spring 2014 will likely provide a boost for solar thermal and biomass installations. A centre to train installers to fit microgeneration equipment was established on the Wirral International Business Park in 2010 with investment from the Skills Funding Agency.

The use of wood fuels in a gasification boiler has been pioneered at Royden Park. Bio-fuel boilers using pellets are also found in Floral Pavilion, New Brighton and several local schools. Much of Wirral is designated a smoke control area where exempt appliances are needed if wood fuels are to be burned for heat and power. The Government have recently introduced The On-Farm Anaerobic Digestion Fund administered by WRAP to support the production of bio-gas and fertilisers from farm wastes.

Part 4: Making use of more sustainable means for transport

Transport presently accounts for around a quarter of local carbon pollution with most motor vehicles running on fossil fuels, chiefly petrol and diesel. Nationally the fuel efficiency of the vehicle 'fleet' is improving as newer efficient models replace older ones. Incentives such as cheaper road tax for low carbon vehicles are designed to encourage this shift. Variations in fuel taxes are also in place to encourage the adoption of 'alternative' lower polluting fuels. Liquified petroleum gas (LPG) is probably the most commonly available 'alternative' fuel in Wirral with pumps at five local filling stations. Electric vehicles presently play a minimal role nationally and locally although major investments by government and manufacturers aim to change this. The Government's Office for Low Emission Vehicles (OLEV) currently offers plug-in car and van grants to reduce the purchase price of electric and plug-in hybrid vehicles. Several of the main car manufacturers have now developed electric and hybrid-electric vehicles and many of these are available via local dealerships. Thirty two diesel-electric hybrid buses have recently been introduced on cross river bus services between Wirral and Liverpool. OLEV also provides financial support towards the costs of installing electric vehicle charging points. A recent successful bid to OLEV will see the installation of charging points around the Liverpool City Region and neighbouring Cheshire West and Chester with 128 charging connections planned. It should be noted that the potential benefit of electric vehicles to climate change is tied to the 'carbon intensity' of the electricity used to charge them. We need to limit the amount of fossil fuels burned to produce the electricity needed to charge such vehicles.

The benefit of improving vehicle emission standards will be undermined if there is continued growth in vehicle use and traffic. Cars are presently the main mode of transport in Wirral¹² although access to them is actually relatively low and unequal.¹³ Public transport remains a vital means for many people to access work, services and leisure opportunities. There remains significant opportunity for a shift in travel towards active non-polluting means such as walking and cycling. Currently many short trips which could be walked or cycled are not.¹⁴

¹²

Travel in Merseyside 2012 shows that private vehicles accounted for 55% of the morning peak hour traffic in Birkenhead

¹³ More than a third of households in Merseyside are without access to a car compared with around a quarter of households in the North West and Britain as a whole (DfT National Travel Survey, 2008/09). In some parts of Merseyside this rises to well over a half.

¹⁴ Around a quarter of all trips in Merseyside are less than a kilometre long and over two-thirds are less than five kilometres.

Wirral has a wide-ranging network of bus and rail services including the Merseyrail Wirral Line that links West Kirby, New Brighton and Chester to Liverpool. That said fragmentation between the services of different operators - including connections between rail and bus and others modes of transport - can make door-to-door journeys more difficult than they could otherwise be. To counter fragmentation Wirral has recently benefited from two Bus Quality Partnerships - routes 1/2 between Liverpool and Chester and routes 471/472 between Liverpool and Heswall. Here the timetables of different operators are now co-ordinated and tickets made interchangeable between them. Merseyrail has recently introduced cycle hire facilities at several of its stations, including West Kirby and New Brighton, as part of the new national 'Bike and Go' initiative to enable onward travel by cycle. In addition, local park and ride facilities for cars have recently been improved with extra provision at Birkenhead North and Bidston rail stations. A project to develop secure cycle parking at Merseyrail stations is nearing completion. All Wirral Line railway stations currently have 'Secure Stations Scheme' accreditation. The scheme managed by the Department for Transport and British Transport Police sets railway station design and management safety standards for crime reduction. Unfortunately the plan to introduce a 'smart-card'-based ticketing system in Merseyside under the name of the Walrus Card has been delayed. Electronic ticketing of this nature may help create more flexible ticketing opportunities in the future.

Merseyside's third Local Transport Plan (LTP3) sets out the transport strategy for Merseyside and as such provides the main context for investment in sustainable travel. Goal 2 in LTP3 specifically aims to address climate change. The goal is to "provide and promote a clean, low emission transport system which is resilient to changes in climate and oil availability". Several sub-regional strategies are in development to shape action in more specific areas including the LCR e-mobility strategy and LCR active transport strategy. Wirral Council sets an annual programme of works in support of LTP3 to improve conditions for motorists, cyclists and pedestrians. The Wirral Core Strategy Local Plan contains policies which support the provision of sustainable transport infrastructure and development patterns which reduce the need to travel. Part 5 says more on making decisions that help reduce the need to travel.

Beyond improvements in the physical environment to favour sustainable travel, Travelwise is Merseyside's travel awareness campaign. It promotes the benefits of walking, cycling, public transport and car sharing and supports the development of school and workplace travel plans. Wirral Council have a 'Travel Solutions' team to provide bespoke advice and information on travel from and within the east of Wirral. This work is funded following a successful Local Sustainable Transport Fund (LSTF) application which seeks to help the public access employment destinations from a number of disadvantaged areas across Merseyside. Help is available for employers to offer sustainable transport options for current and prospective members of staff. It is also available to support prospective and current employees who are restricted in their ability to access employment through transport barriers. Motor traffic itself is often a deterrent to walking and cycling. Road safety campaigns exist to promote responsible driving (and awareness of legal requirements in this regard) including awareness of more vulnerable road users. Several residential areas now benefit from 20 mph speed limits. Wirral Council also supports a safer routes to school programme.

Part 5: Reducing 'indirect' pollution

Purchasing decisions have many impacts including those on climate pollution. For example a conventional light bulb may be cheaper to buy but uses more energy and

needs replacing sooner than a low energy equivalent. Wasted energy and materials mean more pollution and cost. To limit indirect impacts, several local organisations have developed environmentally sensitive procurement policies and practices. For example, Wirral Council was a partner in *dCarbonNW* in which suppliers were encouraged to assess and reduce their carbon footprint.

Shortening supply chains can limit climate pollution by reducing unnecessary transportation. Locally, Invest Wirral promotes inter-trading between businesses through its networks. Competition regulations make it difficult for public sector organisations to favour local businesses, although the new Public Services (Social Value) Act 2012 may provide some scope to secure local benefits.

The way our food is produced can be particularly energy intensive, leading many to question its long term sustainability. Wirral has seen the recent development of a 'local food' movement with a variety of initiatives aimed at encouraging and celebrating local and seasonal food. Regular farmers markets now operate in New Ferry and West Kirby. Growing demand for allotments has seen new sites brought into use - although Wirral still has below average allotment provision¹⁵. Several projects inspired by the Incredible Edible Todmorden have been developed. These make use of publicly accessible land to grow fruit, salads and vegetables which can be freely harvested.

Whilst local and seasonal food has some potential to help reduce climate impacts, it should not obscure the need to consider the overall energy intensity of food production. Here the importance of shifting food culture away from diets based on an excessive consumption of red meat needs greater recognition. Livestock production for meat can be particularly energy intensive with emissions associated with the production and processing of feeds, digestion by cows and the decomposition of manure. There have been some local efforts to promote the 'Meat Free Monday' message and encourage people to pledge to eat less meat. The development of a local food programme presents an opportunity to introduce climate-related issues.

Waste presents a potentially double blow for climate change. Not only are raw materials – and the associated energy to extract them – wasted, but land-filled materials can break down to release methane a potent greenhouse gas. There has been a sea-change in the way that waste is managed to avoid the rising costs of landfill which is now taxed and regulated to reduce its prevalence. Locally, the introduction of new domestic recycling collection services alongside public information campaigns have led to a rapid rise in recycling rates. Efforts to reduce waste have been less high profile but are of rising importance. The future direction for waste management is set out in *Resources Merseyside* - the Joint Recycling and Waste Management Strategy for Merseyside. This promotes action at all steps of the waste hierarchy. It gives greater priority to avoiding waste and to promoting re-use of material. Wirral Council is a part of the Love Food Hate Waste campaign to limit food waste. There have also been efforts to promote re-use with the 'swap days' hosted by Wirral Environment Network. The Community Repaint scheme which encourages the re-use of surplus paint has recently moved to the ReciproCity facility in Wallasey. ReciproCity encourages the re-use of surplus building materials. The Merseyside Recycling and Waste Authority has a community project fund to support local waste minimisation projects.

¹⁵ Wirral Council Allotment Strategy 2007-12

A criticism levelled during the strategy consultation process was that strategic decisions – locally and nationally - often conflict with one another. In this context, the wider use of sustainability appraisal and similar tools could help to ensure more climate sensitive decision making and avoid the emergence of contradictory policies. Sustainability appraisal has been used to inform various statutory documents locally, but its use could be extended.

Land use planning has a key role in influencing indirect emissions. For example, the layout and density of our built environment influences travel decisions. Wirral's emerging Core Strategy Local Plan aims to limit these climate impacts.

Part 6: Adapting to unavoidable changes in Wirral's climate

It is no longer sound to make long-term decisions on the basis of existing weather conditions. We need to adapt to the unavoidable changes expected in order to avoid the costs of disruption. By 2015, Government envisages that all priority sectors will incorporate climate risk management into their business decision-making to protect critical infrastructure. Wirral organisations need to be prepared too! A variety of tools are available to assist with such preparations including those from UKCIP and The Environment Agency.

Some weather events in Wirral already cause disruption¹⁶. The frequency of disruptive events is expected to increase. In the future, Wirral is likely to experience:

- Higher summer temperatures with prolonged dry spells and increased frequency of heat waves;
- Warmer, wetter winters; and
- More storms and floods exacerbated by a rise in sea levels.

The prospect of higher summer temperatures may seem appealing but there will be a down-side if we don't adapt our activities and environment to cope with the heat. Previous heat waves have resulted in heat-related deaths and illness– with some groups in the population particularly vulnerable. A long-term shift to higher temperatures will likely herald new patterns of disease.

As longer dry spells and drought become more common we will need to adjust to a greater scarcity of water and use what we have more wisely. A recent water cycle study¹⁷ highlighted a number of areas where water supply, sewer and wastewater treatment capacity may hinder development opportunities.

Heat and drought combined, will impact on food production and wildlife and habitats in addition to posing constraints on development. Wild fires already pose a threat at some countryside sites and these fires are likely to increase.

Ironically, although we will need to cope with greater water scarcity, we will also need to get used to more flooding from more intense rainfall events. Flooding already causes disruption to businesses and communities and impacts on people's health. As flood conditions become more common, we will need to find ways to be more resilient. Flooding is one area where there has been co-ordinated adaptive action driven by legislation¹⁸. Wirral Council was made the Lead Local Flood Authority (LLFA) and has since prepared a Preliminary Flood Risk Assessment (PFRA) to help provide a better understanding of flood risk. The Council's duties include

¹⁶ Wirral Local Climate Impact Profile Media Trawl

¹⁷ Wirral Water Cycle Study

¹⁸ Flood Risk Regulations 2009 and the Flood and Water Management Act 2010.

responsibility for putting in place strategies for managing flood risk; sharing information and investigating flooding. A Local Flood Risk Management Plan is currently in development. At present, around 11% of Wirral's land area is at risk from flooding. Parts of Wirral's coastline and the river valleys associated with the Fender, Birket, Arrowe Brook and Dibbin are identified as being at a high probability of flooding from the sea or from watercourses. There are also localised incidences of sewer and surface water flooding across the Borough. Much of north and west Wirral could be susceptible to groundwater flooding but in practice only isolated locations are actually likely to suffer. Planning policies aim to ensure new development does not place additional people or property at risk. A new coastal strategy has been drafted. Its preparation has involved an assessment of the works that may be needed to make existing coastal defences 'future proof'. It has been developed in the context of the wider North Wales and North West England Shoreline Management Plan. Some parts of the Wirral coast - from Gayton to Thurstaston Cliffs, between West Kirby and Hoylake and at Eastham, have a policy of no active intervention. In other parts, defences will need strengthening to cope with rising sea levels and storm events.

Resilience to climate impacts can be improved through 'green and blue infrastructure' (see Box 6.1).¹⁹ Wirral's Core Strategy Local Plan includes a policy to encourage the provision of such infrastructure. A new green infrastructure strategy for Wirral is expected to encourage more widespread action – a new framework was recently adopted for the Liverpool City Region. The Council's emerging parks and open space strategy recognises the adaptive function of such local green assets. There is generally less 'green infrastructure' in the more densely developed east of Wirral. Some programmes such as the Wirral Green Streets, which aims to plant more than a thousand trees in communities around the Wirral Waters development site - are helping to improve this provision.

Box 6.1: Green and blue

'infrastructure' includes gardens, parks, verges, hedges, trees, productive landscape, green corridors, ponds, lakes, rivers, streams, floodplains and sustainable drainage systems. This infrastructure provides a range of climate related 'services' that can play an important role in climate adaptation. These services include: managing surface water and river and coastal flooding by reducing surface runoff, providing natural storage and slowing water movement; managing temperatures through evaporative cooling and shade; species adaptation – providing networks through which species can move; and reducing soil erosion.

Part 7: Building capacity for action

The importance of raising awareness, education and sharing good practice was raised repeatedly during the strategy consultation process. Local partnership work was also praised.

Several national networks exist to share and support community action on climate change including the Low Carbon Communities Network, Transition Towns Network and Project Dirt on-line social network for environmental projects. Locally Wirral has had a long-standing carbon reduction campaign to raise awareness and encourage action²⁰. The 'CRed Wirral' pledge campaign ran for four years. The campaign attracted over 2200 participants who have made over 6200 pledges. These equate to a reduction of over 1100 tonnes of carbon dioxide. Wirral Council has recently

¹⁹ Green Infrastructure to Combat Climate Change A Framework for Action in Cheshire, Cumbria, Greater Manchester, Lancashire, and Merseyside

²⁰ Council and NHS backed

signed a commitment under the Local Government Association's Climate Local initiative. This gives it access to learning from a wider network of local authorities committed to take climate action.

There are a variety of local initiatives to support sustainability education both in schools and beyond. Wirral Council, for example, currently support local schools to participate in the national Eco Schools programme. The Council also offers a specifically designed support service to assist schools with energy awareness and energy management. Some local charities such as Wirral Environment Network and Faiths4Change deliver climate-related educational interventions for schools children, community groups and adult learners.

The desirability of having exemplar eco buildings was a common suggestion made at the strategy consultation workshops to help raise awareness and inspire action. Whilst there are eco-innovations in many Wirral buildings few are openly illustrated. One current exception is the eco-building at Tam O'Shanter Urban Farm which includes interpretive panels that highlight its eco-features. There are currently no Wirral examples in the national Superhomes network. This is an expanding network of energy aware households who have refurbished their homes to be at least 60% less reliant on fossil fuels. Members of this network periodically open their homes to inspire others to do low carbon renovations. The recently formed Green Open Homes network provides advice on running open homes-style events to show case ecological features in houses.

Co-ordinated action on climate change in Wirral has evolved overtime. A climate change strategy for Wirral Council was first approved by the Council's cabinet in June 2007. This strategy was developed by a group of council officers in response to a Wirral Council commitment²¹. Over time this group has grown into wider gathering of stakeholders. It now includes councillors, representatives from the NHS, the emergency services, waste, travel, and community and voluntary sector interests. The creation of *Cool* as a new strategy for Wirral, not just Wirral Council, is the product of this wider partnership effort. The Strategy's production and delivery provides an opportunity to develop and strengthen the partnership further.

²¹ This strategy was produced after Wirral Council's commitment to the Nottingham Declaration on Climate Change

CABINET

9 OCTOBER 2014

68 STREET LIGHTING STRATEGY

The Cabinet Member - Highways and Transportation introduced a report by the Strategic Director, Regeneration and Environment which set out a comprehensive review of the Council's approach to managing and maintaining street lighting, included a street lighting strategy and action plan (Appendix 1), and replaced the earlier budget savings option of switching off street lights (Appendix 2).

The Cabinet noted that the maintenance of highways, including street lighting, was a statutory duty imposed on the Council as the Highway Authority for Wirral.

The Cabinet also noted that the development of the approach proposed would result in a reduction in energy consumption and a subsequent reduction in the carbon levy. Also, the future maintenance costs would be reduced resulting in greater savings to the Council.

RESOLVED: That

- (1) the proposed Street Lighting Strategy and Action Plan be approved;**
- (2) the £4.3 million Capital funding required be endorsed and referred to Council for approval and inclusion in the Council's Capital Programme; and**
- (3) the ceasing of the 2014/15 budget saving of £85,000 from the switching off of street lights be approved and this be referred to the Council for its approval for it to be met from:**
 - (a) replacing with compensatory 'one-off' savings from approved budgets within the Environment and Regulatory Service in 2014/15; and**
 - (b) subsuming within the planned savings from the implementation of new strategy from 2015/16.**

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WIRRAL COUNCIL

CABINET

9 OCTOBER 2014

SUBJECT:	STREET LIGHTING STRATEGY AND ACTION PLAN 2014
WARD/S AFFECTED:	All
REPORT OF:	KEVIN ADDERLEY, STRATEGIC DIRECTOR, REGENERATION AND ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR STUART WHITTINGHAM, HIGHWAYS & TRANSPORT
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 This report sets out a comprehensive review of the Council's approach to managing and maintaining street lighting and includes a street lighting strategy and action plan, and replaces the earlier budget savings option of switching off street lights.
- 1.2 The development of the approach proposed will result in a reduction in energy consumption and subsequent reduction in the carbon levy; future maintenance costs will be reduced resulting in greater savings to the authority.
- 1.3 The maintenance of highways, including street lighting, is a statutory duty imposed on the Council as the Highway Authority for Wirral.
- 1.4 Cabinet is asked to approve the new strategy and action plan, and to approve the necessary capital funding to enable the strategy to be delivered.
- 1.5 This is a Key Decision in the Council's Forward Plan.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The proposed Strategy document outlines the basic principles and standards applying to street lighting and illuminated signage in Wirral. The term "street lighting" encompasses lighting and all other items of illuminated street furniture provided on the public highway (and unadopted highway), except traffic signals and electrically operated vehicle information signs.
- 2.2 In the current economic climate, the Council needs to reassess the way street lighting performs and the options available to improve the efficiency and expenditure associated with providing the service. A reduction of the Council carbon footprint is also a necessary consideration that must be complied with.

- 2.3 The proposed Strategy also considers the progression of street lighting schemes and the options available to the Council to procure a new scheme with the aim of reducing future on-going costs.
- 2.4 The aim of the Strategy is to minimise future energy usage and carbon emissions from street lighting through the implementation of economically viable programmes of work to achieve energy savings and by ensuring that new street lighting is provided only where necessary. Through this process the Council will continue to maintain a fit for purpose street lighting asset by managing the service in accordance with sound asset management principles and nationally accepted good practice.
- 2.5 The existing, approved, budget option for 2014/15 to switch off lights on certain routes will affect the same lighting units as the strategy proposes for conversion to LED, and it is proposed that the lighting is not switched off as planned and that the budget saving required will be incorporated within the savings planned for the new strategy.
- 2.6 The proposed Street Lighting Strategy and Action Plan is attached as **Appendix 1** to the Report

3.0 RELEVANT RISKS

- 3.1 No reportable risks have been identified in changing from the current form of street lighting to LED street lighting. Lighting will continue to be provided in accordance with British Standards.
- 3.2 There is a financial risk to the Council if a different approach to street lighting is not adopted as energy prices are expected to rise significantly, which is entirely out of the Council's control, and current sodium lights utilise far greater amounts of electricity than LED lights. In addition, in 2014/15 a new carbon levy was introduced on electricity used for street lighting; reducing electricity consumption will reduce the liability for this charge.

LED lighting will also reduce maintenance expenditure as the lifecycle of an LED system is considerably longer than that for the current sodium lighting stock.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 A practice of switching off street lighting has been considered in order to reduce energy costs and Carbon Reduction Commitment (CRC) charges, however this is a relatively short term solution and will not provide significant savings or a reduction in maintenance costs unless the columns are actually removed.

5.0 CONSULTATION

- 5.1 The Council's proposed strategy for street lighting has been included in the Future Council public consultation which is currently underway.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 6.1 There are no outstanding previously approved actions.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 There are no direct implications arising out of this proposal.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 The proposal to retrofit LED lighting units, including Central Management System (CMS) capability, to 6943 existing street lighting columns is estimated to cost £4.3 million in capital investment, including all procurement costs.

8.2 Subject to Members approval, it is proposed to procure a lighting specialist to prepare the necessary technical specifications for the LED units together with a complete evaluation of the suppliers for quality and cost purposes and the preparation of the tender documentation.

This work will also include the complete assessment of the 6943 lanterns to determine which require new LED lanterns and which are suitable for retro-fitting. The outcome will identify the most cost effective LED product for the Council together with recommendations for the level of dimming in selected locations.

8.3 A preliminary programme for the procurement and delivery of this project is outlined in Appendix 2 to this report.

8.4 The revenue savings which result from the proposed works described in 8.1 are already included in the Future Council proposals, and comprise energy and maintenance savings of £100,000 in 2015/16 and £390,000 in 2016/17, as well as the £85,000 saving already taken in 2014/15.

9.0 LEGAL IMPLICATIONS

9.1 The Local Government Act 1966, means that Wirral Council is a Highway Authority in its own right with a duty to ensure the safety of the public highway. The Act does not confer a legal duty on a Highway Authority to provide and maintain road lighting, however, a highway Authority does have a duty of care to maintain the lighting stock it has installed in a safe condition and to ensure that the equipment is fit for purpose.

9.2 The maintenance of highways, including street lighting, is a statutory duty for the Council under the Highways Act 1980 (as amended).

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached –

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-regeneration-envir>

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 The Carbon Reduction Commitment Energy Efficiency Scheme (CRC Scheme) will include calculations for street lighting energy usage for the first time this financial year, 2014/2015. By ensuring that future street lighting is provided only where necessary the Council will minimise future energy usage and carbon emissions.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no implications under this heading.

13.0 RECOMMENDATION/S

13.1 It is recommended that Cabinet:

- (i) Approve the proposed Street Lighting Strategy and Action Plan.
- (ii) Endorse the £4.3 Million Capital funding required and refer to Council for Approval and inclusion in the Council's Capital Programme.
- (iii) Approve the superceding of the 2014/15 budget savings option for switching off street lights so that the lighting is not switched off as planned and that the budget saving required will be incorporated within the savings planned for the new strategy.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 By implementing economically viable programmes of work the Council will minimise future maintenance, energy usage, cost and carbon emissions from street lighting .

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APPENDICES

Appendix 1 - Street Lighting Strategy 2014 and Action Plan

Appendix 2 – Preliminary Programme

BACKGROUND PAPERS/REFERENCE MATERIAL

CRC Energy Efficiency Scheme

<https://www.gov.uk/government/policies/reducing-demand-for-energy-from-industry-businesses-and-the-public-sector--2/supporting-pages/crc-energy-efficiency-scheme>

BRIEFING NOTES HISTORY

Briefing Note	Date
None	

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

CABINET

9 OCTOBER 2014

70 AMENDMENT TO THE SCHEME OF DELEGATION - ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

The Cabinet Member - Neighbourhoods, Housing and Engagement introduced a report by the Chief Executive which provided a summary of the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 and detailed proposed amendments to the Scheme of Non-Executive Delegation of Functions to Officers within the Council's Constitution to enable enforcement actions under the Act to be exercised.

Appended to the report were:

Appendix 1 - Anti-Social Behaviour, Crime & Policing Act 2014: The new toolkit; and

Appendix 2 - Proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution.

RESOLVED: That

- (1) the update on Anti-Social Behaviour, Crime and Policing Act 2014 as set out in the report be noted; and**
- (2) the Council be recommended to approve the proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution as set out in Appendix 2 to the report.**

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WIRRAL COUNCIL

CABINET

9 OCTOBER 2014

SUBJECT:	ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014 UPDATE AND PROPOSED AMENDMENTS TO THE SCHEME OF DELEGATION TO OFFICERS
WARD/S AFFECTED:	ALL WARDS
REPORT OF:	CHIEF EXECUTIVE
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES NEIGHBOURHOODS, HOUSING & ENGAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides a summary of the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and details proposed amendments to the Scheme of Non-Executive Delegation of Functions to Officers within the Council’s Constitution to enable enforcement powers under the Act to be exercised.

2.0 BACKGROUND

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014. It aims to put victims at the heart of the response to anti-social behaviour and give practitioners greater flexibility to deal with issues as they arise. Other measures in the Act relate to dangerous dogs, forced marriages and firearms and policing standards in England and Wales. Statutory Guidance was provided by the Home Office in late July 2014.
- 2.2 The Act seeks to rationalise the existing suite of tools and powers to tackle anti-social behaviour, reducing nineteen existing remedies to six; this transition is set out in Appendix 1. The provisions in relation to anti-social behaviour come into force on 20 October 2014. The effect of these changes is to focus on the impact of the behaviour on the victim rather than on the nature of the behaviour e.g. Litter Clearing Notices and Graffiti/Defacement Removal Notices are being replaced by Community Protection Notices which do not relate to specific types of behaviour but are focussed on the impact on the local community’s quality of life.
- 2.3 Whilst the government has sought to reduce bureaucracy by minimising the requirements for consultation, there is a need at a local level to ensure that action is co-ordinated across services and agencies and information and intelligence

shared; to reduce duplication, ensure the most effective action is taken at a time of decreasing resources and see that victims receive a swift and effective response. As such, consultation is taking place with a range of relevant Council services and partner agencies and organisations in relation to the local implementation and operation of this legislation. Through this consultation process a multi-agency operational handbook (protocol) for practitioners is being developed, which will seek to set out agreed standards for local liaison in relation to the use of the six new powers, levels of authorisation and the sharing of information. This includes the identification of Council officers that require authorisation/designation by the Council to execute these powers.

- 2.4 The Scheme of Non-Executive Delegation of Functions to Officers within the Council's Constitution therefore requires amendment to ensure that Wirral Council can properly seek to utilise all of the powers and duties conferred by the Act.
- 2.5 The proposed amendments to the Scheme of Non-Executive Delegation of Functions to Officers are set out below and in detail at Appendix 2. The proposed amendments to the current Scheme are both italicised and in bold within Appendix 2.
 - 2.5.1 The words "issue and" to be inserted between "...the" and "service..." in clause (1) of Schedule 4A Part 2 at page 99.
 - 2.5.2 The words "and orders" to be inserted between "...notices" and ", the appointment off..." in clause (1) of Schedule 4A Part 2 at page 99.
 - 2.5.3 Anti-Social Behaviour Crime and Policing Act 2014 to be included within the list of legislation in clause (1) of Schedule 4A Part 2 at page 99.
 - 2.5.4 Add the words "or for breaching any notice or order" to clause (6) of Schedule 4A Part 2 at page 103.
 - 2.5.5 Insert a new clause (15) of Schedule 4A Part 2 at page 103 to read "(15) Authorise relevant officers throughout the Council to issue Community Protection Notices for leaving litter and other related matters affecting the quality of life of persons in Wirral"
 - 2.5.6 Renumber the existing clause (15) of Schedule 4A Part 2 at page 103 to "(16)".
 - 2.5.7 Insert a new sub clause (xxv) under the existing clause (15) (see 2.5.6 above) of Schedule 4A Part 2 at page 105 to read "(xxv) Authorise relevant officers throughout the Council to issue and enforce Community Protection Notices and to enforce Public Spaces Protection Orders"
 - 2.5.8 Renumber the existing clause (16) of Schedule 4A Part 2 at page 105 to "(17)" and change the post name from 'Director of Technical Services' to "Head of Environment and Regulation (or his nominee)".
 - 2.5.9 In the section entitled "in respect of Planning and related matters" of Schedule 4A Part 2 at page 110 there will be inserted a new sub clause (16)

under clause (b) to read “(16) To exercise all the powers and duties under Parts 1-6 of the Anti-Social Behaviour, Crime and Policing Act 2014 save for the issue or extension of a Closure Notice to 48 hours where such power(s) shall be exercised by the Strategic Director for Environment and Regeneration (or his authorised nominee).”

3.0 RELEVANT RISKS

- 3.1 Failure to implement these amendments will result in delays in implementation locally of a number of provisions within the Act related to anti-social behaviour. This could have negative implications for quality of life and community safety.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The Council is a duty to address anti-social behaviour and utilise legal powers available to it.

5.0 CONSULTATION

- 5.1 No consultation is required in relation to the proposed changes to the Scheme of Delegation.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no such implications arising.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 It is envisaged that the discharge of powers and duties that the Act will be met by exiting staff (and any proposed future restructures, if any) and currently approved budgets. For example, additional costs of Fixed Penalty Notice books.
- 7.2 This cost may be offset through the payment of Fixed Penalty Notices issued by employees and/or agents of the Council and by Merseyside Police, which are processed by the Council as the only permissible recipient of payment set out within the Act.
- 7.3 In order to maximise the Council's ability to tackle anti-social behaviour more effectively across the borough, officers of other local agencies may be designated by the Council to issue Fixed Penalty Notices. In doing so it may be that in respect of any Fixed Penalty Notice payments received as a result of Notices issued by such officers, there may need to be a transfer of such payments (less any administrative expenses incurred by the Council) to these agencies.

8.0 LEGAL IMPLICATIONS

- 8.1 The legal implications are set out in the main body of the report.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

The impact was reviewed by the Government as it passed through the legislative process. The EIA can be found here:
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-overarching-documents--2>

10.0 CARBON REDUCTION IMPLICATIONS

10.1 This report has no carbon reduction implications.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 The execution of this legislation will help to reduce anti-social behaviour and improve community safety.

12.0 RECOMMENDATION/S

That Cabinet:

12.1 Notes the update on the Anti-social Behaviour, Crime and Policing Act 2014 as set out in this report; and

12.2 Recommends that Council approves the proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution as set out in Appendix 2 to this report.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To ensure the effective implementation of the Anti-Social Behaviour, Crime & Policing Act 2014.

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REFERENCE MATERIAL

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers.

Statutory guidance for frontline professionals. Home Office. July 2014.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

PART 3

SCHEDULE 4A PART 2

The councils regulatory functions in relation to planning, licensing and other regulatory matters will be exercised in accordance with express delegations below.

The Head of Environment and Regulation is authorised to

In respect of trading standards, environmental health and related functions and responsibilities:

- (1) Subject to paragraph (2) below, take any action under any relevant legislation (and related statutory instruments) including, where relevant (but not limited to), the **issue and** service of notices **and orders**, the appointment of persons, the issue of licences and authorisations and the approval of registrations, prior consents and grants; acceptance of statutory notifications; to apply for warrants, to seize and detain goods and documents and carry out test purchases of goods and services relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety matters.

Relevant legislation under this paragraph shall include but is not limited to:

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marking) Acts 1928 and 1931
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health Act 2002
Animal Health (Amendment) Act 1998
Animal Health and Welfare Act 1984
Animal Welfare Act 2006.
Animals Act 1971
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Acts 1973 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Business Names Act 1985
Business Protection from Misleading Marketing Regulations 2008
Caravan Sites Act, 1968
Caravan Sites and Control of Development Act 1960
Charities Act 1992
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991

Chronically Sick and Disabled Persons Act, 1970
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Company Directors Disqualification Act 1986
Competition Act 1980
Consumer Credit Act 1974, 2006 and 2009
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Consumer Protection (distance selling) Regulations 2000
Control of Pollution Act 1974
Copyright Designs and Patents Act 1988
Copyright etc and Trade Marks Offences and Enforcement Act 2002
County of Merseyside Act 1980
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Damage Act 1971
Criminal Justice Act 1988
Criminal Law Act 1977
Dangerous Dogs Acts 1989 and 1991
Dangerous Wild Animals Act 1976
Defective Premises Act 1972
Development of Tourism Act 1969
Dogs Act 1871 and 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Employment Agencies Act 1973
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Guard Dogs Act 1975
Hallmarking Act 1973
Health and Safety at Work etc. Act 1974

Health and Social Care Act 2012
Health Act 2006
Home Energy Conservation Act 1995
Housing Acts 1980, 1985, 1988, 1996 and 2004
Housing and Building Control Act 1984
Housing Grants, Construction and Regeneration Act 1996
Intoxicating Substances (Supply) Act 1985
Land Compensation Act 1973
Landlord and Tenant Acts 1954, 1985 and 1987
Licensing Act 2003
Litter Act 1983
Local Government Act 1972
Local Government Act 1988
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Medicines Act 1968
Merchant Shipping Acts 1979/1995
Mobile Homes Act, 2010
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Noise and Statutory Nuisance Act 1993
Noise Act 1996
Nursing Agencies Act 1957
Offensive Weapons Act 1996
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Act 1995
Opticians Act 1989
Performing Animals (Regulation) Act, 1925
Pet Animals Act 1951
Poisons Act 1972
Police and Criminal Evidence Act 1984
Police Reform Act 2000
Pollution Prevention and Control Act 1999
Powers of Criminal Courts (Sentencing) Act 2000
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Protection of Animals (Amendment) Acts 1988 and 2000
Protection from Eviction Act, 1977
Protection of Birds Acts 1954 to 1976
Public Health Acts 1875, 1936, 1961 and 1969
Public Health (Control of Diseases) Act 1984
Radioactive Substances Act 1993
Regulation of Investigatory Powers Act, 2000
Refuse Disposal (Amenity) Act 1978
Rent Act, 1977
Riding Establishments Acts 1964 and 1970

Road Traffic Acts 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Acts 1968 and 1978
The Cancellation of Contracts made in a Consumer's Home or place of work etc, Regulations 2008
Timeshare Act 1992
Town Police Clauses Acts 1847 and 1889
Trade Marks Act 1994
Trading Representations (Disabled Persons) Acts 1958 and 1972
Trading Stamps Act 1964
Unsolicited Goods and Services Acts 1971 and 1975
Vehicles (Crime) Act 2001
Video Recordings Act 1984/1993
Water Act, 1989
Water Industry Act 1991
Weights and Measures Acts 1976 and 1985
Zoo Licensing Act 1981

and any legislation amending or replacing the above (including Statutory Instruments)

- (6) Issue fixed penalty notices for leaving litter ***or for breaching any notice or order.***

- (15) ***Authorise relevant officers throughout the Council to issue Community Protection Notices for leaving litter and other related matters affecting the quality of life of persons in Wirral***

In respect of licensing and registration functions:

- (16) Determine and otherwise deal with the following matters, provided that controversial matters must be submitted to the Licensing, Health and Safety and General Purposes Committee or Licensing Panel or Licensing Act 2003 Committee:
- (i) Premises Licenses;

- (ii) Scrap Metal Dealers Registration;
- (iii) Street Collection Licences and House to House collection permits;
- (iv) Club Premises Certificates;
- (v) Temporary Event Notices;
- (vi) License premises for gambling activities;
- (vii) Notices given for temporary use of premises for gambling;
- (viii) Grant permits for gaming and gaming machines in clubs and miner's welfare institutions;
- (ix) Regulate gaming and gaming machines in alcohol licensed premises;
- (x) Grant permits to family entertainment centres;
- (xi) Grant permits for prize gaming;
- (xii) Consider occasional use notices for betting at tracks;
- (xiii) Register small societies' lotteries;
- (xiv) The enforcement of the provisions of the Gambling Act 2005;
- (xv) Personal Licenses;
- (xvi) Registration of second-hand dealers;
- (xvii) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
- (xviii) Licences to hold civil marriage ceremonies on approved premises;
- (xix) Application for new (and renewal applications) for hackney carriage and private hire driver's licences, vehicle licences and operator's licences in accordance with guidelines, approved by the Licensing, Health and Safety and General Purposes Committee;
- (xx) The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator's licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension or revocation of driving licences, vehicle licences and operator's licences. (Any actions to be reported to the next meeting of the Licensing, Health and Safety and General Purposes Committee;

- (xxi) The enforcement of the provisions of the Licensing Act 2003
 - (xxii) The enforcement of all Hackney Carriage and Private Hire matters under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
 - (xxiii) Authorise members of staff in the Licensing Division to carry out enforcement functions as authorised officers under licensing legislation.
 - (xxiv) Personally, or through the Head of Law, Commence legal proceedings on behalf of the Council under licensing legislation.
 - (xxv) ***Authorise relevant officers throughout the Council to issue and enforce Community Protection Notices and to enforce Public Spaces Protection Orders.***
- (17) In consultation with the ***Head of Environment and Regulation (or his nominee)*** and the three party spokespersons, to consider and determine applications for street trading consents or renewals thereof (including the imposition of such conditions as is considered reasonably necessary)

In respect of Planning and related matters:

- (b) **The Head of Regeneration & Planning is authorised to undertake the following functions and powers:**
- (16) ***To exercise all the powers and duties under Parts 1-6 of the Anti-Social Behaviour, Crime and Policing Act 2014 save for the issue or extension of a Closure Notice to 48 hours where such power(s) shall be exercised by the Strategic Director for Environment and Regeneration (or his authorised nominee).***

CABINET

9 OCTOBER 2014

71 REVISION OF CONSTITUTION ARRANGEMENT FOR WIRRAL PARTNERSHIP HOMES TRADING AS MAGENTA LIVING TO ENABLE A PROPOSED GROUP STRUCTURE

The Cabinet Member - Neighbourhoods, Housing and Engagement introduced a report by the Director of Regeneration, Housing and Planning which informed of proposals to develop a group structure for Magenta Living and sought support at a General Meeting of the Company for the changes. Appended to the report was Magenta Living's proposed new group structure – Heads of Terms.

The Cabinet was informed that Magenta Living's Board had agreed to establish a group structure in order to be able to provide a wider range of services to its customers. Magenta Living would become a member of the new group which would have a new Registered Provider at its head, allowing Magenta Living to continue providing social and affordable housing as it currently did.

RESOLVED: That

- (1) the proposal for Magenta Living to enter into a group structure and proposed Heads of Terms be agreed;**
- (2) it be noted that these changes will also require changes in the drafting of the rules of Magenta Living, its constitution;**
- (3) the relevant Council officer be authorised to vote on the changes (and associated matters) proposed and referred to in the report at the forthcoming Magenta Living General Meeting; and**
- (4) this report be referred to the Council meeting scheduled for 20 October 2014 for approval.**

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WIRRAL COUNCIL

CABINET – 9 OCTOBER 2014

SUBJECT:	REVISION OF CONSTITUTION ARRANGEMENT FOR WIRRAL PARTNERSHIP HOMES TRADING AS MAGENTA LIVING TO ENABLE A PROPOSED GROUP STRUCTURE
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING & PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	YES

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform Wirral Council, as the Council Member of Magenta Living, of proposals to develop a group structure for the organisation and to seek support at a General Meeting of the Company for the changes.
- 1.2 Magenta Living's Board have agreed to establish a group structure in order to be able to provide a wider range of services to its customers. Magenta Living will become a member of a new group which will have a new Registered Provider at its head, allowing Magenta Living to continue providing social and affordable housing as it currently does.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 In 2005 the Council's housing stock transferred to Magenta Living (Wirral Partnership Homes at that time). Since then they have met the 89 promises made to tenants at transfer and continued to work in partnership with the Council both on a formal constitutional basis and via informal relationships with many departments across the authority.
- 2.2 In 2013, Magenta Living carried out a governance review to comply with their regulator's, the Homes and Communities Agency (HCA) latest good practice. This involved reducing the number of Board Directors from 15 to 12 (each constituency group – Tenant, Independent and Council, reduced their number from five to four members) and to change Board Directors' terms of office from three terms of three years to two terms of four years. At this time it was also agreed that Magenta Living

would commence trading as 'Magenta Living' from July 2013, however the company's registered name is still Wirral Partnership Homes.

- 2.3 The Council have continued to have a presence on the Board of Magenta Living with four elected members taking up one-third of the seats (previously five prior to the governance changes referred to above). The Council is also corporately a 'Company Member' of Magenta Living in its registered company capacity with a one-third share of the votes at any General Meeting.
- 2.4 This is important to note as changes to the Constitution of Magenta Living require the Council to consider what they wish to do and how to exercise their vote. A General Meeting of Magenta Living would not be quorate without the Council's representative present and he/she must therefore be instructed how the Council would wish them to vote in any particular instance.
- 2.5 Magenta Living is subject to regulation by the HCA. The HCA's focus is very much on governance and viability and therefore boards need to have the skills, competencies and diversity to ensure the success of the company. To this end Magenta Living has adopted the National Housing Federation (NHF) Code 'Excellence in Governance'. This is a code for members of the NHF and contains good practice guidance in governance and regulation for the social housing sector. The NHF is the trade body for Registered Providers (RP) like Magenta Living.
- 2.6 In the future, Magenta Living will face a number of upcoming challenges to its revenue streams. These challenges include the need to replace and build more properties, the continued provision of existing services with pressures on public funding, and lack of grant funding. The proposal is to create a group structure to diversify into wider markets to deliver a range of different services to generate alternative sources of income to help fund new housing and social housing services.
- 2.7 As part of considering strategically its future direction and identifying potential business, revenue and funding streams, Magenta Living is keen to ensure that its corporate structure is flexible enough to enable it to develop and implement these strategies, should they prove viable, and to respond to other opportunities that may arise in the future.

3.0 PROPOSED NEW GROUP STRUCTURE

- 3.1 Magenta Living has developed a Heads of Terms document which is attached at Appendix 1 to this report. The Heads of Terms is a document which is signed by two parties agreeing how a legal contract would be structured and records the future intentions of the parties. The remainder of this report sets out the broad principles of Magenta Living's proposals.
- 3.2 New Group Structure
Magenta Living proposes to establish a new group structure in order to be able to provide a wider range of services. Magenta Living will become a member of a new group which will have a new Registered Provider (RP) at its head. This will allow Magenta Living to continue to provide social and affordable housing as it does now – a diagram of the proposed structure is set out in the Head of Terms appended to this report.

- 3.3 It is proposed that the new group will be registered with the HCA providing a number of benefits for the Group and Magenta Living including;
- Allowing Magenta Living to focus on its core business which is the excellent delivery of its social and affordable housing portfolio and associated services to customers;
 - Ensuring the whole group operates within a regulated environment which would provide assurance to all stakeholders;
 - Allowing Magenta Living to access new funds on competitive terms;
 - It would be more attractive to other RPs looking for a group to join than one headed by a non-registered organisation.
- 3.4 If the group did not have an RP at its head the HCA would not have an overview of any of the Group's activities carried out outside Magenta Living. These activities would not, therefore, be subject to the same rigorous risk management expectations as they would if the new group was registered. The HCA would impose stringent restrictions on Magenta Living funding non-social housing activities carried out by the Group which would remove some of Magenta Living's freedom to use its own resources. Within the group, this could reduce Magenta Living's status and influence, arising out of its position as the principal asset-holder and could impact on the Group's ability to meet its ambitions to grow and prosper for the benefit of residents in the Wirral. If the Group is an RP, it may make it easier for other members of the Group to raise their own funding over time to carry out the diversification and growth which Magenta Living would not be able to carry out itself.
- 3.5 The HCA will only register stock holding RPs therefore the new Group will require some units of stock. It is proposed that Magenta Living would transfer one or two of its properties and manage them on the Group's behalf.
- 3.6 The Group structure will allow other subsidiaries to be put in place sitting alongside Magenta Living to deliver diversified, non-social housing activities. These are likely to include a company building homes for sale and a company managing and building homes for market rent. Any surpluses generated by these subsidiary companies would be used for the benefit of the group including building further social housing or provide wider services for tenants and residents. The idea being to use the surpluses to replace public subsidy which would be required for social housing.
- 3.7 Given the wider diverse activities the HCA would require the Group Board to be recruited solely on the basis of skill and experience to oversee the Group's strategy, direction and regulatory compliance. The Group Board will have wider commercial, charitable and social enterprise experience to manage all initial and potential future activities. Magenta Living will continue to have its own Board as it does now and the Magenta Living Board will appoint its own Chair as currently. The Council will continue to have a presence on Magenta's Board with four elected members taking up one third of the seats.
- 3.8 Management Arrangements
The Chief Executive and Deputy Chief Executive will be employed by the new Group. The Group Board will oversee and line manage the two positions. The HCA will expect the Group Chief Executive and Deputy Chief Executive to act in the best interests of both organisations to enable them to continue to meet the requirements of the Regulatory Framework.

3.9 Group Governance Arrangements

Governance arrangements of the Group will comprise;

- New Group Board – consisting of up to nine members (as per NHF good practice) with housing, commercial, finance, governance, charity and risk management skills / experience.
- Chairs' Group – the forum through which Magenta Living is engaged directly with and influences Group-wide issues overseen by the Group Board. The Chairs' Group will be consulted on strategic and Group-wide issues and its support on a particular decision would be seen as crucial for the implementation of that decision by the Group Board.
- Governance and Membership Committee – will include three representatives from the Group Board, one representative from the Council, a Tenant representative and a representative from the Magenta Living Board. The Governance and membership Board will oversee appointments to the Group Board and will support Group Members in the recruitment of their Boards if required.
- Magenta Living Board – will remain as a Board of 12 comprising four Tenants, four Independents and four Councillors with social housing, asset management, human resources and customer service skills / experience. It is proposed that Magenta Living will retain its existing committee structure, alternatively Magenta Living may choose to participate in Group committees.

3.10 Safeguarding the Group

The HCA will regulate the new Group and will expect the head of the Group to ensure that other RPs in the Group comply with the HCA's expectations.

3.11 The HCA will intervene where an RP's actions or inactions threaten the ongoing compliance or viability of itself or its' Group with the Regulatory Framework. An example could include where there is a breach of the Regulatory Framework, its charitable status, company law or of its funding documents or where an RP's solvency is in jeopardy.

3.12 To reflect the requirements of the HCA, the Group will have 'step-in rights' which will be included in Magenta Living's Articles of Association to ensure that the Group has adequate control of Magenta Living and any other subsidiaries to enable it to step in if any serious issues were to arise, as required by the HCA's proposed revised Governance and Financial Viability Standard. Company law requires a group parent to be able to control its subsidiaries via step-in rights in order for a group to function as a group for accounting and tax purposes.

3.13 The circumstances in which the step-in rights will be exercised will be set out in a Group Membership Agreement. The inclusion of these provisions will give Magenta Living and the Council comfort that the Group will not exercise its step-in rights in bad faith or capriciously, and the Group and the HCA comfort that the Group has appropriate control over the Group.

3.14 Future Decisions on Joining Another Group

Any decision as to whether to take the structure into a wider group in the future would sit with the Group Board however there will be an obligation for the Group Board to consult the subsidiary RPs in the Group and the Council and HCA consent would be required.

- 3.15 The HCA needs to ensure it has the ability to 'rescue' the Group if necessary, for example by directing the Group to take it into a larger group structure – the HCA already has the power to direct Magenta Living to enter a group structure should it choose to do so. However, Magenta Living would have a right of veto over such a decision if it could be demonstrated that this was not in the best interest to join a wider group based on financial / business related criteria.
- 3.16 Dispute Resolution
Any disagreements between members of the Group will be resolved;
- Locally, wherever possible, by agreement between the parties to the disagreement
 - Via the Chairs or by reference to the boards of the two organisations
 - Via an agreed independent external mediator
- This will be reflected in the intra-group agreement between the Group and Magenta Living.
- 3.17 Magenta Living's Assets
It is proposed that all of Magenta Living's current social housing assets (other than the two properties to be transferred to the new Group) will remain in the ownership of Magenta Living. The HCA expect that the Magenta Living Board will retain control over those assets and will control how those assets are used subject to Magenta Living's Business Plan.
- 3.18 As a charity and a RP, Magenta Living's ability to use its funds for non-charitable / non-social housing purposes is strictly limited, it can only do so where there is a very strong business case and Magenta Living's charitable assets would not be put at risk of any on-lending. Magenta Living would therefore never be in a position where it was expected to fund risky activities or those that may not be in accordance with the investment criteria for charities prescribed by the Charity Commission and the HCA.
- 3.19 Heads of Terms
The key principles of the new Group structure and governance arrangements are;
- Changes will be required to Magenta Living's Articles of Association to make it a subsidiary of the new Group.
 - The Group's Governance and Membership Committee will recommend candidates to the Group Board and can also recommend candidates to other Board's within the Group. The Council will have the right to appoint one member to the GMC and can nominate candidates for consideration for the Group Board, subject to skills and experience. The nomination to the Governance and Membership Committee can be any sitting councillor, officer or Council Board Director from the Magenta Living Board.
- 3.20 Further details on all of the information outlined above can be found in Appendix 1 to this report.

4.0 TIMETABLE

- 4.1 Officers from Magenta Living have met with officers from the Council to discuss the proposals as outlined in this report. Following these discussions Magenta Living have incorporated Council officer comments in the Heads of Terms document.

- 4.2 The proposed target date for implementation of the new Group structure is April 2015. In order to achieve this target date, Council's Cabinet are therefore requested to consider and recommend approval of the Heads of Terms to Full Council at its meeting on 13 October. Magenta Living would then call a General Meeting of all Company Members to consider resolutions to form the Group structure in early 2015.

5.0 RELEVANT RISKS

- 5.1 The Council is a Company Member of Magenta Living holding one-third of the membership therefore it is essential that the Board of Magenta Living is fit for purpose, in order to ensure effective decision making mitigating any risk to the Council's reputation and interests in the Company.
- 5.2 If Magenta Living were to remain as they are now they could be at risk of being directed to a merger with another larger group structure that already exists.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 Representatives or individuals from voluntary, community and faith groups may apply for independent positions on the Magenta Living Board, or tenant positions if they qualify as tenants or leaseholders of Magenta Living.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 This relates to the structure of 'Magenta Living' so there are no financial implications for the Council.

8.0 LEGAL IMPLICATIONS

- 8.1 This relates to the structure of 'Magenta Living' so there are no legal implications for the Council.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Magenta Living's Constitution is a fundamental part of its approach to equality and diversity.

10.0 CARBON REDUCTION IMPLICATIONS

- 10.1 None.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 None.

12.0 RECOMMENDATION/S

- 12.1 Cabinet is recommended to;
- Agree the proposal for Magenta Living to enter into a group structure and proposed Heads of Terms;
 - Cabinet is requested to note that these changes will also require changes in the drafting of the rules of Magenta Living, its constitution.

- Authorise the relevant Council officer to vote on the changes (and associated matters) proposed and referred to in this report at the forthcoming Magenta Living General Meeting.
- Refer this report to 13th October Full Council for approval.

13.0 REASON/S FOR RECOMMENDATION/S

- 13.1 That Wirral Council, as the Council Member of Magenta Living, indicate their agreement to the proposed group structure and Heads of Terms prior to presentation at Magenta Living's General Meeting early in 2015.

REPORT AUTHOR: **Ian Platt**
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APPENDICES

Heads of Terms

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Magenta Living – Proposed New Group Structure

Heads of Terms

This Agreement is dated

2014

Between:

- (1) Wirral Partnership Homes Limited trading as Magenta Living**, a company limited by guarantee registered in England and Wales with registered number 04912562 whose registered office is at Partnership Building, Hamilton Street, Birkenhead, Wirral CH41 5AA ("**Magenta Living**"); and
- (2) Wirral Borough Council** of the Town Hall, Brighton Street, Wallasey CH44 8ED ("**the Council**").

1. Background

Magenta Living has been reviewing its existing governance arrangements and structure.

The operating environment for Magenta Living has changed dramatically from when it was first formed in 2005. Magenta Living secured a loan facility with the Royal Bank of Scotland and has spent around £170m since transfer to bring its homes up to decent homes standard and delivering the 89 promises made at transfer to make its estates more sustainable places to live. Its existing loans will be paid for over the thirty year life of the current business plan.

(a) Future Challenges

Whilst Magenta Living's current business plan is strong, there are a number of upcoming challenges to its revenue streams in the future including:

- with the continued 'right to buy' and selective demolition of non-sustainable homes the organisation needs to be able to build more replacement homes to ensure it continues to have the economies of scale to continue to deliver high quality services. Magenta Living had 13,087 homes at transfer and this has reduced to 12,133 homes as at 31 March 2014.
- reduced public subsidy to build new affordable housing will require housing associations to look at raising funding in other ways to provide the 'subsidy' for social and affordable rent schemes
- with continuing reforms to welfare spending there will be reduced support to rent payers and potentially reduced income which will need to be offset with income from other sources in order for Magenta Living to carry on providing the services presently being delivered

- working in more deprived neighbourhoods at a time when competing pressures have resulted in publicly funded services being withdrawn. Magenta Living will have to identify new sources of funding in order to provide wider services to support its communities.

(b) Developing a Group structure

The solution being proposed will be for Magenta Living to carry out a wider range of activities some of which will be commercial ventures in order to create revenue surpluses to provide the subsidies required for Magenta Living to continue to manage and build social rented homes for the future. This will require changes to our current governance structure.

Should Magenta Living fail to adapt it will reduce in size and be less relevant. The size of the organisation will reduce given its lessened circumstances and potentially be a takeover target for other organisations.

As it stands Magenta Living is a charitable stock-holding RP company through which the majority of the Group's activities are routed. In the existing structure there are two existing non-charitable commercial trading company subsidiaries. A development subsidiary, WPH (Developments) Ltd, a tax-efficient procurement vehicle to secure design and build services for Magenta Living's development programme. The second is WPH (Building Services) Ltd, a general commercial trading company that carries out non-charitable commercial building maintenance works too risky for Magenta Living to carry out itself, or where there are tax implications if it does so directly. This trading company is currently dormant following the Building Services business, which had at transfer been externally trading, being brought into the main company (Magenta Living).

In order to be able to respond to the new operating environment it will be necessary for Magenta Living to set up a new group structure which will allow a wider range of activities to be undertaken, which will produce revenue to help fund new housing and social housing services. This will allow the creation of other trading ventures 'ring fenced' from the social housing business.

As part of considering strategically its future direction and identifying potential business, revenue and funding streams, Magenta Living is keen to ensure that its corporate structure is flexible enough to enable it to develop and implement these strategies, should they prove viable, and to respond to other opportunities that may arise in the future.

This Agreement sets out the heads of terms for the proposed new Group structure and governance arrangements.

For illustration purposes we have used the name 'New Magenta Housing Group' for the new registered RP which will head the group. This is not the chosen name for the new group it is a working title for this document; a new name will be considered by the board in due course.

2. Philosophy

The philosophy of the 'New Magenta Housing Group' will be to uphold the values and approach that Magenta Living has developed since transfer in 2005. The 'New Magenta Housing Group' will be formed to allow Magenta Living to carry on as it does now as a social landlord with other companies /partners in the new group able to undertake many more diverse activities. This will strengthen and make both Magenta Living and the new group stronger and more resilient at a time of great change.

The 'New Magenta Housing Group' values will be based on consensus, trust, respect for stakeholders, an approach to working in partnership and resolving issues together for the greater good.

The 'New Magenta Housing Group' will be a registered provider with the HCA and as such it will adopt and reinforce the values of Magenta Living as an organisation with a strong social purpose.

It will recognise and value the existing relationship with stakeholders in particular its tenants and Wirral Council and will continue to strive to maintain a strong working relationship based on agreement and co-operation.

3. Proposals

(i) New Group structure

Magenta Living proposes to establish a new group structure, in order to be able to provide a wider range of services. Magenta Living will become a member of a new group which will have a newly registered RP (working name: 'New Magenta Housing Group') at its head. This will allow Magenta Living to continue to provide social and affordable housing as it does now – a diagram of the proposed structure is set out in Appendix 1 attached to this Heads of Terms document.

We want the 'New Magenta Housing Group' to be registered with the Homes and Communities Agency (the "Regulator"), as Magenta Living currently is. Having a Registered Provider at the head of the Group will have a number of significant benefits for the Group and for Magenta Living including:

- Releasing the Magenta Living Board from being directly accountable to the Regulator for its compliance with the Regulatory Framework, and instead putting this responsibility on to the Group Board. This would free up the Magenta Living Board from much of the administration associated with regulatory compliance and enable it to focus on delivering excellent services to customers.

- Ensuring the whole of the Group operates within the “regulated” environment, which would give comfort to other organisations dealing with the Group, especially funders. This may make it easier for the other members of the Group to raise their own funding over time.
- It may also have a positive effect on Magenta Living’s own funding situation. This would include access to new funds on competitive terms, particularly where the Group structure facilitates other Group Members to deliver diversified activities that either funders or the Regulator may prefer to see delivered outside Magenta Living itself. This would reduce Magenta Living’s risk profile, improving its “covenant” and therefore making it more attractive to funders.
- It would also be more attractive to other Registered Providers looking for a group to join rather than one headed by a non-registered organisation.

The alternative of having a non-registered organisation at the head of the Group would mean that the Regulator has no overview of any of the Group’s activities carried out outside Magenta Living. These activities would not, therefore, be subject to the same rigorous risk management expectations as they would if “New Magenta Housing Group” was registered. Amongst other things, the Regulator would impose stringent restrictions on Magenta Living funding non-social housing activities carried on by the Group, including requiring Magenta Living to get the HCA’s consent to apply any of its funds outside its own organisation, even where these are furthering Magenta Living’s own charitable objects. In effect, this removes some of Magenta Living’s Board’s freedom to use its own money as it sees fit, and instead gives this power to the Regulator. Within the Group, this could reduce Magenta Living’s status and influence, arising out of its position as the principal asset-holder (and, therefore, de facto controller of the Group’s purse strings). It could also impact on the Group’s ability to meet its ambitions to grow and prosper for the benefit of residents in the Wirral. However, if the “New Magenta Housing Group” is a Registered Provider, it will be simpler for Magenta Living to fund other members of the Group to carry out the diversification and growth aims, where Magenta Living either cannot or does not want to carry them out itself.

As the Regulator will only register stock holding RPs, the ‘New Magenta Housing Group’ will require some units of stock. It is proposed that it would own only one or two social housing properties, transferred up to it from Magenta Living, and managed on its behalf by Magenta Living.

Going forward, the Group wishes to put in place other subsidiaries alongside Magenta Living, to deliver diversified, non-social housing, activities. Future subsidiaries could include:

- A company building homes for sale
- A company managing and building homes for market rent

The aim of these companies would be to generate surpluses to be used for the benefit of the group including building further social rented homes or provide wider services for tenants and residents.

Further subsidiaries may be added which provide a wider range of services which would be outside the scope of a social housing landlord. These could include care services, supporting social enterprise or community and environmental services. The social landlord's day to day operations would be ring fenced from these new business activities.

The key advantage of the proposed new Group arrangement is that it will allow the Magenta Living board to focus on the excellent delivery of its social and affordable housing portfolio and remove the burden of responsibility of overseeing and managing the non-social housing aspects of the Group's activities.

(ii) Ensuring the Group has the right skills to manage more diverse activities

The Regulator has recently issued consultation on a new Regulatory Framework for registered providers (May 2014). It is keen to learn lessons from recent high profile failures in the sector. The consultation document states a revised Governance and Viability Standard will be introduced and that *"Registered providers need to ensure that they have suitable skills to reflect the range of activities they undertake..."* (para 3.18)

The 'New Magenta Housing Group' board will be recruited solely on the basis of skill and experience, to oversee the Group's strategy, direction and regulatory compliance. The 'New Magenta Housing Group' board will not need to have the same level of detailed technical and operational knowledge as Magenta Living's board about the management of the social housing (although it will be advantageous for some of 'New Magenta Housing Group's' board members to have this). The Group board will recruit board members with wider commercial, charitable and social enterprise experience to manage all aspects of the Group's current (and potential future) activities as successfully as possible.

(iii) Management arrangements

Initially any staff working for the 'New Magenta Housing Group' will have a dual role. Specifically the Chief Executive and Deputy Chief Executive will work to the "New Magenta Housing Group" Board. Their performance will be overseen by – and they will be line managed by – the Group Board. However, their duties and responsibilities will continue to be owed to Magenta Living and any future members of the group. Because both the "New Magenta Housing Group" and Magenta Living are Registered Providers, the Regulator will expect the Group Chief Executive and Deputy Chief Executive to act in the best interests of both organisations to enable them to continue to meet the requirements of the Regulatory Framework. This will include dedicating

an appropriate proportion of their respective time to meeting the needs of Magenta Living (as the “core” of the Group’s assets and activities).

The Regulator will expect that the Group Chief Executive will have the appropriate skills and expertise to act as the Chief Executive of a group comprising the diverse businesses that it includes. The group board will carry out an assessment of the suitability of the current chief executive of Magenta Living to fulfil this post.

(iv) Group governance arrangements

The ‘New Magenta Housing Group’ and Magenta Living boards will need to comprise individual board members with skills and expertise appropriate to the activities that that organisation will be carrying out. It is proposed that the boards should comprise:

- **‘New Magenta Housing Group’ board** – The current National Housing Federation good practice guidance states that boards should ideally be 9 and the group board will therefore be a self-appointing board of up to 9, consisting of members with the following skills/experience: housing, commercial, business, finance, governance, charity and risk management. The Group board members will be appointed on the recommendation of the Governance & Membership Committee.
- The **Chair’s Group** is intended to be the forum through which Magenta Living is engaged directly with and influences Group-wide issues overseen by the Group Board. It will be chaired by the ‘New Magenta Housing Group’ chair. It is intended to be a small and focussed Group populated solely by the Chairs of the various companies in the ‘New Magenta Housing Group’, who will continue to be appointed in accordance with the constitutions of their respective Group members. This means that, in Magenta Living’s case, the Chair of Magenta Living will continue to be appointed by the Magenta Living Board as it currently is. The Chair’s Group will be consulted on strategic and Group-wide issues and its support on a particular decision would be seen as crucial for the implementation of that decision by the Group Board.

The **Governance and Membership Committee (GMC)** will include three representatives from the ‘New Magenta Housing Group’ board, one representative from the Council, a tenant representative and a representative from the Magenta Living board. The nomination from the Council may be any sitting councillor, officer or council nominated board director from the Magenta Living board. A mechanism for the selection of the tenant representative will be agreed with the company’s tenant company members.

Appointments to the ‘New Magenta Housing Group’ board will be overseen by the GMC.

On the set up of the ‘New Magenta Housing Group’, Magenta Living together with a representative from the Council and a representative from the tenant company

membership will oversee the appointments to the shadow board of the 'New Magenta Housing Group'.

The GMC's role is also to support Group Members in the recruitment of their boards. The detail of its remit will involve it working closely with boards of any Group Members (which choose to avail themselves of its support) to identify in conjunction with them what skills they need and how these could be resourced. For Magenta Living, responsibility for recruitment continues to rest with the Board itself (and the Council for council nominations). The Magenta Living Board will identify the skills needed and then to ensure that people appointed to the Board have those skills. It will be a decision for the Magenta Living Board as to whether it wants to draw on the support of the GMC, which could help the Magenta Living Board to identify and recruit potential candidates, drawing on the benefits of doing this across the Group rather than on a board-by-board basis. The GMC will not appoint people to the Boards; the Boards themselves will continue to have the power to appoint their own board members as they do now. Boards will have discretion to reject any candidates recommended by the GMC but the aim would be that the GMC will have worked closely with the Boards to identify their needs and what they want from their Board Members, and therefore it will only propose candidates for appointment who it is confident will be acceptable to the Boards. If Magenta Living decides not to work with the GMC to recruit its board members, Magenta Living's board will continue to do so as it currently does.

- Magenta Living board will continue as at present – board of 12, consisting of 4 Independent Board Directors, 4 Tenant Board Directors and 4 Council Board Directors, appointed by the Council or elected, in the case of Independents and Tenants. The Magenta Living board members will comprise people with the following skills/experiences: social housing, asset management, human resources, customer service.
- it is proposed that, subject to compliance with company law and the requirements of the Regulator of social housing, Magenta Living will retain its existing committees (for example, its internal audit committee) and will have the power to continue to appoint committees of its own in the future. Alternatively, Magenta Living may instead choose to participate in Group committees, in which case these will be constituted in such a way as to ensure Magenta Living (and its interests) are appropriately and adequately represented.

(v) Future Governance changes

(a) Safeguarding the Group

The circumstances in which the Regulator will use its regulatory powers to directly intervene in a Registered Provider include where a Registered Provider's actions or

inactions threaten the ongoing compliance (of itself or its' Group) with the Regulatory Framework, or its own (or its' Group's) viability. In practice, this may occur where there has been – or is likely to be – a material breach by a Registered Provider or a member of its Group of the Regulatory Framework, of its charitable status, company law or of its funding documents, or where a Registered Provider's solvency is in jeopardy.

Within a group structure, the Regulator agrees that it is pragmatic for it not to regulate directly any Registered Providers within the group other than the organisation at the head of the group (the 'New Magenta Housing Group'). Instead, it expects the Registered Provider organisation at the head of the group (the 'New Magenta Housing Group'). to ensure that the other Registered Providers comply with the Regulator's expectation. The HCA's current consultation on revised regulation states: *"The Regulator expects that, where the Parent company of a group is a registered provider it should look to maintain not only its own but also the on-going viability and compliance with Regulatory Standards of all the registered providers within the group. This requirement (to support and assist their subsidiaries) does not change that, instead it enhances it, giving additional protection to the social housing, making clear that if appropriate the Parent must step in to help ensure compliance of all registered providers in the group."* (para 3.52)

On this basis, to reflect the requirements of the Regulator as part of the new Group structure arrangements, 'New Magenta Housing Group' will have "step-in" rights, which in exceptional cases could be used to remove and appoint the board members of Magenta Living. The Regulator will expect these rights to be included within Magenta Living's Articles of Association to ensure that the 'New Magenta Housing Group' will have adequate control of Magenta Living to enable it to step in and "steady the ship" if any serious issues were to arise with Magenta Living, as required by the proposed revised Governance and Financial Viability Standard (as set out above). This will allow the Regulator to step back and only regulate the Group via the 'New Magenta Housing Group'.

As well as fulfilling the requirements of the regulator, company law requires the group parent to be able to control the Magenta Living board via the step-in rights, in order for the group to function as a group for accounting and tax purposes. The test that company law will apply to confirm whether Magenta Living and the "New Magenta Housing Group" are in a group structure or not is whether the "New Magenta Housing Group" is a member of Magenta Living and either controls all of the votes at member level (which will not be the case here) or it has the ability to appoint and remove Magenta Living's board, if necessary (which will be the case here, via the step-in rights). Unless this test is met, the "New Magenta Housing Group" and Magenta Living will not be considered a "group" for company law purposes and may not achieve the tax and other benefits that will flow from being part of the same Group.

Whilst the step-in rights have to be unrestricted constitutionally to satisfy company law and the Regulator, it is usual in group structures for the head of the group to agree (in the Group Membership Agreement) that it will only exercise these step-in rights in certain, extreme, circumstances (for example,, in the face of financial or

regulatory default by Magenta Living, giving rise to any of the circumstances in which the Regulator would have the ability to intervene directly into the Registered Provider, as summarised above), or at the invitation of the Magenta Living board. The inclusion of these provisions will give Magenta Living (and the Council) comfort that the 'New Magenta Housing Group' will not exercise its step-in rights in bad faith or capriciously, and the Group and the Regulator comfort that the 'New Magenta Housing Group' has appropriate control over the Group. Furthermore, it is proposed in the present case that, if the "New Magenta Housing Group" does have cause to exercise its step-in rights at any time:

- It will give Magenta Living as much notice of its proposal to do so as it can, to give Magenta Living's board the ability to take any action needed to rectify the situation and mean that the "New Magenta Housing Group" does not need to exercise its step-in rights; and
- If the "New Magenta Housing Group" does have to exercise its step-in powers at any time, as soon as the situation has been rectified (and "normality" resumed), "New Magenta Housing Group" will "step out" of Magenta Living to enable its board to resume control;

Except where the "New Magenta Housing Group" has had to exercise its step-in rights as above, Magenta Living's board would continue to manage and oversee the organisation's activities and the delivery of its business plan, as it currently does, including:

- The ownership and management of Magenta Living's stock
- Implementation of its agreed business plans and budgets
- Housing and estate management, strategies, policy and execution, including:
 - Maintenance modernisation and improvement contracts
 - Day-to-day responsive repairs
 - Resident involvement
 - Rent collection including arrears
 - Tenancy conditions including enforcement
- Commissioning programmes of works, improvements, acquisitions and developments.

(b) Future decisions on joining another group

Within a normal group structure, the decision as to whether to take that structure into a wider group at some future date would sit with the 'New Magenta Housing Group' Board (because it is that company that would become a subsidiary of the new larger Group). As part of any approach the 'New Magenta Housing Group' Board will have an obligation to consult the subsidiary RPs in the Group. The Regulator's consent

would be needed to take the 'New Magenta Housing Group' into a larger Group, and part of the Regulator's consideration would involve looking at whether the wider Group – particularly the RPs such as Magenta Living – would be in favour of the proposals, as well as the Council's views on the proposals.

The Regulator will not accept an arrangement by which Magenta Living has an absolute right of veto over any proposal to take the 'New Magenta Housing Group' into another Group in the future, because the Regulator needs to ensure that it has the ability to "rescue" the Group, should this be necessary, for example by directing the 'New Magenta Housing Group' to take it into a larger group structure (NB it is already the case that the Regulator has the power to direct Magenta Living to enter a group structure, should it choose to do so). However, Magenta Living will have a right of veto over such a decision in certain circumstances, where Magenta Living can demonstrate that it is not in its or the Group's best interests to join a wider group, based on objective criteria that are financial/business related.

(vi) Dispute resolution

The Group will have at its heart a commitment between all of its members to co-operation and consensus. Inevitably, however, from time to time there may be disagreement between group members, and the Group Membership Agreement will contain mechanisms to enable these to be resolved constructively before they escalate into formal disputes.

In relation to services provided by the 'New Magenta Housing Group' or other group members to Magenta Living, there will be a suite of safeguards giving Magenta Living the ability to terminate services provided by the 'New Magenta Housing Group' where these do not meet the relevant service standards, or where Magenta Living can demonstrate it can achieve greater value for money by purchasing them from another service provider.

Within many group structures, any formal disputes that may arise between the group members or with their holding company will be resolved by the Group Board (in effect, denying the group members a genuine right of recourse). However, recognising that the ethos of the 'New Magenta Housing Group', it is proposed that any disagreements between members of the 'New Magenta Housing Group' will be resolved:

- Locally, wherever possible, by agreement between the parties to the disagreement, in which case their decisions will be final;
- If this is not possible, via the Chairs (again, with any decision they reach between them being final), and if this is not possible, by reference to the boards of the two organisations (again, with any decision they reach between them being final); and
- If the disagreement still can't be resolved, either party to the dispute can refer it to an agreed independent external mediator, whose decision will be binding on the relevant Group Members.

And this will be reflected in the intra-group agreement between the Group and Magenta Living. Allowing for a party to a dispute to refer it to external mediation, and for any decision made by a mediator to be final and binding, is unusual in the sector, where it is standard practice for the “parent” board to have the final say on disputes. It is evidence of the ‘New Magenta Housing Group’s’ intended commitment to strong relationships between members founded on mutual respect, consensus and collaboration.

(vii) Magenta Living’s assets

It is proposed that all of Magenta Living’s current social housing assets (other than the two properties to be transferred up to the ‘New Magenta Housing Group’ set out in 3(i) above) will remain in Magenta Living. The Magenta Living board will retain control over those assets and will control how those assets are used (subject to Magenta Living’s business plan, which will be set by Magenta Living in consultation with the ‘New Magenta Housing Group’), which will be expected by the HCA as Regulator as it will not allow Magenta Living to fetter its discretion over how its assets are used.

The market rent subsidiary company may lease some homes from Magenta Living to let at market rent. Such arrangements would require agreement by the Magenta Living board.

As a charity and an RP, Magenta Living’s ability to use its funds for non-charitable / non-social housing purposes is strictly limited. It can only do so where there is a very strong business case and Magenta Living’s charitable assets (principally its money or its housing stock) would not be put at risk as a result of any on-lending. Magenta Living would therefore never be in a position where it was expected to fund risky activities or ones that it was not confident would be in accordance with the stringent investment criteria for charities laid down by the Charity Commission and the Regulator. In cases where Magenta Living is raising “borrowed money” secured against its social housing, and wants to invest this money in other group members’ commercial activities, this would also require the consent of the Regulator, which would require to see a strong business case in support of the proposals, that has been stress-tested extensively, to reduce any risks to the social housing assets

(viii) Timetable

The proposed target date for implementation of the new Group structure is in April 2015. In order to achieve this target date, a report to the Council’s Cabinet will be presented in the Autumn of 2014 and resolutions to amend the Articles of Association of Magenta Living will be put to Magenta Living company members in early 2015.

4. Heads of terms

This section sets out the key principles of the new Group structure and governance arrangements, to which the Council’s agreement is sought, both as a member of Magenta Living and under the Transfer Agreement for the transfer of the Council’s housing stock to Magenta Living.

(a) Changes to Magenta Living's Articles of Association to make it a subsidiary in the new 'New Magenta Housing Group'

The following changes will be made to Magenta Living's Articles of Association in order to make it a subsidiary of the new 'New Magenta Housing Group':

- the 'New Magenta Housing Group' will be a member of Magenta Living, and as a requirement of both the Regulator and of company law is not be capable of being removed as such by Magenta Living, its board or its members;
- a representative of the 'New Magenta Housing Group' will need to be present in order for a general meeting to be quorate (in the same way as a representative of the Council must be present, which would be unaltered);
- the 'New Magenta Housing Group' will be able to call a general meeting of Magenta Living (and the Council will continue to have this right);
- as set out above, the 'New Magenta Housing Group' will have the right to appoint and remove the Board Directors of Magenta Living ("step in rights");
- on a poll, the rights of the current members of Magenta Living will be slightly reduced from 33 1/3 % each for the Council, the Independent Members and the Tenant Members to 33% each, with the 'New Magenta Housing Group' having 1% of the total vote on a poll. These small changes ultimately have little consequence under company law, as voting rights of 25.1% are all that are needed to block a special resolution (and therefore, for example) changes to the Articles; and
- in addition to getting the requisite majority of the votes of the Council and the other members of Magenta Living, any resolutions to amend Magenta Living's Articles of Association, remove Board Directors (other than by the Council removing its nominees and replacing them from time to time) or wind up Magenta Living will require the 'New Magenta Housing Group's' prior consent before being validly passed in line with the requirements of company law.

(b) Appointment of the Group board

The Council will have input into the Group's governance arrangements, under the new Group structure arrangements the Council will:

- have the right to appoint one member to the Group's Governance & Membership Committee, which will have delegated responsibility for, amongst other matters, recommending candidates for appointment to the 'New Magenta Housing Group' board (and to other boards within the Group, should they choose to work with the GMC on their own board recruitment); and

- be notified of any vacancies arising on the 'New Magenta Housing Group' board, to enable it to nominate candidates for consideration by the Governance & Membership Committee for appointment to the Group board, subject to that candidate possessing suitable skills and experience for the vacancy.
- The nomination from the Council may be any sitting councillor, officer or council nominated board director from the Magenta Living board

(c) Other changes to Magenta Living's Articles of Association

Finally, some other minor changes may be required to Magenta Living's current Articles of Association in order to obtain the Social Housing Regulator, the HCA's consent. These changes will be kept to a minimum, but are likely to include, for example, the inclusion of the provision of social housing (as defined in the Housing and Regeneration Act 2008) within Magenta Living's Articles of Association.

5. Agreement

By signing this Agreement, the Council and Magenta Living both confirm that the principles set out in this Agreement are acceptable, and that they will act in good faith to effect the new Group structure arrangements and amendments to Magenta Living's Articles of Association.

The Council confirms that it will enter into a Deed of Variation to the Deed of Covenant which was entered into by the Company at the same time as the Transfer Agreement, varying its rights of appointment to the Magenta Living board in accordance with the principles set out in this Agreement.

The Council agrees that it will not exercise its rights as a member of Magenta Living to vote against changes to Magenta Living's Articles of Association which are in accordance with the principles set out in this Agreement.

Signed on behalf of Magenta Living

by an authorised signatory

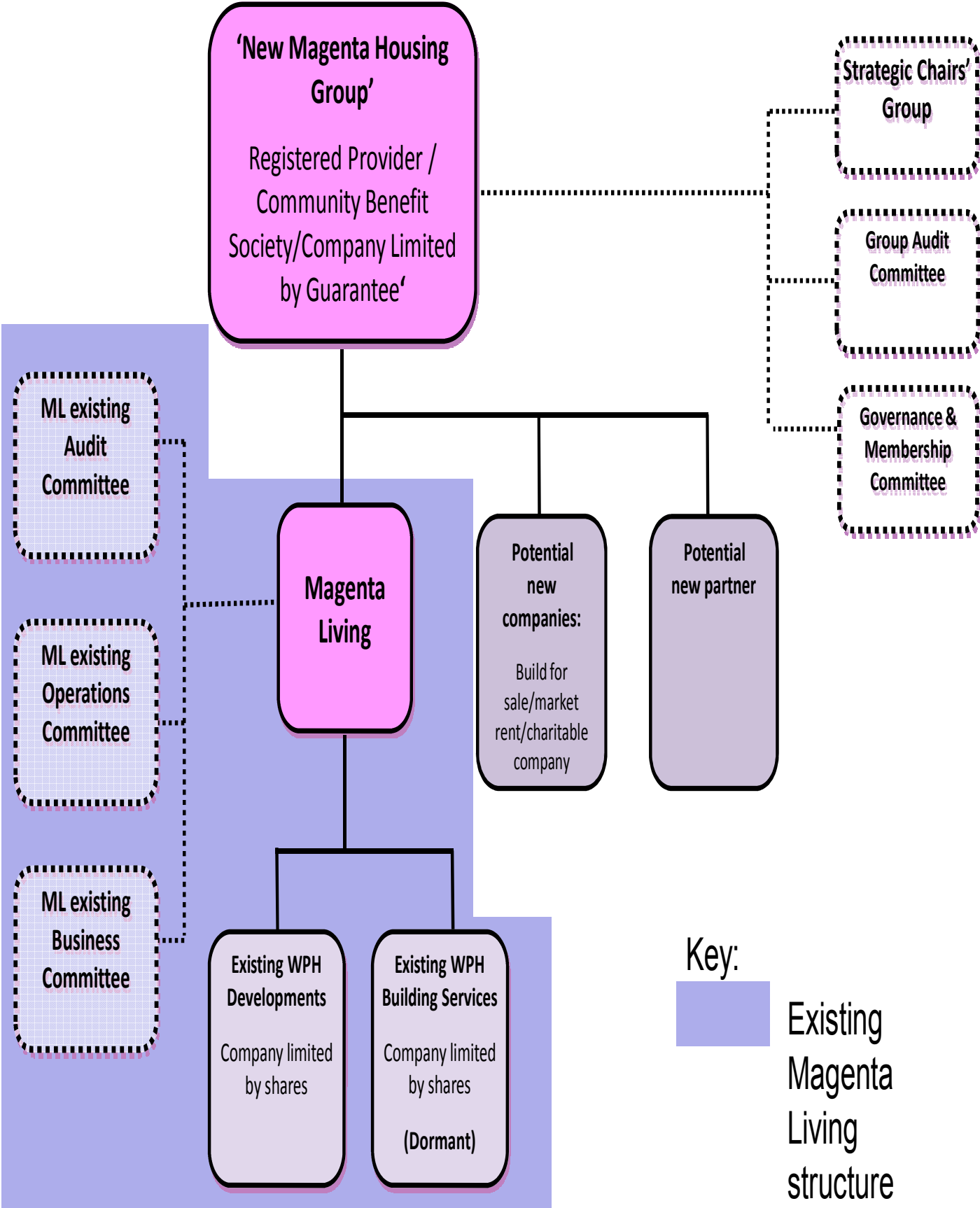
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Signed on behalf of the Council

by an authorised signatory

Name:

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COORDINATING COMMITTEE

Thursday, 2 October 2014

<u>Present:</u>	Councillor	M McLaughlin (Chair)	
	Councillors	P Doughty M Sullivan J Williamson T Anderson	W Clements S Williams P Gilchrist
<u>Deputies</u>	Councillors	D Roberts (in place of A Leech) R Gregson (in place of P Brightmore) H Smith (in place of W Smith) J Crabtree (in place of J Williams) R Abbey (in place of C Muspratt) L Fraser (in place of C Blakeley) B Berry (in place of M Hornby)	
<u>In Attendance</u>	Councillors	Paul Hayes (Lead Call-In Signatory) Tony Smith (Cabinet Member) Phil Davies (Witness)	

28 APOLOGIES FOR ABSENCE

The Chair welcomed everybody to the meeting and asked if there were any apologies for absence. The Committee Services Officer advised the Committee that apologies had been received from Councillors Leech, Brightmore, Muspratt, W. Smith, J. Williams, Blakeley and Hornby. Each had nominated a deputy, who would be shown in the attendance record.

29 MARK DELAP

The Chair referred to the recent and sudden death of Mark Delap, Principal Committee Officer, for this Committee and the Committee stood in silent tribute to Mark's memory.

30 CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare 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.

At the request of the Chair, and in response to a question from a Member, the Head of Legal and Member Services gave advice on the matter of signatories to the call-in notice sitting on the Committee. He commented that although being a signatory to a call-in notice did not preclude a Member from sitting on the Committee hearing the call-in they would need to be mindful of pre-determination and bias. Supporting a call-in did not amount to a member accepting the reasons had been made out and proven or that one Member had reached a settled view.

Councillors Clements, Berry, Gilchrist and Anderson declared their interest in the call-in of Cabinet minute 44 by virtue of them being signatories to the call-in notice.

Councillors S. Williams declared a personal interest by virtue of him being a Governor at Foxfield School and a signatory to the call in.

Councillor Crabtree declared a personal interest by virtue of his granddaughter who previously attended Stanley School and by virtue of his employment in an educational setting.

31 **CALL-IN OF A DELEGATED DECISION - CABINET MINUTE NO. 44 - OUTCOME OF THE LYNDALDE SCHOOL CONSULTATION**

In accordance with the procedure previously agreed by the Committee, the Chair referred to the decision of the Cabinet relating to Outcome of The Lyndale School Consultation (Cabinet Minute 44 (4/9/14) refers.)

The decision had been called-in by Councillors P. Hayes, J. Green, P. Gilchrist, L. Fraser, P. Williams, S. Williams, C. Blakeley, E. Boulton, G. Ellis, J. Hale, A. Hodson, K. Hodson, L. Rowlands, A. Sykes, B. Berry, C. Carubia, W. Clements, S. Kelly, D. Mitchell, G. Watt, D. Elderton, T. Anderson, M. Hornby, C. Povall, L. Rennie, T. Smith, P. Cleary and A. Brighthouse on the following grounds:

1. The Independent Consultant appointed to comment upon the options for Lyndale School was appointed unilaterally by the Local Authority, with no consultation with the Governors or Parent's of Lyndale School.
2. The Independent Consultant's report was not commissioned prior to the consultation and was published once the consultation had closed,

therefore not allowing any proper or adequate scrutiny of the aforementioned report.

3. Cabinet had prepared, prior to the meeting, a typed and printed recommendation which was moved by Cllr Tony Smith and agreed unanimously by attending members of the Cabinet. It would therefore seem that Cabinet's decision had insufficient regard to the presentations made at the Cabinet meeting, including the articulate and highly persuasive contributions from parent representative Zoe Anderson.
4. Education, Health and Care Plans are currently being drafted in respect of all pupils who attend the Lyndale School. In order for Cabinet, the Independent Consultant, or indeed the wider public, to have sufficient information to decide whether or not these pupils could continue their education at alternative schools the aforementioned plans should have been published prior to the opening of the consultation.
5. A series of questions raised by Governors and Parents of the Lyndale School to the Local Authority where not answered adequately or at all, so as to hinder the Governor's and parent's ability to fully respond to the consultation process.
6. The consultation meetings, although described as 'generous' by the Independent Consultant, where flawed, insofar as the Chair was an council officer and could not reasonably have been seen as independent given officers previous recommendations to Cabinet. Additionally no minutes of these meetings where published but rather 'high level notes' which were not conducive to the principle of a full and open consultation.
7. Owing to the above the Cabinet could not have made a properly informed decision as to whether the proposals met the SEN Improvement Test.

The Chair explained the call-in procedure and indicated that the Committee was invited to consider the decision that had been made and determine, in the light of evidence to be presented, the most appropriate course of action. The Committee had no power to overturn a Cabinet decision, or to substitute its own decision in place of the original. The options open to the Committee were

- to refer the decision back to the Cabinet Member, setting out in writing the nature of the Committee's concerns;
- to refer the matter to the Council – only where the Committee believed that the decision was outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures in those rules had to be followed prior to any such referral;

- to take no further action, in which case the decision would be upheld and take immediate effect and may then be implemented.

Prior to consideration of the item, the Chair asked all Members of the Committee to introduce themselves for the benefit of the public present.

A Member requested that questions and answers during proceedings be recorded for the purposes of the Minutes.

Explanation of the Call-In by the Lead Signatory, Councillor Paul Hayes

Councillor Hayes provided a brief explanation of the call-in and thanked the Committee for taking the time to consider further the Cabinet's decision of 4th September in regards to The Lyndale School.

He explained how incredibly emotive the issue of potential school closures was and highlighted the emotions which were further heightened upon consideration of this particular school.

Councillor Hayes indicated that The Lyndale School was not just any primary school; it was a school which provided a loving and caring environment for children who had the most profound and multiple learning difficulties (PMLD). So acute and extensive were the needs of the 21 children currently the school that Eric Craven, a former independent expert commissioned by Wirral Council, described them as being PMLD Plus.

Councillor Hayes commented that during the course of the evening the Committee would hear much about funding bands, PMLD, CLD (Complex Learning Difficulties) which was undoubtedly an extremely complex issue but asked the Committee to try and not become blinded by the science, and not fall into the trap of allowing confusion and contradicting opinions to lead them to the default position of "officer's know best". Councillor Hayes commented that it was to the Council's great detriment, that adopting this position did a deep disservice to residents.

Councillor Hayes urged the Committee to test the witnesses called and have some foresight and consideration to its irreversible impact. He asked that as a Council, should it really be seen as inflicting this arduous process upon families who determinedly struggle day to day with an unimaginable and ever present worry about their child's health whilst at the same time juggling those daily tribulations we all suffer but which pale into insignificance in comparison.

Councillor Hayes indicated that the parents of The Lyndale School did not want special treatment; they did not want to be cast above others. All they were asking for was that their children are safe and happy in a loving learning environment which suited their needs and which improved the quality of their

lives. He further commented that this basic right was afforded to them by The Lyndale School and parents and Governors would evidence that any other option was simply an inadequate imitation of the fantastic 'Lyndale' family they had painstakingly created.

Councillor Hayes concluded by commenting that he hoped that Members retreat from the entrenched position of any political group and instead re focus on a commitment he knew all members possessed - a commitment to the borough; a commitment to preserve all that is good about it and it was surely this commitment that would lead the Committee to urge Cabinet to think again.

Explanation of the Decision taken by the Cabinet

Councillor Chris Tony Smith (Cabinet Member for Children & Family Services)

Councillor T. Smith indicated that on the 4th September a decision was taken by Cabinet to publish notices to close The Lyndale School. This difficult decision was taken for a number of reasons.

He indicated that Cabinet had given careful consideration to the representations made on the 4th September and gave further consideration to the options contained in the Cabinet Report put before it. In considering its position and the subsequent decision Cabinet listened very carefully to the representations made by parents of the school.

The options considered arose over months of discussion and debate about future provision and how support for children with Profound and Multiple Learning Difficulties could be provided. During the course of the consultation new options emerged which were also fully considered.

Cllr Smith provided the Committee with a definition of PMLD which he had used within his professional life.

Cllr Smith stated that a lengthy public consultation was carried out by officers of the Council which included six public meetings. These meetings, at different times and venues, were intended to provide maximum opportunity for the public and all the school communities to make representations, comment and to raise concerns about the proposals put forward and the options contained within the consultation document.

This wide consultation allowed members of the public, professional bodies, parents, schools, governors and many others to respond to the Council with their views.

The process was open and transparent with officers of the Council questioned and challenged about the proposals. Officers of the Council met with people

who wanted to discuss the proposals in more detail and officers responded to many letters and other representations throughout this period.

He believed that every effort was made to consult as fully as possible. Some Members of Parliament also made their views known along with Members of the Council.

Many Members took opportunity to visit the five primary and secondary schools supporting children and young people with Complex Learning Difficulties including those children with Profound and Multiple Learning Difficulties.

He acknowledged the time and commitment of the parents of children attending The Lyndale School who were vigorously involved in the process and respected their determination to present such a strong advocacy for their children.

He indicated that in considering all the factors, he took into account that the Council had a responsibility to manage the efficient use of resources and finances. This would sometimes mean that difficult and unpopular decisions needed to be taken.

The Lyndale School was recognised as a good school for the pupils it supports. However, there had been concerns about the falling numbers of pupils on roll for a number of years, and this along with the changes in Future National Funding Arrangements had given cause for concern about the future viability of the school.

Councillor T. Smith gave a view that the Council must now grasp the nettle on the question of the future of this school which had been in doubt for too long. He stressed the need to end the uncertainty for the parents, any future parent, the staff and the wider community. He gave a further view that Wirral's high quality primary and secondary schools had the capacity to provide for the current children of The Lyndale School. A final decision on the future of The Lyndale School was yet to be made and formal statutory consultation required to be undertaken.

At this point the Committee were shown a short video in relation to The Lyndale School.

The Chair welcomed the witnesses who had been nominated to give evidence to the Committee and thanked them for their attendance. She advised that, having heard their submission, the procedure then allowed for Members of the Committee to ask relevant questions.

The Chair agreed that Ms Lynn Wright, Independent Consultant who had been called by the lead signatory of the call-in and Cabinet Member that she be called only once to provide evidence /information to the Committee.

Evidence from Call-In Witnesses

Ms Dawn Hughes, Ms Emma Ledbetter, Ms Zoe Anderson – Parent Governors

Q. The parents report had been circulated to all members of the Committee, which highlighted the needs of the 21 children at The Lyndale School, what are the major concerns of parents regarding their child's medical, care and educational and emotional needs?

A. The needs of the children had started to be addressed at the start of the consultation; however this was not completed prior to the consultation ending. No medical evidence or statements had been collated to date. The children attending The Lyndale School did have complex needs and were medically vulnerable, some needing ventilators, oxygen and were completely immobile. The children were categorised in Band 5 because of their recognised needs and vulnerabilities. The children can't tell a person if they are unhappy or unwell, without the level of expertise of the staff at The Lyndale School who knew the children, the children would not be able to attend school. There were no children with PMLD at Stanley School and only a small number attended Elleray Park, and although the staff were trained educationally they were not trained medically.

Q. SEN Test – what has been put in place ready for the children at Stanley and Elleray Park Schools?

A. Both Stanley and Elleray Park Schools need extensive building work to their existing sites to accommodate the children from The Lyndale School. Discussions had been held with the Director of Children's Services regarding the need for a sensory environment and we had been assured that this would be replicated and provisions made at both school sites. The children at The Lyndale School need both a sensory and quiet space and as some of the children utilised wheelchair bikes, neither school have the appropriate space and had totally different environments to The Lyndale School. Stanley School has no PMLD children currently attending and Elleray Park has a very small number of similar children. Unless the schools had a proper understanding of the children's needs and had staff with the necessary expertise, they simply would not be able to attend the school. Stanley School was good at providing education but not capable of providing the necessary medical support and needs that children required. To date no plans as to what provisions will be available at Stanley and Elleray Park Schools have been provided and shared. Parents do not see how the SEN test can therefore be met.

Q. SEN Test - The test details what needs to be identified/met. The description of the SEN Test is different in the documentation pack to the 2007 Test but the alternative provision must still be either the same or better than the current provision. What discussion took place with parents concerning the SEN Test and what has been put in place to meet the SEN Test requirements?

A. The assessment must meet the SEN Test, hence its inclusion. Nothing has been put in place at the Stanley and Ellera Park Schools to meet the SEN Test for The Lyndale School children. Both schools require extensions and an investment of £500,000 to £750,000. Parents were assured by the Director of Children's Services if the outside space, sensory environment, staffing levels could not be replicated, then the two schools would not meet the SEN Test. However, the expert report focuses on value and space only. At the Stanley School, 200 children play in a small space, there is a lot more noise, no proper quiet areas, no satisfactory space for wheelchair users, the outside space is inadequate and the school is predominately painted white whereas The Lyndale School has coloured walls and lights.

Q. We've heard from various sources that The Lyndale School was not an option for parents, and that numbers had fallen at the School, what happened? Eric Craven in his report stated that The Lyndale School could only take between 25-28 pupils, but only 21 are currently attending; however the school can cater for 40 pupils. Why do you think that is the case?

A. Evidence was given within the parent's feedback report indicating that parents had been refused a place at The Lyndale School. In relation to pupil numbers, The Lyndale School had never had 40 pupils, the limit was 28, and it had been 8 years or more since the school had had more than that. Parents who had attended the first call-in meeting had evidence that officers had dissuaded parents from opting for The Lyndale School and it was a testament to the school that despite its uncertain future, parents still sent their children to the school. In terms of investment, The Lyndale had only had £20,000 worth of capital investment whilst other special schools had received a lot more. The Lyndale School has had no real investment, had no proper support and not been given a fighting chance.

Q. A request was made to extend the school to encompass 2-19 year olds, is this still the case?

A. Yes, this would increase pupil numbers. The Lyndale School would be the only school to have done this.

Q. In relation to the falling numbers, what has been done by the Governing Body to tackle this? Have representations been made?

A. The issue of falling numbers had only been at the forefront in recent years as the school was always operating to full capacity, questions had been asked but had “hit a brick wall”. There had been an issue whereby pre-school health professionals had been directing parents away from The Lyndale School, but this had now been addressed.

Q. How long has the sensory garden been at The Lyndale School ?

A. Over 10 years. The garden has been added to over the years as children’s needs changed and new equipment introduced to the market. The garden had been established by the local community not by the Council.

Q. Anything else we need to know prior to the Committee making their decision?

A. No, not really. You have heard all we have had to say before. All the information is in the paperwork. We did have further representations to make but as we are only here to answer questions we are not allowed speak. We have lost faith in the democratic process and feel that officers had not been comprehensive enough in their processes; we are angry and frustrated that no one seems to listen to our views.

The Chair apologised to the Parent Governors and indicated that unfortunately this was the process used for dealing with Call-in items; witnesses were called to answer questions from the Committee not necessarily to simply make representations.

Q. What do you think the Cabinet and Cabinet Member had to gain by making this decision?

A. You would have to ask the Cabinet themselves, but our view is that the decision was made for purely financial reasons.

At the request of the Chair and in response to a question from a member, the Head of Legal and Member Services gave advice on the matter of written statements by witnesses. He commented that the procedure agreed by Committee did not allow for witnesses to submit written statements and then not attend the meeting given that they could not be questioned on their evidence.

Q. Anything else you wish to add?

A. In relation to the Education and Health Care Plans, the Cabinet were told that these were undertaken at the beginning of September 2014; however these have yet to be completed and at the meeting on 4 September it was resolved that a deadline of October 2014 be given for these plans to be completed. These plans have not yet reached the draft stage. Education and

Health Care Plans were only recently introduced and were designed to stay with the child until they reached 19 years, it will take time for staff to complete these given the complex needs of the children at The Lyndale School.

Q. Please clarify as to why you feel the Cabinet had not listened to you?

A. There is nothing in place in the other two schools. We have done everything we can, but have yet to be supplied with the details regarding the future plans. We feel Cabinet does not really understand our children. We have attended several working meetings with the Director of Children's Services throughout the summer and very little has been achieved. Instead officers have gone off in another direction. It was hoped that the Cabinet would have considered every bit of evidence we have provide but we feel Cabinet has ignored our evidence and will go on to close the school.

Q. At the public consultation meeting 16 June 2014 you asked if within the "special arrangements" the Department would take into account the needs of non-verbal children, the importance of the environment, friends, a sense of place and a safe environment which may prove difficult if mixed with CLD children, how do you feel this question was answered?

A. This question was asked of us prior to this event taking place. We understood that a picture of each child's needs was to be done for the purpose of the SEN Test and to inform the consultation. This information was subsequently used for the child's Education and Health Care Plans. You need to know the children's needs before you can conclude whether or not their needs were being met. Ms Wright never made any reference to this within her report.

It was commented that there is no reference to any evidence from medical experts within Lynn Wright's report.

In relation to the banding system, this was not based on the needs of the children at The Lyndale School, as no assessments of their needs had been completed.

Q. In relation to the meetings held by the independent consultant, what happened?

A. An expert was instructed for 18 days, we were told that she was coming into the school at short notice and would be holding one meeting only. None of the parent governors could make this meeting due to its short notice. No other meeting was arranged or offered. The first time we had met the independent consultant was at the Cabinet meeting.

In relation to the Independent Consultant's report which listed the documentation she had considered, this made reference to the parent's report

which was not the right report as we had submitted a report in June not March as stated in the report.

Q. Parents have concerns about the proposal to mix PMLD and CLD children. They say it's dangerous, why is that?

A. It would be dangerous given that CLD children are very mobile and lack an understanding of authority. Some of the parents at Stanley School had raised concerns about this proposal as they felt their children may be a danger to those more vulnerable children with PMLD. Some schools do have specialised units within their schools for children with PMLD but not together within the same building.

Q. Is there any evidence of incidents that have occurred due to the mix of CLD and PMLD children?

A. No. However, we have requested incident records from the schools but have not been provided with information about any incidents.

Q. The two schools, Ellera Park and Stanley, do they suit the needs of the children of The Lyndale School? And do you feel that the alternative schools will provide the care and level of safety provided now at The Lyndale School?

A. We don't know as we have not seen any plans. However, nothing is in place as yet.

Tom Harney – Chair of Governors

Q. Confirm how long you have been a Chair or on the Board of Governors at The Lyndale School?

A. I have been a Member of the Board for 20 years and been the Chair for 17 of those years.

Q. In relation to a question you asked at Council on 12 July 2010 (Minute 19 refers) do you remember it? What was your reaction to the response given 4 years ago?

A. Reaction came from the parents regarding having to move their children to a new environment. Parents were concerned by the stress that would be caused by such a move, they were worried given the conditions of their children. Parents expressed the view that The Lyndale School should remain open until there was clear evidence that an alternative school would be provided that was better. The Director of Children's Services at the time interpreted that to mean "close the school". It is important you put yourself in the position of the children so that you understand their needs.

Q. With no financial or political gain to the Council why do you feel the decisions have been made?

A. I cannot look into the minds of others but I want to see a full analysis of the decisions made by the Council. My view is that all the options regarding creating specialised units etc need to be reconsidered. The decision taken should have started with an appropriate planning process in the first instance, assessing the needs of the children with PMLD and Autism. There should be a plan of provision for vulnerable children available but this has not yet been done.

Q. Due to the falling numbers and decrease in finances, do you think that parent Governors at The Lyndale School need to now start making plans to safeguard their children at the school going forward?

A. The Lyndale started in Clatterbridge and when the decision was taken to specialise in PMLD the numbers at the school decreased as the site didn't have the space. Discussions were held to find an alternative site to the current Lyndale site. Parents have raised concerns regarding the lack of apparent space at both Elleray Park and Stanley Schools.

Q. Would you agree that although the decision taken was not for financial gain, there is a financial gain of £2.7 million to the Council?

A. There would be a financial capital gain in that the sum would be deducted from the Council's capital debt. There has always been a plan for two schools to provide the provision and this proposal is the final stage of that plan.

Nicola Kenny – Teaching Assistant

With the permission of the Chair Ms Kenny read out the following statement.

"I am going to say a few words tonight about the Lyndale School, what we do and the impact that this whole process has had on us as a family, ever since the Council announced back in December 2013 that they were 'minded' to close the school.

I have written down my thoughts and feelings as they are from my heart, and I feel that without them being written on paper, I may become too emotional and forget all the points I feel you need to hear. I am sure that a few of you will think you have heard parts of this before, and that will be because you have. I originally prepared this speech for the Cabinet meeting on 4th September, but on 3rd September, the school was told only one person could represent Lyndale, but Zoe Anderson kindly read out some parts of my speech. The care that is provided at the Lyndale School should never be simply measured in terms of money, as staff and parents all know that every child who attends the school is priceless.

The care and education requirements of these most vulnerable children should never be evaluated by people who have not personally worked with P.M.L.D. This is because they lack the insight and knowledge of how best to provide the care and education for children with such unique individual needs. I feel that the people who put these proposals forward may have had the best intentions, but do not understand and recognise that this small and intimate school is the perfect setting to cater for, and is tailored to all the needs of these children. For example, our teaching staff are experts at giving the children equal opportunities to access the National Curriculum, but by adapting it to a very multi-sensory approach.

Everything is bright, colourful and stimulating, if we can make it smell we will and if it can be tasted it will be done. From knowledge of working with children with CLD, this teaching style is not always suited to their requirements and they are less tolerant of the multisensory approach. We question how the two very differing needs can be taught in conjunction.

We have heard many times that our small school is not financially viable, but it is in this small environment that these children flourish as part of a small, safe, happy family. Where they can receive the 1-1 individual attention they need, and allowing for a strong bond of trust to be built up between staff and pupils, making a job at the Lyndale a vocation, backed up by the very small turnover of staff.

The future of the school has been under a cloud for many years, it has been admitted by officers that this uncertainty has contributed to what the Council cite as "a drop in pupil numbers over the years". We have also been told that parental preference has had an impact on our pupil numbers. We feel proud to say that parents are still choosing the Lyndale School for their children, despite all the issues surrounding our future, and we have recently had two new admissions, and another two children who are due to start.

It is a devastating reality that whilst at Lyndale, some children are at end of life care, and I can say with great sadness that 12 of our beautiful children have gained their Angel wings and lost their fight for life. This is also tragically reflected in our pupil numbers.

As a parent of a four year old boy who has just started reception years in a mainstream school, I had a range of worries, and for any parent placing their trust in school staff to care for their child as well as they do is hard. I am fully aware that my concerns were relatively small and insignificant compared to the anxieties that our parents at Lyndale must face, when leaving their precious children in our care, given some of their very complex medical requirements. The fact that these amazing parents give us their full trust to care for these fully dependant and vulnerable children, is a testament to the

excellent skills set, knowledge and large caring hearts displayed by my colleagues and all of the multi professional team involved.

The long and drawn out process has taken its toll on all concerned with the school, and I feel could have been handled better, with staff not knowing from one week to the next what their future may be. The Cabinet recommendation states:

“The Director of Children’s Services will investigate if staff could be employed at receiving schools”.

In the consultation paper which staff were all told was a legally binding document, it states staff are “eligible for redeployment”. This was a thoughtless mistake to make, with staff feeling they may have some stability, and be able to ensure that the transition even though unsettling, would have been made smooth, and ensured the childrens’ maximum safety.

This was a misleading statement for parents, staff and the public alike. We are all confused how a legal document can simply be altered later to suit the Council.

From December 2013 the Council maintained they were ‘minded’ to close the school, and have produced a document in order to show this is the best option. In the interest of fairness the Council paid £10,000 for the services of an independent advisor to provide evidence of this. I have worked with these children since I was 21 and I am now 35; that is 14 years’ experience. There are over 30 staff members who work with the children including nurses, physiotherapists, occupational therapists, who have similar amount if not more years of experience than myself. The parents are easily the most experience, knowledgeable and qualified experts on the needs of these children. Look behind me, these are the people you should be listening to, but yet the Council chose to spend a huge amount of money for the advice of someone who has not worked with P.M.L.D children.

This has been an incredibly challenging time for the school and all involved, and has coincided with the death of one of our precious children in July, meaning this has been the toughest period that the school has known. Despite the anguish that many staff are feeling, we are all 100% determined not to let this affect our performance levels. The children come first. At the last call-in meeting one of the children became poorly, his monitors alarmed and he required a medical intervention called ‘suction’. This is one of the procedures we had explained to the councillors not five minutes earlier, is a daily occurrence at the school, and that staff are equipped to deal with such situations. One of the councillors became visibly upset and distressed, this councillor felt they couldn’t continue with the meeting and went home. Whilst I have every sympathy with the councillor, our parents and staff have been suffering from anguish caused by the Council for 10 months.

From the beginning, it seems there is a policy of divide conquer with the three special schools seen as rivals. I very sincerely say that the staff of the Lyndale School have nothing but the utmost respect and admiration, for the children, staff and parents at Stanley School and Elleray Park School. But as a united family we at Lyndale feel our “unique and caring environment”, the Council’s words, best serves the interests of our children, and we are the best school to meet their needs.

I repeat again that it has been a long and emotionally draining 10 months for all connected with the school but we will fight the decision to close with all we have.

To conclude I would like to use a quote from the American actor, Morgan Freeman,

“Attacking people with disabilities is the lowest display of power I can think of”.

Q. Would you move with the children to a new school?

A. Yes probably, I’d want to look after their health and safety needs and to ensure they were safe. I think most staff at The Lyndale School would feel the same.

Q. Did you attend any of the consultation events?

A. Yes, I attended two at Acre Lane. I felt staff and parents were not listened to and the Chair of the meeting was not very considerate to staff.

Q. You indicated that you were unhappy with the Independent Consultant who was appointed to undertake the review, why do you feel she was not qualified?

A. I saw her only for a few minutes as I worked part time but from what I saw there was no interaction with the children but I could be mistaken.

Q. Do you not think she is qualified to undertake the review?

A. This should have been done by parents or staff who had experience of children with PMLD.

Q. What are Lynn Wright’s qualifications?

A. I don’t know you will have to ask Lynn Wright.

Q. Why do you think she is not qualified?

A. She is not as qualified as me having worked with these children for the past 15 years.

Ian Harrison - Governor

Q. What has been invested in the school over the years?

A. We've had £15,000 invested in The Lyndale School when I started. This had now reduced to £4,000.

Q. In the independent report, it stated that to extend both Elleray Park and Stanley schools would be more cost effective, what is your view?

A. Would be more cost effective to extend The Lyndale School. Elleray and Stanley Schools are not large enough.

Q. What has been done by the Authority to help you through your financial difficulties?

A. When I started the school's 2013/14 funding was for 40 places. The Local Authority had funded about 15 places as the funding formula did not give the school the funding needed.

Q. Would there be an overspend year on year if admissions reduced?

A. The financial problems were due to the funding band which was inadequate to meet the needs of the children. The school would be in deficit. The previous arrangement for funding meant that the school received £23,000 per child but under the new arrangements the maximum funding they would receive is £28,000 per child.

Q. Would you say it was reasonable to say that the school was facing closure due to financial reasons?

A. Not if you look at the needs of the pupils. Such needs require more funding than what had been decided by local authority. The top up for band 5 had not been given correctly.

Q. Over time the Council were funding 40 places but you only had 26 places, you don't have the top you need. Is the funding you now receive inadequate?

A. Yes, SEN test is wrong as the new schools couldn't possibly meet the needs of the children under the new funding arrangements.

Q. Was the formula change a decision of Central Government?

A. No, top ups are set by the Local Authority.

Q. The financial challenges you faced were these revenue not capital? And what steps have you taken with the financial challenges you face?

A. We've had no financial challenges due to funding by the local authority. We had no problems until the new arrangements were introduced.

Q. So the Council have been subsidising a non sustainable school?

A. No, the Council have funded what was needed for the school to meet the needs of the children. Top up funding is a lot lower now.

Q. In relation to band 5 set by this Authority and any school in your opinion taking on 21 children with PLMD will suffer?

A. Yes, the funding is inadequate.

Christopher Locke - Parent of a previous pupil at the school and fundraiser

Q. What is your relationship to Lyndale School?

Mr Locke described attending the school as a child, when it was based at the Clatterbridge site. He advised that he lived close to The Lyndale School and was fully aware of the school and its sensory garden. Over the years Mr Locke indicated that he had raised over £80,000 for Lyndale. He commented that he lived very close to the school and had a close relationship with the staff, parents, ex-pupils etc.

Mr Locke commented that Lyndale was "unique". The meaning of "unique" in the dictionary is "something that cannot be replicated, or improved upon and does not have an equal".

Consultation documents and the reports relating to The Lyndale School indicated that "many" of the children at the school have PMLD and then sometimes it was "some" of the children. Mr Locke stated that the correct figure is 90% of the children have PMLD. The terminology used has been misleading.

The meeting was adjourned at 8.25pm

The meeting reconvened at 8.35pm

Emma Howlett - Parent of a previous pupil at the school

Q. Did you attend any of the consultation meetings?

A. Yes, I came to the one at Wallasey Town Hall.

Q. How do you feel it went?

A. I felt like we were not listened to, and we were shrugged off.

Q. Did your child have PMLD?

A. Yes.

Q. Would send you child to the alternative schools (Elleray Park and Stanley)?

A. My child went to a mainstream school and to a PMLD school. Then schools were unable to meet his needs and he was then moved to The Lyndale School and spent 5 terms there.

Q. Were you at the September Cabinet meeting?

A. No.

Q. Were you surprised at the speed of the decision?

A. There was no full consultation and I was surprised by the speed of the decision.

Evidence from Cabinet Member's witnesses

Julia Hassall – Director of Children's Services; David Armstrong – Deputy Chief Executive and Andrew Roberts, Children and Young Peoples Department.

Q. Was the option to keep the school open ever considered?

A. Yes, it was one of eight options considered, as detailed with the Cabinet report. The report also gave details regarding the concerns in relation to the falling numbers and funding which were considered regarding the future of the school. I am trying to end uncertainty for parents, staff and pupils.

Q. Was the formula set by the Schools Forum?

A. It was set by the Council based on advice by the Schools Forum, following consultation with the schools. The Council does not usually go against the Schools Forum recommendations.

Q. What is the Schools Forum?

A. It consists of representatives from various education bodies and it was chaired by an independent person.

Q. Referring to the comments made regarding there being a financial gain to the Council of £2.7 million if the land was sold off, has this even been discussed?

A. No, we have not had this discussion. This had been raised at the last call-in meeting. There was a process to be followed regarding disposal of school land. If the school land was to become available, it would first need to be offered as a site to become a free school or an academy. If this was not required it would then have to be considered by Sport England as a site for sports and recreation. If they did not require it and the Council wanted to dispose of the land, the Secretary of State for Education needs to approve it.

In terms of the valuation, councillors asked for a list of assets to be given. It is a financial procedure, to put a figure next to anything the Council owns.

Q. What is the value of the land/building? I also asked this question at the "Call-in", as Head of Asset Management, why didn't you know?

A. The £2.7m is an accountant's value to take account of depreciation in assets. It is not a market value figure. There is no reason why I would know this figure as it was purely for accounting purposes.

Q. Other schools have closed with housing now built on them. You have said it is not a difficult process. Would the Council make money on the sale and development of the land given that the Council would receive £10,000 per new house built.

A. In relation to other site, for example Acre Lane, if the playing fields are not used as playing fields for more than 10 years, you do not need to get permission to sell. We did not have to for Poulton Road land and we don't have to for the new Foxfield site. We were going through processes now and it's not an easy process.

Q. What is the capacity of Stanley School? Is it at capacity?

A. Plans were shared at the School Forum to extend capacity. Papers for this were made available on the website today. Two site visits had been undertaken to see if there is capacity at Stanley or whether with increased capacity they could take children from Lyndale.

Q. Are you happy for children from Lyndale to go to Elleray Park/Stanley School?

A. No, not happy. We held detailed meetings and I am confident both schools, following development, could meet the children's needs.

Q. Why has the Local Authority spent £1.7 million on sending children to West Kirby Residential School? It has received more funding than any other school. If Elleray Park is fabulous, why don't those attending West Kirby go there?

A. There are very few primary schools like West Kirby. It is not a PMLD school. The children of Elleray Park have very complex needs. Children at West Kirkby have behavioural/emotional problems.

Q. So you're quite happy to lump children together with PMLD, CLD and Autism but children with behavioural needs are kept separate?

A. We currently have two Primary CLD schools. Both have capacity. The children of The Lyndale School could have their needs met at both schools. Children at West Kirby have a different set of needs. That is the reason why at this point in time, the school cannot meet their needs but can for those who attend Lyndale.

Q. In relation to funding, West Kirby Residential School received funding of £37,000 per child for 46 children which was double what The Lyndale School received. The Authority was not prepared to do this for The Lyndale School. Why not? Why not just give The Lyndale School the funding need? Why is it so low given you pay for West Kirby Residential School?

A. A banding system was introduced this April. The banding needed to address different needs of our special schools - not an easy task. After all Schools were consulted it was recognised that the new system may cause problems. There was a further plan to review the system in the next 12 months.

In respect of the West Kirby School, this is independent provision and the Council has to pay commercial rates.

Q. When banding agreed where the Schools Forum informed of the difficulties schools may face?

A. This was detailed within the report to the Schools Forum, a "double top up" was introduced also use of school contingency fund.

Q. Was there recognition of the needs of children over a band 5?

A. Yes, there was an introduction of a Band 5 plus.

Q. If the Band 5 could be expanded to a place a child outside the authority. Why not inside the authority?

A. Provision outside the borough is paid at market rates.

Q. Over the transition period, what have you got in place, for supporting the parents?

A. The Principal Educational Psychologist and key health professionals. Staff and parents will meet to assess each child at the Lyndale School. It was hoped this would be done quicker, but it is difficult due to the complexity. Cabinet confirmed October for completion of the Education Health Care Plans but we will do them as soon as possible. It is important the Plans are thorough to ensure all needs are met. It is essential we take the time to get the Plans right for each child.

Q. What about the capital?

A. It's a ring-fenced, in the capital plan.

Q. At the consultation meeting at the Williamson Art Gallery, if there are concerns raised regarding the bandings could it go back to the Schools Forum?

A. Yes

Q. Was there any professional advice given to the Schools Forum when setting the bandings?

A. Officers advised on the rules but no advice was given regarding the bandings. Two working groups had been set up by the Forum and had come up with the banding proposals.

Q. In relation to the January report, was there a reference to Lyndale?

A. Yes.

Q. Where is the "contingency"? Can this be used to allow The Lyndale School to continue?

A. This is normally used to fund unforeseen costs.

It was commented that the Authority funded empty places at The Lyndale School because of the situation there.

Q. What would we have done if the decision on The Lyndale School had not been taken?

A. The whole national system had changed but beyond 2015/16 it will be unknown as to what funding will be allocated.

Q. The consultation on changes to top-up funding has been going on for some time hasn't it?

A. Yes. Since 2005 it has been a constantly evolving issue.

Q. Looking at Appendix 2 of the report, do we have up to date figures?

A. Yes, these figures are updated each term.

Q. In relation Educational Health Care Plans, should these have been done prior to Cabinet considering the options?

A. We felt that we had done enough to do the SEN Test and had spoken to parents and Head teachers. Educational Health Care Plans are private to parents and the children and are designed to ensure they meet the needs of each child.

There extensive discussions regarding an additional option to be considered regarding Foxfield which was submitted late into the consultation. However, Foxfield School confirmed that this was not a viable option for it.

Q. Was there an under spend in the SEN budget last year?

A. Yes.

Q. How much?

A. £1.4 million under spend last year; £600,000 this year for special schools

Q. Why the big under spend?

A. This is a £230million budget, although the under spends are large sums of money, they are not that considerable given the size of the budget. These resources were not committed through the year.

Q Where is it? What's happened to it?

A. This is ring-fenced for the schools, the Council cannot touch it. Where there is an underspend in the school budget, the regulations state that it must be taken forward to the next year's budget.

Q. Where is the under spend?

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Q. If there was an under spend, why wasn't it spent on SEN or Lyndale?

A. There was no need to use the contingency or underspend, as they have had a balanced budget.

Q. Why close it?

A. Falling numbers on roll at the school. There are 21 children in the school currently. There is a need to ensure funding is spent wisely and the number of pupils at the school is falling. Our view is based on all options. PMDL children's needs at The Lyndale School can be met at Ellera Park and Stanley Schools more effectively.

Q. Whilst Educational and Health Care Plans were being written, what Paediatrician or Medical professionals were in attendance?

A. Health professionals could have an input if parents requested it.

Q. Did any parents request this?

A. I don't know, the Educational Psychologist advised me that health professionals had been involved.

Q. In the previous consultation document, it was stated that the staff at The Lyndale School would be redeployed, However, at Cabinet you advised that this was an error. How can you change that mistake?

A. There is no redeployment policy for school staff as they are employed by governing bodies. The responsibility of employment of staff falls under the remit of the relevant Governing Body. The Department will be assisting teachers and assistants to find alternative employment. In the original consultation document, we corrected the error with HR and staff. Officers indicated that they would be speaking to both Heads to look favourably to employ staff if needed. For example, Stanley Park needed maternity cover and contacted the Acting Head of The Lyndale School to see if this would provide an opportunity for a member of staff at The Lyndale School.

Q. Do you have any knowledge that The Lyndale School took action regarding their financial position?

A. Governors had taken action and reduced staff costs.

Q. Does the DfE guidance on banding take into account the child's needs?

A. Yes.

Q. Why not give more funding to The Lyndale School? DfE says that you can.

A. Schools Forum could look at this. They would have to consider whether other schools can accommodate those children.

Q. What factors would be considered?

A. Factors such as falling numbers, what are the best options for the child.

Councillor Phil Davies – Leader of the Council

Q. How did you come to make the decision at Cabinet?

A. Speaking on behalf of the Cabinet, everyone had an open mind during the consultation. All Members had read the papers prior to the meeting. On the day of the meeting, we had a lunchtime meeting with the Cabinet Member (Cllr Tony Smith) a Lyndale Parent Governor and a parent thereby giving them a further opportunity to highlight any further points/information they wanted to.

The Cabinet Member had drafted a draft resolution which was tabled on the evening of the Cabinet meeting. Cabinet Members had not reached a settled view prior to the meeting. They were aware that further information received at the meeting could result in the draft resolution being amended or replaced entirely. In fact that was actually happened, after consideration of the representations, evidence etc, I proposed a change to the proposed resolution which related to the completion of the Care Plans. Neither I nor other Cabinet Members attended Cabinet with a predetermined view. The Cabinet listened to all views at the meeting before reaching its decision.

Q. Why did the draft resolution not also include the possibility of keeping the The Lyndale School open?

A. It was a draft resolution. Cabinet Members and I were all free to change, disagree or approve the resolution that had been moved.

Q. Why not adjourn the meeting to discuss and draft a resolution and then come back to give your decision? The only amendment you made to your draft was in relation to the completion of the Education Health Care Plans. Do you think completion of these plans are essential to ensure the needs of the children of the children are met?

A. We felt that the Education Health Care Plans were not needed to make the decision. The Cabinet had sufficient evidence to make an informed decision.

Q. Do think that as you have given officers until October to complete the plans, the decision to close the school should wait until after October?

A. No, felt we could proceed to the next stage of the process that proposed closure of the school given the evidence considered.

Q. Was it pre-determined?

A. Cabinet members did not decide until after they considered the outcome of the consultation, heard all the presentations at the Cabinet and considered the evidence. There was no predetermination on my part or other Cabinet members.

Q. You've heard that parents were unhappy about the consultation. They felt they were not been listened to. Given that, why was an officer chairing the public meeting and not a Cabinet member or councillor or at least a Head of the Department?

A. I do not know, I cannot answer that. I know with absolute confidence that officers had taken an open view and showed no bias and behaved correctly at those meetings.

I am sorry parents felt they weren't listened to. I have been to The Lyndale School, met parents and read their submissions. The fact is I don't agree with their views - but I have listened to them. Sadly, the school has a falling roll and other schools have excellent facilities.

Q. Obviously you must have felt Education Health Care Plans were crucial as you wanted them completed by October. What qualifications do you have to make the judgement they were not needed as part of the decision making?

A. I don't have any qualifications but I felt we had enough information on which to base our decision.

Q. When are the Education Health Care Plans going to be done if not by the end of October?

A. I can't answer that.

Q. What advice had you been given to set 31 October as the deadline for the Education, Health Care Plans to be completed?

A. I was advised by the Director of Children's Services that these plans should be completed sooner rather than later. The date of 31 October was ambitious but she felt it could be done.

Witness Lynn Wright – Independent Consultant

Ms Wright introduced herself to the Committee and commented that she had 30 years experience in education and working with children at senior level in relation to financial management, project management and Special Educational Needs reorganisation.

Q. Looking at your C.V. are you qualified to judge children with SEN, or the school's situation?

A. This was a far more detailed review and report. I could not have done it if I was a PMLD teacher as the review requires an understanding of strategy too.

Q. How do you define a child with PMLD?

A. The definition I used is detailed on Page 39 in the report pack. I used this reference for the Lyndale children.

Q. Why did you not make more appointments with parents or spend more than 2 hours with them?

A. These meetings were arranged with the Acting Head. Three meetings were arranged and letters were sent out inviting parents to a meeting to be held on a Wednesday. On that day four or five parents were there, but Parent Governors could not attend. I also read the document submitted by parents in March 2014 and the responses from June. I took into consideration all the letters from officers and Governors.

Q. Did you take into account the findings from the Educational Psychologist?

A. Yes, I relied on her as my expert.

Q. In relation to the SEN Improvement Test, do you agree that provision has to be existing to enable it to be assessed? The provision in Stanley and Elleray Park Schools can only be based on a theoretical basis?

A. I have met with all schools and in my opinion both schools can provide just as well, if not better than The Lyndale School.

Q. Have you seen the building plans and staff models for both schools?

A. Yes, I have seen the plans. However, it is up to the Head and Governors to determine staffing.

Q. How much were you paid to write the report and will you be paid for coming here tonight?

A. I am not prepared to answer that question.

Q. What's your experience with PMLD that enables you to say that the children will benefit from the move to the two schools?

A. I have worked with children with PMLD for five years, my experience tells me that the children will benefit from being with other children who have different needs.

Summary of the Lead Signatory -Councillor Paul Hayes

Councillor Hayes thanked the Committee for its consideration of his call-in. He commented that meeting had provided a contrast in the argument from the parents to that of the Cabinet's views.

Councillor Hayes referred to the Cabinet who had asked for trust in their decision, but felt that parents shouldn't be asked to take a gamble on their child's educational future.

He commented that with a review of the funding banded yet to undertaken, Education Health Care Plans yet to be done and building plans being produced after the decision being made, parents shouldn't have to put up with this uncertainty,

Councillor Hayes urged the Committee to consider the video shown at the meeting earlier and the fact that there was no evidence to say the SEN Test was met.

He urged the Committee to show Cabinet that we care and send it back to Cabinet to think again.

Summary of the Cabinet Member Councillor Tony Smith (Cabinet Member for Children and Family Services)

Councillor Smith in response to comments made earlier regarding the chair at the consultation meeting indicated the decision as to who would chair these meetings was taken by officers and me. He explained that he wanted to listen to all that was said at that meeting. The officer in attendance who chaired the meeting was new to authority, therefore had no prior dealings with previous discussions in relation to The Lyndale School.

Councillor Smith indicated that extensive consultation had been undertaken and he had considered all the written representations received, he had met the leader of the Council and had met with parents, staff and Governors and considered all the papers carefully.

Councillor Smith indicated that this was not a political or financial decision, but The Lyndale School was not sustainable. The Council had undertaken an independent consultation and considered all options, including further options.

In the long term, this is the best thing for the people of Lyndale and we do have an outstanding provision at primary level.

Committee Debate

In opening the matter for debate the Chair set out the options available to the Committee upon making their decision as detailed within the Call-in Procedure.

It was moved as an amendment by Councillor Gilchrist and seconded by Councillor T.Anderson –

“That this Committee has heard evidence of dissatisfaction with the consultation process; it has also heard that Parent Governors were given no real opportunity to have meaningful discussion with the independent consultant, although some parents were able to attend the meeting.

This Committee believes there should be ongoing discussion with the Schools Forum to review the banding, especially the high needs band.

We believe money has been found in the past to stabilise finances of The Lyndale School.

We recognise that an underspend has been reported and we recommend to the Schools Forum that this be released to support The Lyndale School.

We appreciate the commitment of officers to supporting children but note that work on the Education, Health & Care Plans is still in process. A full picture of the needs of children has yet to be put together.

We recommend that Cabinet be requested to suspend the proposal to publish Notices until outcomes and further discussion with the Schools Forum has been reported to Cabinet and considered by Council”.

It was moved as an amendment by Councillor S. Williams and seconded by Councillor Fraser –

“That Committee, having listened to evidence cannot agree with the Cabinet’s decision to proceed with steps to close the school.

Committee believes that due to the excellent job that The Lyndale School does in caring for and educating their pupils with PMLD, the school should remain open.

We recommend Cabinet reconsiders its decision and asks Officers to work with Wirral Schools Forum to ensure reform of the current banding system to truly reflect the needs of each child”.

It was moved by Councillor Doughty, seconded by Councillor Sullivan:

“That the Cabinet minute 44 – 4 September 2014 (Outcome of The Lyndale School Consultation) be upheld”.

The first amendment was put and lost (3:12)

The second amendment was put and lost (6:9)

The Substantive Motion was put and carried (9:6)

RESOLVED: (9:6)

That the Cabinet minute 44 – 4 September 2014 (Outcome of The Lyndale School Consultation) be upheld.

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Amendments to Notices of Motion

The Council is requested to consider the following amendments, submitted in accordance with Standing Order 12(1) and (9)

(1) Notice of Motion No.6 – DEVOLUTION TO CITY REGIONS AND LOCAL GOVERNMENT

Amendment

Proposed by Councillor Geoffrey Watt

Seconded by Councillor Adam Sykes

To the existing first paragraph add: 'Council notes the Prime Minister's determination to meet the commitments made by the leaders of the three main parties at Westminster through the 'Better Together' campaign'.

To the existing second paragraph add: 'on the basis of fairness'.

From the existing third paragraph delete: 'the Liverpool City Region' and replace with 'neighbouring authorities'.

From the existing fourth paragraph delete: 'City Regions and'.

Delete the entire fifth paragraph and replace with: 'Council welcomes the enthusiasm expressed by the Rt. Hon. George Osborne MP, Conservative Chancellor of the Exchequer, for a Northern Powerhouse and looks forward to Wirral playing a full part in such an initiative'.

From the sixth paragraph delete: 'the Liverpool City Region Combined Authority' and replace with 'neighbouring authorities'.

(2) Notice of Motion No.6 – DEVOLUTION TO CITY REGIONS AND LOCAL GOVERNMENT

Amendment

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

Add:

Council recognises that both the LGA (in its document 'Investing in our Nation's future') and the 'Core Cities' group look forward to devolution of funding associated with the work programme, with the commissioning of investment in apprenticeships, training and other funds being brought together in 'Place based settlements'.

Council notes that these steps would remove the responsibility of running this funding from the Civil Service and take control of that funding from central Government.

In achieving democratic control over and accountability for these potential funding streams:

- a. the open nature of the Combined Authority and its decision making must be assured;
- b. the ability of councillors and constituents to develop policy and properly influence the direction of spending should be enshrined;
- c. any funding, duties and responsibilities should be democratically accountable and not fall into the hands of an elected Mayor.