



Council Supplemental Agenda

Town Hall
Wallasey

10 December 2010

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.15 pm on Monday, 13 December 2010** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects : -

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AGENDA

5. **MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 1 - 124)**

To consider matters referred to the Council for determination. The relevant minutes are attached; copies of the related reports can be provided for Council members on request.

(i) Minute 199 (Cabinet – 4/11/2010) Medium Term Financial Strategy (see Original Summons)

(ii) Minute 200 (Cabinet – 4/11/2010) Capital Strategy (see Original Summons)

(iii) Cabinet 9 December 2010 - Wirral's Future: Be Part Of It: Task Force Options and Recommendations (draft minute referral attached (pages 1-3) - report attached to the

Original Summons)

(iv) Cabinet 9 December 2010 – Proposed Constitutional Changes: Petitions

(draft referral minute (page 21) and revised Annex B (pages 23-25) attached - report attached to the Original Summons)

(v) Cabinet 9 December 2010 - Calculation of Council Tax Base

(draft referral minute (page 4) attached - report attached to the Original Summons)

(vi) Cabinet 9 December 2010 - Provision for Inflation 2011-12

(draft referral minute (page 21) attached - report attached to the Original Summons)

(vii) Any other matters referred to the Council by Cabinet at its meeting commencing on 9 December 2010

- Capital Programme and Financing 2011-15 (draft report (pages 27-42) and referral minute (page 4) attached)
- Budget Projections 2011-15 (draft report (pages 43-49) referral minute (page 4) attached)

(viii) Cabinet 14 October 2010 Wirral Strategic Housing Market Assessment Update and Affordable Housing Viability Assessment – Key Findings and Policy Implications for Wirral (report (pages 57-61) and referral minute (page 63) attached).

(ix) Licensing Act 2003 Committee – 8 November 2010 - Draft Statement of Licensing Policy (report (pages 65-123) and minute (page 63) attached).

6. MATTERS FOR NOTING (Pages 125 - 146)

(a) The following matters, determined by the Cabinet, are drawn to the Council's attention in accordance with the Constitution (copies of the related reports can be provided for Council members on request).

(i) Minute 224 (25/11/2010) Birkenhead High School for Girls Academy – capital Works, Contract Award and Final Business Case Submission (waiving of call-in).

(ii) Minute 234 (25/11/2010) Change in VAT Rate January 2011 (waiving of call-in).

(iii) Cabinet (9/12/10) Bidston Moss Viaduct Update and Docks Link Roads Resurfacing – acceptance of a single tender reported to Council pursuant to Contract Procedure Rule 5.2. (report (pages 127-133) enclosed and draft minute (page 126).

(iv) Cabinet (9/12/10) Contracts for Personal Support (waiving of call-in) (report (pages 135-146 enclosed) and draft minute (page 125).

(b) Petition : To Help Improve Birkenhead Council Kennels (see Original Summons)

9. MATTERS FOR DEBATE (Pages 147 - 158)

Pursuant to Standing Order 5(1)(m), and in accordance with Standing Order 5(3), to consider written comments, objections or amendments to minutes submitted under Standing Order 7(2), together with those motions, submitted under item 9 above, that the Council agrees to debate at this meeting and any minority reports submitted in accordance with Standing Order 35(4).

10. VACANCIES (Pages 159 - 160)

To receive nominations, in accordance with Standing Order 25(5), in respect of any proposed changes in the membership of the Cabinet and committees, and to approve nominations for appointments to outside organisations including:

(a) Outside Body Appointment

New Inshore Fisheries and Conservation Authorities (IFCA's) will be established on 1 April, 2011 to replace the current Sea Fisheries Committees.

The Council is requested to appoint a representative to serve on the Shadow IFCA until 31 March 2011. The Council's current representatives on the SFC are Councillor D Knowles (Vice-Chair) and Councillor H Smith.

(b) the item relating to West Kirby Charity appointments has been deferred at the request of the Trustees.



Director of Law, HR and Asset Management

CABINET REFERRALS – 9 DECEMBER 2010

242 WIRRAL'S FUTURE BE PART OF IT: TASK FORCE OPTIONS AND RECOMMENDATIONS

The Interim Chief Executive presented a report, supplemented by a presentation, outlining progress in relation to the implementation of the Council's consultation programme 'Wirral's Future: Be a part of it' initiated by Cabinet on 24th June 2010. The report also presented a series of options and recommendations reports from the four Task Forces established as part of the consultation programme to review service priorities and delivery around four distinct themes that correspond with the Council's corporate objectives:

Economy and Regeneration;
Living in Wirral;
Adult Social Services, and;
Children and Young People's Services.

These options and recommendations were presented to Cabinet by the Task Forces within the context of the budgetary challenges faced by the Council.

The Leader made the following statement which was endorsed unanimously by all members of the Cabinet:-

"The Progressive Partnership formed between the Conservative and Liberal Democrat Councilors in May 2010 resolved that by working together we would provide the stability the Council requires to take Wirral through difficult times to better days ahead. We recognised that the national debt crisis would have a significant impact on local government finances and that balancing the Council's budget, whilst protecting key frontline services must be a key priority.

This Administration made it clear that we would be inclusive in our decision making; committed to meaningful, open and transparent public consultation and to ensuring that no part of Wirral is ignored. We made clear our commitment to openness, fairness and responsibility and the decisions we are making tonight have been guided by these values.

Therefore, Cabinet would like to place on record our thanks to the Wirral Council Project team for designing and delivering the 'Wirral's future – be a part of it' consultation exercise - the largest ever undertaken in the Borough. We would also like to thank the Chairs and members of the four Task Forces for putting their knowledge, time and experience to work in the interest of the people of Wirral and for delivering such progressive, clear and imaginative recommendations.

We would also like to thank the people of Wirral for their constructive responses to the crucial questions and choices that were put before them.

Cabinet further welcomes the 'Wirral's future – be a part of it' consultation exercise and the outstanding level of public participation, as we believe the adoption of the

Task Force recommendations will allow the Council, for the first time, to align its policies for Children and Young People, Adult Social Services, Living in Wirral and the Wirral Economy, to Wirral resident's priorities and therefore make better subsequent decisions on how it chooses to spend or to save the public's money."

On a motion by the Leader seconded by Councillor Holbrook it was:

RESOLVED – That:

- 1. All Task Force recommendations be considered at item 9 (budget projections) of this agenda.**
- 2. The Interim Chief Executive be instructed to report to an early meeting of the Cabinet on the alignment of Wirral's future Policy and Budgetary Framework to the public's priorities (as expressed in the 'Wirral's future – be a part of it' consultation exercise') including the resources required to ensure that from now on, resident insight and consultation are embedded into the Council's budget and policy decision making**
- 3. Cabinet agrees with all of the Task Forces that if frontline services are to be sustainable for the future the way they are managed and delivered will have to change. Also that there is an opportunity to procure a range of services more cost-effectively from the Voluntary, Community, Faith Sector. This will be subject to a robust performance management framework that will ensure the quality of outcomes for service users are maintained or improved. The Council will provide support and help to enable the sector to develop and grow and will put in place arrangements to provide a seamless transition for service users and a fairer charging policy to protect the vulnerable.**
- 4. The Interim Chief Executive be instructed to ensure all necessary steps are taken to enable contracts with Voluntary, Community and Faith groups and organisations, which are due to end in March 2011 are extended by three months to facilitate service continuity during a period of contract review**
- 5. Cabinet is aware that Voluntary, Community and Faith Sector Organisations already play a crucial role in enriching the lives of Wirral residents and therefore commits our Administration to supporting their continued development, ensuring that Wirral becomes a shining example of how a Council can work in close partnership with the sector in the future for the benefit of local people. Cabinet recognises that this commitment requires a new way of working and thinking and that it will be at the heart of all we do in the future**
- 6. To facilitate this cultural shift, Cabinet gives the Interim Chief Executive delegated authority in consultation with the Leader and Deputy Leader of the Council to establish a dedicated unit, initially from within existing resources, to support and encourage the development of the 'Big Society'. This unit will initially focus on increasing the involvement of**

voluntary, community, faith sectors in Council service delivery, the transferring of more power to local Councillors and neighbourhoods, ensuring greater transparency in the Council's activities, encouraging greater collective action to care for the vulnerable and supporting the creation of cooperatives, mutuals, and social enterprises.

7. Overall responsibility for leading and coordinating the Council's contribution to the Big Society; in liaison with the relevant Portfolio holders, be added to the Council Leader's Portfolio and Cabinet requests the Director of Law, HR and Asset Management to publish the relevant adjustments to Cabinet Portfolio responsibilities.
8. Cabinet also welcomes the urgency expressed in the consultation exercise for the Council to reduce its carbon footprint and requests the Interim Chief Executive to bring forward recommendations at the earliest opportunity on how the public's priorities for greater pace in this area of Council policy can be achieved.
9. Cabinet welcomes the views of the Task Forces and public regarding the potential to raise income through charging for Council services where appropriate. Cabinet also recognises that it is crucial that a fair charging policy is developed to ensure vulnerable people are protected. Cabinet also wishes to ensure that additional income raised is reinvested in front line services and that any costs of administering a new fair charging policy are minimised. We therefore instruct Officers to:
 - Ensure that the recommendations from the Task Forces's regarding potential areas for fees and charges are incorporated into the Strategic Change Programmes review of Fees and Charges as a matter of urgency and a report is brought back to Cabinet in January.
 - That as a matter of urgency the Director of Finance carries out the necessary work to establish a corporate policy on affordable charging to ensure that the most vulnerable people and those most dependant on Council supported services in our community are protected.
 - That the Director of Finance reports to Cabinet on the establishment of one unified back office system for the processing of fees and charges.
10. The Council be asked to note the options and recommendations presented by the Task Forces at Appendices A, B, C and D in respect of the Council's future plans, request a review of the consultation process, and instruct Officers to ensure that it is embedded within the Council's business planning processes for all future years including the development of a new Corporate Plan.

245 CAPITAL PROGRAMME AND FINANCING 2011-15

A report by the Director of Finance detailed a draft Capital Programme for 2011/15 for consideration and referral to Council for approval. It also included the related capital financing requirements based upon the prudential indicators that inform the Treasury Management Strategy.

RESOLVED:

- (1) That the new submissions as detailed in section 7.2 be approved.**
- (2) That, if the changes are approved, the capital financing requirements be reflected in the projected budget.**
- (3) That the Prudential Indicators be noted and reported as part of the Treasury Management Strategy in February 2011.**
- (4) That update reports on the progress of the programme be presented in accordance with the Performance and Financial Monitoring reporting cycle.**

246 CALCULATION OF COUNCIL TAX BASE

A report by the Director of Finance detailed the method used to calculate the Tax Base for Council Tax and recommended a figure for tax setting purposes. Members were requested to approve the tax-base for Council Tax purposes in 2011/12.

RESOLVED:

That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the figure calculated as the Council Tax Base for the year 2011/2012 be 104,879.

248 BUDGET PROJECTIONS 2011-15

A report by the Director of Finance updated the projected budgets for the years from 2011 to 2015 taking into account the Spending Review 2011-15 presented on 20 October 2010.

On a motion by the Leader seconded by Councillor Holbrook it was:-

RESOLVED:

The Director of Finance has now reported that with the savings requirement placed on the Council, including the ending of £10.3million of Working Neighbourhood Fund Grant by the previous Labour Government, the Council must save £117million between 2011/12 and 2014/15

Cabinet anticipates that the measures the current coalition Government will need to take to tackle the doubling of the national debt, the spending £120 million every single day just to pay off the interest on Labour's debt and the biggest deficit in the G20 will increase the amount of savings required.

Cabinet believes we have a responsibility to the most vulnerable in our communities to ensure that high quality front line services are sustainable for the long term whilst doing all we can to minimise the burden of Council Tax on hard pressed residents.

Cabinet also believes that Wirral Council has a leading role in Wirral's economy and a responsibility to help to rebalance the economy to attract new investment to the Borough, creating skilled and green jobs that will reduce worklessness and grow our economy.

Cabinet therefore commends to Council the strategy our administration has adopted of:

1. **Informing, listening and engaging with Wirral residents**, employers, Council staff and the voluntary, community and faith organisations through the 'Wirral's future – be a part of it' consultation exercise which has delivered such progressive, clear and imaginative recommendations that will allow the Council, for the first time, to align its policies for Children and Young People, Adult Social Services, Living in Wirral and the Wirral Economy, to Wirral resident's priorities.
2. Repairing and reinvigorating the Council's Strategic Change Programme which seeks to fundamentally change the way the Council does business.
3. Offering Council staff the opportunity to leave Council service or reduce their hours if they so wish.
4. Our commitment to making every pound of the public's money matter by focusing, with the Interim Chief Executive, The Head of the Council's Strategic Change Programme and Director of Finance, on all areas of Council spending to identify where resources, including reserves, red tape, excessive back office costs and bureaucracy, can be released to keep Council tax minimised whilst investing in the services that matter the most to local people.

Cabinet thanks the Officers and staff of the Council, the independent Task Forces, Wirral residents and employers for the contributions they have made to the delivery of this strategy.

Cabinet notes that the formation of the Conservative and Liberal Democrat 'progressive partnership,' in May of this year, had at its heart a commitment to

openness, fairness and responsibility and that Cabinet is confident that the decisions we are making tonight have been guided by these values.

Cabinet therefore recommends to Council the following changes to this and future years Council spending plans, noting that this amounts to savings of £48 million.

EVR/VS	£24.3 million
Additional savings (to those identified above) arising directly from the consultation exercise	£0.691 million
Strategic Change Programme	£10.725 million
Every Pound Matters* * Cabinet instructs officers to continue the examination of reserves and departmental budgets for further savings opportunities.	1.6 million removal of CT discount 1.23 from reserves 1.4 pension fund review 4.2 zero inflation provision 3.9 none reinstatement of in year ABG savings Total £12.3 million

Cabinet reaffirms its determination to driving down costs even further. We therefore instruct Officers to ensure the following Strategic Change Programme savings that relate to the running of the Council in 2011-2012 are delivered.

- Procurement £2 million
- ICT Strategic Review £0.5 million
- Asset transfers and disposals £0.48 million
- Office Accommodation £0.37 million
- Energy efficiency £0.08 million
- Printing Review £0.08 million
- Electronic Payments Development £0.20 million

We expect these measures to deliver further savings in future years.

Cabinet instructs the Director of Law, HR and Asset Management to identify and deliver efficiencies relating to office rationalisation, asset management and reduce duplication and introduce consistency in the delivery of facilities management functions through the Strategic Change Programme.

Cabinet requests the Lead Officer for the Council's Strategic Change Programme (SCP) to bring an early report on the progress of SCP to the Cabinet. The Lead Officer for the Council's SCP together with the Leader and Deputy Leader of the Council report progress on the SCP to the Council Excellence Overview and Scrutiny Committee. Cabinet further requests that a seminar is arranged for the Lead Officer for the Council's SCP together with the Leader and Deputy Leader of the Council to brief all members of the Council on the content and progress of the SCP.

Cabinet is committed to delivering savings through better management of our assets and buildings. Where there is clear mutual benefit for the community and Council this will include transferring assets to voluntary, community and faith organisations, where they request it, and a further reduction in the office space the Council requires in order to redirect further cash to front line services.

Consideration and response to ‘Wirral’s future – be a part of it’ consultation Task Force Recommendations:

Response to Adult Social Services Task Force

This Administration will ensure that the Council continues to provide for vulnerable people who have been assessed as having substantial and critical needs. We welcome the involvement and assistance of the Care Quality Commission, Department of Health and Local Government Association in tackling the weaknesses in this department and also welcome the improvements taking place in the quality of service delivery.

We will place an emphasis on preventative services to help people live in their homes or in homes of their choice and ensure that benefits to vulnerable people are maximised and that the quality of service is improved and monitored. We will continue to work closely with service users and carers as we provide and modernise day time activities while monitoring them to ensure that they are suitable and cost effective and seek to extend choice through greater use of Personalised Budgets.

The interim Director of Adult Social Services is instructed to implement the following service changes recommended by the Task Forces:

1. Cabinet has carefully considered the progress made with improvements in care services since they were last reviewed on November 2009. Cabinet recognises that Wirral currently has empty capacity in independent sector residential homes and that unit costs to the council are higher than our neighbours. Cabinet recognises that there is an opportunity to reduce unit costs and develop the range of care supplied by a wide range of providers

- a) The respite care and interim care currently provided at Maplehome, Pensall, Poulton, Meadowcroft and Fernleigh be reprovided by suitable voluntary, community, faith-based or organisations the independent sector under the terms of the existing Contract for Residential and Nursing Home Care together with appropriate care for the small number of long term residents in these homes and Manor Road. The Interim Director of Adult Social Services is also instructed to carry out further consultation with service users and their families, and with the small number of long term residents in these homes about the details of that re-provision.

Budget saving: £2,765,750 (included in SCP and EVR/VS savings)

- b) Cabinet agrees with the Task Force that the amount the Council pays to independent care home services should be in line with that paid by neighbouring authorities and welcomes tonight’s report on this subject.

Budget saving: £5,368,000 (included in SCP savings)

2. The Interim Director of Adult Social Services is instructed to reprovide personal support under the existing Supported Living contract for people currently supported by the Council in private supported living tenancies.

Budget saving: £1,610,650 (included in SCP and EVR/VS savings)

3. The Interim Director of Adult Social Services is instructed to re provide the enablement part of the HART service from the independent sector under the terms of the existing Contract for Domiciliary Care and amend specification to ensure quality of care is maintained and, where possible, enhanced.

Budget saving: £762,314 (included in EVR/VS savings)

4. The interim Director of DASS be instructed to consult with people who use services and their carers and, having regard to the outcomes of the consultation, implement a staged increase in the Fairer Charging Policy, applied to people who are supported to live in their own homes, from 75% to 100% of disposable income over the next three years, to be in line with other local authorities.

Income generation: £200,000

5. The Task Force recommended that the charge for meals on wheels be set at the actual cost of providing the meal. Cabinet recognises the value of this service to vulnerable people and does not wish to take this recommendation forward at this time.
6. The Task Force recommended that a nominal charge be applied to new users who do not have critical or substantial need and who opt to receive telecare technology to help them stay independent. The interim Director of DASS is requested to carry out the necessary consultations to apply a charge of £4 per week.

Response to Children and Young People's Task Force

This Administration places the highest importance upon protecting Wirral's children and young people from harm, and ensuring that vulnerable children and families are supported. We welcome the Task Force recommendations that support must continue to be provided at an early stage in order to reduce costly demand for services in the future at the same time as improving outcomes for children. This work will include encouraging more residents to become involved in fostering and adopting.

We also note that the key Task Force recommendations relating to the provision and cost of support and services to schools are in keeping with the Coalition Government's recently published White Paper. Cabinet agrees that School improvement should be more focused on school-to-school support with the Council fulfilling a co-coordinating and commissioning role.

Support provided to schools should be based on each school's individual needs through the continuation and development of traded services, based on need, so we only provide what schools want, at cost, and at a price they are prepared to pay.

Cabinet instructs the interim Director of Children's Services to:

1. Ensure that the Council continues to provide support and sell services to schools cost effectively and efficiently in order to make best use of schools delegated budgets and reduce central expenditure.

This Administration places the highest priority of all upon protecting and supporting our most vulnerable children. We therefore instruct the interim Director of Children's Services to:

2. Implement the redesign of support for the education of looked after children to ensure greater focus on their needs within their school settings, ensuring that the Virtual Headteacher continues to champion the needs of this important group of young people.

Budget saving: £97,000 (included in EVR/VS savings)

3. Implement the review of additional support provided for children with Special Educational Needs, including whether there could be more opportunities for other organisations to provide these services.

Budget saving: £250,000 (£226,000 included in EVR/VS savings)

4. Cabinet welcomes the completion of the new build children's centre programme across Wirral and therefore believes that the interim mobile crèche facility is no longer required.

Budget saving: £71,000 (included in EVR/VS savings)

5. As the Extended Schools programme is so embedded across the Wirral, Cabinet agrees that any funding requirement for the administration and support for the programme be transferred to schools.

Budget saving: £125,000 (£38,000 included in EVR/VS savings)

6. As all Wirral schools have now achieved Healthy Schools status Cabinet agrees that the Council cease its contribution to this programme.

Budget saving: £94,000

7. Cabinet welcomes the high response from the public with suggestions on how to increase the number of foster carers in the borough. Cabinet believes that families offer the best environment for raising a child. The interim Director of Children's Services is requested to review the strategy in relation to fostering in order to involve communities more in identifying foster carers and notes that this is one aspect of the strategic change project to safely reduce the number of looked after children in Council care.
8. Cabinet also instructs the interim Director of Children's Services to review its in-house residential provision and to implement any necessary changes to improve services and reduce costs including capital investment, which will also be delivered through the strategic change programme. This will include the closure of Brookfield Children's home, on a timescale which takes account of the needs of the young people currently living there.

Recommendations 7 and 8 both relate to the strategic change project to safely reduce looked after children, a service area which is currently experiencing an overspend. This project will reduce expenditure by at least £1m in 2011/12, which will be significant in stabilising the budget and providing a foundation for revenue savings in 2013-15 (all savings included in SCP savings)

9. This Administration recognises the importance of the Oaklands Centre to local children and Schools. The interim Director of Children's Services instructed to establish the service on a full cost recovery basis to secure the Centre's future.
10. This Administration also recognises the value of the Schools Music Service and instructs the interim Director of Children's Services to ensure its quality is maintained whilst delivering the service in a more cost effective way. We note that the Secretary of State has instigated a national review of Music Services and any findings of this review should also be considered.
11. Cabinet instructs the interim Director of Children's Services to review the pan-Merseyside Connexions contract in the light of the recent announcement of a national all age careers service and take all necessary actions in relation to future contracting arrangements.

12. Cabinet notes the Task Force recommended that the Council should find new ways of working with the voluntary and private sectors to develop alternative ways of providing youth services . In addition Cabinet notes the Task Force recommendation that the Council should find ways of delivering play services differently and more cost-effectively, making links where possible to other areas of activity. The interim Director of Children's Services is therefore requested to review these services in the light of the Task Force recommendations.

Response to Living in Wirral Task Force

This Administration is strongly committed to reducing Wirral's carbon footprint with, among other measures, improved recycling facilities and energy saving measures. We welcome the Task Force's recommendation endorsing this area of activity and will continue to strive to deliver a 60% carbon reduction target by 2025.

1. Cabinet instructs that the recommended renegotiation of the Biffa contract for refuse collection and street cleaning be taken forward as part of the Strategic Change Programme's contracts review. However Cabinet does not support charging for garden waste collection, charging for the removal of graffiti from private property, reducing the frequency of garden waste collection or increasing charges for the Eric service above inflation.
2. Cabinet welcomes the proposal to take a stronger approach to enforcement in relation to trade waste agreements and instructs the Director of Technical Services to implement this recommendation.

Budget saving: £10,000

3. Cabinet endorses the view that the current pilot to safely dim street lighting to reduce carbon and save money on energy costs should be implemented across the borough through the Strategic Change programme.

Budget saving: £50,000 in 2011-12 (included in SCP savings)

4. Cabinet recognises the proposal that Council should consider increasing fees for a number of optional Council services and requests that this be taken forward as part of the Strategic Change Programmes review of fees and charges.
5. Cabinet instructs the Director of Law, HR and Asset Management to examine the possibility of increasing on-the-spot fines for dog fouling and the dropping of litter. The Director is also requested to look at the potential for increasing income from these services by providing to partner and private organisations

Cabinet welcomes the Task Force's strong support for continuing to undertake preventative maintenance on Wirral's roads and maintaining the current programme of coastal and sea defence work. In light of the consultation, Cabinet will examine non-statutory Traffic Management services to establish whether money is being spent on the right things, while working to reduce the number of people killed and seriously injured on Wirral's roads.

Traffic management budget saving: £150,000 (included in SCP savings)

6. Cabinet requests that the recommendation from the Task Force to end differential charging, and introduce standard and fair fees in all of the Council's current pay and display car parks, be examined as part of the Strategic Change Programme's review of fees and charging. Cabinet recognises that this does not mean bringing all charges up to the current maximum charge and in reviewing car parking

charges, maintaining the vitality of the Borough's District Shopping Centres will be a priority consideration.

Cabinet will consider co-locating other Council services within libraries whilst continuing to offer a comprehensive library service across the borough. We will expand and invigorate the marketing efforts designed to maximise income through sport and recreation centres, seek private sector sponsorship for our galleries and exhibitions and will maintain the Book Start initiative.

7. Cabinet instructs the Director of Technical Services to conduct value for money reviews in high spend areas within sport, recreation and open space services, and that savings achieved under PACSPE are maximised.

Budget saving: £1,200,000 (included in SCP savings and EVR/VS)

8. Cabinet also instructs the Director of Technical Services to review the management of golf and leisure facilities to achieve potential savings and examine the possibility of introducing private tuition and holiday clubs to increase income. Cabinet reaffirms its wish to secure a long term sustainable future for the swimming and leisure centre offer within Wirral and requests the Director of Technical Services to bring forward a report on how this can be best achieved.
9. Cabinet instructs the Director of Finance to bring forward and implement proposals to integrate the one stop shop service within libraries including the co-location of facilities where practicable. Libraries and one stop shops are to be managed as one seamless information service with staff inter-changeable between both functions.

This Administration will seek to accelerate partnership working to bring more empty properties back into use, to meet housing needs and reduce the number of people waiting for suitable homes. We will work with partners to ensure a joined up approach to improving housing standards.

10. The interim Director of Corporate Services is instructed to ensure that the Housing Market Renewal and Housing Standards team maximise both external funding and partnership contributions to the funding and delivery of new housing.
11. The interim Director of Corporate Services is instructed to invest the Supporting People grant in prevention services for the most socially excluded, and renegotiate contracts where possible to achieve savings.

Budget saving: £200,000

12. The interim Director of Corporate Services is instructed to implement an alternative way to deliver the Home Improvement Agency Service, which makes adaptations to properties to support individuals being released from hospital.

Budget saving: £76,000 (one off saving)

13. The interim Director of Corporate Services is instructed to develop a sub-regional Choice Based Lettings Scheme in Merseyside.
14. The interim Director of Corporate Services to explore the introducing of charges for landlord accreditation as part of a shared service with neighbouring Authorities.

This Administration recognises the importance of the contribution the Council plays in protecting Wirral's environment and enhancing the safety of local communities.

15. Cabinet instructs the Director of Law, HR and Asset Management to restructure the Community Patrol service and introduce a broader enforcement role for officers.

Budget saving: £110,000 (included in EVR/VS savings)

16. Cabinet instructs the Director of Law, HR and Asset Management to review and restructure Pest Control service to improve efficiency and flexibility.

Budget saving: £72,525 (included in EVR/VS savings)

Response to Economy and Regeneration Task Force

This Administration is committed to increasing employment in all parts of the Borough and working with the Government to tackle worklessness. Cabinet supports regeneration of our dock areas through Wirral Waters ensuring that it is integrated into wider regeneration for Birkenhead and Wallasey and with economic benefits for the whole of Wirral.

Cabinet will drive forward the economic regeneration of the Borough by ensuring the continued implementation of the Investment Strategy. We will seek at all times to support and enable the private sector to grow. Initiatives such as the Construction Employment Integrator will ensure that business growth is linked to reducing worklessness.

We will tackle barriers to work and low skills so that people move from benefits into employment. Council investment in this area will seek to maximise other fund such as European Social Fund.

We will work with partners such as Job Centre Plus, the Skills Funding Agency and National Apprenticeship Service and only provide Council taxpayers resources to projects aimed at tackling worklessness that have clear targets for success that are directly linked to increased employment opportunities. We will maximise the investment made in the Wirral Apprentice programme ensuring even more local people benefit.

This Administration endorses the Task Force prioritisation of services that focused on job creation and tackling worklessness and deeply regrets the previous Labour Governments decision to remove the £ 10.3 million Working Neighbourhoods Fund Grant from the end of this financial year (2010/2011) which will leave any future programmes unfunded.

Cabinet therefore recommends to Council £2.845 million of increased spending for 2011/2012 to deliver the taskforce recommendations to support the following activity (noting this includes £740,000 which is the subject of an external funding bid).

1. Other than for those schemes that seek to address the requirements of those with special needs, Cabinet instructs that the funding of skills and training programmes that do not link directly to job outputs cease
2. The interim Director of Corporate Services is instructed to work with Partners to deliver effective outreach and engagement activity and to commission work where there are gaps in provision and the targeted groups are 'hard to reach' or may not access mainstream services, or have specific multiple barriers to accessing employment.
3. To support International trade links to maximise inward investment and Wirral businesses can access new markets and opportunities.

4. The interim Director of Corporate Services is instructed to develop a single seamless approach to supporting investment to ensure that Wirral becomes the most business friendly Authority possible.
 5. Cabinet instructs the interim Director of Corporate Services to review the existing sub regional arrangements for securing inward investment and explores alternative methods that have the potential to deliver more effective job growth.
 6. The interim Director of Corporate Services is instructed to redesign the programme for delivery of the Wirral apprenticeship to reflect the taskforce recommendation.
 7. The interim Director of Corporate Services is requested to review the various grant funding to businesses to align with the taskforce recommendation.
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Cabinet reaffirms its commitment to:

1. Delivering savings of £48.016 million from EVR/VS, the Strategic Change Programme and our focus on making Every Pound Matter
2. Identifying resources to ensure that from now on, resident insight and consultation are embedded into the Council's budget and policy decision making
3. Reducing the Council's carbon footprint and bringing forward recommendations at the earliest opportunity on how the public's priorities for greater pace in this area of Council policy can be achieved
4. Wirral becoming a shining example of how a Council can work in close partnership with the Community, Voluntary and Faith Sector in the future for the benefit of local people. Cabinet recognises that this commitment requires a new way of working and thinking and that it will be at the heart of all we do in the future
5. The Council will provide support and help to enable the Voluntary, Community, and Faith sector to develop and grow. This will include the establishment of a robust performance management framework to ensure the quality of outcomes for service users are maintained or improved and robust arrangements to provide a seamless transition for service users.
6. Developing a fair charging policy to ensure vulnerable people are protected
7. Establishing a dedicated unit to support and encourage the development of the 'Big Society'. This will focus on:
 - Increasing the involvement of Voluntary, Community and Faith sectors in Council service delivery.
 - a. Transferring of more power to local Councillors and neighbourhoods,
 - b. Ensuring greater transparency in the Council's activities,
 - c. Encouraging greater collective action to care for the vulnerable
 - d. Supporting the creation of cooperatives, mutuals, and social enterprises.
8. Supporting Adult Social Services staff through the changes required to turn around the Department following the findings of the Care Quality Commission.
9. Recognising the need to ensure that particular groups and communities are not disadvantaged by any changes in service delivery. Cabinet recognises that, in implementing the resolution, Officers must give due regard to the local authority's obligations under the Equalities Act 2010 and ensure that the impact of any changes on particular groups and communities is assessed and mitigating activity put in place where necessary.
10. Cabinet further requests that the outcomes of the 'Wirral's Future' consultation are communicated across the borough, with particular attention given to

ensuring the Council works with the wide range of voluntary, community and faith sector organisations and groups in the borough to engage with local communities about what action is being taken.

Cabinet recommends Council to:

1. Approve the reductions to the 2010/11 Budget arising from the current Council wide EVR/Severance programme; agree the proposed changes to the 2011/12 Budget arising from the current Council wide EVR/Severance programme; agree the proposed further changes to the 2011/12 Budget arising from the Strategic Change Programme; and agree the proposed further changes to the 2011/12 Budget arising from the Every Pound Matters initiative and other efficiencies; all summarised as follows:

EVR/VS	£24.3 million
Additional savings (to those identified above) arising directly from the consultation exercise	£0.691 million
Strategic Change Programme	£10.725 million
Every Pound Matters*	1.6 million removal of CT discount 1.23 from reserves 1.4 pension fund review 4.2 zero inflation provision 3.9 none reinstatement of in year ABG savings
* Cabinet instructs officers to continue the examination of reserves and departmental budgets for further savings opportunities.	Total £12.3 million

2. Instruct the Interim Chief Executive, in consultation with the Leader and relevant portfolio holders, to ensure that all necessary steps are taken to secure the timely implementation of all the above Budget changes (including all appropriate consultation with service users, contractors and staff); and authorise the Interim Chief Executive in consultation with the Leader and relevant portfolio holders to minimise any restructuring costs and approve any consequential opportunities for further savings and efficiencies arising from the above Budget changes.
3. Recognises that the Budget changes will impact on staff and agree that, all staff who are materially and directly affected by the decisions contained in these recommendations, as determined by the Director of Law, HR and Asset Management, shall be entitled to be considered under the Discretionary Policy for the pensions Scheme which is in place until December 31 2010.
4. That all existing 2010/11 Area Based Grant funding is included in the 2011/12 revenue budget at the 2010/11 level, with the exception of those savings which have been previously agreed.
5. Council instructs the Interim Chief Executive to ensure all necessary steps are taken to enable contracts with Voluntary, Community and Faith groups and organisations, which are due to end in March 2011 are extended by three months to facilitate service continuity during a period of contract review.
6. Cabinet recognises the scale of the savings that our strategy has achieved and that we have a responsibility to Wirral residents and staff to demonstrate

that 'we are all in this together'. Therefore, the Director of Law, HR and Asset Management be instructed to take all necessary steps to ensure that Councillor Allowances, including Special Responsibility Allowances are reduced from their current maximums by 5% at the earliest opportunity.

253 INFLATION PROVISION

A report by the Director of Finance advised on the current position regarding pay inflation, price inflation, and income inflation, and requested a decision on the provision for inflation to be included in the budget for 2011-12.

RESOLVED:

- (1) That provision be made for pay awards in line with the Government recommendation.**
- (2) That no provision be made for price inflation.**
- (3) That income budgets be increased by 3%.**

254 PETITION SCHEME

The Director of Law, HR and Asset Management reported concerning a recent review of the Petition Scheme which had resulted in proposed amendments to make it more effective; and a number of proposed revisions to the authority's Council Procedure Rules to ensure compatibility with the Petition Scheme.

RESOLVED: That the Council be recommended to

- (1) Note the implementation of the Epetitions Scheme through modern.gov; and that the launch will be prior to the 15 December 2010 statutory deadline;**
- (2) Revise the authority's Petition Scheme by approving the proposed amendments set out in Annex A to this report, and;**
- (3) Council be recommended to revise the Constitution by amending the Council Procedure Rules relating to petitions, as set out in the revised Annex B to the report.**

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(REVISED) ANNEX B – Report of the Director of Law, HR and Asset Management – Petition Scheme

Rules of Procedure Council Procedure Rules – Standing Orders

5. Order of Business (Council Meetings)

- 5(2) (m) to consider and decide upon active petitions referred to Council for debate under Standing Order 34(1); on a motion to be formally moved by the Mayor and duly seconded to note the contents of the petition.

Renumber remainder of Standing Order 5(2)

9. Motions which may be moved without notice having been given under Standing Order 8 or objection having been notified under Standing Order (5)(1)(h)

The following motions may be moved without notice, but must be seconded. The mover must confine any remarks to the form of the motion:

(a) to (r) (inclusive) **NO CHANGE**

(s) Any motion or amendment relating to the referring of petitions pursuant to Standing Order 34.

21. Petitions

Any member of the Council may following the Mayor's Announcements present a petition to Council. Any such petition shall be dealt with in accordance with Standing Order 34. Save as permitted by Standing Order 34 no person shall be entitled to speak to a petition at Council

34. Petitions

(1) If an active petition* contains more than 1500 qualifying signatures under the Council's Petition Scheme and does not require a senior Council Officer (as defined in the Petition Scheme) to be called to account by the authority, the petition shall normally be debated by the full Council at the next ordinary meeting of the Council (normally excluding Budget Council); and, following that debate, the Council may take such action as it considers appropriate. The referral of the petition to a future Council meeting shall be without debate,

save as to the question/s of: (a) whether the petition is an active petition*; and/or (b) the most appropriate meeting at which the petition should be debated by the Council.

(2) If an active petition* contains at least 750 qualifying signatures under the Council's Petition Scheme and requires a senior Council Officer (as defined in the Petition Scheme) to be called to account by the authority, the Council shall refer the petition to the Overview and Scrutiny Committee it considers most appropriate; and instruct that Committee to:

- (a) Use its power under section 21(13)(a) of the Local Government Act 2000 to require the relevant person** to attend before it to answer questions; and
- (c) Submit a report (or recommendations) to a future ordinary meeting of the Council (normally excluding Budget Council); and
- (d) Send a copy of that report (or those recommendations) to the Petition Organiser.

And following consideration of the Committee's report (or recommendations) the Council may take such action as it considers appropriate. The referral of the petition to the Committee shall be without debate, save as to the question/s of: (a) whether the petition is an active petition*; and/or (b) the most appropriate Overview and Scrutiny Committee to which the petition should be referred.

(3) Any other active petition* addressed to the Mayor, to the Council or to a committee shall, immediately it is received, be referred to the appropriate chief officer(s) for investigation. The referral of the petition shall be without debate, save as to the question/s of: (a) whether the petition is an active petition*; and/or (b) the question of the most appropriate chief officer to whom the petition should be referred.

(4) Unless it relates to a planning application (in which case it shall be dealt with as if it were an objection to the granting of planning permission) or the matter has already been disposed of by the Council, the petition shall be dealt with as follows:

- (a) if the chief officer(s) concerned is able to effect a remedy to the complaint, the petitioners shall be advised accordingly;
- (b) if the chief officer(s) cannot effect a remedy to the complaint within a reasonable time, the chief officer(s) shall submit, and report on, the petition to the next convenient meeting of the appropriate Overview and Scrutiny Committee or ordinary committee and shall advise the petitioners accordingly.
- (c) if a petition is referred to committee in accordance with paragraph (b) above a representative of the petitioners shall be entitled to address the committee on the subject of the petition for a period of up to five minutes (or, exceptionally, for such longer period as the committee may allow).

(5) The question whether any petition constitutes an active petition* shall normally be determined by the Director of Law, HR and Asset Management following consultation with the Mayor and Group Leaders. In the event that the Director is unavailable (or conflicted) the question shall normally be determined by another officer (nominated by the Mayor) following consultation with the Mayor and Group Leaders. In cases where determination of the question is itself likely to be contentious, the applicable officer may refer determination of the issue to the full Council.

** 'an active petition' is defined in the Local Democracy and Economic Development Act 2009 as a petition that relates to the functions of Wirral Council; or to the improvement in the economic, social or environmental wellbeing of the Borough to which any partner authority could contribute; and which is (in either case), in the Council's opinion, not vexatious, abusive or otherwise inappropriate.*

*** 'the relevant person' is defined in the Local Democracy and Economic Development Act 2009 as the officer identified in the petition or, if the Committee considers that it would be more appropriate, another officer.*

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WIRRAL COUNCIL

CABINET

9 DECEMBER 2010

REPORT OF THE DIRECTOR OF FINANCE

CAPITAL PROGRAMME AND FINANCING 2011-2015

1. EXECUTIVE SUMMARY

- 1.1. This report provides Cabinet with a draft Capital Programme for 2011/15 for consideration and referral to Council for approval. It also includes the related capital financing requirements based upon the prudential indicators that inform the Treasury Management Strategy.

2. CAPITAL STRATEGY

- 2.1 Achieving Council objectives requires capital investment. The Capital Strategy sets a framework that enables the Council to work with partners and stakeholders to prioritise and effectively deliver capital investment that contributes to the achievement of Council objectives.
- 2.2 The Capital Strategy draws together the capital requirements emerging from the Investment Strategy and service strategies to prioritise the capital needs of services and to maximise opportunities for joined-up investment with local partners. Bids for inclusion in the capital programme are prioritised against criteria taking account of the priorities identified in the Corporate Plan.
- 2.3 The Capital Strategy was reviewed to reflect the Corporate Plan and was agreed by Cabinet on 4 November 2010. It considers issues at a strategic level and is used to determine the Capital Programme.

3. CAPITAL INVESTMENT PROGRAMME GUIDANCE DOCUMENT

- 3.1 To increase understanding of the Capital Programme across the Council the procedures and key guidance have, since 2005, been consolidated into one document. The latest version of the document was agreed by Cabinet on 23 July 2008 and covers:-

- a) identification and prioritisation of schemes for inclusion in the programme.
- b) approval process and implementation of the approved projects.
- c) monitoring and reporting of the approved programme.

A number of key documents are incorporated as appendices including the Contract Procedure Rules.

- 3.2. Schemes identified are the subject of a Business Case which details how the proposed project meets Council objectives, how it will be managed, including resource implications and the outcomes expected. The various schemes are then prioritised using criteria that reflect the aims and objectives of the Corporate Plan.

4. **CAPITAL PROGRAMME**

- 4.1. The Capital Programme covers the medium term and is aligned to other plans and strategies, including the Medium Term Financial Strategy and the Corporate Plan. It is reviewed, updated and considered by Council each December and informs the annual budget setting process.
- 4.2. The out-turn figures for 2010/11 are assumed to be in line with those reported to Cabinet during the current financial year. In terms of funding, capital receipts offer flexibility in their use to either balance the current programme or to address future budgetary issues. A year-end report for 2010/11 will be presented in June 2011 identifying the final spend and financing for the year.
- 4.3. In preparing the programme for 2011/15 the process has followed that set out in the Guidance document. All submissions for inclusion in the Capital Programme required the completion of a Business Case and have been assessed against the prioritisation criteria and recommendations made.
- 4.4. The Chancellor of the Exchequer's June 2010 Budget and the Spending Review 2010 have clearly stated that overall Government support for capital expenditure will reduce as part of the process to contain the increase in public debt. The exact impact upon Wirral will only be known once the Local Government Finance Settlement is published and future year allocations may then be subject to further revisions.
- 4.5. In terms of potential funding sources the Government has established a Regional Growth Fund (RGF) with £1.4 billion available over a three year period. It is open to bids from all sectors but the abolition of Regional Development Agencies and the cessation of a number of other funding streams will result in reduced overall available capital funding.
- 4.6. Local Authorities can apply to the Secretary of State for a determination to re-classify revenue spend as capital spend based upon the Capitalisation Direction. Wirral has submitted a bid in 2010/11 to capitalise £9 million of Early Voluntary Retirement / Severance costs for which only the statutory redundancy entitlement is eligible. The outcome of this bid is awaited including any attached conditions as no asset will result from this spend.
- 4.7. Financing is from a combination of borrowing (part of which is Supported Capital Expenditure and part Prudential Borrowing), grant, contributions from revenue and reserves, and capital receipts. Further information on financing is contained in Section 5 of this report.

- 4.8. The prioritisation of schemes has been based upon revised appraisal criteria approved by Cabinet on 4 November 2010. This criteria links the Capital Strategy with the Corporate Plan, Strategic Change Programme and the outcome of the Wirral's Future - be a part of it consultation. The criteria is included at Appendix A whilst Appendix B details the approved capital programme and Appendix C outlines the highest scoring capital submissions.
- 4.9. Under Financial Reporting Statement (FRS) 15 capital expenditure is defined as expenditure incurred on the acquisition, creation or enhancement of an asset. Enhancement works are defined as leading to at least one of the following:-
- Substantially lengthening the useful life of the asset
 - Substantially increasing the open market value of the asset
 - Substantially increasing the extent to which the asset can be used in connection with the functions of the Local Authority.
- Expenditure which purely maintains the useful life or open market value of an asset should be charged to revenue.

5. CAPITAL FINANCING

5.1. Supported Capital Expenditure

5.1.1. As part of the annual Local Government Finance Settlement local authorities are issued with a Supported Capital Expenditure (Revenue) (SCE(R)) figure. This is the total amount of borrowing that the Government is prepared to support. The funding to cover the revenue cost of this borrowing is distributed as part of the Formula Grant.

5.1.2. The figures are within the Local Government Finance Settlement which will not be confirmed until February 2011. It should be noted that Government departments do give indicative allocations which are not reflected in the Provisional Local Government Finance Settlement. Wirral currently receives support of around £5.3 million.

5.2. Prudential Borrowing (unsupported borrowing)

5.2.1. The Prudential Capital Finance system allows local authorities to self-finance borrowing for capital expenditure without Government consent. This facilitates the use of borrowing for capital projects, provided it is affordable. Local Authorities must manage their debt responsibly and decisions about debt repayment should be made through the consideration of prudent treasury management practice.

5.2.2. As a guide, borrowing incurs a revenue cost of approximately 10% of the loan each year, comprising interest charges and the repayment of the debt (known as the Minimum Revenue Provision or MRP). The Council needs be satisfied that it can afford this annual revenue cost. An increase in 1% with immediate effect of the cost of borrowing from the Public Works Loans Board was announced within the Spending Review 2010.

5.2.3 The Government has given Local Authorities greater freedom in the way that they provide for their debts. Local Authorities have to earmark revenues each year as provision for repaying debts incurred on capital projects. This Minimum Revenue Provision (MRP) regime changed on 31 March 2008 when the Government imposed a duty on each local authority to make provision for debt which the Authority considers prudent.

5.2.4 The Council has determined that the most prudent method of earmarking revenues to repay unsupported borrowing is by matching the debt repaid each year to the life of the asset which the borrowing helped to finance (known as MRP option 3). As an example, if the Council borrowed £5 million to build a new asset with a life of 20 years then revenue costs would be £0.25 million each year for 20 years plus the interest cost of the borrowing.

5.3. Government Grants

5.3.1. These are specific to schemes and are therefore allocated in accordance with the terms of the grant approval, primarily being within the areas of education and regeneration. As outlined above the numbers and amounts of capital grants received are likely to be further reduced in coming years.

5.3.2 Government has reviewed grant arrangements as part of the Spending Review 2010. There will be significantly less ring-fencing of capital grants which will increase freedoms and flexibilities over use but overall the level of grants available will reduce.

5.4. Revenue / Other Contributions

5.4.1. The Prudential Code allows for the use of additional revenue resources within agreed parameters. However, the requirements of FRS 15 mean that in recent years a number of schemes and funding previously included within the capital programme have had to be transferred to revenue.

5.4.2. Contributions are received from others to support the delivery of schemes with the main area being within the Education programme and the contributions made by individual schools.

5.5. Capital Receipts

5.5.1. Capital receipts are estimated and are based upon the likely sales of assets as identified under the Asset Management Plan. These include development sites, former school sites and the agreement with Wirral Partnership Homes for the sharing of receipts from sales of former Council houses.

5.5.2. The use of receipts has been estimated at £3 million per year. This reflects the likely timing of such receipts and the latest projections of sites either available or which could become available over the period. The Local Public Service Agreement resulted in the receipt of a reward grant of £2.1 million to support capital schemes.

5.5.3. It should be noted that the outcome of the Capitalisation submission referred to in Section 4.6 may require the Authority to use receipts and any unring-fenced grants to fund any approved spend.

6. MONITORING

6.1. Cabinet on 15 April 2010 agreed the process and timing of the Performance and Financial Monitoring reports to be presented to Cabinet and within this is a section on capital comparing progress against the approved programme.

6.2. Whilst a presentation is made to Cabinet at the end of each quarter a summary report, plus the departmental reports of Chief Officers, is placed in the Library. The departmental reports provide greater detail on the progress of specific schemes with references to the approved programme, agreed variations, the latest forecasts concerning spend and the resourcing of schemes.

7. FINANCIAL IMPLICATIONS

7.1. Capital Programme commitments

7.1.1. The programme detailed in Appendix B incorporates all the committed schemes and indicates the resources required to fund the existing, and planned, commitments.

7.1.2. The Capital Programme 2010/14 and Capital Financing Requirements 2010/11 were agreed by Cabinet on 9 December 2009 and updated as part of the Estimates 2010/11 reported to Cabinet on 22 February 2010.

7.1.3 On 24 June 2010 the Capital Out-turn and Determinations report was submitted as part of the year-end accounts for the 2009/10 financial year and detailed the slippage into the 2010/11 financial year.

7.1.4 On 24 June 2010 reductions in Government Grants to local authorities relating to the 2010/11 year were announced. This included reductions to Transport Grant, Housing Market Renewal Grant and Local Area Agreement Reward Grant. The Government also announced a review of the Building Schools for the Future programme.

7.1.5 On 22 July 2010 Cabinet approved revisions to the Local Transport Plan and Housing Investment Programme to take account of the reductions in Government grants. The schools Capital Programme for 2010/11 was approved at the same meeting.

7.1.6 In summary the changes to the Capital Programme since it was originally approved have increased the 2010/11 programme from £79 million to £81 million. The main impacts have been slippage from 2009/10, reductions in Government grants and the re-programming of schemes from 2010/11 into later years.

7.2. Capital Programme submissions

7.2.1. Appendix C details the ranking of the new schemes in accordance with the prioritisation criteria. As part of the considerations in December 2009 a number of Property Maintenance related activities were transferred to revenue and the definitions of capital spend has reduced the number of new submissions. Based upon those received the ranking would result in the following being included:-

NEW SUBMISSIONS FOR APPROVAL	2011/12 £000	2012/13 £000	2013/14+ £000
Cathcart Street Primary School	1,500	0	0
Primary School Reorganisation	250	0	Tbc
Adaptation Programme	500	500	0
Housing Renewal Funding	850	800	Tbc
Wirral Healthy Homes	105	105	Tbc
Bebington Civic Centre	1,300	0	0
Rock Ferry centre	630	0	0
Wallasey Town Hall	1,625	0	0
Quarry Bank Affordable Housing	345	0	0
Empty Property Interventions	125	125	Tbc
Wallasey North and South Annexes (includes funding of £550k from existing IT capital monies & £400k PPM budget)	2,500	800	0
Power Solutions to Wirral's Strategic Investment Areas	250	4,750	0
Cosy Homes Heating	250	250	Tbc
Reconstruction/ Resurfacing of roads on the Wirral Primary Network Routes	500	0	0
Vehicles, plant & equipment which may have previously been funded by leasing.	0	0	0

Uncertainty remains regarding future capital grant funding, and therefore 2013/14 and 2014/15 have been merged. This will be split once details emerge.

7.2.3 The submissions relating to Schools link with the primary review process and will assist in generating additional resources through capital receipts. A number of submissions enable programmes originally funded from the Housing Market Renewal Initiative to continue. Commitments have been made but Government funding has now ended although there is the potential for some funding from the Regional Growth Fund.. A number of bids relate to the Accommodation Review which will result in capital receipts; the Wirral's Future - Be A Part of It Consultation; and enhancements to libraries and One Stop Shops to facilitate the merger of services.

7.2.4. Within the submissions recommended for approval the submission to acquire rather than lease equipment where it is beneficial is an Invest-to-Save proposal for which the spend and benefits will be identified on a scheme-by-scheme basis.

7.3. Capital Programme variations

7.3.1 Schemes for West Wirral, Destination West Kirby and Wirral Country Park are forecasted to slip into 2011/12 as the potential options for external funding continue to be explored. This has been factored into the forecasts contained within Appendix B.

7.4 Prudential Indicators

7.4.1. In considering the programme for 2011/15 Cabinet is advised that:-

- a) The existing commitments require additional borrowing of around £20 million for 2010/11 with the additional requirements reducing in subsequent years. At this stage a decision is awaited from the Government regarding the possible capitalisation of revenue spend and its financing.
- b) To accommodate the additional items detailed in section 7.2.1 would increase the level of borrowing by £10 million in 2011/12 and by £7 million in 2012/13.
- c) The borrowing requirements for future years will be confirmed as part of the Treasury Management Strategy report to Cabinet on 21 February 2011. Assuming the changes are approved the requirements are:-

Year	Increase in borrowing	Revenue costs (cumulative)
2011/12	£23 million	Increase of £2.3 million
2012/13	£19 million	Increase of £4.2 million
2013/14	To be confirmed	
2014/15	To be confirmed	

- e) In terms of key Prudential Indicators the ratio of financing costs to the net revenue stream will continue to increase as the capital programme increases whilst the revenue stream reduces. Based upon the latest projections it remains around 8-9%.
- f) If the decision is taken to spend in excess of the level of identified resources then this would require increased use of borrowing which incurs annual revenue costs at the rate of £100,000 per £1 million of capital expenditure. In considering the impact upon Council Tax levels each 1% rise in Council Tax equates to £1.3 million of increased expenditure.

8. STAFFING IMPLICATIONS

- 8.1. There are none arising directly from this report as any implications will be identified against individual projects at the scheme and estimate stage.

9. EQUAL OPPORTUNITY IMPLICATIONS

- 9.1. These will be identified as part of the individual scheme proposals.

10. COMMUNITY SAFETY IMPLICATIONS

- 10.1. These will be identified with the individual scheme proposals.

11. HUMAN RIGHTS IMPLICATIONS

- 11.1. There are none arising directly from this report.

12. LOCAL AGENDA 21 IMPLICATIONS

- 12.1. These will be identified with the individual scheme proposals.

13. PLANNING IMPLICATIONS

- 13.1. There are none arising directly from this report.

14. MEMBER SUPPORT IMPLICATIONS

- 14.1. There are none arising directly from this report.

15. BACKGROUND PAPERS

- 15.1. Capital Investment Programme Guidance Document - July 2008
- 15.2. Prudential Code for Capital Finance in Local Authorities - CIPFA - 2003
- 15.3. Local Authorities Capital Finance and Accounting Regulations 2008.
- 15.4. Capital Strategy – November 2010.

16. **RECOMMENDATIONS**

- 16.1 That the new submissions as detailed in section 7.2 be approved.
- 16.2 That, if the changes are approved, the capital financing requirements be reflected in the projected budget.
- 16.3 That the Prudential Indicators be noted and reported as part of the Treasury Management Strategy in February 2011.
- 16.4 That update reports on the progress of the programme be presented in accordance with the Performance and Financial Monitoring reporting cycle.

IAN COLEMAN
DIRECTOR OF FINANCE

FNCE/249/10

CAPITAL INVESTMENT PROGRAMME

PRIORITISATION EVALUATION CRITERIA AND WEIGHTINGS

PRIORITISATION CRITERIA	%	CORPORATE OBJECTIVE
1 Will the scheme create employment opportunities or assist in attracting private sector investment?	14	To create more jobs, achieve a prosperous economy and regenerate Wirral.
2 Will the scheme have environmental or streetscene benefits or impact on crime or health and safety?	14	To create a clean, pleasant, safe and sustainable environment.
3 Will the scheme cater for vulnerable people or address health inequality or contribute towards healthy lifestyle?	14	To improve health and well-being for all, ensuring people who require support are full participants in mainstream society.
4 Will the scheme have any educational attainment or learning opportunities or training benefits?	14	To raise the aspirations of young people.
5 Will it impact on revenue or attract significant external funding and build upon partnership working?	14	To create an excellent Council.
6 Will the scheme support outcomes from the consultation 'Wirral's Future – Be a Part of it'?"	15	To meet the overall vision and all corporate objectives
7 Will the scheme contribute towards achievement of the Strategic Change Programme?	15	To meet the overall vision and all corporate objectives

NOTES

- 1 Schemes, as per the Business Cases, will be scored against the criteria on the basis of not meeting to fully meeting the objectives on a 0-2 basis.
- 2 The % shown are the weightings that apply to each of the criteria.
- 3 Schemes which score in excess of 50% will be recommended for inclusion in the Capital Programme.

CAPITAL PROGRAMME 2010/15

(EXCLUDES THE SCHEMES PER APPENDIX C)

SUMMARY

	2010/11	2011/12	2012/13	2013/14+
	£000	£000	£000	£000
Expenditure				
Adult Social Services	2,193	141	0	
Children & Young People	40,921	25,907	17,479	
Corporate Services	16,519	16,518	15,662	
Finance	2,929	1,500	1,500	
Law, HR & Asset Management	4,283	4,000	4,000	
Technical Services	13,661	9,706	8,739	
Total Expenditure	80,506	57,772	47,380	
Resources				
General Resources	16,533	10,069	9,455	
Supported Borrowing	7,190	6,235	5,235	
General Resources	23,723	16,304	14,690	
Grants – Education	34,976	22,763	14,335	
Grants – HMRI	5,942	7,485	7,485	
Grants - Regional Housing Pot	4,044	4,577	4,577	
Grants - Local Transport Plan	3,233	4,243	4,243	
Grants – Other	7,878	2,100	1,750	
Revenue, Reserves				
Contributions	710	300	300	
Specific Resources	56,783	41,468	32,690	
Total Identified Resources	80,506	57,772	47,380	

	£000	£000	£000	£000
General Resources				
<u>Borrowing</u>				
Supported Capital Expenditure	7,190	6,235	5,235	
Unsupported Capital Expenditure	13,083	7,069	6,455	
<u>Capital Receipts</u>	3,000	3,000	3,000	
Total General Resources	23,723	16,304	14,690	

As uncertainty remains regarding future capital grant funding, 2013/14 and 2014/15 have been merged and will be added once further details emerge.

ADULT SOCIAL SERVICES	2010/11	2011/12	2012/13	2013/14+
	£000	£000	£000	£000
Expenditure				
Information Management	134	141	0	
Mental Health Single Capital Pot	173	0	0	
Social Care Single Capital Pot	164	0	0	
Extra Care Housing facility	1,465	0	0	
Social Care Capital Reform	237	0	0	
Extra Care Housing	20	0	0	
Total Expenditure	2,193	141	0	
Resources				
General Capital Resources	0	0	0	
Grant Other	2,193	141	0	
Total Identified Resources	2,193	141	0	

CHILDREN & YOUNG PEOPLE	2010/11	2011/12	2012/13	2013/14+
	£000	£000	£000	£000
Expenditure				
Children's Centres - Phase 3	894	0	0	
City Learning Centres	540	0	0	
Early Years Quality & Access	1,207	0	0	
Aiming Higher Disabled Children	741	0	0	
Condition / Modernisation	4,466	5,657	3,679	
Formula Capital	5,602	6,592	4,592	
Extended Schools	362	137	137	
Schools - Access Initiative	584	611	611	
Schools - Harness Technology	941	724	724	
Woodchurch One School				
Pathfinder	10,967	0	0	
Birkenhead High Girls Academy	2,452	4,000	5,000	
Private Finance Initiative	50	0	0	
Primary Reorganisation - Surplus	335	250	250	
Primary Schools Programme				
- Park Primary School	4,828	0	0	
- Pensby Primary School	1,965	2,000	2,386	
- Other	0	546	0	
School Meals Uptake & Quality	380	0	0	
Practical Cooking Spaces	694	0	0	
Co-Location Fund	887	0	0	
Playbuilder Programme	598	0	0	
Play Lottery	100	0	0	
SEN and Disabilities	2000	5,340	0	
Youth Capital Fund	178	0	0	
Total Expenditure	40,921	25,907	17,479	

Resources

General Capital Resources	1,786	350	1,350
Supported Borrowing	3,749	2,794	1,794
Grant – Education	34,976	22,763	14,335
Revenue, reserve, contributions	410	0	0
Total Identified Resources	40,921	25,907	17,479

CORPORATE SERVICES

2010/11	2011/12	2012/13	2013/14+
£000	£000	£000	£000

Expenditure

Think Big Investment Fund	557	300	300
West Wirral Schemes	0	206	0
Destination West Kirby	0	1,100	150
Wirral Country Park	0	1,300	1600
Ministry of Food Project	17	0	0
Mersey Heartlands	1,567	0	0
Improvement to Stock	3,093	3,380	3,380
Clearance	7,997	8,682	8,682
Disabled Facilities - Adaptations	2,728	1,550	1,550
New Brighton Phase 2	560	0	0
Total Expenditure	16,519	16,518	15,662

Resources

General Capital Resources	2,093	2,056	1550
Grant – Other	2,934	1,350	1,000
Grant – HMRI	5,942	7,485	7,485
Grants - Regional Housing Pot	4,044	4,577	4,577
Grants – Other	1,206	750	750
Revenue, reserve contributions	300	300	300
Total Identified Resources	16,519	16,518	15,662

FINANCE

2010/11	2011/12	2012/13	2013/14+
£000	£000	£000	£000

Expenditure

Asset Review – IT	2,917	1,500	1,500
Corporate Server Strategy - I.T	12	0	0
Total Expenditure	2,929	1,500	1,500

Resources

General Capital Resources	2,929	1,500	1,500
Total Identified Resources	2,929	1,500	1,500

LAW/HR/ASSET MGT

2010/11	2011/12	2012/13	2013/14+
£000	£000	£000	£000

Expenditure

Microregeneration	100	0	0
Landican Mercury Abatement	1983	0	0
Europa Pool – Improved heating	200	0	0
Cultural Services Assets	2,000	4,000	4,000
Total Expenditure	4,283	4,000	4,000

Resources

General Capital Resources	4,223	0	0
Grant – Other	60	0	0
Total Identified Resources	4,283	4,000	4,000

TECHNICAL SERVICES

	2010/11	2011/12	2012/13	2013/14+
	£000	£000	£000	£000

Expenditure

LTP – Accessibility	112	150	150
LTP - Air Quality	1,066	950	950
LTP – Congestion	745	605	605
LTP - Road Safety	1,495	980	980
Maintenance	4,988	4,529	4,529
LTP – Transportation	451	470	470
Highway Structural	500	0	0
Highways Works	1,000	1,000	1,000
Bidston Viaduct (contribution)	1,304	967	0
Energy Schemes	162	0	0
Asset Management	85	0	0
Waste Initiatives	424	0	0
Coast Protection	221	55	55
Hoylake Golf Course	410	0	0
Landican - Cemetery	180	0	0
Oval Sports Centre – Improvements to artificial pitches	160	0	0
Lottery Play Sites	158	0	0
Birkenhead Park	200	0	0
Total Expenditure	13,661	9,706	8,739

Resources

General Capital Resources	5,502	2,022	1,055
Supported Borrowing	3,441	3,441	3,441
Grants - Local Transport Plan	3,233	4,243	4,243
Grant – Other	1,485	0	0
Total Identified Resources	13,661	9,706	8,739

CAPITAL PROGRAMME 2011/15

RANKING OF CAPITAL SUBMISSIONS

(SCHEMES ARE NOT INCLUDED WITHIN THE PROGRAMME IN APPENDIX B)

NEW SUBMISSIONS FOR APPROVAL	2011/12 £000	2012/13 £000	2013/14+ £000
Cathcart Street Primary School -remodelling/refurbishment which will generate a capital receipt	1,500	0	0
Primary School Reorganisation -primary school refurbishments to support changes to provision	250	0	Tbc
Adaptation Programme - maintain disabled facilities grants to limit pressures on community care	500	500	0
Housing Renewal Funding -continue Home Repair Assistance Loans, Equity Renewal Loans and Relocation Rent Support	850	800	Tbc
Wirral Healthy Homes - loans for safety improvements	105	105	Tbc
Bebington Civic Centre - remodel Library & One Stop Shop	1,300	0	0
Rock Ferry centre -alterations to Library, One Stop Shop and Community Hall	630	0	0
Wallasey Town Hall -alterations to improve fire safety, DDA access and egress	1,625	0	0
Quarry Bank Affordable Housing - 'gap' funding Housing Association scheme	345	0	0
Empty Property Interventions - grants to property-owners to bring properties into use	125	125	Tbc
Wallasey North and South Annexes -includes funding of £550k from existing IT capital monies & £400k PPM budget	2,500	800	0
Power Solutions to Wirral's Strategic Investment Areas	250	4,750	0
Cosy Homes Heating - aid to vulnerable householders	250	250	Tbc
Reconstruction/ Resurfacing of roads on the Wirral Primary Network Routes	500	0	0
Vehicles, plant & equipment which may have previously been funded by leasing.	0	0	0

CAPITAL PROGRAMME 2010/15
PROJECTED CAPITAL RECEIPTS

DISPOSALS

Oliver Street, Birkenhead
Europa Boulevard Site
New Brighton Development
Fellowship House
Europa Boulevard Site
New Brighton Development
Poulton School, Wallasey
Feltree House, Beechwood
Esher House, Beechwood
Dock Road Depot, Wallasey
Bridge Court, West Kirby
Hillcroft, Heswall
Moreton Family Centre
Oakenholt Offices, Moreton
Old Court House, Wallasey
Liscard Road Offices, Wallasey
Westminster House, Birkenhead
Riverview Road, Bromborough

Over the period a number of assets will be made available for sale including those arising from the Accommodation Review.

It is anticipated that the current level of receipts plus those generated will be sufficient to fund a £3 million contribution per year towards the capital programme.

WIRRAL COUNCIL

CABINET

9 DECEMBER 2010

REPORT OF THE DIRECTOR OF FINANCE

BUDGET PROJECTIONS 2011-2015

1. EXECUTIVE SUMMARY

1.1. This report updates the projected budgets for the years from 2011 to 2015 taking into account the Spending Review 2011-15 presented on 20 October 2010.

2. ASSUMPTIONS UNDERPINNING THE PROJECTIONS

- 2.1. Inflation – HM Treasury is assuming a return to a long term inflation rate of 2%. Therefore prices are assumed to increase by 2% per annum with income to continue to increase by 3% per annum. Pay awards will be limited to those employees earning less than £21,000 per annum for 2011-13.
- 2.2. Capital Financing – HM Treasury is assuming that the level of capital investment will reduce by 50% between 2009-10 and 2013-14. The annual increase in capital financing charges has therefore been reduced to £2.0m.
- 2.3. Pension Fund – The increase arising from the actuarial valuation currently underway is projected at 1.5% or £2m per annum. In addition the outsourcing of the highways and engineering services contract is likely to increase the contributions by £0.2m.
- 2.4. Waste Disposal – the increase in the levy will be dependent on delivery of the waste disposal strategy. The Landfill Tax will increase by £8 per ton per annum, an increase of 50% between 2010-11 and 2014-15. The levy is assumed to increase by 8% per annum.
- 2.5. Merseytravel – the levy is to increase in 2011-12 by the amount of the grant receivable for concessionary travel and from 2012 by 3% per annum.
- 2.6. Private Finance Initiative – the latest projections are included.
- 2.7. Benefits – the Department for Work and Pensions is estimating an annual increase of 1.7%.
- 2.8. Schools – it is assumed that the Schools Budget will vary in line with the Dedicated Schools Grant.
- 2.9. Adult Social Services Reform – the previous Government announced that the Reform Grant of £1.9m will cease in 2011-12 with the assumed implementation of the personalisation agenda.
- 2.10. Carbon Reduction Commitment – payment of £1.0m commencing in 2011-12.

- f. Cabinet on 22 July 2010 agreed to proceed with a parks and countryside service procurement exercise which is included in the change programme.
- g. Cabinet on 25 November 2010 agreed the Insurance Fund Budget for 2011-12 with a reduced requirement of £0.6m.

6. FINANCIAL IMPLICATIONS

- 6.1. The assumptions outlined above are reflected in the budget projections in the Appendix.
- 6.2. The projected shortfall for 2011-12 is £33.6m and the total projected shortfall for 2011-15 is £116.8m.

7. STAFFING IMPLICATIONS

- 7.1. There are none arising directly from this report.

8. EQUAL OPPORTUNITY IMPLICATIONS

- 8.1. There are none arising directly from this report.

9. COMMUNITY SAFETY IMPLICATIONS

- 9.1. There are none arising directly from this report.

10. HUMAN RIGHTS IMPLICATIONS

- 10.1. There are none arising directly from this report.

11. LOCAL AGENDA 21 IMPLICATIONS

- 11.1. There are none arising directly from this report.

12. PLANNING IMPLICATIONS

- 12.1. There are none arising directly from this report.

13. MEMBER SUPPORT IMPLICATIONS

- 13.1. There are none arising directly from this report.

14. BACKGROUND PAPERS

- 14.1. Medium Term Financial Strategy 2010-13 – September 2009
Formula Grant Settlement 2010-11 – DCLG – January 2010
Estimates 2010-11 – March 2010
Budget – HM Treasury – March 2010 and June 2010
Formula Grant Distribution – DCLG – July 2010
Independent Public Service Pensions Commission Interim Report – October 2010
Spending Review - HM Treasury - October 2010

15. **RECOMMENDATION**

15.1. That the budget projections be updated on receipt of the provisional Local Government Finance Settlement.

IAN COLEMAN
DIRECTOR OF FINANCE.

FNCE/207/10

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WIRRAL COUNCIL

CABINET

14th OCTOBER 2010

REPORT OF THE DIRECTOR OF CORPORATE SERVICES

WIRRAL STRATEGIC HOUSING MARKET ASSESSMENT UPDATE AND AFFORDABLE HOUSING VIABILITY ASSESSMENT – KEY FINDINGS AND POLICY IMPLICATIONS FOR WIRRAL

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to:-

- a) approve the key findings of the Strategic Housing Market Assessment (SHMA) Update and Affordable Housing Viability Assessment undertaken by Fordham for Wirral;
- b) approve the use of the findings to inform the preparation of the Council's Housing Strategy Statement and the Council's Local Development Framework
- c) recommend to Council that the findings of the Assessment and Viability Report are approved as a material consideration for use by Planning Committee in the determination of planning applications.
- d) Approve the use of Fordham Research Dynamic Viability Model to test the viability of sites within the Borough on an annual basis.

2.0 BACKGROUND

2.1 In order to respond to the needs of local communities and deliver its strategic housing function, Wirral must have a sound understanding and knowledge of local housing needs, local housing markets and their interaction with the wider sub region. This information is essential to effectively develop Wirral's Housing Strategy Statement, deliver our local strategic priorities and meet our objectives for transforming local housing markets in Wirral through targeted investment such as Housing Market Renewal. It is also an essential element of the evidence base for the preparation of the Council's Local Development Framework.

2.2 The Council has a duty to undertake a local housing needs survey every five years to update and inform its Strategy Statement and strategic priorities. Wirral's Strategic Housing Market Assessment which was completed in September 2007 was reported to Members at Cabinet on 7th February 2008 and approved as a material consideration in negotiating with developers on affordable housing contributions through S106 agreements. The 2007 SHMA assessment has been used by the Council's Housing Strategy Team in determining priorities and in its justification for securing investment to deliver its affordable housing programme. It has also been used by both the Council's Development Control and Forward Planning teams to inform pre-application discussions with applicants, negotiate the provision of affordable housing within Section 106 legal agreements and as evidence in determining appropriate housing proposals within areas currently the subject of planning restrictions.

- 2.3 However, Members will be aware of the economic climate and its impact upon the need for affordable housing. It has become clear that the onset of the 'credit crunch' triggered a serious downturn in the housing market. People's inability to raise deposits, a severe reduction in the availability of mortgages, and reducing house prices has led both to an increase in demand for affordable housing and at the same time has impacted on purchaser confidence. This has resulted nationally in private developers being more cautious on developing houses for outright sale, which has caused concerns around viability and housing developments coming forward, something which has been reflected locally in Wirral.
- 2.4 In addition, during 2008 there were two specific cases (Blyth Valley Borough Council and Newcastle City Council) where the appeals to the High Court have set out serious flaws in relation to the application of affordable housing targets in Development Plans. In both instances it was upheld that the Councils did not have regard to recent Planning Policy Statement 3 (PPS3) Guidance which clearly states affordable housing targets '*should also reflect an assessment of the likely economic viability of land for housing within the area*'. Paragraph 29 of PPS3 places the requirement on local authorities to set a target for affordable housing provision to be delivered through Section 106 policies that take into account the need for development to be viable, once allowance is made for factors such as the availability of grant funding. These two cases have reinforced the requirement for local authorities to undertake a robust assessment of viability before seeking to apply any target that could impose too onerous a burden on development schemes.
- 2.5 A growing proportion of affordable housing is delivered via Section 106 agreements. However in light of the economic climate and the impact this is having on the housing market and the outcome of the Blyth Valley and Newcastle challenges it is essential that Wirral's housing policy is realistic and credible taking into account current circumstances. A housing viability study sits alongside and is informed by the work of a SHMA and forms the evidence base which informs the affordable housing target for the district.
- 2.6 Based on this information Cabinet members agreed on 19th March 2009 to the then Director of Regeneration re-engaging Fordham (without the need to obtain written quotes pursuant to Rule 5.2 of the Contract Procedure rules) to update their original SHMA work and undertake in tandem the viability assessment.

3.0 **STRATEGIC HOUSING MARKET ASSESSMENT FINDINGS**

- 3.1 Members should be aware the work undertaken by Fordham was undertaken in two stages. Stage one involved undertaking an assessment of the local market and housing needs for the Borough with Stage two testing the viability of the suggested borough affordable housing target proposed by the SHMA. Therefore data used to inform the research undertaken by Fordham is that which was available at the point of the assessment.
- 3.2 Wirral's SHMA update reinforces that affordability continues to be a key issue across the Borough and that this, along with changes in recent years in the type and size of households means Wirral would require a change in the profile of its housing supply over the next twenty years to meet local needs, aspirations and balance the overall housing market in the long term. Some key findings from the SHMA include the following:-

Population and Household Data

- The overall population of Wirral has continued to decline from 312,293 at the 2001 Census point to 310,200 in 2007 (Office for National Statistics). The latest mid year estimate places the population at 308,500 (2009). Natural change (the balance between births and deaths) is negligible and the decline is therefore solely due to an excess in the number of people moving out of the borough over those people moving into the borough from other areas. In 2006-2007 migration flows between Wirral and other parts of the country resulted in a small net decrease in population and migration flows between Wirral and abroad, resulting in a large net decrease to the population. Overall the population in Wirral decreased by approximately 800 people between 2006 and 2007 as a result of migration flows. This is the continuation of a trend that has been recorded in Wirral since 2001-2002.
- The total number of households in Wirral is increasing at a faster rate than the population with household data indicating that between 2001 and 2007 the number of households increased by 2.6%. This implies that the average size of households in Wirral is declining, leading to a growth in the number and proportion of smaller one and two person households. Both existing supply and new affordable housing needs to take into account these households in terms of planning for future supply.

Local Housing Market, Unemployment and Affordability

- National house prices have seen an increase of 71% during 2001-2006, whilst in Wirral they rose by 98% over the same period, albeit from a lower base. Since 2006, average (mean) prices in Wirral have risen by 5.7%, despite falls on a national and regional level, but sales closely follow the national and regional trend, falling by 73.6%.
- Results from the 2009 SHMA Update estimate that mean annual gross household income (including non-housing benefits) in Wirral is £24,897. This is a decrease of 1.5% since the original SHMA report in 2007. Overall, some 25.6% of all households in Wirral are theoretically unable to afford market accommodation of an appropriate size currently. This compares to a figure of 23.6% for 2007. Clearly affordability remains a serious problem for many household groups in the Borough. Related to this, first time buyers, who would usually look to purchase properties at the lower end of the market, are being priced out and are restricted in accessing home ownership. 34.6% of would be first time buyers are unable to buy a suitable home.
- In addition, some 18.1% of households headed by someone employed in Wirral would be unable to afford market housing in the Borough (if they were to move now) compared to just 5.3% of households headed by someone employed outside of Wirral. This suggests that there is potential for households employed in Wirral to become marginalised in the market, which may impact on the local economy
- The significant increase in house prices across the Borough has raised a number of issues for potential buyers in all areas. Whilst Wirral continues to have the capacity to undergo continued economic growth, the level of unemployment amongst residents in the Borough increased by 47.6% between March 2008 and March 2009. From March 2009 - March 2010 the increase in unemployment levels has slowed with a 2% increase and since March 2010 levels have continued to fall with an 11% reduction to August 10. However overall from March 2008 to date there has been an increase in unemployment by 31%. Therefore, household's income and employment status has a significant impact on their housing choices and options.

Local Housing Needs

- The CLG affordable housing model outputs indicate a 58% increase in the net annual need for affordable housing (2,784) compared to the 2007 SHMA findings which indicated 1,767 units required. The findings indicate that this increase is due to the gross need rising because of reduced affordability as a consequence of changes to the local labour market. This is a CLG imposed assessment based on criteria that households should not be spending over 25% of their income on housing costs and therefore shows the latent demand for housing. It does not necessarily mean that this should be set as a target for affordable housing or even could be met. Both these figures are well in excess of previous or existing annual rates of house building in Wirral.
- The SHMA, therefore, in addition uses a Market Balanced Model (MBM) to provide estimates for the need for affordable housing across all tenures which is based on more realistic assumptions of the market i.e. households spend up to 50% of their income (wages/salaries plus savings/equity) on housing rather than the 25% stipulated by CLG Assumptions. This revised analysis reduces the annual average requirement to 570 additional dwellings over a twenty year period to 2029.
- Using this Model the findings have identified that affordability is not limited to the more affluent areas where property prices are higher than the borough average, it is also prevalent in a wide range of neighbourhoods which fall within the eastern side of the Borough where resources are being targeted to restructure local housing markets.
- The scale of the affordable housing need identified indicates that the current 40% borough wide affordable housing target should continue to be required, consisting of 30% social rented and 10% intermediate (i.e. shared ownership)
- Whilst evidence has suggested there has been an increase in the number of smaller households and that this is likely to continue in the future there is still a requirement to meet the current and backlog of housing needs which the borough has alongside meeting people's aspirations for housing. Therefore around 47% of the requirement for new housing is for market accommodation, of which over 80% should have two or three bedrooms. About 19% should have one bedroom but mostly of types designed to provide for older people which must be of the right quality and standard. The majority (87%) of new intermediate housing should have two or three bedrooms. Nearly half of new social rented accommodation (47%) should have three or four bedrooms.
- The sub area analysis within the SHMA Update uses the three geographical areas identified in the former Regional Spatial Strategy to illustrate the likely pattern and location of local housing needs across the Borough.
- The headline findings based on the CLG model indicate that 44% of local affordable housing need arises from the Newheartlands Pathfinder (equivalent to the RSS Inner Area), 44% from the remaining areas to the east of the M53 Motorway (the RSS

Outer Area) and 12% from the areas to the west of the M53 Motorway (the RSS Rural Area).

- Fordham have also run a number of scenarios that examine the likely implications of the Market Balanced Model in further detail. This approach has limitations as it produces results within the Newheartlands Pathfinder (the RSS Inner Area) which could not realistically be translated into a local target without reinforcing existing social and economic divisions and impacting on established regeneration efforts.
- For example, in the absence of any further policy intervention, the Market Balanced Model would indicate that only 9% of new housing should be provided within the RSS Inner Area (of which 98% would be social rented), with 40% within the RSS Outer Area and 51% within the RSS Rural Area. Increasing the proportion of market housing within the RSS Inner Area to 60% could change this to 29% of new housing within the Inner Area, 54% within the Outer Area and 17% within the Rural Area. Only by markedly increasing provision within the Inner Area, could figures in other areas be significantly reduced.

Delivery of Affordable Housing in the Planning Policy Context

- The findings of the SHMA are significant considerations with regards to the level and location of future house building that should be permitted within Wirral. The consideration of this issue is, however currently subject to considerable uncertainty.
- The rate of new house building in Wirral has dropped markedly since the onset of the recession and the level and pace of any future recovery is as yet unclear. The Homes and Community Agency (HCA) who provide public subsidy to help deliver affordable housing has been the subject of reductions in line with Government spending cuts. The impact on the future levels of HCA grant will not be known until the outcome of the Comprehensive Spending Review however indications are that the budget could be reduced by 40%. This will have a significant impact on the ability to deliver affordable housing and in the absence of public grant the delivery of affordable housing will effectively be tied to the provision of new market housing
- The annual housing requirement for net additional homes in Wirral was previously set by the Secretary of State in the former Regional Spatial Strategy issued in September 2008 at 500 dwellings, lower than the need now identified in the SHMA. The Regional Spatial Strategy has now been revoked to remove “top down” targets to allow greater local choice and the Secretary of State has confirmed that decisions on housing supply will rest with local councils without the framework of regional numbers and plans. The basis for making these decisions in the absence of the Regional Spatial Strategy has, however, not yet been clarified.
- The Council will be consulting on a new housing requirement figure for Wirral as part of the preparation of the Core Strategy Development Plan Document. A range of figures will be suggested on which stakeholders will be invited to comment, including the annual rate of 570 net additional dwellings implied by the results of the SHMA Update. Matters to be addressed will include the location and capacity of available land, wider development aspirations and the pace of market recovery. It will not be possible to comment further on the potential future housing numbers for Wirral until that consultation process has been completed.

- In the interim, until a final figure can be determined, Cabinet has already resolved that an annual figure of 250 net additional dwellings should be applied (Cabinet, 22 July 2010, Minute 89 refers).

3.3 The SHMA sets out a range of supporting evidence for the continued need to deliver affordable housing to meet the local needs of the borough. This represents a significant challenge for Wirral, now and in the future and policies such as the Core Strategy will be fundamental in setting the policy context to maximise the opportunities for affordable housing to be delivered through the planning system.

3.4 However, whilst the SHMA indicates that any requirement below an annual rate of 570 net additional dwellings would be unlikely to meet the housing needs of the existing population, the annual requirement of the SHMA is based at a single point in time, on a number of factors including the provision that all emerging households will need a property and does not account for empty properties which could and may be made available. There are some 2,700 long term empty private homes in the borough and whilst this may not be appropriate or possible for these to meet all of the SHMA identified need it would strongly support the need to maximise opportunities to increase the local housing supply by other means than new build alone, for example, by bringing empty properties back into use and developing potential incentives for people who are under-occupying social housing to move to smaller units, thereby releasing larger accommodation.

4.0 AFFORDABLE HOUSING VIABILITY ASSESSMENT

4.1 National policy in Planning Policy Statement 3: Housing 2006 (PPS3) requires Councils to set a borough-wide target for the proportion of affordable housing to be delivered through new developments. The recently updated Strategic Housing Market Assessment (SHMA) provides guidance on the target levels for affordable housing that could be justified and sought through new development based on the analysis and evidence of Wirral's housing requirements. However the SHMA gives an assessment of the balance between the need for market housing and the need for affordable housing. It does not consider or test the commercial elements that affect and drive developers nor consider what level of affordable housing it is realistic to ask developers to provide.

4.2 The updated SHMA indicates a target of 40% is required if Wirral wishes to balance the overall housing market in the borough over the long term. In order for this to meet the requirements of PPS3 and to test whether this is a realistic target for the borough which will not stifle developments from coming forward, Fordham, in consultation with Council housing and planning officers, selected 15 representative sites across the borough to examine and test the SHMA 40% affordable housing target. The sites ranged in size from 18-150 dwellings each, were distributed across the whole of the borough, were at various stages in the development process and all but four had been subject to a planning application.

4.3 The selected sites were then tested under a range of assumptions based on key factors affecting viability including:-

- Affordable housing target levels of 0%, 10%, 20%, 30%, and 40%;
- A base assumption of 'zero grant' but Fordham also included analysis using typical historic levels of grant on affordable housing schemes;

- An Affordable housing split of 80% social rented and 20% intermediate;
- Land values for alternative uses for each of the sites, as the value of a site for housing cannot plausibly fall below the level of an alternative use, if there is another use which would give a better financial outcome for the landowner;
- Consideration of the levels of developer contributions likely to be required to address other planning issues consistent with current local policies;
- An assumption that all new housing would be built to Level 3 of the Code for Sustainable Homes (CSH);
- Abnormal costs were assessed and the figures taken into account where information collected for the assessed sites indicated abnormal conditions were likely.

4.4 The appraisals considered viability for two variant scenarios with regard to future changes in price and cost levels. The first reflected a short-term decline (prices falling 10% relative to build) and the second a return to conditions equivalent to the autumn 2007 market peak (prices rising 18 - 19% and costs falling by 6 - 7%). Consideration of the impact of different assumptions for tenure split were also assessed.

4.5 After undertaking the Viability Assessment and based upon the findings, Fordham highlighted the following issues and recommendations for the Council's consideration:-

- Although PPS3 asks for a 'Plan-wide' target, it is not realistic to expect a single target to work across Wirral, as part of the Council's area is essentially outside the normal market by the definition of the regeneration programmes carried out in the housing renewal areas.
- Due to the sharp contrast between the Newheartlands Pathfinder (the RSS Inner Area) and the rest of the Borough, Fordham suggest two targets as feasible for use in planning negotiations now, as broad brush targets. For the Rural and Outer parts of Wirral, a target of 20% is currently feasible without any grant subsidy, For the Inner/housing renewal area a target of 10% is currently feasible without any grant. However Members should note detailed viability evidence may come forward on particular sites which may mean that higher or lower targets may be delivered in individual cases.
- The national minimum site-size threshold to which affordable targets apply is 15 dwellings (PPS3), but provision is made for lower thresholds where appropriate. None of the 15 sites in the main appraisals undertaken by Fordham were under 15 dwellings and in order to provide guidance on this issue Fordham modelled a suite of notional sites (potential developments) ranging in size from four to 15 dwellings, with characteristics based on one of the larger actual sites. The results of the appraisals suggested that there is scope for reducing site size threshold in Wirral. It is being proposed that a 20% target, in line with the Borough-wide target, could be sustained down to sites of five dwellings.
- As viability is likely to change over time, particularly as the housing market recovers and to address the fact that some grant is still likely to be available, Fordham are suggesting retaining the 40% target as an aspiration for the longer-term, to be introduced incrementally, to continue to take account of the targets generated by the housing needs analysis in the original SHMA and the SHMA Update.

- e) The viability assessment has indicated the percentage target for affordable housing requirements in an informed way. Given the pattern of housing market conditions since late 2007, and more particularly a general expectation that house prices may continue to fall for some time to come, or may rise, it will be necessary for any proposed target to be reviewed regularly so to reflect the resulting changes in the profitability of development. Fordham have developed a dynamic viability model which will allow the Council to continue to test the viability of sites within the Borough on an annual basis and update policy responses accordingly, however the upper limit for any target in Wirral is given by the SHMA of 40% and would therefore not be exceeded.
- f) Whilst there are a series of recommendation for Members consideration, attention is drawn to the fact that these are indeed targets and the actual amount of affordable housing required on any particular site must be assessed for that actual site and take into account the peculiar factors of developing that site at that point in the economic cycle.

5.0 POLICY IMPLICATIONS AND WAY FORWARD

- 5.1 The SHMA has identified a number of key areas and challenges facing the Local Authority and has recommended a policy response which could be adopted and taken forward to help respond to local demand for housing and changing demographics. With national CLG household projections estimating an increase in the number of households in Wirral up to 2029 and with the needs survey confirming Wirral has an ageing population there is a significant requirement to ensure Wirral's local policies respond appropriately to both local housing need whilst balance with the regeneration priorities for the Borough.
- 5.2 Affordability has emerged as a problem locally across the borough and is a key strategic priority which is highlighted within Wirral's Housing Strategy Statement 2005-2010. Significant work has been undertaken by officers to deliver and respond to local housing needs and since the implementation of the Housing Strategy in 2005 Wirral's Affordable Housing Development Programme has delivered over 1,400 homes within the Borough. However, whilst there has been an increase in the number of affordable housing, there is still a need to increase the current supply to provide a comprehensive and quality housing offer which meets local people's needs and aspirations.
- 5.4 Council Officers will continue to work in partnership with a range of agencies and local providers such as RSL's and private landlords to both increase the supply of accommodation and make better use of the unused existing accommodation available. Through opportunities including the Governments National Affordable Housing Programme and Housing Market Renewal and through effectively utilising its land assets the Council has been able to respond to local demand for housing. However in order for the Council to be able to maximise opportunities to deliver affordable housing through private developers the following issues must be addressed:
 - a) In order for Technical Services officers to better justify the requirement for private developers to provide a level of affordable housing units on eligible sites on which they are seeking planning approval, the findings from the SHMA will have to be endorsed by the Council as a material consideration.
 - b) The existing Affordable Housing Policy contained within the Council's Unitary Development Plan (UDP) currently provides the policy context to enable officers to clearly set out the Borough's affordable housing target of 40% on all eligible sites, as

recommended in the SHMA findings. However members should note that UDP Policy HSG2 and UDP Policy HS6 will eventually be replaced by the Core Strategy.

- c) Consultation on the options for a new policy for affordable and specialist housing has already show support for the application of a Borough-wide target on the basis that this was likely to result in a more even distribution of affordable housing and would be easier to implement. Any policy to be included in the final Core Strategy will, however, have to be tested through a public examination conducted by an independent planning inspector appointed by the Secretary of State.
- d) Preferred Option 9 – Affordable and Specialist Housing, which subject to Council approval will be published for consultation in November as part the Core Strategy Preferred Options Report (Cabinet 23 September 2010, Item 8 refers), proposes to include the following provisions, in line with the findings of the SHMA Update and the Viability Assessment:
- a third of the future housing land supply should be set aside for the development of specialist housing
 - the long-term aspiration will be to move incrementally towards a Borough wide target of up to 40% affordable housing as part of new market housing developments, subject to site specific viability
 - to begin with, a Borough-wide target of 20% affordable housing will be applied alongside a target of 10% within the Newheartlands Pathfinder , to reflect current market conditions
 - 85% of any affordable housing provided should be secured for social renting with the remaining 15% secured as intermediate housing delivering a mix of house types consistent with the latest local housing needs assessment
 - use by the Council of Fordham Research' Dynamic Viability Model which officers will update on an annual basis using national published data for house prices, building costs and alternative use values. This will enable targets to be re-considered regularly to reflect future changes in the strength of the housing market
 - targets will be applied to any site that will provide five or more dwellings, subject to site specific viability. A commuted sum will be sought where it has been agreed that affordable housing is not to be provided on-site
 - the housing needs assessment and viability assessment will be periodically updated to ensure that the most appropriate type and proportion of affordable and specialist housing is being secured.

6.0 FINANCIAL IMPLICATIONS

- 6.1 An appraisal of developer costs may be necessary to test the financial viability of land values to deliver affordable housing targets to support negotiations on individual sites. Any viability appraisal would be commissioned by the Council, however the developer would be required to paid these costs as part of the planning process. Developers who have planning applications refused may also appeal the Council's decision on individual planning applications. Both of these situations may have additional resource implications and it may also be necessary to obtain the advice of Fordham Research, who conducted the SHMA, to provide support to Planning Officers at appeal hearings and at the public examination into the Core Strategy Development Plan Document.

7.0 STAFFING IMPLICATIONS

- 7.1 Negotiating with developers on the delivery of the targets for affordable housing would be the initial responsibility of officers within the Technical Services Department (Development Control), supported by officers in the Corporate Services Department.
- 7.2 The negotiation and implementation of the Councils affordable housing targets through Section 106 agreements may require further staffing dependent upon the number of applicable development sites and the need for additional legal and financial support. Financial provision for these staffing resources could, however, be generated as part of the Section 106 benefits to the Council.
- 7.3 The annual update of affordable housing targets using Fordham Research Dynamic Viability Model will be carried out within existing staffing resources.
- 7.4 The preparation of policies for affordable housing within the emerging Core Strategy can be delivered within existing staff resources.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS/EQUALITY IMPACT

- 8.1 The research details local housing needs and gives broad findings of specialist needs of vulnerable communities such as older people, homeless people, and young people. The findings will be used by both the Council and related partners to inform and shape future strategies and policies, reduce social exclusion and ensure appropriate housing and related services are available and accessible to all citizens in Wirral.
- 8.2 The provision of affordable housing will help to promote greater choice and increase housing for local people. These issues have been recognised within the Equality Impact Assessments carried out for both the Housing Strategy and the Enabling Role, under which affordable housing is placed and which identified potential positive impacts

9.0 COMMUNITY SAFETY IMPLICATIONS

- 9.1 None

10.0 LOCAL AGENDA 21 IMPLICATIONS

- 10.1 None

11.0 PLANNING IMPLICATIONS

- 11.1 The results of the SHMA Update and Viability Assessment will need to be applied as a material consideration for decisions on individual planning applications and incorporated in local Development Plan policies to provide a robust framework for negotiations with developers over individual developments and land allocations.
- 11.2 The results of the SHMA Update and Viability Assessment will, subject to Council approval, be used to inform the preparation of the emerging Core Strategy Development Plan Document, subject to the results of further statutory public consultation.

12.0 ANTI-POVERTY IMPLICATIONS

- 12.1 The delivery of affordable housing within the borough will ensure that quality housing will be delivered and will be available for local citizens who do not have the financial means to purchase market housing.

13.0 SOCIAL INCLUSION IMPLICATIONS

13.1 The delivery of affordable housing within the borough will have a positive effect on the promotion of social inclusion. Affordable housing includes accommodation for vulnerable people who have the potential to be excluded from society.

14.0 LOCAL MEMBER SUPPORT IMPLICATIONS

14.1 The updated SHMA findings and results of the viability assessment will have an impact on the whole of the Wirral area, affecting all Wards.

15.0 BACKGROUND PAPERS

15.1 Wirral Affordable Housing Viability Study September 2010, Fordham

Wirral Strategic Housing Market Assessment September 2010, Fordham

Cabinet Report 2009 Re-engagement of consultants for Wirral Housing Needs and Market Assessment and Strategic Viability Assessment

16.0 RECOMMENDATIONS

That:-

a) the findings of the Strategic Housing Market Assessment Update Report and the Affordable Housing Viability Study are approved

b) the initial policy implications identified under section 5 of this report are noted

c) the findings are used to inform the preparation of the Council's Housing Strategy Statement

d) Members note the findings are being used as part of the consultation process for the Core Strategy Development Plan Document which Cabinet approved on 23rd September 2010

e) Cabinet recommends to Council that the Strategic Housing Market Assessment Update Report and the Affordable Housing Viability Study are approved as a material consideration for use by Planning Committee in the determination of planning applications.

f) Members approve the use of Fordham Research Dynamic Viability Model to test the viability of sites within the Borough on an annual basis.

Kevin Adderley

Interim Director of Corporate Services

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COMMITTEE REFERRALS

CABINET – 14 OCTOBER 2010

171 WIRRAL STRATEGIC HOUSING MARKET ASSESSMENT UPDATE AND AFFORDABLE HOUSING VIABILITY ASSESSMENT - KEY FINDINGS AND POLICY IMPLICATIONS FOR WIRRAL

A report by the Director of Corporate Services requested Members to:-

- (1) approve the key findings of the Strategic Housing Market Assessment (SHMA) Update and Affordable Housing Viability Assessment undertaken by Fordham for Wirral;
- (2) approve the use of the findings to inform the preparation of the Council's Housing Strategy Statement and the Council's Local Development Framework;
- (3) recommend to Council that the findings of the Assessment and Viability Report be approved as a material consideration for use by Planning Committee in the determination of planning applications; and
- (4) approve the use of Fordham Research Dynamic Viability Model to test the viability of sites within the Borough on an annual basis.

RESOLVED: That

- (1) **the findings of the Strategic Housing Market Assessment Update Report and the Affordable Housing Viability Study be approved;**
- (2) **the initial policy implications identified under section 5 of the report be noted;**
- (3) **the findings be used to inform the preparation of the Council's Housing Strategy Statement;**
- (4) **it be noted that the findings are being used as part of the consultation process for the Core Strategy Development Plan Document which Cabinet approved on 23 September 2010;**
- (5) **the Cabinet recommends to Council that the Strategic Housing Market Assessment Update Report and the Affordable Housing Viability Study be approved as a material consideration for use by Planning Committee in the determination of planning applications;**
- (6) **it remains the ambition of the Cabinet to see a target of 40% affordability in new housing redevelopment reinstated as soon as market conditions make it viable; and**
- (7) **the use of Fordham Research Dynamic Viability Model to test the viability of sites within the Borough on an annual basis be approved.**

LICENSING ACT 2003 COMMITTEE

12 DRAFT STATEMENT OF LICENSING POLICY

The Director of Law, HR and Asset Management submitted a report which sought Members approval of the Draft Statement of Licensing Policy in order that it may be presented to Council on 13 December 2010.

It was reported that the Draft Statement of Licensing Policy had been circulated for consultation for a three month period in accordance with the requirements of the Licensing Act 2003. The Licensing Manager reported on the results of the consultation and confirmed that a full response would be sent to all those who had responded to the consultation.

Resolved (12:0) - That the Draft Statement of Licensing Policy be approved as a Draft to be considered by Council on 13 December 2010 for approval as the Council's Licensing Policy.

DRAFT STATEMENT OF LICENSING POLICY

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members approval of the Draft Statement of Licensing Policy in order that it may be presented to Council for approval on 13 December 2010.

2.0 BACKGROUND

2.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy every three years.

2.2 The Council's Statement of Licensing Policy was first published in January 2005 and was reviewed and published in December 2007. The Policy is now due to be reviewed and published no later than December 2010.

2.3 Amendments have been made to the current Statement of Licensing Policy in accordance with updated Guidance issued under Section 182 of the Licensing Act 2003 and a revised Best Practice Framework produced by the Local Authorities Coordinators for Regulatory Services (LACORS) now known as Local Government Regulation. Additional information is also provided relating to the Temporary Event Notice procedure and the Licence Review process and an appendix provides a list of useful contacts. The draft also takes account of changes in legislation, including: the smoking restrictions that apply to premises and the change that provides that Members may make representations or request that the Licensing Authority review a Premises Licence or Club Premises Certificate.

2.4 The Draft Statement of Licensing Policy attached in Appendix 1 has been circulated for consultation. The consultation has included:

- The Chief Officer of Merseyside Police
- The Chief Fire Officer
- The Chief Officer of Mersey Regional Ambulance Service
- The Director of Technical Services
- Local Safeguarding Children Board
- Wirral Trading Standards
- Environmental Health (Health & Safety and Pollution Control)
- Residents of Wirral, through random selection and Local Area Forums
- Equity
- British Beer & Pub Assn, North West Region
- Musicians Union
- Guild of Master Victuallers
- Federation of Licensed Victuallers Associations
- Cinema Exhibitors Association
- British Retail Consortium
- British Institute of Innkeeping

- Bar, Entertainment and Dance Association
- Association of Licensed Multiple Retailers
- Alison McGovern, Member of Parliament for Wirral South
- Wirral Chamber of Commerce
- Pub Watch
- Members of the Council

- 2.5 Notification of the review was published in the co-ordinator's reports to the Area Forums during September and October and it was also published on the Council's Website.
- 2.6 The consultation period began on 4 August 2010 and closes on 1 November 2010. To date responses have been received from Equity, Merseyside Fire and Rescue Service, Alison McGovern, MP, Mrs Jackie Hall, Resident of Hoylake and Devonshire Park Residents Association.
- 2.7 Copies of the responses received are attached at Appendix 2.
- 2.8 A summary of the comments received that relate directly to the draft policy is shown in Table A below. A full response will be given to all those who have provided comments following consideration of the draft policy at full Council on 13 December 2010.

Table A

	Summary of Comments	Response to Comments
Merseyside Fire and Rescue Service	That all applicants complete a suitable and sufficient fire risk assessment.	The risk assessment relates to the likely impact of the application on the four licensing objectives. It would be a matter for the Fire Authority to make a requirement through a representation for a risk assessment to be undertaken.
Alison McGovern, MP	The policy should take into account local businesses as well as local residents being affected by customers of licensed premises.	The draft policy has been amended to take into consideration the comments made. The suggestions made are now incorporated into paragraphs 4.19 and 4.20 and for the purpose of this report are shown in bold type.
Equity	Requesting local authorities support for live entertainment in particular travelling entertainers, for example circuses.	Council land is licensed to accommodate circuses.

<p>Mrs Jackie Hall, Resident of Hoylake</p>	<p>Residents and Licence Holders do not want any more licences in Hoylake and a Cumulative impact policy should be in place in Hoylake.</p> <p>Premises in Hoylake should close at 12 midnight.</p>	<p>Consideration was given by this Committee on 28 September 2008, as to whether to amend the Licensing Policy to include a Special Cumulative Impact Policy for an area of Hoylake. At that time having considered the evidence presented it was resolved not to amend the Statement of Licensing Policy. It was further resolved that in the event that evidence is received from the Responsible Authorities to justify a Special Policy the matter should be referred back to this Committee. To date, no evidence has been brought forward by any of the Responsible Authorities. In response to this consultation no comments have been received from any of the Responsible Authorities in respect of the need to adopt a Cumulative Impact Policy in Hoylake.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to a cumulative impact policy. An extract from this guidance is available at Appendix 3.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to licensed hours. An extract from this guidance is available at Appendix 4.</p>
<p>Devonshire Park Residents Association</p>	<p>There are too many premises with licences which is having an impact on residential areas. A cumulative impact policy should be in place.</p>	<p>In response to this consultation no comments have been received from any of the Responsible Authorities in respect of the need to adopt a Cumulative Impact Policy</p>

	<p>Premises applying for a new licence should have the same hours as those who currently have a licence.</p>	<p>in this area.</p> <p>There are a number of steps to be followed in considering whether to adopt a special cumulative impact policy within the Licensing Policy. These steps are:</p> <ul style="list-style-type: none"> • Identify concern about crime and disorder or public nuisance • Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by customers of licensed premises or that the risk of cumulative impact is imminent. • Undertake consultation <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to a cumulative impact policy. An extract from this Guidance is available at Appendix 3.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to licensed hours. An extract from this Guidance is available at Appendix 4.</p>
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3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising out of this report.

4.0 STAFFING IMPLICATIONS

4.1 There are no staffing implications arising out of this report.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 The draft policy contains a clause (15.1) recognising the need to eliminate unlawful discrimination and promote equality of opportunities.

6.0 COMMUNITY SAFETY IMPLICATIONS

6.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are no Local Agenda 21 implications arising out of this report.

8.0 PLANNING IMPLICATIONS

8.1 Section 10 of the draft policy refers to planning and building control issues and licensed premises.

9.0 ANTI-POVERTY IMPLICATIONS

9.1 There are no anti-poverty implications arising out of this report.

10.0 SOCIAL INCLUSION IMPLICATIONS

10.1 There are no social inclusion implications arising out of this report.

11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 The report affects the whole Borough.

12.0 BACKGROUND PAPERS

12.1 There are no background papers.

13.0 RECOMMENDATIONS

13.1 That the Draft Statement of Licensing Policy be approved as a Draft to be considered by Council on 13 December 2010 for approval as the Licensing Policy.

Bill Norman
Director of Law, HR and Asset Management

This report was prepared by Margaret O'Donnell who can be contacted on 691 8606.

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Draft Statement of Licensing Policy

July 2010

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CH44 8ED

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CONTENTS

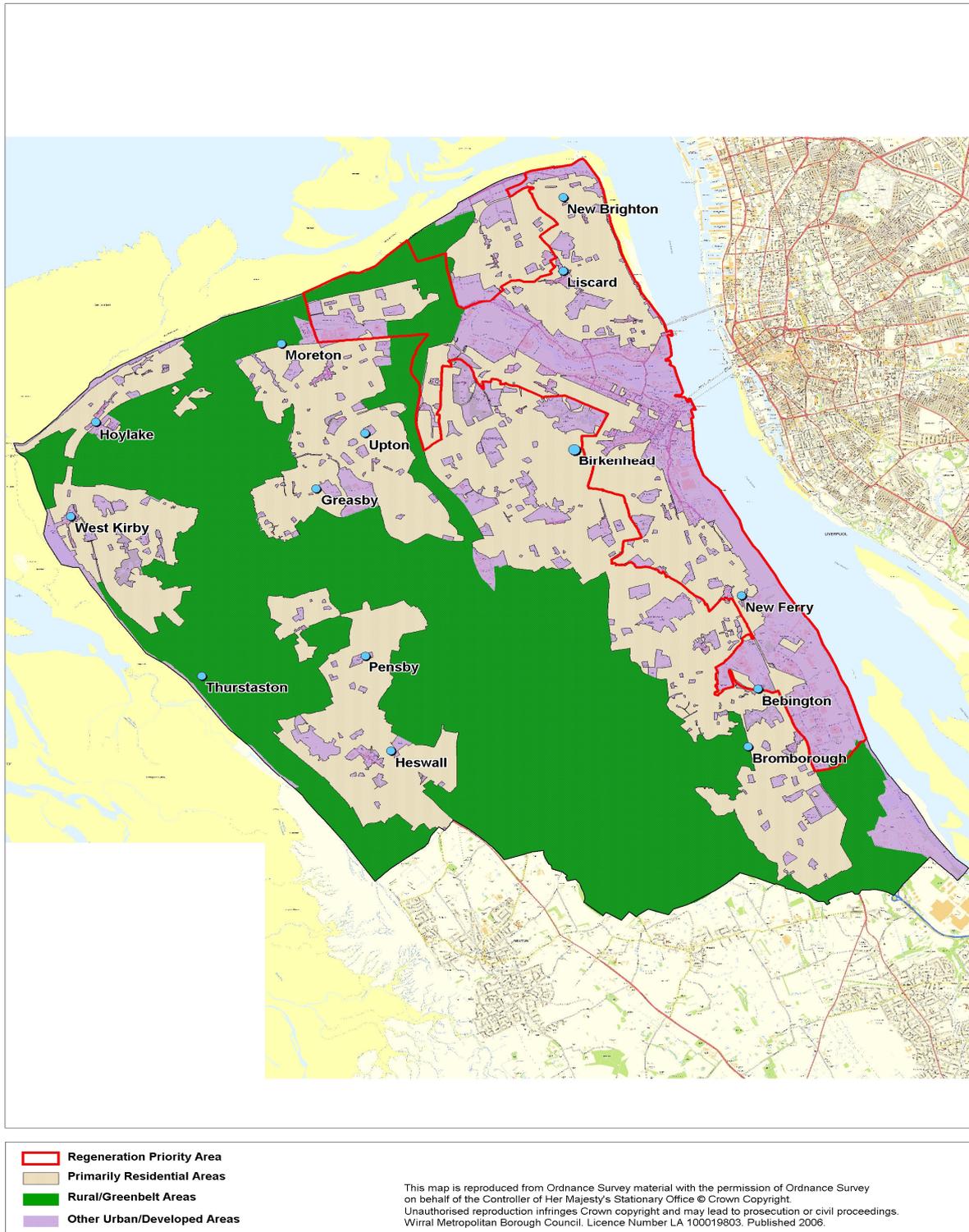
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1. BACKGROUND

1.1 Wirral Borough Council is situated in the County of Merseyside, which contains no district Councils, but 5 metropolitan councils: Knowsley, Liverpool, Sefton, St Helens and Wirral. The Council area has a population of 310,200 (ONS 2007 midyear population estimates) making it the second largest after Liverpool in the County in terms of population. In terms of area it is the largest in Merseyside, covering 60.1 square miles. The Borough is mainly urban in outlook, with 32.85 square miles (54.66% of the borough) covered in Residential, Industrial or Commercial buildings.



The key provided identifies the urban / rural areas as well as regeneration priority areas.

2. EXECUTIVE SUMMARY

- 2.1 This policy sets out how the Licensing Authority will carry out its function in respect of individual applications made under the terms of the Licensing Act 2003.
- 2.2 The Licensing Authority aims to provide a transparent balanced, consistent, proportionate and fair licensing service for all service users including applicants, licence holders, interested parties and responsible authorities.
- 2.3 Holders of authorisations, be that a Premises Licence, Club Premises Certificate, Temporary Event Notice or Personal Licence will be expected to work proactively and positively with the Licensing Authority, Responsible Authorities and Interested Parties to promote the Licensing Objectives.
- 2.4 The policy aims to ensure a consistent approach to licensing within Wirral, promoting fairness and proportionality. The policy is to assist Officers and Members of the Licensing Act 2003 Committee in reaching decisions on particular applications, setting out those matters that will normally be taken into account.
- 2.5 The policy seeks to provide clarity for applicants and residents to enable them to understand the objectives being promoted and matters that will be considered in determination of the applications made under The Licensing Act 2003.
- 2.6 The policy will cover all applications for Premises Licences, Club Premises Certificates, notification of temporary events, together with applications for renewals, transfers and variations. The policy also provides details of the review process that provides a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a Premises Licence or Club Premises Certificate.
- 2.7 Wirral Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act) and works closely with the Responsible Authorities, the licenced trade, local residents, local businesses and Ward Councillors to deliver the licensing objectives.
- 2.8 The Licensing Authority takes its responsibility and the Act seriously and actively works with Merseyside Police and Trading Standards to combat alcohol related crime and disorder and tackle the sale of alcohol to underage persons. Further details of this work can be identified in Wirral's Alcohol Harm Reduction Strategy.
- 2.9 The Licensing Authority works closely with residents to listen to their concerns and where appropriate act as a mediator between licence holders and residents to address issues, in particular relating to the prevention of public nuisance. We also work with licence holders both directly and through Pub Watch, to seek compliance with licence conditions and encourage discussion between all relevant parties to promote the Licensing Objectives. This work is undertaken in recognition that enforcement action will be taken when necessary and appropriate in accordance with the Authority's Enforcement Policy.

3. PURPOSE AND SCOPE OF THE LICENSING POLICY

- 3.1 The Licensing Act 2003 requires that the Licensing Authority publish a Statement of Licensing Policy that sets out the principles the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act. In addition the Policy seeks to provide clarity for applicants and residents to enable them to understand the objectives being promoted and the matters

that will be considered in the determination of licences. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance issued under Section 182.

The Policy relates to all those activities identified as falling within the provisions of the Act, namely:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' - to the public, to club members or with a view to profit
- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Provision of facilities for making music
- Provision of facilities for dancing
- The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am

3.2 In accordance with Section 5(3) of the 2003 Act, the policy has been prepared in consultation with:

- The Chief Officer of Police for the area
- The Fire and Rescue Authority for the area
- Persons/Bodies representative of local holders of premises licences
- Persons/Bodies representative of local holders of club certificates
- Persons/Bodies representative of local holders of personal licences
- Persons/Bodies representative of businesses and residents in its area

4. LICENSING OBJECTIVES

4.1 In carrying out its various licensing functions the Licensing Authority will promote the Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

These objectives will be considered of equal importance and paramount at all times.

4.2 In addition to the Licensing Objectives, this Authority is also bound by Section 17 of the Crime and Disorder Act 1988 which requires the Authority to do all that it reasonably can to prevent crime and disorder within the locality. The Licensing Authority will work in partnership with the Police and other relevant agencies and local residents towards the promotion of the Licensing Objectives.

4.3 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act.

- 4.4 In determining a licence application the overriding principle adopted by the Licensing Authority will be to determine each application on its individual merits.

Prevention of Crime and Disorder

- 4.5 The Licensing Authority expects individual licence holders, new applicants and temporary event organisers to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities and/or premises. Information and advice can be obtained from regulatory agencies, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses or, to contact the Police and Licensing Service if they believe that a particular licensed premises is failing to achieve this objective.
- 4.6 The Authority will through its Crime and Disorder Reduction Partnerships, devise and help deliver strategies to tackle the misuse of alcohol, identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage underage retail and hospitality sales/supply of alcohol. In general, conditions will reflect local crime prevention strategies.
- 4.7 The risk assessment approach remains fundamental. Licence holders and applicants are strongly recommended to work closely with the Police and Licensing Service in particular, in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer-term strategies may need to be deployed by the licence holder to sustain and promote the prevention of crime and disorder.
- 4.8 The Licensing Authority encourages relevant businesses to participate in local Pub Watch schemes or similar forums where it is set up, and where this helps secure and/or promotes the Licensing Objective(s).
- 4.9 The Licensing Authority will encourage small businesses to network locally with other businesses and to seek advice from regulatory agencies.
- 4.10 The Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issue.

Promotion of Public Safety

- 4.11 Public safety is not defined within the Act, but is concerned with the physical safety of people, not specifically with public health matters, which are covered by other legislation such as the Health and Safety at Work etc, Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.
- 4.12 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are permanently employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities.

- 4.13 Holders of Premises Licences, and Club Premises Certificates Certificates, or those organising temporary events, should interpret safety widely to include freedom from immediate danger or physical harm, and a sense of personal security e.g. freedom from personal abuse.
- 4.14 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices occur, a review of risk assessment must be undertaken.
- 4.15 Fire safety and means of escape remain an essential consideration to the Licensing Authority when determining applications. The Licensing Service will work in partnership with the Fire Authority and other Council departments (e.g. Building Control and Environmental Health) to ensure that appropriate standards are applied and maintained. Applicants are encouraged and reminded to consult with all relevant parties prior to submission.
- 4.16 In the context of providing safe access to licensed premises for disabled members of the community, the Licensing Authority urges all licensees to familiarise themselves with The Disability Discrimination Act 1995.

Prevention of Public Nuisance

- 4.17 Public nuisance is not narrowly defined within the context of the Act. The Licensing Authority will take a broad approach to its meaning. In effect, any nuisance arising from a licensable activity – ranging from major noise from an outdoor pop concert affecting a wide area, to a low-level nuisance affecting only a few people (e.g. vibrations from a poorly mounted extraction duct serving a night café), could be included.
- 4.18 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The Licensing Authority will consider the impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises.
- 4.19 The Licensing Authority will always consider whether other legislation already provides sufficient protection of the rights of local people. For example, the Environmental Protection Act 1990, the Noise Act 1996 and the Antisocial Behaviour Act 2003 can be utilised to address noise nuisance issues. The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, and by the provision of good facilities. This will require appropriate advice at the planning and development stages of new projects. The Licensing Authority's Licensing Service and the Environmental Health Department and other regulatory agencies such as the Police, should be viewed as being instrumental in this respect. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises. **Applicants should ensure they have measures in place to prevent public nuisance within the vicinity of the premises that might affect other businesses as well as residents.**
- 4.20 The Licensing Authority expects licence holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public nuisance. The matter of persons congregating in outside areas including beer gardens can cause

disturbance and be a public nuisance to residents living in close proximity to licensed premises. This congregation may be connected to the manner in which the smoke free legislation is managed at the premises. The Licensing Authority will expect such matters to have been demonstratively assessed and addressed in the Operating Schedule. In cases where there appears to be a likelihood of residents living around licensed premises **or businesses within the vicinity** being disturbed by customers leaving venues, or there being an impact on crime and disorder from customers leaving venues, applicants may consider putting in place a dispersal policy such a policy would set out the steps that would be put in place to minimise disorder or disturbance that may be caused as customers leave.

- 4.21 Where the provision of existing legislation proves inadequate or inappropriate for control purposes, if its discretion is engaged through the submission of representations the Licensing Authority will consider imposing licence conditions, any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder, and designated premises supervisor.

Protection of Children from Harm

- 4.22 The Licensing Authority recognises the Local Safe Guarding Children Board as being competent to advise on matters relating to the protection of children from harm.
- 4.23 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.
- 4.24 The Licensing Authority is committed to tackling the issue of under-age drinking and has developed a comprehensive package of measures in partnership with other stakeholders and will seek support from licence holders to implement these measures.
- 4.25 Licensing conditions will usually only restrict access to children in order to protect those children from harm. Applicants will be expected to pay particular attention to safety issues within their operating schedule where regulated entertainment is specially presented for children.
- 4.26 The Licensing Authority recognises the great variety of premises for which licences may be sought, including theatre, cinemas, public houses, concert halls as well as 'night-clubs'. The Licensing Authority will consider the individual merits of each of these applications. Examples of premises where restrictions on access to children may be imposed include:
- Where there have been convictions of current staff for serving alcohol to minors
 - Where there is a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is commonly provided
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

4.27 The options available for limiting access to children can include:

- A limit on the hours when children may be present
- Age limitations (below 18)
- Limitation or exclusions when certain activities are taking place
- The requirement to be accompanied by an adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

4.28 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issues of access will remain a matter for the discretion of the individual licensee or club.

4.29 Where children are expected to attend public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm.

4.30 The type of entertainment and the nature of the premises will determine the appropriate level of adult supervision. If considered appropriate, the Licensing Authority may require that adult supervisors be subject to a Criminal Records Bureau check.

4.31 Where cinemas are concerned, the Licensing Authority would expect licensees to impose conditions that children will be restricted from viewing age-restricted films according to the recommendations of the British Board of Film Classification. Licensees will be expected to include in their operating schedule arrangements for restricting children from viewing age restricted films.

5. **CONDITIONS**

5.1 The Licensing Authority cannot impose conditions unless it has received a relevant representation from a responsible authority, such as the Police or an Environmental Health officer or an interested party, such as a local resident, local business or a local Ward Councillor. The Licensing Authority will determine whether or not a representation qualifies as a “relevant representation” and therefore whether or not the representations may be taken into account by the Licensing Authority when it makes its decision. In determining whether or not a representation is a “relevant” representation, the Licensing Authority will have regard to Government guidance. The Licensing Authority then needs to be satisfied that it is necessary to impose conditions or refuse an application in order to promote one or more of the Licensing Objectives.

5.2 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises. Standard conditions, other than mandatory conditions, will therefore be avoided and no condition will be imposed that is disproportionate or cannot be shown to be necessary for the promotion of the Licensing Objectives. However the Licensing Authority may seek to develop a pool of conditions in line with the Department of Culture, Media and Sport (DCMS) Guidance.

- 5.3 Applicants for Premises Licences or Club Premises Certificates or for variations to such licences or certificates are expected to conduct a thorough risk assessment with regard to the Licensing Objectives when preparing their applications. The risk assessment should cover the premises, events, activities and the customers expected to attend and will inform any necessary steps to be set out in the operating schedule to promote the Licensing Objectives. It would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary. The level of detail to be provided should be proportional to the scale and nature of the application to allow Responsible Authorities and Interested Parties to consider whether the Licensing Objectives are being/can be fully met.
- 5.4 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined it is appropriate, such prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable.
- 5.5 The Guidance issued under Section 182 provides pools of model conditions at Annexe D.
- 5.6 Where necessary for the promotion of the Licensing Objectives, the Licensing Authority will attach conditions in accordance with these model pool of conditions.
- 5.7 Conditions deemed necessary to achieve the Licensing Objectives will be applied following Relevant Representations. Terms and conditions attached to licences will be proportionate and will focus on matters that are within the control of individual licensees and others granted relevant permissions. The focus of these conditions will be on the direct impact that activities taking place at the licensed premises could have on persons attending the venue as well as members of the public living, working or engaged in normal activity in the area concerned and will seek to ensure the protection of children from harm.
- 5.8 It is recognised by this policy that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. This policy is able to address such behaviour “in the vicinity” of premises used for licensable activities. Whether or not incidents can be regarded as “in the vicinity” of licensed premises or places is ultimately a matter of fact to be determined by the courts in cases of dispute. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 5.9 The Licensing Authority will work in partnership with the Police and other relevant agencies to promote the Licensing Objectives and will develop licensing conditions for individual premises in order to meet these objectives and conditions will be tailored to the specific premises concerned. Licensing Law is not the primary mechanism for the general control of nuisance and anti-social behaviour once they are beyond the direct control of the individual, club or business holding the licence, however the Licensing Authority recognises that it is a key aspect of such control and Licensing Law will always be part of a holistic approach to the management of the evening and night time economy in town and city centres.
- 5.10 Other mechanisms available for addressing issues when individuals behave badly away from licensed premises include:

- Planning control
- Town centre initiatives
- The provision of CCTV surveillance in town centres
- Designation of defined areas within this Authority where alcohol may not be consumed publicly
- Police enforcement of the normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or who are underage
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

6. ENFORCEMENT

- 6.1 It is essential that Licensed Premises are maintained and operated to ensure the continued promotion of the Licensing Objectives and compliance with the specific requirements of the Act. The Licensing Authority will monitor premises and take appropriate enforcement action in line with the Licensing Authority's Enforcement Policy. A copy of the Enforcement Policy is available on request.
- 6.2 The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the Licensing Objectives. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
- 6.3 The Licensing Authority will continue to work with Merseyside Police on joint inspections of premises to reduce the level of crime and disorder and ensure the safety of the public. Protocols will continue to be developed to avoid duplication and ensure the best use of resources to promote the Licensing Objectives.
- 6.4 Protocols continue to be developed in accordance with the Licensing Authority's Enforcement Policy and the principles of better regulation. The principles of risk assessment and targeting will prevail and inspections planned accordingly.

7. CUMULATIVE IMPACT

- 7.1 Cumulative impact means the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area. Cumulative impact of licensed premises on the promotion of the Licensing Objectives is a proper matter for a Licensing Authority to consider and the Licensing Authority may adopt a special policy.
- 7.2 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

- 7.3 However, a special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 7.4 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 7.5 It is for any person making such representations to provide evidence to the Licensing Committee that the addition of the premises concerned would cause the cumulative impact claimed. When considering such representations, the committee will:
- Identify any serious and chronic concern
 - Identify the area from which problems are arising and the boundaries of that area
 - Make an assessment of the causes
 - Consider adopting a policy about future licence applications from that area
- 7.6 The cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a public house, restaurant or hotel. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 7.7 The Licensing Authority recognises that public houses, 'night clubs', restaurants, theatres, concert halls and cinemas all provide their services of selling alcohol, serving food and providing entertainment with contrasting styles and characteristics. Proper regard will therefore be given to these differences and the differing impact they will have on the local community and each application will be considered on its individual merits.

8. LICENSING HOURS

- 8.1 The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and private hire offices as well as other sources of transport that might be a focus of disorder and disturbance. The Licensing Authority will, however, have regard to the location of the premises in question and the surrounding area, considering each application on its individual merits.
- 8.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later.
- 8.3 Stricter conditions with regard to noise control will be demanded in certain areas, for example, premises in close proximity to residential accommodation.
- 8.4 The Licensing Authority will usually permit the sale of alcohol for consumption off trade premises at any time the retail outlet is open for shopping unless there are very

good reasons for restricting these hours, for example, following Police representation that a particular shop is known to be the focus of disorder and disturbance.

9. INTEGRATING STRATEGIES

9.1 The Licensing Authority will seek to ensure proper integration with the local Crime and Disorder Reduction Partnership, Planning, Tourism and Cultural Strategies when dealing with licence applications and through partnership working. The Licensing Authority will work with other partners such as the Police and the Primary Care Trust to develop initiatives that support the Licensing Objectives. The following strategies are examples of such strategies:

- Alcohol Harm Reduction Strategy
- Tourism Strategy
- Crime and Disorder Reduction Partnership Strategy
- Wirral's Partnership Agreement

9.2 The Licensing Authority recognises that there are many stakeholders in the leisure industry covering a wide range of disciplines.

9.3 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with the Police, Community Safety
- Liaising and consulting with the Local Strategic Partnership
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Trading Standards Team, for example, with regard to test purchasing codes of practice

9.4 Licences issued to premises shall reflect local crime prevention strategies. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

9.5 The Licensing Authority shall have regard to the need to disperse people quickly and safely from the town centre to avoid concentrations that may produce disorder and disturbance. The policy shall reflect any protocols agreed between the local police and other licensing enforcement officers and the need to report to other council committees.

10.0 PLANNING AND BUILDING CONTROL

10.1 Applications for Premises Licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing considers public nuisance whereas planning considers amenity.

10.2 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Similarly, the granting by the Licensing Authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building consent.

10.3 There are also circumstances when as a conclusion of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Applicants are strongly recommended to consider whether their application conflicts with a relevant planning permission for a particular premises. If the applicant is unsure whether this is the case or where they are aware of such a conflict, they should contact the planning department. Contact details are provided in Appendix 2

11.0 LIVE MUSIC, DANCING AND THEATRE

11.1 Where possible, the Licensing Authority will encourage and promote live music, dancing and theatre for the wider cultural benefit of the Borough and its communities. The Licensing Authority will balance carefully the potential for limited disturbance in particular neighbourhoods against the benefit for a wider area. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre by impairing indirect costs of a disproportionate nature.

12.0 TEMPORARY EVENT NOTICE

12.1 A permitted temporary activity is an event lasting for no more than 96 hours where the number of people attending the event is no more than 499.

12.2 Temporary events do not involve the Licensing Authority giving permission for the event to take place but the Police must be served with the Temporary Event Notice (TEN). This is a notification procedure in which only the police may intervene to prevent such an event taking place or to modify the arrangements for such an event. The Police may only do so where they believe it may undermine the promotion of the crime prevention licensing objective.

12.3 The event organiser must give the Licensing Authority and the police a minimum of 10 clear working days notice. This does not include the application date, the day of the event, weekends and bank holidays. The Licensing Authority recommends that TEN's are received by this Authority and Merseyside Police at least 28 days before the event, to allow any necessary discussions to take place with the Police.

12.4 It is not a requirement for a TEN to be served on other Responsible Authorities, however the Licensing Authority will notify the Responsible Authorities of all TEN's received. In addition Ward Councillors will be made aware of the TEN'S received relating to the premises in their ward so they are up to date with activities taking place in their area and are therefore able to respond to enquiries from local residents.

12.5 As started in paragraph 12.2 it is only the Police who can object to a TEN and providing details to other Responsible Authorities and Ward Councillors is purely to assist them in undertaking their duties.

13.0 LICENCE REVIEWS

13.1 At any stage following the grant of a Premises Licence or Club Premises Certificate a Responsible Authority, Interested Party or an elected member of the Licensing Authority may ask the Licensing Authority to review the Licence or Club Premises

Certificate because of a matter at a particular premises in connection with any of the four licensing objectives.

- 13.2 Where a person or body is considering making an application for a review they are advised to contact the licensing office, contact details are provided in Appendix 2. This is so that an officer may provide some initial feedback on the matter and then if appropriate attempt to facilitate a meeting or a series of meetings between relevant persons to discuss the review process and identify any possible solutions.
- 13.3 Applicants for a review should make all efforts to set out their concerns clearly and ensure that these concerns are relevant to a failure to promote the licensing objectives.
- 13.4 In considering an application from an interested party the licensing Authority must first consider whether the applicant is relevant, vexatious, frivolous or repetitions.
- 13.5 The promotion of the licensing objectives relies heavily on a partnership between license holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is important therefore that authorities, persons and responsible authorities give license holders early warnings of their concerns and of the need for improvement.
- 13.6 The Licensing Authority cannot initiate the review process. The Authority's role is to administrate the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 13.7 The Licensing Authority is considering the review may take such of the following steps:
 - modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - removal of the designated premises supervisor from the licence
 - suspension of the licence.
 - revoke the Licence.

The Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

14.0 ADMINISTRATION EXERCISE AND DELEGATION OF FUNCTIONS

- 14.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Act 2003 Committee, by a Sub-Committee or, instead, by one or more officers acting under delegated authority.
- 14.2 The Licensing Authority recognises its responsibilities under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 in the exercise of its functions under the 2003 Act.
- 14.3 It is considered that many of the functions will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

- 14.4 Where there are relevant representations applications will be dealt with by a Sub-Committee of the Licensing Authority, as will any application for the Review of a licence.
- 14.5 The Licensing Authority will expect individual applicants to address the Licensing Objectives in their operational plan having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 14.6 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate when formulating their operating plan. The Licensing Authority also expects applicants to have regard to other national strategies and guidance, such as the Alcohol Harm Reduction Strategy, again where these are relevant.
- 14.7 When determining applications, the Licensing Authority will have regard to any guidance issued by the Department of Culture, Media and Sport (DCMS). If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 14.8 In the interests of speed, efficiency and cost effectiveness, the Licensing Authority have determined which decisions and functions should be carried out by the full Licensing Committee, or delegated to a Sub-Committee or Council officer. Appendix 1 to this statement of policy sets out how the Council will approach and carry out its different functions.

15.0 PROMOTION OF RACIAL EQUALITY

- 15.1 The Licensing Authority recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunities and good relations between persons of different racial groups. The Licensing Authority will therefore assess the likely impact of the policy and publish the results of such assessment in accordance with an impact equality assessment.

DELEGATION OF FUNCTIONS

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representative made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Decision on whether a complaint is irrelevant frivolous vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

LIST OF CONTACTS

Name and Address	Telephone Number	Email Address	Fax Number
Licensing Authority Wallasey Town Hall Brighton Street Wallasey CH44 8ED	0151 691 8043	licensing@wirral.gov.uk	0151 691 8215
Police Licensing Section Manor Road Police Station Manor Road Wallasey CH44 1DA	0151 777 2944	A.BCU.Licensing@merseyside.police.uk	0151 777 2939
Environmental Health Town Hall Brighton Street Wallasey CH44 8ED	0151 691 8318	environmentalhealth@wirral.gov.uk	0151 691 8444
Planning Authority Cheshire Lines Building Canning Street Birkenhead CH41 1ND	0151 606 2536	planningapplications@wirral.gov.uk	0151 606 2268
Wirral Area Child Protection Committee Hamilton Building Conway Street Birkenhead CH41 4FD	0151 666 4291	N/A	0151 666 4580
Trading Standards Town Hall Brighton Street Wallasey CH44 8ED	0151 691 8020	tradingstandards@wirral.gov.uk	0151 691 8098

Merseyside Fire & Rescue Service Wirral District Fire Safety The Fire Station Mill Lane Wallasey CH44 5UE	0151 296 4932	WirralAdmin@merseyfire.gov.uk	0151 296 6222
Guidance issued under section 182 of the Licensing Act 2003 can be obtained from:			
Department for Culture Media and Sport 2-4 Cockspur Street London SW1Y 5DH	020 7211 6000	enquiries@culture.gov.uk	N/A

APPENDIX 2

Statement of Licensing Policy

LICENSING
18 AUG 2010

Consultation - 2010

Your name:

AVANT LEAPS

Name of Company/Organisation:

MERSEYSIDE FIRE & RESCUE SERVICE

Contact Details:

Address:

MERSEYSIDE FIRE & RESCUE SERVICE
BLAUGROAN BOOTH LIVERPOOL L30 4TD

Telephone Number:

0151 296 4639

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

- Purpose and Scope of the Licensing Policy
- Licensing Objectives
- Conditions
- Enforcement
- Cumulative Impact
- Licensing Hours
- Integrated Strategies
- Planning and Building Control
- Live Music, Dancing & Theatre
- Temporary Event Notices
- Licence Reviews
- Administration Exercise & Delegation of Functions
- Promotion of Racial Equality
- General

Purpose and Scope of the Licensing Policy

Licensing Objectives

Within part 5.3 the 1st paragraph specifies that "the level of detail provided should be proportional to the risk scale and nature of the application to allow Responsible authorities to consider whether the licensing objectives have been met"

Any criteria of the level of detail required by the licensing authority will include the completion of a suitable and sufficient fire risk assessment

Conditions

Enforcement

Cumulative Impact

Licensing Hours

Integrated Strategies

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Planning and Building Control

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Live Music, Dancing & Theatre

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Temporary Event Notices

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Licence Reviews

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Administration Exercise & Delegation of Functions

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Promotion of Racial Equality

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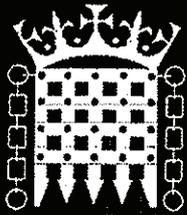
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Alison McGovern MP

Member of Parliament for Wirral South

www.alisonmcgovern.org.uk



Mrs Margaret O'Donnell
Head of Licensing
Metropolitan Borough of Wirral
Town Hall
Brighton Street
Wallasey
Wirral Merseyside
CH44 8ED

19 October 2010

Dear Mrs O'Donnell

Further to receipt of Wirral Borough Council's licensing policy review document I have enclosed a copy of the response proforma containing some comments that I feel merit further consideration.

Receipt of feedback on the consultation exercise would be appreciated as would a copy of the final statement of licensing policy.

Best wishes,

Rob Bucknigh

P/P

Alison McGovern MP
Member of Parliament for Wirral South

Statement of Licensing Policy

Consultation - 2010

Your name: Alison McGovern MP

Name of Company/Organisation: Member of Parliament

Contact Details: Constituency Office

Address: 99 New Chester Road
New Ferry, Wirral, Merseyside CH62 4RA

Telephone Number: 0151 645 6590

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

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- General

Purpose and Scope of the Licensing Policy

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Licensing Objectives

4.19 Should take account of nuisance to public on the highway and effect on other retailers.

4.20 (After) In cases where there appears to be a likelihood of residents (Add) or other businesses
around licensed premises being disturbed by customers.....

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Conditions

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Integrated Strategies

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Planning and Building Control

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Live Music, Dancing & Theatre

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Temporary Event Notices

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Administration Exercise & Delegation of Functions

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Promotion of Racial Equality

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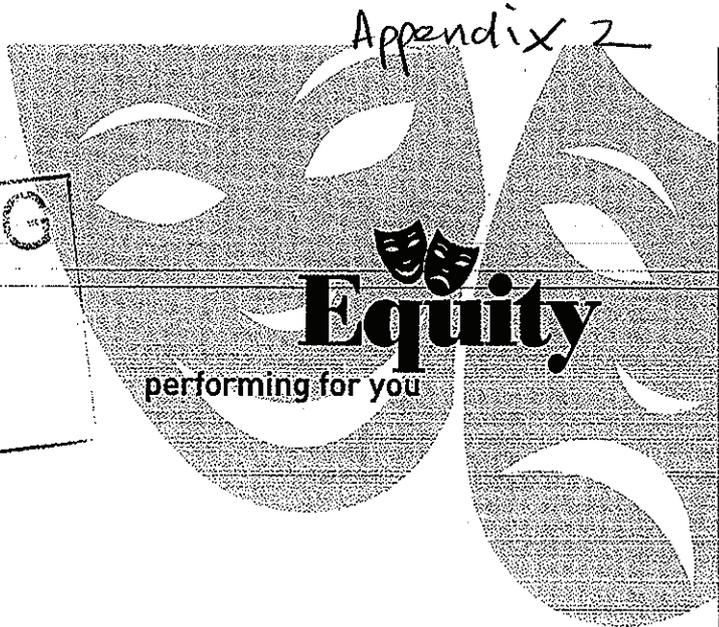
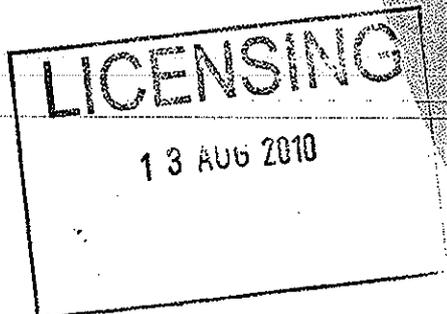
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Licensing Office
Town Hall
Wallasey
Wirral
Merseyside
CH44 8ED

10th August 2010

Re: Review of Licensing Policy

I am writing to you on behalf of Equity, the trade union representing 37,000 performers and other creative professionals working in the entertainment industry, in response to the consultation exercise currently being undertaken to review your local authority licensing policy. Equity was closely involved in the Licensing Act 2003 both during its progression through the parliamentary process, and during and after its implementation.

We remain of the opinion that the inclusion of regulated entertainment in the Licensing Act 2003 is not necessary and has greatly increased bureaucracy for very little benefit to the licensing objectives. However, we are committed to working with central Government and local authorities to ensure that the Act meets the interests of performers as best as possible.

It is unfortunate that entertainment is regulated by legislation that is principally designed to deal with the sale of alcohol and public order issues. The Act includes all forms of "regulated entertainment", which includes live music, theatre and circus performances, street performances and Punch and Judy shows. Whilst there is no evidence to support such a link, we are aware that there are perceptions that live entertainment is associated with possible public order problems.

Since the new licensing regime came into force in November 2005 performers, and especially those working as variety artists, have raised major concerns about the negative impact the Act has had on their working lives and have called for important changes to the regulations. Furthermore, in recent years, many pubs and clubs have been forced to close due to falling disposable incomes. This has had a considerable knock-on effect for the employment of performers. We believe the restrictions brought about by the provisions of the Licensing Act are exacerbating this situation.

Together with the Musicians Union, Equity has recently been campaigning to secure reform of the regulation of live entertainment. We are very pleased to note that the Government is considering an exemption from the Act for live music venues with capacity for fewer than 200 people and would encourage your local authority to support such a change. Live music in small venues provides much needed

employment for musicians and singers starting out in their careers and can help small venues such as pubs and clubs diversify their business and avoid closure.

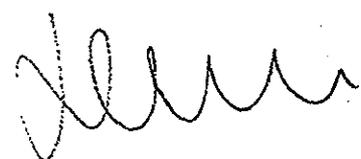
As stated above 'regulated entertainment' is a broad category. Many forms of travelling entertainment that for many years did not require a licence are covered by the provisions of the Licensing Act 2003. Consequently circuses have to get a separate licence for every single new site they go to – which can be as many as 40 each season. They also have problems if a site becomes unavailable at the last minute, as alternative sites will not ordinarily have a licence and it takes at least a further 28 days to arrange one.

In 2009 the Culture, Media and Sport Select Committee's Report into the Licensing Act contained a number of proposals which would have lifted some significant barriers to work faced by entertainers. The Report recommended the creation of portable licenses for travelling entertainment and circuses which would reduce the need for multiple applications and would provide greater freedom to perform on a basis agreed with local authorities. Equity supported these recommendations and would encourage your local authority to look into the possibility of streamlining the process of approving licences for travelling entertainment.

The Report also recommended that simplification of the Licensing Act is necessary in order to reduce bureaucracy and better meet the licensing objectives. In particular, the Committee stated that better consistency between local authorities would aid travelling performers. We would also encourage your local authority to work alongside other authorities in order to achieve this much needed consistency and to establish best practice in terms of licensing policy.

If you would like to discuss this issue further or if you require any clarification or additional information please contact Louise McMullan, Equity's Policy Development Officer & Assistant to the General Secretary at lmcmullan@equity.org.uk or on 02076700260.

Yours sincerely,



Christine Payne
General Secretary

Statement of Licensing Policy

Consultation - 2010

Your name: JACKIE HALL

Name of Company/Organisation: HOYLAKE RESIDENTS NETWORK

Contact Details: _____

Address: 90 AS, CABLE RD,
HOYLAKE. CH472AT

Telephone Number: 0151-632-2152

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

- Purpose and Scope of the Licensing Policy
- Licensing Objectives
- Conditions
- Enforcement
- Cumulative Impact
- Licensing Hours
- Integrated Strategies
- Planning and Building Control
- Live Music, Dancing & Theatre
- Temporary Event Notices
- Licence Reviews
- Administration Exercise & Delegation of Functions
- Promotion of Racial Equality
- General

Purpose and Scope of the Licensing Policy

Take Residents Views 1st

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Licensing Objectives

To protect the peaceful enjoyment
of Residents Property as in
W.B Council UDP.

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Conditions

Strict behaviour conditions
need to be attached to licenses

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Enforcement

Insufficient officers to ensure full enforcement, after hours drinking in Hoyleake.

Cumulative Impact

We have worked on this Policy and it is left unopened. The Residents, licensees and Bar Owners, Restaurantiers do not want any more licences in Hoyleake. We should call the tune.

Licensing Hours

Midnight Closure requested in Hoyleake due to the Proximity of Residential Property.

Integrated Strategies

Licensing, Planning and Police
and environmental health
do not work together.

Planning and Building Control

Residents views are ignored for
planning ideas to the detriment
of the district

Live Music, Dancing & Theatre

We do not support any activity
after midnight in Haylake.

Temporary Event Notices

These should be for special events for non-licence holders not an excuse for Bar Owners to have late drinks. Residents should be able to object

Licence Reviews

When a licensee defaults and is a nuisance greater importance should be paid to Residents views.

Administration Exercise & Delegation of Functions

Promotion of Racial Equality

No problems

General

Hoylelake wants a Cumulative Policy to stop further Bars + Licenses in a Residential Area.

D.P.R.A.

DEVONSHIRE PARK RESIDENTS ASSOCIATION

Robbie Bell
Chair
26 Rocky Bank Road
Devonshire Park
Wirral CH42 7LB
0151 652 4544
07710 399 366

Dave Pearson
Vice Chair
10 Rocky Bank Road
Devonshire Park
Wirral CH42 7LB
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Wednesday, 27 October 2010

Copied to Ann Bridson - Ward Councillor
Copied to; Denise Realy - Ward Councillor
Copied to Simon Holbrook - Ward Councillor

Mr R Leyland,
Wirral Borough Council Licensing Authority,
Town Hall,
Brighton Street,
Wallasey,
Wirral,
CH44 8ED,

Wirral Borough Council Licensing Review.

Dear Mr Leyland,

I am contacting you on behalf of the residents from the Devonshire Park area, namely the Devonshire Park Residents Association, regarding the review you are undertaking of the Licensing Act 2003.

Devonshire Park has nearly 500 dwellings, comprising of a typical mix of housing stock usually found in mature well established locations, ranging from one bed roomed flats to

very large Victorian seven or more bed roomed family homes, with a popular of circa 1000 residents. We as a community team have been established since 2006, and primarily formed our Association to ensure we maintained the " Balance of our Community ", this encompasses a number of topics, the Sale of Alcohol being one of them. This follows our recent opposition to another outlet being granted a license to sell alcohol in the locality. Therefore may I request you consider the following points in your review as we strive to ensure our community remains a desirable place to live:

1. Too many outlets are being granted licences to sell alcohol in the same area, which must have an accumulative impact on the ease of availability of alcohol, therefore potentially impacting on all surrounding residential areas. This should be given higher consideration by WBC, especially when objections are supported by the local community, such as a Resident Assoc such as ours.
2. A bench mark must be set by WBC for an acceptable level of outlets that are granted a premises licence, ie no more than 1 in 20 shops/units per location, or whatever is deemed acceptable. These measureable procedures would then prevent an excess of licensed outlets in any one area.
3. Advertising the sale of alcohol on premises before a licence has been granted should render the application void. The assumption is that a licence from WBC is a mere formality. i.e. KK Food & Wine Application for a licence on Borough Road recently , was preceded by their shop signage advertising Alcohol Sales for some time prior to being granted a licence, this cannot be acceptable.
4. The hours of operation of any new potential outlet should be the same as those outlets already selling alcohol in the same vicinity and not extended, therefore not adding to any more disturbance than is currently experienced. If extended hours are allowed beyond existing ones, this may encourage additional footfall to purchase alcohol and might result in ASB or disturbances for the local residents.
5. The increase of outlets selling alcohol for extended hours puts more pressure on the stretched resources of services such as the police and weights and measures at a time when emergency services are being reviewed by government.
6. The implementation of a Wirral Strategy concerning alcohol abuse should be a major consideration

R.J.Bell.

Yours truly,

Robbie Bell,

Chairperson of Devonshire Park Residents Association.

13.23 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. "Need" is a matter for planning committees and for the market.

THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

What is cumulative impact?

13.24 "Cumulative impact" is not mentioned specifically in the 2003 Act but means in this Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

13.25 In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While more flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater in these cases than the impact of customers of individual premises. These conditions are more likely to occur in town and city centres, but may also arise in other urban centres and the suburbs.

Evidence of cumulative impact

13.26 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour; and crime prevention strategies may have already identified cumulative impact as a local problem. Similarly, environmental health officers may be able to demonstrate concentrations of valid complaints relating to noise disturbance. The open meetings recommended at paragraph 1.22 of this Guidance should also assist licensing authorities in keeping the situation as to whether an area is nearing this point under review.

13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement. In this case, it should indicate in the statement that it is adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact

on the licensing objectives which it concludes after hearing those representations should lead to refusal (see paragraphs 13.29 – 13.32 below).

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

STEPS TO A SPECIAL POLICY

- Identify concern about crime and disorder or public nuisance
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identify the boundaries of the area where problems are occurring
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation
- Include and publish details of special policy in licensing policy statement

Effect of special policies

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

13.30 However, a special policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or need expanding.

13.32 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

13.33 It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.

13.34 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

13.35 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.36 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

13.37 A special policy relating to cumulative impact cannot justify and should not include provisions for a terminal hour in a particular area. For example, it would be wrong not to apply the special policy to applications that include provision to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later.

The effect would be to impose a fixed closing time akin to that under the “permitted hours” provisions of the Licensing Act 1964. Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act.

13.38 Special policies must not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard should be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

OTHER MECHANISMS FOR CONTROLLING CUMULATIVE IMPACT

13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

OTHER MEASURES TO CONTROL CUMULATIVE IMPACT

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- Other local initiatives that similarly address these problems.

13.40 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

13.41 The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

13.42 Statements of licensing policy should indicate that shops, stores and supermarkets, are free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there. Statements of licensing policy should therefore reflect this general approach.

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CABINET REFERRALS –9 DECEMBER 2010

MATTERS FOR NOTING

259 CONTRACTS FOR PERSONAL SUPPORT

The Interim Director of Adult Social Services presented a report seeking authority to tender for the provision of Personal Support to people in their own homes and Support to people living in registered Residential and Nursing Home accommodation in Wirral. The revised Contracts focused on outcomes for people and were set in the context of the broader transformation agenda for Adult Social Care and the recommendations of the Task Force (Minute 242 refers). The new Contracts were considered essential to improving safeguarding arrangements for vulnerable people, providing better value for money and offering more choices for people to enable them to take control over their own lives.

Councillor Bob Moon, portfolio holder, thanked the Interim Director and his team, for their hard work in progressing this matter.

Councillor Holbrook endorsed these comments and asked for the Cabinet's approval to waive the call-in period.

The Director of Law, HR and Asset Management, advised that the waiving of the call-in on the grounds that the delay would seriously prejudice the Council's interests required the approval of both the Cabinet and the Interim Chief Executive.

The Interim Chief Executive gave his approval to the waiving of the call-in.

RESOLVED:

(1) That Cabinet authorises the Interim Director of Adult Social Services to implement the Contracting arrangements as set out in paragraphs 7 and 17.

(2) That Cabinet instructs the Interim Director of Adult Social Services to continue dialogue with providers.

(3) That Cabinet instructs the Interim Director of Adult Social Services to advise providers that the Council will continue to benchmark charges to compare the fees paid with those of neighbouring authorities and retain these in broad alignment with the North West regional average, whilst continuing to ensure high quality and value for money.

(3) That the Council supports providers, including independent, community, voluntary and faith organisations, to develop partnerships which will be enable them to benefit from opportunities presented as personal budgets are rolled out and improve and enhance outcomes for vulnerable people.

(4) That Cabinet instructs the Interim Director of Adult Social Services to develop a robust quality assurance, inspection and monitoring framework,

building on the rating criteria currently in use. This to ensure that the most vulnerable people in Wirral are safeguarded and outcomes enhanced with rigorous measures put in place to monitor provider standards to ensure that they are retained, and wherever possible improved.

(5) That the outcome of these enhancements be included in the Service Improvement Plan.

(6) That call-in on this matter be waived to allow the tender process to proceed immediately.

260 BIDSTON MOSS VIADUCT UPDATE AND DOCKS LINK ROADS RESURFACING

The Director of Technical Services submitted a report summarising current progress of the works to strengthen the Bidston Moss Viaduct.

Additionally, the report requested authorisation pursuant to Contract Procedure Rule 5.2 for a contract to be awarded by the Council to Costain Limited, the contractor undertaking the viaduct repair works, on a single tender basis, to carry out resurfacing activities on the Council's highway network adjacent to the viaduct site.

RESOLVED; That

- (1) the current position regarding progress of the strengthening works at Bidston Moss Viaduct be noted; and**
- (2) the acceptance of a single tender from Costain Ltd in the sum of £832,553, for the construction of carriageway resurfacing works Approach and Bidston Link Roads be approved, and that this be reported to Council pursuant to Contract Procedure Rule 5.2.**

WIRRAL COUNCIL

CABINET – 9 DECEMBER 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

BIDSTON MOSS VIADUCT UPDATE AND DOCKS LINK ROADS RESURFACING

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides a summary of the current progress of the works to strengthen the Bidston Moss Viaduct.
- 1.2 Additionally, the report requests authorisation pursuant to Contract Procedure Rule 5.2 for a contract to be awarded by the Council to Costain Limited, the contractor undertaking the viaduct repair works, on a single tender basis, to carry out resurfacing activities on the Council's highway network adjacent to the viaduct site.

2.0 BACKGROUND

- 2.1 Members will be aware that work is currently proceeding to strengthen the Bidston Moss Viaduct at junction 1 of the M53. Background to the project, cost sharing arrangements, and that full approval to proceed had been granted by the Department for Transport (DfT), was reported to Cabinet on 15 April 2010 (Minute 401 refers).
- 2.2 Phase A of the contract (site investigation, design and advanced works) commenced on site in April 2009. Phase B of the contract (strengthening and construction activities) commenced in April 2010.
- 2.3 The Council has entered into a Tri-Partite Agreement with the Highways Agency (HA) and Merseytravel, for delivery of the project, following approval from the Council's Executive Board on 8 February 2007 (Minute 251 refers). A condition of the Agreement is that no major traffic restrictions shall be erected on the highway network in the vicinity of the viaduct for a period of five years after completion of the works.

3.0 PROGRESS OF VIADUCT WORKS

- 3.1 At the time of writing this report 34.83% of the construction works have been completed against a planned 37.25%. However, as a result of proposed additional resources, Costain are currently re-programming the works, forecasting completion of strengthening activities, and hence removal of temporary traffic loading restrictions, by 2 November 2011, against an initial programmed target of 31 December 2011. Costain are also forecasting an overall contract completion of 24 March 2012, against an initial programmed target of 31 March 2012. The current forecast target cost of the contract works is £565,000 below the original target cost.
- 3.2 The works to the viaduct include a variety of internal and external steelwork strengthening solutions to the box girders; concrete repairs and protection to the reinforced concrete columns and viaduct deck, together with replacement street lighting and surface water drainage infrastructure. Additionally, the steel box girders will receive a full replacement specialist paint protective coating system. The internal strengthening and protective coating works are especially complex due to the difficult access, including confined spaces, and associated safety requirements. The site currently includes the largest scaffolding installation in the UK. Some 232 permanent staff are employed on the site at the present time.

- 3.3 In order to carry out some of the critical strengthening operations it is necessary to work in some areas of structure without the effects of traffic loading affecting the integrity of the works. In order to facilitate these operations, Costain have applied for a series of temporary traffic regulation orders to close certain sections of the viaduct to all traffic overnight, between the hours of 8pm and 6am. These closures are agreed with Council officers, Merseytravel officers and Merseyside Police, in advance, as part of a routine traffic co-ordination process. Diversion routes via Hoylake Road and Wallasey Bridge Road, Birkenhead, are clearly signed by Costain during these overnight closures and the closures are advertised in advance, in accordance with the usual notification systems employed by Technical Services Department.
- 3.4 Costain are required to report against stringent indicators and reporting mechanisms set internally and by the HA, on health & safety, programme, commercial matters and performance. The project currently has a Motivating Success Toolkit (MST) score of 8.0 out of 10.0, which is in the blue (highest scoring) zone, and a Client Satisfaction score of 9.12 out of 10.0. There have been a total of 628,102 man hours worked on site to date with no reportable (RIDDOR) accidents, giving a current Accident Frequency Rate (AFR) of 0. The site has received a score of 37.5 out of 40 at last inspection, under the Considerate Constructors Scheme, which is classed as a site that is “exceptionally good”, representing less than 10% of all sites inspected, and will be nominated for a national award as a result.

4.0 HIGHWAY WORKS

- 4.1 The A5139, Docks Link South, from its junction with the roundabout on the A554, at Junction 1 of the M53, to its junction with the roundabout on A5088 Poulton Bridge Road (approximately some 1.25k in length), was resurfaced by Wirral Council in 1999. Subsequently, in 2000, the A5139 Docks Link North (between the same junctions) was also re-surfaced by the Council. However, the surfacing is now showing signs of severe premature wear, following several changes to the lane configurations for both traffic safety and viaduct loading mitigation reasons, with high volumes of heavy goods traffic concentrated into single lanes in places. The surfacing has had to be patched on numerous occasions, requiring temporary short-term road closures, and may be expected to require regular maintenance interventions until its replacement.
- 4.2 One of the key Project Objectives for the Bidston Moss Viaduct Strengthening project, and a condition of the Tri-Partite Agreement, is that there will be no ‘Type A’ Traffic Management in the area around the Viaduct for a period of 5 years after completion of the works (i.e. no planned maintenance requiring major lane closures etc.). This condition is to help safeguard the public against further restrictions and traffic disruption occurring in the period after the major construction works necessary for the viaduct strengthening. This area, as defined in the Agreement, includes all of the Docks Link Roads as far as their junction with Poulton Bridge Road.
- 4.3 Even with regular maintenance interventions, there is no realistic prospect of the Docks Link Roads’ surfaces lasting in a reasonably serviceable condition until 2017 (5 years after completion of the viaduct strengthening) and hence not requiring major lane closures for resurfacing. Consequently, to comply with the Council’s legal obligations under the Tri-Partite Agreement, any resurfacing work must be completed by March 2012, when the viaduct contract is expected to be finished.

5.0 CONTRACT PROPOSALS

- 5.1 Because the premature surfacing failure on the viaduct itself is construed as having a direct causal link to the interim load mitigation measures placed on the structure

since 2000, agreement has been reached with the HA that the replacement of all surfacing on the elevated sections of both Docks Link South and Docks Link North (on the Wirral Council-owned sections of viaduct deck and slip roads) will be included in the current viaduct strengthening contract between HA and Costain. Agreement has also been secured with the HA that those areas of surfacing within the site boundary will now be maintained to a safe standard by Costain until completion of the viaduct contract. The surfacing replacement on the Council's sections of viaduct will also include all associated works, such as bridge deck waterproofing, expansion joint replacement, kerbs and hard verge replacement.

5.2 At the request of the Director of Technical Services, a fully costed proposal has now been received from Costain for the resurfacing of all the Docks Links Roads carriageway surfaces, together with the roundabout at Junction 1 of the M53, and part of its approaches on the A554, representing the remainder of the Council's network in need of resurfacing prior to 2017 included within the area defined in the Tri-Partite Agreement (see Appendix A). The quotation is based upon specifications provided by the Director of Technical Services and upon rates for work activities included in the Costain contract with the HA for the viaduct works. The work will include for hot-rolled asphalt surface course material, which presents a better prospect of long term durability than the thin-layer surfacing used previously in this area. The total cost of these works is £832,553. This cost has been checked by officers within Technical Services Department by comparison with rates included in the Council's current Highway Services Contract with Colas Ltd, and by comparison with rates received by the Council in competitive tender for similar works on recent highway reconstruction schemes. As a result of these comparisons, officers believe that the price presented by Costain offers good value for money to the Council in the current market.

5.3 Having Costain undertake these works, as opposed to exposing the works to competitive tender, presents a number of advantages for the Council, including:

- Significantly reduced procurement and administration costs
- Reduced cost of contract preliminaries (site establishment already in place)
- Likely reduced overall costs
- Utilizes high-performing contractor with established local supply chain and workforce
- No risk of conflict with another contractor's operations
- Concurrent working with resurfacing activities already planned under viaduct contract
- Earlier completion of works
- Reduced disruption to public
- Single point of contact during works
- Single contractor responsibility for defects correction
- Ability to guarantee compliance with Tri-partite Agreement obligations

5.4 For these reasons it is proposed that the Director of Technical Services be authorised to agree terms of a lump-sum contract under the NEC3 Option A form of contract or similar standard form of construction contract, with Costain Ltd, for the execution of resurfacing works on the Council's highway network, independent of the current viaduct strengthening contract between Costain and the HA.

5.5 During resurfacing activities, both on the viaduct and elsewhere on the Council's network, it is expected that road closures and associated traffic diversions, including during daylight hours, will be required in order to complete the works safely and expeditiously. At the time of writing this report, it is expected that the majority of the resurfacing works are likely to take place in Spring/Summer 2011 and details would be communicated to the public using the appropriate channels in advance.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The Council's contribution to the viaduct strengthening works is fixed and capped at a maximum of £2.88m by virtue of the Tri-Partite Agreement and the Full Approval funding award letter received from DfT. This includes any resurfacing and associated works carried out on the Council-owned sections of the viaduct as part of the contract between Costain and the HA.
- 6.2 The Council's share of the costs was agreed by Cabinet at its meeting of 22 May 2008 (Minute 26 refers). The Council has already contributed £1.9m of this commitment in payments to the HA. A further payment of £720,000 is due to be made in April 2011. The balance of up to £260,000 is payable in a final instalment in April 2012. The provision exists for these payments in the Council Capital Programme for 2011/12 and 2012/13.
- 6.3 The cost of the works by Costain Ltd to carry out the required resurfacing works on the remainder of the Council's highway network within the area excluded from major maintenance activities until 2017 under the Tri-Partite Agreement, is £832,553, including all necessary design activities. The provision exists to fund this work, by virtue of an allocation of £490,000 in the Local Transport Plan (LTP) Carriageway Structural Maintenance Settlement for 2010/11, and by the remainder of the funding requirements being met from an allocation which will be set aside from the 2011/12 LTP settlement.
- 6.4 The Council's staffing costs for the continued overseeing of the viaduct strengthening project will be met from the LTP allocation for Bridge Assessment, Strengthening and Structural Maintenance. Provision exists to cover the estimated ongoing £20,000 p.a. commitment.

7.0 STAFFING IMPLICATIONS

- 7.1 Officers from Technical Services Department continue to represent the Council, as a key strategic stakeholder and partner in the Tri-Partite Agreement for the viaduct strengthening project at Project Board, Project Steering Group, Site Progress and Traffic Management Co-ordination meetings.
- 7.2 The resurfacing works on the viaduct will be monitored and inspected to ensure compliance with the necessary standards by the HA's Project Manager as part of their obligations under the Tri-Partite agreement. Any resurfacing works on the remainder of Council's network undertaken by Costain will be monitored and inspected by existing staff within Technical Services Department.
- 7.3 There are no further staffing implications arising from this report.

8.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT ASSESSMENT

- 8.1 There are no implications under this heading.

9.0 PLANNING IMPLICATIONS

- 9.1 There are no implications under this heading.

10.0 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no implications under this heading.

11.0 HUMAN RIGHTS IMPLICATIONS

11.1 There are no implications under this heading.

10.0 LOCAL AGENDA 21 IMPLICATIONS

10.1 There are no implications under this heading.

12.0 SOCIAL INCLUSION IMPLICATIONS

12.1 There are no implications under this heading.

13.0 ANTI-POVERTY IMPLICATIONS

13.1 There are no implications under this heading.

14.0 ACCESS TO INFORMATION ACT

14.1 Exempt information has been used in the preparation of this report.

15.0 LOCAL MEMBER SUPPORT IMPLICATIONS

15.1 The scheme includes works within Leasowe & Moreton East, Wallasey, and Bidston & St James Wards.

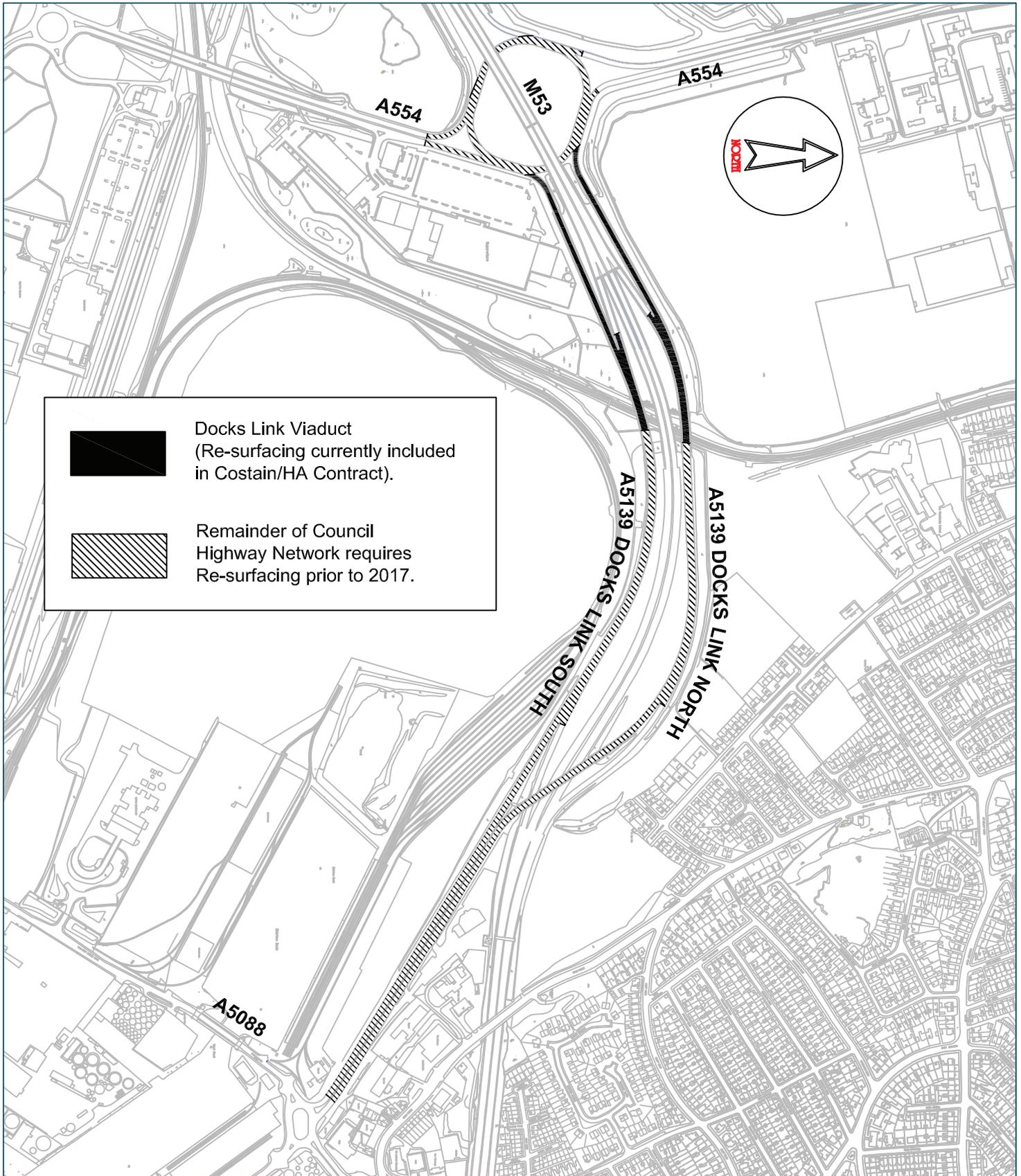
RECOMMENDATIONS

Cabinet is requested to:

- (1) Note the current position regarding progress of the strengthening works at Bidston Moss Viaduct;
- (2) Approve the acceptance of a single tender from Costain Ltd in the sum of £832,553, for the construction of carriageway resurfacing works on the A5139 Docks Link Roads and A554 North Wallasey Approach and Bidston Link Roads, and report this to Council pursuant to Contract Procedure Rule 5.2.

DAVID GREEN, DIRECTOR
TECHNICAL SERVICES

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WIRRAL

Technical Services Department
David Green
 Director

CABINET 9 DECEMBER 2010
APPENDIX A
DOCKS LINK ROADS AND A554 RESURFACING

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**TRANSFORMATION OF ADULT SOCIAL SERVICES
CONTRACTS FOR PERSONAL SUPPORT**

Executive Summary

This report seeks Cabinet authority to tender for the provision of Personal Support to people in their own homes and Support to people living in registered Residential and Nursing Home accommodation in Wirral. The revised Contracts focus on outcomes for people and are set in the context of the broader transformation agenda for Adult Social Care and the recommendations of the Task Force reported elsewhere on this agenda. The new Contracts are considered essential to improving safeguarding arrangements for vulnerable people, providing better value for money and offering more choices for people to enable them to take control over their own lives.

This involves a key decision which was first identified in the Forward Plan in December 2009.

1 Background

- 1.1 At its meeting of 9th December 2009 Cabinet agreed to give notice to providers of Domiciliary Care, Supported Living, Residential and Nursing Home Care to terminate the exiting Contracts on 31st March 2011 and replace them with a new outcome-based contracting framework that would help re-shape the market in the context of the personalisation agenda and improved safeguarding arrangements for people living in Wirral.
- 1.2 An open process of involvement and consultation was adopted with many Providers engaged throughout the process. Nine consultation events were held between January and November 2010. The details of these along with the main areas of change in the Service Specifications were examined by the Health and Wellbeing Overview and Scrutiny Committee at its meeting of 1st November 2010.

- 1.3 As this represents a major review of the Contracts' terms and conditions and the prices paid under them Cabinet are advised it must be able to demonstrate should there be any future litigation that it has taken fully into account the outcome of the consultation undertaken by officers. In particular Cabinet must be aware of the objections raised by Providers with reference to a proposed fee reduction. The Interim Director will recommend to Cabinet that after taking into account the prevailing market conditions and the broader transformation agenda for Adult Social Care, the majority of the market should still be able to provide good quality care and there will be no material adverse impact on people who are elderly, disabled, from ethnic minorities or female.

2 Drivers for Change

- 2.1 The existing Contracts have been in place for 5 years and are due to be refreshed as the priorities for Adult Social Care have changed in the light of the Putting People First concordat (2009), the Council's consultation '*Wirral's future, be a part of it*' (2010), and the financial climate facing the Council and the wider public sector in general. In summary the main drivers for change are: -
- (a) An over-supply of 500 residential and nursing home beds in Wirral
 - (b) Wirral Council pays 9.5% more than its nearest neighbour average
 - (c) People want to remain in their own homes for as long as possible
 - (d) People want control over their support via Personal Budgets
 - (e) The Council provides 155 beds in direct competition with the market
 - (f) The Council has to find significant efficiency savings
- 2.2 The Task Force looking into priorities for Adult Social Services has recommended to Cabinet that Wirral should stop paying Care Home fees which are around 9.5% more than in neighbouring areas.
- 2.3 The Task force has also recommended to Cabinet that the Council should stop directly providing residential and respite care and instead procure it from the private and voluntary sector. In a similar vein the Task Force recommends the outsourcing the enabling function of the Home Assessment and Reablement Team (HART) and give serious consideration to outsourcing Supported Living services currently provided by the Council.
- 2.4 Cabinet, on 4th November 2010 agreed the roll out of Personal Budgets. As a consequence more people will take control over their support arrangements and there is a need to ensure the Personal Support at home market is able to develop and increase its flexibility in order to better meet people's expressed choices. The Task Force has not made any recommendation to reduce fees for Domiciliary Support provided to people in their own homes and Cabinet are advised of the risk of reducing these fees to sustaining the Personalisation agenda.

- 2.5 The impact of these considerations are connected to the significant number of requests for early voluntary retirement and present the Council with a unique opportunity to safeguard essential services and achieve better value for money in a coherent strategy. Put simply, if demand for services provided by the independent sector increases as a result of the Council withdrawing its supply, the market will be better able to absorb a price reduction. For example a 30 bed home currently running at 85% occupancy would need to attract 3 additional residents to achieve 94% occupancy and completely offset the price reduction. It is anticipated that good quality homes will achieve this additional business as the Council re-commissions up to 155 beds from the market, representing approximately £3.2m in potential business. This proposal was put to Residential and Nursing Home Providers engaged in the consultation process prior to the Task Force making its final decision and it's potential to reduce the impact of reducing fees by 9.5% in line with the nearest neighbour average. Feedback on these options has been received individually by homes and from the Homeowners' Association as well as Providers giving their direct feedback as part of wider consultation on Council priorities. It is important that Members give due consideration to this feedback in making their final decision as the Council has a dominant market position, directly purchasing approximately half of the available supply.

3 Consultation and Co-Production Process

- 3.1 Following the decision of Cabinet in December 2009 it was agreed with Providers of Domiciliary, Supported Living, Residential and Nursing Home Care to engage in an open process of consultation and co-production of the revised Contracts and fees paid under them. These workshops also focussed on possible ways providers could diversify their service offer to people with a Personal Budget. For example Providers of Residential and Nursing Home Care could consider offering more community support in their local areas (e.g. laundry, day time activities, outreach support) which presents new opportunities for income generation towards their fixed costs. The process of consultation was outlined to providers in January 2010 and was followed by a series of inclusive workshops throughout the year:

- (a) 29th January 2010 Provider Forum to agree the process (60 people attended, representing 40 residential and nursing home providers)
- (b) 16th March 2010 The first workshop attended by 38 providers to agree the process and a common understanding of outcome based support.
- (c) 13th April 2010 Provider Workshop focussing on how the seven outcomes of 'Our Health, Our Care, Our Say' (DOH 2008) can be reflected in the contract and delivery of personalised support. Over 60 people attended.

- (d) 18th May 2010 Provider Workshop to develop the principles and terms of the proposed new Contracts. Over 60 people attended.
- (e) 15th July 2010 Consultation with a focus group of representatives of people who use services and carers to discuss the service specification and contract terms. (6 people attended)
- (f) 20th July 2010 Provider Workshop to further develop the Contract and Service Specification. Over 100 people attended representing 77 providers.
- (g) 26th July 2010 Wider consultation with users, carers and community representatives. Over 100 people attended the event with 12 participating in a focused break-out group.
- (h) 3rd Sept 2010 Workshop with Providers to further develop the terms of the new Contracts. 59 Providers attended.
- (i) 5th October 2010 Final consultation with providers of Residential and Nursing Home Care to consult on proposals being considered by the Task Force, including the proposal to reduce fees by up to 9.5%. 40 Providers attended.
- (j) 2nd Nov 2010 Final consultation with 34 people attending representing 24 providers of Domiciliary Care and Supported Living to consult on Task Force recommendations and tender process for Personal Support at Home to be presented to Cabinet in December 2010.

4 Provider Feedback

- 4.1 A number of Providers expressed concern that the approach being taken by the Council focussed too heavily on the majority of support packages, particularly for the elderly, and gave insufficient regard to people with very complex needs and/or challenging behaviour. Officer's response to this has been to make appropriate provision within the tender for specialist support. It is proposed that the main part of the tender will be for a Standard Offer Contract at prices that have been set by the Council. Tenders will also be invited for a Supplementary Service Specification that has been developed for both Contracts (Personal Support at Home and Residential/Nursing Home Care) which set out the circumstances when this applies and supplementary open tenders will be invited for such. Cabinet are advised that current prices for these specialist services are fairly ad hoc and this new arrangement will lead to more regulated provision and better value, transparent procurement arrangements. The circumstance where this applies is determined by a multi-disciplinary assessment of an individual's needs and the specialist support that is required from appropriately experienced and trained staff. It includes support to: -

- (a) people with advanced multiple sclerosis
 - (b) people with motor neurone disease
 - (c) people with profound paralysis and multiple sensory difficulty
 - (d) people with profound multiple disability resulting from brain injury
 - (e) people with very challenging behaviour
- 4.2 Feedback has been received from homes that the pricing option presented to Cabinet is based on the financial model created with consultants *'Laing and Buisson'* in 2005 and that this was devised for units of between 20 and 30 people. It was claimed by some Providers this was unfair to smaller homes; most of whom provide specialist support to younger adults. Officers' responded to this by confirming the former model was indeed based on *'efficiently run homes of 30 beds or more, operating at 90% occupancy'*, however it was the Council's intent to move away from this model in the light of the current economic climate. The Council could not reasonably be expected to set differential prices that would be required for smaller, less economical homes to operate at. However this does not preclude such homes tendering for the Service and for the Specialist Support they are more suited to provide.
- 4.3 A number of providers commented on the lack of provision for inflation in the Contracts and indicated that a 'price freeze' (ie no provision for inflation) would be preferable to a price reduction. Officers' response to this is that a 'price freeze' would not reduce baseline expenditure and therefore would not contribute to the projected budget deficit.
- 4.4 Providers were informed of the financial pressures being faced by the Council and the Task Force scrutiny of fees paid under the Residential and Nursing Home Care Contract and Cabinet's subsequent consideration of reducing fees by up to 9.5%. Providers accepted the need to make savings across all services however were concerned that reducing their fees would have a detrimental affect on their businesses and quality of care for vulnerable people. Officers confirmed these views would be expressed to members as part of the decision making process. Officers also confirmed to Providers that the Council would be looking at different ways of re-shaping the market to enable them to diversify and maximise occupancy in order to mitigate the impact of lost revenue.
- 4.5 Specific feedback was sought from Providers on the Quality Premium system currently in place. The Care Quality Commission inspection (May 2010) found and reported that the quality of care in Wirral was better than in other North West Councils. This is, in part, attributed to the Quality Premiums implemented in 2005. No alternative proposals were put forward and officers and providers agreed the current triggers were probably the most appropriate measurable indicators of service quality. It was suggested they should be maintained in the new Contracts but no guarantee of value was given. The proposal put to Cabinet in this report is for the Quality Premiums to be maintained with a 9.5% reduction in value.

- 4.6 Throughout the open consultation process feedback was invited on the emerging Contract and Service Specification. At two of the Workshops the draft Contract was examined line by line and amendments made in the true spirit of co-production. Providers made comments at all of the workshops and several have submitted a written response to the Interim Director of Adult Social Services. Where possible these have been taken into account and can be evidenced in the latest draft of the Contract terms and tender process and minutes of the Provider meetings.

5 Customer Feedback

- 5.1 People who represent customers and carers attended two meetings (as detailed in paragraph 3.1) with officers to review the proposed terms and conditions. It was minuted that they were content with the emerging shape of the Contract and its new focus on outcomes for people rather than the more traditional 'task and time' approach.
- 5.2 Concern was expressed that reducing prices could have an adverse affect on quality and people sought assurance that the Council would maintain its monitoring arrangements to ensure this did not happen and people living in vulnerable situations were safeguarded. Officers confirmed the monitoring arrangements have been clarified in the new Contract and quality assurance was a key aspect of the improvement of Safeguarding arrangements in Wirral. Discussions are also being held with NHS Wirral to promote a more joined up approach, including partners such as Links, with particular regard to monitoring standards in Nursing Homes.
- 5.3 Customers also expressed concern that such a major change in the procurement of Personal Support at Home could mean many people experiencing a change in their personal carer with whom they may have built up positive relationships with. This could have an adverse impact on their health and emotional wellbeing and confidence to remain living independently. Officers' responded to confirm that 'continuity of care' would be a paramount consideration in awarding contracts. Essentially the award of the primary Contracts within Localities' would favour current service providers.
- 5.4 The Health and Wellbeing Overview and Scrutiny Committee received a report at its meeting of 4th November 2010 to review the proposed contracting arrangements. The Interim Director responded to comments from Members, in particular with regard to current financial pressures being faced by the Council of the increasing number of older people who were previously self-funded and entered Residential or Nursing Home Care without a statutory assessment. The Council had no option but to offer financial support to these people when their resources ran out. The new contract would aim to limit this financial risk to the Council by encouraging providers to take steps to ensure that private payers have sufficient funds to pay for their care for as long as they are likely to need it.

- 5.5 This question also relates to people who currently pay, or may be expected to pay a "Third Party Contribution" towards the cost of their care. The risk is that some Providers will accept the Council's reduced fee level and seek to charge individuals an extra amount to offset their loss of income. It would be unlawful for Homes to charge individual residents but it is lawful to seek contributions from a third party. Members are advised this is current practice in many homes in Wirral. The Council will monitor such occurrences as part of its quality assurance role and make sure people are not coerced into making such a contribution and people are presented with the right information to help them make informed decisions at the time they choose their place of residence. The new Contract seeks to limit, but it cannot eradicate completely, the Council's exposure to financial risk when third parties default on these private funding arrangements.
- 5.6 The final part of customer feedback to be taken into account is the response to the Task Force looking into priorities for Adult Social care. The Task Force has recommended to Cabinet the following actions that have a direct bearing on the decisions being sought in this report: -
- (a) Option 6 The Council must: *"Continue to provide Personal Support, particularly to those people identified as having critical and substantial need. The Council purchases this support at a cost of £12.28 per hour, which is extremely competitive with third and private sector providers"*
 - (b) Option 8 The Council should stop: *"Directly providing residential and respite care. It is instead suggested that these services should be procured from the private and voluntary sector, who will be stringently quality controlled in order to provide the service at identical or improved quality, at a lower cost"*
 - (c) Option 9 The Task Force suggests: *"that the Home Assessment and Reablement team (HART) should be amended - with the Assessment section retained and the 'enablement' part of the service procured from the voluntary, community and faith sector"*
 - (d) Option 10 The Task Force suggests: *"that all Home Care and Supported Living services currently provided by the Department of Adult Social Services could be better provided, in terms of efficiency and cost effectiveness, by external providers and that this option should be seriously considered"*

- (e) Option 11 The Task Force suggests: *"that the Council stops paying Care Home fees of 9.5% more than in neighbouring areas. The Task Force recommends reducing these rates to bring them in line with neighbouring Council areas.*

6 Contracting Arrangements

- 6.1 Formal notice was served on Providers on 30th September 2010 that the current contracts would cease and be replaced in April 2011.
- 6.2 If Cabinet agree the recommendations in this report tenders will be invited on the 15th January 2011, and Cabinet will be asked to award contracts at its meeting on 17th March 2011. It is suggested the commencement date is Monday 11th April 2011 to coincide with the date people's Benefits are uplifted. This will simplify and reduce the cost of the administrative process of updating approximately 5,000 records in SWIFT.
- 6.3 In order to address customers' paramount concern over service continuity, it is proposed that the tender process confirms that where a current domiciliary care provider chooses not to tender or is not awarded the new Contract, their current arrangement is rolled over by mutual consent for a period of up to 6 months to enable alternative support arrangements to be put in place.
- 6.4 It is further proposed that the current contract for Residential and Nursing Home Care for providers not wishing to contract under the new arrangements be rolled over for the life of the individuals supported under it or for as long as the Provider continues to provide the service to the individual affected. This will mean no further placements will be made by the Council in those homes and people will not be forced to find alternative accommodation until such a time the Provider no longer provides the service. This may delay the achievement of the savings based on the number of homes and supported residents affected in this way. Cabinet may wish to set aside an appropriate contingency from the savings potential until the extent of this is fully understood.

7 Summary of Proposals that Require Cabinet Approval

- 7.1 To invite Tenders for the provision of Locality Personal Support to replace the current contracts for Domiciliary and Support Living services at a standard rate of £12.28 per hour, or part thereof.
- 7.2 To award the Contract for Personal Support based on a qualitative assessment and existing service provision to three Providers per Locality as they are presently constructed (these being Birkenhead, Wallasey, and Bebington and West Wirral).
- 7.3 To make all new referrals to these Locality Support Providers from the Contract commencement date.

- 7.4 To invite open Tenders for the provision of General and Specialist Personal Support as a back-up to the Locality Support Providers and/or where they are unable to meet complex needs and challenging behaviours.
- 7.5 To roll forward current contracts for people supported to live in their own homes into 2011-12 until such a time that alternative support arrangements under the replacement contracts can be put in place, and no longer than 6 months.
- 7.6 To invite Tenders for the provision of Residential and Nursing Home care at the standard rates of: -
- | | | | |
|-----|----------------------------------|---------|----------|
| (a) | Baseline Residential Care | £322.14 | per week |
| (b) | 1 Star Residential Care | £327.11 | " |
| (c) | 2 Star Residential Care | £351.82 | " |
| (d) | 3 Star Residential Care | £376.81 | " |
| (e) | Baseline Nursing Home Care | £362.74 | " |
| (f) | 1 Star Nursing Home Care | £367.71 | " |
| (g) | 2 Star Nursing Home Care | £392.42 | " |
| (h) | 3 Star Nursing Home Care | £417.41 | " |
| (i) | Baseline Residential (EMI) Care | £348.04 | " |
| (j) | 1 Star Residential (EMI) Care | £353.01 | " |
| (k) | 2 Star Residential (EMI) Care | £377.72 | " |
| (l) | 3 Star Residential (EMI) Care | £402.71 | " |
| (m) | Baseline Nursing (EMI) Home Care | £388.64 | " |
| (n) | 1 Star Nursing (EMI) Home Care | £393.61 | " |
| (o) | 2 Star Nursing (EMI) Home Care | £418.32 | " |
| (p) | 3 Star Nursing (EMI) Home Care | £443.31 | " |
- 7.7 To serve notice on Contracts with Homes supporting people outside of Wirral and replace them with the new Contract for Residential and Nursing Home Care and reduce the current Contract price 9.5%. The risk here is that some homes may not sign up to the new Contract and current prices may have to be sustained for the life of the individual being supported or alternative accommodation may have to be sought in Homes that do agree to the new terms.
- 7.8 To extend the existing Contract for people currently supported in Residential and Nursing Home Care, and paid for by the Council, over for the life of the individual, the period they choose to remain in the home or the continued trading of the Provider whichever is the sooner; where the provider is not awarded the new Contract. The Council shall not make placements in such homes.

- 7.9 To revise the award of Star premiums as follows and each Premium to be based on the current level less 9.5%: -
- (a) Baseline Satisfactory evidence of a Provider being willing and able to meet and maintain the quality standards set out in the Contract and Service Specification.
 - (b) 1 Star A premium of £4.97 per week based being able to meet the Baseline plus evidence that the Provider has 50% of its total employees qualified to an appropriate NVQ level 2 or equivalent.
 - (c) 2 Star A premium of £24.71 per week based on the achievement of 1 Star plus activities arranged in/out of the home as evidenced by employing someone dedicated for that purpose for more than 20 hours per week; and the rating by the Council as advised by the appropriate Regulatory body as 'good'.
 - (d) 3 Star A premium of £24.99 per week based on the achievement of 2 Star plus a rating by the Council as advised by the appropriate Regulatory body as 'excellent'.

8 Financial Implications

- 8.1 The cashable efficiencies arising from the revision of contracts outlined in this report in 2010-11 are £5.368m. £4.457m comes from a 9.5% reduction in Residential and Nursing Home fees and £0.906 from reduced Supported Living rates. Non-cashable savings of £2.068m are also achieved by avoiding paying inflation in 2011-12.
- 8.3 Cabinet may also wish to give an indication to Providers as part of the Tender of its intent to seek further reductions in 2012-13 and beyond. For example a 2% reduction on the 12 month anniversary of the Contract will generate cashable savings of £0.85m.
- 8.4 Cabinet are advised of the risk of some homes refusing to tender for the new Contracts and the possible need to identify bridging finance to continue to fund existing activity until alternative services are found. This commercially sensitive information will be subject to a separate report when the position becomes clearer.

9 Staffing Implications

- 9.1 There are no specific staffing implications arising from this report. Members will however be aware that the care and support market provide employment to many local people who are in the main women and lower paid. Staffing costs represent the largest share of provider costs and the Council and partner agencies such as Links will need to be active to ensure terms and conditions that might be affected by the decisions of Cabinet do not adversely impact on service quality.

- 9.2 Cabinet are also advised of the positive employment prospects for many staff who may take Early Voluntary Retirement and Voluntary Severance who are experienced care workers as a result of the outsourcing of Council run services.

10 Equal Opportunities Implications/Health Impact Assessment

- 10.1 The new Contracts will need to ensure nobody is disadvantaged and that people's health and wellbeing is promoted. An equality impact assessment has been undertaken to ensure the potential impact of these proposals on individuals and groups is thoroughly considered and risks are mitigated. The new contracts and proposed tender have been developed so that nobody is disadvantaged because of their age, disability, ethnicity or sex.

11 Community Safety Implications

- 11.1 The contracts focus on outcomes for people, primarily increased choice and control which will assist people accessing, with provider support, a range of community services wherever they may live. They also have an increased focus on improving the safeguarding arrangements for vulnerable people.

12 Planning Implications

- 12.1 There may be local planning implications arising from the diversity and change of business use of some premises as a result of the new contractual arrangements.

13 Anti Poverty Implications

- 13.1 None directly arising/

14 Social Inclusion Implications

- 14.1 The new contracts will aim to promote people's inclusion in local communities/

15 Local Member Support Implications

- 15.1 The Contracts will cover support to provided to people living in all wards/

16 Background Papers

- 16.1 None used/

17 Implementation Strategy

17.1 In order to deliver the Project the following implementation plan and timeline needs to be adhered to: -

Implementation Milestone	Effective Date
Task Force recommendations made to Cabinet	9 th December 2010
Cabinet authorises DASS Interim Director to invite Tenders	“
Cabinet sets standard price for Personal Support	“
Tenders posted via Chest	15 th January 2011
Tenders returned by	15 th February 2011
Cabinet (17 th March) DASS clearing meeting	21 February 2011
Complete Tender evaluation	28 th February 2011
Complete New provider interviews	6 th March 2011
Cabinet briefing	7 th March 2011
Cabinet to agree award of contracts	17 th March 2011
Contracts awarded	1 st April 2011
Contract commencement date	11 th April
Transition commences	11 th April
Complete Transitional arrangements	1 st October 2011
Benefits realisation review	30 th October 2011

18 Recommendations

That Cabinet authorises the Interim Director of Adult Social Services to implement the Contracting arrangements as set out in paragraphs 7 and 17.

HOWARD COOPER
Interim Director of Adult Social Services

Council – 13 December 2010

MATTERS FOR DEBATE

The Council is asked to consider the following motions, submitted in accordance with the notice required by Standing Order 8(1), and objections and amendments submitted in accordance with Standing Order 7(2).

The order of business is as determined by the party groups in accordance with Standing Order 5(4) and the times for speeches by Standing Order 12(8) (all other speakers have 3 minutes).

1. MOTION: PROTECTION OF OUR MOST VULNERABLE RESIDENTS OF WIRRAL

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

- (1) Council believes that caring for vulnerable adults with learning and physical difficulties is one of the most important functions of a fair and responsible society.
- (2) Council thanks the Care Quality Commission for their report exposing the failures within the Council's provision of adult social services.
- (3) Council believes that this failure to protect our most vulnerable residents is a shameful failure of responsibility of senior Labour Councillors and that, by this failure, Wirral is reportedly the poorest-performing adult social services department in the country.
- (4) Council welcomes the Action Plan being implemented by the Interim Director of Adult Social Services to correct the failings of the past and gives its backing to the measures being undertaken by him, and the new Administration.
- (5) Council thanks the Liberal Democrat Cabinet Member and the members of the Interim Executive Board who meet regularly to ensure the changes identified by the CQC are implemented.
- (6) Council welcomes the contribution made to the consultation 'Wirral's Future' by adults and users of adult social services, their carers and families and voluntary, community and faith organisations.
- (7) Council calls upon the former Labour Leader of the Council and the former Cabinet Member for Social Care and Inclusion to apologise to Council and the people of Wirral for their abject failure in the conduct of their responsibilities.
- (8) Council believes this failure to deliver care and failure to apologise since publication of the CQC Report, demonstrates that Wirral Labour is incapable of caring for the most vulnerable.

AMENDMENT

Proposed by Councillor Moira McLaughlin (7 minutes)

Seconded by Councillor Brian Kenny (3 minutes)

Delete all after paragraph (1). Insert:

- (2) Council recognises that there were failures in the provision of services for those with Learning Disabilities, and that the then Cabinet Member for Adult Social Services and the then Leader of the Council both apologised publicly to service users for those failures and welcomed the recommendations of the Care Quality Commission.
- (3) Council recognises that criticisms centred around a failure to modernise at speed those services which are more traditional, such as day services, and on a continued reliance on residential care, rather than more community based alternatives.
- (4) Council believes that, while this has been recognised as a failure to provide the most up to date and stimulating alternatives, it arose from an attempt to tailor the pace of change to one which maintains the confidence of this vulnerable group of users and carers, and recognises the reasons why some are fearful and resistant to change. Council accepts that this slower progress has led to an over-protective, segregated service, rather than modern, integrated provision"
- (5) Council further recognises that changes of the nature recommended by the Care Quality Commission will not be easy to achieve quickly precisely because they challenge the traditional way of providing services which users and their families and carers are familiar with and feel safe with, and that this is reflected in the responses to the consultation which urged retention of all Day Centres.
- (6) Council therefore believes that the Interim Director of Social Services should be supported in his moves to implement the Action Plan introduced following the Care Quality Commission report and that, while progress should be carefully monitored and scrutinised, it would not be appropriate for this issue to become a political football which can only distract from the very real and difficult issues that lie ahead.

Right of reply: Councillor Jeff Green (7 minutes)

2. MOTION: LIB DEM STUDENT BETRAYAL

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Chris Meaden (3 minutes)

- (1) This Council condemns the decision of the Conservative-Liberal Democrat coalition government to cut 80 per cent of teaching funding for universities and to ask the next generation to shoulder the bill through a tripling of tuition fees.

- (2) Council shares the anger of thousands of students at the actions of the Liberal Democrats whose Leader and several MPs, prior to the general election, signed a pledge to scrap university tuition fees for all students taking their first degree, and has now reneged on this promise by agreeing to treble these fees.
- (3) Council also condemns the abolition of the Education Maintenance Allowance which enabled many students from lower and middle income families to stay on at school or College after the age of 16 with a view to obtaining 'A'Levels or their equivalent and access higher education.
- (4) Council notes that these cuts will reduce social mobility and create a system in which only those young people from affluent families will be able to go to university.
- (5) Council therefore supports the campaign by students and others to stop these cuts and to develop a funding system which adequately resources universities, rejects any moves to make higher education elitist, and provides positive opportunities for young people to apply to study at university.
- (6) Council calls on all members of the Council to support this motion and thereby show solidarity with the youth of Wirral.

AMENDMENT

Proposed by Councillor Peter Reisdorf (7 minutes)

Seconded by Councillor Dave Mitchell (3 minutes)

Delete all and replace with:

- (1) Council notes that our Universities must be fully funded if they are to continue to provide high quality education to students.
- (2) Council believes it was a mistake for the Labour government to introduce tuition fees in 1998 despite a Manifesto commitment not to and furthermore believes it was a mistake for the Labour Government to introduce £3,000 per year top up fees in 2004.
- (3) Council notes that in 2009, the then Labour Government commissioned the Browne Report, because their funding policy had failed to produce enough resources for universities.
- (4) Council believes that the Government's proposals improve on the system introduced by the Labour Government in a number of ways, including:
 - Increasing the repayment threshold from £15,000 to £21,000
 - Ending upfront fees for part-time students
 - More generous grants for lowest income students
 - Ensuring all students will repay less per month than they currently pay
 - Under the scheme, any student eligible for free school meals who is accepted for a place at university would have one year's fees paid by the state

- (5) However, Council believes that instead of increasing top up fees, all tuition fees should be phased out so that students are not penalised with thousands of pounds worth of debt for entering into higher education.
- (6) Council also believes that MPs should vote against any increase in tuition fees.

Right of reply: Councillor Phil Davies (7 minutes)

3. MOTION: INCREDIBLE EDIBLE WIRRAL

Proposed by Councillor Peter Reisdorf (7 minutes)

Seconded by Councillor Gill Gardiner (3 minutes)

- (1) Council applauds the success of the “Incredible Edible Todmorden” project and the work that they have done with Calderdale Council and other public bodies to make available land in their area in order to increase the amount of local produce grown and eaten in the town, improve sustainability and self sufficiency and promote healthy eating.
- (2) Council, therefore, requests the appropriate officers:
- (a) Make contact with the “Incredible Edible Todmorden” Group to learn more and assess whether such a project is feasible for Wirral communities.
 - (b) Review local funding sources, such as that available to local area forums, to assess whether any financial support could be available for local groups to progress such a community project if sufficient interest exists.
 - (c) Identify and engage with community leaders with experience of growing food and gardening who may wish to support such a project.
 - (d) Support any interested groups wishing to develop an “Incredible Edible Wirral” project to engage with residents, area forums, schools, social landlords, employers and other groups and organisations as may be appropriate, to identify sites that may be suitable for growing local food through community action.

Right of reply: Councillor Peter Reisdorf (7 minutes)

4. MOTION: WIRRAL’S FUTURE

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Simon Holbrook (3 minutes)

- (1) Council notes that the ‘Wirral’s Future – Be a part of It’ consultation generated more responses than any previous Council consultation – 2,972 on paper and 2,687 online, including 276 employers.

(2) Council thanks:

- (a) All residents who participated and gave their views.
- (b) The community groups and employers who hosted and welcomed visits from staff, as part of the 123 events and activities held across Wirral.
- (c) The independent members of the four task forces, from a wide variety of organisations, who gave their time, freely and willingly.
- (d) The members of the Consultation Project Team.
- (e) The staff who engaged with the public at roadshows, events and meetings and who collated the responses from the public.

(3) Council requests that:

- (a) the results of the consultation form the basis of a refreshed Corporate Plan, informed by the people's priorities as expressed during the consultation.
- (b) an annual consultation is carried out, to review all services and to enable residents, employers, Council employees, voluntary, faith and community groups to influence future Council policy and that the process for 2011/12 should start in January.

AMENDMENT

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Adrian Jones (7 minutes)

Delete existing text and replace with the following:

Council believes that the 'Wirral's Future – Be a part of it' consultation was fundamentally flawed for the following reasons:

1. It failed to go through the Council's democratic procedures. Key decisions were taken by the Leader of the Council and announcements were made via press releases;
2. The Administration chose to ignore completely the Council's overview and scrutiny committees which were designed to undertake this type of work;
3. Members of the Task Forces were selected by the leadership, with no opportunity by opposition members to influence who sat on these bodies or the recommendations they put forward;
4. The questionnaire used in the exercise was of poor quality – it was too long and complicated; it used leading questions on issues such as the out-sourcing of

Council services; and many of the questions contained confusing and ambiguous wording;

5. The response to the questionnaire represents only 1.8% of Wirral's population;
6. No evidence has been produced which demonstrates that all on-line versions of the questionnaire were completed by Wirral residents and that multiple copies of the questionnaire were not completed by one individual;

As a result of the above, Council agrees that it would be extremely unwise to base decisions about the budget and a new Corporate Plan on the outcome of this flawed consultation.

Council asks the Interim Chief Executive to report to a future Cabinet meeting on how a more rigorous, robust and representative consultation process can be carried out in the future.

Right of reply: Councillor Jeff Green (7 minutes)

5. MOTION: COMMERCIAL COCKLING

Proposed by Councillor Pat Glasman (7 minutes)

Seconded by Councillor Adrian Jones (3 minutes)

- (1) Council recognises that the people of Wirral take a keen interest in the preservation of their coastal environment. Council therefore condemns the way in which a commercial cockling operation was sprung on the people of Wirral without any prior consultation. Council notes that discussions started as early as June this year, that a Conservative Councillor is the Vice Chair of the North West and North Wales Sea Fisheries Committee and that Conservative Councillors were fully aware of the preparations taking place from November 5th.
- (2) Council believes this is yet another shabby example where the Conservative/Liberal Democrat administration have failed to live up to their own much stated commitment to consultation and therefore apologises to the people of Wirral for their failure to consult on an environmentally sensitive commercial enterprise as significant as this.

AMENDMENT

Proposed by Councillor David Elderton (7 minutes)

Seconded by Councillor Ian Lewis (3 minutes)

- (1) *delete all after 'any prior consultation' and replace with,* Council notes that Wirral's nominated members were given insufficient notice of the decision to open the beds at Leasowe for commercial activity and notes the apology to Councillor Denis Knowles from the Sea Fisheries Committee.

- (2) Council notes that, while the local authority has no jurisdiction or legal powers to prevent such a decision in future, believes that decisions affecting local communities should be made with greater involvement, engagement and consultation with local people and communities.
- (3) Council therefore welcomes the abolition of the Sea Fisheries Committee and the establishment of the Inshore Fisheries and Conservation Authority, with effect from April 2011, and is pleased to note the greater role for local people, including a nominated Member.
- (4) Council thanks the Council staff and contractors; the members of the Friends of the North Wirral Coastal Park and those local cocklers who collected litter for their work to rectify the damage caused by inconsiderate commercial cocklers at Leasowe.
- (5) Council welcomes the action to improve communication between the various parties involved and instructs the Interim Chief Executive to write to the Shadow Chairman and Chief Executive of the Inshore Fisheries and Conservation Authority to visit the coast at Leasowe and to meet with members, officers and community representatives.

Right of reply: Councillor Pat Glasman (7 minutes)

6. MOTION: CRUISE LINER TERMINAL

Proposed by Councillor Ann Bridson (7 minutes)

Seconded by Councillor Stuart Kelly (3 minutes)

Council notes:

- (1) The success of the cruise liner day visits to the Liverpool Pier Head.
- (2) The restrictions, relating to EU competition rules arising from the use of public grant given to support the development of that same facility as a turnaround destination, currently preventing the Liverpool cruise liner terminal from handling ship turnarounds.
- (3) The existence of the facility to operate as turnaround port from Langton Dock, but the inadequacy and impracticality of that facility for cruise ships for docking and embarkation; and the absurdity of preventing the use of the Pier Head for ship turnarounds under competition given the close proximity of Langton Dock.
- (4) That each cruise ship turnaround generates an estimated £150,000 – money that would be spent across the city-region area.
- (5) The enthusiasm of cruise operators, such as Bibby Line and Fred Olsen, for the turnaround restrictions to be lifted.

Council welcomes:

- (6) The Liverpool Daily Post 'Get on Board' campaign, calling for the licence to be granted for cruise turnarounds.
- (7) The support for the campaign for a turnaround licence from Wirral MPs, including Esther McVey and Angela Eagle.

Therefore, Council,

Requests the Interim Chief Executive, in consultation with city-region colleagues to write to the Transport Minister, Theresa Villiers, urging the restrictions to be challenged leading to the granting of a license for the Liverpool Cruise Liner terminal to operate as a turnaround port.

AMENDMENT

Proposed by Councillor Chris Blakeley (7 minutes)
Seconded by Councillor Les Rowlands (3 minutes)

In paragraph (7) delete all after 'Wirral MPs' and add 'and MEPs'

In last paragraph delete 'Theresa Villiers' and insert 'Mike Penning'

AMENDMENT

Proposed by Councillor Steve Foulkes (7 minutes)
Seconded by Councillor Phil Davies (3 minutes)

Amend paragraph (7) to read:

- (7) The support for the campaign for a turnaround licence, from the four Wirral MPs, Esther McVey, Angela Eagle, Frank Field and Alison McGovern.

Right of reply: Councillor Ann Bridson (7 minutes)

7. MOTION: WHY BRITAIN VOTED FOR CHANGE

Proposed by Councillor Andrew Hodson (7 minutes)
Seconded by Councillor Ian Lewis (3 minutes)

- (1) Council notes that, instead of ending 'Boom and Bust' Labour brought us to the brink of bankruptcy. They doubled the national debt and left Britain with the biggest budget deficit in the G20. We are spending £120 million every single day just to pay off the interest on Labour's debt. This is Labour's legacy.
- (2) Ed Miliband and Alan Johnson were at the heart of the Labour Government that created this mess and they have no credible plan to clean it up. They disagree over whether to have a graduate tax or not, whether to have a 50p tax or not and

whether unions should elect Labour's leader or not. We know what they are against but we don't know what they're for.

- (3) If we listened to Labour, our debt would be almost £100 billion higher by the end of the Parliament and we would be paying £4 billion more in debt interest alone by the time of the next election - money that goes to foreign creditors to help pay for their schools and hospitals rather than our own. Their approach would take us back to the brink of bankruptcy - that would mean less growth, less investment and fewer jobs.
- (4) Council further notes that, since losing control of the Council, the Labour Party has failed to offer solutions to the challenges arising from their Government's failure and, indeed, have failed to recognise that some of these challenges even exist.

AMENDMENT

Proposed by Councillor Anne McArdle (7 minutes)

Seconded by Councillor Ann McLachlan (3 minutes)

Delete all existing text and replace with the following:

- (1) Council acknowledges that the global recession was caused by the failure of the sub-prime mortgage market in America and the actions of the banks and bankers who took unacceptable risks in the pursuit of short term financial gain. It if had not been for the actions of the Labour Government in bailing out Northern Rock and subsequently other banks, then the financial stability of this country would have been very close to collapse.
- (2) Council should recognise that Labour's real legacy is one of new schools, of new hospitals, of high employment, low interest rates, pensioners lifted out of the poverty they were in after 18 years of a Tory Government.
- (3) The Labour Government acknowledged that the deficit had to be tackled, but not in a way that would asset strip the public sector, causing the loss of thousands of jobs, and decimating services to the people of the Wirral.
- (4) Council further notes that the Labour Group has, since May, repeatedly asserted the urgent need to address the ever increasing budget shortfall and that the ConDem administration have been found wanting in their strategy to tackle the shortfall, preferring instead to govern by press release.
- (5) Council notes that the country's finances were clearly in better shape than the Coalition Government claimed as they have recently agreed to lend Ireland £7bn, to be repaid over 4 years, as part of a rescue package to bolster their ailing economy.

AMENDMENT

Proposed by Councillor Mark Johnston (7 minutes)

Seconded by Councillor Peter Reisdorf (3 minutes)

Add:

(5) Finally, Council notes that the Liberal Democrats, as part of the Coalition Government, have taken a number of steps to increase fairness in our society, alongside the measures necessary to deal with Labour's legacy of debt, including:

- Raising the starting threshold for income tax,
- Increasing top rate capital gains tax;
- Linking pension increases to inflation, 2.5% or wages, whichever is the greatest
- A £2.5bn pupil premium targeted at children in greatest need
- A massive programme of constitutional reform including a referendum on fairer votes.

Right of reply: Councillor Andrew Hodson (7 minutes)

8. MOTION: WELFARE REFORMS

Proposed by Councillor Simon Holbrook (7 minutes)

Seconded by Councillor Bob Moon (3 minutes)

(1) Council welcomes the Coalition Government's proposals for simplification and integration of the current complex system of benefits and tax credits and the replacement of a range of working-age welfare benefits with a "Universal Credit" from 2013 onwards.

(2) Council believes that this will remove the "benefits trap", supporting people in the transition from benefits to work by ensuring benefits are tapered and that it will:

- (a) Simplify and amalgamate the main welfare benefits into one single system;
- (b) Ensure that work always pays; and
- (c) Alleviate poverty by boosting take-up and encouraging job market participation.

(3) Council further believes that:

- (a) This policy is about supporting people, especially those on the lowest incomes.
- (b) The Universal Credit will streamline and simplify the system so that people will more easily know where they will stand if they take a job;
- (c) With a single benefit, take-up will improve, helping to reduce in-work poverty;

- (d) Combating high withdrawal rates of benefits as someone enters work or increases hours will increase people's ability to change their circumstances without ending up with less money at the end of the week;
 - (e) People will be able to keep more of their wage before the benefit taper kicks in;
 - (f) There will be no cash losers – where the new, simpler system would produce a lower entitlement than the present system, current recipients will be protected;
 - (g) That the use of sanctions will act as a deterrent and that the most severe sanctions are intended only to be applied in exceptional circumstances where people systematically and repeatedly abuse the system;
- (4) Therefore, Council calls on officers to work with partners to support residents in the transition to the proposed new system of working age benefits by ensuring that relevant information and advice on the new system and how they will be affected will be available through the call centre and one stop shop network.

AMENDMENT

Proposed by Councillor Ron Abbey (7 minutes)

Seconded by Councillor Stuart Whittingham (3 minutes)

Delete everything and replace with the following:

- (1) This Council welcomes the intention of any reform which would enable more people on benefits to access work easily. However, it believes that the Coalition Government's welfare reforms are destined to fail because they are not accompanied by measures which would create jobs. Instead the Government has already announced in the CSR that 490,000 public sector jobs will be lost and this is likely to result in an equivalent number of job losses in the private sector.
- (2) Council does not believe that there will be no cash losers, particularly as the current Housing Benefit will form part of the Universal Credit in future and the government has already introduced a cap on Housing Benefit which will severely disadvantage those living in high rent areas and cause severe hardship to many families.
- (3) Council further deplores the government plans for fixed term tenancies for social housing, with a potential minimum of just two years, which will be reviewed if the tenant's financial circumstances improve. Council notes that this will act as a direct disincentive to work, with individuals forced to choose between a job or a roof over their head, which is in direct opposition to the government's stated welfare reforms to encourage individuals into work.
- (4) Council is strongly opposed to the announced changes to Disability Living Allowance which will remove the mobility component for those living in residential care and limit their ability to have any kind of social or working life outside the residential setting. Council believes this is a retrograde step and, with further major cuts in the Disability Living Allowance budget projected for the future, sees this as a direct attack on those with disabilities which will worsen their living

conditions and remove much of the progress made over the last decades which enable them to play a full part in society today.

Right of reply: Councillor Simon Holbrook (7 minutes)

COUNCIL VACANCIES – 13 DECEMBER

OUTSIDE BODIES

Corporate Resources

West Kirby Charities

Mr Peter Morris - Term expired on 30 October, 2010
(To be re-appointed until 30 October, 2014)

Environment

North Western Shadow Inshore Fisheries and Conservation Authority (IFCA)

(The IFCA will replace the Current North Western and North Wales Sea Fisheries Committee (SFC) and the shadow body will operate in parallel with the SFC for the period 1 October, 2010 to 31 March, 2011 until the IFCA is established on 1 April 2011)

Councillor D Knowles) These Councillors are the current appointees.
Councillor H Smith) The SFC recommends that a Councillor currently serving on the SFC should transfer to the IFCA in order to preserve knowledge and continuity. There is, however, only one place available on the new IFCA body and Council is invited to select its representative.

(Both Councillors Knowles and H Smith will continue as representatives on the SFC until 31 March, 2011).

Director of Technical Services (or his nominee)

The SFC also suggests that an officer of the Council is nominated to assist and advise with delivery of IFCA business who could attend as observer or deputy.

Social Care and Inclusion

Wirral University Teaching Hospital Foundation Trust – Governors

Vacancy for Deputy to replace the former deputy on this body, former Director of Adult Social Services, John Webb

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