

# CABINET

Thursday, 2 September 2010

<u>Present:</u>	Councillor	JE Green (Chair)	Finance and Best Value
	Councillors	S Holbrook C Blakeley S Clarke D Elderton G Gardiner A Hodson I Lewis R Moon L Rennie	Corporate Resources Housing and Community Safety Children's Services & Lifelong Learning Culture, Tourism and Leisure Environment Regeneration and Planning Strategy Community and Customer Engagement Social Care and Inclusion Streetscene and Transport Services
<u>In attendance:</u>	Councillors	A Bridson G Davies P Davies S Foulkes	AR McLachlan H Smith T Smith S Taylor

## 107 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Chris Blakeley declared a personal interest in Agenda Item 25 – Moreton: Proposed “Health Park “– Pasture Road (Minute No. 132 refers), as he had been involved in consultation and discussion with the Primary Care Trust and the Developer.

Councillor Ian Lewis declared a personal interest in Agenda Item 17 – New Brighton Proposed Alternative Lifeboat Station (Minute No. 111 refers), as he lived in the area.

Following appropriate advice on the Members' Code of Conduct, requested from the Director of Law, HR and Asset Management, Councillor Bob Moon declared a personal and prejudicial interest in Agenda Item 16 – New Ferry Butterfly Park – Request for Compulsory Purchase Order Powers (Minute No. 124 refers), as he knew some of the people involved quite well and may have given them some advice. He indicated that he would leave the room whilst this item of business was under discussion.

Councillor Andrew Hodson declared a personal and prejudicial interest in Agenda Item 12 – Award of Tender for Parking Enforcement Services (Minute No. 120 refers), as he had private business dealings with NSL Services (formerly trading as NCP Limited). He indicated that he would leave the room whilst this item of business was under discussion.

Councillor David Elderton declared a personal interest in Agenda Item 20 - Reduction in Performance Reward Grant – Payments to Community and Voluntary Sector (Minute No. 127 refers), as he was involved with the voluntary sector.

108 **STEVE MADDOX, CHIEF EXECUTIVE**

Councillor Jeff Green informed that Steve Maddox was attending his last Cabinet Meeting as Chief Executive as he would retire on 30 September 2010 after 37 years of service, more than 12 years as Chief Executive.

Councillor Green placed on record his thanks to Mr Maddox for the work he had undertaken over the years and paid tribute to his service on behalf of the Council's new Administration. He informed that Mr Maddox was a real public servant who had done a fantastic job for the people of Wirral and performed many acts of personal kindness, involving support to voluntary groups across Wirral.

Councillor Simon Holbrook and Steve Foulkes in turn also paid tribute to Mr Maddox, concurring with Councillor Green; and wishing him well in his retirement.

Mr Maddox responded as appropriate, informing that he had enjoyed his time with Wirral and would miss those he had worked with. He considered the Council to be a good organisation served by good people who deserved to succeed in all that they did. Once retired, it was Mr Maddox's intention to continue to support the voluntary sector.

109 **CARE QUALITY COMMISSION (CQC) REPORT ON SAFEGUARDING AND ADULTS WITH A LEARNING DISABILITY**

A report by the Director of Adult Social Services provided the Cabinet with an introduction to the CQC Inspection findings from its review undertaken in May 2010. The focus of the Inspection had been on safeguarding adults, making a positive contribution for adults with a learning disability and increased choice and control for adults with a learning disability.

The report had been embargoed to the public until after this meeting and from then would be available on the CQC's website and in Easyread versions.

Sue Talbot, the Lead Inspector and her Manager, Dot Metcalf were in attendance at the meeting. Ms Talbot made a presentation to the Cabinet setting out the main findings of the review, that had taken place over six days in May. The CQC criticised the Council's performance on safeguarding adults and increasing choice for adults with learning disabilities stating it was "poor". It was rated just "adequate" on making a positive contribution for adults with learning difficulties and the Council's capacity to improve had been categorised as "uncertain".

A number of recommendations had been made on the way in which the Council could improve its performance in the area of adult social care. Ms Talbot told the Cabinet that its action plan to bring about the necessary improvement was very thorough, heartening and positive and showed that although the messages resulting from the Inspection had been tough, the Council was taking it very seriously.

Cabinet Members were disturbed and appalled at the findings of the CQC's report that some of the most vulnerable people in Wirral were at risk and exposed to risk. The report was crystal clear and Members agreed that protecting vulnerable people and keeping them safe was one of the most basic functions Wirral residents should

expect from its Council and this would be made a priority and mean significant changes would be brought about. They pledged to do whatever was needed to ensure the leadership, management and performance of the DASS was improved.

The Director of Adult Social Services apologised that this Service had not been acceptable. He was given full Cabinet support, and a timetable to take whatever action was necessary to turn the unacceptable performance around.

**RESOLVED: That the Cabinet**

- (1) thanks the CQC for the tough but fair report and fully accepts the criticism of the service;**
- (2) is clear that this is not a standard of service that is considered in any way acceptable and notes that work has already begun to urgently implement the recommendations of the report; and**
- (3) believes that protecting vulnerable people and keeping them safe is one of the most basic functions Wirral residents expect from its Council and is resolved to do whatever it takes to ensure the leadership, management and performance of the DASS is improved and that a new culture of openness, challenge and tackling of poor performance is put in place; and**
- (4) instructs the Director of Adult Social Services to bring forward a further report to the 14 October 2010 Cabinet meeting, including the timetable required to deliver the improvements set out in the second revised Improvement Plan.**

**110 MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 22 July 2010 be confirmed as a correct record.**

**111 NEW BRIGHTON PROPOSED ALTERNATIVE LIFEBOAT STATION**

A report by the Director of Law, HR and Asset Management advised the Cabinet of a request from the Royal National Lifeboat Institute (RNLI) to assist it in providing a site via a lease for a new Lifeboat Station in a more convenient and practical location for the River Mersey, at the bottom of the former Tower Grounds site.

The existing lifeboat station was at Kings Parade and, in addition, the RNLI operated a hovercraft which was based in a building adjoining the Coastal Drive/Harrison Drive "Pitch and Put" course. Both sites were leased from the Council.

The Cabinet heard representations from Ward Councillor Tony Pritchard regarding lack of consultation, the expected impact if the proposal was to go ahead and the possibility of full community consultation being undertaken by the RNLI before a decision was made.

**RESOLVED:**

**That the Cabinet requests that the Head of Asset Management asks the RNLI if it would liaise with the Council's Community Engagement Team with a view to carrying out consultation with local people with the Team's support. If the RNLI is amenable to the request, the Head of Asset Management will ascertain the timescale it will adhere to, with assistance from the Community Engagement Team, if required.**

**112 BUDGET PROJECTIONS 2011-2015**

A report by the Director of Finance provided updates on the projected budgets for the years from 2011 to 2015 in line with the decision of HM Treasury to undertake a four year Spending Review.

**RESOLVED: That**

- (1) the budget projections be kept under review; and**
- (2) further efficiencies be delivered.**

**113 INSURANCE FUND ACTUARIAL REVIEW**

A report by the Director of Finance summarised the conclusions of the recent study undertaken by HJC Actuarial Consulting into the sum required to fund liability claims within the limits of the self-insured liability. It highlighted continued improvement in the Insurance Fund and indicated the potential for reductions in contributions and a further return of resources to the General Fund.

**RESOLVED: That**

- (1) £3.4m of the current reserve in the Liability section of the Insurance Fund be transferred to General Fund Balances; and**
- (2) the 2011/2012 contribution to the Insurance Fund be reduced by £600,000 to £1.5m.**

**114 CONSULTANCY SUPPORT FOR NWIEP EFFICIENCY COMMISSION**

On 24 June 2010, the Cabinet had agreed to Wirral Council becoming the Accountable Body for the North West Improvement and Efficiency Partnership Efficiency Commission. (Minute No. 38 refers)

The Director of Finance informed Cabinet of the engagement of Hind Consultancy Services to support the delivery of the Northwest Improvement and Efficiency Partnership (NWIEP), Efficiency Commission Programme commencing on 1 July 2010 for one year.

**RESOLVED:**

**That the engagement of Hind Consultancy Services to support the delivery of the NWIEP Efficiency Commission Programme be endorsed.**

115 **INFORMATION AND COMMUNICATIONS TECHNOLOGY SECURITY POLICY - REVIEW**

A report by the Director of Finance informed Members of proposed amendments to the Information and Communication Technologies Security Policy, last presented to Cabinet for consideration on 23 July 2009.

Members were requested to agree the Information and Communication Technologies Security Policy as amended.

**RESOLVED:**

**That the amended Information and Communication Technologies Security Policy be agreed.**

116 **CHANGE PROGRAMME MANAGEMENT - BUDGET IMPLICATIONS**

It was noted that this report had been withdrawn from the agenda by the Director of Technical Services.

117 **COMMUNITY ASSET TRANSFER - BYRNE AVENUE RECREATION CENTRE**

A report by the Director of Law, HR and Asset Management advised Members of the current position of the proposed Community Asset Transfer of Byrne Avenue Recreation Centre to the Byrne Avenue Community Trust.

**RESOLVED: That**

- (1) option 1, as set out in the report, be approved, and BACT continue through the Community Asset Transfer Process with a final deadline set of 17 September 2010 for receipt of all the information required for its second stage submission; and**
- (2) a further report be submitted to the Cabinet for consideration at its meeting scheduled for 4 November 2010 to advise Members of the outcome of the Community Asset Transfer process in respect of this building.**

118 **ADOPTION OF THE SHORELINE MANAGEMENT PLAN**

A report by the Director of Technical Services updated Members on the review of the Shoreline Management Plan (SMP2) which set the management policy of the Wirral coastline for the next 100 years. The Cabinet was asked to adopt the policies set out in the North West England and North Wales Shoreline Management Plan for the Wirral coastline.

**RESOLVED: That**

- (1) the policies set out in the North West England and North Wales Shoreline Management Plan for the Wirral coastline be adopted; and**

**(2) the report be referred to the Planning Committee for information.**

**119 STREET NAMING - NEW BRIGHTON**

Members were advised of the proposal to re-name a section of Kings Parade in New Brighton as Ian Fraser Walk. Councillor Lesley Rennie spoke on the report, paying tribute to the late Ian Fraser and expressing her pleasure that there would be a lasting memorial to him in New Brighton. She had been in contact with the Fraser family who were greatly touched by the proposal and had asked her to convey their thanks to the Council.

**RESOLVED:**

**That the proposal to name the section of promenade referred to in paragraph 3.1 as "Ian Fraser Walk" be endorsed.**

**120 AWARD OF TENDER FOR PARKING ENFORCEMENT SERVICES**

Councillor Andrew Hodson left the room whilst this item of business was under discussion.

A report by the Director of Technical Services gave details of the results of the financial and quality evaluation of tenders received for the Parking Enforcement Services contract, following a competitive tendering exercise.

The report outlined the impact of the new contract on service delivery and budgets and recommended that the contract be awarded to NSL Services being the most financially advantageous tender received.

**RESOLVED: That**

- (1) the Parking Enforcement Services contract be awarded to NSL Services, based upon the Bid 2 option, for a period of 5 years with an option to extend for a further 2 years subject to satisfactory performance; and**
- (2) the reduction in service delivery costs which will help address the historic overall budget shortfall for parking Services be also noted.**

**121 LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

A report by the Deputy Chief Executive/Director of Corporate Services informed Members of the findings of the Strategic Housing Land Availability Assessment (SHLAA) produced by Roger Tym and Partners (RTP) on behalf of the Council as part of the evidence base for the Local Development Framework for Wirral to meet the requirements of national policy.

Members were informed that the SHLAA was a technical background document required to consider all available sites in the Borough that may be suitable to deliver new housing development. It would be used to inform the Council's future development strategy and the future allocation of housing land. The inclusion of a site in the SHLAA was not a Council endorsement of its future development and did not prejudice

decisions to be taken by the Council in relation to preferred directions of growth in the Core Strategy, site identification in site-specific Development Plan Documents or the determination of individual planning applications.

**RESOLVED: That**

- (1) the findings of the Strategic Housing Land Availability Assessment attached to this report be used to inform the content of the emerging Core Strategy Development Plan Document;**
- (2) the Strategic Housing Land Availability Assessment Report and Appendices attached to the report be published for public consultation alongside the Core Strategy Preferred Options Report; and**
- (3) Cabinet recommends to Council that the Strategic Housing Land Availability Assessment be approved as a material consideration for use by Planning Committee in the determination of planning applications.**

**122 LOCAL ENTERPRISE PARTNERSHIPS/REGIONAL GROWTH FUND**

A report by the Deputy Chief Executive/Director of Corporate Services presented the Cabinet with an updated position on the establishment of Local Enterprise Partnerships. Members were asked to note the changes taking place nationally, including the abolition of the Regional Development Agencies, the introduction of a Regional Growth Fund and the impact of this on the Liverpool City Region. A suggested consultation response to the Regional Growth Fund was attached to the report.

Councillor Jeff Green placed on record his thanks for the work officers had undertaken to progress this important initiative.

**RESOLVED: That**

- (1) Wirral's decision to be part of a Liverpool City Region submission to Government to become an LEP be formally endorsed;**
- (2) the consultation response be agreed;**
- (3) officers be authorised to work on the actions outlined within the report; and**
- (4) officers be thanked for their hard work in helping to establish the Local Enterprise Partnerships.**

**123 BIRKENHEAD PRIORY AND ST MARY'S CHURCH TOWER - PROPOSED STABILISATION AND IMPROVEMENTS SCHEME AND ESTIMATE REPORT**

A report by the Director of Technical Services described proposals and set out the estimated costs of a scheme to undertake stabilization, improvements and necessary repairs to Birkenhead Priory and St Mary's Church Tower. Cabinet was asked to consider and approve the proposal within the budget agreed by Cabinet on 14 January 2010 (Minute No. 279 refers).

The report was identified as Item No. 39 on the Forward Plan for August - November 2010.

**RESOLVED: That**

- (1) the Scheme and Estimate, as presented, be accepted;**
- (2) the Director of Technical Services be authorised to obtain all necessary statutory approvals for the project; and**
- (3) the Director of Technical Services be authorised to seek tenders for the project, and report such tenders to a future meeting of Cabinet with a recommendation for acceptance of the most economically advantageous tender received.**

**124 NEW FERRY BUTTERFLY PARK - REQUEST FOR COMPULSORY PURCHASE ORDER POWERS**

Councillor Bob Moon left the room whilst this item of business was under discussion.

A report by the Deputy Chief Executive/Director of Corporate Services sought authorisation to acquire the site of the New Ferry Butterfly Park by exercising Compulsory Purchase Order Powers under Section 226(1)(b) of the Town and Country Planning Act 1990 and not Section 226(1)(a), as previously approved by Members on the 14 January 2010.

The report also updated Members on the position regarding negotiations with the site owner for the purchase of its Freehold interest in the site.

**RESOLVED: That**

- (1) the use of Compulsory Purchase Order Powers under the Town and Country Planning Act 1990, Section 226 (1) (b) be authorised to acquire the site of the Butterfly Park in New Ferry and that the Authority to proceed under Section 226 (1) (a), as previously resolved, be rescinded; and**
- (2) the Director of Law, HR and Asset Management be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices, the presentation of the Council's case at any public enquiry and acquire all interests in land within the CPO either by agreement or compulsorily.**

**125 OUTCOME OF PROPOSALS FOR THE CLOSURE OF TWO SECONDARY SCHOOLS**

At its meeting on 27 May 2010, the Cabinet had decided that, following consultation with governing bodies, staff, parents and other stakeholders, statutory notices should be published regarding the closure of Park High School and Rock Ferry High Schools

in order to establish an Academy. (Minute No. 3 refers). Notices were subsequently published on 9 June 2010.

A report by the Director of Children's Services described the outcome of the representation period that had followed and recommended that the proposals be approved, subject to the Academy's Funding Agreement being signed by the Secretary of State.

**RESOLVED: That**

- (1) the proposals for the closure of Park High School and Rock Ferry High School be conditionally approved subject to the Secretary of State's signature on the Funding Agreement for the new Academy taking place by 31 December 2010; and**
- (2) the Director of Children's Services be authorised to take all necessary steps to ensure the prescribed procedures are followed in furtherance of the proposal, with closure of the schools on 31 December 2010.**

126 **FAMILY SUPPORT - CYP CAPITAL PROGRAMME**

A report by the Director of Children's Services requested the Cabinet's approval to bring forward £50,000 from the 2011-12 indicative Capital Programme to fund a further Family Support Scheme in the current financial year.

**RESOLVED:**

**That the 2010-11 Capital Programme be increased by £50,000.**

127 **REDUCTION IN PERFORMANCE REWARD GRANT - PAYMENTS TO COMMUNITY AND VOLUNTARY SECTOR**

The meeting of Cabinet on 24 June 2010 considered a report by the Director of Finance that had provided details of reductions to the Local Area Agreement Performance Reward Grant and the implications for Wirral Council and its partners. (Minute No. 41 refers)

Consequently, the Cabinet requested that the amount of performance reward grant that would have been received by the Voluntary and Community Sectors from these monies to still be paid, and that the Director of Corporate Services be requested to report back to the Cabinet on how this could be achieved.

The Deputy Chief Executive/Director of Corporate Services reported on a shortfall in capital funding of £6,550 and a shortfall in revenue funding of £56,550 and made suggestions on how these shortfalls could be met.

**RESOLVED:**

**That the shortfall in Performance Reward Grant for the Community and Voluntary Sector be met in the way outlined in the report.**

128 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - PART 2 (EXEMPT REPORTS)**

Councillor Ian Lewis reminded the Cabinet that, in the interests of transparency and openness, Members had requested that, in future, officers include a paragraph in the summary of exempt reports, setting out in plain English the reasons why they should not be made available to the press and public. Unfortunately, this had not happened yet.

The Director of Law, HR and Asset Management apologised for this omission and confirmed that a process would be put in place immediately to ensure that the Cabinet's request was implemented. He would also ensure, as far as possible, that reports containing exempt information would be produced with any such information being included in an appendix which would appear in Part 2 of the agenda with the report itself in Part 1. This would ensure that only a small number of reports would be considered in their entirety in Part 2 of meetings, when the press and public were not present and when this did happen, the full reasons for it would be available and put into the public domain.

The Director of Law, HR and Asset Management was then asked to advise on the reasons the reports in Part 2 of the agenda were exempt and not available to the press and public. He did so, stating the reasons as appropriate.

**RESOLVED:**

**That the new approach to exempt information described above be implemented forthwith.**

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

The following items contain exempt information.

**RECOMMENDATION:** That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

130 **IMPLEMENTATION OF THE NEXT STAGES OF JOB EVALUATION**

A report by the Director of Law, HR and Asset Management outlined the next stages for the implementation of Job Evaluation (JE). Cabinet approval was sought to award the contract to the Hay Group as the preferred option.

**RESOLVED:**

**That the decision to defer stage 4 of Job Evaluation until a later date be approved and the revised tender submitted by the Hay Group in July 2010; be accepted, this being the most financially viable and deliverable option.**

131 **LAND AT EUROPA BOULEVARD, CONWAY PARK , BIRKENHEAD**

A report by the Director of Law, HR and Asset Management considered the options available to the Council to re-market the sites in the light of current market conditions and continued interest in the sites, and sought guidance as to the way forward.

**RESOLVED: That**

- (1) the Director of Law, HR and Asset Management be instructed to:**
  - (i) market Sites 1 and 2 at Europa Boulevard on the basis reported in paragraph 3.14 and report the outcome of this exercise to a future meeting; and**
  - (ii) submit a development brief in respect of Site 3 to a future meeting; and**
- (2) the proposals received for an assignment of the development agreement or the separate sale of Site 1 be declined.**

132 **MORETON: PROPOSED "HEALTH PARK" - PASTURE ROAD**

A report by the Director of Law, HR and Asset Management advised the Cabinet of negotiations with a Health Service provider for the sale of land to form a multi GP practice "Health Park" on land at Pasture Road, Moreton.

**RESOLVED:**

**That the disposal of the site to Medical Centre Developments Limited on the terms set out in the report be agreed subject to the statutory procedure for the disposal of public open space, and that the Director of Law HR and Asset Management be authorised to execute the necessary documentation.**

133 **SUPPLY AND INSTALLATION OF OFFICE FURNITURE**

A report from the Director of Finance sought approval from Cabinet to award a contract to the most economically advantageous tenderer for the Supply of Office Furniture.

The report outlined the procurement process undertaken by the Procurement Unit in partnership with the Merseyside Collaboration Procurement Group. The joint lead authorities were Liverpool and Halton.

**RESOLVED:**

**That Cabinet notes the decision to award the contract for the Supply and Installation of Office Desking, Seating and Storage to H. Jenkinson commencing on 1 July 2010, for a period of two years with an option to extend for up to a further two years.**

134 **EXEMPT APPENDICES**

The following exempt report was considered in conjunction with the relevant agenda item:

Award of Tender – Parking Enforcement Services.