

CABINET

Thursday, 25 November 2010

<u>Present:</u>	Councillor	J E Green (Chair)	Finance and Best Value
	Councillors	S Holbrook S Clarke D Elderton G Gardiner A Hodson I Lewis R Moon L Rennie	Corporate Resources 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	George Davies Phil Davies Steve Foulkes Tony Pritchard	
<u>Apologies</u>	Councillor	C Blakeley	

218 URGENT BUSINESS - MERSEYSIDE FIRE AND RESCUE SERVICES INTEGRATED RISK MANAGEMENT PLAN

Councillor Jeff Green advised that he had invited Myles Platt, a Wirral Group Manager for Merseyside Fire and Rescue Service to make a presentation on the Service's Integrated Risk Management Plan.

219 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Jeff Green declared a personal interest in Agenda Item No. 4 – Early Years Capital Grants (Minute No. 222 refers) by virtue of his wife's employment with the Authority.

Councillor Lesley Rennie declared a personal interest in the Item of Urgent Business (Minute Nos. 218 and 221 refer) by virtue of her being a member of the Merseyside Fire and Rescue Authority.

220 MINUTES

The Minutes of the meetings of 14 October and 4 November 2010 had been printed and published.

Minute 160 (The Sail Project (14/10/10)) was the subject of call-in and as such could not be implemented until the call-in procedure had been completed.

Councillor Jeff Green referred to the Minutes of the meeting held on 14 October 2010 and to the reference under Minute No. 159 that he had left the room whilst the Sail Project was under discussion. He told the meeting that he had not declared an interest but left the meeting because the prospective developers had told him that they would report him to the Standards Board for England if he stayed and participated in the debate.

RESOLVED:

That the minutes of the meetings held on 14 October and 4 November 2010 be confirmed as a correct record.

221 **URGENT BUSINESS - INTEGRATED RISK MANAGEMENT PLAN - PRESENTATION BY THE MERSEYSIDE FIRE AND RESCUE SERVICE**

Myles Platt, a Wirral Group Manager for the Merseyside Fire and Rescue Service, made a presentation on the Integrated Risk Management Plan 2011-2014, detailing Plans for the Fire Service in Wirral.

The Cabinet noted that Integrated Risk Management was the development of a balanced approach by the Fire and Rescue Service to reducing risks within the community. This was achieved by combining prevention, protection and emergency responses, on a risk-assessed basis, in order to improve the safety of the community and also create a safer working environment for fire-fighters. The Service took measures to help the community recover quickly in the aftermath of an emergency and minimise the impact both to people and the local economy.

Following his presentation, Mr Platt responded to Members' questions as appropriate.

RESOLVED:

That Mr Platt be thanked for his informative presentation.

222 **OUTCOME OF PROPOSAL FOR THE CLOSURE OF COLE STREET PRIMARY SCHOOL**

The interim Director of Children's Services reminded Members that, at its meeting on 24 June 2010 (Minute No. 24 refers), the Cabinet had decided that following consultation with governing bodies, staff, parents and other stakeholders, and additional investigations into the possibility of sites for a new school, statutory notices should be published regarding the closure of Cole Street Primary School. These notices were published on 8 September 2010.

Members considered a report that detailed the background, including the outcome of the consultation process that was reported to the Cabinet at its meeting on 1 October 2009 (Minute No. 141refers), the outcome of the statutory representation period (which ended on 20 October 2010) and commentary on the points raised.

Barbara Egan, Chair of the Governing Body of Cole Street Primary School, made representations to the Cabinet, including a plea on behalf of the whole Cole Street Primary Community and expressed sadness that the school seemed likely to close after eighty years. She was disappointed that Cole Street, which was technically bigger than Cathcart Street Primary School, was earmarked for closure and over a perceived lack of support and information-sharing.

Rosemary Bishop, Headteacher of Cathcart Street Primary School, also addressed the Cabinet, also informing of her sadness that Cole Street Primary School was earmarked for closure. She noted that the decision did not involve quality issues but was the result of falling school rolls which meant one fewer school was needed in that particular area of Birkenhead. Mrs Bishop told the Cabinet that, once formal procedures were completed, Cathcart Street Primary would work with Cole Street Primary and involve parents in the process to ensure a smooth transition of children into her school community. She noted that change could be unsettling but could also be positive, providing challenges and opportunities.

Cabinet Members were aware that the decision was both difficult and emotional. They had tried to act fairly and had ensured that the consultation over the school's closure had been carried out properly.

The Interim Director of Children's Services told the Cabinet that he and his staff were very sad that such a decision had to be made. Unfortunately, one fewer school was needed in the area and the Cathcart Street site was the better site for future primary school provision.

In respect of the concerns raised over perceived lack of clarity of information, the Interim Director reported that a full and proper consultation process had been followed. However, there had at that time also been a proposal to build a new school in Birkenhead Park; and Children's Services had not wanted to raise any false hopes in relation to this. He accepted that this approach could have been construed as not providing enough information. He reflected that there had been a silent period for the schools, but he was keen to learn from this and would not make the same mistake again.

Councillor Andrew Hodson informed that he had visited Cole Street Primary School during the previous year, when he was Mayor. The closure was certainly no reflection on the school but unfortunately was the result of dwindling numbers and the most practical solution was to keep Cathcart Street School open.

Councillor Sheila Clarke placed on record her thanks to the Headteacher and Governors at Cole Street Primary School for their hard work and commitment which had resulted in very high standards at the school. She informed that combining the two schools would strengthen and build on the high standards already achieved in both schools. She was confident that both schools would work together for the benefit of their pupils and the wider community.

RESOLVED:

That the proposal for the closure of Cole Street Primary School be approved, and that the Interim Director of Children's Services be authorised to take all necessary steps to ensure the prescribed procedures are followed, including

proposals for the re-zoning of schools, in furtherance of the proposal, with closure of the school on 31 August 2011.

223 EARLY YEARS CAPITAL GRANTS

A report by the Interim Director of Children's Services requested the Cabinet approval for the remaining uncommitted Early Years capital grant totalling £69,000. The proposed allocations would complete a three-year Surestart Programme to support investment in the private, voluntary and independent (PVI) sectors. Provision had been included in the CYPD Capital Programme for 2010-11.

RESOLVED:

That the proposals for allocations of small grants to the 9 PVI settings listed in Appendix 1 to the report be agreed.

224 BIRKENHEAD HIGH SCHOOL FOR GIRLS ACADEMY - CAPITAL WORKS, CONTRACT AWARD AND FINAL BUSINESS CASE SUBMISSION

A report by the Interim Director of Children's Services served to update the Cabinet in respect of the progress of the capital scheme under the National Academies Framework at Birkenhead High School for Girls Academy and sought approval to award the contract valued at £12.125m to Willmott Dixon, under the National Partnerships for Schools procurement framework.

The report had the draft Final Business Case appended to it as Appendix 1. Sections 2, 5, and 6 of the draft Final Business Case were included within an exempt appendix at Agenda Item 21 (Minute No. 239 refers), because they contained exempt information relating to the financial business affairs of a third party.

RESOLVED: That

- (1) call-in be waived so that the final business case can be submitted to Partnerships for Schools immediately for approval;**
- (2) the relevant officers in the CYPD, Legal and Technical Services Departments be authorised to continue detailed contractual negotiations with Willmott Dixon, to achieve financial close on the project and to put in place the appropriate legal agreements between the council, the Academy and the Girls Day School Trust to allow the works to proceed;**
- (3) following the review of the Contractor's Proposals and confirmation that the proposals meet with the Authorities requirements and that the Funding Allocation and Final Business Case are approved by PfS, Willmott Dixon be awarded the contract to undertake the refurbishment and construction programme at Birkenhead High School Academy under the National Academy Framework; and**
- (4) the project be the subject of further reports as required.**

225 **REFURBISHMENT AND REMODELLING OF THE FORMER ENGINEERING BLOCK AT WOODCHURCH HIGH SCHOOL - SCHEME AND ESTIMATE REPORT**

A report by the Interim Director of Children's Services described the work required to refurbish and undertake a modest amount of remodelling of the former Engineering Block at Woodchurch High School. The remodelled facility would accommodate the schools' Aspergers Base, Training School Specialism and also allow for Community Use. The report set out the costs of the scheme at £262,425 and the Cabinet was asked to consider and approve the proposal.

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;**
- (3) **the Director of Technical Services be authorised to seek tenders for the project; and**
- (4) **the Interim Director of Children's Services be requested to use his delegated powers to accept the lowest bona-fide tender and report his acceptance of the tender to Cabinet in due course, in accordance with the Council's Procurement Policy.**

226 **GREEN SPECIFICATION AND RENEWABLE ENERGY GENERATION BY COUNCIL**

The Cabinet was reminded that, at its meeting on 18 October 2010, Council had agreed to a Notice of Motion on renewable energy generation and resolved (Minute No. 45 refers):

- (1) to expand its renewable energy generation;
- (2) to instruct officers to ensure that renewable energy projects are an integral part of the Council's office accommodation strategy; and
- (3) to instruct officers to report back to the appropriate Cabinet Member and to the Sustainable Communities Overview and Scrutiny Committee at the earliest opportunity.

The Director of Technical Services presented a further report advising Members of the development of a Green Specification in the form of a Best Practice Guide for designers. The Best Practice Guide would require sustainable materials and products with recognised environmental benefits, and, where practicable, renewable energy technologies, to be incorporated into all Council building projects.

RESOLVED:

**That the report be noted and the following recommendations be approved:
That**

- (1) the Green Specification Guide (at Appendix A to the report) be adopted by the Council for use on all Council building projects;**
- (2) all future Scheme and Estimate reports for building projects include details of proposed renewable energy generating facilities, where practicable, together with the associated costs and environmental and financial benefits of such enhanced schemes;**
- (3) membership of the National Green Register be continued;**
- (4) the Green Specification Guide be linked to the Developers Guide and promoted by the Technical Services Department; and**
- (5) following the Notice of Motion unanimously approved by Full Council on 18 October 2010, officers provide a further report and action plan for the delivery of the expansion of the Council's renewable energy generation including the potential for income generation, partnership working with renewable energy technology companies and social housing providers in order to generate cheaper electricity for the benefit of tenants and the Council.**

227 LOCAL GROWTH WHITE PAPER - REALISING EVERY PLACES POTENTIAL

A report by the Interim Director of Corporate Services outlined the key principles arising within the Coalition Government's White Paper on Local Growth. The Paper set out a new approach to local economic growth with new powers and governance arrangements. It acknowledged that not everywhere would be an 'economic powerhouse' and that the role of Government would be to create conditions for growth rather than drive growth itself. Members were asked to note the key issues arising for Wirral from the paper and agree the next steps outlined within the report for developing projects meeting the criteria of the Regional Growth Fund.

RESOLVED: That

- (1) the contents of the White Paper and the policy implications for Wirral detailed within the report be noted; and**
- (2) Officers be authorised to continue to develop the projects set out within Section 6, and provide update reports for consideration at December 2010 and January 2011 Cabinet meetings.**

228 LAND AT WOODSIDE, BIRKENHEAD

A report by the Director of Law, HR and Asset Management advised the Cabinet of the position with regard to proposals for the regeneration of land at Woodside.

The Cabinet was requested to approve, in principle, Peel Properties leading in respect of the development of the Woodside area. Cabinet was also requested to authorise negotiations of provisional Heads of Terms for a Joint Venture with Peel Properties; the terms to be reported back to a future Cabinet meeting for consideration.

RESOLVED: That

- (1) Peel Properties leading in respect of the development of the Woodside area be approved in principle;**
- (2) authority be granted to the Director of Law, HR and Asset Management to negotiate provisional Heads of Terms for a Joint Venture with Peel Properties; the terms to be reported back to a future Cabinet meeting for consideration; and**
- (3) the Cabinet's thanks be conveyed to all those working on this project.**

229 LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - ANNUAL MONITORING REPORT 2009/10

The Interim Director of Corporate Services advised that Section 35 of the Planning and Compulsory Purchase Act 2004 required the Council to submit an Annual Monitoring Report to the Secretary of State by 31 December each year. The Report had to cover progress on the Council's Local Development Framework over the preceding period from 1 April to 31 March.

There was no requirement for public consultation on the content of the Annual Monitoring Report but copies of the Report had to be made available for public inspection on the Council's website.

RESOLVED:

That the Local Development Framework Annual Monitoring Report for 2009/10, attached to the report, be approved for formal submission to the Secretary of State and placed on the Council's website for public inspection.

230 INSURANCE FUND BUDGET 2011-12

A report by the Director of Finance set out the elements which make up the Insurance Fund, the cost of running the Risk and Insurance Section and the Budget for 2011/12. The headline from the Budget was a reduction in estimated insurance costs for 2011/12 of almost £0.9 million (22%), partly due to the better terms arising from a major procurement exercise and continuing improvements in the claims experience.

RESOLVED: That

- (1) the Insurance Fund Budget 2011/12 be agreed;**

- (2) **savings of £588,000 to the General Fund and £285,000 to Schools in 2011/12 be agreed; and**
- (3) **the Director of Finance and his team be thanked for their hard work.**

231 **RISK MANAGEMENT STRATEGY**

A report by the Director of Finance proposed minor changes to the Risk Management Strategy following a recent review and described the project being undertaken to review the overall approach to risk and uncertainty. The Revised Risk Management Strategy was appended to the report for Members' information.

RESOLVED: That

- (1) **the revised Risk Management Strategy be approved;**
- (2) **the conclusions of the recent Review of Risk Management Arrangements be reported promptly and the Risk Management Strategy be updated and implemented accordingly; and**
- (3) **the future work of internal audit be more closely aligned with the Risk Management Strategy.**

232 **INFORMATION AND COMMUNICATIONS TECHNOLOGIES (ICT) STRATEGY 2010-2013**

A report by the Director of Finance presented an updated draft of the rolling three year Information and Communication Technologies (ICT) Strategy. The strategy would be continuously reviewed and the updated document returned to Cabinet periodically.

RESOLVED:

That the Information and Communication Technologies Strategy 2010-2013 be approved.

233 **SUPPLY OF FRESH FRUIT AND VEGETABLES**

The Cabinet was requested to award a contract for the supply of fresh fruit and vegetables to Primary Schools, Residential Homes, Day Care Centres and Family Centres, to Ron Chalker (The Potato Man). A report by the Director of Finance outlined the procurement process that had been undertaken.

The Interim Director of Children's Services advised that the supply of fresh fruit and vegetables to primary schools had helped the Council achieve the Health Schools Award.

RESOLVED:

That the contract for the supply of fresh fruit and vegetables be awarded to Ron Chalker (The Potato Man).

234 CHANGE IN VAT RATE JANUARY 2011

In his 22 June 2010 Budget, the Chancellor of the Exchequer had announced an increase in the standard rate of VAT to 20% from 4 January 2011. A report by the Director of Finance set out the implications of the increase in the standard rate for the Council.

Councillor Lesley Rennie outlined proposals (to support Christmas shopping) for parking in the run up to Christmas and the Cabinet considered the need to waive the call-in process in respect of it.

RESOLVED: That

- (1) the change to the standard rate of VAT from 4 January 2011 be implemented on all VAT exclusive charges;**
- (2) the loss of income on VAT inclusive charges of £100,000 be noted; and**
- (3) Christmas free parking 2010: to implement as per previous years a “Free from Three” policy on the three Thursdays before Christmas on the 9, 16 and 23 December, in the shoppers’ car parks in Birkenhead, Liscard, Heswall and West Kirby and also free parking all day on Boxing Day (Sun 26th Dec 2010) and New Years Day (Sat 1st Jan 2011);**
- (4) to support local shopping districts and local businesses to introduce a “Free” Saturday morning (ie: no charges between 8am and 12 midday) in the following districts on the following days:**

Heswall and West Kirby	– Saturday, 4 December
Liscard	– Saturday, 11 December
Birkenhead	– Saturday, 18 December
- (5) the Director of Law, HR and Asset Management enter into negotiations with the owner of the Cherry Tree Centre Car Park in Liscard to see if the Council can assist with allowing them to make the same offer to their shoppers;**
- (6) the Council embark upon an advertising and publicity campaign to market and support these proposals.**
- (7) the total cost of these measures, which is estimated at £14,500 is to be met from the Council balances; and**
- (8) in order to implement before Christmas, call-in on this matter be waived.**

235 OFFICE RATIONALISATION

Councillor Hodson declared a personal and prejudicial interest in Item No. 16 – Office Rationalisation (Minute No. 235 refers) by virtue of being a director of a company which cleans Wirral Partnership Homes' premises and left the room whilst this item was being discussed.

A report by the Director of Law, HR and Asset Management advised Members of terms agreed with Wirral Partnership Homes for the sale of Westminster House. In the light of that agreement, it recommended a way forward for rationalisation of the Council's administrative accommodation.

RESOLVED: That

- (1) the sale of Westminster House to Wirral Partnership Homes be approved on the terms now reported and the Director of Law, HR and Asset Management be authorised to complete all necessary legal documentation;**
- (2) a revised savings target be set in the Council's budget based on the vacation of the buildings identified in paragraph 3.24 of the report;**
- (3) the approaches set out in the report regarding future provision of administrative accommodation and rationalisation be endorsed;**
- (4) subject to the inclusion of an overage clause to ensure Wirral Council and Wirral Partnership Homes fairly share in any profits from any future development of the Westminster House site, the sale of Westminster House to Wirral Partnership Homes be approved on the terms now reported and the Director of Law, HR and Asset Management be authorised to complete all necessary legal documentation; and**
- (5) delegated authority be given to the Director of Law, HR and Asset Management, in consultation with the portfolio holder, to agree the terms of the overage clause.**

236 MILLFIELDS CE (CONTROLLED) PRIMARY SCHOOL, EASTHAM

A report by the Director of Law, HR and Asset Management sought authority to transfer the freehold of the premises of Millfields CE (Controlled) Primary School to the Trustees of the Anglican Diocese of Chester, subject to a leaseback in respect of the Children's Centre within the buildings.

RESOLVED: That

- (1) the freehold transfer of the school premises at Millfields CE (Controlled) Primary School to the Trustees of the Anglican Diocese of Chester be approved as shown on the plan attached to the report, subject to the agreement of satisfactory terms in respect the operation of the**

Children's Centre and the Director of Law HR and Asset Management be authorised to complete any necessary documentation; and

- (2) **the Director of Law HR and Asset Management be given delegated powers to deal with any similar transfers of school premises under this legislation, in consultation with the Portfolio holders for Corporate Resources and Children's Services.**

237 REFERRAL FROM AUDIT AND RISK MANAGEMENT COMMITTEE - REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - QUARTERLY UPDATE

A report by the Director of Law, HR and Asset Management requested that the Cabinet consider the recommendation from the 28 September, 2010 meeting of the Audit and Risk Management Committee regarding the Regulation of Investigatory Powers Act 2000 as follows:

"RESOLVED:

- (1) That the report on the Council's use of RIPA be noted.
- (2) That the recommendation of the Director of Law, HR and Asset Management Cabinet to recommend to the Home Office that local authorities be allowed to continue to use covert surveillance to detect crime and disorder, provided it has been authorised by an independent magistrate, be referred to the Cabinet for consideration."

RESOLVED: That

- (1) **the recommendation of the Director of Law, HR and Asset Management to the Audit and Risk Management Committee be endorsed; and**
- (2) **the number of cases where RIPA has been used in Wirral continues to be relatively low be noted and the responsible and proportionate use of this legislation in tackling extreme cases of anti-social behaviour, underage drinking, fly tipping, trading standards and licensing contraventions be supported.**

238 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

239 **BIRKENHEAD HIGH SCHOOL FOR GIRLS ACADEMY - CAPITAL WORKS,
CONTRACT AWARD AND FINAL BUSINESS CASE SUBMISSION**

Further to Minute No. 222, the Cabinet considered the Appendix to the report that contained exempt information that, if disclosed, may provide financial business affairs information about a third party.

RESOLVED:

That the content of the Appendix containing exempt information that could not be considered in the presence of the press and public, be noted.