

CABINET

Thursday, 22 September 2011

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance and Best Value
	Councillors	P Davies	Regeneration and Planning Strategy
		G Davies	Housing and Community Safety
		AER Jones	Corporate Resources
		B Kenny	Environment
		A McArdle	Social Care and Inclusion
		AR McLachlan	Children's Services & Lifelong Learning
		C Meaden	Culture, Tourism and Leisure
		H Smith	Streetscene and Transport Services
		J Stapleton	Community and Customer Engagement

113 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillors P Davies and B Kenny declared personal interests in item No. 14 on the agenda – Neighbourhood Learning in Deprived Communities (minute 128 refers) by virtue of them being Directors of the Wirral Multicultural Organisation.

Councillor A Jones declared a prejudicial interest in item No. 6 on the agenda – Pacific Road Arts Theatre and Tramway (minute 121 refers) by virtue of a personal acquaintance.

Councillor H Smith declared a personal interest in item No. 14 on the agenda – Neighbourhood Learning in Deprived Communities (minute 128 refers) by virtue of him being a member of the North Birkenhead Development Trust Board.

114 MINUTES

Resolved - That the minutes of the meeting of the Cabinet held on 1 September, 2011 be confirmed as a correct record.

115 ORDER OF BUSINESS

The Leader of the Council indicated that it was his intention to vary the order of business in order to consider agenda items No. 19(a) – Independent Review and No. 13 Parks and Countryside Services Procurement Exercise (PACSPE) as the first items on the agenda.

116 INDEPENDENT REVIEW

The Leader of the Council had agreed to consideration of this matter as an item of urgent business.

The Chief Executive presented a report which advised Cabinet of the progress of an Independent Review of Wirral Council's Response to Claims made by Mr Martin Morton (and others). The Independent Review was commissioned by the former Leader of the Council from AKA (the trading name of Anna Klonowski Associates Ltd.). AKA had prepared a comprehensive draft report, together with a draft Executive Summary report, in relation to those matters. However, AKA's lawyers had advised that this Report and Executive Summary must not be published until those named in the report had had the opportunity for a right of reply. This right to reply process was underway and the Council's Monitoring Officer had agreed with this legal advice.

AKA had also produced a Supplemental Report entitled 'Wirral Metropolitan Borough Council's Corporate Governance Arrangements: Refresh and Renew' ('The Corporate Governance Report'). Therefore the Chief Executive's paper addressed The Corporate Governance Report which summarised the organisational weaknesses that had allowed the issues raised by Mr Morton to occur; and which the Council had failed to address.

The Chief Executive stated that he regarded the issues highlighted in The Corporate Governance Report as the most significant challenge facing the Council and he would personally lead and drive the corporate changes that were urgently required. Failure to address the issues detailed in The Corporate Governance Report had led to:

- (A) A Public Interest Report,
- (B) Two reports under the Public Interest Disclosure Act,
- (C) A "red flag" raised by the Audit Commission in relation to Adult Social Services Data,
- (D) A Care Quality Commission (CQC) Report relating to issues raised by the "red flag",
- (E) Concerns raised by the Council's external auditors, and
- (F) A number of issues raised by the Director of Finance in the Council's own corporate governance statements.

Consequently, AKA had concluded that "the Council has not yet learned the necessary lessons to enable its corporate governance arrangements to become more robust and fit for purpose." In the opinion of AKA, the Council remained at risk of some form of external intervention. Despite the Government's intention to move to a system of self-regulation from April 2012, until the existing legislation was repealed, the Council could be subject to an external corporate governance inspection under Section 10 of the Local Government Act 1999.

AKA had recommended a number of actions. Specifically, AKA recommended that a Cabinet Committee be established to oversee the assessment, design and delivery of improvements in the Council's corporate governance arrangements. AKA recommended that the Cabinet Committee be supported by the Council's statutory officers – The Chief Executive, Monitoring Officer (Director of Law, HR and Asset Management) and S151 Officer (Director of Finance) – together with one or more working groups.

The Chief Executive sincerely apologised to anyone who had been affected by the Council's shortcomings and assured the Cabinet that he would take personal responsibility to ensure that dramatic changes were put in place for improved corporate governance.

The Leader of the Council spoke of the need for fundamental changes within the Council and unreservedly accepted the criticism within the report. He remarked that employees across the Council did deliver some excellent services but he personally apologised to anyone who felt that they had been adversely affected by mistakes or poor corporate governance within the Council.

On a motion by the Leader, seconded by Councillor P Davies, it was –

Resolved – That,

- (1) This Cabinet recognises the grave nature of the criticisms contained within this supplementary Corporate Governance report.**
- (2) It accepts the criticisms unreservedly and the recommendations designed to help this Council move forward and resolve the serious problems facing us.**
- (3) The Leader agrees to set up a specific Cabinet Committee, in line with the recommendations in the report, which will be tasked with driving forward the changes that need to be made in the way we manage the Council and in the culture of those who work here.**
- (4) This Committee will consist of five Cabinet members, including the Leader and Deputy Leader of the Council and will meet as soon as practicable in October to agree its terms of reference and start planning for the task ahead.**
- (5) Cabinet agrees to the appointment of an external advisor specifically to support this Committee at a cost of up to £30,000, to be met from balances.**
- (6) Cabinet further agrees at the appropriate time to bring in councillors and officers from other authorities, through the auspices of the relevant national bodies, to share their knowledge with us in a form of peer review to assist us in creating an excellent Council for the future.**
- (7) Cabinet asks the Chief Executive to prepare an initial action plan for consideration by this special Cabinet Committee as a basis of addressing the issues within the report.**
- (8) Cabinet asks the Director of Finance to prepare an initial report for this special Cabinet Committee on ways to strengthen the Council's Internal Audit team in order to ensure that any warnings they issue are clearly heard and responded to.**
- (9) Cabinet asks the Director of Law, HR and Asset Management to prepare an initial report for the special Cabinet committee on ways to strengthen**

Legal and Member services to make sure Councillors receive the correct advice in a timely way and that reports contain all the information required on which to make considered decisions.

- (10) Cabinet believes that the issues raised in the independent report are of a nature which should transcend party politics and the Leader will be seeking to discuss with both opposition party leaders opportunities for all three parties to work together to help resolve the issues raised.**
- (11) Cabinet further instructs the Chief Executive to organise a presentation by AKA to which all Members of the Council will be invited.**
- (12) Cabinet thanks AKA for the report, and approves payment to AKA. It is currently estimated that this is likely to total £250,000, including external legal costs.**

117 PARKS AND COUNTRYSIDE SERVICES PROCUREMENT EXERCISE (PACSPE)

The Director of Technical Services advised Cabinet of the outcome of the recent Parks & Countryside Services Procurement Exercise (PACSPE). The PACSPE timetable envisaged a contract being let to commence on 2 January 2012. This was the culmination of a process that was instigated by a Cabinet decision in June 2008.

The tenders submitted had been evaluated against a combination of price and quality and a preferred external provider identified based on the results of the tender evaluation exercise.

Following the July 2010 Cabinet decision that no in-house bid should be submitted as part of the PACSPE process, Cabinet had no in-house bid to compare with the proposals from the external tenderers. However, it would be appropriate for Cabinet to consider the possibility of not accepting any tender and Members would need to consider all the risks of awarding, or not awarding, the contract and the report set out those risks.

The key issues for Members to consider when taking this decision were:

- Service quality; and the deliverability of service quality improvement over the proposed 10-year contract period.
- Cost and affordability having regard to the proposed 10-year contract period; and the likely effects of inflation.
- The financial climate in which the Council would be operating over future years and the identified need to save in excess of £85 million over the next 3 years.
- The comments of the External Auditor on value for money in relation to PACSPE, following their analysis of the benefits delivered by the Highways and Engineering Services Procurement Exercise ('HESPE').
- The risks associated with either letting or not letting a contract and the overarching legal obligation on a local authority to act reasonably.
- If a contract is to be let, the selection of the winning tender.

The details of the tender evaluation and options set out in the Appendices to the report contained legal advice and commercially sensitive information relating to the Council and the tenderers. The Director of Law, HR and Asset Management had advised that this should be classed as Exempt Information in accordance with paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Councillor C Meaden thanked everyone from the Parks and Countryside Services who were in attendance at the meeting. The Leader of the Council added his thanks and expressed his appreciation and faith in the Council's workforce in the Parks and Countryside Service. He remarked that the parks and open spaces within the Borough were highly valued by the public.

On a motion by Councillor Meaden, seconded by the Leader, it was -

Resolved - This Cabinet notes that:

- (1) The District Auditor has recently stated his intention to qualify the Value for Money statement in the Council's Annual Governance Report, which is due to be published shortly, drawing attention to "weaknesses identified in the arrangements for securing value for money in respect of the HESPE contract".**
- (2) A qualification of this kind is highly unusual and significant.**
- (3) This was because the Council was unable to provide sufficient information on pre and post contract activity levels, service quality and performance management to be able to demonstrate that letting the HESPE contract has resulted in improved value for the money being spent.**
- (4) No in house bid was allowed as part of the tendering process, and no direct comparator costs with the tender specifications were drawn up to act as a "yardstick" against which to evaluate any tender.**
- (5) The District Auditor has advised "there are risks in letting a 10 year contract if there is only very limited information on the costs and activities levels of the existing service and Members should be made aware of this increased risk. This is because there is nothing to monitor against when assessing whether or not letting the contract has delivered better value for money".**
- (6) Again, it is highly unusual and significant for this kind of warning to be issued.**
- (7) Although it is recognised that several processes were followed before taking the decision to put the Parks and Countryside services out to tender, these processes are ultimately dependent on the quality of data they receive in the first place.**
- (8) The Council has also just received a highly critical independent report on its Corporate Governance Arrangements which, amongst other**

things, refers generally to “not being able to commission, manage and, where necessary, dismiss failing contractors and suppliers”.

- (9) The difference in cost between the current Council budget and the preferred tenderer is sufficiently marginal for that difference to be eroded over a period of three years by the contractual cost of inflation at current rates of CPI, less any contractually agreed efficiency savings.
- (10) At these rates, over the ten year life time of the contract, for every £1m value of the contract, inflation would increase the £10m cost to £11.46m. Over the following seven years the continued impact of the contractual inflation provision would be likely to work to the Council’s disadvantage at a time when the Council is being required substantially to reduce its annual expenditure.
- (11) Further savings from value engineering to set against these increases are subject to negotiation and cannot be guaranteed.
- (12) In the current severe economic climate, Local Authorities are facing unprecedented levels of reduction in their funding and Wirral needs to save in excess of £85million over the next three years. Maximum flexibility will be needed in this context to continue to provide good quality services within limited resources. By its very nature, a ten year contract will limit this maximum flexibility, even with levels of flexibility built into the contract, because such flexibility will be likely to come at a cost to the Council.

In the light of the above, Cabinet does not believe it would be in the Council’s best interests to let this contract to an external contractor and agrees to retain these services in house.

Cabinet recognises, however, that it is essential to improve the quality of services provided in a sustainable way, within the budget provided, and that to do so will mean substantial improvements in management and working practices and some capital investment to assist in achieving efficiencies.

Cabinet therefore asks the Director of Technical Services to report back to Cabinet in November with a detailed three to five year Business Plan demonstrating how this will be achieved.

As part of this Business Plan Cabinet wishes to see an explanation of how the collection and analysis of detailed cost data and other information will be improved to assist in the proper monitoring of the activities within the remit of the Business Plan.

Cabinet has every confidence in the skills and abilities of its workforce and their commitment to the services they provide, and is confident that, with proper support and good management, they will co-operate fully in delivering an excellent, high quality service for the people of Wirral in the future.

Cabinet confirms that, in response to the criticisms outlined above and elsewhere on this agenda, it is totally committed to transforming the Council’s

Corporate Governance arrangements in order to prevent any such situations arising again.

118 LOCALISING SUPPORT FOR COUNCIL TAX IN ENGLAND - CONSULTATION

The Director of Finance reported upon proposals for the replacement of Council Tax Benefit (CTB) which were set out in the Department for Communities and Local Government (DCLG) consultation paper, 'Localising Support for Council Tax in England' and outlined a proposed response to the consultation paper.

The Leader of the Council invited the two other political groups on the Council to support the Cabinet in lobbying the Government regarding the detrimental impact these proposed changes would have on the Council's funding.

Resolved - That the proposed response, detailed in the report, to the consultation paper, be approved and Cabinet agrees to join any lobbying organisation regarding the proposed changes.

119 LOCAL GOVERNMENT RESOURCE REVIEW BUSINESS RATES REFORM

The Director of Finance reported upon Phase I of the Local Government Resource Review (LGRR) which was launched by the Government on 17 March 2011. The vision was of 'self-funded' councils that kept their local business taxes with Government grant dependence scaled back except where it was needed to protect the interest of taxpayers.

On 18 July 2011 a consultation had been issued in relation to Business Rates Reform which was due to conclude on 24 October 2011. The headline was that through a series of tariffs and top-up payments local authorities would receive the same share of Government support in 2013/14 as from Formula Grant in 2012/13. The subsequent release of eight technical papers had provided additional commentary on the consultation proposals.

The LGRR sought to change the distribution of funding for local authorities rather than the system of taxation and so Business Ratepayers would be unaffected. The Government intended to put the required legislation in place during 2012 in order that the funding changes could be implemented for the 2013/14 financial year.

The Leader of the Council commented that these proposals had been discussed at the Liverpool City Region Cabinet as they would adversely affect all Merseyside authorities. He invited the two other political groups to join in with any lobbying groups regarding the proposals.

The Leader also paid tribute to Councillors J Green and T Harney for joining him in putting forward the Council's case on local government financing at their recent meeting with Bob Neill, Parliamentary Under Secretary of State at the Department for Communities and Local Government.

Resolved -

(1) That responses to the consultation are made which protect, as far as possible, the Council and which support the responses from SIGOMA

(Special Interest Group of Metropolitan Authorities) and the Liverpool City Region and that the Council associates itself with any lobbying groups regarding the proposals.

- (2) That, recognising that the further papers require detailed technical analysis which is taking place during September and October, the detailed Council response be reported to the next meeting of Cabinet.**

120 NEPTUNE DEVELOPMENT PHASE 2 - NEW BRIGHTON

The Director of Law, HR and Asset Management sought the approval of the Cabinet to grant Landlord's consent for part of the Phase 2 Development at New Brighton to be amended from the original Health and Fitness Suite and outdoor Lido to a facility that provided a play centre with outdoor wet play area/splash park.

The amendments were consistent with the Corporate goals to market Wirral as a world class location for business and visitors.

The decision would have no impact on revenue budgets and was not a Statutory duty.

Since the report had been written the Head of Asset Management reported that Neptune Developments Ltd had received an approach from a health and fitness operator and this was currently being examined. He also circulated a copy of a letter which had been received from Wilkie Leisure Group Ltd. objecting to the proposed play centre facility.

The Leader of the Council, whilst welcoming the comments from Wilkie Leisure Group Ltd. and the need to be mindful of existing businesses, suggested that along with the creation of additional jobs the new play centre would lead to an increase in footfall of visitors to New Brighton benefiting all businesses, both new and existing.

Resolved -

- (1) That the Council agrees to amend the lease to Neptune Developments Ltd by granting Landlord's consent to the revised scheme for Phase 2 of the New Brighton Development, as described in the report subject to further investigation of the recent health and fitness operator's proposal.**
- (2) That the Council approves the necessary amendments to the Development Agreement with Neptune Developments Ltd to reflect the revised scheme for Phase 2, as described in the report.**
- (3) That the Director of Law, HR and Asset Management be authorised to complete the necessary legal documentation to give effect to the amendments.**

121 PACIFIC ROAD ARTS THEATRE AND TRAMWAY

Councillor A Jones, having declared a prejudicial interest (minute 113 refers) left the meeting whilst this item was considered.

The Director of Law, HR and Asset Management reported upon the outcome of the previously agreed disposal process for the Pacific Road Arts Theatre and Tramway. The report identified changes in circumstances since the disposal process began, considered issues arising and recommended that a further marketing exercise be undertaken to dispose of the assets. There were already four potential bids.

Resolved -

- (1) That the outcome of the previous disposal process be noted.**
- (2) That the Director of Law, HR and Asset Management be instructed to remarket Pacific Road, the Transport Museum and Tramway on the basis set out in the report, and to report the outcome to a future Cabinet meeting.**
- (3) That the final shortlisted bidders in the previous disposal process be thanked for their interest and their work to submit a bid, and they be invited to submit further proposals on the revised basis set out in this report within a further competitive process.**

122 **PERFORMANCE MANAGEMENT**

The Chief Executive submitted a report which gave details of a proposed performance appraisal and development framework. This would include performance appraisal and development for the Chief Executive.

Resolved - That Cabinet agrees:

- (1)**
 - (i) The proposed Performance Improvement Framework for the organisation.**
 - (ii) The proposed Leadership and Management Expectations Framework for all Chief Officers, Heads of Service, Senior Managers.**
 - (iii) The proposed Wirral Values and Behaviours for the Council.**
 - (iv) The proposed performance appraisal and development framework and supporting documentation, for all Chief Officers, Heads of Service and Senior Managers.**
 - (v) The proposed roll out and training plan.**
- (2) An evaluation report following the roll out of the performance appraisal and development process to Chief Officers, Heads of Service and Senior Managers will be provided to the Cabinet. This will inform the roll out of the performance appraisal and development process to the rest of the organisation, and**
- (3) The Performance Management report be referred to the Employment and Appointments Committee for consideration and approval.**
- (4) Cabinet recognises the crucial importance of Performance Management in delivering good Corporate Governance.**
- (5) In the light of the recent receipt of the independent report on Corporate Governance, Cabinet believes this report should first be referred to the**

newly set up Cabinet Committee in order to ensure that it meets all the necessary requirements to help the Council tackle the major problems ahead.

123 REVISION OF THE COUNCIL'S CONTRACT PROCEDURE RULES

Further to minute 74 (21/7/11) the Director of Law, HR and Asset Management sought Cabinet approval for the revision of the Council's Contract Procedure Rules ("CPR"). The CPR formed part of the Council's Constitution and therefore the proposed changes could only take effect once approved by Council. If Cabinet was agreeable to the revision made to the CPR, Council would be recommended to endorse the revision at its meeting on 17 October 2011.

The revision of the CPR had principally been undertaken so as to address issues raised by the Audit Commission following their review of the Council's Highway and Engineering Services Procurement Exercise ('HESPE').

The Council had agreed, as part of the action plan endorsed by the Audit Commission, to revise the CPR to improve (amongst other things) clarity in relation to the governance arrangements, in-house bids, roles of officers and the tender process.

Resolved –

(1) That Cabinet approves the revised Council's Contract Procedure Rules as set out at Appendix 1 to the report.

(2) That Cabinet recommend the Council approve the revised Council's Contract Procedure Rules as set out at Appendix 1 to the report.

124 NATIONAL PLANNING FRAMEWORK

The Interim Director of Corporate Services reported upon the contents of a wide ranging national consultation by the Department for Communities and Local Government Department on a draft National Planning Policy Framework. This was intended to replace the previous suite of existing national Planning Policy Statements, Planning Policy Guidance Notes and Minerals Planning Statements and revised national Regulations for Local Planning, which could have significant implications for the future shape of the land-use planning system in England. The report recommended that the comments set out in the Appendices to the report be submitted as the formal Council's response to the Department for Communities and Local Government Department.

The report had been approved by the Planning Committee at its meeting on 20 September, 2011 (minute 83 refers).

Councillor P Davies, whilst appreciating that this was currently the consultation phase, expressed his deep concern at some of the proposals contained within the document.

On a motion by Councillor P Davies, seconded by Councillor G Davies it was –

Resolved –

- (1) That Cabinet is extremely concerned that by advocating a ‘presumption in favour of sustainable development’ the government’s draft National Planning Policy Framework fails to strike the right balance between growth and the protection of our natural environment and ensuring a real say for local people.**
- (2) That Cabinet believes that unless this issue is addressed, Wirral’s green belt and countryside, which are hugely valued by our residents and visitors, may be under threat by the new planning regime being proposed by the Government, particularly due to seemingly removing the priority for developing Brownfield land first.**
- (3) That Cabinet believes this fundamental flaw needs to be addressed before the planning policy framework is finalised.**
- (4) That Cabinet asks that this response is included in the Council’s submission to government as part of the consultation exercise together with the Director’s comments as set out in Appendix 1 and Appendix 2 of the report.**

125 LOCAL DEVELOPMENT FRAMEWORK -JOINT MERSEYSIDE WASTE DEVELOPMENT PLAN DOCUMENT

The Interim Director of Corporate Services reported that Wirral Council had formally agreed with the councils for Knowsley, Liverpool, Sefton and St Helens (Council, 11 July 2005, minute 20 refers) and Halton (Council, 30 October 2006, minute 50 refers) to prepare a single joint Waste Development Plan Document to cover the whole of Merseyside and Halton.

Four stages of public consultation had already taken place over previous years. Approval was now being sought from each of the six partner authorities to enable the draft Waste DPD, submitted as an appendix to the report, to be published for six weeks and submitted to the Secretary of State for public examination. The report also recommended that provision was made to delegate decisions to the Interim Director of Corporate Services and the Portfolio Holder for Regeneration and Planning Strategy to make typographical changes and to enable the Council to respond quickly to any comments raised following the publication of the draft Waste DPD and during the following public examination.

It was noted that approval of the publication and submission of the Waste DPD would require a decision of the Council.

Resolved -

- (1) That Cabinet notes the findings of the Preferred Options 2 Consultation on New Sites Results of Consultation Report, as attached to the report.**
- (2) That Cabinet recommend to Council that the spatial distribution of one sub-regional site per district be approved.**

- (3) That Cabinet recommend to Council that the draft Joint Waste Development Plan Document for Merseyside and Halton, as attached to the report, is published for final representations on the soundness of the plan and is submitted to the Secretary of State for public examination.
- (4) That Cabinet recommend to Council that delegated authority be given to the Interim Director of Corporate Services to make any necessary minor changes to the Waste DPD and in addition in consultation with the Portfolio Holder for Regeneration and Planning Strategy to approve any changes necessary to secure the soundness of the plan, before and during the public examination of the Waste DPD.

126 **WIRRAL AFFORDABLE WARMTH IMPLEMENTATION PLAN 2012-2014**

The Interim Director of Corporate Services submitted a report which sought Member's views on the draft Wirral Affordable Warmth Implementation Plan 2012-14 (Appendix 1) prior to Borough-wide consultation. This would be key to delivering the Corporate Priority of "Working with our partners and the private sector to improve energy and resource efficiency to address and tackle fuel poverty" and meeting strategic priorities identified within the Housing Strategy for Wirral.

The plan would also assist the Council in meeting its statutory duty to report on reductions in carbon dioxide emissions from housing under the Home Energy Conservation Act 1995.

Resolved - That the draft Wirral Affordable Warmth Implementation Plan 2012-14 be approved for consultation.

127 **MERSEYSIDE SUB-REGION "NO SECOND NIGHT OUT" ROUGH SLEEPING PROTOCOL**

The Interim Director of Corporate Services reported that Liverpool City Region had been given the sum of £120,000 Single Homelessness Grant, in addition to the Homeless Prevention Grant given to each local authority, for the purpose of addressing single homelessness and in particular developing a protocol aimed at ending rough sleeping in the City Region. Research and good practice demonstrated that this was best achieved by focussing on early intervention when a new rough sleeper first appears on the street, as well as by dealing with the long term entrenched rough sleepers who often had more complex issues compounded by their time sleeping rough.

The total number of rough sleepers estimated to be rough sleeping on the streets of the Liverpool city region in any one night of November last year was 13, with a maximum of 3 in any local authority area. Although the numbers of rough sleepers in the city region as recorded by the official "counts" submitted to CLG (Communities and Local Government Department) on an annual basis, were low, it was generally recognised that these numbers under represented the number of people who slept rough in any given period, and any period sleeping rough could have long term negative consequences for the individuals and communities affected.

Systems were now in place, to quickly identify new rough sleepers and bring them indoors before they adapted to the street lifestyle and became entrenched. Adoption

of the protocol would enable these systems to be shared out across the Borough, particularly the expansion of the Liverpool rough sleeper outreach service across the city region. This protocol would mean that individuals sleeping rough anywhere in the City Region would be quickly identified and supported to come indoors and not spend a second night sleeping rough.

Resolved -

(1) That Wirral's participation in the Liverpool City Region "No Second Night Out" protocol be approved, with the vision that, "by the end of 2012, no one will live on the streets of Liverpool City Region and no individual arriving on the streets for the first time will sleep out for more than one night."

(2) The financial costs of rough sleeping as researched by the Homeless charity Crisis are significant: a single homeless person costs approximately £24,500 a year. These costs include:

- **environmental costs of cleaning up and securing rough sleeper sites**
- **health and substance misuse services**
- **contact with A&E departments**
- **involvement with the police and criminal justice system by being both victims and perpetrators of crime**
- **prolonged unemployment / benefits costs**
- **failed tenancies**

128 **NEIGHBOURHOOD LEARNING IN DEPRIVED COMMUNITIES**

The Interim Director of Children's Services submitted a report on the tendering exercise and proposed allocations for Wirral Lifelong and Family Learning Neighbourhood Learning in Deprived Communities (NLDC) funding. This was an annual process. The proposed providers would deliver adult learning activity for learners age 19+, in line with the requirements of the Skills Funding Agency (SFA), who provided the grant for this work. The Lifelong and Family Learning Service would manage the subcontracts as part of their service, supporting the Council's Corporate Priorities by providing opportunities for adults to develop their skills.

Resolved – That it be noted that the organisations listed in paragraph 2.1 of the Interim Director's report be offered a contract to deliver NLDC for the 2011-12 academic year.

129 **SHORT BREAKS STATEMENT**

The Interim Director of Children's Services submitted a report on the 'Breaks for Carers of Disabled Children' Regulations which came into force on 1 April 2011. Within these regulations it stated that each local authority had to prepare a Short Breaks Statement by 1 October 2011. The report detailed the requirements of the statement, the process for the drafting of Wirral's statement and the final version for approval.

Resolved –

- (1) That the Short Breaks Statement for Wirral (Appendix 1 to the report) be approved and the statement be produced by the authority and published as required.**
- (2) That the statement remain under review and be revised when new services become available.**

130 **PROGRESS REPORT ON THE IMPLEMENTATION OF PERSONALISATION AND RECOMMENDATIONS FOR TRANSFORMING DAY SERVICES**

The Interim Director of Adult Social Services submitted a report which sought approval to pilot a new approach to daytime provision for people with disabilities that would improve and indeed transform outcomes and access to training, education and employment for people. The report also sought approval to consult with citizens on a variety of options on how to improve and transform day services and daytime provision across Wirral.

The report supported the Council's Corporate Priorities in that it sought to improve existing services and that it placed the views of Wirral residents, employers, Community and Voluntary groups at the heart of all the Council did, providing opportunities for people to improve their neighbourhoods, lives and those of their families, ensuring that no part of Wirral was ignored.

Councillor A McArdle welcomed the report which demonstrated a willingness to keep services in-house.

The Leader of the Council also welcomed the report which would seek to improve and make better an already treasured resource and highlighted the need for a thorough consultation process.

Resolved -

- (1) Business Centre - that the proposal to pilot a new approach to daytime provision for people with disabilities that will improve and indeed transform outcomes and access to training, education and employment for people be approved.**
- (2) Transformation of Day Services - that officers consult with citizens on how to improve and develop the scope of day services and daytime provision across Wirral in order to transform them.**

131 **DEPARTMENT OF ADULT SOCIAL SERVICES: FUTURE STRUCTURE**

The Interim Director of Adult Social Services submitted a report on the proposed restructure of the Department of Adult Social Services.

Since November 2010 the Department had undergone radical change. This had been partly the result of reforms introduced by the current Interim Director in response to critical external reports in the autumn of 2010 and partly following the Council's voluntary severance activity. To respond to recent changes and address the

challenges that were likely to arise and be faced by DASS in the next three years the proposed structure was founded on three principles:

- Local Services
- Integration
- Personalisation

Budgetary provision of £900,000 had been identified to implement the overall revised staffing structure.

Councillor A McArdle welcomed the report which was the 'best fit' for the department, filling in some of the gaps especially with regard to adult safeguarding.

Resolved -

- (1) That the revised staffing structure for the Department of Adult Social Services be approved.**
- (2) That the establishment of the posts above spinal column point 49 as described in paragraph 11.2 be recommended for approval by the Employment and Appointments Committee.**

132 **COCKLING OFF THE LEASOWE TO NEW BRIGHTON COAST**

The Director of Law, HR and Asset Management submitted a report which updated the Cabinet in respect of the actions that had been taken to mitigate the potentially adverse impact to Wirral residents arising from the harvesting of cockles from the Leasowe/New Brighton Beds.

The report also sought an amendment to the Council's Constitution in relation to responsibility for Sea Fisheries matters. This responsibility was currently listed within the responsibilities of the Cabinet Member holding the Environment Portfolio, which suggested that it was an Executive function. However, this was an erroneous allocation, as Sea Fisheries was a Council function by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). As such, the Cabinet might wish to consider recommending to Council that responsibility for matters relating to Sea Fisheries should be included within the terms of reference of the Licensing, Health & Safety and General Purposes Committee.

Resolved -

- (1) That Cabinet recommends to Council that the Director of Law, HR and Asset Management be requested to write to the North West Inland Fisheries Conservation Authority (NWIFCA), urging that: consideration be given to the adequacy of the control regime pertinent to the Leasowe/ New Brighton Shellfish Bed; with a view to NWIFCA taking the necessary steps (including the use of Orders under the Sea Fisheries (Shellfish) Act 1967), to provide effective controls to help protect those Wirral residents affected by the harvesting activity and the sustainability of the fishery.**

(2) That Cabinet recommends to Council that the responsibilities in relation to Sea Fisheries matters be delegated the Licensing, Health & Safety and General Purposes Committee.

(3) That once Council allocates responsibility for Sea Fisheries matters, the Leader amends the extent of the Environment Portfolio by deleting reference to Sea Fisheries.

133 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 the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

134 EXEMPT APPENDICES

Further to Cabinet minute 117 above, the Cabinet considered the detail of the confidential appendix to the report, 'Parks and Countryside Services Procurement Exercise'. This appendix contained information relating to the financial or business affairs of a third party and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. For this reason it was in the public interest to exclude the press and public in accordance with paragraphs 3 and 5 of Schedule 12A of the Local Government Act.

Resolved – That the confidential appendix to the report on the Parks and Countryside Services Procurement Exercise, be noted.

135 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR

The Leader of the Council once again thanked Councillors Jeff Green and Tom Harney for their joint meeting with Bob Neill, Parliamentary Under Secretary of State at the Department for Communities and Local Government and also for the joint letter which had been sent to Greg Clark, Minister for Decentralisation and Cities, voicing the Council's opposition to the proposal for a Liverpool City Region Mayor.