

# CABINET

Thursday, 12 January 2012

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

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

Councillor G Davies declared a personal and prejudicial interest in agenda Item No. 7 – Review of Primary School Places Phase 6: Additional Information and Demographic Update (Minute No. 245 refers) – by virtue of his wife being a primary school teacher who could be affected by the review. He left the meeting whilst this item of business was under discussion.

Councillors P Davies and C Meaden declared a private interest in agenda Item No. 13 – 136 and 138 Bedford Road, Rock Ferry (Minute No. 251 refers) by virtue of them both being Non Executive Directors of Lairdside Communities Together.

## 238 MINUTES

### RESOLVED:

**That the objections be noted and the Minutes of the Cabinet meeting held on 8 December 2011 be confirmed as a correct record.**

## 239 DESTINATION EXCELLENCE - MEET THE STAFF EVENTS

Destination Excellence involved everyone employed by the Council going on a journey and was based on a new Corporate Plan which set out the Council's destination, in a clear Vision for Wirral and mapped out how it was going to get there. The aim was to improve the Council's corporate governance arrangements.

Councillor S Foulkes provided an oral report on the proceedings of the meet-the-staff meetings being held on 12 and 13 January 2012, he was hosting along with Councillor P Davies and the Chief Executive, at various venues around the Borough, as part of the Destination Excellence initiative. All Council officers were expected to attend one of these meetings.

**RESOLVED:**

**That those officers involved in the organisation and arrangements for the meet the staff meetings be thanked for their hard work.**

**240 URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - INDEPENDENT REVIEW OF CLAIMS MADE BY MARTIN MORTON (AND OTHERS)**

The Cabinet was requested and agreed to accept this report as an item of urgent business in view of the seriousness of the issues addressed in the Final Report. The report had been prepared after the publication of the Cabinet Agenda because the Final Report was not delivered to the Council until the afternoon of Monday 9 January 2012.

The Cabinet considered a report by the Chief Executive which advised it of the receipt of the Final Report following an Independent Review of the Council's Response to Claims Made by Mr Martin Morton (and others) ("the Final Report").

A copy of the Final Report was appended to the Chief Executive's report as Appendix 1. The Cabinet noted that whilst, at the request of the Council, the names of individuals and companies had been anonymised, the name of the whistle-blower in this matter, Mr Martin Morton, was already in the public domain. For that reason, Mr Morton's name had not been anonymised.

The Independent Review had been commissioned by the former Leader of the Council, Councillor J Green from AKA (the trading name of Anna Klonowski Associates Ltd.). AKA had prepared a comprehensive Final Report and extensive supporting Appendices. The Final Report had been concluded following completion of a thorough 'right to reply' process whereby those persons and organisations that were the subject of potentially adverse comment were given the opportunity to consider the relevant sections of a draft of the Report and to respond to AKA.

Appendix 2 to the Final Report (Report by Mr Martin Smith of the North West Employers' Organisation (NWEO), into Mr Morton's allegations of bullying, harassment and abuse of power by Council Officers) had also been made available to Cabinet Members with Supplementary Agenda 1 but had been classed as exempt information by virtue of paragraphs 1 and 7A of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972.

Appendix 3 to the Final Report (a letter to the Chief Executive from the Chief Executive of the NWEO requesting that the confidential report at Appendix 2 remain so) had been provided for Cabinet Members as exempt and included with Supplementary Agenda 2 as had Appendix 4 (Standards for England decision letters to four Council Members complained against by Mr Morton).

Advice on this exempt information which had been supplied for Cabinet Members was sought from the Director of Law, HR and Asset Management. He confirmed that the Cabinet had considered Martin Smith's confidential report at its meeting on 14 April 2011 (Minute No. 377 refers) and had resolved (pending any disciplinary procedures) that it remain confidential and be considered in the absence of the press and public; and at the conclusion of all the necessary internal processes the report would be made public. The Director advised that the internal processes had now

been concluded so it was up to the Cabinet to decide if it wanted to bring the report at Appendix 2 into the public domain. As all names set out in Appendix 2 had been redacted, the Director informed that it could be put into the public domain if the Cabinet was of the view, having had regard to the matters contained in Exempt Appendix 3, that it was in the public interest to do so. The Director advised that Exempt Appendix 3 should not be made public as it was a confidential letter and contained legal advice. The Director also informed that, although Appendix 4 was exempt, the four Members, who had been complained about by Mr Morton, and who the letters were about, had been consulted and had told him that they would prefer Appendix 4 to be put in the public domain as well.

Councillor S Foulkes told the Cabinet that what had gone on had been outrageous. Consequently, he went on to make a full public apology to Mr Martin Morton.

On a Motion moved by Councillor S Foulkes and seconded by Councillor P Davies it was

**RESOLVED** (unanimously): **That**

- (1) the Exempt Appendices 2 and 4 be brought into the public domain;**
- (2) the previous Council Leader, Councillor J Green be thanked for engaging AKA to investigate the claims of Mr Martin Morton (and others);**
- (3) the Council apologises to Mr Martin Morton and discussions will continue with him in the hope that an amicable outcome is reached; and**
- (4) this Cabinet recognises the serious failings contained within this report and the harm done to vulnerable adults as a consequence of those failings.**

**It accepts unreservedly the recommendations made in the report and asks the Chief Executive to draw up an Action Plan demonstrating how those recommendations will be implemented, which should be reported back to the next Cabinet, and referred from there to a Special Council for full debate.**

**Cabinet welcomes the fact that the Chief Executive has already asked:**

- The Director of Adult Social Services, supported by the Head of Safeguarding, to urgently review the Final report for any further safeguarding issues that need to be addressed**
- The Director of Law, HR and Asset Management, supported by the Head of Human Resources and Organisational Development, to urgently review the Final Report to ensure all appropriate action is taken,**
- The Director of Law, HR and Asset Management, in consultation with the Director of Adult Social Services and the Head of Safeguarding, to urgently review the Final Report to consider**

**whether any historic safeguarding failures should be referred to the Police, (or any relevant regulatory body) for investigation.**

**It further notes the actions already under way listed in paragraphs 3.8 to 3.10 which include:**

- A series of measures to strengthen the Council's safeguarding of vulnerable adults**
- An ongoing review into the Council's whistle blowing and harassment and bullying policies and**
- A wider review of the Council's Corporate Governance (including a review of all fees and charges)**

**And notes that these measures are designed to ensure that the situations contained within the report could not be repeated in the Department of Adult Social Services or elsewhere across the Council.**

**Cabinet is also conscious of the fact that one of the criticisms in the report is that in Wirral Council the "abnormal has become normal".**

**Cabinet therefore endorses the decision of the Leader of the Council to set up an Improvement Board, under the umbrella of the LGA, with external representatives from the LGA and elsewhere, including the author of this report, Ms Anna Klonowski, to ensure that any future decisions are taken on the basis of best practice rather than accepted Wirral practice.**

**Cabinet further endorses the decision to refer the Action Plan to be drawn up by the Chief Executive to this Improvement board for their Scrutiny and comment.**

**Cabinet also refers the Final Report to the Health and Well Being Overview and Scrutiny Committee for their Scrutiny and Comments.**

**Cabinet believes that this Final Report should be seen in tandem with the Martin Smith report into allegations of bullying and harassment and therefore believes it would be in the public interest to publish this report, and refer it to the Special Council called to discuss the Final Anna Klonowski's report, along with a separate report on HESPE which also arose from the actions of Whistleblowers and the Council's response to those Whistleblowers.**

**Cabinet thanks Ms Klonowski for the detailed work that has gone into this Final Report and expresses its hope and belief that these findings can be used as a catalyst for major improvement and change.**

**It further hopes that this will allow the Council to move forward from this point to the provision of radically improved services and a much more open and transparent culture which welcomes and learns from**

**criticism and responds rapidly to complaints or concerns at the earliest possible stage, preventing a situation like this from ever arising again.**

**241 PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2012/13**

A report by the Deputy Chief Executive/Director of Finance informed that the Provisional Local Government Finance Settlement for 2012/13 was announced on 8 December 2011. Following the consultation period, which closed on 16 January 2012, the Final Settlement would be issued in early February 2012. The report set out the latest information in respect of Wirral's Government Grant support.

**RESOLVED: That**

- (1) the implications of the Provisional Local Government Finance Settlement be noted; and**
- (2) the Council continues to use every opportunity to state the case for further improvement to the Provisional Settlement.**

**242 COLLECTION FUND 2011-12**

A report by the Deputy Chief Executive/Director of Finance estimated the Collection Fund position for the year ending 31 March 2012 which had to be notified to the precepting authorities by 22 January 2012. It was noted that based upon the 2011/12 precepts and taking the factors set out in the report into account the Collection Fund balance for the year ending 31 March 2012 was estimated to be a surplus of £1.7 million. The Deputy Chief Executive/Director of Finance also provided an oral report setting out comparisons with the other Merseyside Authorities.

**RESOLVED: That**

- (1) the declaration of an estimated surplus position for the Collection Fund for the year ending 31 March 2012 be noted and that this be distributed to the precepting authorities; and**
- (2) the Council Tax Collection Team be congratulated be thanked for its hard work in helping to achieve the surplus.**

**243 PHOTOCOPIERS AND MULTI-FUNCTIONAL DEVICES CONTRACT**

A report by the Deputy Chief Executive/Director of Finance sought the approval of the Cabinet to award a contract for the supply, installation and maintenance of photocopiers and multi-functional devices. This followed a full tender process conducted in accordance with European Union regulations. It was recommended that the contract be awarded to the highest scoring tender that provided the most economic advantage to the Council.

Tender details were provided in the Appendix to the report (Minute No. 268 refers) which was not for publication by virtue of paragraph(s) 3 of part 1 of Schedule 12A of the Local Government Act 1972.

The contract was integral to the Council print strategy and was a project within the Change Programme.

**RESOLVED: That**

- (1) the Cabinet awards the contract for the supply, installation and maintenance of multi-functional devices, photocopiers and desk top printers to the highest scoring tenderer; and**
- (2) the Cabinet endorses the further rationalisation of printing devices in accordance with the Council print strategy.**

**244 FEES AND CHARGES DIRECTORY**

The Deputy Chief Executive/Director of Finance reported that in accordance with best practice the fees and charges of the Authority should be reviewed on a regular basis. This was undertaken by Departments and it was good practice for the Council to have a comprehensive list of fees and charges approved as part of the budget process.

**RESOLVED: That**

- (1) the fees and charges be approved;**
- (2) the Deputy Chief Executive/Director of Finance be requested to complete the draft Fees and Charges Directory for publication on receipt of the outstanding information from Chief Officers; and**
- (3) Chief Officers undertake a review of all services in 2012 to identify any opportunities for increasing income.**

**245 REVIEW OF PRIMARY SCHOOL PLACES PHASE 6: ADDITIONAL INFORMATION AND DEMOGRAPHIC UPDATE**

Councillor G Davies left the meeting whilst this item of business was under discussion.

A report by the Acting Director of Children's Services informed that on 3 February 2011, the outcomes of the consultation process which took place in the South Wallasey planning area, as agreed at the meeting of the Cabinet held on 24 June 2010 (Minute No. 25 refers), were reported to the Cabinet. The recommendations included the publication of statutory proposals for the closure of Kingsway Primary School from August 2012, which were the subject of discussion.

The Cabinet has resolved:

"That no other decisions be made in respect of primary school places until an investigation has been undertaken and further information is presented to the Cabinet, as soon as possible in respect of the growth bid and the implications of the Wirral Waters planning application."

The report updated the Cabinet on the demographic projections for primary age pupils in Wirral, with particular reference to South Wallasey, and provided further information on potential impact of Wirral Waters on the pupil population locally.

The Cabinet noted that school re-organisation fitted into the Council's Corporate Objectives: "to help children and young people achieve their full potential"; and "create an excellent Council". The outcomes of school re-organisation meet the Council's Aim to "Close the attainment gap where poverty and disadvantage affect achievement" by removal of surplus places to ensure public money was spent to maximum effect in all our schools.

**RESOLVED:**

**That Kingsway Primary School be subject to a review commencing in Autumn 2013.**

Councillor G Davies returned to the meeting.

246 **REVIEW OF WIRRAL'S PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH PROFOUND AND MULTIPLE LEARNING DIFFICULTIES / DISABILITIES**

A report by the Acting Director of Children's Services reminded the Cabinet that on 14 February 2011, the Council had made the following resolution in response to a petition submitted by the Mayor and Councillor Tom Harney:

"Resolved (63:0) – That the Council initiates, as a matter of urgency, a thorough review of the current provision for children and young people with profound and multiple learning difficulties (PMLD) on Wirral. The review will produce a comprehensive policy regarding the best ways to educate, support and care for these children and young people including transition from and provision during life beyond school. Parents will be fully involved in the planning and writing of this policy."

(Minute No. 80B refers.)

This review was to be presented to the Cabinet by the end of 2011.

Responsibility for the review was passed to the Acting Deputy Director of Children's Services and, in line with the Council's policy a project was established following the Principles of Prince2.

It was agreed that the resolution would be actioned in two 'phases'. Phase 1 would be a review of the current services received by children and young people with PMLD and their families. Phase 2, if the recommendations (listed below) were accepted by the Cabinet, would consist of an update of identified policies, procedures and services in line with the recommendations.

The review of current services was carried out on the authority's behalf by the University of Chester whose full report was available on the Council's website. The Executive Summary was attached as Appendix 1 to the report. The review identified a number of areas where changes could be made to services which would improve the quality of service received by parents. The recommendations listed below

addressed these areas and, if approved by Members would be addressed in Phase 2:

**Recommendation 1**

The authority reviews its school transport arrangements for children and young people with PMLD and discusses with the five CLD (Complex Learning Difficulties) schools and others how access to extended school activities both during term time and school holidays can be improved – short term.

**Recommendation 2**

The authority in collaboration with all its key partners reviews procedures for successfully managing all key age related transition periods in order to make them as smooth as possible. In particular lessons can be learned from where transitions work well e.g. from early years provision into early years settings/school, and applied elsewhere. Particular attention should be given to the emotional as well as practical support needed by parents, children and young people – short to medium term.

**Recommendation 3**

An “information point” be developed for parents and professionals which identifies the full range of services available to parents, children and young people and how they might be accessed – including any particular criteria that might apply. Allied to this will be the development of a communication strategy which ensures that such information is made available where it is accessible and convenient to parents. This fits well with the Green Paper recommendation of making clear to parents “what is the local offer”, and the recent survey carried out by NHS Wirral “The Wirral Way” – medium term.

**Recommendation 4**

The authority gives consideration to how the role of ‘key worker’ might be developed. This role would go beyond that of providing support and guidance at particular points of stress or crisis in a child’s life and would provide longer term involvement and a connection between the family and the services they need. Clearly such a role could only be established in close co-operation with the family. Again this is another Green Paper recommendation – medium term.

**Recommendation 5**

The authority continues to explore with parents and staff from its five CLD schools further ways of reassuring all parents that the security, safety, educational and developmental needs of children and young people with PMLD are well met in all its establishments. In particular, the authority should explore with parents and schools potentially innovative and creative ways in which the needs of some of the most vulnerable PMLD children might be met by special schools working more closely together – medium to long term.

**Recommendation 6**

The authority will continue to keep all its CLD schools under review regarding the adequacy of the physical environment and premises and, within the bounds of efficient use of resources, seek ways to improve these where possible - ongoing.



**Recommendation 7**

The authority's planning department gives due consideration to ways in which it might prioritize applications from families of children with PMLD and other significant physical/medical/sensory needs – short to medium term.

**Recommendation 8**

The remit of the working group which is developing the Learning Disability Housing Plan for adults be broadened to incorporate the needs of the families of children with PMLD and other significant physical/medical/sensory needs – medium term.

**Recommendation 9**

The authority engages with its partners in health and the voluntary sector regarding whether the services e.g. incontinence and mobility aids provided to families of children and young people with profound and significant physical and medical needs are appropriate to their needs – short to medium term.

**Recommendation 10**

All assessment processes operated by or on behalf of the various statutory agencies involved with families of children and young people with PMLD and which lead to the allocation of provision and/or resources be reviewed to ensure their transparency and accountability. In particular, they should ensure that parents feel themselves to be full and equal partners in meeting the needs of their children – short to medium term.

**Recommendation 11**

The needs of children and young people with PMLD and other severe and significant learning difficulties and disabilities and the needs of their families be incorporated within the continuous development programmes for all relevant staff across the authority. The emphasis should not only be on raising awareness of the needs of this group but also on how they can be fully included within the Wirral community – medium to long term.

In considering the outcomes of the review, the Cabinet was asked to be mindful that only a third of potential parents responded to the request for their views, and of these, a majority were of children who attended one school. Nonetheless it was considered that the views expressed were significant and merited action.

Councillor T Harney was in attendance at the meeting and at the invitation of the Chair addressed the meeting. He thanked Councillors S Foulkes and J Green for their contributions that allowed this project to get started. The project was well underway with one more phase to come. Parents had found it very helpful and were pleased that people were listening to them. Councillor Harney told the Cabinet that he hoped this would be taken forward as a coherent approach to life's journey for people with profound disabilities. It was important that officers continued to talk to parents and carers over how the Council could help this vulnerable group.

**RESOLVED: That**

- (1) recommendations 1-11, as set out above be approved and implemented as part of Phase 2 of the PMLD review and that their implementation be co-ordinated by the Interim Director of the Children's Services;**
- (2) as envisaged in the original resolution, parents will again be closely involved; and**
- (3) the Acting Deputy Director of Children's Services, the Strategic Development Manager and the University of Chester be thanked for their hard work on the review of the current provision for children and young people with PMLD .**

**247 SCHEME AND ESTIMATE REPORT FOR WALLASEY TOWN HALL FIRE PRECAUTION WORKS AND REFURBISHMENT**

A report by the Director of Law, HR and Asset Management described the work required to upgrade the access and fire escape arrangements and part refurbishment to Wallasey Town Hall. The costs of the scheme were set out in the report and the Cabinet was asked to consider and approve the proposal.

The Capital Programme included £1,625,000 for works to Wallasey Town Hall including the Civic Hall.

**RESOLVED: That**

- (1) the Scheme and Estimate, as presented, be accepted;**
- (2) the Director of Law, HR and Asset Management be authorised to seek tenders for the project; and**
- (3) the Director of Law, HR and Asset Management be authorised to obtain all necessary statutory approvals for the project.**

**248 HILLCROFT, ROCKY LANE, HESWALL**

A report by the Director of Law, HR and Asset Management reported that Hillcroft, Rocky Lane, Heswall had been declared surplus to the Council's requirements and terms had previously been agreed for its disposal to the Citizen's Advice Bureau (CAB). The Director sought approval to the replacement of the existing lease to the CAB of the ground floor of Hillcroft, Rocky Lane, Heswall, for a new longer lease for the whole property.

The transfer was in support of the Council's goal to reduce its running costs by improving the efficiency and value for money of its services, whilst reducing bureaucracy.

The Cabinet noted that there would be a saving in the Council's budget as a consequence of this transfer and that the transfer was not a statutory duty.

## **RESOLVED:**

**That the CAB be granted a new lease for Hillcroft, Rocky Lane, Heswall on the terms outlined as follows:**

- **Term: 99 years**
- **Rent: Peppercorn**
- **Liabilities: The lessee to be responsible for all outgoing and maintenance.**
- **Special provisions: The lease would include a break clause enabling the CAB to terminate the agreement at 6 months notice.**
- **User clause: As a CAB facility**

## 249 **COMMUNITY ENERGY EFFICIENCY FUND**

A report by the Director of Law, HR and Asset Management provided an update for Members on the Community Energy Efficiency Fund and sought approval to amending the criteria for applications.

The grant was in support of the Council's goal to reduce Wirral's carbon footprint and was not statutory.

The Cabinet was informed that in response to the instruction to simplify the procedure, consideration had been given to which aspects of the application would cause difficulty to groups and which aspects could be omitted. The original application process had been reviewed and was considered to be relatively straight forward, although feedback from prospective applicants suggested that the requirement to demonstrate a payback period could be onerous and prohibitive. This requirement was an industry standard, however, in order to simplify the process it was proposed that the requirement to demonstrate a payback be exchanged for an approved list of technologies which were most likely to provide a reasonable return on energy savings. It was also proposed that the level of grant be increased and simplified. A

summary of the revised criteria was as follows:

### **Grants**

There will be one level of grant available up to £5,000. Grants would be allocated on an individual technology basis i.e. more than one grant could be requested by an organisation, say for (1) Boiler replacement and (2) Insulation. Grants would only be payable on completion of a project and would be allocated on a first come, first served basis.

### **Criteria**

Projects must deliver energy efficiency benefits and, if identified on the approved list of technologies, claimants would not be required to demonstrate a payback. The approved technology list was included in Appendix A to the report, although Members were asked to note that this list would be subject to continual update and review of technologies.

For technologies not identified on the list, applicants would be asked to demonstrate a minimum payback period of ten years.

Payback of projects implemented must also be shorter than the expected life of the building or the technology must be transferable.

If the expected lifetime of the building or lease was shorter than the expected lifetime of the technology, then the compliancy calculation would be based on the shorter of the two.

Projects must be seen as being additional and not mandatory.

Applications were currently considered by a Panel of officers and it was noted that the Cabinet had requested that suitable projects were reported to it for approval. In order to achieve reduced administration and bureaucracy Members were asked to delegate approval of projects to the Director of Law HR and Asset Management.

**RESOLVED:**

**That the new procedure and criteria as set out above be adopted for future applications for the Community Energy Efficiency Grant:**

250 **CORPORATE TRAINING CONTRACT**

A report by the Deputy Chief Executive/Director of Finance sought the approval of the Cabinet to participate in a collaborative arrangement with other Merseyside Authorities for the procurement of externally provided training. This was believed to offer potential to deliver savings of 10% of current costs.

**RESOLVED:**

**That the Cabinet agrees to join the Merseyside Collaborative Contract for externally provided training.**

251 **136 AND 138 BEDFORD ROAD, ROCK FERRY**

A report by the Director of Law, HR and Asset Management sought the Cabinet's approval of provisionally agreed terms for the transfer of 136 and 138 Bedford Road, Rock Ferry to Lairdsid Communities Together (LCT).

This decision would fit with the Council's goal to support the development of a bigger and stronger society.

It was proposed that 136 and 138 Bedford Road be transferred to LCT at a nominal £1 consideration using the powers of the Local Government Act 1972 General Disposal Consent (England) 2003. The present market value had been assessed by the District Valuer at £130,000 and this amounted to the consideration which would theoretically be forgone, but the transfer would assist LCT to continue the delivery of activities which demonstrated significant community benefits in line with its business plan. These activities focused primarily in the Birkenhead and Tranmere areas which were recognised as being deprived and sought to address important local issues such as health, worklessness, and the environment.

**RESOLVED:**

**That the property be transferred to LCT on the terms reported.**

**252 HIGHWAY MAINTENANCE FUNDING AND STRUCTURAL MAINTENANCE PROGRAMME 2012/2013**

A report by the Director of Technical Services reminded the Cabinet that on 13 January 2011, it had endorsed the maintenance allocation within the Local Transport Plan Capital Programme for 2012/13 (Minute No. 285 refers). The Programme had included the funding for the Highway Maintenance Block, totalling £2.958 million. On 12 December 2011, the Council had approved the Capital Programme 2012/15 which included a further £2.65 million for 2012/13 (£1 million for capitalised highways maintenance, £1 million for roads and £0.65 million for road safety) funded from Council resources (Minute No. 70 (v) refers.).

The report presented both the proposed breakdown of that highway maintenance funding between the Bridges, Lighting and Roads/Footway elements of the network and the proposed Highway Structural Maintenance Programme 2012/13, for approval.

It was noted that the maintenance of highways was a statutory duty for the Council under the Highways Act 1980 (as amended).

**RESOLVED:**

**That the Cabinet approves:**

- (1) the proposed allocation of Local Transport Plan Capital Programme 2012/13 Maintenance Block between Street Lighting, Bridges and Roads/Footways;**
- (2) the Detailed Highway Structural Maintenance Programme for 2012/13 (as detailed in paragraph 4.3 of the report); and**
- (3) the Director of Technical Services; in conjunction with the Cabinet Member for Streetscene and Transport Services and Party Spokespersons; be able to make necessary adjustments to the priorities within the programme should the need arise due to financial, condition or other factors.**

**253 WESTERN HIGH VOLTAGE DIRECT CURRENT (HVDC) LINK PROJECT**

A report by the Director of Technical Services advised the Cabinet of the proposed Western High Voltage Direct Current (HVDC) Link project being promoted by National Grid/Scottish Power and sought endorsement for the proposed preferred route through the foreshore at Leasowe, under the embankment and Leasowe Common, across a track and agricultural land at Meols, and across Arrowe Park Golf Course.

The report also explained why the route needed to cross Arrowe Park Golf Course on the basis that no other engineering solution avoiding the Park was viable and sought

authority for the Director of Law, HR and Asset Management to appoint a consultant to negotiate easements across Council land at no cost to the Council.

The Director informed that representatives from the Nationalgrid were working with a small group of officers and were happy to talk and negotiate. It was committed to attending Area Forums to consult on what it wanted to do.

**RESOLVED: That Cabinet**

- (1) notes the proposed Western HVDC project to meet the objectives of the Department for Energy and Climate Change (DECC) to increase the proportion of UK energy from renewable sources as described in the Appendix to the report;**
- (2) endorses the proposed preferred route through Arrowe Park Golf Course on the basis that no other engineering solution avoiding the Park is viable;**
- (3) authorises the Director of Law, HR & Asset Management to appoint a consultant to negotiate easements through Council land and associated compensation payments, with fees to be met by National Grid; and**
- (4) requests officers to keep it informed of future progress in relation to this important project.**

**254 PROPOSED EXPANSION OF THE GARDEN WASTE COLLECTION SERVICE**

A report by the Director of Technical Services provided the Cabinet with information relating to the proposed expansion of the garden waste collection service. Since the previous roll out of garden waste bins in 2008, there had been a number of new housing estates that had been developed as well as pockets of the Borough missed from previous rollouts that had been identified by officers as needing a garden waste collection service. The last two years had seen an increase in complaints from residents who were not part of the garden waste collection service, but had gardens and would have liked to be able to recycle their garden waste, to avoid trips to local household waste recycling centres and to avoid taking up valuable space in their residual waste bin.

The benefits to the Council included increased recycling performance and increased householder access to service at no additional cost.

**RESOLVED:**

**That the Cabinet:**

- (1) approves the restructure and expansion of the garden waste collection service to all remaining known individual dwellings with gardens where it is economical to collect from; and**
- (2) approves the Waste Infrastructure Capital Grant (WICG) spend of up to £68,640 to purchase bins for the expansion of the service to initially provide bins at no cost to residents.**

## 255 FORMAL ADOPTION OF EQUALITY IMPACT ASSESSMENTS

A report by the Chief Executive informed that as part of the Equality Duty 2010, which came into full force in April 2011, the Council had a legal requirement to give due regard to the impact of its policies and decisions on people who shared protected characteristics (race, gender, disability, sexual orientation, age, religion/belief, gender re-assignment, marriage/civil partnership, pregnancy/maternity).

As part of the Independent Corporate Governance Review report, AKA highlighted 'shortfalls in the way the Council evaluated the impact of its policies both prior to execution and in response to evidence about the impact'. Subsequently the report identified 'Equalities' as an area for improvement.

### **RESOLVED: That**

- (1) the formal adoption of Equality Impact Assessments be adopted as the Council's process for giving due regard to the impact of its policies and decisions;**
- (2) all Chief Officers, Heads of Service and Departmental Managers receive mandatory Equality Impact Assessment training;**
- (3) all Committee reports include a hyperlink to completed equality impact assessments on the Council website;**
- (4) all completed Equality Impact Assessments are signed off by the appropriate Head of Service, prior to publishing; and**
- (5) members of the Learning Disability Board be thanked for their work on this important initiative.**

## 256 DRAFT LEARNING DISABILITY HOUSING PLAN 2011-2014

A report by the Acting Director of Housing, Regeneration and Planning provided Members with an overview of the draft Learning Disability Housing Plan 2012-2015 and sought approval for the draft Learning Disability Housing Plan 2012-2015 to be published for public consultation.

The development of the Learning Disability Housing Plan cross-cut a number of the Councils corporate priorities, but specifically the 'Your Neighbourhood' theme.

### **RESOLVED: That**

- (1) the contents of the draft Learning Disability Housing Plan 2012-2015 be noted;**
- (2) the draft Learning Disability Housing Plan 2012-2015 for public consultation be approved; and**

- (3) a further report on the Learning Disability Housing Plan 2012-2015 following the completion of the consultation period be received.**

**257 WIRRAL AFFORDABLE WARMTH IMPLEMENTATION PLAN 2012/2014**

A report by the Acting Director of Regeneration, Housing and Planning sought the Cabinet's approval to the Wirral Affordable Warmth Implementation Plan 2012-14 (appended at Appendix 1 to the report) following a Borough-wide consultation. The Plan was important to the delivery of 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 to meeting strategic priorities and targets 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 Wirral Affordable Warmth Implementation Plan 2012-14 be approved.**

**258 SUPPORT FOR WIRRAL'S COASTAL RESORT TOWNS**

A report by the Acting Director of Regeneration, Housing and Planning informed the Cabinet of progress on one of the proposals recommended for support in respect of the £200,000 coastal grant available for supporting economic regeneration in Wirral's coastal resort towns of New Brighton, Hoylake and West Kirby.

Councillor P Davies reported that he was now in receipt of some late information which challenged some of the assumptions made in the report and the detailed costings. As this information had only just been received he proposed that this item of business be deferred to the next meeting to allow dialogue to continue and the information received to be properly considered

**RESOLVED:**

**That a decision on this report be deferred to the next meeting of the Cabinet, scheduled for 2 February 2012, when detailed consideration will be given to a revised report containing the information that has just been received.**

**259 REPORT ON VISIT TO CHINA - SEPTEMBER/OCTOBER 2011**

A report by the Acting Director of Regeneration, Housing and Planning outlined the activities undertaken during the visit to China in September/October 2011. It also identified further actions to be taken to build upon the contacts made and the opportunities that existed now and in the future.

The Cabinet was informed that the Council had been developing Sister City arrangements with Taicang since 2008 and it had been requested by the Mayor of Taicang that the two areas now formally sign an agreement for co-operation.



The Leader of the Council had also been invited to the Suzhou Mayoral Conference to discuss Economic Development and Regeneration issues that were faced globally. Unfortunately, due to urgent Council issues, the Leader had been unable to attend and the Deputy Leader of the Council had attended on his behalf.

A visit to JiangYin had also been organised to meet with the Partner's of Peel Holdings in the development of the International Trade Centre and to identify areas of close working between Wirral and JiangYin. It had also been arranged that presentations would be delivered to Chamber of Commerce members in Suzhou and Taicang to promote the International Trade Centre. Representatives of Peel Holdings had accompanied Council representatives on the visit.

The delegation had arrived in China on Sunday, 25 September 2011 and had departed for the UK on Thursday, 6 October 2011. The itinerary was set out in the report for the Cabinet's information. It was reported that the visit had been a success, in terms of further developing economic links within China and promoting the International Trade Centre proposals.

The signing of the Sister City Agreement with Taicang had also been a further step in developing economic ties between the two areas. A delegation from Taicang was now planning to visit Wirral in March/April 2012 to take forward actions agreed in the Sister City Agreement and Suzhou Government officials had outlined their proposals for a visit to Wirral later in the year.

Peel's partner in JiangYin had agreed to take forward the opportunities for further economic links between that area and Wirral and would act as the bridge between both areas.

The Head of UKTI (China) had visited Wirral in November 2011 and, as part of that visit, had toured the International Trade Centre in order that a more clear vision of the opportunity could be gained. Peel Holdings had continued to have private commercial discussions following the visit, both at home and abroad, with potential partners and end users and it was expected that there would be follow up visits to Wirral by various parties over the coming months. It was known that a major International Import Expo was to take place in Jiangsu Province at the end of March 2012 and government officials had invited representatives from Wirral to the event. Officers were considering the opportunities this event presented.

**RESOLVED: That**

- (1) the Cabinet notes the details of the visit to China by the Deputy Leader of the Council and Officers and the signing of Sister City agreement with Taicang, Metropolitan area of Suzhou, Jiangsu Province; and**
- (2) the report be referred to Council for information.**

**260 WILLIAMSON ART GALLERY AND MUSEUM - PROPOSED INTERNAL REFURBISHMENT AND EXTENDED FACILITIES**

A report by the Director of Law, HR and Asset Management advised the Cabinet Members of the outcome of the two stage tender process for the project to undertake improvements and necessary repairs to the facilities at the Williamson Art Gallery

and Museum. The report sought ratification from the Cabinet to the selection of the Constructor named in Appendix 1 to the report as the Council's 'preferred constructor' for the scheme.

**RESOLVED: That**

- (1) the Constructor who submitted the most economically advantageous tender, as detailed in Appendix 1, be accepted as the Council's 'preferred constructor'; and**
- (2) the Director of Law, HR and Asset Management be authorised to execute an appropriate construction contract with the preferred constructor in due course based upon a partnering philosophy, subject to them developing a satisfactory Health & Safety Plan.**

**261 PARKS AND COUNTRYSIDE SERVICE MODERNISATION PROJECT - UPDATE**

A report by the Director of Technical Services provided the Cabinet with an update on progress to date on the project to modernise the Parks and Countryside Services and the integration of the Highways Grounds Maintenance Service.

The report sought approval to use £500,000 of the existing Capital Programme allocation for Cultural Services assets for the acquisition of equipment to deliver the Highways Grounds Maintenance Service from 1 February 2012 onwards.

**RESOLVED:**

**That the progress on the Parks and Countryside modernisation project and the integration of the Highways Grounds Maintenance Service be noted and the use of £500,000 of the existing Capital Programme allocation for Cultural Services assets be approved for the acquisition of equipment needed to deliver the Highways Grounds Maintenance Service from 1st February 2012 onwards.**

**262 EMPLOYEE ENGAGEMENT = "OPEN DOOR SESSIONS"**

Councillor S Foulkes referred to the Destination Excellence meetings being held with the Council's staff on 12 and 13 January 2012 (Minute No. 239 refers) and informed that as part of the employee engagement that was being planned over the next two years, staff had been told at these events that there would be a series of confidential "open door" sessions held with Cabinet Members. Appointments could be made and would give members of staff the opportunity to let Members know where and how they thought things could be improved. These meetings would be held in complete confidence and allow concerns, particularly those relating to corporate governance or the general running of the Council, to be aired. If Members of staff preferred to discuss their issues with Councillors' of Political Groups other than Labour, then this also would be arranged. A Protocol had been developed for these "open door" sessions. This Protocol had been shared with the members of the Corporate Governance Committee and the other Group Leaders. Cabinet was invited formally to approve the Protocol.

Councillor Foulkes requested that "call-in" be waived so that the open door meetings could go ahead without delay because what Members may learn from them could be

vital to bringing about improvement to the Corporate Governance of the Council. The Chief Executive agreed to his request.

**RESOLVED: That**

- (1) the Cabinet agrees to the holding of open door sessions with staff and to the Protocol for such sessions as detailed above; and**
- (2) in the interests of ensuring that the Council's Corporate Governance is improved without delay, "call-in" be waived in respect of the above decision.**

**263 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 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.**

**264 INFORMATION, ADVICE AND GUIDANCE SERVICE COMMISSIONING**

A report by the Acting Director of Children's Services informed the Cabinet of progress made in relation to securing information, advice and guidance (IAG) services for young people for 2012/13 and the contractual implications between the six Liverpool City Region Local Authorities and Greater Merseyside Connexions Partnership Limited (GMCP).

The report was Exempt under 3(a and b) as this was a paper being taken to the respective Cabinets of the six Merseyside authorities, it dealt with contractual negotiations with the Greater Merseyside Connexions Partnership and disclosure would prejudice the efficiency and effectiveness of the Council's resources. Disclosure of the funding amounts involved would also be likely to advantage to a person seeking to enter in to a contract with the Council in respect of providing information, advice and guidance services for young people.

**RESOLVED: That**

- (1) negotiations continue in December 2011 to try to secure a one year agreement, commencing 1 April 2012, with GMCP within each local authorities available budget;**
- (2) notice be served on GMCP on 31 January 2012 if agreement cannot be reached with GMCP;**
- (3) the parallel procurement process continues; and**
- (4) the Cabinet delegates responsibility for procuring IAG provision to the Director of Children's Services (or other designated budget holder) in**

**consultation with the Cabinet Member for Children's Services and Lifelong Learning.**

**265 UPDATE REPORT OF CONTRACTUAL REVIEW OF GREEN WASTE PROCESSING CONTRACT**

A report by the Director of Technical Services provided an update on progress, as requested, since the issues raised in the report of the 23 June 2011 Cabinet: Contractual Review of Green Waste Processing Contract with Armstrongs (Minute 54 refers) had been concluded.

The report contained commercially sensitive information on existing and potential contractual prices to provide a garden waste composting service. The report also detailed potential sites being considered for treating garden waste. For these reasons the report was classed as exempt in accordance with paragraph 3 of Schedule 12A of the Local Government Act 1972.

**RESOLVED: That**

- (1) the efforts made by officers to assist the Council's kerbside collected garden waste processing contractor to secure a suitable garden waste composting site within the Borough, as directed the Cabinet at its meeting on 23 June 2011, be noted;**
- (2) the potential options highlighted so far based on the project group undertakings and the perceived three risks, highlighted in Section 9.0 of the report, be noted;**
- (3) the progression of Option 1, through a conclusion of negotiations with the Council's kerbside collected garden waste processing contractor, committing the Council to a gate fee price of £19.08 (subject to RPI increases each April) until March 2014, be approved;**
- (4) subject to the successful implementation of Option 1, costs for 2011/12 being met from existing resources. Thereafter the costs of £44,500 pa for 2012/13 and 2013/14 be met from growth; and**
- (5) officers provide a further report for the Cabinet detailing the future procurement options for Garden Waste Treatment (as highlighted in Option 1), once the outcome of the Environmental Streetscene Services Contract Review is known.**

**266 APPLICATION FOR FINANCIAL ASSISTANCE (1)**

An exempt report by the Acting Director of Regeneration Housing and Planning sought the approval of the Cabinet to provide a grant to the company named to assist towards its business investment project.

**RESOLVED:**

**That the company named within the report be approved grant funding from Wirral Council's Business Investment Grant to enable it to proceed with its business investment project.**

**267 APPLICATION FOR FINANCIAL ASSISTANCE (2)**

An exempt report by the Acting Director of Regeneration, Housing and Planning sought the approval of the Cabinet to provide a grant to the company named to assist towards its business investment project.

**RESOLVED:**

**That the company named within the report be approved grant funding from Wirral Council's business investment grant to enable it to proceed with its business expansion project.**

**268 EXEMPT APPENDIX**

The Cabinet noted the detail of the exempt appendix that set out tender evaluations in respect of Photocopiers and Multi – Functional Devices Contract. (Minute No. 243 refers).