

CABINET

Thursday, 2 February 2012

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance and Best Value
	Councillors	G Davies	Housing and Community Safety
		P Davies	Regeneration and Planning Strategy
		AER Jones	Corporate Resources
		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

Apologies Councillors B Kenny Environment

269 **URGENT BUSINESS - LEASOWE MILLENNIUM CENTRE**

Councillor Foulkes informed that the Cabinet would be considering an item of urgent business relating to the Leasowe Millennium Centre – following a request from the Leasowe Development Trust to surrender its interest in the premises and the need to take action to ensure services to the Leasowe community were maintained. A report on this would be considered at the end of the matters to be considered in the presence of the press and public and Councillor Foulkes indicated that he would be requesting that call-in be waived so urgent action could be taken.

270 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Councillors A McLachlan and J Stapleton declared personal interests in Item No. 31 on the agenda – Wirral Youth Zone (Minute No. 300 refers) by virtue of them both being on the Wirral Youth Zone Steering Committee.

Councillor P Davies declared a personal interest in Item No. 30 on the agenda – Woodchurch High School Sports Hall (Minute No. 299 refers) by virtue of being a Governor of the School.

271 **MINUTES**

RESOLVED:

That the Minutes of the meeting of the Cabinet held on 12 January 2012 be confirmed as a correct record.

272 **INDEPENDENT REVIEW OF CLAIMS MADE BY MARTIN MORTON (AND OTHERS) - ACTION PLAN**

The Chief Executive told the Cabinet that when the Anna Klonowski Associates (AKA) report into Corporate Governance had been published he had made a public statement that he believed that the report's findings represented the most significant challenge that this Council faced. At the same time he had stated that he fully accepted the findings of the AKA report and apologised to anyone who had been affected. He had also said that he was putting on record his personal pledge that he would take responsibility for ensuring that the improvements needed in corporate governance were made.

The AKA report detailed, at Appendix 1, the Council's Action Plan that would take forward the recommendations made in the Anna Klonowski and Martin Smith reports which were presented to the last Cabinet meeting.

Councillor S Foulkes asked the Chief Executive to clarify if the AKA report had highlighted any shortcomings in respect of Members.

The Chief Executive reported that the AKA report did not criticise any individual Member, it identified officer failings and as the Head of Paid Service he put on record again that he took full responsibility for ensuring that all of the recommendations within the report before the Cabinet were effectively implemented. He stated that he would ensure that all Council officers in the future deliver in the manner in which both the Members and residents of Wirral expect and deserve.

Councillor S Foulkes asked for an explanation of why the AKA report had been redacted. The AKA report had been circulated in redacted form and the Council had been criticised for that. He asked the Head of Legal and Member Services to explain why the decision had been taken to redact the AKA report.

The Head of Legal and Member Services informed that the AKA report had been circulated in redacted form as issues against individuals had been raised in it which needed to be followed through. It was inappropriate to make names public whilst due process was being followed.

Councillor S Foulkes told the meeting that he would raise the matter of the redacted AKA report at the Improvement Board meeting which was scheduled for the following evening. Councillor S Foulkes also informed that, the last time he had asked, the cost of the AKA report had reached £250,000. He asked if there were any further updates on the costs.

The Deputy Chief Executive and Director of Finance informed that the cost of the AKA report costs were within the current approval limit but that DLA Piper UK was now in excess of Council approval because of the right to reply process as there were a number of costs and issues involved. He told the Cabinet that he would provide a report on this to a future meeting.

Councillor S Foulkes made reference to the alleged incidents of abuse, rape and an incident with a baseball bat which were in the public domain and that statements had been made in the AKA report without collaboration. These were being raised to a more serious level.

The Director of Adult Social Services informed that he was working very closely with the Police to establish date, time and people involved in respect of the safeguarding issues highlighted in the AKA report. Those people who had made allegations to Anna Klonowski would be interviewed and it would be agreed with the Police what actions to take if any. Councillor A McArdle informed that if there were any cases to answer the Police would take them forward. The Council was taking lead responsibility and if there was any clear criminal offence that had not been investigated the Police would do so.

Councillor AER Jones asked if the date on which the Council had actually learnt of these allegations was known and why nothing had been done at that time. The Chief Executive informed that officers would have known when they received the draft AKA report. He agreed to provide Members with that date. Councillor S Foulkes informed that he would have expected the Director to have been notified and to have taken action at the time when Anna Klonowski had been told about these issues. He would be seeking clarification on these points.

Councillor S Foulkes told the Cabinet that the action plan was not perfect and that it would be subject to external scrutiny. The intention was to also submit the Highways and Engineering Services Procurement Exercise (HESPE) report to the Improvement Board. He was willing to take on any recommendations from the Improvement Board. He considered it appropriate for the Chair of the Improvement Board not to be a Member of Wirral Council and Gill Taylor of the Local Government Association had agreed to take the Chair at the beginning of the first meeting. There would be a debate around the Board's draft Terms of Reference and whether its meetings were held in the presence of the press and public or in private.

Councillor Foulkes reiterated that the Council had a critical analysis of its Corporate Governance and that he would take some responsibility. However, his personal integrity was being challenged on a number of points. He had received advice as had other Members who sat on the Audit and Governance Committee, a number of Members had been involved as had three Directors of Adult Social Services and the previous Chief Executive. Since receiving the reports he had put serious efforts and time in to make progress. He had met with all of the staff and told them in front of their managers that the Council would be more open to whistle blowing and that he saw this as a driver to use to bring about improvement. He knew that the organisation needed to change and be more open and transparent. The meetings he had held with the staff had been well received and there had been some good feedback from these sessions. He had been careful to stick to the recommendations in the AKA report and had not deviated from them or the advice given. In fact he had been absolute and almost bible like in sticking to the recommendations in the AKA report. Some progress had been made and he had told members of staff that the Council would be more open to criticism.

Councillor S Foulkes also told the Cabinet that he was aware that Ester McVey MP had asked the Prime Minister to look into the recent shocking report into allegations of overcharging of vulnerable adults on the Wirral and also claims of violence and intimidation. He informed that he was happy to speak to David Cameron about the issues raised and meet with him if necessary. The Cabinet was doing everything it could to bring about improvement and if it was not enough he was willing to take on board any further recommendations.

RESOLVED: That

- (1) the Action Plan set out in Appendix 1 to the report be agreed and referred to the Special Council meeting scheduled for 13 February 2012;**
 - (2) the establishment of an Improvement Board with initial draft terms of reference and membership, as detailed in Appendix 2, with the additions of:
 - (a) Monitoring delivery of the Action Plan; and**
 - (b) Consideration of the Final Report and the District Auditor's report relating to HESPE;****
- be approved;**
- (3) the first meeting of the Improvement Board be held at 5pm on Friday, 3 February 2012; and that at that meeting the Board be invited to approve its own final terms of reference;**
 - (4) in view of this timescale, call-in be waived in respect of (2) and (3) above.**

273 FINAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2012-2013

A report by the Deputy Chief Executive and Director of Finance reminded Members that the Provisional Local Financial Settlement for 2012/13 had been reported to the Cabinet at its meeting on 12 January 2012. Following the consultation period the Final Settlement had been announced on 31 January 2012. This report confirmed the figures announced in the Provisional Settlement and set out the latest information in respect of Government grants.

RESOLVED: That

Cabinet notes that Wirral Council's Finance Settlement from the Government continues to be slashed with a reduction of £14million this year in Formula Grant and further reductions expected in Specific Grants which have yet to be announced.

In a bid to make further progress in closing the gap this leaves, Cabinet refers the following savings to the Budget Council meeting and asks the Chairs of the relevant Overview and Scrutiny Committees to consider whether they wish to consider these before that date and report back either to the Cabinet or to the Budget Council meeting.

- Renegotiation of the Connexions Contract (already achieved) £250,000**
- Renegotiation of the Supporting People Contract (already achieved) £150,000**
- Uncommitted School Improvement/ School Intervention Funding £250,000**

- **Children and Young People's Department PPM (consequent on decision by Schools Forum to fund £200,000 of schools PPM from within the schools budget) £200,000**
- **Funding for Merseyside Information Services no longer required £50,000**
- **Highways back office administrative efficiency review £80,000**
- **EVRs £910,000**

Cabinet notes that the criteria used in accepting EVRs was that Directors should be able to release the post, that they should be able to deliver the service with minimal disruption in the workplace and that the decision to release the post would not materially affect service delivery.

Cabinet recognises that it is vitally important to maintain the stability of the Council's structures and finances at a time of considerable financial upheaval in the country and will continue to work on presenting a budget that achieves this aim and that matches with the priorities set out in the draft Corporate Plan.

274 DRAFT CORPORATE PLAN 2012/2013

A report by the Chief Executive presented the Council's draft Corporate Plan for 2012 – 13 at Appendix 1 (previously agreed by the Cabinet at its meeting on 8 December 2011 and considered by the Council on 12 December 2011).

The report further set out the steps that had been taken to deliver the resolutions agreed by Council on 12 December 2011 (Minute Nos. 77 and 78 refer) in respect of the draft Corporate Plan, which requested the views of all relevant partners and the referral of the draft Corporate Plan to the Council's Overview and Scrutiny Committees. The Council furthermore requested that any comments received were transparently evaluated by the Cabinet and more robust plan containing SMART objectives be resubmitted to a future Council meeting.

Finally, the report requested that the Cabinet make recommendations to refer an appropriate amended draft Corporate Plan to the Council for consideration at its meeting on 13 February 2012.

RESOLVED: That

Cabinet welcomes the comments of Partners and the Overview and Scrutiny Committees on the draft Corporate Plan and thanks everyone who responded.

Cabinet further welcomes the fact that the vision set out in the plan has widespread approval and many of the comments are concerned with the details of achieving that Vision, and with the targets necessary to monitor progress against the Vision.

Cabinet also recognises that the detailed targets now set out in Appendix 5 to the report were not available at the time of consultation and that some

proposals put forward have cost implications which have not yet been assessed.

Cabinet believes that proper consideration should be given to the comments made and amendments made as necessary.

Cabinet therefore further resolves that:

- (1) subject to any amendments made pursuant to paragraph (2) below, the draft Corporate Plan set out at Appendix 1 to the report be recommended to Council for approval at its meeting on 13 February 2012;
- (2) the Chief Executive, in consultation with the Leader of the Council, be authorised to make amendments to the draft Corporate Plan as are considered appropriate and necessary; and
- (3) the Leader will submit a draft final version of the plan in good time to the other Party Leaders for comment with a view to gaining all Party support at the Council meeting on the 13 February 2012.

275 TREASURY MANAGEMENT PERFORMANCE MONITORING

The Deputy Chief Executive/Director of Finance presented a report which reviewed Treasury Management policies, practices and activities during the third quarter of 2011/12 and confirmed compliance with treasury limits and prudential indicators. The report had been prepared in accordance with the revised CIPFA Treasury Management Code and the revised Prudential Code.

RESOLVED:

That the content of the report be noted.

276 MERSEYSIDE PENSION FUND BUDGET 2012/2013

A report by the Deputy Chief Executive/ Director of Finance presented the Merseyside Pension Fund (MPF) budget for 2012/13. The budget had been agreed by the Pensions Committee at its meeting on 17 January 2012.

The Deputy Chief Executive/ Director of Finance estimated that during 2012/13 the MPF would pay £262.3m in pensions and receive £251.4m in contributions from employers and employees. The Fund had a value of £4,693m at 30 September 2011. he proposed administration costs of £15.7m including £10.3m of investment management charges to external managers represent a cost of £129.46 per member of the scheme. The investment management costs were approximately 0.22% of total assets.

RESOLVED:

That the content of the report be noted.

277 **CORPORATE RISK REGISTER**

The Deputy Chief Executive/Director of Finance presented a report describing the process followed in analysing the issues contained within the draft Corporate Risk Register which had previously been presented to the Cabinet at its meeting on 13 October 2011. A draft of the fully populated document was appended.

RESOLVED:

That the updated Corporate Risk Register be approved.

278 **3RD QUARTER PERFORMANCE AND FINANCIAL REVIEW**

A report by the Deputy Chief Executive/The Director of Finance set out the performance of the Council's Corporate Plan 2011-14 for October to December 2011, and provided Members with an overview of performance, resource and risk monitoring.

The report also provided requested amendments to Corporate Plan projects and indicators for the Cabinet's approval.

RESOLVED

That the content of the report be noted

279 **OFFICE RATIONALISATION**

A report by the Director of Law, HR and Asset Management sought decisions to guide further rationalisation of the Council's administrative accommodation. It reviewed progress made to date and required confirmation of the strategy that had been developed over the past three years as a basis for further decisions on the retention or vacation and disposal of individual buildings.

The report drew upon lessons learned from work to date and considered the likely context within which further rationalisation would be required. It also reviewed the current stock of 'core' administrative accommodation, made recommendations to vacate specific buildings and sought a decision on options for the further vacation of core administrative buildings.

The Cabinet received a copy of Minute No. 83 of the Council Excellence Overview and Scrutiny Committee meeting of 31 January 2012 that had considered a report of the Director of Law, HR and Asset Management. The Committee had requested that its comments on this matter be referred to the Cabinet.

Consequently, it was noted that the Overview and Scrutiny Committee had commented as follows:

'That progress had been slow in the development of the Strategy and options appeared to be limited for target reductions in overall space occupancy to be met. Members supported the retention of Birkenhead Town Hall and expressed the view that a plan should have been in place to allow for changes to be made to Planning Policy to allow for the disposal of sites at the

Bebington complex to be used for residential development. Members considered the proposals for the Conway and Hamilton Buildings and how to make best use of the available space. The Committee also re-affirmed its view, previously expressed (minute 32 (24 August 2010) refers) that the refurbishment and intensification in the use of the North and South Annexes at Wallasey, was the preferred option (Option 3 in Appendix E of the Cabinet Report).

However, a Member expressed an opinion that, at this stage, the Committee should not indicate a preferred option and commented that Option 3 was not ambitious enough, as it would remove only 2,645 sq.m. of floor space.'

The Overview and Scrutiny went on to resolve:

'That

- (1) the comments of the Committee be referred to the Cabinet; and
- (2) the Committee believes Option 3 to be the most practicable option at this stage, and that it reflects the Committee's previously stated view in relation to the redevelopment and intensification in use of the North and South Annexes.'

RESOLVED: That

- (1) the Cabinet notes the progress made in vacating and disposing of administrative accommodation;**
- (2) the principles guiding rationalisation and workplace design set out in the report of the Director of Law, HR and Asset Management be confirmed as the basis for planning and implementing the vacation of buildings and the intensified use of remaining administrative accommodation;**
- (3) those buildings listed in Appendix B to the report be retained for use as administrative accommodation and the Director of Law, HR and Asset Management be instructed to report to a future meeting of Cabinet with an action plan for their improvement;**
- (4) Liscard Municipal Building, Bebington Town Hall and Bebington Town Hall Annexe be vacated, declared surplus to the future needs of the Council, demolished and the sites cleared pending future proposals for their re-use;**
- (5) the former Birkenhead Town Hall be re-used in part to provide office accommodation for the Council, within an overall facility that provides meeting and events space and supports community and cultural use;**
- (6) an initial series of building works and staff moves be undertaken as proposed in the report;**

- (7) **the Director of Law, HR and Asset Management be instructed to take the necessary action to progress the vacation and demolition of on of the Annexes and to report further to the Cabinet on the options for the remaining building;**
- (8) **in respect of the Pennant House complex Cabinet recognises the important role that Pennant House, Mayer Hall and 65 The Village play in the cultural heritage of the Borough;**
- (9) **the Cabinet believes that these buildings should be maintained to a satisfactory level to allow the public, voluntary organisations etc to continue to use and enjoy them;**
- (10) **the Cabinet will welcome any proposals from the community to take responsibility for running these buildings under the Council's asset transfer policy;**
- (11) **the public of Bebington has made it clear that it wishes the One Stop Shop to continue to operate from Pennant House and the Cabinet supports wholeheartedly this view; and**
- (12) **Officers continue to consult with residents and local community groups with a view to agreeing a development plan for these buildings.**

280 REVIEW OF MAJOR CONTRACTS

A report by the Deputy Chief Executive/Director of Finance provided the Cabinet with an update on the review of major contracts that had been undertaken during 2011-12.

A project had been initiated on 14 April 2011 to review the Top-50 contracts with a view to making savings in 2011-12 and identifying priorities for future contract negotiations. A savings target of £0.5m had been included in the 2011-12 budget.

The Cabinet at its meeting on 14 April 2011 had authorised the engagement of Price Waterhouse Coopers (PwC) to support these reviews on a 'no win no fee' basis. PwC had considered a number of contracts and was now focussing on

- (a) waste collection;
- (b) schedule of rates;
- (c) telecommunications; and
- (d) agency staff.

The Cabinet noted that to date no savings had been identified by PwC.

It was reported that the Procurement Unit had worked with staff across the Council to examine where there was potential to make savings on the Top-50 contracts in 2011-12 and beyond. This was in addition to the work undertaken to deliver the general procurement efficiency target of £2m agreed in the 2011-12 budget. There was difficulty in negotiating savings where the contracts had been subject to recent OJEU tenders. Negotiations with contractors were lengthy and where there were service implications these could not be implemented without extensive consultation and

equality impact assessments. The review therefore was limited to identifying potential, not actual, savings.

The outcome of reviews that do deliver cashable savings in 2011-12 was £422,400 against the budget target of £500,000. This excluded any savings that may arise from the work of PwC.

RESOLVED:

That the progress of this review and the inclusion of the savings identified to date in the overall procurement efficiencies report included elsewhere on the agenda (Minute No. 281 refers) be noted.

281 PROCUREMENT EFFICIENCIES

A report by the Deputy Chief Executive/Director of Finance detailed procurement activity undertaken in 2011-12. The aim was to deliver £2m procurement efficiency savings per annum. A further policy option had been agreed in the 2011-12 budget; to achieve £0.5m through a review of the top-50 contracts, progress which was reported elsewhere on the agenda (Minute No. 280 refers). The report identified progress against the combined target of £2.5m and identified possible procurement savings for 2012-13.

RESOLVED: That

- (1) the procurement activity undertaken in 2011-12 be noted;**
- (2) a procurement saving of £140,000 in Regeneration, Housing and Planning delivered in 2011-12 be replaced by the release of reserves and provisions;**
- (3) estimated procurement savings of £1.2m for 2012-13 be agreed; and**
- (4) estimated savings of £1.6m from the alternative commissioning of services in Adult Social Services be agreed.**

282 FREEDOM OF ENTRY

A report by the Director of Law, HR and Asset Management recommended that the Freedom of Entry to the Borough be conferred on the 234 (Wirral) Transport Squadron Royal Logistic Corps (Volunteers); and the 107 (Lancashire & Cheshire) Field Squadron Royal Engineers (Volunteers), both who had Centres in Wirral. This was in recognition of the service provided by each of them. These Squadrons had given support to the Authority and residents of the Borough, during times of conflict and in peacetime. The Director reported that the Council had maintained a close relationship with them over many years, however the Freedom of Entry to the Borough had not been granted to them.

RESOLVED:

That the Cabinet recommends to the Council: That

- (1) in accordance with Section 249(5) of the Local Government Act 1972, it places on record its high appreciation of, and the debt of gratitude of the Borough to;
 - (a) the 234 (Wirral) Transport Squadron Royal Logistic Corps (Volunteers); and
 - (b) the 107 (Lancashire & Cheshire) Field Squadron Royal Engineers (Volunteers);

and in the light of the long and close association between the Borough and these Squadrons, it resolves that the Freedom of Entry to the Borough be conferred on them both and that they be granted, the right, privilege, honour and distinction of marching through the streets of Wirral on all ceremonial occasions with drums beating, bands playing and flags flying;

- (2) the Freedoms of Entry to the Borough be granted at a public/community ceremony to be held in Hamilton Square, Birkenhead on 21 April 2012; and
- (3) the ceremony at (2) above be followed by a Medal Parade, officiated over by the Mayor, and a Civic Reception at Birkenhead Town Hall.

283 ENTERPRISE ZONE - BUSINESS RATES DISCOUNTS

A report by the Deputy Chief Executive/Director of Finance set out the details of issues that had arisen from the Localism Act 2011 which gave local authorities the power to award discounts, including Enterprise Zone discounts, from 1 April 2012.

Members were informed that discounts awarded under the new powers would be funded by the Council awarding them. However for discounts awarded in Enterprise Zones the Government had agreed to fund up to 100% of the discounts awarded during the period 1 April 2012 to 31 March 2015. They would be funded for five years from the date they were granted. Therefore, a business that entered the zone in a designated area on 31 March 2015 would be entitled to the discount until 31 March 2020, funded by the Government.

These discounts were covered by the European Union De Minimis Aid rules on state aid funding and were currently subject to 200,000 Euros limit over a three year period. This had the effect of limiting the award to £55,000 per annum to an individual business. The maximum discount amount over a five year period could be £275,000. The maximum discounted Rateable Value would be £122,000.

RESOLVED:

That a Business Rate discount of 100% be granted for properties designated within specified areas of the Mersey Waters Enterprise Zone (Wirral site) to be awarded from 1 April 2012.

284 **LOCAL DEVELOPMENT FRAMEWORK – WORK PROGRAMME AND EVIDENCE BASE**

A report by the Acting Director of Regeneration, Housing and Planning informed the Cabinet of the future programme for the preparation of the Council's Local Development Framework; the findings of the latest study of the Borough's housing land supply; and reports on progress on the remaining technical evidence base studies. The report recommended that the Local Development Scheme appended to the report was approved for formal adoption by Council and that the findings of the Strategic Housing Land Availability Assessment (SHLAA) Update be made available for consultation before being included in the Proposed Submission Draft Core Strategy.

The Acting Director of Regeneration, Housing and Planning indicated that figures had now been provided by Peel for Wirral Waters and stated that up to 1,100 dwellings could be delivered in the first five years (2011-2016), 2,800 in years 6 to 10 (2016-2021) and 2,700 in years 11 to 15 (2021-2026). This meant that a five year supply could be demonstrated under the RSS requirement, when taking into account Wirral Waters and an even longer term supply when based upon the DCLG Household Projection figures. This would also help the supply over the 10 and 15 year periods to 2026.

RESOLVED: That

- (1) it be recommended to Council that the Local Development Scheme appended to the report be approved and that Council resolves to bring the Scheme into legal effect on the Monday following the date the resolution of Council is passed;**
- (2) findings of the SHLAA Update be published for consultation, prior to their inclusion in the Proposed Submission Draft Core Strategy Development Plan Document and their approval as a material consideration for use by Planning Committee in the determination of planning applications; and**
- (3) the 2008-based household projections be used as the basis for calculating the Borough's five-year housing land supply in the period between the abolition of the Regional Spatial Strategy and the adoption of the Core Strategy.**

285 **OUTCOME OF WIRRAL'S HOUSING MARKET RENEWAL TRANSITIONAL FUNDING BID INCLUDING PROPOSED EXIT PLAN AND SUGGESTED AMENDED HOUSING INVESTMENT PROGRAMME FOR 2011/12**

A report by the Acting Director of Regeneration, Housing and Planning provide an update for Members on the outcome of the Housing Market Renewal Initiative Transitional Funding bid and outlined amendments to the Council's Housing Investment Programme for 2011/12 to incorporate the Housing Market Renewal Transitional Funding.

The report also advised Members on proposals to prepare the exit plan for Wirral's Housing Market Renewal Programme.

The Cabinet noted that it had been announced in November 2011 that the HMRI Transitional bid had been successful and that Wirral would receive £2.7m additional capital funding. Although slightly less than anticipated, this funding, when combined with match funding, would enable the completion of most of the existing clearance commitments throughout the former HMRI area. It may be possible to make up the shortfall with New Homes Bonus to complete the programme. This would be subject to a separate report to the Cabinet in due course.

The table at Appendix 1 to the report provided the detail of Wirral's revised HMR Transitional Funding bid and showed how the resources would be used. It should be noted that since the bid had been submitted in July, work had been continuing on committed acquisitions, using some of the match funding resources. As such, a proportion of the units identified in Appendix 1 had already been acquired. It should also be noted that there was no compulsion to utilise all of the Transitional Funding in the current financial year. This would allow both negotiations with property owners to continue and support any future CPO action, should this be necessary to acquire the remaining interests.

RESOLVED: That

- (1) the contents of this report be noted; and**
- (2) the proposed changes to the Housing Investment Programme for 2011/12 be reported to Cabinet.**

286 NEIGHBOURHOOD OPTIONS APPRAISAL - THORNEYCROFT, PLUMER AND RUNDLE STREETS

A report by the Acting Director of Regeneration, Housing and Planning set out the findings of the Thorneycroft, Plumer and Rundle Streets Neighbourhood Options Appraisal (NOA) and the recommendation for clearance and subsequent housing redevelopment as part of the Housing Market Renewal Exit Strategy.

Appendix B to the report contained exempt information as set out in paragraph 3 of Part 1 Schedule 12A of the Local Government Act 1972 and included details regarding the current position with negotiations to acquire individual properties (Minute No. 303 refers).

RESOLVED: That

- (1) the findings of the Thorneycroft, Plumer and Rundle Streets Neighbourhood Options Appraisal (NOA) be noted and the recommendation for clearance action involving 1 - 39 and 2 - 46 Thorneycroft Street, 1 - 39 and 4 - 26 Plumer Street, and 12 - 30 and 41 - 55 Rundle Street, with subsequent housing redevelopment of the cleared site be approved; and**
- (2) the continued acquisition of the remaining privately owned buildings, by negotiation and agreement with individual owners, be authorised.**

287 **APPOINTMENT OF CHIEF INSPECTOR OF WEIGHTS AND MEASURES**

A report by the Director of Law, HR and Asset Management recommended that, following the retirement of John Malone, then Chief Inspector of Weights and Measures, Gillian Vicary be appointed to the position of 'Chief Inspector of Weights' and Measures' concomitant with her designated post of Trading Standards Operations Manager. The Cabinet noted that the appointment of this position was required under the provisions of the Weights and Measures Act 1985.

RESOLVED:

That the Cabinet recommends to Council that the Trading Standards Operations Manager, Gillian Vicary, be appointed to the position of Chief Inspector of Weights and Measures for the Metropolitan Borough of Wirral.

288 **UTILITY CONTRACT RENEWAL**

A report by the Director of Law, HR and Asset Management detailed the impact on the Council Budget of annual changes to the Council's electricity and gas supply contract prices provided under the framework agreement with Government Procurement Service, following the end of the 2010/11 contracts on 30 September 2011.

The new contract prices had significantly increased the purchase price of energy for individual accounts. However, the disposal of properties and a number of schools attaining academy status had reduced the number of properties that had to be covered by the energy budget.

Cost projections had shown that it was necessary to increase the General Fund energy budget for Street Lighting by £342,000 in 2011/12 and £492,000 in 2012/13. Other budgets for Electricity and Gas were to remain unchanged. This reflected consideration of cost, energy usage projections and unit energy prices.

Members noted that individual Schools were likely to face increases in costs which would need to be met from within their delegated budgets.

RESOLVED: That

- (1) the offer made by Government Procurement Service which was competitively tendered and accepted using Delegated Authority be noted;**
- (2) the impact of the revised energy contracts be reflected in the 2011/12 General Fund energy budget for Street Lighting and the increase of £342,000 be met from the General Fund balances;**
- (3) the impact of the revised energy contracts be reflected in the 2012/13 General Fund energy budget for Street Lighting and the increase of £492,000 be met from the General Fund balances;**
- (4) schools be advised of the additional costs that will impact on their budgets;**

- (5) it be acknowledged that, despite changes to the budget provisions that are lower than unit price increases, individual sites will see their energy tariffs rise significantly. Managers are, therefore, directed to make every effort to save energy at every opportunity;
- (6) it be acknowledged that no provision has been made for the 2012 contract renewals at this stage. Given the unpredictability of the markets further reports will be presented to Cabinet as information is received; and
- (7) the revision to the projected annual allowance cost of the Carbon Reduction Commitment for Wirral Council be noted and the Budget for 2011/12 and 2012/13 be reduced from £532,000 to £203,613.

289 LOCAL TRANSPORT SETTLEMENT - ADDITIONAL FUNDING: INTEGRATED TRANSPORT 2011/2012

A report by the Director of Technical Services directed the Cabinet's attention to a recent letter, dated 14 December 2011, announcing an extra £50 million allocated nationally to the Integrated Transport Block (ITB) of the Local Transport Settlement 2011/12, resulting in an additional £1.915 million being allocated to Merseyside. At its meeting on 9 January 2012, the Merseytravel 'Local Transport Plan Delivery, Bus & Merseytram Committee' had recommended approval for an allocation for Wirral of £193,000 for this financial year.

The additional funding had presented an opportunity to enhance the 2011/12 Transport Capital Programme that was approved by the Cabinet on 17 March 2011 (Minute No. 352 refers).

A copy of the letter received by Merseytravel from the Department for Transport (DfT) was attached to the report as Appendix 'A'.

RESOLVED: That

- (1) the provision of the additional funding from Merseytravel be accepted and the proposed projects and schemes identified within the report be approved, subject to final approval by the Merseyside Integrated Transport Authority (MITA) at its meeting on 9 February 2012; and
- (2) authority be delegated to the Director of Technical Services in conjunction with the Cabinet Member for Streetscene and Transport Services and Group Spokespersons, to make necessary adjustments to the priorities identified within the proposed projects should the need arise.

290 JOINT RECYCLING AND WASTE MANAGEMENT STRATEGY

A report by the Director of Technical Services provided the Cabinet with information relating to the Joint Recycling and Waste Management Strategy for Merseyside (JRWMS), formerly the Joint Municipal Waste Management Strategy (JMWMS) and associated complementary Wirral District Council Action Plan (DCAP). The Merseyside and Halton Waste Partnership, with the Merseyside Recycling and

Waste Authority MRWA being the lead authority, had developed the Strategy. The MRWA Board Members had ratified the Strategy on 18 November 2011 and were now seeking ratification from the Merseyside Councils. This report represented part of the Council's formal process for the ratification of the Strategy.

The JRWMS and Wirral Council's DCAP would become the Council's strategic documents to support the delivery of the corporate goal "Minimising Waste by Encouraging Waste Reduction and Recycling".

Members of the Sustainable Communities Overview and Scrutiny Committee had been kept up to date with the progress of the Strategy and the supporting public consultation exercise and had recently endorsed that the Strategy be referred to the Cabinet.

The report detailed the resolutions of the 26h September 2011 Sustainable Communities Overview and Scrutiny Committee and also provided Members with information relating to the context of the Strategy review, updating on national policy as well as the outcomes that resulted in the Strategy's key commitments, which would be delivered through Wirral Council's District Action Plan.

RESOLVED: That

- (1) the process that has been undertaken to develop the new Joint Municipal Waste Management Strategy be endorsed;**
- (2) subject to any comments they wish to submit on its contents, the Strategy and associated District Council Action Plan (DCAP) as it currently stands be approved and referred to Council for ratification;**
- (3) the current work being carried out on the Environmental Streetscene Services Contract Review described in section 10.0 of the report be noted;**
- (4) the further work that will be undertaken to update the DCAP in preparation for the European Waste Framework Directive requirement for Member States to produce a Waste Prevention Programme by 2013 be noted; and**
- (5) it be requested that, following the ratification of the JRWMS, the Merseyside Waste Levy Payment Mechanism review be undertaken as soon as possible and the progress of this work be reported to an appropriate Cabinet meeting.**

291 ANNUAL REPORT ON PARKING ENFORCEMENT

A report by the Director of Technical Services set out information and data on the performance of the Council's parking enforcement operations for the period 2010/2011 (information for the periods 2008/2009 & 2009/2010 was reported to Cabinet on 3 February 2011). Parking enforcement within Wirral was undertaken through the provisions of Part 6 of the Traffic Management Act 2004, enacted in March 2008 which required local authorities to produce and publish an annual report about their parking enforcement activities.

RESOLVED:

That the contents of the report be noted and the details within the report be published on the Council's website.

292 WIRRAL COASTAL STRATEGY - ADDITIONAL WORKS

A report by the Director of Technical Services detailed his decision to extend the contract for the Wirral Coastal Strategy in order to undertake additional works in accordance with Contract Procedure Rule 21.1.1(ii).

The additional works and the Wirral Coastal Strategy helped deliver Corporate Objectives under the "Your Neighbourhood" theme to improve the quality of the local environment.

The Wirral Coastal Strategy was fully grant aided by the Environment Agency (EA). The EA had approved the additional expenditure required for the additional works.

RESOLVED:

That the decision of the Director of Technical Services to extend the Wirral Coastal Strategy contract by the award of additional works to the existing consultant, in accordance with Contract procedure Rule 21.1.1(ii) be noted.

293 PUBLIC HEALTH TRANSITION

A report by the Director of Public Health informed that under the Health and Social Care Bill currently making its way through Parliament, Wirral Council would be given new statutory duties across the three 'domains' of public health. These were:

- Health improvement – including reducing lifestyle related ill-health and inequalities in health, and addressing the underlying determinants of health
- Health protection – including ensuring that comprehensive plans are in place across the local authority, NHS and other agencies to respond to infectious disease outbreaks and other public health emergencies
- Health service improvement – by providing NHS Commissioners, including Clinical Commissioning Groups, with expert advice and support to improve and evaluate the quality and efficiency of health services.

Members noted that previous reports on public health reform had been brought to the Cabinet for consideration. Further policy guidance had now been published on the new public health system which was to be in place by April 2013. The guidance outlined the public health roles for local authorities and for the new Executive Agency – Public Health England.

The report summarised the key steps and activities that would need to be put in place to enable a successful transition of public health responsibilities from the NHS to the Council. It also proposed that public health should start working in shadow form from April 2012, under a memorandum of agreement, so that the Council had the opportunity to understand those responsibilities in more depth, and so that public health staff could develop a good understanding of how the Council worked.

RESOLVED: That

- (1) the Chief Executive be instructed to work with the Director of Public Health to bring back a proposal to the Cabinet on the future structure and operation of public health within the Council;**
- (2) subject to the satisfactory outcome of the consultation, the Chief Executive be requested to ensure that a Memorandum of Understanding (as detailed in Appendix 2 to the report), or other appropriate arrangements be put in place to allow the public health function to operate in shadow form during 2012/13; and**
- (3) the membership and purpose for the Public Health Transition Steering Group detailed in Appendix 1 to the report be endorsed.**

294 ADULT SOCIAL CARE EFFICIENCY PROGRAMME

A report by the Director of Adult Social Services informed of the National Adults' Social Care Efficiency Programme and the receipt of an award for £20,000 by the Department of Adult Social Services to fund external support to challenge and refine current savings plans and transformation strategies.

RESOLVED:

That the acceptance of the Department of Adult Social Services on the National Adults' Social Care Efficiency Programme and the receipt of the grant of £20,000 towards external support be noted.

295 FEES FOR RESIDENTIAL AND NURSING HOME CARE

A report by the Director of Adult Social Services informed that Councils had to negotiate with residential and nursing home providers regarding fees paid for care services. This would ordinarily take place during the Provider Forums on an annual basis. There had, however, been two legal judgments in the last 12 months which had resulted in the need to take account of the actual cost of providing services. There must now be a transparent and informed consultation process relating to fee setting.

The Council introduced new contracts for residential and nursing home care in April 2011. The contract included a clause relating to the annual review, and the setting of fees. The process required consideration of changes in the market and cost pressures in the local economy for both home providers and for the Council.

The majority of homes provided residential places for Older People. Feedback from residential homes that provided places for people with learning or physical disabilities or mental health issues and their resistance in signing a contract with the Council had led officers to conclude that fees for these Adult residential homes needed to be considered separately. At present 70% of residential places for Adults with learning or physical disabilities or mental health issues were purchased on a bespoke cost basis. A detailed review of how these costs were determined, focussing on delivering greater consistency and transparency was to be the subject of a consultation exercise.

A process of consultation and engagement with care home providers, service users and stakeholders had therefore been put in place in order to minimise the risk of challenge, particularly through Judicial Review proceedings, in relation to how the Council had set its fees for 2012/13. In order that effective consultation could take place, Members were advised that the consultation would extend beyond the Budget Setting Council meeting in February 2012, with fees backdated to April 2012 (if necessary). Until such time that a definitive position on the fees was reached by the Council, the current fees would continue to be applied.

In order to ensure that the process complied with statutory obligations it was necessary to develop a model of best available "indicative actual costs" as a basis for consultation with care home providers. This would be informed by data to be provided by the care home providers during the consultation period demonstrating the actual costs incurred by them.

The suggested timeline to meet these new requirements was outlined in the report.

An area of concern had been identified in relation to compliance with legal advice and best practice, regarding the collection process for "third party top ups" i.e. additional private contributions to the cost of an individual's care fees. Members were advised that the Directorate would need to realign procedures in order to ensure that vulnerable people were safeguarded in relation to this process. Financial risk in relation to payment of "top ups" would transfer to the Council in the event of a defaulting third party.

RESOLVED: That

- (1) the Consultation process as outlined in Appendix 1 be approved and the Director of Adult Social Services, in consultation with the Cabinet Portfolio for Adult Social Services, be authorised to undertake such steps (including a fee proposal) considered necessary to ensure effective consultation with all relevant providers, partners and other stakeholders;**
- (2) approval be given to revising the process for payment and collection of third party top ups; and**
- (3) a further report be to be presented to the Cabinet at its meeting in in June 2012 to agree the new fee levels and implementation of the revised third party top ups payment and collection process; and, in the interim, the current fee arrangements shall continue.**

296 **ASSISTIVE TECHNOLOGY CONTRACT**

A report by the Director of Adult Social Services informed on the recent tendering exercise for the provision of an Assistive Technology Assessment Service and a Telecare Installation, Monitoring, Maintenance and Response Service. Based on the outcomes of this tendering exercise the report made a recommendation for the provider of this service and sought approval to proceed to implementing the contract.

RESOLVED:

That the provider identified for the provision of an Assistive Technology Assessment Service and Telecare Installation, Monitoring, Maintenance and Response Service resulting from a tender process conducted under the OJEU (Official Journal of European Union) Accelerated Restricted Process as detailed in exempt Appendix 1, be approved.

297 **SCHOOLS PFI CONTRACT INFLATION AND TEACHERS PREMATURE RETIREMENT COSTS 2012-2013**

A report by the Interim Director of Children's Services reported on the increased costs in the Children and Young People's Department in 2012-13 arising from inflationary uplifts to the Council's nine School PFI contract and pension payments to teachers who were in receipt of an additional pension from the Council following Early Retirement.

RESOLVED:

That the increased PFI costs of £322,700 and Teachers' Premature Retirement Costs of £155,900 be taken into account in the Council's budget for 2012-13.

298 **OVERCHURCH INFANT SCHOOL**

A report by the Director of Law, HR and Asset Management advised the Cabinet of the outcome of the tender process for the project to replace the final primary HORSIA kitchen, to re-provide a classroom and before and after school facilities within the main school building at Overchurch Infants School. The report sought ratification from Members to accept the lowest tender submitted by K & C Construction.

The total cost of the scheme based on the lowest tender submitted by K & C Construction was:

Construction Costs	£ 635,237.02
Departmental Charges including:	
Professional Fees charged fees to RIBA Stage D	£ 10,000.00
Design and Supervision @ 16% (including Clerk of Works Salary CDM Coordinator fee and Planning and building regulation fees)	£ 101,637.92
ICT Costs (infrastructure and hardware)	£ 10,000.00
Furniture Fittings and Equipment	£ 10,000.00

TOTAL £ 766,874.94

The scheme would be funded from the following sources:

CYPD Capital Programme	£ 756,874.94
School Devolved Formula Capital	£ 10,000.00
	£ 766,874.94

RESOLVED: That

- (1) the lowest tender submitted by K & C Construction, as detailed above, be accepted; and**
- (2) the Director of Law, HR and Asset Management be authorised to execute an appropriate construction contract with K & C Construction in due course, subject to them developing a satisfactory Health & Safety Plan.**

299 WOODCHURCH HIGH SCHOOL SPORTS HALL

A report by the Director of Law, HR and Asset Management sought consent to grant a lease to Woodchurch High School for the adjoining sports hall as part of a service level agreement. The report referred to a decision made by the Cabinet at its meeting on 3 November 2011 to a twenty year lease agreement between the School and the Council for the use of the new all weather pitch facility which had been under construction at that time (Minute No. 185 refers).

The Cabinet was told that the school would primarily use these new facilities during the day and others could use them in the evenings and at weekends. It was now proposed that the school be granted a lease of the sports hall on the terms approved for the running of the all weather pitch namely: a term of twenty years at a peppercorn rent with prime use of the school in the day time and use by others outside these times. This reflected the existing practice on site.

The proposal was in support of the Council's goals of ensuring that the health and well being of children and young people was improved.

The granting of the lease would allow the school to run the sports hall facility on behalf of the Council.

The granting of the lease was a statutory duty given that the school was a Foundation School and the Council therefore had to document its right to use the sports hall as part of the School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2007). Moreover if the school was to progress its application for academy status then it would be required to demonstrate that it had a right to use the sports hall.

RESOLVED:

That the lease be granted in accordance with the terms outlined above.

300 WIRRAL YOUTH ZONE

A report by the Interim Director of Children's Services provided an update on the progress made with the potential developments of the Wirral Youth Zone and set out recommendations for progression.

Wirral Youth Zone was a proposal to build an iconic, modern state of the art centre for young people. It would provide our young people with a modern, safe and purposeful alternative to the streets and the TV screen. The new youth zone would

help our young people keep active and healthy, whilst encouraging them to be positive and ambitious.

The building would include a sports hall, multi purpose areas, Kitchen/café, mentor rooms, recreational areas, 3G multi purpose pitch, fitness suite and arts facilities. It would be open to children and young people aged 8-21 and up to 25 for those with a disability. Wirral Youth Zone would offer a full range of sporting and artistic opportunities and would be open, 7 nights a week, 52 weeks a year, including during school holidays from 8am-10pm. The Vision Document was appended to the report at Appendix 1).

The ambition would be for the facility to be opened by the end of 2013. £200,000 had been committed to this project from 2012/13 Wirral Council Capital Funding. This had been approved by the Cabinet at its meeting on 8 December 2011.

The Cabinet was informed that Charing Cross Methodist Church had been an active partner in the steering group and planning of the project. There had been discussions to include its current land in the footprint of the new build; this would enable a larger facility to be built. Members of the Circuit (representing all 24 Methodist churches in Wirral) had given their approval for discussions and exploration of the potential partnership to continue, this would be supported through some further consultation with help from Onside and Wirral Council to ensure it met the needs and objectives of the organisation and the aims of the project.

The final proposal would depend upon the final decision from Charing Cross Methodist to be part of the build. There were two options A and B. Option A was the preferred alternative at this time.

Option A

To build Wirral Youth Zone on the land donated by Merseyside Fire and Rescue Service, land currently occupied by Charing Cross Methodist Church and the road between (Bright Street) to include facilities and activities detailed above for young people in Wirral. Estimated size of the plot would be 7100 square meters. No surveys have been carried out to date to confirm the road area could be utilised.

Option B

To build Wirral Youth Zone on the land donated by Merseyside Fire and Rescue Service to include facilities and activities detailed above for young people in Wirral. Estimated size of the plot was 4000 square meters.

An informative leaflet was circulated to all Members of the Cabinet about the proposed Wirral Youth Zone which was expected to be the biggest thing that has happened for young people in the area.

RESOLVED:

That options continue to be explored for the project to include a feasibility study with costs for Option A & Option B using the £200,000 allocation previously agreed.

301 **URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - LEASOWE MILLENNIUM CENTRE**

A report by the Director of Law, HR and Asset Management informed the Cabinet of the difficulties affecting the operation of the Leasowe Millennium Centre and the actions being taken to maintain services to the community in Leasowe.

The report sought approval to accept a surrender of the interest held by the Trust and for the provision of temporary funding to allow the operation of the Centre to be stabilised and a long term solution for its future to be developed.

RESOLVED: That

- (1) the Director of Law, HR and Asset Management be authorised to accept a surrender of the current interest held by Leasowe Development Trust in the Leasowe Millennium Centre;**
- (2) the running costs of the building from 3 February 2012 to 31 March 2012 be met within General Fund Balances for 2011/12;**
- (3) a one year provision be made in the budget for 2012/13 of £160,000 to allow time for options for the future management of the building to be evaluated;**
- (4) the Director of Law, HR and Asset Management be instructed to report to a future meeting of Cabinet on long term options for the operation and management of the Centre; and**
- (5) in view of the urgency call in be waived.**

302 **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.

303 **EXEMPT APPENDIX**

The Cabinet noted the detail of the exempt appendix to Item No. 17 on the agenda – Neighbourhood Options Appraisal – Thorneycroft, Plumer and Rundle Streets - (Minute No. 286 refers). The Appendix contained the detail of the current position with negotiations to acquire individual properties.

304 **EXEMPT APPENDIX**

The Cabinet noted the detail of the exempt appendix to Item No. 27 on the agenda – Assistive Technology Contract - that set out tender evaluations. (Minute No. 296 refers).