

# CABINET

Thursday, 9 April 2009

<u>Present:</u>	Councillor	S Foulkes (Chair)	
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly	M McLaughlin R Moon J Quinn J Stapleton
<u>In attendance:</u>	Councillors	JE Green J Hale	L Rennie

## 439 MINUTES

The minutes of the last meeting were printed and published.

The following two minutes had been called in :

Minute 407 (Asset Management Update)

Minute 436 (Parenting and Preventing Commissioning)

**Resolved – That the minutes, with the exception of the above two minutes, be approved and adopted.**

## 440 DECLARATIONS OF INTEREST

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

The following declarations were made:

Councillor George Davies declared a personal interest in minutes 443 and 444 below by virtue of him being a school governor. In addition, those members who served as school governors also declared a personal interest in respect of these minutes.

Councillor S Foulkes declared a personal interest in respect of minute 441 by virtue of his wife's employment in the personal home care sector.

## ORDER OF BUSINESS

The Leader of the Council indicated that it was his intention to vary the order of business for the Cabinet in order to consider items 21 (Fees for Residential and Nursing Homes) and 15 (The Sail Project) as the first items on the agenda.

441 **PROGRESS TOWARDS THE TRANSFORMATION OF ADULT SOCIAL SERVICES - FEES FOR RESIDENTIAL AND NURSING HOMES**

Further to minute 389 (19/3/09) the Director of Adult Social Services presented a report setting out additional options for Cabinet to consider in agreeing the appropriate fair fee levels for residential and nursing homes to be provided from a sustainable budget with effect from 1 April, 2009. A supplemental agenda paper set out amendments to the proposed rates for nursing care, shown in paragraph 2.7 of the report.

The Director reported that, whilst the decision to implement the reduction in fees was deferred, his department was still required to make savings of £1.5m in the area of residential and nursing care in 2009/10, and no evidence was provided by the home owners to refute the Council's view that:

- the fees paid by the Council were high by comparison with other local authorities;
- there was over provision of homes in the area, and;
- as initiatives to keep people who use services at home increase there would be a need for fewer residential and nursing homes in Wirral.

In the light of further detailed analysis and representations made by care providers Cabinet was asked to consider two options – either to freeze current rates (option 4) or pay no inflation increase and reduce current rates by 1.3%(option 5).

The Director recommended option 5 and stated that this was a fair and reasonable price for care providers to pay.

Copies of correspondence with solicitors making representations on behalf of clients who were concerned about the proposed review of charges were circulated. Mrs Lin Cooke and Mr S Kirkby presented the views of these care providers. They highlighted the impact of the proposed new fee structure (option 5) in terms of reduced income, standards of care, home closures, restricted choice of accommodation, and the effect on individuals and their families. They referred to the contract negotiations and outlined the justification for their preferred option (option4)

The Cabinet Member for Social Care and Inclusion referred to changes in the provision of care with greater emphasis on supporting elderly people at home and the development of extra care housing schemes which were expected to significantly reduce demand for residential care. She also reported upon the need for the Council to set a realistic fee structure which was in line with other local authorities and ensure best value within the available resources.

Councillor Holbrook stated that the deferment and further consultations had provided an opportunity for care providers to influence the new fee structure. He also welcomed the development of the star rating system which was designed to build quality into residential care services.

The Leader endorsed these comments and reported that other efficiencies would support the new developments in care services.

**Resolved – That Cabinet agrees:**

- (i) to implement Option 5 as set out in paragraph 2.6 of the Director's report.
- (ii) that where home owners refuse the new rates, contracts will be terminated (with 3 months' notice) with new placements being made at homes that accept the new rates with effect from 1 April 2009.
- (iii) that all placements in homes that do not accept the new rates will be reviewed and alternative accommodation options explored on an individual basis.
- (iv) that all contracts will need to be terminated or varied by agreement during 2009/10 to build in the results of the Quality Premium review, incorporate a range of health standards, an appropriate inflation clause and measures required to ensure the principals of "personalisation" are embedded.

#### 442 WEST KIRBY REGENERATION - THE SAIL PROJECT

Further to minute 390 (19/3/09) the Director of Corporate Services presented a report providing further details in relation to concerns expressed by members relating to the loss of car parking , the hotel design, and the specification for the sailing school. Carpenter Investments had also provided financial details about the scheme in the form of a development appraisal which was currently being reviewed by the Council's appointed independent consultants.

The final report from the appointed consultants in respect of the independent assessment of the development appraisal would be available for the Cabinet meeting on 23<sup>rd</sup> April. As the lock out agreement expired on 10<sup>th</sup> April 2009, it was recommended that a further extension of the lockout agreement to 23 April be agreed.

This sailing school element of the scheme was considered by the Culture Tourism and Leisure Overview and Scrutiny Committee (minute 24 – 31/3/09) when it was resolved:

"That this Committee recommend to Cabinet that the officers be asked to liaise with the scheme's architects to ensure that the design issues identified by Members are addressed with specific attention drawn to the need for disabled persons' toilets and the provision of a chandler's boat repair facility."

With the permission of the Chair, Councillor John Hale (Scrutiny Committee Chair), Mr Dalglish (West Kirby Working Group), Mr I Sparks (Sailing School Manager), Mr Brewitt (Developers) and Councillor Jeff Green (Conservative Group Leader) addressed the meeting.

Mr Howard Mortimer, Head of Special Initiatives, responded to issues raised by the speakers. He reported that the case for economic benefits associated with this scheme in providing a modern boutique type hotel and the re-provision of the Sailing school, fully funded by the private sector, had not changed since its inception in 2006.

The Leader acknowledged the benefits of the scheme in providing a much enhanced sailing school which the Council would run and manage. However, the financial appraisal was needed before Cabinet could progress matters any further.

**Resolved –**

**(1) That Cabinet notes the content of this report, and will further consider this information together with the representations made tonight and the report that will be provided to Cabinet on 23 April, outlining the outcome of the independent assessment of the development appraisal.**

**(2) Cabinet also notes that the lock-out agreement has now expired and considers that the terms of the lock-out agreement have been met.**

**(3) Cabinet notes the views of the Culture Tourism and Leisure Overview and Scrutiny Committee.**

**443 ADMISSION ARRANGEMENTS FOR COMMUNITY SECONDARY SCHOOLS 2010-11**

The Director of Children's Services presented a report inviting the Cabinet to determine the Authority's admission arrangements for community secondary schools and the coordinated admissions scheme for 2010-2011.

**Resolved –**

**(1) That the proposed admission arrangements and coordinated scheme for 2010-2011 be approved.**

**(2) That following responses to the consultation on proposed changes to the council's policy on home to school travel assistance for pupils travelling to Catholic schools, Cabinet agrees to withdraw the proposals.**

**444 ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS 2010-11**

The Director of Children's Services presented a report inviting the Cabinet to determine the admissions arrangements for community and voluntary controlled primary schools and the coordinated admissions scheme for 2010-2011.

**Resolved – That the proposed admission arrangements and coordinated scheme for 2010-2011 be approved.**

**445 STANTON ROAD PRIMARY SCHOOL - DETERMINATION OF BUILDING CONTRACT AND PROPOSALS FOR NEW CONTRACT TO BUILD NEW KITCHEN / DINING FACILITIES**

The Director of Children's Services presented a report outlining the process for the determination of the above building contract due to the approved contractor being taken into receivership, and proposals for awarding a contract for the remaining works to the second lowest of the original tenderers.

**Resolved – That**

**(1) the contract works be let to EJ Horrocks Limited for completion within a 32 week contract period, for their tendered sum of £808,883.00, and**

**(2) the suitability of the groundworks and foundation works undertaken by PT Limited be assessed once possession is gained of the site, and any cost implications arising are addressed satisfactorily.**

**446 PROVISION OF A NEW SCHOOL AT PARK PRIMARY SCHOOL - SCHEME AND ESTIMATE**

The Director of Children's Services presented a report detailing the work that was required to provide a new primary school and demolition of the existing school at Park Primary School and the costs of the scheme.

**Resolved - That**

**(1) the Scheme and Estimate, as presented, be accepted;**

**(2) the Director of Technical Services be authorised to seek tenders for the project;**

**(3) the Director of Technical Services be authorised to obtain all necessary statutory approvals for the project.**

**447 TEENAGE PREGNANCY PRIORITY ACTION PLAN PROGRESS AND NATIONAL SUPPORT TEAM FOR PREGNANCY RECOMMENDATIONS**

Further to a visit by the Department of Health's National Support Team for Teenage Pregnancy in July 2008 to evaluate progress made so far in Wirral to reduce the number of teenage conceptions, and recommend actions to accelerate the pace of change, the Joint Director of Public Health and the Director of Children's Services presented a report outlining progress against the recommendations and priority actions to be implemented in Wirral to turn the curve of rising under 18 conception rates in order to meet the 2010 target of a 50% reduction. Cabinet was asked to consider progress to date and support the implementation of the National Support Team (NST) recommendations in full.

**Resolved –**

**(1) That Cabinet note the progress made so far in implementing the recommendations of the National Support Team, and the challenging agenda to be implemented in a very short space of time if Wirral is to meet the 2010 target of a 50% reduction.**

**(2) That Cabinet support the proposed event for Elected Members on 21st April 2009 and recognise the role of members in championing and scrutinising the implementation of the Teenage Pregnancy Priority Action Plan, which incorporates the NST recommendations.**

448 **SUSTAINABLE COMMUNITIES ACT**

Further to the decision of the Council (3/11/08) to approve a Notice of Motion in support of the Sustainable Communities Act, the Director of Corporate Services presented a report outlining the scope and provisions of the Sustainable Communities Act 2007, and steps being taken by the Council and its partners to progress the aims of the Act, particularly the provision for making proposals to central government to promote local sustainability.

**Resolved – That:**

**(1) The Council calls for and considers proposals within the scope of the Sustainable Communities Act as set out in paragraph 5.1 of the report;**

**(2) The Council responds as appropriate to the current consultation in relation to Local Spending Reports, the response to be agreed under delegated authority by the portfolio holder for Corporate Services.**

449 **USE OF POWERS UNDER THE REGULATIONS OF INVESTIGATORY POWERS ACT (RIPA)**

The Director of Law, HR and Asset Management, presented a report reviewing the Council's policy and procedures on the use of the Regulation of Investigatory Powers Act 2000 ("RIPA") governing the way in which public bodies use surveillance methods for the purpose of preventing or detecting crime or preventing disorder.

The Council had to account to the Office of Surveillance Commissioners ("OSC") on an annual basis on its use of RIPA, and it had been the subject of two inspections by the OSC in July 2003 and July 2007. The Council's use of RIPA was also the subject of a recent review by the Internal Audit Section. One of the recommendations of that review was that the Council's Policy and Procedures on the use of RIPA be updated. The Policy was most recently reviewed in 2004.

This report and appendices had been considered by the Council's Standards and Audit and Risk Management Committees and had been revised to reflect discussions at those meetings.

This matter was considered by the Corporate Services Overview and Scrutiny Committee (minute 52 – 2/4/09) when it was resolved:-

"That Cabinet be requested to consider the findings of the Internal Audit report following on from the findings of the OSC report and their recommendations and findings be pursued and implemented as a matter of urgency."

**Resolved –**

**(1) That Cabinet endorse the Policy and Procedure on the use of RIPA, appended to this report.**

**(2) That the decision of the Corporate Services Overview and Scrutiny Committee be noted.**

450 **PARTNERSHIPS FRAMEWORK AND TOOLKIT**

The Director of Law, HR and Asset Management , reported upon actions which had been taken to develop the recommendations of the Audit Commission relating to governance arrangements for partnerships, and he presented a draft Partnership Framework and Toolkit (Appendix 1). The document provided a framework for ensuring that the Council's partnership arrangements were clear and transparent and it would ensure that the Council would only enter in to partnerships or remain in them where there was clear added value and the benefits outweighed any risks or drawback. Furthermore, it recognised that the Council should focus its limited resources on those partnerships which would contribute towards meeting the Council's LAA improvement targets, strategic objectives or statutory responsibilities.

It was proposed to include the framework within the constitution of the council to reinforce the importance of governance within partnerships.

**Recommended - That the Partnership Framework and Toolkit be endorsed and referred to Council for Approval and inclusion within the constitution.**

451 **AMENDMENT TO THE SCHEME OF DELEGATION TO OFFICERS FOR THE DETERMINATION OF PLANNING APPLICATIONS AND PLANNING RELATED MATTERS**

The Director of Technical Services submitted a report recommending that the current Scheme of Delegation relating to the determination of planning applications and other associated planning matters including enforcement action be revised, as outlined in Appendix B.

The Planning Committee (minute 247 – 12/3/09) and the Regeneration and Planning Strategy Overview and Scrutiny Committee (minute 38 – 18/3/09) had endorsed the proposals to amend the Scheme of Delegation.

**Recommended –That Cabinet endorse the proposals and recommend to Council that the amendments to the Scheme of Delegation be adopted, as outlined in Appendix B.**

452 **LIVERPOOL MARITIME MERCANTILE CITY WORLD HERITAGE SITE SUPPLEMENTARY PLANNING DOCUMENT - LIVERPOOL CITY COUNCIL CONSULTATION - WIRRAL COUNCIL RESPONSE**

The Director of Corporate Services reported concerning a consultation draft Supplementary Planning Document (SPD) on the Liverpool Maritime Mercantile City World Heritage Site (WHS), setting out a more detailed planning policy framework for the WHS, with the overall aim of encouraging economic regeneration, whilst ensuring the protection of the outstanding universal value of the WHS. Consultation responses were required by 14th April and Cabinet was asked to agree that the comments of the Director of Corporate Services within this report form the response to Liverpool City Council on the Liverpool World Heritage Site Supplementary Planning Document.

**Resolved –**

**(1) That Cabinet agrees that this report forms the basis of Wirral Council's response to the Liverpool City Council consultation on its draft Supplementary Planning Document for the Liverpool Maritime Mercantile City World Heritage Site.**

**(2) That Liverpool City Council be advised that Wirral Council understands that the World Heritage Supplementary Planning Document cannot be used to control development outside the buffer zone, in Wirral and that references to views out from the World Heritage Site in the draft SPD are limited to those within the City and the buffer zone.**

**453 BUSINESS SUPPORT - RESPONSE TO THE CURRENT ECONOMIC CONDITIONS**

The Director of Corporate Services presented a report seeking Cabinet's support for provision within the Council's constitution to increase the his delegated authority, in consultation with the Cabinet member for Regeneration and Planning Strategy, to approve business support grants from £5,000 to an amount of up to £20,000.

**Resolved - That Cabinet support the request for provision within the Council's constitution to allow the delegated authority for the Deputy Chief Executive/ Director of Corporate Services, in consultation with Cabinet member for Regeneration and Planning Strategy, to approve business support grants of up to £20,000.**

**454 UPDATE ON REVIEW OF SUB-NATIONAL ECONOMIC DEVELOPMENT AND REGENERATION (SNR) AND CITY REGION ISSUES**

Further to minute 71 (12/6/08) when the Council's formal response to the government's consultation document, "*Prosperous Places: Taking Forward the Review of Sub National Economic Development and Regeneration*" was agreed, the Director of Corporate Services presented an update report on the government's final response to the consultation, highlighting the key implications of new legislation expected in the next parliamentary session. It also provided progress to date on the Liverpool City Region governance arrangements. Cabinet was asked to authorise officers to continue to work on developing the Liverpool City Region multi Area Agreement (MAA).

**Resolved - That the contents of this report on SNR and City Region issues be noted and that officers be authorised to continue to work on these issues and submit further reports to Cabinet as appropriate.**

**455 WIRRAL'S 2008/11 LOCAL AREA AGREEMENT - 2009/10 REFRESH**

The Director of Corporate Services presented a report setting out the final position of the refresh negotiations for Wirral's 2008/11 Local Area Agreement (LAA), and confirming the eligible performance reward grant available for successful achievement of the LAA improvement targets.

**Resolved – That Cabinet note the report and Wirral’s refreshed Local Area Agreement.**

**456 DATA QUALITY AUDIT REPORT**

The Director of Corporate Services presented a report providing a summary of the findings from the work of the Audit Commission during 2008 on the Authority's data quality for 2007/2008.

**Resolved –**

**(1) That Cabinet note the Audit Commission’s findings and the recommendations arising from the review.**

**(2) That Cabinet note the Audit Commission’s requirements for assessing data quality for 2008/09 as part of the Use of Resources assessment.**

**457 EQUALITY AND DIVERSITY IN PROCUREMENT**

The Director of Finance presented a report seeking approval of processes to be adopted for the letting and monitoring of contracts to comply with the Council’s Equalities and Diversity objectives.

**Resolved - That Cabinet approve the adoption of the letting and monitoring processes for Equalities and Diversity, outlined within this report, in all Council procurement activity.**

**458 INTERNATIONAL FINANCIAL REPORTING STANDARDS**

The Director of Finance presented a report providing an overview of the implications of the changes required for the Council to comply with International Financial Reporting Standards (IFRS) by the 2010/11 financial year.

**Resolved - That the implementation of IFRS be monitored as part of the Change Programme.**

**459 FINANCIAL AND PERFORMANCE MANAGEMENT PLANS 2009/10**

The Chief Executive presented a report providing the timing and content of the financial and performance management reports to be submitted to the Cabinet during 2009/10 and the proposed process and timetable for the production of financial and service plans for 2010/11.

**Resolved –**

**(1) That the dates for the planning and monitoring reports be agreed; and**

**(2) That the process for financial and performance planning and monitoring be agreed.**

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

**Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.**

461 **REDUCTION OR REMISSION OF NON DOMESTIC RATES DUE TO HARDSHIP**

The Director of Finance reported concerning an application for the reduction or remission of non - domestic rates on the grounds of hardship.

**Resolved – That the circumstances are not sufficiently exceptional to grant an award of relief in respect of case 0801and that the applicant be advised accordingly.**

462 **ANY OTHER BUSINESS**

The Leader thanked members and officers for their services during the past year and wished them a happy Easter.