

CABINET

Thursday, 21 June 2012

<u>Present:</u>	Councillor	P Davies (Chair)	Finance
	Councillors	G Davies P Hackett AER Jones A McArdle AR McLachlan C Meaden H Smith T Smith	Housing and Community Safety Regeneration and Planning Strategy Corporate Resources Adult Social Care and Public Health Improvement and Governance Culture, Tourism and Leisure Streetscene and Transport Services Children's Services & Lifelong Learning
<u>Apologies</u>	Councillors	B Kenny	

1 LEADERS ANNOUNCEMENTS

The Leader of the Council welcomed Members and Officers to the first meeting of the Cabinet in the new Municipal Year.

Concerns were raised regarding the size of the agenda, which he hoped would be reduced as agendas became more strategic and focused.

The Leader reported that a new improvement plan was to be produced which would be in place until 2015. A Special meeting of Cabinet would be held on Monday 9 July 2012 to look at this alongside the budget and consultation processes. Discussions would also be held with the Leaders and the Improvement Board.

The Leader informed the Cabinet of the good news in relation to Unilever, Port Sunlight and Vauxhalls which meant new job opportunities for the residents of Wirral. He further informed the Cabinet of the five star rating given to the Hillbark Hotel, which had been the only one in the region to achieve such a high rating.

The Leader asked if there were any requests to bring any items of business on the agenda forward. He indicated that he would be bringing Item No. 19 - Lease of Land at the Oval Leisure Centre and Item No. 17 – Proudman Oceanographic Laboratory forward on the agenda as there were members of the public present with an interest in those items (Minute Nos. 4 and 5 refers.)

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor A McLachlan declared a personal and prejudicial interest in Item No. 4 – Lease of Land at the Oval Leisure Centre by virtue of being a governor of Wirral Metropolitan College. She indicated that she would leave the meeting whilst this item of business was under discussion.

Councillor P Hackett declared a personal and prejudicial interest in Item No. 24 – Portas Pilots Round 2 by virtue of being involved with the project in New Brighton. He

indicated that he would leave the meeting whilst this item of business was under discussion.

Councillor G Davies declared a personal and prejudicial interest in Item No. 16 – Tranmere Rovers Sponsorship Agreement 2012/13 by virtue of being the Chair of the Tranmere Board. He indicated that he would leave the meeting whilst this item of business was under discussion.

3 **MINUTES**

RESOLVED:

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

4 **LEASE OF LAND AT THE OVAL LEISURE CENTRE**

Councillor A. McLachlan, having declared a personal and prejudicial interest (Minute No. 2 refers) left the meeting whilst this item was considered.

A report by the Director of Law, HR and Asset Management referred to an objection received to the proposed disposal of land at The Oval to Wirral Metropolitan College to grant a 99 year lease to Wirral Metropolitan College of the land for the development of classroom accommodation for Sports Studies courses; and sought approval to the proposed way forward.

The report further sought approval to the Call In period being waived to enable site works to commence immediately to facilitate the opening of the new College accommodation at the start of the first 2013 term. The Acting Chief Executive agreed to this request.

The Chair raised concerns that it had taken some time for a response to be given to the objector.

RESOLVED: That

(1) the Council notes the objection and proceeds with the disposal of the land on the terms previously reported; and

(2) that Call In be waived in respect of the above to allow works to commence immediately and Council be informed accordingly.

Councillor A. McLachlan returned to the meeting.

5 **PROUDMAN OCEANOGRAPHIC LABORATORY, BIDSTON HILL - DEMOLITION**

A report by the Director of Law, HR and Asset Management sought approval to a request from the National Environment Research Council (NERC) to demolish the Proudman Oceanographic Laboratory on Bidston Hill.

Members indicated that they had been contacted by concerned constituents regarding previous planning decision made in 2004 with reference to the Unitary Development Plan stating that use of the building should not be changed.

The Head of Asset Management confirmed that demolition of the building as detailed in Section 4 of the report did not require consent for change of use.

Members asked for consideration of the report to be deferred to allow Officers time to provide further clarification.

Councillor P. Davies referred to paragraphs 2.5 and 2.6 and sought clarification as to the proposals for alternate use and suggested that this issue be discussed at the arranged Special meeting to be held on 9 July 2012.

RESOLVED: That

- (1) the decision regarding the demolition of the Proudman Oceanographic Laboratory be deferred so that Officers can carry out investigations and be reconsidered at the Special meeting of the Cabinet to be held on Monday 9 July 2012; and**
- (2) the Head of Asset Management be requested to provide further information in relation to the previous planning decision made in 2004 with reference to the Unitary Development Plan.**

6 MATTER OF URGENT BUSINESS

Councillor P. Davies indicated he had agreed that a report by the Director of Regeneration, Housing and Planning entitled 'Development of a Liverpool City Region Deal' (circulated at the meeting) would be taken as a matter of urgent business because the public interest required an urgent decision to be made. (Minute No. 39 refers)

7 MATTERS REFERRED BACK FROM PREVIOUS MEETING

The following Minutes from the Cabinet held on 29 March 2012 were referred back to the Cabinet for further consideration and the following decisions were taken in respect of the following:-

Minute 360: Corporate and Business Planning

RESOLVED:

That Cabinet supports the overall approach and agrees to develop a process and timetable for producing a new 3-year Corporate Plan linked to budget proposals and appropriate consultation.

Minute 361: Establishment of an all Party Business Delivery Board and Strategic Change Programme Board

RESOLVED:

That Cabinet is concerned that these proposals would mean establishing another layer of bureaucracy at a time when the Council should be focussing on our budget challenges and delivering our Improvement Plan. Opportunities for other parties to influence policy will be available via scrutiny committees which they chair and membership of the Improvement Board. The Leader of the Council also intends to establish a Leaders' Board where key issues can be discussed. In the light of the aforementioned, Cabinet agrees that no action be taken on this item.

Minute 362: Delivering Corporate Governance

RESOLVED:

That Cabinet agrees the recommendations on this item and asks for a further report on how the funding agreed for delivering improved corporate governance will be used.

Minute 365: Changing Wirral Council's Corporate Culture

RESOLVED:

That in light of the formation of a new Administration, the development of an Improvement Plan, the forthcoming Peer Challenge and the appointment of an Interim Chief Executive, Cabinet asks that, with the exception of the Performance Appraisal and Development process, no action be taken on the recommendations arising from this report, but they be reconsidered alongside other potential proposals which may come forward for changing the Council's corporate culture.

Minute 367: Addressing Employee Concerns

RESOLVED:

That Cabinet is not convinced that the appointment of an Independent External Ombudsman would add value to the organisation. Employees' concerns are better addressed by ensuring that existing procedures, eg. grievance procedures, whistleblowing, staff appraisal etc., work effectively, overseen by a high-performing Human Resources service. Trade unions also have a key role to play in representing employees. Cabinet therefore agrees to take no action on this recommendation.

Minute 368: Corporate Commissioning Strategy Framework

RESOLVED: That Cabinet agrees to these recommendations.

Minute 372: Compromise Contracts

RESOLVED: That the process outlined in the recommendation has already been agreed by the Employment and Appointments Committee and therefore Cabinet asks for this to be monitored.

8 FINANCIAL OUT-TURN 2011/2012

A report by the Acting Chief Finance Officer informed that a full review of the financial accounts for 2011/12 had now been completed and provided a comparison of the out-turn against the estimate for 2011/12 along with an analysis of the major variations with details of the amounts held in reserves and provisions at 31 March 2012.

The Cabinet noted that the main headlines in respect of the General Fund were as follows:

- (a) for 2010/12 there was a net underspend of £3.9 million. 'One-off' savings within Treasury Management, Housing Benefit and on the Efficiency Investment Budget more than offsetting the overspends which were primarily within Adult Social Services. As the Budget 2012/13 included for a net overspend of £2 million the year-end position shows an improvement of £5.9 million.
- (b) the level of balances at 31 March 2012 increased by £2million. To include the £14.2 million transferred from reserves in the year with £7.8 million used to support the 2011/12 Budget and included £4 million for the Council Tax Reimbursement for 2012/13 that now had to be accounted for in the 2011/12 financial year; and
- (c) the Council's provisions and reserves at 31 March 2012 were £13 million lower than a year earlier. This was due to the release and transfer of a number of provisions and reserves into General Fund balances.

RESOLVED: That

- (1) the revenue out-turn for 2011/12 be agreed; and**
- (2) the provisions and reserves be agreed.**

9 CAPITAL OUT-TURN AND FINANCING 2011/2012

A report by the Acting Chief Finance Officer informed the Cabinet of the capital out-turn for 2011/12 and the resources used to fund the programme as required under Part IV of the Local Government and Housing Act 1989.

RESOLVED: That

- (1) the capital out-turn and financing, including the variations and slippage from 2011/12 to 2012/13, be agreed; and**

- (2) **the financing of the programme and formal Capital Determinations be agreed.**

10 **COLLECTION SUMMARY 2011/2012**

A report by the Acting Chief Finance Officer detailed the collection of Council Tax, Business Rates, Sundry Debtors and Housing Act Advances. It highlighted key collection indicators and trends with regard to irrecoverable sums and the sums written off under delegation.

RESOLVED:

That the report be noted.

11 **TREASURY MANAGEMENT ANNUAL REPORT 2011/2012**

A report by the Acting Chief Finance Officer included a review of Treasury Management activities during 2011/12 and confirmed compliance with treasury limits and prudential indicators. The Annual Report had been prepared in accordance with the revised CIPFA Treasury Management Code and the revised Prudential Code.

The report indicated that the year saw these activities realise a net underspend of £3.7 million. Of this sum £2.5 million was anticipated and included in the Estimates 2012/13 as agreed by Cabinet on 21 February 2012 (Minute No. 322 refers). The report also confirmed compliance with treasury limits and prudential indicators.

RESOLVED: That

- (1) **the Treasury Management Annual Report for 2011/12 be agreed;**
- (2) **the transfer of the net underspend of £3.7 million to General Fund balances in 2011/12 be agreed; and**
- (3) **the Treasury Management Team, responsible for achieving this level of income for the Council, be congratulated.**

12 **INSURANCE FUND ANNUAL REPORT**

A report by the Acting Chief Finance Officer provided a review of the Risk and Insurance activity during 2011/12 and plans for 2012/13. It also detailed the underwriting arrangements and recent loss histories for the principal areas of insured risk and described the impact of measures taken to improve their management. The provisions and reserves within the Insurance Fund at the end of 2011/12 were confirmed and a recommendation made for a release of resources to the General Fund.

RESOLVED: That

- (1) **the Insurance Fund Budget 2013/14 be presented to Cabinet in November 2012;**

- (2) the transfer of £166,352 from the Insurance Fund to General Fund balances at 31 March 2012 be agreed; and
- (3) the Risk Management reserve be restored to a balance of £150,000.

13 BUDGET REDUCTION 2012/2013

A report by the Acting Chief Finance Officer detailed issues in the administration of the 2012/13 Budget Reduction in respect of Council Tax charge payers in receipt of Council Tax Benefit and recommended a clarifying statement.

RESOLVED: That

- (1) in relation to the administration of the 2012/13 Budget Reduction, it be agreed that any chargepayer who is in receipt of 100% Council Tax Benefit, shall not be entitled to any credit arising, as the credit can only be used in the financial year 2012/13 to offset the equivalent sum of any Council Tax liability that the chargepayer is required to discharge; and
- (2) at the end of the financial year 2012/13, in the event that a chargepayer's Council Tax account is in credit and the reason for that credit is solely due to any Budget Reduction, then in such circumstances the Budget Reduction shall be removed from the chargepayer's Council Tax account as they had not needed it for the purpose for which it was awarded.

14 BUDGET PROJECTIONS 2013-2015

A report by the Acting Chief Finance Officer presented the projected budget for 2013-15. The Chair informed that the reality of the situation was that the Council would have some very difficult decisions to make. It could not make the scale of reductions required without significantly changing the shape of the organisation.

RESOLVED:

That the budget projections 2013/15 be regularly reviewed.

15 AUTHORISATION OF OFFICERS FOR RECOVERY AND APPEALS

A report by the Acting Chief Finance Officer sought approval for named staff to initiate and conduct recovery of Local Revenues and Business Rates through the Magistrates' Court and to represent the Authority at Valuation Tribunal Hearings and Housing Benefits Tribunal Hearings.

RESOLVED: That

- (1) in accordance with the provisions of Section 223 of the Local Government Act 1972, the following Officers of the Council be authorised to institute and conduct proceedings on behalf of the Council in the Magistrates' Court for the recovery of unpaid Council Tax and National Non Domestic Rates and the enforcement of associated regulations:

Mrs S Hutchison	Assistant Council Tax Manager
Mrs. K. Chan	Assistant Council Tax Manager
Mrs. J. Farrell	Council Tax Team Leader
Mr. J. Fisher	Rating Officer
Ms. J. Monks	Appeals Officer
Mr. B. Nulty	Council Tax Team Leader
Mr. N. Powell	Revenues Manager
Mr. I. Williams	Senior Rating Officer
Mr. P Macfarlane	Appeals Officer
Mrs. L. Roddan	Court Officer

- (2) in accordance with the provisions of Section 223 of the Local Government Act 1972, the following Officers of the Council be authorised to attend Valuation Tribunals and represent the Authority in appeals relating to Council Tax and Community Charge; and

Mrs. K. Chan	Assistant Council Tax Manager
Mrs S Hutchison	Assistant Council Tax Manager
Ms. J. Monks	Appeals Officer
Mr. N. Powell	Revenues Manager
Mr. P Macfarlane	Appeals Officer
Mrs. L. Roddan	Court Officer

- (3) in accordance with the provisions of Section 223 of the Local Government Act 1972, the following Officers of the Council be authorised to attend the Benefits Appeals Tribunals and represent the Authority in such appeals:

Mr. M. Bailey	Appeals and Debt Recovery Team Leader
Mr. J. Cowan	Housing Benefits Team Leader
Ms. N. Dixon	Benefits Manager
Mrs. D. Eusoof	Benefits Operational Manager
Ms. I. Hughes	Housing Benefits Team Leader
Mrs. P. Hughes	Benefits Operational Manager
Mrs. S. Jones	Housing Benefits Team Leader
Mrs. W. Neil	Housing Benefits Team Leader
Mrs. K. Woods	Benefits Operational Manager
Mrs. V. O'Leary	Benefits Operational Manager
Mrs. H. Rostron	Housing Benefits Team Leader
Mr. S. Rostron	Benefits Intervention Manager Leader
Mr I. Abbinnett	Appeals Officer

16 **TRANMERE ROVERS SPONSORSHIP AGREEMENT 2012/2013**

Councillor G. Davies, having declared a personal and prejudicial interest (Minute No. 2 refers) left the meeting whilst this item of business was considered.

A report by the Acting Chief Executive recommended that the sponsorship agreement between Tranmere Rovers Football Club and the Council be renewed for a further year to cover the period 1 July 2012 to 30 June 2013.

RESOLVED: That

- (1) the Council's sponsorship arrangement with Tranmere Rovers Football Club be extended for a further year (from 1 July 2012 to 30 June 2013) on the basis set out in the report;**
- (2) the existing base sponsorship level be increased to take account of inflation;**
- (3) the principle of increased or reduced payments in the event of promotion or relegation be accepted and revised payments be negotiated and agreed if and when this occurs as set out in the report; and**
- (4) the completed Sponsorship Agreement be put in the public domain.**

Councillor G Davies returned to the meeting.

17 **2011/2012 YEAR END PERFORMANCE AND FINANCIAL REVIEW**

A report by the Acting Chief Finance Officer set out performance of the Council's Corporate Plan 2011-14 for the end of year 2011/12, and provided an overview of performance, resource and risk monitoring.

Appended to the report was an appendix that provided a full year outturn of performance against all Corporate Plan and Strategic Change Programme projects and Corporate Plan indicators.

Members raised concern regarding the volume of information contained within the report, which made it very difficult to assimilate and identify the key issues, not only for them but also for members of the public. It was agreed that a more effective way to present performance information would need to be identified and ideas from Political Groups on this would be welcome. A refreshed Corporate Plan would be discussed at the Special meeting of the Cabinet on 9 July 2012.

RESOLVED:

That the report detailing the performance of the Council's Corporate Plan 2011-14 for the end of year 2011/12, giving an overview of performance, resource and risk monitoring be noted.

18 **ANNUAL GOVERNANCE STATEMENT**

A report by the Acting Chief Finance Officer informed the Cabinet that the preparation and publication of an Annual Governance Statement was necessary to meet the statutory requirement set out in the Accounts and Audit Regulations 2003 (amended 2006 and 2011).

The report explained the requirement for the Authority to produce the Annual Governance Statement declaring the degree to which it meets the Governance Framework.

An Appendix attached to the report set out the Annual Governance Statement for 2011/12 as agreed by the Audit and Risk Management Committee on 13 March 2012 and endorsed by the Improvement Board on 27 April 2012.

Councillor A. McLachlan indicated that she wished to amend the conclusion to include the following:

'It should be noted that an Audit Commission report in the Public Interest has now been issued (June 2012) in relation to Highways and Engineering Services Procurement Exercise (HESPE) in which the District Auditor states:

'I have identified a number of weaknesses in the Council's arrangements to award and manage the HES contract. Whilst I have not identified any specific loss to public funds, the Council's arrangements do not, in my view, demonstrate good governance and value for money are being secured from this contract'

A key task in 2012/13 is to ensure that we address the weaknesses identified by the District Auditor appropriately.

RESOLVED:

That subject to any material change to the control environment or corporate governance arrangements of the Council and the addition of the above statement proposed by Councillor McLachlan to the conclusion, the Annual Governance Statement for 2011/12 be appended to the Statement of Accounts 2011/12.

19 **RECOMMENDATIONS FROM THE WIRRAL/LGA IMPROVEMENT BOARD**

The Cabinet considered the Action Points and Key Communication Messages from the meeting of the Improvement Board held on 27 April 2012.

RESOLVED:

That the Action Points and Key Communication Messages from the meeting of the Improvement Board held on 27 April 2012 be agreed.

20 **CORPORATE GOVERNANCE KEY LINE OF ENQUIRY (KLOE) 6 IMPROVEMENT REPORT**

A report by the Director of Law, HR and Asset Management provided details of the work undertaken by KLOE 6 and its conclusions and proposals for improvement as part of the governance work programme.

A number of the proposals and initiatives outlined/proposed were linked and must be considered as a whole. The objectives were KLOE 6 impact upon a number of working arrangements/methods. Accordingly, there was no one specific initiative or proposal that achieved a KLOE 6 objective.

The Proposals and initiatives detailed within the report were developed by a cross-party working group supported by Officers from Legal and Member Services. The Members of the KLOE 6 Working Group were (at the material time):

Councillor Ann McLachlan (Chairperson)	Councillor Brian Kenny
Councillor George Davies	Councillor Tom Harney
Councillor Dave Mitchell	Councillor Ian Lewis
Councillor Steve Williams	

The report had been considered by the Improvement Board held on 30 March 2012.

RESOLVED: That

- (1) the proposals and action plan detailed within this report and appendices be approved;**
- (2) the Director of Law, HR and Asset Management , in consultation with the three Group Leaders (or their nominees) and/or relevant Officers (as necessary), be requested to undertake all necessary steps to ensure the prompt and effective delivery and implementation of the proposals and actions (subject to any minor amendments as considered necessary) referred to in the report and the appendices; and**
- (3) the Cabinet encourage delivery of the recommendations set out in the report.**

21 **SAILING SCHOOL - MARINE POINT, NEW BRIGHTON**

A report by the Director of Law, HR and Asset Management provided details of the terms provisionally agreed for the lease to the Council of a purpose built Sailing School building constructed as part of the Marine Point Development adjoining New Brighton Marine Lake; the terms agreed for a sub under lease of the building to an appropriate operator and updated on the continuing discussions that were taking place with Neptune Developments Ltd to finalise terms.

Reference was made to the big Pirate Day held in New Brighton on 17 June 2012. This had been a very successful event. Members agreed that ideas from the operators on how to attract similar events all year round were required. Members asked that the new Operators be requested to look at the area at the end of the lake as it was clogged up with sand, litter and debris.

In response to Members comments it was agreed that the above matters would be raised with the operator.

RESOLVED: That

- (1) the Director of Law, HR and Asset Management be authorised to negotiate and agree in consultation with the Cabinet Portfolio Holder the terms of the underlease from Neptune Developments Ltd and the sub underlease to Peak Pursuits Ltd on the most advantageous terms to the Council; and**

- (2) **the Director of Law, HR and Asset Management be authorised to execute all relevant legal documents to give effect to the establishment of a new sailing school at Marine Point, New Brighton on the basis of the terms outlined in this report and in pursuance of (1) above;**
- (3) **In response to members comments, the Head of Asset Management be requested to raise the issues of the requirement to attract similar events all year round, such as the big Pirate Day which was held in New Brighton on 17 June 2012 which had proved a very successful event; and ask that the new Operators be requested to look at the area at the end of the lake as it was clogged up with sand, litter and debris.**

22 DISPOSAL OF VARIOUS PROPERTIES TO REGISTERED PROVIDERS

A report by the Director of Law, HR and Asset Management sought authority to dispose of a number of assets to Registered Providers (formerly known as Registered Social Landlords) to secure the delivery of affordable housing.

The report further identified the need for a review of the existing disposals policy to cover such disposals in the future. It was proposed that a draft policy be brought to a future meeting of Cabinet as part of the review of the Council's corporate Asset Management Plan and associated policies.

In response to Members queries regarding the low valuation of Esher House, The Head of Asset Management agreed to clarify the valuation detailed within the report and confirm in writing to the Cabinet Member – Streetscene and Transport Services and the Bidston and St. James Ward Councillors.

The Head of Asset Management further agreed to speak to Members after the meeting regarding YMCA, Manor House.

RESOLVED: That

- (1) **the assets identified in Appendix A to this report be declared surplus to the Council's requirements;**
- (2) **those assets be disposed of to the registered provider identified in each case in Appendix A and the Director of Law, HR & Asset Management be instructed to negotiate detailed terms for each disposal;**
- (3) **authority be delegated to the Director of Law, HR and Asset Management in consultation with the Cabinet Member for Corporate Resources to agree the finally negotiated terms in each case; and**
- (4) **in the event that the preferred Registered Provider for any of the sites is unable to proceed with its acquisition within a reasonable time officers be authorised to negotiate terms with the next preferred Registered Provider as nominated by the Head of Housing Strategy.**

23 **LEASOWE ROAD BRIDGE REPAIR AND REFURBISHMENT, CONSULTANT APPOINTMENT - CONTRACT PRICE INCREASE**

A report by the Director of Law, HR and Asset Management informed that pursuant to Contract Procedure Rule 16.1.2, the contract awarded for consultancy services associated with the repair and refurbishment works at Leasowe Road bridge had been varied for technical reasons, to ensure the successful delivery of the contract.

RESOLVED:

That the report be noted.

24 **PORTAS PILOTS ROUND 2**

Councillor P. Hackett, having declared a personal and prejudicial interest (Minute No. 2 refers) left the meeting whilst this item was considered.

A report by the Director of Regeneration, Housing and Planning informed the Cabinet that on the 30 March 2012 the Government announced a further round of Portas Pilot Town Team bidding – Round 2. The second round followed a first round, announced by Government on 4 February 2012 and for which the bidding closed on 30 March 2012. Some 360 plus applications had been submitted to the Government; including five from Wirral (reported to the Cabinet on 15 March 2012, Minute No. 346 refers).

Members were asked to note that the Government had stated that any bids which were unsuccessful in Round one would be considered automatically in Round 2.

As per the first round, the bids must be submitted in a partnership approach between retailers, landlords, local community, Local Authority and other partners. The Local Authority must agree to be the accountable body for the fund and also submit a statement securing value for money for the tax payer.

The Council had received two draft bids from local groups. A summary of which was outlined in section 2 of the report.

Members were asked to agree that the Local Authority would be the Accountable Body for any funding which may be granted, if any of the bids were successful, for up to £100,000 per bid.

Members were also asked that as per Round 1 of the Portas Pilots, to agree that due to the very tight timescale for the bids; that the Director of Regeneration, Housing and Planning in consultation with the leader of the Portfolio Holder, agree the final bids for submission to the Government on 30 June 2012. This was to allow more detailed work to be undertaken by the groups on their final bids including a video, within the framework of their draft bids outlined below, before submission to Government.

The Acting Chief Executive fully supported the proposal to waive call in on this decision having regard to the very short timescale for submission of the bids and the public interest. Members were asked to agree that call in for this report is waived.

RESOLVED: That

- (1) the submission of the 2 'Portas Pilot' bids to the Department of Communities and Local Government to Government on 30th June 2012 be approved;**
- (2) the Director of Regeneration, Housing and Planning in consultation with the Portfolio holder have delegated authority to agree the submission of the final bids to Government, within the framework of the draft bids summarised within section 2 of the report;**
- (3) the Local Authority be Accountable Body for the funding of up to £100,000 for each bid, if successful and the money be allocated in line with the Council's accounting policies;**
- (4) the Director of Regeneration, Housing and Planning in consultation with the portfolio holder be requested to prepare a statement for submission to CLG stating that the Council will secure value for money for the tax payer in the use of the grant; and**
- (5) should any bids be submitted to the Council prior to 30th June deadline, the Director of Regeneration, Housing and Planning in consultation with the portfolio holder/leader has the delegated authority to allow the bids to be submitted provided the bid is will secure value for money for the tax payer in the use of the grant;**
- (6) the request to waive call-in respect of 1-5 above, be approved.**

Councillor P Hackett returned to the meeting.

25 NEIGHBOURHOOD PLANNING - AREA AND FORUM DESIGNATIONS

A report by the Director of Regeneration, Housing and Planning informed the Cabinet that Wirral had four Neighbourhood Forums funded by Government as part of the Neighbourhood Planning Frontrunner project. These were at various stages of plan preparation, although none had yet submitted a Neighbourhood Plan formally to the local planning authority, or independent examination, or referendum.

Following the commencement of provisions in the Localism Act 2011, the Government had now issued Neighbourhood Planning Regulations and had amended the Town and Country Planning Act 1990 to make Neighbourhood Plan preparation a statutory process. If adopted by the local planning authority, the resulting plans would then become part of the Council's development plan, alongside the Unitary Development Plan, Regional Strategy and emerging Core Strategy.

As a result of the change in status of the Neighbourhood Plans, the Regulations required that the area designations and the Neighbourhood Forum constitutions should be agreed by the Council and be subject to public consultation in the neighbourhood area.

The report set out the background to this issue and the stages reached by each of Wirral's former Neighbourhood Planning Frontrunners. Officers had assisted each of

the Neighbourhood Forums to prepare their plans in accordance with the previous development plan regulations and the stages now proposed closely follow the new procedures, although now with statutory effect.

The report sought approval to the area boundaries of the four Wirral Neighbourhood Planning areas and that the constitutions of the four Neighbourhood Forums comply with the requirements of sections 61F and 61G of the Town and Country Planning Act 1990.

Approval was further sought for the area boundaries and constitutions of the four Neighbourhood Forums to be issued for a six week period of public consultation. After that, officers would report back to a future Cabinet on the results of the consultation, with a view to designating (or refusing to designate) the Neighbourhood Forums and area boundaries.

The Director of Regeneration, Housing and Planning indicated that the constitutions for Hoylake Village Life and Greasby Community Association would follow, once Officers has clarified the compliance of the two groups' constitutions with national legislation.

RESOLVED: That

- (1) the Neighbourhood Forum area boundaries and constitutions for Devonshire Park and Central Liscard Area Residents Association be agreed for the purposes of public consultation;**
- (2) the neighbourhood Forum area boundaries and consultations for Devonshire Park and Central Liscard Area Residents Association be consulted upon for a period of six weeks and that officers report back to a future meeting of the Cabinet on the results of that public consultation, with a view to designating (or refusing designation) the Neighbourhood Forums and area boundaries; and**
- (3) Officers report back to a future Cabinet meeting on the area boundaries and constitutions of the proposed Neighbourhood Forums of Hoylake and Greasby.**

26 PRIVATE SECTOR HOUSING AND REGENERATION ASSISTANCE POLICY

A report by the Director of Regeneration, Housing and Planning sought approval to amend the Council's Private Sector Housing and Regeneration Assistance Policy (referred to as "*the Assistance Policy*") to enable Officers to make minor changes to the policy without having to undertake a full consultation exercise. Any such changes would be reported to and agreed by the Portfolio Holder for Housing and Community Safety at the time the changes are made and would also be reported to Cabinet at the annual review of the Assistance Policy. The Assistance Policy was provided using statutory powers.

The report also advised that the existing Assistance Policy would remain in place throughout 2012/13 and would be formally reviewed in time for the 2013/14 financial year. This review would include a consultation exercise with members of the public.

RESOLVED: That

- (1) the Council's Private Sector Housing and Regeneration Assistance Policy be amended to enable officers to make minor changes to the policy without having to undertake a full consultation exercise, formal adoption of the changes made and publication. Any such changes are to be reported to and agreed by the Portfolio Holder for Housing and Community Safety at the time the changes are made are also to be reported to Cabinet at the annual review of the *Assistance Policy*; and**
- (2) it be noted that the next formal review of the current *Assistance Policy* will be undertaken towards the end of 2012/13 to align the annual review process within the Financial Year.**

27 CORPORATE ENVIRONMENTAL POLICY AND EXTENSION OF ISO 14001 ACCREDITATION

A report by the Director of Law, HR and Asset Management sought approval for the revision of the existing Corporate Environmental Policy which was adopted in January 2002.

The Environmental Policy was a statement of the Council's environmental commitment and a key document within the Environmental Management System (EMS). Two separate systems within the Council were currently being integrated **into one corporate system. The scope** would then be increased to include further service areas and operations throughout the Council that had a significant potential environmental impact.

The EMS helped towards achieving our Corporate Objective of creating a clean, pleasant, safe and sustainable environment and assisted in driving the Corporate Priority to reduce the Council's carbon footprint. It also supported the Council's Carbon Budget process through the identification, monitoring and management of the environmental impacts of operations and service delivery.

Risks of non-compliance with environmental legislation and possible financial penalties would be reduced by an effective, ISO 14001 compliant EMS.

RESOLVED: That

- (1) the proposed revisions to the Council's Environmental Policy be approved ; and**
- (2) the Council reaffirms its commitment to the implementation of an ISO14001 certified Environmental Management System across the authority.**

28 ENVIRONMENTAL STREETSCENE SERVICES CONTRACT - "BREAK CLAUSE" REVIEW

A report by the Director of Technical Services indicated that the Environmental Streetscene Services Contract was the delivery mechanism for executing Wirral

Council's statutory obligations to collect household waste and maintain the cleanliness of the borough's highways and associated open spaces.

The current contract with Biffa commenced in August 2006 and was worth approx £12.5M p.a. It was a 14-year contract currently running in its sixth year and had a 'break clause' at 7 years (August 2013).

The report outlined the opportunities available to the Council at this time around the execution of the 'break clause' to maximise the cost effectiveness of the delivery of these important services whilst retaining the flexibility to respond to the strategic requirements of the National Waste Framework Directive and the recently approved joint waste strategy for Merseyside. The recommendations within this report support the delivery of the Council's Corporate Priority "To Create a Clean, Safe, Pleasant and Safe Environment" by securing a 'break clause' buy out offer from Biffa that did not impact on the current high standards of service delivery currently enjoyed by the residents of Wirral.

A number of documents appended to the report contained sensitive commercial information related to the management accounts of Biffa PLC. In order to protect the commercial competitiveness of Biffa's position in the waste management market and to ensure the Council and Biffa are not disadvantaged in future procurement opportunities, this information had been classified as Exempt Information from public scrutiny, as set out the relevant paragraph/s of Schedule 12A of the Local Government Act 1972 (Minute No.41 refers)

The Deputy Director of Technical Services responded to Members questions in relation to reductions in the vehicle fleet; outsource risks; savings and the OJEU notice. It was reported that Option 3 as suggested within the report would allow officers to ascertain what the Waste Policy Framework in Merseyside would be to enable future planning.

In relation to the Biffa Group and reported buy out in the press, it was reported that this did not cause concern and that appropriate financial and viability checks would be carried out to ensure the Council's protection.

RESOLVED: That

- (1) Option 3: To delay the 'break clause' decision until April 2016 and remove the age restriction of the fleet used to service the current Environmental Streetscene Services Contract, thereby continuing the contract with Biffa until at least March 2017 be approved;**
- (2) the Director of Technical Services be instructed to present a further report to Cabinet in July 2012 outlining the findings of the Price Waterhouse Cooper "open book" review and analysis of emerging risks around the financial solvency of Biffa and any potential impacts this could have on their ability to carry out an extended contract term;**
- (3) the £1.2m revenue savings that have been identified from implementing the preferred option (option 3) of £0.7m in 2013/14 and a further £0.5m in 2014/15 be noted;**

- (4) the Director of Technical Services be instructed to present a further report to this Cabinet no later than October 2015, outlining further recommendations for the future procurement and service 'packaging' options of waste collection and street cleansing services, to include appraising any opportunities of joint procurement with neighbouring authorities and/or in-sourcing some or all of these services and;
- (5) provide an impact assessment (including an emerging equality impact assessment) of the proposed service changes arising from the rationalisation of Bring Site provision and Exclusion rounds as detailed in section 3.5 and Appendix 2, related to the additional savings package proposed by Biffa of £498k; and
- (6) the Director of Technical Services be requested to submit a further report to include an explanation as to the use of RPI and CPI to the meeting of the Cabinet scheduled for 19 July 2012 .

29 **SHAPING TOMORROW - AN OVERARCHING COMMISSIONING STRATEGY FOR WIRRAL ADULT SOCIAL CARE SERVICES**

A report by the Director of Adult Social Services sought approval for the further development of a single overarching commissioning strategy for adult social care which related to all citizens of Wirral. This had been developed in compliance with the Corporate Commissioning Strategy Framework which was approved by Cabinet on 29 March 2012 (Minute No. 368 refers). It was one of the key delivery priorities of the Department of Adult Social Services which were also agreed at the same meeting.

The strategy sought to define how commissioning would support the continued transformation of services to achieve the vision initially set out by Government in 'Putting People First' and subsequently developed in a 'Vision for Adult Social Care'.

The strategy was currently subject to consultation with users and carers and partners from the statutory and voluntary, community and faith sectors. The role of all these groups was developing cohesive commissioning strategies in key service areas which were a critical and key part of improved commissioning processes.

From the generic document each service area would develop a detailed commissioning plan in entirety which would show how the vision and principles laid out in this strategy would be delivered in Wirral.

RESOLVED: That

- (1) the Cabinet, as part of the consultation process, comments on "Shaping Tomorrow" - Adult Social Care Services Overarching Commissioning Strategy 2012 – 2015; and
- (2) the decision to agree the final document, including subsequent comments from consultation, be delegated to the Director of Adult Social Services in consultation with the Cabinet Member for Social Care and Inclusion.

30 **DEPARTMENT OF ADULT SOCIAL SERVICES REVIEW OF DEPARTMENTAL POLICIES AND PROCEDURES**

A report by the Director of Adult Social Services sought approval for the process to update Departmental policies and procedures.

RESOLVED: That

- (1) **the work that has been undertaken to review the Policies and Procedure of the Department be noted;**
- (2) **the deletion of the overarching Departmental policies highlighted in paragraph 2.7 be approved;**
- (3) **the statement of purpose for Adult Social Care as outlined in Appendix 2 be approved; and**
- (4) **the Next Steps in the process as set out in Section 3 be endorsed.**

31 **READING AND WELLBEING LIBRARY**

A report by the Director of Public Health detailed a proposal for the development of libraries in Wirral into places where, in addition to traditional library resources, local people would also be able to support their wellbeing. This was an initial report which sought agreement to the proposed model, and suggested an initial library which would be involved in developing the approach.

RESOLVED:

That the development of a Reading and Wellbeing Library model, in the first instance based at Leasowe, be supported.

32 **CHILDREN AND YOUNG PEOPLE DEPARTMENT CAPITAL PROGRAMME 2012/2013**

Councillor C Meaden declared a personal interest in this item of business by virtue of being a Governor.

A report by the Acting Director of Children's Services set out the proposed CYPD capital programme for 2021/2013, including supporting information on the priority schemes. The report also provided an update of schemes included in the 2011/2012 Capital Programme.

It was reported that there were a wide range of projects identified in the Capital Programme, which would promote a number of the Council's corporate priorities helping children achieve their full potential, creating more jobs in the local area and creating a clean, pleasant, safe and sustainable environment.

The Acting Director of Children's Services updated Members on notification received in relation to University Technical College which recieved approval to progress to the

next stage; and the priority schools for the future bids for Foxfield Special School, Bedford Drive and Ridgeway had been accepted.

RESOLVED: That

- (1) the proposed schemes within the capital programme for 2012/2013 be approved; and**
- (2) individual schemes be the subject of scheme and estimate reports, where applicable.**

33 CHILDCARE WORKFORCE DEVELOPMENT CHARGING POLICY

A report by the Acting Director of Children's Services detailed information regarding the extensive workforce development training programme which had been available on a termly basis to early years and childcare staff working in the private, voluntary and independent sectors since 1999/2000. This had ensured access to continuing professional development for the workforce with the intended impact on raising quality for children and young people.

Course participants had been paying a flat fee of £6 per course for the majority of training, with no charge currently being made for courses delivered internally by SureStart Support team staff. Training was funded by an allocation made through the Early Intervention Grant.

The report indicated that by offering such training, the Local Authority was addressing a statutory duty to ensure access to high quality early education and care as detailed in the Childcare Act 2006.

The report proposed to increase course fees and establish a regular review of charges for future training courses. If accepted, then income from course fees would increase. This could then be re-invested in workforce development and reduce the amount required through the Early Intervention Grant to maintain the programme.

RESOLVED: That

- (1) all courses offered through the termly workforce training programme to be increased to £10 to include courses that are currently free of charge; in line with neighbouring Local Authorities;**
- (2) course fees be reviewed on an annual basis; and**
- (3) changes to course fees be implemented as soon as possible after 1 April 2012.**

34 EXTENSION OF CHILDREN'S PREVENTATIVE SERVICE CONTRACTS

A report by the Acting Director of Children's Services advised of an extension to the following specialised contracts in Children's Services for nine months to 31 March 2013 after which they would be aligned with other commissioned services. The contracts had previously been reported to the Cabinet and had been extended to June 2012.

RESOLVED:

That the five specialist contracts set out in Section 1.2 of the report be extended until 31 March 2013 to ensure continuity of service for those vulnerable groups of children and young people and to allow for time for these contracts to be part of the next commissioning process.

35 FEES PAID TO CONNECTED FOSTER CARERS

A report by the Acting Director of Children's Services set out information regarding the statutory requirement to pay connected foster carers, formally known as family and friends foster carers, a skills band fee in addition to the fostering allowance. This was a new requirement from 1 April 2012 for which Council agreed an increase of £450,000 in the Children and Young People Department's revenue budget from 2012-13.

RESOLVED: That

- (1) the increase in the payments to connected foster carers by allowing them to be eligible to receive Band skills fee, from 1 April 2012, subject to them receiving training be approved;**
- (2) these payments be met from the £450,000 increase in the revenue budget agreed by Council from 2012-13; and**
- (3) "The Guide to the Payment of Foster Carers" be amended to remove the section that states "the payment of Skills Based Fees does not apply to those approved as 'Friends and Family' foster carers".**

36 GOVERNORS SUPPORT SHARED SERVICE PROCUREMENT

A report by the Acting Director of Children's Services provided information regarding the Governor Support Services shared service with Cheshire East which required a comprehensive online and telephone support service as part of the overall package. The report outlined in accordance with Contract Procedure Rules an Exception to the Procurement Procedure.

Members asked that the shared support service be monitored and an update report be provided in the next six to nine months.

RESOLVED: That

- (1) the Exception to the Procurement Procedure for the TEN Governor Support service be noted; and**
- (2) the Acting Director of Children's Services be requested to monitor the shared service and report back with an update within 6-9 months.**

37 **MERSEYSIDE PENSION FUND GUARANTEE**

A report by the Acting Director of Children's Services sought approval of a guarantee to the Merseyside Pension Fund (MPF) for any unrecoverable pension contributions or costs arising from the admission of Hall Cleaning Services (a cleaning contractor for Mosslands School) to the MPF.

RESOLVED:

That the Director of Children's Services be requested to approve the application received from Hall Cleaning Services to participate in the Local Government Pension Scheme as a Transferee Admission Body with agreement to the financial terms and underwrite any exit debt not recoverable from the company.

38 **SCHEME AND ESTIMATE AND TENDER ACCEPTANCE FOR OUR LADY AND ST EDWARDS RC PRIMARY SCHOOL**

A report by the Acting Director of Children's Services sought approval to accept lowest tender for construction of a single storey extension and internal alterations at Our Lady and St Edwards RC Primary School, submitted by Clovemead Construction Ltd at a cost of £243,038.00; subject to the approval of the Children and Young People Capital Programme 2012/13.

The report set out details of the proposed scheme, estimate and tendering exercise undertaken by the Diocese and indicated that the financial support by the Local Authority for this Aided school had arisen out of the Basic Need requirement at the school, for which the Local Authority was responsible. Planning permission had been obtained for the scheme.

RESOLVED:

That the lowest tender submitted by Clovemead Construction Ltd be accepted, subject to the approval of the Children Young People Capital Programme 2012/13.

39 **URGENT BUSINESS APPROVED BY THE CHAIR - DEVELOPMENT OF A LIVERPOOL CITY REGION DEAL**

The Director of Regeneration, Housing and Planning circulated his report which highlighted that, over the last three months, Liverpool City Region partners had been working together with Government officials to prepare a Liverpool City Region 'Deal' with Government departments. The principal function of these Deals was to allow city areas to innovate and come up with solutions that attempted to remove barriers to economic growth. As part of the Deals process, Liverpool City Region partners had been expected to offer robust and tangible contributions in return for specific asks of Government.

The report provided an update on the development of the Liverpool City Region Deal and the likely timescale for its negotiation and agreement. Members were asked to note the content of the latest version of the City Region Deal and authorise officers to continue to negotiate aspects relevant to Wirral as part of the next stage of the

process.

The Director of Regeneration, Housing and Planning responded to Members; questions in relation to the International Festival of Business and transport, employment and the electrification of the Bidston line.

Members noted the urgency and the need for a decision to be made immediately. The Director of Regeneration, Housing and Planning asked if the Cabinet was agreeable to waive Call-In. The Acting Chief Executive informed that he was in agreement to call-in being waived.

RESOLVED: That

- (1) the progress made to date on the City Region Deal be noted, and the significant opportunities that would arise subject to successful negotiation with Government be supported;**
- (2) the Director of Regeneration, Housing and Planning be authorised to continue to negotiate the City Region Deal Process and work up the detailed aspects of the process as appropriate;**
- (3) the Director of Regeneration, Housing and Planning be authorised to contribute up to £15,000 to be met from approved investment strategy resources and work with other key LCR partners to the development of a business plan for the proposed international of business;**
- (4) call in be waived in respect of (2) and (3) above to allow officers to meet the specified deadline dates.**

40 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.

41 EXEMPT APPENDICES

The Cabinet noted the detail of the exempt appendices to:

- (a) Agenda Item No. 26 on the agenda - Streetscene Environmental Services Contract - "Break Clause" Review – that detailed sensitive commercial information as outlined in the report (Minute No. 28 refers)**
- (b) Agenda Item No. 6 on the agenda – Collection Summary – that detailed details of Sundry Debtor Account Write Offs and contained information related to the financial affairs of individuals(Minute No.10 refers)**