

# CABINET

Thursday, 11 July 2013

Present: Councillor P Davies (Chair)

Councillors G Davies B Kenny  
P Hackett AR McLachlan  
AER Jones C Meaden  
C Jones H Smith

Apologies Councillors T Smith

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

Councillor Brian Kenny declared a personal interest in Item No. 10 – Broadband Delivery UK and Item No. 11 Renewal of Computer Equipment on the agenda – by virtue of him being an employee of BT.

Councillors George Davies declared a non-pecuniary interest in Item 17 – Home to School and College Transport Policies Consultation – by virtue of him being a Governor of St Anselm's College. He indicated that he would leave the room during debate and decision of the item.

## 23 MINUTES

### RESOLVED:

**That the accuracy of Minutes of the meeting of the Cabinet held on 13 June 2013 be approved.**

## 24 CHAIR'S ANNOUNCEMENT

Councillor A McLachlan indicated that she would be chairing the meeting until the Chair, Councillor P.Davies arrived, Councillor Davies was travelling back from Brussels after meeting with Commissioner Hahn as part of a delegation of senior politicians from Merseyside and South Yorkshire regarding Merseyside's allocation of European funding for the new ERDF programme beginning next year.

Councillor A McLachlan indicated that she proposed to move Items 3, 4, 5 and 6 down the agenda until Councillor P.Davies had arrived as these reports were within his remit as Cabinet Member - Finance.

## 25 COUNCIL SHARED SERVICES

The Cabinet considered the report of the Strategic Director, Transformation and Resources informing of the potential for sharing back office services between Wirral Council and Cheshire West and Chester Council.

The decision would promote value for money and best practice, and underpin the delivery of services.

### **RESOLVED: That**

- (1) the proposal to explore sharing all back office services (BOS) be approved, with the medium term aim of a fully merged shared corporate service;**
- (2) a report with detailed proposals and indicative timescales be brought back to members in October to provide assessment of financial and service impact and potential benefits for both councils;**
- (3) both councils endorse a concordat, setting out the direction of travel;**
- (4) a joint submission for funds from the DCLG Transformation Challenge Award be approved; and**
- (5) no vacancies arising in a BOS area be automatically advertised without prior reference to the shared arrangements. And that further consideration is given to 'one lead' in each BOS area, with the successful candidate spending their first six months in the Council of the unsuccessful candidate. Consideration also be given to other relevant posts and possible areas of shared responsibility.**

## 26 CORPORATE PLAN PERFORMANCE MANAGEMENT

The Cabinet considered the report of the Director of Public Health and Head of Policy and Performance outlining the proposed performance management report to support the development of the Corporate Plan for 2013-14.

The report translated the priorities set out in the Corporate Plan into a coherent set of performance outcome measures and targets; these would be used to evaluate the achievement of strategic priorities over the next year of the plan.

It was anticipated that the development of the Corporate Plan would be an iterative process during 2013/14 based on the feedback and requirements of elected members and portfolio leads. It would run in parallel to the wider development of the underpinning business planning and performance management infrastructure within the council (e.g. Performance Management Framework Policy, electronic provision of performance information to elected members, transition from targets to outcomes).

Councillor McLachlan reported that the report had been previously considered by the Policy and Performance Co-ordinating Committee on 3 July 2013, at the meeting comments were made about the format of the performance reports and Members requested that in future the information be reported in a clearer and more user-friendly format. (Minute 12) refers.

**RESOLVED:**

**That the proposed dashboard be approved, and the matter be referred to Council for approval.**

**27 RECOMMENDATIONS FROM THE IMPROVEMENT BOARD**

Councillor A.McLachlan reported on the key messages from the Improvement Board.

The Board received update reports regarding the Improvement Plan, the budget, senior management restructure and presentations regarding Change Management and Transformation, they also considered a presentation regarding the Peer Challenge and an update regarding shared services.

The Board highlighted the importance of the Shared Services work currently under way.

**RESOLVED:**

**That the Key Messages be noted.**

**28 BROADBAND DELIVERY UK**

The Cabinet considered the report of the Head of Regeneration and Environment which provided an update as to the progress of the Broadband Delivery UK (BDUK) project and sought agreement on implementation issues to enable the project to proceed.

The report outlined the indicative timetable and next steps as follows:-

- Invitation To Tender (ITT) issued April 2013,
- Supplier response due to be returned within 10 weeks (at latest w/c 24<sup>th</sup> June),
- Tender Evaluation including a Value for Money Assessment,
- Partnership Consortium Agreement to be agreed and signed,
- Supplier contract agreed July 2013,
- Award of Contract August 2013
- Project delivery end of August 2013 to end of 2015,
- Engagement with BT and BDUK on timing and funding issues – ongoing.

**RESOLVED: That**

- (1) Liverpool City Council to undertake the role of lead contracting Authority or Accountable Body for the Merseyside Connected BDUK project be confirmed;**
- (2) the management of the BDUK procurement process including supplier appointment, entering into a partnership consortia agreement be approved and future implementation be delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member;**
- (3) with reference to the cost table detailed in paragraph 3.6 of the report Cabinet agrees to underwrite the potential project management costs that are not eligible for ERDF funding from Wirral Neighbourhoods Fund reserves. Wirral's maximum share of ineligible costs, using the pro rata method, has been estimated to £17,690; and**
- (4) note that future progress reports on this subject be brought to Cabinet as the project progresses.**

29 **RENEWAL OF COMPUTER EQUIPMENT**

The Cabinet considered the report of the Director of Finance setting out proposals to refresh obsolete IT access devices to improve productivity, reduce the risks to security and permit new ways of working.

**RESOLVED:**

**That the plans to refresh the obsolete IT access devices and associated equipment, as detailed in Paragraphs 4.3 and 4.4 of the report, be approved.**

Councillor P.Davies resumed as Chair of the meeting at this point.

30 **PRIVATE SECTOR HOUSING FINANCIAL ASSISTANCE POLICY**

The Cabinet considered the report of the Strategic Director of Regeneration and Environment seeking approval of the Council's revised Private Sector Housing and Regeneration Assistance Policy (referred to as "*the Assistance Policy*") following a consultation exercise. The Assistance Policy was provided using statutory powers. Any revisions approved would be implemented with immediate effect.

The report also advised Members of minor changes made to *the Assistance Policy* since the last formal review. Members were made aware that any approved minor changes made under delegated authority should be reported back to Cabinet at the next formal review.

**RESOLVED: That**

- (1) the revised Private Sector Housing and Regeneration Assistance Policy as set out in the report be approved to be implemented with immediate effect; and**
- (2) the minor changes made to *the Assistance Policy* since the last formal review be noted.**

31 **HOMELESSNESS STRATEGY**

The Cabinet considered the report of the Strategic Director of Regeneration and Environment which sought approval and endorsement of Wirral's Homelessness Strategy 2013-18, following public consultation with stakeholders and service users. The Homelessness Strategy was a statutory requirement of the Homelessness Act 2002 which placed a duty on local authorities to adopt a strategic approach to homeless issues by completing a comprehensive review of all forms of homelessness in their area and publishing a Homelessness Strategy at least every five years, ensuring this was taken into account when discharging its homeless function.

The new Homelessness Strategy would support one of the Council's Corporate Plan 2013-2016 focuses, which was to "*Protect the vulnerable people in our borough*".

**RESOLVED:**

**That the Homelessness Strategy 2013 – 18 as detailed in Appendix Two of the report be approved.**

## 32 **PARKS AND COUNTRYSIDE PLANT AND EQUIPMENT**

The Cabinet considered the report of the Strategic Director of Regeneration and Environment seeking approval for the purchase of the proposed plant and equipment capital investment programme to modernise the Parks and Countryside Service.

The detail of the plant and machinery was detailed in Appendix A.

The report indicated that due to the efficiency of the tender process, the overall cost to the Council was below the £1,498k allocated in the Capital Programme and that the £231k saving would result in a revenue saving of £23k in 2014/15.

Councillor P.Davies indicated that he was to note the in-house team performing well and undertaking some fantastic work.

### **RESOLVED: That**

- (1) the tender award for the purchase of Plant and Equipment in the total sum of £1,266,978 as outlined in Appendix A be approved; and**
- (2) the saving of £231k to be removed from the Capital Programme resulting in a revenue saving of £23k in 2014/15 be noted.**

## 33 **CHARGING FOR SERVICES**

The Cabinet considered the report of the Director of Adult Social Services recommending a revised and consolidated fairer charging and fairer contributions policy.

The report indicated that each local authority with social services responsibilities must determine and operate a fairer charging and fairer contributions policy (FCP). It had to keep the FCP under review. Each local authority with social services responsibilities must also determine and operate local discretions (CRAGLD) in implementing the Department of Health's charging for residential accommodation guide (CRAG).

It was now necessary to review the Wirral FCP and CRAGLD following the settling of the 2013-14 Council Budget and the Independent Review of Debt (IRD) considered by Cabinet on 23 May 2013. Maintaining and revising the FCP and CRAGLD was one of the key actions in the DASS debt action plan (DDAP).

The Care Bill if enacted would make substantial changes to the charging regime for care. Any implications would be reflected in the policies in due

course once full details were available including the implementation schedule. It was expected that the first Care Bill charging charges would come into force in 2015-16.

**RESOLVED: That**

- (1) the Fairer Contributions Policy (FPC) as set out in Appendix A of the report be approved;**
- (2) the Fairer Contributions Policy (FPC) be implemented with immediate effect;**
- (3) the Charging for Residential Accommodation Guide Local Discretions (CRAGLD) as set out in Appendix B of the report be approved;**
- (4) the Charging for Residential Accommodation Guide Local Discretions (CRAGLD) be implemented with immediate effect.**

**34 REPORT ON CONSULTATION ON THE PROPOSED RELOCATION OF FOXFIELD SCHOOL**

The Cabinet considered the report of the Director of Children's Services which updated Members on the statutory consultations which had been held for the proposal to relocate Foxfield Special School, from its current site in Moreton, to Woodchurch and requested the approval of the publication of statutory notices.

The Director of Children's Services reported that further advice had been received from the Planning Department indicating that, as the proposed site was in Wirral's Green Belt, special circumstances would need to be demonstrated if the new build was to be approved. These requirements had now been met but the decision would need to be referred to the Secretary of State.

Mrs Hassall further indicated that consultation would need to be held Sports England would be consulted as the development would result in the loss of a school playing field. In order to deal with the timescales relating to the Statutory Notices, Cabinet was asked to agree that call be waived.

**RESOLVED: That**

- (1) the statutory proposals be published in respect of a statutory "prescribed alteration" to transfer the site of Foxfield School from its current site in Moreton to the proposed site at Carr Bridge Road, Woodchurch;**

- (2) **the Director of Children's Services be authorised to take all necessary steps to publish these proposals, ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State in furtherance of the proposal; and**
- (3) **the call-in provisions respect of this decision be waived on the basis that a delay in implementing the urgent decision , would likely to seriously prejudice the Council's and/or the publics interest.**

## 35 **HOME TO SCHOOL AND COLLEGE TRANSPORT POLICIES CONSULTATION**

Prior to consideration of the item Councillor G.Davies having declared a non-pecuniary interest left the meeting whilst the item was being considered (Minute 22 refers).

The Cabinet considered the report of the Director of Children's Services which indicated that the Council was under significant financial pressure and a review of services had been carried out. At Cabinet on 18th February 2013 a decision was taken to review the provision of transport for children and adults provided by the Council.

The report was in respect of transport to schools and colleges for children and young people only, transport and budget savings for Adults were being dealt with separately.

The report indicated that the Council had a statutory duty in accordance with section 508B of the Education Act 1996 to provide school transport to assist compulsory age pupils within certain criteria. The Council currently also provided discretionary transport provision above its statutory duty. The application of new transport policies for students aged 5-16 and post-16 would reduce the level of discretionary transport available whilst maintaining a focus on providing transport to some of the most vulnerable students in order for them to access education. The proposed new policies were detailed in Appendices 1 and 2 in the report.

The report noted that children and young people who currently received transport support would continue to do so until they leave or change school, at which point the new policies would be applied. For some young people this would occur when they transfer from their primary school to their secondary school. The proposed changes would therefore be phased in over a period of up to 6 school years.



In respect of pupils with special educational needs and/or a disability (SEND), the proposed new home to school transport policies would provide a framework within which proactive work would be undertaken by the Local Authority with head teachers of special schools/colleges and parents of pupils, to seek their views about how to jointly shape the service to promote greater independent travel for young people.

The proposals for post 16 SEND transport have been adapted after careful analysis of the consultation responses.

The report further indicated that the 2013/14 Budget for Home to School Transport was £5.1 million. The savings target to be delivered in this area was £2 million over the period 2014/20. The proposed actions set out in the report would deliver £1,440,000 savings, which would contribute to the target of £2,000,000. The remainder of the savings would be delivered through a range of demand management initiatives, including travel training.

Councillor P.Davies indicated that this was a difficult decision that had to be taken due to the reduction in the budget but reiterated that protection of vulnerable people within the Borough remained a high priority for the Council. He urged schools and colleges to look at their own budgets to assist pupils as and where possible.

**RESOLVED: That**

- (1) the new 5-16 Home to School Transport Policy and the new post 16 School and College Transport Policy be adopted so that they apply to pupils and students commencing in September 2014 onwards at primary and secondary schools and colleges;**
- (2) pupils and students who have been assessed under their existing policies are to retain their current provision until they leave their current school;**
- (3) the change in budget savings arising from the Post 16 SEND policy, and the remainder of the savings be delivered through a range of demand management initiatives including travel training be noted.**

Councillor G. Davies returned to the meeting.

**36 REVENUE MONITORING 2013/2014 - MONTH 2 (MAY 2013)**

The Cabinet considered the report of the Interim Director of Finance which detailed the revenue position for 2013-14 at Month 2 (May 2013) and the actions taken to minimise risk.

Councillor P.Davies noted the underspend of £41,000 and indicated that the spotlight needed to remain on spending. He reported that the Council's budget position had not been improved by the recent Spending Review announcement and that he appealed to Government to reconsider the decision which would have a huge impact on the residents of Wirral and their quality of life. The Council now faced a huge challenge to deliver a balanced budget.

**RESOLVED: That**

- (1) at Month 2 (May 2013), the full year forecasts projected a General Fund underspend of £41,000 be noted;**
- (2) there were no rejected freeze items in the month; and**
- (3) Strategic Directors be requested to find compensatory savings for budgetary issues (Annex 12) not covered from corporate resources in Month 3.**

**37 CAPITAL MONITORING 2013/2014 - MONTH 2 (MAY 2013)**

The Cabinet considered the report of the Interim Director of Finance which set out the capital position for 2013-14 at Period 2 (May 2013) and actions to minimise risk.

The Chief Executive indicated that in relation to the Capitalisation Scheme, Government had yet to publish this and it was not yet known if the Scheme would be offered across the Country. He would inform Members once the scheme and guidance had been published.

**RESOLVED: That**

- (1) the spend to date at Month 2 of £1.964m, with 16.7% of the financial year having elapsed be noted;**
- (2) the revised Capital Programme of £50.457m (Table 1 at 4.1) be approved;**
- (3) the additional slippage from 2012-13 of £0.246m and the anticipated slippage of £1.150m into 2014-15 be approved;**
- (4) the re-profiling of two major schemes into 2014-15, totalling £12.6m; and**
- (5) the receipt of additional Local Sustainable Transport grant of £0.100m be approved.**

38 **DEPARTMENT OF ADULT SOCIAL SERVICES - WRITE OFFS**

The Cabinet considered the report of the Interim Director of Finance, which recommended the writing off of £512,573.73 in outstanding client contributions.

The report indicated that this was part of the process of cleansing the long outstanding DASS debt identified in the Independent Report considered on 23<sup>rd</sup> May 2013 Cabinet.

The reasons for write-off demonstrated the need for radically improved procedures in DASS and the PFU to avoid similar problems in the future. This was the purpose of the DASS action plan approved by Cabinet on 23<sup>rd</sup> May 2013.

**RESOLVED: That**

- (1) the report be noted; and**
- (2) the debts be written-off as detailed in the report.**

39 **MR PETER TIMMINS**

Councillor P.Davies informed the Cabinet that Mr Peter Timmins, Interim Director of Finance would be leaving the Council at the end of July 2013. Councillor Phil Davies thanked the Interim Director of Finance, Peter Timmins and his team for the absolutely fantastic amount of work they had undertaken to get the Council's finances to where they were now and wished him well for the future.

**RESOLVED:**

That Mr Timmins be thanked for all the work he and his team had done and he be wished well for the future.

40 **LIVERPOOL CITY REGION COMBINED AUTHORITY**

The Cabinet considered the report of the Chief Executive which outlined the proposal to create a Combined Authority for the Liverpool City Region in order to improve governance in the sub-region and access national funding opportunities that would be devolved from central government.

Councillor P.Davies indicated that there was a risk that the Liverpool City Region would miss out on access to major funding opportunities and other

development opportunities should the appropriate action not be taken to strengthen its existing governance arrangements.

A report will be prepared for a future Cabinet meeting that would outline in detail the proposals and a full assessment of relevant risks.

The Chief Executive indicated that all the major city regions were going ahead with model which he felt would benefit Wirral and that there were great advantages to these arrangements.

**RESOLVED:**

**That the Cabinet supports in principle the agreement by Liverpool City Region Council leaders and the Mayor of Liverpool to conduct a review and progress proposals to establish a Combined Authority across the sub-region, subject to further detailed discussions on the power and functions of a Combined Authority between constituent local authorities.**

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

The Head of Legal and Member Services advised the Cabinet that in respect of Item No. 20 – Hoylake Golf Resort this could now be considered in the public domain and that it could lift the exemption.

**RESOLVED:**

**That the exemption be lifted in respect of the report at Item No. 20 on the agenda- Hoylake Golf Resort and it be considered in the presence of the press and public.**

42 **HOYLAKE GOLF RESORT**

The Cabinet considered the report of the Strategic Director Regeneration and Environment requesting Members to note the delegated decision taken by him to accept specialist external legal and technical advice tenders in the sum of £178,823 to support the Council in procuring a development partner for the Hoylake Golf resort using the OJEU Competitive Dialogue process.

**RESOLVED:**

**That the decision of the Strategic Director Regeneration and Environment to procure Pinsent Massons LLP in the sum of £55,000 to provide legal advice and Davis Langdon in the sum of £123,823 to provide the technical advice in connection with the OJEU Competition Dialogue Procurement process for the Hoylake Golf resort using the**

**Delegated Authority given to him under paragraph 14 of the Contract Procedure Rules be noted.**