

CABINET

Thursday, 7 November 2013

<u>Present:</u>	Councillor	P Davies (Chair)	Finance
	Councillors	G Davies P Hackett AER Jones C Jones B Kenny AR McLachlan C Meaden H Smith T Smith	Neighbourhoods, Housing & Engagement Economy Central and Support Services Adult Social Care Environment and Sustainability Governance and Improvement Health and Wellbeing Highways and Transportation Children and Family Services

82 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Chris Meaden declared a personal interest in Item No. 8 on the agenda – Byrne Avenue Recreation Centre, Byrne Avenue, Rock Ferry. (Minute No. 90 refers)

Councillor Chris Jones declared a personal interest in Item No. 10 on the agenda – Proposed Public Health Contracting Arrangements for 2014/15 (Minute No. 92 refers) by virtue of her employment with the Cheshire and Wirral Partnership NHS Foundation Trust.

83 MINUTES

RESOLVED:

That the Minutes of the meeting of the Cabinet held on 10 October 2013 be approved as a correct record.

84 PROGRESSING NEIGHBOURHOOD WORKING INCLUDING STRATEGIC REVIEWS OF STREETSCENE AND COMMUNITY SAFETY

Councillor George Davies introduced a report by the Chief Executive which informed of the significant progress that had been made to implement neighbourhood working. The report set out the first steps to realign services to the neighbourhood working model following Strategic Service Reviews of Streetscene and Community Safety.

The Cabinet noted that the interlinked services had a far reaching impact on the quality of life for local residents. There were a number of aspects of local environmental quality (LEQ) that contributed to overall quality of life within communities. Increasingly, health practitioners and researchers were proving

the benefits of good quality local environment to the health and wellbeing of individuals. The Department of Health identified a number of research findings that linked poor LEQ with three key health risks: Physical Inactivity; Social Impacts (people not getting out and about and socialising within their community); and Air Pollution.

The report also informed that if left unchecked, minor anti-social behaviour, such as littering, graffiti and damage, could spiral into increased crime and disorder; the 'broken windows' effect. An indifference to minor forms of social and physical disorder could lead to an erosion of social control and therefore neighbourhood decline. The Cabinet noted that there was also a correlation between public perceptions of anti-social behaviour (and crime) with public confidence in councils and police to tackle the issues. Research had suggested that community engagement (the heart of neighbourhood working) had a positive influence on both public confidence and perceptions.

Strategic Service Reviews had formed the foundation upon which progression to full neighbourhood working could be built and the first step in the redesign of services across the public sector to provide localised responses to the needs of local people.

Those service areas were significant issues for local residents. This point was illustrated by data which showed that Elected Members and MPs reported an average of 199 issues a month to Streetscene relating to highways and waste alone (based on data from April 2012 to March 2013). Members, as community leaders, would be empowered to make best use of these resources at Constituency level. This would inspire their communities to come together with public services to find the right solutions to address local needs and improve residents' lives.

Councillor Phil Davies moved an amendment to the recommendations set out in the report, Councillor George Davies seconded it and it was

RESOLVED: That

- (1) the Cabinet agrees the principle of locating placed-based staff in Constituency Service Hubs;**
- (2) the detailed proposals flowing from the strategic reviews of Streetscene and Community Safety services be delegated to the relevant Portfolio Holders to agree;**
- (3) the Cabinet agrees that a further report be produced for its consideration on other placed based services which could be devolved into the Constituency footprints; and**

- (4) the Cabinet agrees to ensure that neighbourhood working is central to the Council's overall approach to public service transformation and its current review of assets to support asset based community development and increase neighbourhood resilience.**

85 FINANCIAL MONITORING 2013/14 (MONTH 6)

Councillor Phil Davies introduced a report by the Interim Director of Resources which detailed the monitoring position for Month 6 (ending 30 September 2013). Attached to the Director's report were separate appendices for Revenue and Capital.

Councillor Phil Davies informed the Cabinet that the report was very positive in its monitoring of finance and that there was a projected budget under spend of £592,000 that would be earmarked against the future restructuring costs. He also informed that £100,000 was being transferred from various reserves within Regeneration to enhance the existing Open Golf Reserve in respect of the Championship at Hoylake in 2014.

Councillor Phil Davies referred to car parking charges which had attracted a lot of interest across the Borough. Parking charges had been rationalised earlier in the year because of Government pressure and lack of other alternatives for revenue generation.

The Cabinet had noted that revenue had increased from £1.2m to £1.4m over the last year. This income had not been as much as had been projected and was evidence of a number of factors that had impacted on car parking ticket sales e.g. strong competition in some areas from off-street private parking contractors and a decrease in car use as people found other forms of transport. The country was still in recession and people had less money to spend and were being more careful about how they spent it.

Councillor Phil Davies requested that Officers look at best practice elsewhere and other evidence bases and report back so the Cabinet could make an informed decision on the budget.

Councillor Phil Davies made reference to opposition Members' criticism and urged them to be more responsible when commenting on car parking charges and the perceived damage being caused to local businesses, particularly as they were not putting forward alternative ideas that would generate income.

RESOLVED: That

Revenue

- (1) the monitoring position of a forecast under spend of £592,000 for month 6 be noted;**
- (2) the Cabinet approves the transfer of £100,000 of various reserves within the Regeneration and Environment Directorate to enhance the existing Open Golf Reserve;**

Capital

- (3) the spend to date at Month 6 of £11.9 million, with 50% of the financial year having elapsed be noted;**
- (4) the impact of the revised Capital Programme realising a one off saving of £0.8 million in 2013/14 be noted.**
- (5) the revised Capital Programme of £44.185 million (Table 1 at 4.1 in the report) be noted;**
- (6) the re-profiling of a number of schemes into 2014/15, totalling £5.551 million be noted; and**
- (7) the use of additional grants (Sustrans £0.236 million, 3G sports pitches £0.230 million and HLF £0.395 million) to expand the respective programmes referred to in Table 2 be noted.**

86 TREASURY MANAGEMENT PERFORMANCE MONITORING 2013/14

The Cabinet approved the Treasury Management and Investment Strategy at the beginning of each financial year. This identified proposals to finance capital expenditure, borrow and invest in the light of capital spending requirements, the interest rate forecasts and the expected economic conditions. At the end of each financial year the Cabinet received an Annual Report which detailed performance against the Strategy.

Councillor Phil Davies informed that the approach that the Council had taken had been commended as an example of good practice and it was now considered to be an innovative Council in the way it invested its funds.

Councillor Phil Davies introduced a report by the Interim Director of Resources which presented a mid-review of Treasury Management policies, practices and activities during the first half of 2013. It confirmed compliance with treasury limits and prudential indicators being prepared in accordance

with the revised CIPFA Treasury Management Code and the revised Prudential Code for Capital Finances in Local Authorities.

The Interim Director's report also estimated that there would be an under spend of £0.75 million from all Treasury Management activities in 2013/14.

Councillor Phil Davies drew attention to the fact that the Council had £2m deposited with Heritable Bank, a UK registered Bank, at an interest rate of 6.22% which was due to mature on 28 November 2008. The Company had been placed in administration on 7 October 2008. Members had received regular updates regarding the circumstances and the latest situation. In March 2009 an Audit Commission report had confirmed that the Council acted, and continued to act, prudently and properly in its investment activities. To date, £1,980,321 had been received with further payments due from the administrators, Ernst & Young. The amounts and timings of future payments were estimates as favourable changes in market conditions and could lead to higher than estimated repayments.

If Heritable Bank was unable to repay in full, a pre-emptive claim against Landsbanki Islands HF had been made for the difference. When the original investment had been made it was with Landsbanki Islands HF providing a guarantee to reimburse the Council should Heritable be unable to repay. The Cabinet noted that Landsbanki Islands HF was also in Administration.

Councillor Phil Davies thanked everyone involved in Treasury Management Performance Monitoring for their hard work.

RESOLVED: That

- (1) the Treasury Management Performance Monitoring Report be accepted in meeting the Council's obligations under the Treasury Management Code; and**
- (2) the estimated under spend of £0.75 million in 2013/14 which has been incorporated into the Council Financial Monitoring report be noted.**

87 **KEY MESSAGES FROM THE IMPROVEMENT BOARD**

The Cabinet received the key messages from the LGA Wirral Improvement Board meeting held on 27 September 2013. The meeting had focused on:

- the Effective Planning and Delivery of the Efficiencies;
- demonstrating Corporate Health; and
- the Effective Assurance Framework.

Councillor Ann McLachlan informed that the Improvement Board had been meeting for 18 months to offer guidance and support to improve the Council's corporate governance, following a number of external reports which had highlighted its failings. She also informed that the Board had commissioned its Chair, Joyce Redfearn to carry out a review to ascertain what 18 months of sector-led improvement approach had achieved when allied with an organisation that had been determined to improve and had acted on that determination and to consider the Board's role in providing future support to the Council.

The Draft Review Report was now subject to a short period of consultation running from 6 – 15 November 2013. This report would be considered by the Policy and Performance Co-ordinating Committee at a Special meeting on 13 November 2013, the Audit and Risk Management Committee at a Special meeting on 14 November 2013 and at a public meeting of the Improvement Board on 15 November 2013. The feedback would then be considered and the final report would be debated by the Board at its meeting on 29 November 2013.

Councillor Ann McLachlan set out the Draft Report's highlights and informed that the Final Report would be considered by the Cabinet at a meeting in December 2013.

Councillor Phil Davies encouraged all Members to read the Draft Report. He informed that Wirral Council was the first Council in the country to champion this approach to improvement. There was still work to do but external experts agreed that the Council had improved and was moving forward in an appropriate way. Councillor Phil Davies also thanked Councillor Ann McLachlan for leading the improvement work and informed that he looked forward to reviewing the comments received on the Draft Report.

RESOLVED:

That the Key Messages from the LGA Wirral Improvement Board be noted.

88 **FOXFIELD SCHOOL CONSULTATION**

Foxfield School was located on Douglas Drive, Moreton, and was a local authority maintained special school for boys and girls aged 11 to 19, who had statements of special educational needs because of complex learning difficulties. The national Priority School Building Programme had given the Council the opportunity to rebuild Foxfield School at a cost in the region of £7.5m. The current school had not been purpose built, and increasingly was not fit for purpose and the site was too small for a large construction project to be undertaken, whilst the school and its pupils remained in its current building.

Councillor Tony Smith introduced a report by the Director of Children's Services which reminded the Cabinet that at its meeting on 11 July 2013 it had made the decision that, following consultation with governing bodies, staff, parents and other stakeholders, statutory notices should be published regarding the proposed relocation of Foxfield Special School from its current site in Moreton to Woodchurch.

The Notices had been published on 17 July 2013. The Director's report detailed the outcome of the subsequent representation period and recommended that the proposal be approved.

Councillor Tony Smith praised the work that Officers had carried out in order to secure the £7.5m grant for the School. He informed that when the new School was built it would be available for community use.

Councillor Phil Davies congratulated and also thanked all the Officers who had been involved. He told the Cabinet that it was an excellent project that would provide youngsters with a high quality education.

RESOLVED: That:

- (1) the statutory proposed alteration to transfer the site of Foxfield School from its current site in Moreton to the proposed site at Carr Bridge Road, Woodchurch, be approved; and**

{This recommendation is conditional to the grant of Planning Permission under Part 3 of The Town and Country Planning Act 1990 by November 2014.}

- (2) the Director of Children's Services be authorised to take all necessary steps to ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State in furtherance of the proposal.**

89 THE OUTCOMES FOR LOOKED AFTER CHILDREN SCRUTINY REVIEW

A report by the Chair of the Families and Wellbeing Policy and Performance Committee, provided background information on the report of the Looked After Children Scrutiny Review (appended to it), which had been approved by the Families and Wellbeing Policy and Performance Committee and referred to Cabinet for further consideration.

Councillor Phil Davies informed the Cabinet that he considered this review to be an important piece of scrutiny and that the work carried out by the Task and Finish Group (Councillors Wendy Clements, Walter Smith and Pat Williams) had been exemplary.

Councillor Wendy Clements, Chair of the Families and Wellbeing Policy and Performance Committee was in attendance at the meeting and proceeded to introduce the very detailed report drawing attention to its 25 recommendations. She informed the Cabinet that it was imperative that every part of the Council should strive to improve the aspirations of its looked after children.

Councillor Tony Smith told the Cabinet that the Looked After Children Scrutiny Review was an excellent piece of work that brought home how important it was to be involved with the children, to know what they were doing and to obtain the best possible outcomes for them. He considered it very important for the Task and Finish Group to revisit its recommendations in twelve months time and for the Cabinet to receive a further report to assist it to monitor the progress made on the recommendations.

RESOLVED:

- (1) the Scrutiny Task and Finish Group be thanked for its report and it be congratulated on this excellent example of effective scrutiny;**
- (2) all the recommendations set out in the Outcomes for Looked After Children Scrutiny Review Final Report be accepted;**
- (3) a progress report be requested for the Cabinet to consider in twelve months time; and**
- (4) a Seminar be arranged for all Members of the Council to discuss the report and its recommendations.**

90 **BYRNE AVENUE RECREATION CENTRE, BYRNE AVENUE, ROCK FERRY**

Councillor Chris Meaden left the meeting whilst this matter was under consideration.

A report by the Head of Universal and Infrastructure Services summarised the present position in respect of the Byrne Avenue Recreation Centre, sought authority to take possession of the building from the Byrne Avenue Community Trust, declare the property surplus to the Council's requirements and progress with disposal of the property.

Ben Harrison of the Byrne Avenue Community Trust (BACT) was in attendance at the meeting and Councillor Phil Davies invited him to address the Cabinet. Mr Harrison relayed the history of the Recreation Centre and informed of the very interesting journey the Trust had embarked upon as it had campaigned to reopen the building, signed the lease in 2011 and struggled to find bodies, that were not already oversubscribed, that would

provide grants to assist the project. The fact that the building was closed had meant that the Trust was not eligible for a lot of grants.

Mr Harrison informed that there had been set backs. The building had been broken in to and lead had been stolen from the roof. However, some progress had been made. A project manager had been recruited and some low level funding had been secured to make the building look more presentable.

The Director's report informed that the BACT had been unsuccessful in securing funding to completely refurbish the building. Its proposal to carry out the work in two phases, using the Community Fund £350,000 for phase one, gave no assurances that the funds for phase two would be secured. In the absence of a Business Plan, any phased development would be difficult to support as Phase one would see the refurbishing of the pool which was commonly the loss-making activity in a Sports Centre and would need to be supported by more profitable dry activities.

The building could, therefore, remain partly refurbished indefinitely. The lease had been subject to the condition that BACT would secure all the funding within twelve months of signing the lease and the building would be completely refurbished, prior to opening. The deadline for securing the funding and submitting the business plan had been 10 February 2013 and, therefore, the lease had expired.

The Council's Disposal Policy set out the procedure for the disposal of surplus assets. The sale could proceed on the open market with the existing building or a cleared site. It was noted that the sale of the existing building would remove all liability from the Council and there would be no delay in marketing the building. The market would determine whether the building was refurbished and reused or demolished and the site redeveloped. The risk was that, on disposal, the Council would have no further control over the building which could be left vacant and unused by the purchaser and, therefore, may become vandalised and detrimental to the surrounding area.

A sale of the cleared site would require the demolition of the building. Demolition costs, including a type three asbestos survey, were estimated at £160,000. There was no budget identified to meet this expenditure. This option would ensure the building was not left empty for a long period but would remove the possibility of the building being reutilised.

The Cabinet was informed that any delay in disposing of the building would result in additional empty property costs.

BACT now wanted to move forward in phases utilising the £350,000 from the Community Fund, drawing it down in tranches. Mr Harrison told the Cabinet that there was match funding secured. Scottish Power would provide £20,000

and an anonymous business man had come forward and offered to donate £300,000 and would also make up any shortfall. Mr Harrison considered that this presented a golden opportunity to preserve a historic building, to create up to twenty new jobs and provide a good sporting and community facility.

The Assistant Chief Executive was in attendance at the meeting and Councillor Phil Davies invited him to respond to Mr Harrison. He informed that the Council had given Byrne Avenue Recreation Centre careful consideration and was aware of its importance to local people. People had been trying to make the building work since 1995. It was a surplus asset to the Council. There was generous pool provision in the Borough so this initiative was not about meeting a need.

The building had continued to deteriorate and no business case had been provided. The Assistant Chief Executive now estimated that three or four times the initial amount that had been proposed was now required to bring the Recreation Centre up to an appropriate standard. The building had significant maintenance needs and the Structural Engineer had informed that it had a particular structural problem and it had been estimated that it would cost £1m to carry out the work required.

The Assistant Chief Executive informed that however, well intentioned BACT was, it may not be successful in obtaining the funding required to refurbish the building. He informed that over the last ten years the Council had built nine Sports Halls. Consequently, the Borough had enough wet and dry capacity already.

The Assistant Chief Executive reported that £700,000 would not be enough to set the building up for a long term future. It would have to be brought up to a modern standard. The more the Council looked at it the more concerns it had e.g. blocking, the quantity of asbestos etc. There was no quick solution and the temporary way the building had been secured would need to be rechecked. It was in such a state of disrepair, to the extent that it was not a good neighbour to the neighbouring properties.

Councillor Adrian Jones informed that he was unhappy at the prospect of losing part of local history. However, he accepted that the professional report and photographs showed that the Recreation Centre had incredibly advanced rot and decay. The generous amount promised from the anonymous donor would only, at best, allow the building to be patched up. In its present state, the Recreation Centre would need £2 to £3m spent on it. Therefore, the only realistic option, unfortunately, was to support the recommendations set out in the report.

Councillor Phil Davies told the Cabinet that the Recreation Centre was in a desperately sad condition which was more serious than originally thought. £700,000 would not be enough to bring it up to the standard of safety required

for public use. There were alternative facilities nearby e.g. Prenton School for Girls, The Oval. Consequently, an investment of £350,000 in the building, regretfully, could not be seen as a wise investment for the Council to make.

RESOLVED: That:

- (1) possession of Byrne Avenue Recreation Centre be taken from the Byrne Avenue Recreation Trust as the lease ended on 10 February 2013, as the Trust was unsuccessful in securing the necessary funds for the refurbishment;**
- (2) the grant of £350,000 from the Community Fund be withdrawn and re-allocated to support other Community Asset Transfer activities;**
- (3) the asset be declared surplus to the Council's requirements and authority be granted for its disposal in accordance with the Council's disposal policy; and**
- (4) in the event that the asset is to be sold on the open market the existing building be sold by auction.**

The Assistant Chief Executive told Mr Harrison that he acknowledged that the Cabinet's decision was not what the Trust would want. However, the Council would work with it to make a photographic record and would consider what could be recovered to conserve the Recreation Centre's memory.

Councillor Chris Meaden returned to the meeting.

91 **ASSET MANAGEMENT AND DISPOSALS**

Councillor Adrian Jones introduced a report by the Assistant Chief Executive that provided an update on Asset Management and the Council's Asset Management Plan, and set out proposals to generate £20m capital receipts. The Cabinet was asked to note the work in developing its Asset Management Plan, declare a number of sites surplus to the Councils' requirements and to proceed to their disposal.

Councillor Phil Davies drew to the Cabinet's attention the need to make more progress in generating capital receipts.

Councillor Phil Davies also made reference to the Manor Drive site which had been designated for residential development in 2000 in the Council's Unitary Development Plan. As the restriction on development had recently been lifted this opened up the possibility of development of the site and realising a substantial capital receipt. However, Officers were mindful of the interests of Upton pony club who had occupied the site for approximately forty years and whose lease had recently expired. The Council's preference was to work with

the Pony Club over the next year or so to explore the suitability of suitable alternative sites.

The current position was that the lease had not been renewed. Proceedings for possession had been issued and the hearing was scheduled for 21 November 2013. An offer had been made to settle matters. Three e-petitions have been received but these had been rejected whilst court proceedings were pending. The Council was also aware of a petition on a Government web-site.

RESOLVED: That

- (1) the work required to develop a new Council Asset Management Plan be noted;**
- (2) the following sites be declared surplus to operational requirements and officers be instructed to dispose of them in accordance with S123 Local Government Act 1972:**
 - Acre Lane, Professional Excellence Centre; and**
 - the former Rock Ferry High School.**
- (3) the decision on land at Manor Drive be deferred and reconsidered at the next scheduled meeting of the Cabinet when the outcome of legal proceedings will be known;**
- (4) approval be given via the strong leader model, to accept the purchase offers upon sale of identified sites;**
- (5) the outline terms of reference of the Capital Working Group (Disposals) be approved;**
- (6) the continued work relating to office rationalisation and agile working be agreed; and**
- (7) the pilot area review in Moreton be agreed.**

92 **PROPOSED PUBLIC HEALTH CONTRACTING ARRANGEMENTS FOR 2014/15**

Councillor Chris Meaden introduced a report by the Director of Public Health/Head of Policy and Performance that sought approval to progress Public Health's proposed contracting plans for 2014/15.

It was noted that the plans outlined would be subject to final Cabinet approval and sign off (before completions) in February 2014.

RESOLVED: That

- (1) the contents of the report be noted and the contract schedule of activity summarised in Table 2 of the report be agreed; and**
- (2) an update report be submitted to the Cabinet in February 2014, summarising progress against the contracting schedule and seeking final agreement to sign off all contracts for 2014/15.**

93 COMMISSIONING OF CALM MERSEYSIDE

Councillor C Meaden introduced a report by the Programme Lead: Mental Health and Wellbeing that sought agreement to a change in commissioning arrangements for the Merseyside CALMZONE via the champs public health collaborative service within Wirral Council, as agreed by the respective Directors of Public Health.

The Cabinet noted that the report also sought an exception under paragraph 21.1.1 of the Contract Procedure Rules i) "Where there is only one viable contractor".

RESOLVED:

That the Council, via the champs public health collaborative service, commissions MERSEYSIDE CALMZONE directly from the CALM charity on behalf of the participating localities.

94 REABLEMENT AND DOMICILIARY CARE PROCUREMENT - CONTRACT AWARD

Councillor Chris Jones introduced a report by the Director of Adult Social Services about the continuing transformation of Adult Social Care Services and the procurement of market capability and capacity to enable people to remain at home through the provision of high quality Domiciliary Support Services and reablement at home support services that sought to maximise independence and continued self care with appropriate levels of support.

The Council had taken steps to transform the market by tendering for more flexible and responsive domiciliary and reablement services which provided value for money, taking into account the increasing integration of service delivery and commissioning between the Council and its partner organisation, especially Health.

The Cabinet noted that the tender exercise promoted and supported the principles of the ethical charter to drive quality and standards within both the domiciliary and reablement services.

The report confirmed the outcome of the Invitation to Tender and the tender process to establish a Contract Agreement (the contract) for the provision of Domiciliary Support Services and Reablement at Home Care Services. This process had identified successful providers to deliver the services as specified through the procurement process and the report had recommended ratification of this outcome.

Appendix 1 to the report which contained exempt information in accordance with paragraph 3 of part 1 of schedule 12A of the Local Government Act 1972, would be considered in Part 2 of the meeting, once the press and public had been excluded, confirmed the details of the providers recommended for awaiting contracts (Minute No. 103 refers).

The report confirmed that the provision of Reablement at Home Care Services were part of a wider service configuration to develop and implement, with Health partners, a comprehensive Intermediate Care Service. This would provide a dedicated number of Intermediate Nursing Care Home beds and Intermediate Care Multi-Disciplinary Team(s) complementary in nature to reablement at home care services to enable maximisation of people's potential for independence and the prevention of inappropriate long term residential/nursing care home placements. It was envisaged that this comprehensive range of intermediate care services would be fully implemented and effective from April 2014.

Domiciliary Support (also known as Home Care), was the support and help with personal care and household tasks for those that were frail and/or those with long term care needs. Domiciliary Support made it possible for individuals to remain in their own homes, enabling them to maintain personal independence in their local community. Homecare reablement sought to support people to maximise their level of independence and appropriately minimise their need for ongoing homecare support, as such this service ran hand in hand with the provision of domiciliary care support services and explained the joint tender process.

Councillor Chris Jones thanked Jacqui Evans and her Team for their hard work in securing the tenders.

Councillor Phil Davies congratulated all those who had worked on this procurement exercise and referred to the contracts as being fantastic. He thanked the Director of Adult Social Services, Jacqui Evans and everyone involved. He told the Cabinet that this was a very good example and that he would like other Council contracts to be procured along similar lines.

RESOLVED: That

- (1) the granting of contracts to those Providers that have been successful in relation to the tendering process as identified in Appendix 1 (exempt from public report) be approved;**
- (2) in making the recommendations in Appendix 1, it be noted that the Council has given consideration to the following factors and interdependencies:**
 - **Ability to achieve the required market shift at the pace required.**
 - **Monitoring market stability.**
 - **Ensuring robust responsiveness to meet the changing demand in the market place.**
 - **Ability to achieve good outcomes and experience for individuals.**
 - **Ability to achieve quality, continuity of care and support the principles of the ethical care charter.**
 - **Healthy market competition.**

95 OPTIONS APPRAISAL FOR THE FUTURE TREATMENT OF WIRRAL'S KERBSIDE COLLECTED GARDEN WASTE

Councillor Brian Kenny introduced a report by the Head of Environment and Regulation that outlined the options for the processing of all Wirral's kerbside collected garden waste post March 2014. Whilst the Council could legally make a charge for the collection of garden waste it had a statutory duty to dispose, or send for treatment this waste at no additional cost to householders.

It was recommended that the Council joined an existing green waste composting contract between April and October 2014, currently let by Sefton Council, to enable it to take part in a collaborative procurement exercise with all other Merseyside districts. This would ensure Wirral enjoyed the "economies of scale" that a large procurement project was likely to attract and limit the impact of increased processing costs that this industry had experienced over recent years.

Appendix 1 to the report related to the commercial position regarding the existing contract and, therefore, contained exempt information in accordance with paragraph 3 of part 1 of schedule 12A of the Local Government Act 1972 and would be considered in Part 2 of the meeting, once the press and public had been excluded. (Minute No. 104 refers)

The Cabinet was informed that a two-year collaborative green waste processing contract had been let by Sefton Council in November 2011 and

had been extended until 31 October 2014. The contract had been awarded to White Moss Horticulture, which was a family-owned business and producer of horticultural products based in Kirkby. All Merseyside districts were entitled to use this contract at any time, subject to being “invited” by the contractor and operating within limited tonnages. The Council had been formally invited to join this contract from any time up to the expiry date.

The direct delivery gate fee price was highly competitive, due to the larger scale of the contract, and the location of the White Moss Horticulture facility to the Merseyside districts. In addition, White Moss Horticulture was keen to work with the Council, as it was aware Wirral was part of the joint Merseyside procurement proposal.

Officers recommended acceptance of the White Moss Horticulture offer to join that contract upon the expiry of the current contract. This would enable Wirral to fully evaluate the outcome of the joint procurement exercise, and if desired, compare the future gate fee prices to an in-house option in the spring next year, in order to determine Wirral’s future route for garden waste processing.

The Sefton Contract only allowed for the “receiving and treatment” element of the process, based on a direct deliver gate fee price. It was impractical for Biffa to direct deliver to this site, due to the 1.5 hour estimated turnaround time. Therefore, it would be necessary for Wirral to tender for the bulking and haulage of the garden waste for the same period (April to October 2014). The value of this contract would; require Wirral to seek five quotes. Officers had received a quote from White Moss Horticulture which had provided an indication of the approximate cost.

RESOLVED: That

- (1) the Head of Environment and Regulation’s recommendation to pursue the preferred procurement option as detailed in the report be approved;**
- (2) the Council’s full involvement in the proposed collaborative procurement exercise for Merseyside districts through a variant tender or variable pricing methodology (allowing Wirral the flexibility to determine its long-term options) as detailed in the report be approved;**
- (3) the Head of Environment and Regulation be instructed to carry out a feasibility study of delivering composting services in-house through the Parks and Countryside Services section as outlined in the report; and**
- (4) the Head of Environment and Regulation be instructed to report the outcome of the collaborative procurement exercise and**

feasibility study, once the gate fee prices of the joint procurement exercise are known.

96 **HIGHWAY SERVICES CONTRACT 2014 - 2018: AWARD OF CONTRACT**

Councillor Harry Smith introduced a report by the Head of Environment and Regulation that informed of the outcome of the procurement exercise for a new term Highway Services Contract to replace the current contract which ends on 31 March 2014. The Head of Regulation and Regulation recommended awarding the contract to the preferred bidder, based on their tender being the most economically advantageous to the Council.

Parts of the report relate to the commercial considerations of the tenders submitted and their evaluation, together with value for money assessments which utilise price information relating to the preferred bidder's tender and that of the current provider were set out in Appendix 1 to the report and were exempt from public disclosure in accordance with paragraph 3 of Part 1 of schedule 12A of the Local Government Act 1972. This Appendix would be considered in Part 2 of the meeting once the press and public had been excluded. (Minute No. 105 refers)

The Cabinet noted that the maintenance of highways was a statutory duty imposed on the Council as a Highway Authority. The maintenance of the highway infrastructure also underpinned the regeneration of local communities and the creation of new jobs through providing good transport links.

RESOLVED: That

- (1) the outcome of the procurement exercise described in the report be noted;**
- (2) the outcome of the value for money and external assurance reviews be noted and the proposed approach to resolving outstanding matters set out in the action plan prepared in response to the external review recommendations be noted; and**
- (3) the award of the Highway Services Contract 2014 – 2018 to the preferred bidder, subject to statutory standstill procedures be approved.**

97 **TRAFFIC CONTROL SYSTEMS AND ASSOCIATED EQUIPMENT CONTRACT 2014 ONWARDS - OPTIONS APPRAISAL**

Councillor Harry Smith introduced a report by the Head of Environment and Regulation that informed that the current traffic signal maintenance contract would expire on 31 March 2014 and the Council needed to put in place a

contractual arrangement to ensure that essential maintenance of the traffic signal installations across the Borough could be carried out.

The Head of Environment and Regulation had undertaken an options appraisal on a range of contract options for consideration by Cabinet. This options appraisal had been undertaken using methodology from Local Partnerships, a body jointly owned by HM Treasury and the Local Government Association. The options appraisal report was attached to the report at Appendix 1.

The outcome of the options appraisal indicated that a traditional contract operating over a four-year term, with the possibility of a two-year extension was the preferred outcome to achieve the Council's objectives and be in place by 1 April 2014. The Restricted Accelerated Contract Procedure was recommended to procure the new contract.

RESOLVED: That

- (1) the process to implement a new four-year traffic signals maintenance contract of an approximate value of £350,000 per annum with the option of a two year extension, subject to satisfactory contract performance and value for money being demonstrated be approved; and**
- (2) the contract be procured through a competitive tendering process using the Restricted Accelerated Contract Procedure.**

98 **EMERGENCY ACCOMMODATION PROVISION FOR 16 AND 17 YEAR OLDS**

Councillor George Davies introduced a report, of the Strategic Director – Regeneration and Environment that sought the Cabinet's approval to commission, on a pilot basis, an emergency accommodation service for homeless 16 and 17-year-olds, where there was an assessed need and this was the most appropriate accommodation.

The Cabinet was informed that the Children and Young People's Department when presented with a 16/17 year old that was homeless and unable to safely remain with family and friends had a statutory duty to secure appropriate accommodation for the young person. Currently, when emergency accommodation was required, a bed-space would be procured on an individual spot-purchase basis.

The proposed emergency accommodation service would be funded through a combination of Supporting People Programme Grant and Housing Benefit. The 100% subsidy by Central Government attracted by Housing Benefit would

represent a saving against the current spot-purchase method of obtaining this type of accommodation for young people.

The report had an Appendix containing specific financial information relating to this proposal. Due to the commercial sensitivity of this information, and the potential for its disclosure to disadvantage the Council in any future tendering exercise, it was considered that the Appendix should be considered exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It would be considered in Part 2 of the meeting once the press and public had been excluded. (Minute No. 106 refers)

RESOLVED:

That the commission of emergency accommodation for 16 and 17 year olds on a two-year pilot basis as set out in the report in accordance with paragraph 21.1.1(v) of the Council's Contract Procedure Rules the requirements of which are met (E120 new contract procedural rules), be approved.

99 **DIRECTOR OF RESOURCES**

Councillor Phil Davies introduced the new Director of Resources, Vivienne Quayle who had previously worked for Cheshire East Council and who was in attendance at the meeting along with Jim Molloy, who had previously been acting as Interim Director of Resources. Mr Molloy was thanked for the excellent work he had undertaken whilst in the Interim role.

100 **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.

101 **REQUEST FOR FINANCIAL ASSISTANCE THROUGH REGIONAL GROWTH FUNDING (1)**

Councillor Pat Hackett introduced a report of the Strategic Director – Regeneration and Environment that sought approval to provide a grant to the company named in the report.

RESOLVED:

- (1) a grant be approved towards the “Offshore Energy Capacity Building Project” being undertaken by the company named in the report, to be paid over two years, from the date of the signing of the legal agreement; and**
- (2) the Head of Legal and Member Services be authorised to draw up and sign the legal agreement between the Council and the business based upon the content of the report and subject to the detailed contracting process.**

102 REQUEST FOR FINANCIAL ASSISTANCE THROUGH REGIONAL GROWTH FUNDING (2)

Councillor Pat Hackett introduced a report of the Strategic Director – Regeneration and Environment that sought approval for a grant for the company named in the report to assist its business expansion project.

This report had been considered and agreed by the Cabinet at its meeting on 10 October 2013 (Minute No. 81 refers). However, approval to the publishing of the general Exception Notice from the Chair of the Regeneration and Environment Policy and Performance Committee had been overlooked by the relevant section, prior to the meeting. This approval had now been obtained from the Chair but it was considered appropriate, under the circumstances, to re-present the report to Cabinet.

RESOLVED: That

- (1) a grant be approved towards the business Development Project being undertaken by the company named within this report, to be paid over two years, from the date of the signing of the legal agreement; and**
- (2) the Head of Legal and Member Services be authorised to draw up and sign a legal agreement between the Council and the business based upon the content of the report and subject to the detailed contracting process.**

103 EXEMPT APPENDIX - REABLEMENT AND DOMICILIARY SUPPORT PROCUREMENT - CONTRACT AWARD

The Cabinet noted the detail of the exempt appendix to Item No. 12 on the agenda – Reablement and Domiciliary Care Procurement – Contract Award (Minute No. 94 refers).

104 **EXEMPT APPENDIX - OPTIONS APPRAISAL FOR THE FUTURE TREATMENT OF WIRRAL'S KERBSIDE COLLECTED GARDEN WASTE**

The Cabinet noted the detail of the exempt appendix to Item No. 13 on the agenda – Options Appraisal for the Future Treatment of Wirral's Kerbside Collected Garden Waste (Minute No. 95 refers).

105 **EXEMPT APPENDIX - HIGHWAY SERVICES CONTRACT 2014 - 2018**

The Cabinet noted the detail of the exempt appendix to Item No. 14 on the agenda – Highway Services Contract 2014 – 2018: Award of Contract (Minute No. 96 refers).

106 **EXEMPT APPENDIX - EMERGENCY ACCOMMODATION PROVISION FOR 16 AND 17 YEAR OLDS**

The Cabinet noted the detail of the exempt appendix to Item No. 16 on the agenda – Emergency Accommodation Provision for 16 and 17 Year Olds (Minute No. 98 refers).