

CABINET

Thursday, 9 October 2014

<u>Present:</u>	Councillor	P Davies (Chair)	Leader of the Council
	Councillors	AR McLachlan	Governance, Commissioning and Improvement
		G Davies	Neighbourhoods, Housing and Engagement
		AER Jones	Support Services
		C Jones	Adult Social Care and Public Health
		C Meaden	Leisure, Sport and Culture
		P Hackett	Economy
		Tony Smith	Children and Family Services
		B Mooney	Environment and Sustainability
		S Whittingham	Highways and Transport

MARK DELAP - PRINCIPAL COMMITTEE OFFICER

The Cabinet stood in silence for one minute in tribute to Mark Delap, Principal Committee Officer, who had died suddenly on 29 September 2014.

59 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor S Whittingham declared a personal and prejudicial interest in Item No. 13 on the agenda – Revision of Constitution Arrangements for Wirral Partnership Homes Trading as Magenta Living to Enable a Proposed Group Structure (Minute No. 71 refers.) by virtue of his membership of the Board of Magenta Homes.

60 MINUTES

RESOLVED:

That the Minutes of the last meeting of the Committee held on 11 September 2014 be confirmed as a correct record.

61 FINANCIAL MONITORING 2014/15 (MONTH 5) - REVENUE

The Leader of the Council introduced a report by the Director of Resources which set out the revenue position for 2014/15, which at Month 5 (August 2014) showed a projected General Fund overspend of £3.19 million (1.3% of the net revenue budget). This was an improvement compared with a projected overspend reported at month 4 of £3.68 million. The report also

provided further details of the measures being undertaken to address the General Fund overspend as requested by the Cabinet when it considered the Month 4 report at its 11 September 2014 meeting (Minute No. 46 refers).

The Cabinet noted that the projected overspend originated in the main from the Families and Wellbeing Directorate. Adult Social Services were currently projecting a £2.7 million overspend. This was mainly due to slippage or non-delivery of in-year savings and demand pressures. The Children's area of the Directorate was also forecasting an overspend of £543,000. This was mainly due to non-achievement of in year transport savings as well as the costs of external residential placements. It was noted that a series of management actions were taking place within the Families and Wellbeing Directorate to help compensate and/or limit any variances.

Appended to the report was the Revenue Monitoring and Reporting Timetable 2014/15, the General Fund Revenue Budget 2014/15 agreed by the Council on 25 February 2014, Monitoring Full Details, Growth and Risk, Income and Debt and Accounts Receivable.

The Leader informed that there were ongoing pressures within the two Departments and that officers were working hard to address the particular issues and keep within budget. It was both difficult and challenging within the Departments because the pressures being faced were demand led.

RESOLVED: That

- (1) the Cabinet notes that at Month 5 (August 2014), the full year forecast projects a General Fund overspend of £3,189,000; and**
- (2) Cabinet notes the risks relating to non delivery of savings as detailed within the report and the continued requirement for mitigation and actions to be identified.**

62 FINANCIAL MONITORING 2014/15 (MONTH 5) - CAPITAL

The Leader of the Council introduced a report by the Director of Resources which set out the capital position for 2014 to Month 5 (August 2014) and the Cabinet noted that, at this stage of the year, no variances had, as yet, been identified which would impact on the forecasted year end outturn.

The report provided information which outlined the 2014/15 Capital Programme and the sources of funding. Appended to the report were the Revised Capital Programme and Funding and Capital Receipts.

RESOLVED: That

- (1) the spend to date at Month 4 of £9.8 million, with 42% of the financial year having elapsed be noted;**
- (2) the revised Capital Programme of £60.5 million be agreed; and**
- (3) the Capital Programme be amended to include the Flood Risk Management works funded by Grant (£15,000) referred to in paragraph 3.28 of the report.**

63 STATEMENT OF ACCOUNTS 2013/14

The Leader of the Council introduced a report by the Director of Resources that informed that the Council's Constitution allocated responsibility for the approval of the Statement of Accounts to the Audit and Risk Management Committee. The draft statement for 2013/14 published on 30 June 2014 had been subject to audit by Grant Thornton, the Council's External Auditors, and their findings had been presented to the Audit and Risk Management Committee at its meeting on 17 September 2014. The Cabinet noted that the Statement of Accounts 2013/14 had been published on 30 September 2014 – the statutory deadline for publication.

The Statement of Accounts had included the Merseyside Pension Fund (MPF) accounts as Wirral Council was the Administering Authority for MPF. As the MPF received a separate Audit Findings report it had been considered by the Pensions Committee at its meeting on 15 September 2014 and by Audit and Risk Management Committee at its meeting on 17 September 2014, as part of the process for approving the accounts.

Appended to the report was the Independent Auditor's Report to the Members of Wirral Council (as contained in the Statement of Accounts 2013/14).

The Leader informed that the Auditor's Report and Opinion identified that all five areas of assessment under Accounting, Policies and estimates were rated as green and this was positive and encouraging. Besides commenting on the Financial Statements Grant Thornton had also reported on the Councils' arrangements for securing economy, efficiency and effectiveness in the use of resources for the year ended 31 March 2014. For 2013/14 Grant Thornton concluded that the Council had in place proper arrangements for the year ending 31 March 2014. The Cabinet noted that significant progress had been made here because this had not been the case in 2012/13 when the Auditor's had provided an adverse conclusion.

RESOLVED: That

- (1) the Statement of Accounts 2013/14 and the Grant Thornton Audit Findings Report and Value for Money Report be noted; and**
- (2) progress on delivering the actions identified in the Value for Money Report be monitored by Audit and Risk Management Committee.**

64 **ANNUAL GOVERNANCE STATEMENT 2013/14**

The Cabinet Member - Governance, Commissioning and Improvement introduced a report by the Chief Executive that informed that the preparation and publication of an Annual Governance Statement (AGS) was necessary to meet the statutory requirement set out in the Accounts and Audit (England) Regulations 2011, Regulation 4(3).

Attached to the report as Appendix 1 was the final Annual Governance Statement for the Cabinet's approval. The Cabinet noted that it was necessary for the Council to have approved and adopted a Code of Corporate Governance that complied with the principles of the CIPFA/SOLACE Framework, Delivering Good Governance in Local Government; and to report publicly, through the Annual Governance Statement, the extent to which the governance processes outlined in the Code were operating effectively in practice.

The Cabinet noted that the Framework identified six core principles of good governance:

1. Focussing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area.
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles.
3. Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
5. Developing the capacity and capability of Members and Officers to be effective.
6. Engaging with local people and other stakeholders to ensure robust accountability.

This was a very encouraging report and the Cabinet Member thanked the officers involved, across all of the Council's departments for their hard work which had culminated in an unqualified opinion in all areas.

RESOLVED:

That the Annual Governance Statement for 2013-14 be approved.

65 **HEALTH AND SOCIAL CARE INTEGRATION. THE BETTER CARE FUND (BCF) 2014 RE-SUBMISSION**

Councillor B Mooney declared a personal interest in this item of business by virtue of her employment with Age UK.

The Cabinet Member - Adult Social Care and Public Health introduced a report by the Director of Adult Social Services and the Chief Clinical Officer CCG which provided an update on the Better Care Fund re-submission put together on behalf of the Council and Wirral Clinical Commissioning Group. Appended to the report was Wirral's Better Care Fund Plans for Integrated Commissioning of Health and Social Care – Executive Summary September 2014.

The Cabinet was informed that the Better Care Fund was explicitly intended to facilitate the integration of Health and Social Care systems at a local level. The Health and Wellbeing Board had a critical role in influencing and monitoring progress in relation to integration and had a key role in signing of submissions.

NHS Wirral Clinical Commissioning Group (CCG) and the Council were required to resubmit a final 'Better Care Plan' for 2015/2016 to NHS England on 19 September 2014, following approval by the Wirral Health and Wellbeing Board on 17 September 2014, explaining how they intend to improve local services.

The Cabinet was also informed that following the original submissions in April 2014, NHS England had advised that they would be requesting further detailed work nationally, in response to feedback received from the Local Government Association, the Department of Health and Acute Trusts. On 11 July 2014, Andrew Ridley, Managing Director of North and East London Commissioning Support Unit had made clear his intentions regarding a 'pay for performance' framework.

Revised high level guidance had been circulated on 25 July 2014, with revised full guidance and the documents being used on 18 August 2014. The Cabinet was informed of the detail.

NHS Wirral Clinical Commissioning Group (CCG) and the Council had agreed through Vision 18, with key providers, a level of ambition of 15% reduction in emergency admissions over three years and to achieve this had recommended 25 schemes, under four themed areas.

The Cabinet noted that the revised guidance clarified the performance related element, focussing on delivery of the reduction in non-elective admissions, 5% for 2015 / 2016. Payment would be related to delivery of the target. Potential funding would be held to mitigate the impact of non delivery and acute pressure.

RESOLVED:

That the Better Care Fund final re-submission approved at Health and Wellbeing Board be noted.

66 **CHILD SEXUAL EXPLOITATION**

The Cabinet Member - Children and Family Services introduced a report, by the Director of Children's Services, which had been written following the enquiry into Rotherham Metropolitan Borough Council by Professor Alexis Jay, published in August 2014. The report outlined the issues arising from the Rotherham Enquiry and provided details of work that was taking place to address Child Sexual Exploitation (CSE) in Wirral, and future work that was planned.

The Cabinet noted that CSE was tackled effectively when there was clear and committed leadership and where safeguarding professionals co-operate together. In Wirral, direction was provided through the Local Safeguarding Children Board and a regional approach to strategic partnership working. Section 5 of the Director's report set out a plan of action, to be delivered with key partner agencies, to identify and support young people at risk of CSE. It explained the range of responses and services that were provided and how greater engagement of the community would support early identification of the risks.

Cabinet Members agreed that it was important that lessons were learnt from what had happened in Rotherham and the action plan was welcomed. It was also agreed that Elected Members needed to be more vigilant and the CSE training they were to receive in November 2014 was also welcomed.

RESOLVED: That

- (1) the content of the report be noted and the action plan be endorsed; and**
- (2) regular reports be provided for the Cabinet on CSE so that the situation can be kept under review and continuously monitored.**

67 **WIRRAL CLIMATE CHANGE STRATEGY 2014-19**

Cabinet Members - Support Services and Environment and Sustainability introduced a report by the Assistant Chief Executive which set out a new climate change strategy for Wirral. The strategy set a framework for action over the next five years to reduce greenhouse pollution and to help ensure Wirral adapted to unavoidable changes in the climate. The strategy had been developed via the Wirral Climate Change Group in accordance with a previous Council decision. Cool – Wirral Climate Change Strategy 2014 – 2019, July 2014 was appended to the report.

RESOLVED: That

- (1) the strategy be endorsed by the Council as the agreed framework to encourage and co-ordinate local climate-related action in Wirral; and**
- (2) the Cabinet be provided with an update on climate change and specifically its effect in relation to Wirral, on an annual basis.**

68 **STREET LIGHTING STRATEGY**

The Cabinet Member - Highways and Transportation introduced a report by the Strategic Director, Regeneration and Environment which set out a comprehensive review of the Council's approach to managing and maintaining street lighting, included a street lighting strategy and action plan (Appendix 1), and replaced the earlier budget savings option of switching off street lights (Appendix 2).

The Cabinet noted that the maintenance of highways, including street lighting, was a statutory duty imposed on the Council as the Highway Authority for Wirral.

The Cabinet also noted that the development of the approach proposed would result in a reduction in energy consumption and a subsequent reduction in the carbon levy. Also, the future maintenance costs would be reduced resulting in greater savings to the Council.

RESOLVED: That

- (1) the proposed Street Lighting Strategy and Action Plan be approved;**
- (2) the £4.3 million Capital funding required be endorsed and referred to Council for approval and inclusion in the Council's Capital Programme; and**

- (3) the ceasing of the 2014/15 budget saving of £85,000 from the switching off of street lights be approved and this be referred to the Council for its approval for it to be met from:
- (a) replacing with compensatory 'one-off' savings from approved budgets within the Environment and Regulatory Service in 2014/15; and
 - (b) subsuming within the planned savings from the implementation of new strategy from 2015/16.

69 **WIRRAL PARKS AND OPEN SPACES STRATEGY 2014 - 2024**

The Cabinet Member - Leisure, Sport and Culture introduced a report by the Strategic Director, Regeneration and Environment which provided the Cabinet with a strategy to guide future parks and open space service planning and delivery and partnership working over the period 2014-2024.

The Wirral Parks and Open Spaces Strategy 2014 – 2024 was appended to the report and contained policies and actions to support the local economy and population's health, to provide a network of good quality parks and open spaces, to increase volunteer input and partnership working, to support biodiversity, to improve environmental sustainability, to increase innovation and to achieve a sustainable business model. Key policies included a Wirral Quality Standard and increasing involvement of Friends Groups.

RESOLVED:

That the Wirral Parks and Open Space Strategy 2014-2024 be approved.

70 **AMENDMENT TO THE SCHEME OF DELEGATION - ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014**

The Cabinet Member - Neighbourhoods, Housing and Engagement introduced a report by the Chief Executive which provided a summary of the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 and detailed proposed amendments to the Scheme of Non-Executive Delegation of Functions to Officers within the Council's Constitution to enable enforcement actions under the Act to be exercised.

Appended to the report were:

- Appendix 1 - Anti-Social Behaviour, Crime & Policing Act 2014: The new toolkit; and
- Appendix 2 - Proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution.

RESOLVED: That

- (1) the update on Anti-Social Behaviour, Crime and Policing Act 2014 as set out in the report be noted; and**
- (2) the Council be recommended to approve the proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution as set out in Appendix 2 to the report.**

Councillor S Whittingham left the meeting whilst the next item of business was under discussion.

71 **REVISION OF CONSTITUTION ARRANGEMENT FOR WIRRAL PARTNERSHIP HOMES TRADING AS MAGENTA LIVING TO ENABLE A PROPOSED GROUP STRUCTURE**

The Cabinet Member - Neighbourhoods, Housing and Engagement introduced a report by the Director of Regeneration, Housing and Planning which informed of proposals to develop a group structure for Magenta Living and sought support at a General Meeting of the Company for the changes. Appended to the report was Magenta Living's proposed new group structure – Heads of Terms.

The Cabinet was informed that Magenta Living's Board had agreed to establish a group structure in order to be able to provide a wider range of services to its customers. Magenta Living would become a member of the new group which would have a new Registered Provider at its head, allowing Magenta Living to continue providing social and affordable housing as it currently did.

RESOLVED: That

- (1) the proposal for Magenta Living to enter into a group structure and proposed Heads of Terms be agreed;**
- (2) it be noted that these changes will also require changes in the drafting of the rules of Magenta Living, its constitution;**
- (3) the relevant Council officer be authorised to vote on the changes (and associated matters) proposed and referred to in the report at the forthcoming Magenta Living General Meeting; and**
- (4) this report be referred to the Council meeting scheduled for 20 October 2014 for approval.**

Councillor S Whittingham returned to the meeting.

ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - GRAHAM BURGESS, CHIEF EXECUTIVE - RETIREMENT

The Chief Executive informed the Cabinet that it was his intention to retire as Chief Executive on 31 December 2014 and that he had tendered his notice to that effect. He told Cabinet Members that when he had taken up the post he had felt very strongly that his role was to help shape the transformation of Wirral, and to focus on and move forward some very challenging difficulties that had arisen. The Chief Executive informed that he was now satisfied that the time had come to hand over to someone else who could take a more long-term role in moving the authority forward.

The Chief Executive also informed the Cabinet that when he had joined the authority, his intention had been to stay for around two years. By the time he left, he would have been here longer, both in a permanent and in an interim role. Nevertheless, this had been a very difficult decision for him to make, but with the Corporate Plan agreed and the Budget set to be resolved just before he left it felt like the right time to go.

At the time the Chief Executive joined the authority, the Council had been facing the biggest challenge in its history, after a series of external reports had highlighted major weaknesses. The considerable progress made since then towards stabilising the Council, and making it a more modern, responsive, organisation could not be underestimated. Working with partners there now was a strong, clear ambition for Wirral and for the Council itself.

The Chief Executive reported that during his time at Wirral, the authority had been selected as one of nine authorities to participate in the Public Service Transformation Network, and its improvement had been hailed as the fastest turnaround of any Council in the country. It was now held up by the Local Government Association as an example of best practice. In addition, an independent 'value for money' report by auditors Grant Thornton had found that Wirral had made 'significant progress' in managing the financial risks and challenges it faces.

It was noted that the authority would continue to have difficult decisions to make, in terms of addressing cuts to local authority budgets but the Chief Executive was confident that because of the strong commitment of staff in Wirral to public service, the Council would continue to move forward and provide good quality services. He appreciated the Cabinet's hard work, co-operation, and effort, and thanked Members for continuing to give their best in challenging times.

The Chief Executive informed that he had enjoyed the opportunity to work with the organisations and communities that made Wirral a special place, and that he would continue to take a strong interest in the borough's future. He thanked the people he had worked with, including residents, Councillors,

and staff. He told Cabinet Members that there were many excellent people working for Wirral and wished them all every success as they took the authority forward.

The Leader responded to the Chief Executive on behalf of the Cabinet agreeing that the Council had moved forward significantly since he had taken up his post. He was sorry that the Chief Executive was leaving. He thanked him for his hard work and wished him well in his retirement.

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

RESOLVED:

That, in accordance with section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

74 **TACKLING WORKLESSNESS**

A report by the Strategic Director – Regeneration and Environment informed that the current worklessness support contract was due to cease on 30 January 2015. The report also sought approval to allocate funds from the Council's public health grant to continue activity to tackle worklessness. The report detailed the proposed approach and sought delegated authority for the Strategic Director, in consultation with the Leader of the Council and the Cabinet Member – Economy to progress this.

The report contained commercially sensitive information relating to the future competitive tendering processes, the disclosure of which was not considered to be appropriate. Accordingly, this report was deemed to be exempt from disclosure under paragraph 3, Part 1 of schedule 12A of the Local Government Act 1972 (as amended).

RESOLVED: That

- (1) the allocation from the Council's public health grant to deliver activity to tackle worklessness as detailed in paragraph 5.2 of the report be approved; and**
- (2) authority be delegated to the Strategic Director, Regeneration and Environment, in consultation with the Leader of the Council and Cabinet Member - Economy to progress the proposed approach in order to utilise the funds from public health to tackle worklessness as set out in paragraph 5.3 of the report.**

