



Council

Town Hall
Wallasey

4 March 2015

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 pm on Monday, 14 March 2016** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects : -

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AGENDA

1. DECLARATIONS OF INTEREST

Members of the Council are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

3. PETITIONS

To receive petitions submitted in accordance with Standing Order 21.

4. PUBLIC QUESTIONS

To deal with questions from members of the public, in accordance with Appendix 1 to Standing Orders.

5. MINUTES

To approve the accuracy of the minutes of the meeting of the Council held on 3 March 2016 **(To follow)**

6. LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS REPORTS (Pages 1 - 28)

To receive the written reports of the Leader, Cabinet Members and Chair of the Policy and Performance Coordinating Committee and receive questions and answers on any of those reports in accordance with Standing Orders 10(2)(a) and 11.

7. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 29 - 82)

To consider any recommendations of the Leader, Cabinet, Cabinet Member and Committees which require the approval of the Council. The relevant minutes are attached; copies of the related reports can be provided for Council members on request.

A. Pay Policy (Pages 31- 44)

Minute 67 and the report to Cabinet (25 January, 2016) are attached and the Council is called upon to support the recommendations as listed.

B. Capital Monitoring 2015/16 Quarter 3 (to December 2015) (Pages 47 -56)

Minute 96 and the report to Cabinet (22 February, 2016) are attached and the Council is recommended to agree the revised Capital Programme of £46.9 million which includes the return of the £0.4 million Liverpool City Region Sustainable Transport Enhancement Package grant to Merseytravel.

C. Enforcement Policy – Scheme of Delegation (Pages 57- 91)

The report to Cabinet (7 March, 2016) is attached and the Council is recommended to approve an amendment to the Council's Scheme of Non-Executive Delegation of Functions to Officers.

8. MEMBERS' QUESTIONS

To consider Members' general questions to the Mayor, Cabinet Member or Committee Chair in accordance with Standing Orders 10 (2)(b) and 11.

9. MATTERS REFERRED FROM PLANNING COMMITTEE (Pages 83 - 84)

To consider and determine any references from the Planning

Committee.

The Council is advised that the Notice of Motion, was considered by the Planning Committee at its meeting on 21 October 2016, Minute 98 refers (attached)

10. NOTICES OF MOTION (Pages 85 - 92)

Notices of motion submitted in accordance with Standing Order 7(1), are attached. They are listed in the order received, and the full text of each motion is attached. The Mayor, having considered each motion, in accordance with Standing Order 7(4) has decided that they will be dealt with as follows:

(i) Local Government Funding

To be debated.

(ii) Regeneration and Economic Growth

To be debated.

(iii) Girtrell Court

To be debated.

(iv) Support for our Armed Forces

To be debated.

(v) Backing our Coastal Communities

To be debated.

(vi) Supporting Victims of Domestic Violence

To be debated.

(vii) Tackling Female Genital Mutilation

To be debated.

(viii) Setting Clear Targets for Wirral Waters

The Civic Mayor to refer to Policy and Performance Regeneration and Environment Committee.

(ix) Seeking Fairness in Purchasing

The Civic Mayor to refer to Policy and Performance Transformation and Resources Committee.

(x) Reducing Pedestrian Casualties in Wirral

The Civic Mayor to refer to Policy and Performance Regeneration and Environment Committee.

11. VACANCIES

To receive nominations, in accordance with Standing Order 25(6), in respect of any proposed changes in the membership of committees, and to approve nominations for appointments to outside organisations.

12. ANY OTHER BUSINESS

To consider any other items of business that the Civic Mayor accepts as being urgent.

A handwritten signature in black ink, consisting of several loops and a horizontal line at the bottom.

Head of Legal and Member Services

COUNCIL
14 MARCH 2016

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Phil Davies
CABINET PORTFOLIO	Leader of the Council
CO-ORDINATING CHIEF OFFICER	Eric Robinson, Chief Executive

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. WIRRAL PLAN: 2020 VISION

In July when we launched the Wirral Plan, and the 20 Pledges we will deliver over the next five years, we immediately set to work on making them a reality. Within three months, we had established the Wirral Partnership and agreed the first-ever joint Wirral Plan: a shared set of priorities and goals which the Council, the private, public and voluntary sectors had committed to develop and deliver together. This was a huge step forward and demonstrated that Wirral is beginning to lead the way in transforming public services.

In July when we launched the Plan, and the 20 Pledges we will deliver over the next five years, we immediately set to work on making them a reality. I am delighted that we have now published our first Annual Report, to demonstrate the progress we have made and to provide real examples of where our pledges have started to make a difference.

In July, I called the Wirral Plan 'our contract with the people of Wirral'. I am proud that we are meeting that commitment, and confident that by continuing to talk, share ideas and work hard, we are well-placed to meet the pledges we have made to Wirral residents. I am determined that we provide regular updates on the progress that we are making in partnership to deliver the Wirral Plan pledges in order we can evidence to our residents, local businesses and others with an interest in Wirral the outcomes that are being achieved.

2. LIVERPOOL CITY REGION AND DEVOLUTION

We continue to move forward rapidly to implement Phase 1 of the devolution deal that was agreed with Government back in November. This brings some significant opportunities for helping us to deliver the Wirral Plan and our 20 pledges, and our role in the wider City Region in terms of increased powers and resources for:

- Economic development and energy;
- Transport infrastructure;
- Housing development and planning for growth; and
- Employment and skills

At the same time work is underway to agree the detail of Phase 2, including a specific focus on Health, Wellbeing and Social Care.

In recent years the City Region has emerged from a period of decline to achieve some significant new economic, political and cultural successes. We know we need to build on this, to be ambitious and aim even higher to achieve our goals and potential. This message was highlighted very clearly with the recent launch of the 'State of the City Region' report by the University of Liverpool and Liverpool John Moores University.

This independent and comprehensive report assesses where we are now, where we should go next, how to get there and how devolution might help.

These are exciting times with considerable changes and some fantastic opportunities for our residents and businesses. I will continue to ensure that Wirral plays a key role in driving this forward, and bring back regular updates on this fast moving agenda.

3. COUNCIL BUDGET

The 2016/17 Budget was prepared against the most difficult financial backdrop this Council has ever faced. Ongoing, draconian reductions in funding and a lack of support from Central Government require this Council to make tough decisions.

Once again this Council delivered the most far-reaching consultation and engagement exercise of any authority in the UK. Over 10,000 local people took the time to let us have their views and – as we have demonstrated every year – we carefully considered those views as we set our Budget.

It is important to remember that despite the cuts to our Budget, in 2016/17 this Council will invest more than £250million into improving residents' lives – protecting the vulnerable, improving our environment and encouraging growth.

I am proud that our Administration has once again met its duty to the people of Wirral – taking tough decisions in setting the Budget, identifying innovative solutions to provide sustainable outcomes and is getting on with the job of delivering our 20 Pledges to create a better Wirral for all of our residents.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Ann McLachlan
CABINET PORTFOLIO FOR	Transformation and Improvement
CO-ORDINATING CHIEF OFFICER	Joe Blott, Strategic Director- Transformation and Resources

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. COMMERCIALISATION

As part of our ongoing transformation and move towards Alternative Delivery Models, we are keen to develop the Council's Culture to ensure we are more commercial in approach. To this end we have been exploring what commercial means to us as a Council and have been working with some leading authorities to improve our learning.

Overall, we wish to be in a position to embrace a culture of commercialisation which means:

- Generating Income – doing something that creates income streams that can be deployed for investment in services or new models of service delivery
- Behaving in a more 'business-like' way – effectively adopting some of the positive cultures and behaviours that are often associated with commercial organisations
- Being a 'Commissioning led' Council – creating the separation between commissioning and delivery
- Being 'business friendly' – developing the right culture to promote growth and prosperity

Over the next 6 months, I have asked officers to continue to develop this activity with a view to ensuring that Wirral becomes not only a commercial organisation but one which others will want to learn from.

2. ALTERNATIVE DELIVERY MODELS

Work continues to take place to develop Alternative Delivery Models for the future delivery of services. The areas that are currently being prioritised are

Integrated Health and Social Care, Growth and Transaction and Customer Contact.

The business case is currently being developed in collaboration with Wirral Community Trust for the integrated health and social care vehicle. Stakeholder engagement workshops were held in December for members of the public and staff, and a presentation was made to the Older People's Parliament.

3. THE WIRRAL PLAN DELIVERY ARRANGEMENTS- PERFORMANCE MANAGEMENT FRAMEWORK

The performance management infrastructure to deliver the Wirral Plan currently continues to be developed, with an outcome framework linked to each of the 20 Pledges being defined. The draft framework incorporates indicators to measure the changes that will be made for Wirral residents over the five year life of the plan. The draft framework has been shared with Cabinet members for review.

As Wirral Plan Pledge Strategies are being produced, the performance management arrangements are being embedded within them.

Developments are underway in relation to the training and support requirements to ensure a robust and consistent approach to performance management using the new Wirral Plan Performance Management Framework and toolkit. Additional development work is underway in relation to reporting tools and the development of a single performance management system.

4. CORPORATE RISK MANAGEMENT

An exercise aimed at understanding and articulating the Council's appetite for risks associated with the Wirral Plan is in progress. An online survey of the attitudes of political and executive leaders towards key categories of risk was conducted in December 2015. A report covering the output from the survey is now being prepared by the Risk and Insurance Manager.

Work continues on development of a refreshed corporate risk register that takes account of the strategic vision and tactical approach of the Wirral Plan. Perspectives on key corporate risks were gathered in a series of interviews with SLT members, the Leader of the Council and myself in November and December 2015. These discussions have been analysed by the Risk and Insurance Manager and summarised within a report that is to be presented to SLT in February. The Team will agree which risks are to feature in the revised register. Information needed to fully consider each risk will then be collated and used to populate the revised register, which will be presented to Members.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor George Davies
CABINET PORTFOLIO FOR	Housing and Communities
CO-ORDINATING CHIEF OFFICER	David Armstrong, Assistant Chief Executive

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. GOOD QUALITY HOUSING THAT MEETS RESIDENTS' NEEDS

Since July 2015 I am pleased to say work has been ongoing to seek and secure national investment to support the work to improve the housing offer. Bringing empty homes back into use, improving housing conditions and the provision of new affordable homes continues to progress. 230 affordable homes have been delivered during 2015/2016. I am confident that outputs will increase as further developments go on site. This is evident in the further 84 units which have commenced on site and will complete in the near future.

I am also pleased to report that significant work has been undertaken against our target to improve 2,250 private sector properties by 2020, with just over 800 properties improved to date. A key factor in achieving this level in such a short time has been the success of our Selective Licensing programme. Applications from Landlords are exceeding expectations, with over 1,000 applications received so far. Finally I can report that 129 empties have been brought back into use: going a long way to improving the quality of housing available, the level of accommodation available for local people and also having a greater impact on neighbourhoods as place to live, invest and work.

2. ZERO TOLERANCE TO DOMESTIC VIOLENCE

Domestic abuse is a significant public health issue; affecting one in three women and one in six men. It is a complex issue and as such a large number of partner agencies are involved in commissioning a wide range of services to tackle it. As the Cabinet Member with responsibility for leading on the 2020 pledge I am pleased to report on the progress that has taken place so far in tackling this complex issue.

We are working with 3rd sector and voluntary organisations such as Tomorrow's Women Wirral to provide a peer mentoring scheme to provide more support to

victims of domestic violence and Wirral Women and Children's Aid, which runs a refuge for women in abusive relationships and their families.

I am also pleased to report that a new scheme is in place designed to change behaviours and reduce repeat incidents from within the highest risk group of domestic abuse perpetrators in Wirral. This is one of many future schemes where the pooling of budgets with the Police, National Probation Service and the Council to create one integrated service providing more joined up support works.

Finally I would like to encourage everyone to support the recently launched domestic abuse communications campaign 'Be a Lover not a Fighter'. The campaign was launched officially on 8 February 2016 and will run through to April 2016, and this year it is concentrating on raising awareness of the effect that domestic abuse has on children who witness it.

3. WIRRAL'S NEIGHBOURHOODS ARE SAFE

The recent Ipsos Mori survey has highlighted that Feeling Safe is the most important healthy lifestyle factor Wirral residents.. What is clear is that we must look to do things differently and I am pleased to report that officers are currently working with police looking at even greater integration of services across the Wirral partnership. Some other recent initiatives which have been having a great impact on levels of crime and anti-social behaviour include:

- In December we erected signage and distributed 'Selecta Mark' property marking kits across a number of high vulnerability properties to reduce the risk of burglary.
- As part of Hate Crime Awareness week, over 40 separate agencies signed a new Information Sharing Protocol to assist in tackling Hate Crime across the Borough.

4. COMMUNITY SERVICES ARE JOINED UP AND ACCESSIBLE

Since October 2015 a lot of work has been carried out on producing a 3 year plan to create a new neighbourhood working model for Wirral. Wirral Partnership members have identified key priority areas within the 3 year plan, including:

- Equipping the third sector to support delivery of the Wirral Plan 2020
- Encouraging more residents to be supportive neighbours and to be more active within their neighbourhoods
- Influencing greater collaboration among partners, integrating service delivery against pledge outcomes
- Supporting more residents to influence decisions about their local areas
- Joining up community resources and capacity

We are currently early on in the process of briefing key stakeholders on the neighbourhood working plan, and I am happy with progress to date. I will report on progress of the plan following its presentation to Cabinet in March 2016.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Adrian Jones
CABINET PORTFOLIO FOR	Central and Support Services
CO-ORDINATING CHIEF OFFICER	Joe Blott, Strategic Director- Transformation and Resources

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. ASSET MANAGEMENT

The summary of the major disposals is as follows:

- Acre Lane - The exclusivity period for Morris Homes, the preferred developer, to undertake surveys and present their final offer commenced on 16 November 2015. Their final offer is imminent.
- Manor Drive - Bids have been received for this site, with David Wilson Homes being the preferred developer. Heads of terms are being drawn up to enter an exclusivity period for site investigations to be carried out and a final offer is anticipated very soon.
- Former school sites - Secretary of State submissions have been made for three former school sites: Foxfield School in Moreton; Pensby Park Primary; and Rock Ferry High. Further financial information is required and this is work in progress.
- Former MOD site in Old Hall Road, Bromborough - Members have approved the sale of this site in Old Hall Road, Bromborough, to SamWa (UK) Investment Group. It is proposed to develop an International Trade Centre on the twenty-acre site. Heads of Term are presently being negotiated.
- Hoylake Golf Resort – If this project proceeds the Council will contribute a large proportion of the land holding required by way of a Development Agreement, and new Municipal Course will be created.
- Concerto – An Asset Management System has been activated for school asset data. The “go-live” date for the helpdesk is on track for 30 November 2016. Training and system testing is going well. This is particularly important for future Service Level Agreements with schools - which bring in a significant income of £400,000 p.a. The next phase of the system is now being worked on for implementation.
- Wirral Partnership Asset Group - Local Government Association; support has been secured to assist Asset Management with key office and area reviews and also to establish a wider Wirral Partnership asset group. This exercise will help deliver savings and target service delivery in line with the Pledge Promises.
- Edsential and Wirral Evolutions - Leases have been completed, permitting the re-designated use of premises for these new businesses.

- Bedford Drive Primary School - The new school is planned to open in September 2016. The schools Capital Programme is progressing well and will be hastened by the appointment of framework architectural and other technical services to support officers in delivering larger projects, particularly in meeting additional pupil places.

2. HEALTH, SAFETY & RESILIENCE

Health & Safety

The Health, Safety & Resilience team have undergone a recent restructure and are now part of a larger Corporate & Community Safety Team. This has joined up the Community Patrol Service, the Wirral Anti-Social Behaviour Team along with the existing Health, Safety & Resilience Team.

The major projects that the team has been dealing with recently relate to budget savings options and 2 of the 2020 pledges:

- Ensuring Wirral's Neighbourhoods are Safe; and
- Zero Tolerance to Domestic Abuse

In regards to budget savings options there is one area which sits in Cllr Adrian Jones' portfolio and that is the Occupational Health Service. As a result of a change in service delivery model and a switch to an on-line digital booking system through Self-Serve for all Occupational Health appointments, we will no longer need a Receptionist at the clinic. Therefore the Occupational Health receptionist post is being deleted making the employee redundant.

We continue to provide an excellent health & safety and occupational health service to the majority of our schools and more recently to Wirral Evolutions. These SLA's deliver income to the tune of £160,000 into the Council and the excellent customer satisfaction levels are reflected in a 'buy back' rate of 94% (H&S) and 80% (Occupational Health) respectively.

Flooding

As a result of an extreme weather event last September, over 100 properties experienced internal flooding. These properties were primarily but not all in the Moreton area. Due to the large number of properties affected, a Section 19 (New Floods & Water Management Act) Serious Flooding Incident Investigation was legislatively required and AECOM were commissioned to undertake this piece of work. They are scheduled to provide their findings report at the end of March.

We continue to monitor all weather alerts and cascade information on the various Met Office, Environmental Agency and DoH weather alerts systems to a range of partner and community representatives to ensure they can plan for service delivery accordingly.

External Threats

The current threat level in regards to International Terrorism is SEVERE. Whilst this threat level is described as an attack is highly likely, there is no local intelligence indicating that Merseyside is at imminent threat.

Extreme weather continues to be an increasingly important threat, and the storms which recently affected Scotland and the North of England, demonstrate that these types of events are far more likely than any terrorist related incident.

3. IT

The council is making great progress in reducing its data centre risk. We are in advanced discussions with a public sector partner to share a site with them. The IT Service continues to work with Asset Management to identify a suitable location for the second data centre to enhance the resilience of the ICT Estate in 2016/17.

The IT Service is:

- Working with the Council's Telecommunications Partner (BT) to improve the performance and resilience of the Council's Wide Area Network. This improvement programme is expected to run for most of this calendar year (2016);
- Replacing the Council's IT service management and monitoring tools. The new tools will provide extended user self-service facilities which will improve the service delivered to all users and will also improve the management of PCs and laptops, mobile phones, systems performance, incident and problem management and systems security;
- Working with colleagues across the Council and elected Members to develop a specification for a new CRM system which will be procured and implemented in 2016/17;
- Is upgrading all of the Microsoft Windows Servers used by the Council (approximately 600), as part of the reinvestment in IT to improve systems, in advance of support ceasing in July 2016.

4. TRANSACTION CENTRE

The Transaction Centre was created in May 2015 with a view to streamlining the many processes across the Council for our residents. By drawing these systems together, we have improved our:-

- NNDR collection rate and we are on target to exceed our year-end forecast
- Improved our council-tax recovery rates, dealing with queries more speedily and accurately
- Improved our DHP assessments so they are dealt with as received
- Improved our performance regarding payment of invoices within 30 days. In November it was 87.33%, December was 94.96% and January 2016 is 92.11% against a target of 90%

We were also particularly pleased that we brought in an additional £725,000 to local people via a simple approach Free School Meals / Pupil Premium, something which has attracted national interest.

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CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Christine Jones
CABINET PORTFOLIO FOR	Adult Social Care & Public Health
CO-ORDINATING CHIEF OFFICER	Graham Hodgkinson, Director of Adult Social Services

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. OLDER PEOPLE LIVE WELL

I can confirm that work is progressing quickly towards integrating community health and care services. A project board is working across organisations to ensure that work is kept to plan and that teams are kept fully informed of changes.

Demand for care is very high with around 3000 people a month requesting support. Many people are being offered new types of support to help them to regain their independent living skills, with about half requiring no additional care.

Work to improve people's experience of hospital care has been progressing well, with the council working with a national organisation, Emergency Care Improvement Programme (ECIP). ECIP have remarked that Wirral has a good range of services to help people leave hospital as quickly as they can, and are helping us to integrate them more fully to further improve services.

We have used Better Care Fund (BCF) resources to expand some services to 7 days a week and to provide rapid community response services. This service alone has helped to avoid 849 unnecessary hospital admissions.

Both the NHS England team and the ECIP team have positively commented upon our work to join up care and health in Wirral and have stated that in terms of transformational change "*Wirral is the one to watch*".

2. PEOPLE WITH DISABILITIES LIVE INDEPENDENTLY

I attended the All Age Disability Partnership Board meeting on 27 January 2016 where we discussed the All Age Disability draft strategy. It was decided that the Board would oversee the implementation of the strategy by setting up an All Age Disability Strategy Steering Group. This was a good forum to discuss the strategy with partner organisations and carer representatives.

Department activity reports show that the service continues to make small numbers of long term placements for younger people aged 18-64 (22 in 2015/16 to date), with

the majority of people being supported in their own homes through a range of support.

3. WIRRAL RESIDENTS LIVE HEALTHIER LIVES

Work on the Residents Live Healthier Lives pledge continues to move forward at pace. This pledge aims to develop an approach across the Wirral Partnership and with local people to support and enable them to live healthier lives, by building an environment in which healthy choices are the easy choices and nurturing a social movement for health so that local people make their own informed choices.

Our objectives are to:

- Reduce the prevalence of smoking in Wirral
- Reduce the impact of alcohol misuse on individuals, families and their communities
- Promote healthy eating
- Support local people to take control over their health and wellbeing

We have analysed the reasons why we see poor health outcomes for local people and have identified that the major diseases causing the inequalities are heart disease and stroke, cancer, respiratory and digestive disease^[1] all of which have the following common risk factors:

- Smoking
- Alcohol misuse
- Poor diet

We are therefore refreshing our local tobacco control and alcohol strategies and have worked with local people to identify what matters to them in these areas. Both strategies are due for publication in late spring.

We are also reviewing the Information and Advice Services that we commission as our research with local people has reported that although there are lots of activities being commissioned and provided by community and voluntary groups to support people with social, emotional or practical needs, they are not systematically connected to health and social care services. Both health and social care professionals and the general public report feeling overwhelmed when asked to identify services available to help them and would like streamlined access to advice and information services. We are therefore working with the current providers of information and advice services to develop a connected network of community and voluntary groups which are well known to and easily accessed by local people.

^[1] Digestive disease includes alcohol related diseases such as chronic liver disease and cirrhosis

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Tony Smith
CABINET PORTFOLIO FOR	Children and Family Services
CO-ORDINATING CHIEF OFFICER	Julia Hassall, Director of Children's Services

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. CHILDREN ARE READY FOR SCHOOL

Making sure that children are ready for school is an ambitious pledge to support our youngest children pre-birth, right through to the time they start school. We have been talking to parents and carers of our youngest children to really understand how we can develop services to better meet their needs and those of their children. Parents have told us for example, that:

- “We get most of what we need from being able to talk to other parents;
- “Services should be based on what parents think they need and not on what box you fit into;
- I want my child to be confident and achieve the best they can”

Progress we are making includes:

- Ensuring more of our youngest children in receipt of free school meals achieve good outcomes at the end of the early year's foundation stage. Our performance of 54% compares favourably with the national average of 51% and the statistical neighbour average of 47.5%. We plan to close the gap, and ensure more than 80% of children are school ready.
- Beginning to roll out the integrated two year old review (between a child's parent, health and childcare provider) across Wirral; this is a significant area of joint development and local piloting. The Integrated Review identifies the child's progress, strengths and needs at two to two-and-a-half years, to develop plans to promote positive outcomes in children's health, wellbeing, learning and behaviour..

2. YOUNG PEOPLE ARE READY FOR WORK AND ADULTHOOD

To help us develop our plans, over 4,000 school aged children completed a survey in November. Their voices will help shape how we enable children and young people live

good, happy and fulfilled lives, which lead to them being ready for work and adulthood. We will focus on improving children's emotional wellbeing, supporting all children and young people to engage and do well in good schools and to participate in their local communities. Examples of progress being made include:

- jointly drawing down new government transformational funding, with our local health partners, to commission Cheshire and Wirral Partnership Trust to put in place six child and adolescent mental health practitioners, to work directly with our schools from April, to support children's emotional wellbeing;
- supporting care leavers into work through allocating 8-10% of placements on the Wirral Apprentice Programme for them; delivering bespoke support to get young people into work through the Get Real Programme, and providing apprenticeship opportunities with the Council and for example, Liverpool Football Club;
- 201 young women completing the GIRLS project in 2014/ 15, which is a 12 week informal educational programme for 13 – 19 year olds to reduce risk taking behaviour and increase resilience. 55% reported an increase in their confidence and self-esteem and a 49% increase in their aspirations.

3. VULNERABLE CHILDREN ACHIEVE THEIR FULL POTENTIAL

We are working closely with our Children in Care Council, and our partners through the Corporate Parenting Group, and Safeguarding Children's Board to develop plans to improve outcomes for vulnerable children, supporting them to reach their full potential.

Achievements of children in care were celebrated at their award ceremony in December, when more than 150 children received certificates. Co-hosted by a couple of young people who were formerly in care, they gave an inspiring introduction, encouraging children and young people to set their sights high, to fulfil their ambitions in life and work.

Our small project team of social workers, funded by the transformational fund, are now in place working with children to support them to safely leave care, already discharging fifteen care orders there are plans for up to 120 more children to leave care by July.

4. REDUCE CHILD AND FAMILY POVERTY

I am pleased to report that the Improving Life Chances Strategy, along with the Children's Strategy will be coming to Cabinet in March. The work to develop the strategy has been led by our local multi-agency Child Poverty Steering Group that I am part of, and their commitment to this issue has meant that we now have a set of priorities. The actions associated with delivering improvements in child poverty and improving life chances are woven throughout other pledge work, including reducing unemployment and increasing educational attainment.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Pat Hackett
CABINET PORTFOLIO FOR	Business and Tourism
CO-ORDINATING CHIEF OFFICER	David Armstrong, Assistant Chief Executive

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio. The launch of the Growth Plan in January was a key milestone in delivering the Wirral Plan and its pledge outcomes.

1. GREATER JOB OPPORTUNITIES IN WIRRAL

In January, Wirral's ambition to become a major hub for clean energy took a step further forward with news that 235 jobs are set to be created at a new business park off the A41 in Birkenhead. Offshore Energy is a key sector for Wirral and this was further boosted by an announcement that leading offshore wind energy company DONG Energy is setting up new facilities at Cammell Laird, site of Wirral's historic shipyard. DONG Energy signed to lease facilities at the Cammell Laird site in Birkenhead from Peel Land and Property. They will employ up to 50 people at this new construction base for the Burbo Bank expansion, DONG Energy's latest offshore wind farm, in Liverpool Bay.

Also in January, the Carmet Tug Co, based in Eastham and operating internationally, had the opportunity to purchase land and assets to allow them to expand into maintenance and repairs, growing their business turnover by a potential £1.5m. The expansion was made possible thanks to a £147,650 Business Growth Grant from Wirral Council, designed to provide support to businesses for viable projects that will enable their expansion and a growth in local employment. The success of the project will also benefit the wider maritime industry and supply chain in Wirral, securing and creating local jobs. The majority of vessels utilising the slipway for maintenance will be from outside Merseyside and, as it is important for ship's profits that vessels are out of the water for as short a time as possible, they will seek additional services in the area at the same time, bringing a further boost to the economy.

Birkenhead Business Improvement District (BID): In December 2015 Businesses voted overwhelmingly in favour of introducing a Business Improvement District to central Birkenhead. Birkenhead BID will commence on 1st April 2016 and in the meantime the BID organisation are busy planning the delivery of the BID business plan and designing a new website to coincide with the launch. Over the next five years the initiative is expected to lever in over £2million of investment, which will be used to deliver activities that will result in a safer and cleaner town centre, improved access and amenities and on promotional events to attract increased footfall into Birkenhead

2. WORKFORCE SKILLS MATCH BUSINESS NEEDS

The YEG Programme, part of a wider city region programme, supports eligible young people into sustained employment. The programme is targeted at young people aged between 18 and 24, who have been unemployed and claiming Jobseeker's Allowance/Universal Credit for between 2 and 9 months and are not participating in the DWP Work Programme.

The service provides Job Coaches, who work with young people on a one-to one basis to provide a personalised package of support in order to guide them into sustainable employment. Of the 400 young people engaged in this intensive support programme since May 2015, 180 have entered employment and continue to receive support to ensure sustainable employment.

3. VIBRANT TOURISM ECONOMY

The latest figures show that Wirral's visitor economy is the fastest growing in the Liverpool City Region, and it has grown by 40% since 2009. The tourism economy in Wirral is worth £355 million, employs 4,800 FTE's and attracted around 7.5 million visitors in 2014. Updated statistics for 2015 will be due out in the spring/summer.

The Wirral Tourism implementation plan for 2016/17 has been developed, based on budgets to be agreed at Cabinet, and includes the Discover Wirral short break and Wonders of Wirral day visitor marketing campaigns; development of the www.visitwirral.com website and related social media; national press visits; targeted literature and tourism business engagement & support. A Wirral visitor research study is being conducted, throughout 2016 to inform the development of the Wirral Tourism Strategy going forward, to support the Wirral Plan for 2020 and related tourism pledge.

REPORT OF	COUNCILLOR BERNADETTE MOONEY
CABINET PORTFOLIO FOR	ENVIRONMENTAL PROTECTION
CO-ORDINATING CHIEF OFFICER	DAVID ARMSTRONG, ASSISTANT CHIEF EXECUTIVE

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. ATTRACTIVE LOCAL ENVIRONMENT FOR WIRRAL RESIDENTS

Wirral Council continues to hold people to account for not behaving responsibly and damaging our local environment and have issued over 7,000 fixed penalty notices to people across the borough for littering offences. The courts have also been supportive of our campaign, with 900 litter prosecutions since November 2015 resulting in average fines of around £120 plus costs.

Our new approach is working, and is contributing to an improved local environment for residents, as we are aware that instances of litter are reducing on an ongoing basis.

We are also focussing on reducing alleyway dumping, which is another issue our residents have told us is important to them. The 'Tackling Alleyway Dumping' campaign launched in April 2014 and has already resulted in almost 2000 referrals from the waste investigation crew, resulting in 778 litter fixed penalty notices being issued and more than 60 people being prosecuted.

This campaign is also demonstrating a real impact and improvement; a comparison of the net weight of alleyway dumping collected between 2014 and 2015 has demonstrated a significant reduction in tonnage collected over these periods.

During the past year we have also carried out five covert surveillance operations in fly tipping 'hot spot' locations, which have resulted in nine incidents being caught on CCTV. Four people have been cautioned, four incidents are still being investigated and there has been one successful prosecution leading to an imprisonment sentence.

The Council is continuing its efforts to increase recycling through a number of initiatives. The Big Bin Challenge is working with local schools to reduce their waste and increase recycling. 107 schools are engaged in this challenge with three schools recycling over 70% and 39 schools are now recycling between 50% and 70% of their waste.

A recycling campaign was launched in November 2015, to introduce our residents to Wirral's 2020 pledge to create an attractive local environment for Wirral residents; and to remind them of the wide range of items from around the house that they can recycle in their grey bin.

A targeted door-knocking campaign will start in March and will initially focus in areas of low participation and low recycling. This campaign will ensure that residents have a recycling bin, understand the accepted items and know their day of collection and how to present their bins. A reusable bag will also be supplied to all properties in June/July, to help residents store their recycling in the house and transport to their recycling bin.

The Waste Prevention Apprenticeship scheme is now complete. All four apprentices have completed their Level 2 apprenticeships. Three have successfully obtained further employment (two within the Council) and one is well on his way to another position.

2. ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Environmental Health and Trading Standards continue to work in partnership to help residents live healthier lives and deliver our priority to reduce levels of inequality, especially in relation to health.

The 'Reduce the Strength of Alcohol' campaign is committed to signing up 30% of Wirral Off Licences and with over 13% of our target group of businesses either signed up to the campaign or compliant through their ethical and responsible policies, the campaign is on target to achieve its 20/20 pledge. One of the key successes of the campaign is within the central Birkenhead and Tranmere area, which is known to have high levels of alcohol related Anti-Social Behaviour and Crime and high densities of Off Licences.

The award winning campaign 'Takeaway for a Change' and the supporting healthy eating award scheme 'Eat Well Wirral' continue to have a positive impact on the health of local residents. Schools and takeaway businesses are working alongside the Council and its partners to promote healthier eating across Wirral. 35 businesses have achieved an Eatwell Wirral award with a further ten currently working towards meeting the required standard. Ten schools have been identified to participate in the scheme where the Year 6 children have higher than the national level of obesity rates and where there is a high density of takeaways within catchment area of the school. To date the 'Takeaway for a Change' program has been delivered in four of these ten schools.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Chris Meaden
CABINET PORTFOLIO FOR	Leisure and Culture
CO-ORDINATING CHIEF OFFICER	Clare Fish, Strategic Director Families & Wellbeing

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio and specifically relates to the pledge.

1. LEISURE AND CULTURE OPPORTUNITIES FOR ALL

Birkenhead Park's historic Swiss Bridge has been restored to its former glory. The Swiss Bridge – a Grade II listed structure and an original feature of the park since it first opened in 1847 - was targeted by vandals who set it on fire last year causing £20,000 worth of damage. The restoration work was done sensitively, using appropriate materials and conservation techniques and the whole structure has been repainted, not just the damaged areas.

The last few months at the Williamson, Priory and Floral Pavilion have been very busy and successful: the annual pantomime at the Floral was held between 9 December and 3 January, with almost 30,000 people enjoying 42 performances. In January 13,000 visitors have attended shows and events at the Floral Pavilion; with many shows selling out. I would like to thank all the staff for continuing to provide a high quality venue that is enjoyed by Wirral residents and visitors.

The Priory hosted a Christmas Craft Fair with volunteers providing the catering and the Williamson has held several successful photographic exhibitions. A notable publication "The Delia Robbery Pottery: from Renaissance to Regent Street" has been published by Liverpool University Press and this contains an essay by Colin Simpson, the Curator of the Williamson. Work is currently progressing on the Culture Strategy to support the delivery of this pledge and this will be considered by Cabinet towards the end of March 2016.

It is also very pleasing to report a continuing positive upward trend in the growth of Invigor8 membership over the last year, with a 25% increase over the past year. Improvements to our golf courses are also scheduled, including the introduction of FootGolf – a concept which is really taking off nationally. The launch is planned for 19 March at Arrowe Park and the Warrens. The leisure strategy is being finalised with contributions from many partners it will go to Cabinet in March.

Wirral Libraries continue to go from strength to strength, with volunteers support at Pensby Library now enabling the service to be open for 32 hours every week. Leasowe Library also continues to be supported by Leasowe Development Trust and a number of reference

volunteers are also providing help at Wallasey Central. The scholls library service will be moving to the Joseph Paxton Building in early March 2016.

A snapshot of the range of activities in our libraries includes two very successful “Harry Potter Night” events held at Bebington & West Kirby libraries on 4th February - over 50 children attended in Bebington. Activities included fancy dress, treasure hunts, competitions and being sorted into houses by the Sorting Hat. National Libraries Day was on 6 February - Wallasey Central library held a coffee morning and film show and raised £122 for their Friends. Birkenhead Library also hosted a “Stress Busting Day” which was very popular.

A Shakespeare event is planned on April 23rd in Wallasey Central – tickets on sale via Floral Pavilion website.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Stuart Whittingham
CABINET PORTFOLIO FOR	Transport, Technology Strategy and Infrastructure
CO-ORDINATING CHIEF OFFICER	Mark Smith, Head of Environment & Regulation

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. TRANSPORT AND TECHNOLOGY INFRASTRUCTURE FIT FOR THE FUTURE

I am pleased to report that the our programme to fit energy-efficient LED lighting to units to all 7,553 street lights on Wirral's main roads is completed with some work remaining to fine tune the remote monitoring of these new lights during March, and this project is resulting in energy savings of over 3.6 million kilowatt-hours each year and savings of £550,000 from the revenue budget due to reduced energy and maintenance costs.

I have approved procurement of a survey of the remaining 28,500 street lights to assess their suitability and cost for conversion to LED, to determine whether similar investment across the remainder of the Borough's street lighting would prove good value for money.

I can also confirm that tenders have been invited from the 6 shortlisted suppliers for the design and construction of replacement structures for 'A' and 'C' bridges on Tower Road, with tenders due to be returned by 18 March. Procedures for the acquisition of land required for the new lifting bridge structures, including construction space for cranes and the like is also well advanced. The appointed contractor will carry out detailed design, and demolition and construction work are on track to commence towards the end of 2016.

I can report that the 'Safe and Sustainable Transport' programme continues to support residents to access employment and training opportunities, and work with local businesses to encourage safe and sustainable travel to reduce the number of people killed and seriously injured on our roads. Between April 1st and 31st January 2016, the Travel Solutions scheme received 1848 client referrals and is working in partnership with over 40 agencies across Wirral to support job seekers to overcome transport barriers and secure employment.

Officers are working with local businesses to support and encourage sustainable and safer travel options for their employees. Advice and practical support is given to

assist people to develop safer driver habits, and incorporate healthier ways of travelling into their everyday life.

Liverpool City Region Transport Plan for Growth: Forward Programme

Work is continuing ongoing across the Liverpool City Region to develop a long term 'pipeline' of transport schemes. I am pleased that this work will ensure that the City Region and Wirral are well placed to access and capitalise on future funding opportunities, and to support our Growth Plan as well as the Transport pledge. At this stage 60 schemes have been identified in Wirral and of these 19 have been put forward for consideration in the City Region assessment process. The 41 local schemes will be prioritised as part of our own Growth Plan actions, and at both a City Region level and here in Wirral, business cases will be developed for the highest priority schemes to ensure that they are ready as funding opportunities are taken forward.

Sustainable Transport Enhancements Package

Works are ongoing to deliver the majority of capital schemes funded from STEP.

STEP revenue funded schemes are all progressing well with numerous applications being received from businesses for grant support for sustainable transport measures, and Officers are working with businesses in the Growth Zone to support employees to travel sustainably and to promote safe and sustainable transport across the area.

Wirral Superfast Broadband Project

Even more local businesses and homes are set to benefit from faster internet connections, with the 100th new publicly funded superfast broadband street cabinet in Wirral now complete.

This represents an investment of over £2m in the borough and ensures that 11,300 premises now have the benefit of faster fibre-based broadband services. I am delighted that Wirral is on programme to surpass the national target of serving 95% of local premises with the technology.

REPORT TITLE	POLICY AND PERFORMANCE COMMITTEE CHAIRS' REPORTS
REPORT OF	STRATEGIC DIRECTOR, TRANSFORMATION & RESOURCES

REPORT SUMMARY

This report provides Members of the Council with an update on the work carried out by each of the Policy and Performance Committees. The report includes contributions from each of the Committee Chairs. Members of Council are requested to note the contents of this report.

RECOMMENDATION/S

Members are requested to consider the contents of this report and whether they have any questions for the Chairs of the Policy and Performance Committees.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To update Members of the Council on the work of the Policy and Performance Committees and provide an opportunity to ask questions to the Chairs.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 N/A

3.0 BACKGROUND INFORMATION

Coordinating Committee Chair's Report

- 3.1 Since the last update to Council, the Co-ordinating Committee agreed and recommended a consistent approach for each of the Policy and Performance Committees to review in detail the 2016/17 budget proposals. Each of the committees followed a workshop format to undertake their own scrutiny and develop a report setting out their findings. The three reports were submitted to the last meeting of Co-ordinating Committee on 16 February and referred on to Cabinet as the scrutiny response to the budget consultation process. This was the second time this approach had been used for budget scrutiny and there was positive feedback from the Members that supported these workshops.
- 3.2 The workshop approach is consistent with the way the 20 pledges of the Wirral Plan were examined in November last year. This approach to scrutiny enables a quick turnaround providing an opportunity to influence proposals as they are being developed. It is the intention to repeat this as the work on the pledges continues, as a means to monitor progress on delivery of the plan.
- 3.3 At the February meeting the Committee reviewed the annual report of the Council's Equality & Diversity Plan. The committee also reviewed the quarterly performance and finance reports. It is expected that performance reports will be revised in the new municipal year in line with new reporting arrangements for the Wirral Plan.
- 3.4 The Task and Finish group looking at how Council Policies can be used to address cumulative impact problems has almost completed gathering its evidence. The review aligns to the 'Wirral Resident's Live Healthier Lives' pledge of the Wirral Plan and is reviewing the density of licenced premises and availability of cheap, high strength alcohol as well as geographical concentrations of fast food outlets. The review is expected to be completed in the next month and will report to Committee at the start of the new municipal year.
- 3.5 When that work is completed, the plan is to move on to the next scheduled task and finish panel which will look at the number of councillors in Wirral with reference to factors such as population size and profile, the role of ward councillors and size of workloads. We plan to start this work in the new municipal year.

Councillor Moira McLaughlin

FAMILIES & WELLBEING CHAIR'S REPORT

- 3.7 During the last Council cycle, the Families and Wellbeing Policy and Performance Committee held a workshop to scrutinise the officer proposals for budget savings which fall within the Committee's remit. The workshop was attended by 13 of the 15 committee members with all members present contributing to the discussion at the workshop. The report on their comments was prepared, agreed and went to Coordinating Committee to be forwarded to Cabinet for consideration as the Committee's contribution to the consultation process.
- 3.8 At the scheduled Committee meeting, in January, a presentation was given on the Safeguarding Adults Annual Report by the Chair of the Board, Bernard Walker. A report on meeting the housing needs of vulnerable adults was also taken, as were presentations on the draft Children's Strategy and the Child Poverty Strategy.
- 3.9 The Health and Care Performance Panel discussed measures to control the spread of infections and meeting the 4 hour A&E target with officers from Wirral University Teaching Hospital. The Children's Sub Committee received reports on post-16 qualifications and the impact on NEETs (young people not in education, employment or training), handling complaints in Children's Services and a report on GCSE and A Level attainment in 2015.
- 3.10 The Safeguarding Children task and finish group has completed its review which has been shared with officers and approved at Committee. The final report will now be presented to Cabinet for approval so that the recommendations can be considered for implementation.
- 3.11 Members have almost completed the evidence gathering for our review of systems designed to reduce the number of avoidable hospital admissions and within the next couple of weeks we will do the scoping exercise for our school readiness review.

Councillor Moira McLaughlin

REGENERATION & ENVIRONMENT CHAIR'S REPORT

- 3.12 An evidence session has now been held for the Coastal Strategy Task & Finish review. This light touch review looked at how the strategy identifies areas that require intervention in the short-term to reduce flood and coastal erosion risk and the progress made in delivering improved management of risk at these areas. Members also reviewed opportunities to identify and secure contributions to meet shortfalls in funding for all other schemes
- 3.13 The Task & Finish scrutiny review on Tourism is progressing and an evidence session with the Council's Heritage Officer and a representative from the Wirral Heritage and History Association has been held. A further evidence session is scheduled with representation from the Local Enterprise Partnership and Wirral Met College.
- 3.14 The Committee held a "Spotlight" session on Birkenhead for all Members on 29 February. This session informed Members of the regeneration proposals which are currently developing as well as work to be undertaken as part of the Growth Plan.

The session was well attended by Members and it was proposed that a further session is scheduled in six months to look at progress made.

Councillor Mike Sullivan

TRANSFORMATION & RESOURCES CHAIR'S REPORT

- 3.15 Committee Members were invited to attend a workshop to scrutinise budget options within the Transformation and Resources remit on Thursday 14th January. Officers presented further information surrounding relevant budget options. These were discussed by Members, and their concerns and positive comments were captured in a report which was presented to Coordinating Committee on 16th February and was also presented to Cabinet on 22nd February as the scrutiny function's response to the budget proposals. The workshops were well attended and I'd like to thank members for their contributions.
- 3.16 At the last Committee meeting on 1st February 2016, Members were presented with an updated report on the Local Welfare Assistance Scheme. This gave Members an opportunity to review progress on the implementation of recommendations made by a task and finish group in June 2015, and their overall impact on the Scheme. Concerns were raised about what would happen to vulnerable people once the residual funding of approximately £450,000 had been spent. It was agreed that the original task and finish group would reconvene over the next few months to explore how the remaining funding could be best utilised.
- 3.17 The underachievement against targets for performance appraisals has been a long-running concern of the Committee, and the Strategic Director of Transformation and Resources presented an updated report to members. The percentage of completed performance appraisals has exceeded the targets set in all areas except one since the last committee in December 2015, but the area will continue to be closely monitored by Committee.
- 3.18 A task and finish panel is currently reviewing Wirral's Information & Communication Technology (ICT) Disaster Recovery Plan. The panel met with officers on 22nd February and will meet again in March before reporting their findings back to Committee early in the new municipal year. I'd like to thank committee for its ongoing participation and hard work.

Councillor Janette Williamson

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are none arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 There are none arising from this report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are none arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 N/A

9.0 EQUALITY IMPLICATIONS

9.1 No because there is no relevance to equality.

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APPENDICES – N/A

REFERENCE MATERIAL – N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council – Revisions to the Constitution	30/04/13
Council – Reports from Policy and Performance Committee Chairs	14/10/13
Council – Reports from Policy and Performance Committee Chairs	16/12/13
Council – Reports from Policy and Performance Committee Chairs	10/03/14
Scrutiny Annual Report to Council	14/07/14
Council – Reports from Policy and Performance Committee Chairs	16/03/15
Scrutiny Annual Report to Council	06/07/15
Council – Reports from Policy and Performance Committee Chairs	12/10/15

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CABINET – 25 JANUARY 2016

MINUTE 91 –PAY POLICY 2016/17

Councillor Adrian Jones presented a report by the Acting Head of HR and Organisational Development which reminded Members that the Localism Act 2011 detailed the requirements for Councils to determine and publish annual pay policy statements. The requirements of The Localism Act included:

- The Pay Policy Statement to be approved by Full Council, in advance of the financial year to which it relates.
- The Pay Policy Statement to be published on the Council website.

The Pay Policy Statement was required to set out the Council's policies relating to the following:

- Chief Officer Remuneration, including salary, allowances, and enhancements at termination.
- Remuneration of its lowest paid employees.
- The relationship between Chief Officer Remuneration and that of other employees.

Councillor Adrian Jones informed that the Council was one of the first ones in the country to adopt the 'Living Wage'. As a consequence of this low wage earners on Wirral had been better off. From 1 April 2016 they would receive £8.25 per hour, an increase of 40p. This would cost the Council £84,000 in the next Financial Year, an amount that would be included in the budget.

Councillor Phil Davies reported that he was proud that Wirral was one of the first Council's to adopt the 'Living Wage' for its work force. He believed that, morally, it was the right thing to do and he hoped that other employers on Wirral would follow suit.

RESOLVED: That

- (1) **the introduction of the revised National Living Wage rate of £8.25 per hour, effective from 1 April 2016 be agreed; and**
- (2) **the Council be recommended to approve the Council's Pay Policy Statement for the Financial Year 2016/17.**

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CABINET MEMBER -
RESOURCES (FINANCE,
ASSETS AND TECHNOLOGY)

COUNCILLOR ADRIAN JONES

CABINET
MONDAY 25 JANUARY 2016

PAY POLICY 2016/17

Councillor Adrian Jones, Cabinet Member - Resources (Finance, Assets and Technology), said:

We are proud that Wirral Council became one of the first Living Wage employers in the country almost two years ago. This decision – if agreed – further demonstrates our commitment to the Living Wage and on ensuring our Pay Policy is fair, equitable and sustainable.

REPORT SUMMARY

The Localism Act 2011 sets out the requirements for Councils to determine and publish annual pay policy statements. The requirements of The Localism Act include:

- The Pay Policy Statement to be approved by Full Council, in advance of the financial year to which it relates.
- The Pay Policy Statement to be published on the Council website.

The Pay Policy Statement is required to set out the Council's policies relating to the following:

- Chief Officer Remuneration, including salary, allowances, and enhancements at termination.
- Remuneration of its lowest paid employees.

- The relationship between Chief Officer Remuneration and that of other employees.

RECOMMENDATION/S

Cabinet to agree the introduction of the revised National Living Wage rate of £8.25 per hour, effective from 1 April 2016.

Cabinet to consider and recommend to Council the approval of the Council's Pay Policy Statement for the financial year 2016/17.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Council is required by Section 38 of The Localism Act 2011 to prepare a Pay Policy Statement for each financial year.

2.0 OTHER OPTIONS CONSIDERED

No other options were considered as the Pay Policy Statement is a requirement of the Localism Act 2011.

3.0 BACKGROUND INFORMATION

Key Changes

The 2016/17 statement reflects key changes and updates that have occurred within the last financial year as follows:

The Living Wage

A new National Living Wage rate was announced by The Living Wage Foundation on 1 November 2015. The new Living Wage rate is £8.25 per hour, an increase of 40p.

The introduction of the new Living Wage rate has implications for the Council's pay grades as follows:

- Band A to include one spinal column point (scp): scp 10 at £8.25 an hour.
- Band B, to include one scp: scp 11 at £8.30 an hour.
- Band C, to include one scp: scp 12 at £8.35 an hour.

It is proposed that any increases to the Living Wage are considered by the Council as part of the annual Pay Policy Statement. If agreed, increases to the Living Wage will take effect from 1 April the following year. This is legally compliant and will allow appropriate provision to be made in the budget. In addition, Council can review and give consideration to the continuation of the Living Wage and the impact on the Council's grading structure.

4.0 FINANCIAL IMPLICATIONS

The cost of implementing the Living Wage rate (effective 1 April 2016) and adjustment to the Council's pay grades as detailed above is £84,000 including on-costs. This will be built into departmental budgets under the provision for pay growth.

The cost of the pay awards, including NJC, JNC (Craft, Youth and Community, Chief Officers) and the Soulbury Committee has been made in the 2016-17 budget proposals (1% budget provision made).

5.0 LEGAL IMPLICATIONS

The Council is required to meet the requirements of the Localism Act 2011. The Pay Policy Statement 2016/17 is without prejudice to the outcome of the Council's current consultation with staff and the Trade Unions on proposals to continue with four days of unpaid leave for a further three years, the removal of enhanced pay for evening and weekend working, and removal of the essential car user allowance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

There are not any resource implications arising from this report.

7.0 RELEVANT RISKS

The Council is required to prepare and approve its Pay Policy Statement 2016/17 before 31 March 2016. The Council will be at risk of not meeting the requirements of The Localism Act 2011 if this is not achieved.

8.0 ENGAGEMENT/CONSULTATION

The Trade Unions have been consulted on the key updates and changes for the 2016/17 Pay Policy.

9.0 EQUALITY IMPLICATIONS

The EIA is available at:

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014>

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APPENDICES

Appendix One: The Pay Policy Statement 2016-17

REFERENCE MATERIAL

N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	12 March 2015
Council	10 March 2014
Council	5 March 2013
Council	1 March 2012

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WIRRAL COUNCIL

PAY POLICY STATEMENT

2016 – 2017

1. Introduction and Purpose

- 1.1. The Localism Act 2011 (sections 38-43) requires local authorities in England and Wales to publish a pay policy statement for each financial year.
- 1.2. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding schools based staff) by identifying:
 - The methods by which salaries of all employees are determined;
 - The detail and level of remuneration of its most senior staff i.e. 'Chief Officers', as defined by the relevant legislation;
 - The Chief Executive and Head of Paid Service responsibility for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to Full Council.
- 1.3. The Council will consult with the relevant Trade Unions in relation to changes and updates to the Pay Policy, before the Policy is considered by Full Council.
- 1.4. Once approved by Full Council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis, the policy being approved by 31 March each year.
- 1.5. Council may, by resolution, amend this Pay Policy, including after the beginning of the financial year to which it relates.

2. Other legislation relevant to pay and remuneration

- 2.1. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation.
- 2.2. It is Council policy to ensure that there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.
- 2.3. The Council will ensure that it meets the requirements of The Local Government Transparency Code 2014. The Transparency Code requires that all local authorities publish certain information related to the organisation, salaries and fraud including:
 - Organisation chart
 - Senior salaries
 - The pay multiple
 - Trade union facility time
 - Fraud
 - Constitution

3. Pay Structure

- 3.1. The Council uses a local variation of the nationally negotiated pay spines (i.e. a defined list of salary points) as the basis for its pay structure, which determine the salaries of the large majority of its (non schools) workforce.
- 3.2. The Council's NJC pay spine is varied at Band A, B and C through the introduction of the Living Wage (see Living Wage).
- 3.3. The grading structure for Bands A to H (up to spinal column point (scp 34) was implemented as part of the Council's Job Evaluation process in August 2008, using the National Joint Council for Local Government Services (NJC) Job Evaluation Scheme.
- 3.4. The Council also employs staff on other pay and terms and conditions including Craft, Youth and Community, Soulbury, Teachers, Public Health and other locally agreed pay rates.
- 3.5. Public Health staff are currently on the same pay and terms and conditions as at the time of the Transfer of Undertakings (Protection of Employees: TUPE) transfer (1 April 2013). Public Health staff are TUPE static.
- 3.6. The Council adopts the national pay bargaining arrangements in respect of the establishment and revision of the national pay spine, for example through any agreed annual pay increases negotiated with joint trade unions, subject to any local agreements in place.
- 3.7. Where a nationally negotiated pay spine does not apply, the Council will determine the salary rate through local negotiation and agreement.
- 3.8. All other pay related issues are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.
- 3.9. In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of the national pay bargaining arrangements, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community.
- 3.10. There are circumstances where the terms of Transfer of Undertakings (Protection of Employees: TUPE) may determine the eligibility of pay awards for employees who transfer into the Council.

3.11. Variations to pay grade

- 3.11.1. From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

3.11.2. Any temporary supplement to the salary scale for the grade is approved in accordance with the Council's Honoraria Policy, or any applicable market rate supplement arrangements.

3.12. Job Evaluation

3.12.1 The Council has implemented Job Evaluation for NJC employees paid up to scp 34, using the NJC Job Evaluation Scheme.

3.12.2 The Council is committed to implementing a new grading structure and pay line for NJC posts over scp 34.

3.12.3 The Council will review all other non NJC posts.

3.13. The Living Wage

3.13.1. Living Wage rates are based on Minimum Income Standards methodology and seek to take account of real living costs for essential goods and services.

3.13.2. Through the Council's Pay Policy Statement, the Council is committed to and pays the Living Wage for all employees.

3.13.3. The Living Wage rate is reviewed and announced by The Living Wage Foundation on 1 November each year. The Council will consider any increases to the Living Wage as part of the annual Pay Policy Statement. If agreed, increases to the Living Wage will take effect from 1 April the following year. The provision for the Living Wage will be kept under review.

3.13.4. The current Living Wage rate for outside London increased on 1 November 2015 to £8.25 per hour.

3.14. New Appointments

3.14.1. New appointments will normally be made at the minimum scp of the relevant pay scale for the grade. Where the candidate is already in receipt of a salary above the minimum scp of the relevant pay scale, the appointment will normally be made at the nearest equivalent scp in the grade.

3.14.2. The appointment salary may be varied in exceptional circumstances. Any proposal to vary the appointment salary must be made to the Head of Human Resources and Organisational Development for consideration and approval. Proposals should be made by the recruiting manager, supported by a business case.

3.15. Progression through pay grades

3.15.1. An employee's progression through the increments of a particular pay grade is linked to length of service. Increments are awarded on 1 April each year, or for new appointments between 1 October and 31 March, six months from the start date.

3.15.2. The arrangements and factors considered in determining an individual's progression through different pay grade may be determined by experience, skills and qualifications as set out in the relevant Job Description and progression criteria.

4. Senior Management Remuneration

4.1 For the purposes of this statement, senior management means 'Chief Officers' as defined within the Localism Act. This includes statutory Chief Officers, non-statutory Chief Officers and deputy Chief Officers.

4.2 The posts falling within the statutory definition are set out in '*The Code of Recommended Practice for Local Authorities on Data Transparency (the data transparency code)*'.

4.3 The Council's grading structure for Chief Officers is as follows:

- **Chief Executive**
- **Strategic Director**
- **Director 1**
- **Director 2**
- **Head of Service 1**
- **Head of Service 2**

4.4 The terms and conditions, including the payment of any allowances for Chief Officers is set out within the Joint Negotiating Committee for Chief Officers of Local Authorities constitution conditions of service salaries. All details of Chief Officer salaries are published in accordance with the transparency code.

4.5 The Chief Executive handbook sets out the terms and conditions of employment for the Chief Executive and Head of Paid Service. Some provisions within this also apply to Council's Statutory Officers (Section 151 Officer and Monitoring Officer).

5. Recruitment of Chief Officers

5.1. The Council's policy and procedures with regard to recruitment of Chief Officers is set out in Part Four of The Council's Constitution. The appointment of Chief Officers and Deputy Chief Officers is delegated to The Employment and Appointments Committee as set out in Part Three of The Council's Constitution.

5.2. When recruiting to all posts, the Council will take full and proper account of all provisions of relevant employment law and its own Equal Opportunities, Recruitment and Selection, and Redeployment Policies as approved by Council.

5.3. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

- 5.4. In line with guidance under The Localism Act, proposed appointments to posts with remuneration exceeding £100,000 will be subject to a vote at Full Council.
- 5.5. The appointments of Chief Executive and Head of Paid Service, Section 151 Officer and Deputy Section 151 Officer, Monitoring Officer and Senior Information Risk Owner (SIRO) will be subject to a vote at Full Council.

6. Additions to Salary

- 6.1. In addition to basic salary, the following posts receive additional pay as set out below:

Post / Tier of post	Payment details
Chief Executive and Head of Paid Service	Returning Officer duties: <ul style="list-style-type: none"> • National statutory amount for Parliamentary/National Elections. • Locally determined amount in accordance with national guidance for Local Government Elections.
All eligible employees	Allowances in accordance with The Council's Terms and Conditions.

7. Pension Contributions

- 7.1. The employer's pension contribution is required to be published under S7 of the Accounts and Audit Regulations 2011.
- 7.2. The Council will automatically enroll all eligible employees into the Local Government Pension scheme and The Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee.
- 7.3. The rate of contribution is set by Actuaries advising Merseyside Pension Fund and reviewed every three years in order to ensure the scheme is appropriately funded.

8. Payments on Termination

- 8.1. The Council's approach to statutory and discretionary payments on termination of employment for all employees, including Chief Officers, prior to reaching normal retirement age, is set out within The Council's Enhanced Discretionary Severance Scheme.
- 8.2 The Council will keep its Enhanced Discretionary Severance Scheme under review. Any changes, as approved by Full Council are published in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) regulations 2006.

8.3 In line with guidance under The Localism Act, any payments upon termination exceeding £100,000, (apart from contractual payments, where the Council has no discretion) shall be subject to a vote at Full Council, or the relevant Committee or Panel of Elected Members with delegated authority to approve such payments. Payments upon termination are subject to any future legislative change or caps that may be introduced.

9. Lowest Paid Employees

9.1. The lowest paid persons employed by the Council are employed on full time (36 hours) equivalent salaries in accordance with spinal column points 10 (Band A) of council's grading structure (locally agreed). The grading structure takes account of the Living Wage hourly rate (see section 3 above).

9.2. The relationship between the rate of pay for the lowest paid and Chief Officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

9.3. The current pay levels within the Council define the multiple between the average full time equivalent (FTE) earnings and the Chief Executive as 1: 6.56.

9.4. The current pay levels within the Council define the multiple between the lowest paid employee full time equivalent (FTE) earnings and average Chief Officer earnings as 1: 6.13.

9.5. The current pay levels within the Council define the multiple between the average FTE earnings and the average of Chief Officer earnings as 1: 3.59.

9.6. As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this Statement, the Council will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable local Authorities.

10. Accountability and Decision Making

10.1 In accordance with The Constitution of the Council, The Employment and Appointments Committee is responsible for decision making in relation to Chief Officer recruitment.

10.2 The Chief Executive and Head of Paid Service has delegated responsibility for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council below Chief Officer level.

11. Re-employment / Re-engagement of Employees

11.1 The Council will not re-employ any former employees that have left the Council through early retirement or under the Voluntary Severance Scheme where there has been a cost to the Council, except in exceptional circumstances and with the approval of the Head of Human Resources and Organisational Development.

12. Publication

12.1 Upon approval by Full Council, this statement will be published on the Council's Website and Intranet.

12.2 In line with the requirement of The Local Government Transparency Code 2014, the Council will publish an organisation chart covering staff in the top three levels of the organisation, which will include the following information:

- Grade
- Job Title
- Salary in £5,000 brackets
- Salary ceiling (the maximum salary for the grade)

12.3 The following information for senior salaries (employees whose remuneration in that year was at least £50,000) will also be published:

- Job Title
- Salary

CABINET MINUTE EXTRACT (22 FEBRUARY 2016)

96 CAPITAL MONITORING 2015/16 QUARTER 3 (TO DECEMBER 2015)

Councillor Phil Davies introduced a report that provided the Cabinet with an update on the progress being made in delivering the Capital Programme 2015/16 at the end of December 2015. The report recommended that the Cabinet agreed the rephrasing of the 2015/16 Capital Programme down to £47.1 million and reported expenditure of £26.2 million.

Appended to the report were:

- Appendix 1 – Capital Programme and Funding 2015/16
- Appendix 2 – Capital Programme 2016/17 and 2017/18
- Appendix 3 – Capital Receipts 2015/16

RESOLVED: That

- (1) the spend to date at Month 9 of £26.2 million, with 75% of the financial year having elapsed be noted; and**
- (2) the revised Capital Programme of £46.9 million which includes the return of the £0.4 million Liverpool City Region Sustainable Transport Enhancement Package grant to Merseytravel be agreed and referred to the Council.**

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**CABINET MEMBER –
TRANSFORMATION AND
RESOURCES**

CLLR ANN MCLACHLAN

CABINET

MONDAY, 7 MARCH 2016

**2015/16 QUARTER 3 CORPORATE
PLAN PERFORMANCE MANAGEMENT
REPORT**

Councillor Ann McLachlan, Cabinet Member - Transformation and Improvement (and Deputy Leader of the Council), said:

“When we commit to delivering actions to improve the lives of Wirral people, as we have in our Wirral Plan for 2020, it is vitally important that we track our progress towards achieving them.

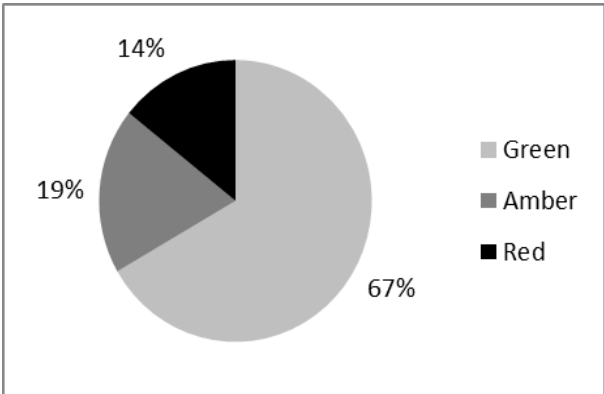
“This report is an excellent example of that robust monitoring: it helps us make sure we are in the best possible place to achieve what we have promised, identify where we need to focus our attention and to hold ourselves to account.”

REPORT SUMMARY

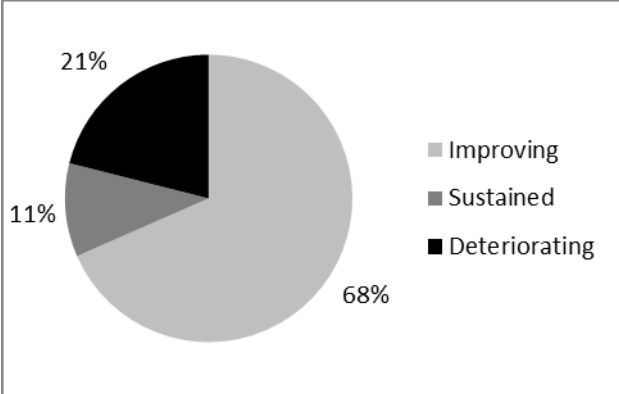
This report sets out the Council’s Quarter 3 (October to December 2015) performance against the delivery of the 2015/16 Corporate Plan (as approved by Council 8 December 2014). The report is attached as Appendix 1 and sets out progress against a suite of agreed indicators. The indicators are related to a range of pledges under the three Wirral Plan themes of People, Business and Environment. This performance report affects all wards within the borough. It is not a key decision.

Corporate Plan performance is monitored against the targets set at the start of the year. For each measure, a Red, Amber or Green (RAG) rating is assigned depending on the performance level against the target. The report also shows the direction of travel illustrating for each indicator whether performance is improving, deteriorating or sustained.

Of the 21 reportable indicators, 14 are rated Green, 4 are rated Amber and 3 are rated Red. For indicators rated Amber and Red, the responsible officer has indicated the corrective action being put in place to get performance back on track. Of the 19 indicators where it is possible to indicate a Direction of Travel, 13 are improving, 4 are deteriorating and 2 are showing performance sustained. In terms of the Direction of Travel, this shows an improved performance on the last quarter when 9 were improving, 8 were deteriorating and 2 were showing sustained performance. The charts set out below show the breakdown in terms of the RAG and Direction of Travel ratings:



RAG Rating Breakdown



Direction of Travel Breakdown

RECOMMENDATION/S

Cabinet Members are requested to note the contents of this report and highlight any areas requiring further clarification or action.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure Cabinet Members have the opportunity to review the Council's performance.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 None - the report follows a standard format in line with the performance management framework for the Corporate Plan.

3.0 BACKGROUND INFORMATION

- 3.1 Whilst the Corporate Plan 2015/16 has been superseded by the Wirral Plan 2020 Vision, it still forms the basis of the in-year performance management framework. A new Performance Management Framework is being developed for the Wirral Plan from April 2016 onwards.

FINANCIAL IMPLICATIONS

- 4.1 There are none arising from this report.

4.0 LEGAL

- 5.1 There are none arising from this report.

5.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are none arising from this report.

6.0 RELEVANT RISKS

- 7.1 The performance management framework is aligned to the Council's risk management strategy and both are regularly reviewed as part of Corporate and Directorate management processes.

7.0 ENGAGEMENT / CONSULTATION

- 8.1 N/A

8.0 EQUALITY IMPLICATIONS

- 9.1 There are no equality implications. The report is provided for information.

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APPENDICES

Appendix 1 - 2015/16 Quarter 3 Corporate Plan Performance Report

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	17 December 2015
Cabinet	10 September 2015
Cabinet	29 June 2015
Cabinet	15 January 2015
Cabinet	08 December 2014

APPENDIX 1 - 2015/16 QUARTER 3 CORPORATE PLAN PERFORMANCE MANAGEMENT REPORT




2015-16 Corporate Performance Indicators		Year End Target 2015/16	Q3 2015/16				Year End Forecast	DoT	Corrective Actions (Red or Amber) Context (Green/where provided)
PI Ref	PI Title		Target	Actual	Period	RAG			
Investing in our future									
RECP02	To maintain local environmental quality (LEQ) of litter, detritus, & graffiti in main gateways and shopping areas	93.5%	93.5%	95.00%	Apr-Dec	Green	93.5%	↔	
RECP03	Number of new affordable homes	250	150	230	Apr-Dec	Green	250	↔	
RECP04	Number of adaptations completed	2000	1500	1995	Apr-Dec	Green	2000	↑	
RECP05	Number of interventions to improve private rented sector properties	400	300	759	Apr-Dec	Green	900	↑	<i>Over-performance is due to initial implementation of additional Selective Licensing and Healthy Homes activity and more staff contributing to this output, the year-end forecast has been revised to reflect this.</i>
RECP06	Increase the number of jobs created and safeguarded via Invest Wirral	975	475	655	Apr-Dec	Green	975	↑	<i>Performance during 2015/16 has consistently achieved or exceeded trajectory figures and cannot be readily compared to performance progress from this time last year because of the unusually high volume of Regional Growth Fund (RGF) Grant Applications awarded. Current performance remains on track to meet or exceed the 2015/16 year-end target.</i>
RECP07	Gross Value Added per head of population	£13,213	£13,213	£13,589	2014	Green	£13,589	↑	<i>This data is annual for 2014 and was released in December 2015. Wirral's new GVA per head figure has outperformed the target by 2.8%.</i>

RECP08	Percentage of working age people claiming out-of-work benefits (economic in-activity)	13.6%	14.1%	13.1%	Apr-Jun	Green	13.4%	↑	Latest performance data represents Q2 2015/16 showing Wirral is performing at 13.1% and is on track to meet or exceed the end of year target for 2015/16. Q3 (July-Sept 2015) performance is not available until February 2016. Data for this indicator is reported on a calendar year basis.
RECP18	Develop and deliver the Wirral Selective Licencing Scheme (WSLS)	100%	83%	83%	Apr-Dec	Green	100%		
Promoting Independence									
CSC003	Rate of Children in Need (CIN) per 10,000	350.0	369.0	388.8	Dec-15	Amber	399.7	↑	<p>There has been a slight improvement in the rate of Children in Need since the previous quarter; however the high number of referrals into social care has had an impact. The following actions are being taken to improve this measure:</p> <ul style="list-style-type: none"> • Continuing to ensuring the Threshold of Need is understood internally and externally and associated correct intervention is applied rigorously. A series of multi-agency workshops are scheduled to take place in March to increase understanding of roles, responsibilities and thresholds. • A review of Children In Need cases that have been in place longer than 6 months remains ongoing. • The Multi-Agency Safeguarding Hub screening process for domestic abuse referrals has been strengthened through a joint triage with social care and police. • Work continues to ensure we consistently utilise were appropriate the early help offer. This will ensure that cases are stepped down to early help with clear plans reducing the re-referral rate.

CSC008	Rate of Looked After Children per 10,000	96.2	97.2	99.0	Dec-15	Green	99.8	↑	The number of children in care is high and we are seeking to safely reduce the overall number of children in care by strengthening and supporting families, this is the focus of the Children in Care Task Force. Children in care need support from a dedicated team of social workers who can provide stable and enduring relationships, so that all children in care can achieve permanence. The reorganisation of Specialist Services supports these aims through the Children in Care teams. Decisions for a child to become looked after are taken by senior managers to ensure consistency in the application of thresholds. Legal Advice and Action meetings ensure that assessments and plans are clear as to the reasons for the child becoming looked after . Wirral uses a number of options to secure permanence which are tracked to ensure drift and delay is minimised.
ADCP07	Permanent Admissions of older people (65+) to residential and nursing care homes, per 100,000 population	696.9	710.9	738.3	Apr- Dec	Green	780	↑	
ADCP11	Proportion of new requests for support resolved by advice and information	50%	50%	58%	Apr- Dec	Green	57%	↑	

ADCP16	Proportion of people who have received short term services to maximise independence requiring no ongoing support	75%	75%	74%	Apr- Dec	Green	75%	↓	
PHCP01	Rate of attendance at A&E for injury and assault where alcohol was a factor. PHOF 2.18: Alcohol-related admissions to hospital.	820	820	710.8	Jan - Dec 15	Green	820	↑	<i>Performance continues on a positive downward trajectory, one that it has generally sustained for the last two years. Work is planned that will look at achieving a better understanding of the factors that may be driving this downward trend so that it can be sustained.</i>
PHCP02	NHS Health Check programme by those eligible – Health Check offered (PHOF 2.22i)	20%	10%	14.7%	April - Sept 15	Green	20%	↑	Numbers of invitations issued by practices is on target. Uptake of invitations offered however, is currently below target (although similar to C&M average) and improving performance for this programme continues to be a challenge. Factors that are likely to have contributed to this are as follows: - Data quality: All but 2 practices have now switched over to EMIS (data holding), this has increased the data quality and simplified data collection. - GP Confidence in NHS Health Check programme: Core group of practices remain unconvinced as to its value Actions taken to address performance issues update: - Point of Care testing pilot has now been completed and data is currently being analysed - Training for frontline staff to be revamped during February and March will take into account any changes as directed by Public Health England - Re-issuing comparative GP performance profiles - All publicity materials have now been distributed. A video will be shown in various settings, including screens in GP practices, dentists etc.
PHCP03	NHS Health Check programme by those eligible – Health Check take up (PHOF 2.22ii)	55%	55%	30.6%	April - Sept 15	Red	55%	↑	

PHCP04	Proportion of opiate drug users that left drug treatment successfully who do not re-present to treatment within 6 months	10%	10%	8.6%	Jun 14-May 15 (completions) June 14 - Nov 15 (re-presentations)	Amber	10%	↓	The reporting period now includes the data from the first 4 months of the new service when the system went through considerable re-organisation and mobilisation, resulting in some major disruption, with a consequence impact on performance. Analysis of the performance data for this period does show a reduction in the numbers completing treatment so it has been anticipated that, as this worked through the monitoring system it would be reflected in a drop in performance. A drop in performance has now continued for some months. However this is the 3rd month when performance has levelled out so at this time this drop off has not been substantial. Commissioners and provider are monitoring these trends closely, and there are some encouraging indications that performance will begin on an upward trajectory over the next 3 or 4 months. The current Wirral performance is higher than the national average of 7.3% (currently in the Top Quartile range for Comparator Local Authority's).
PHCP05	Proportion of non-opiate drug users that left drug treatment successfully who do not re-present to treatment within 6 months	53%	53%	41.8%	Jun 14-May 15 (completions) June 14 - Nov 15 (re-presentations)	Amber	53%	↓	The performance of this indicator has shown a further reduction since the previous month. Performance has been interrogated at contract review meetings (see above) and although the reduction has been noted by both commissioner and provider, analysis of factors influencing this performance provide cause for some confidence that this will now level out and begin to move to an upward trajectory. This will continue to be monitored closely but still remains above the national average of 38.7%. (currently in the top quartile range for comparator Local Authorities). As above, this performance will continue to be affected by transitional factors for several more months.

TRCP02	Projected Delivery of Council budget savings	£29.273m	-	£21.125m	Apr 15 - Dec 15	Green	£29.273m	N/A	
TRCP03	Performance Appraisals completed by September 2015	80%	80%	51%	Apr 15 - Sep 15	Red	51%	↑	This PI has a target completion date of September, therefore the 2015/16 out turn of 51% remains, however as at 3 February 2016 performance appraisals have been completed for 76% of all staff and 89% of managers. Performance against this measure is being reviewed by the Strategic Leadership Team in advance of the 2016 appraisals cycle.
TRCP04	Sickness Absence: The number of working days/shifts lost due to sickness absence (cumulative)	9.75	6.7	7.46	Apr 15 - Nov 15	Red	11.77	↓	It is forecast that the year-end sickness absence will be 2.02 days above the 9.75 day target. This is a reduction from the Q2 year-end forecast of 12.06 days. Management action continues to be taken to reduce the level of sickness absence across the Council. This includes changes to the Council's sickness policy and triggers from October 2015, Strategic Director-led sessions with managers to set expectations and the development of an employee wellbeing plan. On-going performance is being monitored closely on a monthly basis to ensure that these activities are having a positive impact.
Direction of Travel (DoT) Key		 Performance Improving				 Performance Deteriorating		 Performance sustained	



**CABINET MEMBER FOR
ENVIRONMENTAL
PROTECTION**

**COUNCILLOR BERNIE
MOONEY**

CABINET

Monday, 7 March 2016

COUNCIL

Monday, 14 March 2016

**ENFORCEMENT POLICY
SCHEME OF DELEGATION**

Councillor Bernie Mooney, Cabinet Member - Environmental Protection, said:

“Making sure our residents can enjoy a clean and safe environment is one of our key pledges for 2020. An effective enforcement policy which helps to clamp down on those people who purposefully harm our environment is particularly important.”

REPORT SUMMARY

The purpose of this report is to seek Cabinet approval to a proposed amendment to paragraph 5.4 of the Council’s current Enforcement Policy 2014 a copy of which is attached and marked as Appendix 1 to this report with specific reference to the enforcement of littering and dog fouling. The report also seeks a recommendation from Cabinet to Council for the approval of an amendment to the Council’s Scheme of Non-Executive Delegation of Functions to Officers set out in Part 3, Schedule 4A, Part 1, paragraph 10 of the Council’s Constitution.

RECOMMENDATION/S

1. That Cabinet approves the amendment to the Council’s Enforcement Policy at paragraph 5.4 as detailed in bold type within the document attached and marked Appendix 2 to this report.
2. That Cabinet recommends to Council for approval an amendment to the Council’s Scheme of Non-Executive Delegation of Functions to Officers set out

in Part 3, Schedule 4A, Part 1, paragraph 10 of the Council's Constitution namely the insertion of paragraph 10(f) as detailed in bold type within the document marked Appendix 3 and attached to this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The proposed amendment to the Council's Enforcement Policy relating to littering and dog fouling is linked to the Council's Pledge to have an attractive local environment. The proposed amendment to paragraph 5.4 provides examples in respect of littering and dog fouling where a robust approach to enforcement action will be taken by the Council.
- 1.2 The proposed amendment to the Council's Scheme of Non-Executive Delegation of Functions to Officers by the insertion of paragraph 10(f) will provide a more efficient and effective service and enable Directors following consultation with and the approval of the Head of Legal and Member Services to authorise suitably qualified and/or experienced Council officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered

3.0 BACKGROUND INFORMATION

- 3.1 The Council is required by the Regulators' Code to publish their Enforcement Policy explaining how they respond to non-compliance. It is recognised as an important document for regulators in meeting their responsibility under the statutory principles of good regulation, set out in Section 21 of The Legislative and Regulatory Reform Act 2006, to be accountable and transparent about their activities.
- 3.2 The Council's Enforcement Policy was approved by Cabinet on 11 September 2014 and provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the following services.
- Licensing
 - Trading Standards
 - Environmental Health
 - Planning
 - Building Control
 - Housing Standards
 - Waste and Environment including Highways Services
- 3.3 It is designed to help businesses and individuals understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.
- 3.4 Officers from each of the services contributed to the policy and were satisfied that it reflected the provisions for regulation within their service. It has since been recognised

that specific reference to the Council's current approach to littering and dog fouling in the Borough should be highlighted in the Policy.

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising from this report

5.0 LEGAL

5.1 Local Authorities are required by the Regulators' Code to publish an enforcement policy explaining how they respond to non-compliance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are none arising from this report

7.0 RELEVANT RISKS

7.1 There are none arising from this report

8.0 ENGAGEMENT / CONSULTATION

8.1 Consultation was undertaken before the Enforcement Policy was approved by Cabinet on 11 September 2014.

9.0 EQUALITY IMPLICATIONS

9.1 There are none arising from this report

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APPENDICES

Appendix 1 - Enforcement Policy

Appendix 2 - Proposed Amendment to paragraph 5.4 of Enforcement Policy

Appendix 3 - Proposed Amendment to Council Constitution at Part 3, Schedule 4A, Part 1, paragraph 10 - Scheme of Non-Executive Delegation of Function to Officers.

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	11 September 2014

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WIRRAL COUNCIL ENFORCEMENT POLICY

2014

EXECUTIVE SUMMARY

Wirral Council's primary objective is to achieve regulatory compliance. We will seek to promote advice, guidance, and support to assist businesses and individuals to comply, but where it becomes necessary to take enforcement action, we will do so. There is a wide range of enforcement tools available to us as an authority to deal with non-compliance, which include:

- Compliance Advice, Guidance and Support
- Voluntary Undertakings
- Statutory (Legal) Notices
- Financial Penalties
- Injunctive Actions / Enforcement Orders etc.
- Simple Caution
- Prosecution
- Refusal / Suspension / Revocation of Licences

Wirral Council will always choose an enforcement method that is relevant and proportionate to the offence or contravention.

This policy sets out the Council's approach to dealing with non-compliance in the following areas:

- Licensing
- Trading Standards
- Environmental Health
- Planning
- Building Control
- Housing Standards
- Waste and Environment

This policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the above services. It is designed to help you understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

Wirral Council's decisions relating to which action to take will have regard to current statutory guidance and codes of practice, particularly the Regulators' Code, The Code for Crown Prosecutors and the Human Rights Act 1998.

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INTRODUCTION

1.1 Wirral Council is committed to avoiding unnecessary regulatory burdens on businesses or individuals and seeks to encourage and promote compliance. Wirral Council recognises that decisions about enforcement action can have serious implications for all involved. The purpose of this policy is to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent
- Officers apply current Government guidance and relevant codes of practice
- Everyone understands the principles that are applied when enforcement action is considered

LEGAL STATUS OF THE ENFORCEMENT POLICY

2.1 This policy is intended to provide guidance for officers, businesses, and individuals. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest. Officers of Wirral Council will act in accordance with this policy.

SCOPE AND MEANING OF ENFORCEMENT

3.1 This policy is based on the following statutory principles of good regulation:

- Transparency
- Accountability
- Proportionality
- Consistency
- Targeted action where it is needed

3.2 This policy applies to the legislation enforced by officers in:

- Licensing
- Trading Standards
- Environmental Health
- Planning
- Building Control
- Housing Standards
- Waste and Environment

3.3 'Enforcement' includes any action taken by officers aimed at ensuring that businesses and individuals comply with the law. This includes guidance as well as formal action.

GENERAL PRINCIPLES

- 4.1 Wirral Council aims to support businesses and individuals to comply with the Law and grow within the Borough. Where appropriate, positive feedback will be provided to those it regulates to encourage and reinforce good practice. Wirral Council will encourage and promote compliance through clear advice and guidance, and will share information within our organisation and with other regulators regarding compliance where appropriate and lawful to do so.
- 4.2 Where we consider that formal action is necessary each case will be considered on its own merits. However, the general principles that apply to the way each case will be approached are set out in this policy.
- 4.3 Wirral Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights, and will undertake its duties in accordance with the Equality Act 2010.
- 4.4 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulators' Code.
- 4.5 In certain instances we may conclude that a provision in the Regulators' Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.
- 4.6 Wirral Council is committed to ensuring that officers have the necessary knowledge and skills to support businesses and individuals to be regulated in accordance with this policy.

WIRRAL COUNCIL'S APPROACH TO DEALING WITH NON-COMPLIANCE

- 5.1 Wirral Council is committed to:
 - clearly explaining the non-compliance and any advice given, actions required or decisions taken, with reasons for these
 - provide an opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance
- 5.2 Wirral Council will:
 - provide details of who is responsible for managing investigations and making decisions on enforcement action in accordance with its scheme of delegation which is available via its website (www.wirral.gov.uk)
 - communicate with businesses or individuals in the most appropriate means which may include telephone, face to face, email, or letter
 - ensure that officers register any conflicts of interest to ensure that decisions made are fair and transparent
 - work with other enforcement agencies and will share information where appropriate and in accordance with the law
 - ensure that all those it regulates will be treated fairly and with respect

- in certain circumstances, seek to raise awareness and increase compliance levels by publicising unlawful practices or criminal activity. Where appropriate the results of specific court cases may be published.
- 5.3 The action that Wirral Council chooses to take depends upon the particular circumstances and the conduct of the business or individual in respect of the breach.
- 5.4 Wirral Council is committed to deal firmly with those that deliberately or persistently fail to comply.
- 5.5 Wirral Council is committed to ensuring that, where appropriate, those regulated are able to request advice on non-compliance without automatically triggering enforcement action, particularly where action to resolve non-compliance is being taken.
- 5.6 If we receive information that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 5.7 During the progression of enforcement investigations/actions, businesses or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court or other enforcement agencies when required and/or in accordance with the Data Protection Act 1998 and subject to other statutory provisions.
- 5.8 Wirral Council will respond appropriately to all complaints of non-compliance, subject to any risk-based prioritisation scheme used by the investigating department.
- 5.9 All investigations will be carried out lawfully having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Wirral Council:
- Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000
 - Criminal Justice and Police Act 2001
 - Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

DECIDING WHAT LEVEL OF ENFORCEMENT ACTION IS APPROPRIATE

- 6.1 In assessing what enforcement action is necessary and proportionate, consideration will be given to:
- The seriousness of compliance failure

- The past performance of a business or individual
- The current practice of a business or individual
- The risks being controlled
- Legal, official or professional guidance
- Local priorities of the Council

6.2 There are a number of potential enforcement options available to Wirral Council. The action taken varies from advice through to proceedings in Court. Examples of the main types of action that can be considered are:

- Compliance Advice, Guidance and Support
- Voluntary Undertakings
- Statutory (Legal) Notices
- Financial Penalties
- Injunctive Actions / Enforcement Orders etc.
- Simple Caution
- Prosecution
- Refusal / Suspension / Revocation of Licences

6.2.1 Compliance Advice, Guidance and Support

Wirral Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

Wirral Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and Wirral Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority.

Detailed information on the workings of Primary Authorities may be found at the [Better Regulation Delivery Office](#) website.

Where more formal enforcement action is taken, such as a simple caution or prosecution, Wirral Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

6.2.2 Voluntary Undertakings

Wirral Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Wirral Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

6.2.3 Statutory (Legal) Notices

In respect of many breaches Wirral Council has powers to issue statutory notices. These include Stop Notices, Prohibition Notices, Emergency Prohibition Notices, Improvement Notices, and Abatement Notices. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges or with Land Registry. Where appropriate and legal to do so, notices may be made available in the public domain.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (i.e. a breach of the notice) Wirral Council may carry out any necessary works to satisfy the requirements of the notice. Where the law allows, we may then charge the business or individual served with the notice for any cost we incur in carrying out the work, including administrative and supervisory costs. In some instances where the business or individual charged for such costs fails to pay within the specified time limit, where the law allows, these charges can be registered against their property with the sale of such property enforced to recover costs due to Wirral Council.

6.2.4 Financial penalties

Wirral Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, Wirral Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach Wirral Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

Wirral Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at Wirral Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

6.2.5 Penalty Charge Notices

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not appear on a person's criminal record and we may choose to issue a PCN without first issuing a warning.

6.2.6 Injunctive Actions, Enforcement Orders etc.

In some circumstances Wirral Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

Wirral Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Wirral Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

6.2.7 Seizure Proceedings

Certain legislation enables authorised Officers to seize goods, for example unsafe food, documents, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate receipt.

6.2.8 Voluntary Deprivation

Voluntary Deprivation allows for the owner of (or another person possessing rights to) illegal goods, property, equipment etc. to voluntarily surrender them to Wirral Council. In doing so, the owner of the items thereby renounces all rights, claims and ownership of the said items. Wirral Council will then be responsible for the disposal of the said items. This process is used to prevent illegal items from re-entering the market place or being used in such a way that may cause further problems.

6.2.9 Forfeiture Proceedings

This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

6.2.10 Simple Caution

Wirral Council has the power to issue simple cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, Wirral Council is likely to consider prosecution.

A simple caution may appear on the offender's criminal record. It is likely to influence how Wirral Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

6.2.11 Prosecution

Wirral Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute Wirral Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Prosecution will only be considered where Wirral Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s), and it is in the public interest.

The public interest must be considered in each case where sufficient evidence is present. Wirral Council will balance factors for and against prosecution carefully and fairly.

Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the defendant. Some factors may increase the need to prosecute but others may suggest that another course of action would be more suitable.

Before deciding that prosecution is appropriate, Wirral Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- The prevalence of the type of offence
- The need for a suitable deterrent
- The risk of danger or injury to the public
- The failure to comply with a statutory notice or to respond to advice about legal requirements
- The disregard of legal requirements for financial reward
- Significant financial loss, potential or actually, to a third party
- A history of similar offences
- Persistent breaches of legislation
- Where fraud, guilty knowledge or negligence is a factor

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

6.2.12 Proceeds of Crime Applications

Applications may be made under the Proceeds of Crime Act for confiscation of assets. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Applications are made after a conviction has been secured.

6.2.13 Refusal/Suspension/Revocation of Licences

Wirral Council issues a number of licences, consents, and permits and has a role to play in ensuring that appropriate standards are met in relation to those issued by other agencies. Most licences, consents, and permits include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, Wirral Council will take previous breaches and enforcement action into account.

6.2.14 Use of Other Legal Powers

Certain Enforcement Officers have additional powers that enable them to carry out their duties: for example take photographs, leave a workplace undisturbed as part of an accident investigation, and take samples or measurements. These powers are to allow Wirral Council to carry out its duties. Where these powers are exercised by officers they will be carried out lawfully and in accordance with statutory codes of practice and with due regard to guidance and best practice.

Wirral Council may seek to recover costs of any enforcement action against a business or individual subject to the enforcement action, where appropriate and legal to do so.

6.2.15 No Action

In certain circumstances, contravention of the law may not warrant any action. This can be where there is insufficient evidence or it is not in the public interest to proceed. Some areas of legislation only allow the Council to take action where it is expedient to do so, taking into account the level of harm caused by the contravention. In certain cases it may not be considered expedient to take enforcement action. All such decisions will be made transparently.

HOW DECISIONS ARE MADE ON ENFORCEMENT ACTION

7.1 In determining the most appropriate enforcement action, based on professional judgement, legal guidance, statutory codes, and having regard to the 'Regulatory Justice: Making Sanctions Effective Report' (Macrory Review 2006), Wirral Council will:

- aim to change the behaviour of the offender
- aim to eliminate any financial gain or benefit from non-compliance

- consider what is appropriate for the particular offender and regulatory issue.
- be proportionate to the nature of the offence and the harm caused
- aim to restore the harm caused by regulatory non-compliance, where appropriate
- aim to deter future non-compliance

Senior Managers will monitor and review decisions taken against this policy.

WHO DECIDES WHAT ENFORCEMENT ACTION IS TAKEN

- 8.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgement, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. This will be further reinforced, where considered necessary, by the introduction of practice and procedure notes which will seek to guide officers in the appropriate line of action to take.
- 8.2 Where appropriate, decisions about enforcement will involve consultation between or approval from:
- Investigating Officer(s)
 - Managers
 - Council Solicitors or Counsel
 - Elected Members of Wirral Council

Businesses and individuals will be provided with a timely explanation in writing of any rights to representations or rights to appeal, and practical information on the process involved.

APPEALS

- 9.1 In some circumstances a business or individual subject to Enforcement Action taken by Wirral Council may have a right to appeal the decision. Where such a right exists the business or individual will be advised in writing of that right, including details of how to exercise that right.

LIAISON WITH OTHER REGULATORY BODIES AND ENFORCEMENT AGENCIES

- 10.1 Where appropriate, enforcement activities will be co-ordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
- 10.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.
- 10.3 Where appropriate, and in accordance with the law, Wirral Council will share intelligence with other regulatory bodies and enforcement agencies, examples including:
- Government Agencies
 - Police Forces
 - Fire Authority
 - Other Local Authorities

CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES

- 11.1 Wirral Council undertakes enforcement on behalf of the public at large and not just in the interest of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decision.

REVIEW OF THE ENFORCEMENT POLICY

- 12.1 This policy will be reviewed every three years.

COMMENTS OR COMPLAINTS

- 13.1 Wirral Council want to give the best possible service, so we need to know when we are doing something well and when things can be improved.
- 13.2 If you wish to contact Wirral Council regarding the application of this policy please use the contact details below. When contacting Wirral Council please state clearly whether you wish to make a comment, compliment or complaint. Wirral Council operates a formal complaints procedure which assists in resolving complaints as quickly as possible.

web : www.wirral.gov.uk

email : comments@wirral.gov.uk

post : Information & Advice Team
Wirral Council
P.O. Box No. 2
Birkenhead
Wirral
CH41 6BU

telephone : 0151 606 2020

- 13.3 This policy is available on the Council's website.
- 13.2 If you would like a paper copy of the policy please contact us using the details above.
- 13.3 Wirral Council is committed to making information accessible to everyone. You can use the above contact details or visit your local One Stop Shop for support and advice if you need information translated or in another format such as large print, braille or audio.

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- in certain circumstances, seek to raise awareness and increase compliance levels by publicising unlawful practices or criminal activity. Where appropriate the results of specific court cases may be published.
- 5.3 The action that Wirral Council chooses to take depends upon the particular circumstances and the conduct of the business or individual in respect of the breach.
- 5.4 Wirral Council is committed to deal firmly with those that deliberately or persistently fail to comply, **for example the Council adopts a robust approach to the enforcement of littering offences under section 87 and 88 of the Environmental Protection Act 1990 (as amended) and will issue a fixed penalty notice in all cases where it is considered that there has been a deliberate breach of the legislation. A similar approach will be adopted in respect of offences in relation to dog fouling pursuant to the Dogs (Fouling of Land) Act 1996 in respect of land designated under the Council's Fouling of Land by Dogs Order 1998. Fixed Penalty Notices (FPN) will be issued in all cases where an offence of dog fouling has been identified.**
- 5.5 Wirral Council is committed to ensuring that, where appropriate, those regulated are able to request advice on non-compliance without automatically triggering enforcement action, particularly where action to resolve non-compliance is being taken.
- 5.6 If we receive information that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 5.7 During the progression of enforcement investigations/actions, businesses or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court or other enforcement agencies when required and/or in accordance with the Data Protection Act 1998 and subject to other statutory provisions.
- 5.8 Wirral Council will respond appropriately to all complaints of non-compliance, subject to any risk-based prioritisation scheme used by the investigating department.
- 5.9 All investigations will be carried out lawfully having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Wirral Council:
- Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000
 - Criminal Justice and Police Act 2001
 - Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

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PART 3

SCHEDULE 4 A PART 1 (As agreed by Council)

SCHEME OF NON EXECUTIVE DELEGATION OF FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation authorises the Head of Paid Services and the directors to exercise the non-executive functions of the Council as set out in this document.
2.
 - a. All delegations conferred under this scheme must be recorded in writing by the directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.
 - b. The monitoring officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The directors are responsible for recording all delegations under paragraph 8 below in such form as the monitoring officer may prescribe.
3. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Council's committees, sub-committees and panels.
4. The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B.
5. For the purposes of this scheme "the directors" means the Officers whose job title and areas of responsibility are set out in Part 3 Schedule 4 Part B.

The directors are empowered to make all non-executive decisions within their areas of responsibility on behalf of the Council in accordance with the following general principles:

- a. If a function, power or responsibility has not been specifically reserved to the Full Council or a committee the director within whose remit the matter falls is authorised to act.
- b. Full Council or its committees will make decisions on matters of significant policy. The directors have express authority to take all necessary actions to implement decisions council or committees that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- c. The directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
- d. The directors are empowered to take all necessary decisions in cases of emergency.

- e. In relation to all delegated authority conferred on the directors by this scheme, the head of paid service may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Head of Legal and Member Services of any such change. The Head of Legal and Member Services will amend the Constitution as necessary.
 - f. Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the head of paid service. This nomination should be formally recorded in writing.
 - g. Where there is doubt over the responsibility for the exercise of a delegated power, the head of paid service or their nominee is authorised to act or to determine who is to act.
 - h. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
- 6. For the purposes of this scheme, emergency shall mean a situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.
 - 7. In deciding whether or not to exercise such delegated powers, the directors should consider whether to consult the appropriate committee Chair and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body or council where they consider it expedient to do so.
 - 8. The directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.
 - 9. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
 - 10. Without prejudice to the generality of the foregoing the directors shall have the power:
 - a. To take all lawful action consistent with overall Council policy to deliver agreed strategy plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:

- invitation and acceptance of tenders
 - submission of bids for funding
 - write-off of irrecoverable debts
 - virement (within the budget framework)
 - disposal and acquisition of assets
 - service and placing of any necessary statutory or other notice (other than those expressly reserved to a Council, committee or cabinet)
 - after consultation with the solicitor to the Council, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
- b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
- c. In the case of any overspend to notify the chief finance officer in the role of Section 151 officer in accordance with the financial procedure rules and regulations.
- d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the head of paid service and conformance with Council policies.
- e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for discipline and dismissal, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
- (f) To authorise following consultation with and the approval of the Head of Legal and Member Services suitably qualified and/or experienced Council Officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.**
11. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where

appropriate. All of these issues should be considered at the earliest possible stage.

- a. A key decision should be taken in accordance with the relevant requirements;
 - b. the views of the relevant committee Chair, area board(s) following the application of the consultation criteria set out in paragraph (c) below;
 - c. consideration of the views of the Constituency Committees and the local councillors in decisions about local services;
 - d. the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant cabinet member(s) or committee Chair and local members, where the issue relates to a specific area, should take place;
 - e. consultation in accordance with the Council's consultation strategy and the views emanating from that process;
 - f. the range of available options;
 - g. the staffing, finance and legal implications;
 - h. the assessment of any associated risks in accordance with the Council's risk and management strategy;
 - i. the involvement of appropriate statutory officers and/or other directors;
 - j. the Council's constitution, including the forward work plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.
12. Any councillor may request that decisions taken by officers under the delegated powers are scrutinised by the appropriate Policy and Performance Committee.
 13. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the head of paid service.

Planning Committee – 21 October 2016

98. NOTICE OF MOTION - 'BETTER PLANNING TO FACILITATE CYCLING'

Having previously declared a prejudicial interest in respect of this item, Councillor Muspratt left the room during consideration of the motion.

The Chair advised that at the meeting of the Council held on 12 October 2015 (minute 51 refers), the following Notice of Motion proposed by Councillor P Cleary and seconded by Councillor P Gilchrist was referred by the Mayor to this Committee for consideration. Councillor Cleary and Gilchrist were invited to address the Committee to explain the Motion.

Councillor Cleary asked the Council to support the development of facilities for cycling in the interests of improved health, reduced air pollution, less congestion, and more economical travel. In particular, he called upon the Committee to recognise that secure cycle parking/storage facilities are fundamental in facilitating the bicycle as a practical mode of transport for Wirral residents.

Councillor Gilchrist then addressed the Committee to further ask that the Committee supports the motion.

Officers responded to questions by Members regarding cycling provision in planning applications

It was moved by Councillor Cleary and seconded by Councillor Mitchell and

Resolved (12:0)

That the Council be advised that the Planning Committee supports the Notice of Motion 'Better Planning to Facilitate Cycling.

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Council – 14 March, 2016

Motions

The following motions have been submitted in accordance with the notice required by Standing Order 7(4) and are listed as follows:

1. LOCAL GOVERNMENT FUNDING *(to be debated)*

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

This Council notes the continued inequity of the Government's approach to local authority funding.

It further recognises the Government's failings to give a fair deal for Wirral through the recently announced 'Transitional Fund'

Council is disappointed that despite the Secretary of State claiming the fund is "To help Councils transform from dependence on central government grants to greater financial autonomy" more than 83% of the £300million fund was sent to Conservative controlled authorities.

Is disappointed that of the 36 English Metropolitan boroughs, representing 22% of the population, only 2 received any support, and they were the only two Conservative controlled authorities of Trafford and Solihull. and while Surrey, Oxfordshire and Cheshire East received millions in support Wirral, and the rest of the Liverpool City Region, received nothing.

Council is further dismayed to learn that the Conservatives locally offered no support to help address the imbalance of funding, to lobby their Westminster colleagues or to stand up for local residents.

Therefore Council recommends that Leader of the Council writes to the Chancellor of the Exchequer requesting an immediate review of local government funding, the deployment of the Transitional Fund and for Wirral to receive a fair assessment and settlement to help off-set the £29million cuts he has forced upon the borough in 2016/17.

2. REGENERATION AND ECONOMIC GROWTH *(to be debated)*

Proposed by: Councillor Pat Hackett
Seconded by: Councillor Jean Stapleton

This Council notes the continuing opportunity for Birkenhead to play a major part in the economic growth of both Liverpool City Region and the '*northern powerhouse*'.

It further recognises the work the local business community, the chamber of commerce and council officers are doing to promote Wirral as a place for employers to invest and businesses to thrive.

Council also supports the Leader of the Council in his new role as portfolio lead Economic Development for Liverpool City Region Combined Authority as a strong advocate for continued investment and growth in Wirral.

Council applauds the news that in 2016 at least £150million of new investment projects will begin and reaffirms its 2020 pledge to attract £450million in inward investment.

3. GIRTRELL COURT *(to be debated)*

Proposed by Cllr Chris Blakeley
Seconded by Cllr Bruce Berry

Council notes that the Leader of the Council has previously stated that he wants his Administration to be open, transparent and fair with the people of Wirral. Council welcomes this approach.

Council therefore believes that the future of Girtrell Court must be decided in public and not under delegation to the portfolio holder, in conjunction with the Director of Adult Social Services.

Council further believes that the families of those using Girtrell Court, the staff, trade unions and residents and users must be given every opportunity to influence the future of Girtrell Court through a clear and transparent decision making process.

4. SUPPORT FOR OUR ARMED FORCES *(to be debated)*

Proposed by Cllr. Jeff Green
Seconded by Cllr. Lesley Rennie

On the 25th anniversary of the First Gulf War, Council pays tribute to the thousands of servicemen and women who fought in the conflict, in particular, the 47 British servicemen and women who gave their lives during the campaign, and whose names are dedicated at the Gulf War Memorial within St Paul's Cathedral.

Council welcomes the series of commemorative events hosted by the Royal Regiment of Fusiliers; the Queen's Royal Irish Hussars Association and the participation of more than 500 Staffordshire Regiment veterans and soldiers in the Mercian Regiment

Council expresses its support for the many Wirral residents who are serving in our Armed Forces, the loved ones they leave behind and the tremendous contribution they make to defeating terror; challenging aggressors and dictators and defending our national security.

Council also welcomes the active participation of many UK firms in ensuring our Armed Forces are better equipped than ever before, including manufacturers and those in the supply chain located in Wirral.

5. BACKING OUR COASTAL COMMUNITIES *(to be debated)*

Proposed by Cllr. Geoffrey Watt

Seconded by Cllr. John Hale

Council welcomes the support given by HM Government to develop more than 100 radical plans to boost growth, jobs and prosperity in the United Kingdom's coastal communities and supports the inclusion of New Brighton in this programme.

Council notes that more than 11 million people live in coastal communities, from major cities to seaside villages. The tourism industry alone accounts for the employment of 250,000 people across 150 seaside resorts, and contributes £4 billion to the UK economy.

Council believes this Government support for 'local coastal community teams' to help revive towns and, last year, the creation of 118 Coastal Community Teams

Council notes the £120 million Coastal Communities Fund, established in 2012, has money going to projects in every region and country of the United Kingdom, creating nearly 14,000 new jobs and more than 10,000 training places and, in December, support to illuminate New Brighton's iconic lighthouse.

Council welcomes the additional £1 million coastal revival funding that will be available in 2016 to 2017 for further projects.

6. SUPPORTING VICTIMS OF DOMESTIC VIOLENCE

(to be debated)

Proposed by Cllr. Lesley Rennie
Seconded by Cllr. David Burgess-Joyce

Council welcomes the cash being given to Wirral by HM Government to support more victims of domestic violence.

Council congratulates those involved in the successful bid, including Wirral Women and Children's Aid, which will enable the appointment of two new specialist support officers, to offer support on issues such as mental health and substance misuse; and six new units of safe accommodation will be made available to victims.

Council also welcomes the additional role that will include helping young people who may not recognise the symptoms of domestic abuse.

Council instructs the Chief Executive to write to Communities Minister, Baroness Williams of Trafford, inviting her to Wirral to meet with representatives of the organisations involved in tackling domestic violence and supporting victims,

7. TACKLING FEMALE GENITAL MUTILATION*(to be debated)*

Proposed by Cllr. David Burgess-Joyce
Seconded by Cllr. Jeff Green

Council condemns the barbaric practice of female genital mutilation, regardless of where it takes place and among all cultures.

Statistics published in December showed that between July and September last year there were 1,385 newly recorded cases of FGM reported by healthcare professionals across England.

An estimated 20,000 girls are also identified as being most at risk from FGM in the UK.

Council therefore welcomes action, so far, by HM Government that includes:

- From 31 October 2015, the mandatory requirement for regulated health and social care professionals and teachers in England and Wales to report visually confirmed or verbally disclosed cases of FGM in girls to the police.
- new legislation to grant victims of FGM lifelong anonymity from the time an allegation is made
- the introduction of new civil orders designed to protect girls identified as being at risk of FGM
- new legislation that will mean parents can be prosecuted if they fail to prevent their daughter being cut.

Council calls on those organisations in Wirral that are working in the communities most at risk of this unacceptable and barbaric action to work with schools, police, health services and others to raise awareness of the dangers and the consequences of such action.

8. SETTING CLEAR TARGETS FOR WIRRAL WATERS

(Civic Mayor to refer to Policy and Performance Regeneration and Environment Committee)

Proposed by: Cllr Phil Gilchrist
Seconded by: Cllr Dave Mitchell

Council notes that the planning permission for Wirral Waters was granted in August 2010. At that time, the report of the Director of Technical Services advised Members that a planning permission was sought that could be implemented over 25 years and that development on the entire proposal might take 30-40 years.

Council recognises that the relevant planning agreements were concluded during 2012 and that a number of projects have been completed or planning permissions have been granted, or are in hand.

Council suggests that it would be prudent and timely to receive a presentation from Peel setting out the way in which the development is taking place, what has been achieved and what the realistic prospects and timescales are for further stages. Officers should, as part of this, set out how the plans for the cross-docks routes are linked in to this overall view.

9. SEEKING FAIRNESS IN PURCHASING

(Civic Mayor to refer to Policy and Performance Transformation and Resources Committee)

Proposed by: Cllr Pat Williams
Seconded by: Cllr Alan Brighthouse

Council notes that Wirral's Procurement Strategy was last refreshed in April 2011. At that time, this ensured environmental and sustainability considerations were included, along with a partnership approach. Council believes it is time for this Strategy to be reviewed to formally recognise the changes in legislation and practices since then with a view to enshrining ethical and social issues.

Council notes that:

- corporate tax evasion and tax avoidance are now matters of public interest and concern, not only at national level but also internationally.

- corporate tax evasion and avoidance are having a damaging impact, not just on public services in well-established economies but also on the world's poorest countries. The loss to the latter has been assessed as being higher than they receive in aid.

Council further notes:

- that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m.
- the availability of independent means of verifying tax compliance, such as the Fair Tax Mark.

Council understands that, in early 2015, new regulations required public bodies, including Councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the Procurement Policy Note 'Measures to Promote Tax Compliance' (PPN 03/14) issued in February 2014.

Council believes that it is now reasonable to require bidders for Council contracts to self-certify that they are fully tax-compliant in line with central government practice using the standards in PPN 03/14 rather than lower standards.

Council asks officers to report to the Transformation & Resources Policy and Performance Committee and Cabinet to investigate whether and how this policy could be effectively included in the Council's Procurement Procedures, taking into account the need not to unfairly prejudice small businesses.

10. REDUCING PEDESTRIAN CASUALTIES IN WIRRAL

(Civic Mayor to refer to Policy and Performance Regeneration and Environment Committee)

Proposed by: Cllr Pat Cleary

Seconded by: Cllr Phil Gilchrist

Council notes that the Wirral Plan 'A 2020 Vision' Phase 1 states 'we will continue to invest in our highways, keeping Wirral moving and making sure our road network is safe and well maintained; always remembering our duty to residents in regard to road safety'.

And that, under Pledge 13 on page 41 further states,....

'By the end of March 2016, we will...Develop a new road Safety strategy, based on detailed insight'.

Council understands that the Wirral Pedestrians Association has recently carried out their own comprehensive audit of road injuries and casualties in Wirral. They expressed considerable concern about the relatively high rate of pedestrian casualties in Wirral which they placed in the bottom third of local authorities for pedestrian serious injuries. For child pedestrians, they placed Wirral in the bottom fifth. The report questioned the level of attention being given to pedestrian safety by Council officers and the police.

Council requests that this audit should be considered by officers and that the issues raised should be used to inform the promised insight. The issues raised include due attention to illegal parking on footways and the placing of A Boards on footways, along with better co-ordination with the police where appropriate.

As part of this process Council requests officers to consider the approaches such as these –

'A safe system approach to road safety in Bristol; A ten year Plan 2015 - 2024
'Road safety strategy; Consultation Version (July 2015) Birmingham City Council
The phased extension of 20 MPH Zones in Cheshire West and Chester.

Accordingly the Cabinet Member be requested to

- a. report on the production of the new road safety strategy
- b. explain how the concerns of the Pedestrians Association can be properly taken into account to the Regeneration and Environment Policy and Performance Committee

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