

CABINET

Thursday, 4 June 2015

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

1 LEADER'S ANNOUNCEMENTS

Councillor Phil Davies welcomed Eric Robinson, the new Chief Executive to his first Cabinet meeting.

Councillor Phil Davies expressed his appreciation and thanked all the staff "who had pulled out all of the stops" for the Cunard's Three Queen's Meeting on the River Mersey on 25 May 2015. It had been a fantastic event that had showcased both Wirral and Merseyside and drawn in thousands of visitors on both sides of the river. The Council staff concerned had ensured everyone in attendance had been safe and able to move around easily.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Stuart Whittingham declared a personal and prejudicial interest in Item No. 8 – Beechwood and Ballantyne Community Housing Association Transfer of Engagements to Liverpool Housing Trust (Minute No. 4 refers.) by virtue of his Board membership of Magenta and by virtue of him living in the locality and Item No. 11 Land at Belmont, Birkenhead (Minute No. 12 refers.) by virtue of his Board membership of Magenta. He informed that he would be leaving the meeting whilst these two items of business were under discussion.

3 MINUTES

RESOLVED:

That the Minutes of the meeting of the Cabinet held on 1th March 2015 be confirmed as a correct record.

Councillor Stuart Whittingham left the meeting.

4 BEECHWOOD AND BALLANTYNE COMMUNITY HOUSING ASSOCIATION TRANSFER OF ENGAGEMENTS TO LIVERPOOL HOUSING TRUST

A report by the Strategic Director – Regeneration and Environment informed the Cabinet, of a proposal to undertake a Transfer of Engagements (ToE) of Ballantyne Community Housing Association (BBCHA) to Liverpool Housing Trust (LHT). The report sought support at a Special General Meeting to agree to a ToE.

BBCHA had been undertaking a review of its current arrangements since May 2014 and had considered how best to mitigate the key risks it was exposed to and ensure the long term protection of services and investment in the Beechwood and Ballantyne neighbourhoods in an increasingly hostile environment.

The BBCHA Board had considered a range of possible options for its future and had agreed in October 2014 that the best option was to enter into formal negotiations with LHT for a possible transfer.

Formal six week consultation process had been undertaken with BBCHA tenants. The resulting feedback showed that the majority of tenants were supportive of the ToE on the understanding that services they received were not compromised.

Consultation with other key stakeholders including the Homes and Communities Agency (HCA) and funders had been completed with no barriers to progressing the transfer having been raised. The BBCHA Board had undertaken a due diligence exercise and no areas of concern in terms of LHT had been reported. The BBCHA Board had also received independent legal advice and support from Trowers and Hamblins and had confirmed that due process had been followed.

The Cabinet noted that In order to progress the ToE BBCHA shareholders would consider the ToE at a Special General Meeting (SGM). Shareholders included Wirral Borough Council, Symphony Housing Group and a number of tenant and independent individuals. The SGM would only be called once the Council had made a decision about supporting the ToE.

The BBCHA/LHT Transfer Consultation Outcome Report was attached to the Strategic Director's report as an appendix.

Councillor George Davies informed the Cabinet that he had received a petition (250 names) that day from Board Members who did not want the

assets transferred to LHT and requesting that a transparent method be used to identify some other body to who the assets could be transferred.

Consequently, Councillor George Davies informed the Cabinet that he had discussed this matter with the Leader and the Head of Legal and Member Services and was now proposing to defer the report in order to give the BBCHA Board time to reflect on the petition and agree a solution.

Councillor Ann McLachlan informed that she had previously sat on the Board for nine years and was aware that negotiations had been ongoing for 18 months to two years. In her capacity as a ward Councillor (Bidston and St James) she was aware that consultations were still taking place with the community up to mid-afternoon today, to address issues of concern. She considered a further short period of consultation to address concerns raised would be time well spent.

Councillor Phil Davies view was that, given the petition had just been received, deferring the report would be appropriate so that there was an opportunity to get to the bottom of the issues the signatories were concerned about and hopefully reach a solution.

RESOLVED:

That consideration of the report be deferred to a future meeting of the Cabinet to allow for further discussions within the local community and a report of those discussions be also brought to the meeting for the Cabinet's information.

Councillor Stuart Whittingham returned to the meeting.

5 CORPORATE RISK MANAGEMENT POLICY

Councillor Ann McLachlan introduced a report by the Strategic Director - Transformation and Resources that confirmed the process behind the annual update to the Corporate Risk Management Policy. The report set out the factors that had influenced its development, described the main proposed changes from the current document and confirmed a series of actions needed for its implementation. It was noted that the Policy had been approved by Audit and Risk Management Committee at its meeting on 18 March 2015. The Cabinet was now invited to consider and formally adopt the Policy on behalf of the Council.

The Council, like all organisations, had to deliver its objectives in the face of a complex and increasingly dynamic environment. The uncertainty created by that environment presented it with both opportunities and threats. So having a robust and effective framework for addressing risk and uncertainty was vital to the authority's success.

The Cabinet noted that a key element of the Council's vision for 2016 was that the organisation would be 'risk aware, not risk averse'. This objective made the need for an effective approach to handling risk even more important.

The purpose of a risk management policy was to set out the organisation's overall attitude to risk and uncertainty, to confirm its commitment to managing risk, to provide a high-level view of the risk management process itself and to set out corporate requirements around how that risk would be handled. It was a key element of any organisation's overall risk management framework.

A fundamental revision of the Council's policy was carried out in 2013/14 leading to the current document which was adopted by the Cabinet on 13 March 2014. Governance arrangements for the policy required it to be refreshed annually.

Attached to the report as an appendix was the Council's revised Risk Management Policy

Councillor Ann McLachlan informed that the Corporate Risk Management Policy was a credit to the Risk and Insurance Officer (Mike Lane) and his Team and reported that the Deputy Risk and Insurance Officer (Simon Hutchinson) had been put forward for the Alarm Risk Award of Professional of the Year. The Alarm Risk Awards Dinner would be held on 22 June 2015 at Aston University in Birmingham. Simon had been instrumental in shaping recent government policy. She congratulated the Team on their achievements.

Councillor Ann McLachlan also informed that it was important that the Cabinet recognised that risk management was a key area of the Council's corporate governance.

Councillor Phil Davies endorsed the revised Corporate Risk Management Policy and also congratulated the Risk and Insurance Officer and his Team on their excellent work. He informed that it was important that the Council was a risk aware organisation and that risk management was embedded in everything it did.

RESOLVED:

That the draft Risk Management Policy be formally adopted.

6 SITE OF THE FORMER FOXFIELD SCHOOL, DOUGLAS DRIVE, MORETON

Councillor Adrian Jones introduced a report by the Head of Universal and Infrastructure Services, which proposed that the former Foxfield School site in Douglas Drive, Moreton be declared surplus to the Council's requirements

and that it be disposed of. Should permission from Cabinet be obtained additional authority from the Secretary of State to dispose of the former school site and playing fields would also be required and this would be submitted following a statutory consultation period. The matter was being reported to Cabinet as the potential sales receipt was anticipated to be in excess of the threshold for delegated decisions.

The site location plan was attached as an appendix to the report.

RESOLVED: That

- (1) the former Foxfield School be declared surplus and authority be given to disposal on the best terms as recommended by the Council's appointed property consultants, subject to Secretary of State approval;**
- (2) Officers undertake the necessary consultation, prior to the Secretary of State application being made, to dispose the school's playing fields;**
- (3) demolition of the building be undertaken immediately which could be prior to the Secretary of State application being approved to dispose the school playing fields and school land; and**
- (4) the land be appropriated for planning purposes.**

7 FREEDOM OF ENTRY CONSIDERATIONS - HMS ASTUTE AND TS ASTUTE

Councillor Adrian Jones introduced a report of the Strategic Director – Transformation and Resources that recommended that the Council held an extra-ordinary meeting to confer on both HMS Astute and the Wallasey Sea Cadets Unit (TS Astute) the Freedom of Entry to the Borough of Wirral in recognition of the close links between the Borough, the submarine, the ship's company and the training ship.

Under the terms of Section 249 of the Local Government Act 1972, the Council had the power to confer title of distinction of Freedom of the Borough or Freedom of Entry. The former was granted to persons of distinction and persons who had, in the opinion of the Council, rendered eminent services to the Borough. The latter was granted to current serving uniformed organisations (usually, but not exclusively, the military) who had rendered conspicuous service and who were associated with the Borough.

A Freedom of Entry Ceremony was different to a conventional Freedom Ceremony in that, after the formal resolution was passed by the Council at a short meeting in the Council Chamber, the rest of the Ceremony could take

place at a later date outside of the Chamber. This would involve the Units forming up for the presentation and marching through the town “with bayonets fixed, drums beating, bands playing and colours flying”.

The extra-ordinary Council meeting which would be required could be held immediately before the next scheduled meeting of the Council on the evening of Monday, 6 July 2015. The movements of the submarine had to be taken into account in respect of the rest of the Ceremony. A date which was acceptable to the submarine and the Council had been identified as Sunday, 20 September 2015 when the submarine was in dry dock.

If the Council was minded to grant the two Freedoms of Entry to the Borough it was expected that approximately 200 crew and family would attend the Ceremony. All Members of the Council would also be invited as would those on the civic guest list. It was also expected that there would be representatives of the Royal Navy Association and others in attendance but exact numbers were not known at this stage. It was hoped that the Royal Marine Band would be in attendance.

The Cabinet noted that the Council had previously granted Freedom of Entry to the Borough to the 22nd (Cheshire) Regiment (1996), Her Majesty’s Royal Marines (1998), the Mercian Regiment (2009), 234 (Wirral) Transport Squadron Royal Logistic Corps (Volunteers) (2012) and 107 (Lancashire and Cheshire) Field Squadron Royal Engineers (Volunteers) (2012).

RESOLVED: That

- (1) the Cabinet recommends to the Council that in recognition of the outstanding achievements and distinguished services of Her Majesty’s Ship Astute and of the close bonds of friendship and mutual respect which have long existed between the Borough and the ships of the Royal Navy, the honour of Freedom of Entry to the Borough be conferred on the Commanding Officer, Officers and men and women of Her Majesty’s Ship Astute and thereby the right, privilege, honour and distinction of marching through the streets of the Borough on all ceremonial occasions with swords drawn, bayonets fixed, colours flying, bands playing and drums beating;**
- (2) the Cabinet recommends to the Council that in recognition of the outstanding achievements and distinguished services of the Wallasey Sea Cadets (TS Astute) and of the close bonds of friendship and mutual respect which have long existed between the Borough and the ships of the Royal Navy, the honour of Freedom of Entry to the Borough be conferred on the Commanding Officer, Officers and men and women of TS Astute and thereby the right, privilege, honour and distinction of**

marching through the streets of the Borough on all ceremonial occasions with swords drawn, bayonets fixed, colours flying, bands playing and drums beating;

- (3) an extra-ordinary meeting of the Council be convened on 6 July 2015 to grant the Freedoms of Entry; and**
- (4) the Freedom of Entry Ceremony and Parade be held on Sunday, 20 September 2015 at New Brighton followed by a Civic Reception at the Floral Pavilion.**

8 REVIEW OF THE MUNICIPAL GOLF COURSE OFFER IN WIRRAL

Councillor Chris Meaden aided by Councillor Pat Hackett introduced a report by the Strategic Director - Families and Wellbeing that provided an overview of the municipal golf courses managed and operated by the Council and a recommendation on the future operation of the Council's golf offer.

The courses managed and operated by the Council were:

- Arrowe Park – 18 hole course, 9 hole pitch and putt
- Brackenwood – 18 hole course
- Hoylake – 18 hole course
- The Warren – 9 hole course
- Wallasey Beach – 18 hole pitch and putt
- Kings Parade – mini golf

The report did not include the municipal golf course at Hoylake, as this was part of a separate review.

During the financial year 2014 - 2015 the subsidy for golf operation was budgeted at £330k (excluding Hoylake).

The following principles underpinned the Council's approach to reviewing the structure of their golf offer: That

- the service would operate at a nil subsidy to the Council and would seek to generate an income stream for the Council;
- the requirement for affordable and accessible 'pay and play' golf was maintained; and
- investment in the courses and facilities was secured.

The Strategic Director sought approval to undertake a procurement process to seek a delivery partner for the Council's golf offer. There were a number of

options based upon local and national knowledge, statistical evidence, benchmarking and consultation. At this stage they were as follows:

1. Service remained in house with operations staying currently as they were – This option would mean that the risk of the Council's subsidy could increase as investment was required to maintain the existing sites.
2. Service remained in house with operational changes – This would involve a number of significant changes to the operation to include, implementing a restructure, improving and investing in the facilities, promoting and marketing over a 3-5 year period allowing time for the sport to grow and develop and capital programmes to reach fruition. Partial outsourcing/leasing of selected areas to include:
 - Shops
 - Grounds keeping
 - Catering
 - Professional lessons
 - Patrol staff

The Cabinet was informed that this option would require potential investment of over £0.5 to improve existing courses, upgrade the infrastructure and improve DDA access. This option did not meet all the principles set out above.

3. Deliver an alternative model – Undertake a procurement exercise to identify a delivery partner to provide the Council's golf offer in line with the principles identified in section 1.4 of the report. This option would meet the principles set out in 1.4.
4. Sell the courses – and release income from capital receipts. This option would meet the principles set out in 1.4.

Councillor Phil Davies informed that this was not a proposal to sell off municipal golf courses in Wirral. It was to try to find an alternative provider and reduce the subsidies the Council paid. Investment was required to improve the golf offer. Therefore, it was appropriate to go out to the market place to see what interest there was and provide a further report for the Cabinet's consideration in due course.

RESOLVED:

That Option 3 in Section 7 of the report be agreed as follows:

'Deliver via an alternative model – Undertake a procurement exercise to identify a delivery partner to provide the Council's golf offer in line with

the principles identified at Section 1.4. This option would meet the principles set out at 1.4. of the report'

9 **SMOKEFREE POLICY**

Councillor Chris Jones introduced a report by the Director of Public Health which reminded the Council that on 10 March 2014 the Council had ratified a decision made by the Families and Wellbeing Committee to adopt the Local Government Declaration on Tobacco Control.

As part of this pledge, the Council had committed to reduce smoking prevalence and health inequalities'.

A proposal had been made to the Chief Executive's Strategic Group at its meeting on 11 February 2014 to revise the Council's existing Smokefree arrangements under the Health and Safety Policy. Under this proposal, smoking would not be allowed anywhere on any Council site, as far as its boundary. This would apply to all Council staff, visitors, contractors and where applicable to members of the public. In addition, existing protocols regarding the use of electronic cigarettes would be tightened.

The revised Smokefree policy was a clear statement of the Council's intent to fulfil its pledge with respect to the Local Government Declaration on Tobacco Control.

Rather than these changes be seen as punitive, their underlying purpose was designed to 'nudge' current smokers to re-consider their risk-taking behaviour and create the optimum environment for those that wish to quit.

RESOLVED:

That the full implementation of the Council's revised Smokefree policy be approved.

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

RESOLVED:

That under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

Councillor Stuart Whittingham left the meeting.

11 **LAND AT BELMONT, BIRKENHEAD**

Councillor Adrian Jones introduced a report by the Head of Universal and Infrastructure Services which sought approval to the sale of land in Birkenhead. It contains commercially sensitive information which may jeopardise the transaction if revealed at this stage. It contains commercially sensitive information which could jeopardise the transaction if revealed at this stage.

RESOLVED:

That the recommendations set out in the report be agreed.