

# CABINET

Monday, 7 March 2016

<u>Present:</u>	Councillor	P Davies (Chair)	Leader of the Council
	Councillors	AR McLachlan G Davies AER Jones  C Jones C Meaden P Hackett T Smith B Mooney S Whittingham	Transformation and Improvement Housing and Communities Resources (Finance, Assets and Technology) Adult Care and Public Health Leisure and Culture Business and Tourism Children and Families Environmental Protection Transport, Technology and Infrastructure

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

Members of the Cabinet were asked to consider whether they had any disclosable pecuniary and/or any other relevant interest, in connection with any item(s) on the agenda and, if so, to declare them and the nature of the interest.

Councillor Phil Davies declared a personal and prejudicial interest in Agenda Item No.11 – Local Welfare Assistance Scheme - by virtue of his position as a trustee for Wirral Food Bank (a recipient of funding as detailed in the report).

Councillor Davies informed that he would vacate the Chair whilst the item was under consideration.

## 104 MINUTES

### **Decision:**

**That the Minutes of the last meeting, held on 22 February 2016, be confirmed as a true record.**

## 105 NOMINATION OF CIVIC MAYOR AND DEPUTY CIVIC MAYOR 2016/17

The Cabinet was requested to make nominations for the roles of Civic Mayor and Deputy Civic Mayor for the Municipal Year 2016/2017, which would then be submitted to the Annual Meeting of the Council.

**Decision:**

That the following nominations be made for the Municipal Year 2016/2017 at the Annual Meeting of the Council scheduled to be held on 16 May 2016.

- Councillor P Hackett for the role of Civic Mayor.
- Councillor A McLachlan for the role of Deputy Civic Mayor.

106 **EMPLOYMENT AND APPOINTMENTS COMMITTEE TERMS OF REFERENCE**



*“Making sure that Elected Members have appropriate and robust oversight regarding the make-up and design of the Council’s senior management structure has never been more important. Achieving the 20 Pledges we committed to in our Wirral Plan demands a fundamental shift in the way this Council operates.*”

*“The new Operating Model for the organisation which is in development is at the heart of that change; ensuring that the Council’s Employment and Appointment Committee is empowered to effectively monitor the implementation of the Operating Model is vital to ensuring a Member-led authority.”*

Councillor Phil Davies

**Reason for Decision:**

The Council is required to agree any proposed changes to the Terms of Reference for the Employment and Appointments Committee. The revised terms of reference will ensure effective and timely implementation of the Council’s new operating model.

**Decision:**

**RECOMMENDATION TO COUNCIL – that the Terms of Reference for Employment and Appointments Committee, attached at Appendix One to the report be approved, and that the Council’s Constitution be amended accordingly.**

**Purpose:**

Councillor Phil Davies introduced the report that proposed changes to the current Employment and Appointments Committee Terms of Reference in order that the Committee had the authority to Consider and agree changes to senior management structures in relation to the Council's new operating model.

Cabinet noted that to ensure delivery of the Wirral Plan and the underpinning strategies and plans, Wirral Council needed an operating model that would enable it to achieve change that was effective, appropriate and delivered at pace. This would also involve a review of senior management roles and responsibilities, structures and services. Working with partners, the report identified that the Council would need the appropriate skills, resources and commercial awareness to support delivery of the Wirral Plan.

107 **2015/16 QUARTER 3 CORPORATE PLAN PERFORMANCE  
MANAGEMENT REPORT**



*“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.”*

Councillor Ann McLachlan

**Reason for Decision:**

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

**Decision:**

**That the contents of the report be noted.**

## **Purpose:**

The report set 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 was attached as Appendix 1 and set out progress against a suite of agreed indicators. The indicators were related to a range of pledges under the three Wirral Plan themes of People, Business and Environment. The performance report affected all wards within the borough. It was not a key decision.

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

Of the 21 reportable indicators, 14 were rated Green, 4 were rated Amber and 3 were rated Red. For indicators rated Amber and Red, the responsible officer had indicated the corrective action being put in place to get performance back on track. Of the 19 indicators where it was possible to indicate a Direction of Travel, 13 were improving, 4 were deteriorating and 2 were showing performance sustained. In terms of the Direction of Travel, this showed an improved performance on the last quarter when 9 were improving, 8 were deteriorating and 2 were showing sustained performance.

## 108 **WIRRAL PLAN SCRUTINY REPORT**



*“Ensuring effective and open scrutiny of the Wirral Plan and the 20 Pledges is vital to its success. I am pleased that our Members are taking this proactive and constructive approach; working together with different skills and expertise to produce an extremely helpful review of the Wirral Plan.”*

Councillor Ann McLachlan

**Reason for Decision:**

To ensure Cabinet Members are given the opportunity to acknowledge the positive contribution of non-executive Members in support of the Wirral Plan.

**Decision:**

**That the non-executive members of the Council be thanked for their contribution in support of the Wirral Plan and the development of key strategies.**

**Purpose:**

The report that set out the Scrutiny response to the Wirral Plan Delivery Plan (Phase 1) as reported to Cabinet 8 October 2015. This followed a series of dedicated workshop sessions for non-executive members held in November 2015.

Cabinet were informed that the workshops provided an opportunity for non-executive members to be briefed on the emerging delivery arrangements for each of the Wirral Plan pledges and to feed in their comments and suggestions. Councillor McLachlan informed that the sessions were well-attended and well-received by non-executive Members.

Cabinet were further informed that the scrutiny report was included as Appendix 1 to the report and a section for each of the Wirral Plan themes: People, Business and Environment were included. A brief description for each of the twenty pledges, followed by the comments put forward, were also included. The report had been cascaded to pledge sponsors and leads to ensure that comments could be considered and included where appropriate within the Plan's emerging supporting strategies.

Cabinet noted that the report supported the development of the Wirral Plan and affected all wards within the borough. It was not a key decision.

109 **WIRRAL PLAN: A 2020 VISION - UNDERPINNING STRATEGIES: LOVING OUR ENVIRONMENT STRATEGY**



*“Wirral residents are – rightly – fiercely proud of their local environment. Residents enjoy our coastline, countryside and perfect blend of the urban and rural.*

*One of our key 2020 pledges is to encourage residents to take pride in their local community and increase personal responsibility, to keep Wirral ‘clean and green’. As part of the Wirral Plan, our ambition is to work with residents to help them ensure an attractive local environment for them and for their children.”*

Councillor Bernie Mooney

**Reason for Decision:**

The Loving Our Environment Strategy has been developed to deliver the Wirral Plan pledge to ‘create an attractive local environment for Wirral residents.’

**Decision:**

**That the Loving Our Environment Strategy as appended to the report, be approved.**

**Purpose:**

Councillor Bernie Mooney spoke to the report which provided Cabinet with information on the Loving Our Environment strategy; a key strategic document which articulated ambitions related to the Wirral Plan Environment Priority.

Cabinet noted that the report was consistent with the principles of the Wirral Plan: A 2020 Vision which was developed following full consultation with partner organisations and residents. The Loving Our Environment Strategy had also been informed by the results of the Wirral Residents’ Survey of 2015 and through consultation with a number of partners and agencies.

The matter affected all wards within the Borough and was therefore a key decision.



*“Transport and the related infrastructure needed to provide safe, effective and efficient networks and services are crucial to everything the Council and its partners have pledged to achieve in the Wirral “2020 Vision” Plan.*

*Development of a three year programme is a key strand of our new approach to management of the network, looking at longer term asset maintenance needs, as is improving our overall management of our £1.9 Billion highway infrastructure so that we are able to secure Department for Transport Incentive Fund funding in addition to the core grant. I am pleased that we are also adding one million pounds from the Council’s own Capital Programme, approved in 2014/15, for the maintenance of unclassified and residential roads.*

*Our knowledge of the asset condition, based on condition surveys and feedback from residents and Councillors has enabled us to set out a detailed programme for the three years, for the continued national top-quartile condition of the network.”*

Councillor Stuart Whittingham

**Reason for Decision:**

Investment in the maintenance of the highway network will enable the Council to comply with its statutory duty to maintain the highway. The establishment of a prioritised programme shows transparency with regard to the Councils addressing of highway elements in greatest need of maintenance, proper management of the allocated finances, and permits co-ordination of road roads with the utilities’ programmes of work.

Winter salting and freeze / thaw action has a detrimental effect on the condition of highway services, allowing further degradation due to the ingress of water.

**Decision: That**

- (1) the acceptance of the Local Highways Maintenance Capital Block Funding (indicative £3,030,000) and Incentive Fund (indicative £165,000) for 2016/17, to be confirmed by DfT by 31 March 2016, be approved;**

- (2) the proposed allocation of the Local Highways Maintenance Capital Block 2016/17 to 2018/19 between Street Lighting, Bridges and Roads/Footways, be approved;**
- (3) the detailed Highway Structural Maintenance Programme for 2016/17 to 2018/19 outlined in the Appendix, be approved; and**
- (4) the Head of Environment and Regulation in conjunction with the Cabinet Portfolio Holder be authorised to make necessary adjustments to the programme should the need arise due to financial, condition or other factors.**

**Purpose:**

Councillor Stuart Whittingham introduced a report, which stated that the Department for Transport (DfT) wrote to the Council in December 2014 setting out the indicative maintenance allocation within the Local Highways Maintenance Capital Block Funding 2016/17 to 2020/21. This included indicative funding for the Highways Maintenance Block for Wirral totalling £3,030 million for 2016/17, together with a further £165,000 from the DfT Incentive Fund. It was expected these amounts would be confirmed by the DfT by 31 March 2016.

The report presented both the proposed breakdown of that highway maintenance allocation between Bridges, Lighting and Roads/Footway elements of the network and also the proposed detailed Highway Structural Maintenance Programme 2016/17 to 2018/19, for approval.

The report also informed that the replacement of life-expired street lighting columns was the subject of a full condition survey to be carried out in 2016/17, as part of the feasibility study for further upgrading of lighting with LED lamps, and would be the subject of a separate application for funding from the Capital Programme for 2017/18 and beyond.

Cabinet noted that the Council's Capital Programme and Financing 2016/19 report approved at the last meeting included a further £0.5million allocation for both 2016/17 and 2017/18 for highway maintenance improvements, funded from Council Resources, for unclassified / residential roads.

The report further informed that at Regeneration and Environment Policy and Performance Committee on 3 December 2014 it was resolved that long-term maintenance strategies should form the basis for development of future structural maintenance programmes for highway infrastructure. To fulfil this recommendation a three year programme had been developed and was detailed in the Appendix attached to the report.



The maintenance of highways is a statutory duty for the Council under the Highways Act 1980 (as amended).

This report was linked to the “*Transport and Technology Infrastructure*” Pledge of the Wirral 2020 Plan. Improvement and maintenance of the highway network also supports the “*Vibrant Tourism Economy*” and “*Increase Inward Investment*” Pledges in the Wirral Plan.

The matter affected all wards within the Borough and was therefore a key decision.

## 111 DRAFT CALENDAR OF MEETINGS FOR THE 2016/17 MUNICIPAL YEAR



*“Delivering the Wirral Plan requires this Council to operate efficiently, effectively and with open, flexible but robust democratic processes. We have made huge improvements in our governance in recent years and this report demonstrates again that we are taking a systematic and planned approach to our future business.”*

Councillor Ann McLachlan

### **Reason for Decision:**

The Council must approve and publish a Calendar of Meetings for the 2016/17 Municipal Year.

### **Decision:**

### **RECOMMENDATION TO COUNCIL that**

- (1) the relevant draft Calendar of Meetings for the 2016/17 Municipal Year set out at Appendix 1 (as amended) be confirmed as the Calendar of Meetings for the Municipal Year 2016/17; and**
- (2) the other meetings detailed set out at Appendix 2 be noted and Members diarise those meetings as appropriate.**

## **Purpose:**

Councillor McLachlan introduced a report recommending draft dates for Council, Cabinet and Committee meetings (“Council meetings”) for the Municipal Year 2016/2017. The report also described various issues that had been taken into account in compiling it.

The Head of Legal and Democratic Services brought to Members attention that an alternative date would be sought for the meeting of the Planning Committee currently scheduled for the 23 June (the recently announced date for the European Referendum). The revised date, either the 22 or 28 June, would be confirmed to Council.

Other meetings that did not constitute a meeting of the Council and therefore did not require inclusion in the Calendar of Meetings were set out in Appendix 2 of the report. Notifications of those other meetings were given to enable Members to manage their diaries.

The Wirral Plan: A 2020 Vision set out a shared partnership vision to improve outcomes for Wirral residents. Delivery of the priorities and outcomes described in the Plan was dependent on the efficient operation of the democratic process to scrutinise and make the decisions required and the requirement for the scheduling of Council meetings which took these decisions.

The decision required was not a key decision.

## 112 **ENFORCEMENT POLICY**



*“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.”*

Councillor Bernie Mooney

### **Reason for Decision:**

The 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 amendment to paragraph 5.4 provided examples in respect of littering and dog fouling where a robust approach to enforcement action will be taken by the Council.

The amendment to the Council's Scheme of Non-Executive Delegation of Functions to Officers by the insertion of paragraph 10(f) provides a more efficient and effective service and enables 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.

### **Decision:**

#### **RECOMMENDATION TO COUNCIL that:**

- (1) 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 the report be approved.**
  
- (2) 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 the report.**

### **Purpose:**

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

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

**Councillor Ann McLaughlin in the Chair**

**Reason for Decision:**

Cabinet's direction of 29 June 2015 stated that as part of its 2016/2017 work programme, the Transformation and Resource, Policy and Performance Committee undertake a review of the capacity to offer continued Welfare Assistance Support during 2016/2017.

**Decision:**

**That the actions introduced in respect of 2015/2016 are continued and that Wirral's Local Welfare Assistance Support Scheme is therefore maintained, albeit on a moderated basis during 2016/2017 utilising the projected residual funding of £414,820.**

**Purpose:**

The report of the Strategic Director of Transformation and Resources set out the changes to the operation of Wirral's Local Welfare Assistance scheme and associated financial position, following the implementation of a number of the recommendations made by Cabinet on 29 June 2015.

The matter affects all wards within the Borough.

At its meeting on 1 February, 2016, the Transformation and Resources Policy and Performance Committee considered a report on the Local Welfare Assistance Scheme and recommended to Cabinet that:

"...that the actions introduced in respect of 2015/2016 are continued and that Wirral's Local Welfare Assistance Support Scheme is therefore maintained, albeit on a moderated basis during 2016/2017 utilising the projected residual funding of £414,820".

The minute and report, together with appendices 2 (Local Welfare Assistance Scheme for 2015/16) and 3 (Comparison tables for awards) were attached.

Cabinet also noted the recommendation of the Policy and Performance Transformation and Resources Committee - that the Task and Finish Group that had scrutinised the subject of the Local Welfare Assistance Scheme be reconvened to look beyond April 2017 at alternative strategies that might be put in place when the current funding was expected to run out.

*Declaration of Interest – having earlier declared a prejudicial interest due to his serving as a trustee for Wirral Food Bank (a recipient of funding as detailed in the report), Councillor Phil Davies vacated the Chair and left the room whilst the item was considered.*

114 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)**

Prior to vacating the Chair, Councillor Phil Davies briefly informed the Cabinet that further to his commitment to publish the report on the recent Corporate Peer Review, the matter would soon be actioned.

He informed that the report was reaching completion and would shortly be published on the Council's website.