

CABINET

Monday, 7 November 2016

Present:

Councillors	G Davies	Housing and Community Safety (in the Chair)
	C Jones	Adult Social Services
	AR McLachlan	Transformation, Leisure and Culture
	B Mooney	Environment
	M Patrick	Community Engagement and Communications
	T Smith	Children and Family Services
	S Whittingham	Highways and Infrastructure
	J Williamson	Public Health

50 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Phil Davies.

51 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

RESOLVED:

No declarations of interest were received.

52 **MINUTES**

RESOLVED:

That the Minutes of the meeting of the Cabinet held on 3 October 2016 be confirmed as a correct record.

53 **EXECUTIVE KEY DECISIONS TAKEN UNDER DELEGATED POWERS**

RESOLVED:

That the following Key Decisions that had been taken under delegated powers during the period 23 September (date of publication of last ordinary Cabinet agenda) to 31 October be noted:

- **Leader of the Council: Wirral Business Support Effective from 22 October 2016.**
- **Cabinet Member for Transport and Infrastructure: Award of Contract for Arboriculture Services – Tree Maintenance**

54 CUMULATIVE IMPACT ON PUBLIC HEALTH SCRUTINY REVIEW



Councillor Janette Williamson, Cabinet Member for Public Health, said:

“Ensuring Wirral residents live healthier lives is one of our 20 Pledges, and remains extremely important to the Council. Making sure our policies and approach to services throughout the organisation support our ambitions is vital.

I think the work completed by Members through this Scrutiny Review is very helpful and will go a long way towards helping us achieve our pledge”.

The Cabinet had regard to a report which informed that at its meeting on the 23rd June 2015, the Policy and Performance Co-ordinating Committee had agreed to undertake a scrutiny review into the potential for developing a Cumulative Impact Policy. This was due to concerns raised about negative public health and public order impacts in localities with high concentrations of off-licences and fast food outlets.

The scope of the work was widened during the review process to incorporate other powers and approaches at the Council’s disposal to mitigate the harmful impacts of over-concentration of these premises. Members were keen to establish what powers and tools were at the Council’s disposal and to what extent these are being fully realised.

On 8 September 2016, a report on the findings of the review had been presented to the People Overview and Scrutiny Committee. The Committee had endorsed the findings and recommendations set out in the report and had referred them to the Cabinet for approval. The report of the Scrutiny Review Panel was attached as Appendix 1 to the report.

The report outlined the actions being undertaken in response to the Scrutiny Review. These were attached as Appendix 2 to the report.

The Cabinet noted that the report linked to the Wirral Plan Pledge to support Wirral residents to lead healthier lives and supported the actions that were being developed to deliver that pledge.

Councillor Moira McLaughlin was in attendance at the meeting and informed that the Scrutiny Review Panel's report was the result of the work of a Task and Finish Panel that had been initiated following discussion at a meeting of the former Policy and Performance Co-ordinating Committee during which Councillor Paul Hayes made the observation that Wirral had a problem both in terms of public health and with crime and disorder related to excessive alcohol consumption and the question was asked – are the existing policies to help reduce the impact of this sufficiently robust and if they are, are they applied rigorously enough.

The Task and Finish Group had been established to address that. The objectives had been to understand the profile for Wirral of the prevalence and density of licensed premises, to understand the impact of excessive use of alcohol on the health of people living in Wirral and to examine the powers, policies and initiatives available to the Council to mitigate against the negative impact of high levels of alcohol consumption.

Councillor McLaughlin informed that over the period of time that evidence was gathered, the Panel had heard from officers from Planning, Licensing, the Police and Public Health and as the objective had been to address public health issues around lifestyle, it had included fast food as a contributory factor to the well documented negative impact which most seriously effected people living in areas of high deprivation.

The Panel had not looked at Betting Shops, though it did recognise that the density of these in some areas was also damaging the life of some people.

Councillor McLaughlin thanked all of the officers who had contributed to the information the Panel had received as well as Patrick Torpey and Mike Callon, the Scrutiny Support Officers who had provided support and had been extraordinarily helpful.

Councillor McLaughlin reported that the questions that the Panel had asked were how could the consumption of the most damaging high strength alcohol be reduced, how could people be encouraged to eat more healthily and reduce their reliance on the unhealthy fast food and were the existing policies robust, if not what could be done to strengthen them and could they be implemented to maximum effect.

In total the Panel had made seven recommendations which were set out in the Panel's Report and centred on strengthening the way public health issues were included in both local and national planning and licensing policies.

Councillor McLaughlin informed that the Panel had heard of some excellent initiatives that local businesses were being encouraged to sign up to on a voluntary basis such as an agreement to stop selling the most damaging high strength alcohol, through the Reduce the Strength Campaign, and to address

poor diet through the Takeaway for a Change and Eat Well Wirral Campaigns which worked with parents, children and retailers to encourage healthier diets and the Panel would like to see this work carried on with vigour.

The Panel wanted to see the work to improve these aspects of Public Health supported by stronger working relationships between the departments and the establishment of a cross-departmental working party that reported to the Health and Wellbeing Board to carry this work forward.

Councillor McLaughlin reported that the Panel had been dismayed that there had been no consideration for Public Health and Licencing Regulations and would like the Council leadership to press for such an objective to be included in the City Region, and the City Region to add its influence to that of the Local Government Association and Directors of Public Health for greater consideration to Public Health at national level.

The Panel wanted to see a refreshed Licensing Policy document for Wirral which sought to address the objectives of the Wirral Plan and though the conclusion of the report. The Panel did understand that Cumulative Impact policies were only one tool which could be used. The Panel would like to see them used where appropriate.

In relation to the Planning Policy, Councillor McLaughlin reported that the Panel had concluded that there was scope to go further than had been the case in the past and follow the examples of Local Authorities such as St Helens and Stoke who had developed Supplementary Planning Documents to make exclusion zones, for example fast food outlets near to secondary schools.

The Council welcomed the fact that people were living longer but knew that a gap between life expectancy which existed between people living in more affluent areas and those in the more deprived wards was a massive challenge. It wanted people to live longer but it also wanted those lives to be lived and enjoyed in good health.

Councillor McLaughlin concluded by thanking her colleagues Councillors Phil Gilchrist, Paul Hayes and Janette Williamson for the work they had put in and invited comment on the Task and Finish Panel's report.

Councillor Ann McLachlan welcomed the joined up approach and agreed it was important for both Licensing and Planning to be involved as allowing numerous alcohol and fast food outlets to go ahead had a negative effect on public health. She informed that this was something that the Leader would take up with the Liverpool City Region.

Councillor Janette Williamson thanked Councillor McLaughlin for presenting this welcome review on behalf of the Panel that undertook the work. She informed that she had taken part in this particular piece of scrutiny work and

had found the experience reinforced her belief that the Council should take every action it could to reduce the impact of alcohol and unhealthy food in the local community.

Councillor Williamson also referred to the many health inequalities that exist in the community that were linked to alcohol and poor diet and noted that it was often the most challenged communities that were exposed to the greatest risks.

Councillor Williamson referred to Appendix 2 to the report that showed that many of the actions of the review were already being worked upon. The Reducing the Strength, Eat Well Wirral and Takeaway for a Change were continuing to gain engagement from businesses, schools and fast food outlets. The Council had started pilot work to develop the High Streets in local community initiatives. An agreed approach to introduce cumulative impact policy in areas where there was evidence that justified this and the Council had led the work to develop a Cheshire and Merseyside approach to addressing licensing issues. Councillor Williamson ended by informing that it was vital to keep residents safe and healthy.

RESOLVED: That

- (1) the contents and recommendations of the Cumulative Impact on Public Health Scrutiny Review be approved; and**
- (2) the Officer response to the recommendations outlined in the report be supported.**

55 **HOYLAKE GOLF RESORT**



Councillor Phil Davies, Leader of the Council - Strategic Economic Development, Finance and Devolution, said:

‘Hoylake Golf Resort promises to be an iconic international project bringing new jobs, prosperity and tourists to Wirral, boosting our economy and visitor numbers. Tourism is an important part of our growth plan, and supports our pledges around a vibrant economy and jobs.

This report will take our plans nearer reality by consulting a range of commercial, technical and legal experts who can help us draw up a blueprint and a process for moving forward.

I would like to reassure residents and all other interested parties that we will be continuing to consult and talk to people who live in Wirral, to make sure that we are all moving forward as partners in delivering these plans.'

Councillor George Davies introduced a report, in Councillor Phil Davies' absence that informed that following the selection of the Nicklaus Joint Venture Group (NJVG) as the Council's Preferred Development Partner, detailed discussions had taken place to conclude a Development Agreement to take the Hoylake Golf Resort project forward to the Funding and Viability stage.

The report provided an update for Members on progress, outlined an indicative timetable for moving forward and sought approval to sign the Framework Development Agreement and formally close the Competitive Dialogue Procurement process. It also requested approval of an additional fee and works budget of £595,969 to allow essential expertise to be retained to advise the Council on a range of commercial, technical and legal aspects of the proposed development. The previous fee budget of £237,000 had been expended. Members noted that it was also necessary to undertake geotechnical investigations of the Council's owned former landfill site at Greenbank Road to ensure that it could be safely used as a golf course. The total cost of these investigations, including specialist supervision and the ground work itself, was £252,469 and was included in the total reported above (£565,969). Members were asked to endorse the Council entering into the Framework Development Agreement (FDA). The signing of the Agreement would allow the NJVG to work up a comprehensive Funding Strategy for future Council approval that it was envisaged would trigger the preparation of a full planning application.

The Hoylake Golf Resort project supported the business category of the 2020 pledges and, in particular, the priority to create a vibrant tourism economy. It also linked to the Council's priorities to increase inward investment and create greater job opportunities in Wirral. The report was of greatest relevance to the Hoylake and Meols Ward but it was noted that the wider economic impacts would have implications for all wards.

Further detail of the Framework Development Agreement provisions was appended to the report together with an assessment of the implications of signing the FDA and the protection measures in place to protect the Council. This appendix was exempt from publication under Schedule 12A of the Local Government Act 1972 due to the commercial sensitivities of that information. (Minute No. 61 refers.)

Councillor Ann McLachlan informed that the Cabinet was under no illusions about the financial situation the Council was in. This money was being spent as a long term future investment and it was in accordance with the Council's pledges around homes, jobs and health and wellbeing. Wirral would be the only Council in the Country to have a Nicklaus Golf Course. The scheme had been well thought out and costed

and the NJVG would have to show significant cost commitment. This was a most appropriate and right way forward with the scheme and it was an ambitious approach for the site.

RESOLVED: That

- (1) the signing of the Framework Development Agreement under the terms reported and the formal closing of the Competitive Dialogue procurement process be authorised;**
- (2) the decision on the appropriation of the land required for the purposes of the golf resort for planning purposes under Section 237 Town and Country Planning Act 1990 be deferred to a future meeting;**
- (3) a new fee and site investigation works budget of £595,969 to take the project forward as set out in the report be agreed;**
- (4) a geo-technical Site Investigation of the former landfill site as Greenbank Road owned by the Council be undertaken as well as the necessary works required to ensure that the land is suitable for use as a golf resort; and**
- (5) once the Funding Strategy has been submitted by the NJVG and assessed by the Council, a further report be presented to the Cabinet for consideration.**

56 **CORPORATE RISK MANAGEMENT POLICY**



Councillor Ann McLachlan, Cabinet Member – Transformation, Leisure and Culture, said:

“Effective risk management is a key element of good corporate governance. As with other areas of governance the Council’s approach to managing risk has improved greatly in recent years.

But it is important that our approach supports how the Council is seeking to deliver the outcomes in the Wirral Plan and reflects developments in good practice”.

Councillor Ann McLachlan introduced a report that confirmed the process behind the annual update to the Council’s Corporate Risk Management Policy (which was appended) and set out the factors that had influenced its development, in particular, the application of risk management to support the

delivery of Wirral Plan strategies. The Policy had been approved by Audit and Risk Management Committee on 25 September 2016. In accordance with Cabinet's ultimate responsibility for corporate governance, the Cabinet was invited to consider and formally adopt the Policy on behalf of the Council.

Councillor McLachlan commended the Officers who had been involved with this very good piece of work. The refreshed Risk Management Policy had been developed to re-align with the Council's 2020 vision and 20 Pledges and reflected the new partnership working arrangements.

Councillor McLachlan drew attention to the Action Plan and informed that the review had linked the Risk Management Policy into the culture of the Council. There was still a lot of work to do going forward and it would help with the Council's new and different ways of working i.e. the Council's commercial and business approach to becoming risk aware and not risk averse.

RESOLVED:

That the revised Corporate Risk Management Policy be formally adopted.

57 **NOTICE OF MOTION - GREEN BIN COLLECTION CHANGES**

At the meeting of the Council held on 17 October 2016 (Minute No. 67 refers), the following Notice of Motion which had been proposed by Councillor Stuart Kelly and seconded by Councillor Dave Mitchell was referred by the Mayor to the Cabinet for consideration:

'Council notes:

- (1) The Cabinet's consultation proposals to potentially change Wirral's residual (green bin) collections by introducing three weekly collections or by reducing the size of the bin from 240ltr to 140ltr at a cost of £1.5 million.
- (2) The proposed food collection is intended to divert 10% of the volume of residual waste but that the reduction in capacity for residents will be up to 41%; Council believes this difference will be difficult for families to manage and could result in increased fly-tipping.
- (3) The residual waste stream will no longer be sent to landfill and will no longer attract landfill taxes and that the waste will instead be used to generate electricity at the Teesside plant.

Council believes:

- (i). That funding from the Waste Development Fund should be used to improve the sorting facilities at the Bidston MRF, enabling the full range of plastics to be recovered and that strenuous efforts should be made to develop markets for the materials obtained.
- (ii). Any changes to current residual green bin collections are unnecessary and wasteful and calls upon Cabinet to work with, rather than against, householders in increasing recycling yields.'

In accordance with Standing Order 7 (6), Councillor Kelly had been invited to the meeting and was in attendance in order to explain the Motion.

Councillor Kelly made representations informing that he considered that the options had been flawed and requested that the Cabinet take a step back at this stage and have a re-think. He set out his view on the benefits of removing food waste from the general waste. He was concerned about the proposed reduction in the green bin's capacity and the implications including an increase in fly tipping. Councillor Kelly proposed that the Cabinet looked at how plastics could be collected and the possibility of working with Cheshire West and Chester Council on this.

Councillor Kelly considered that a change of approach was warranted he asked the Cabinet to work in co-operation with people rather than coercing them by reducing the capacity of their bins.

Councillor Bernie Mooney informed that clearly the Administration did not take decisions without thinking things through first. Everything was being done in a measured and considered way. The Cabinet had considered the impact of what had been proposed and a full business case was being prepared. The consultation responses were being worked through and there would be a complete overview and analysis of the comments received. The aim was to ensure that the entire project was designed to meet the needs of residents. There was also to be a review of recycling across the Liverpool City Region.

Councillor Kelly informed that he was grateful for the opportunity to make his case at this juncture, before the Business Case was finalised and presented to the Cabinet.

Councillor Anne McLachlan pointed out that Cheshire West and Chester Council subsidised the recycling of plastic containers, taking a financial hit and absorbing the costs.

Councillor Mooney reported that officers were still looking at ways to recycle plastics. A considered decision would be made backed by evidence. The whole initiative was being taken forward one step at a time.

RESOLVED:

That the content of the Notice of Motion be noted and it be considered along with the rest of the consultation findings, the Liverpool City Region review and the Council's Business Case.

58 **CLIMATE CHANGE ANNUAL REPORT AND ACTION PLAN 2016**



Councillor Bernie Mooney, Cabinet Member – Environment, said:

“Action on climate change matters. There needs to be action at all levels from global to local, and from all quarters – at home, at work, and in our communities.

An historic international agreement was reached in Paris last year. It seems fitting to affirm our support for this agreement as we take stock of local progress and set out further actions. These actions will help to both limit climate related pollution from Wirral and better adapt Wirral to current and future climate impacts. We can all play a part in rising to the challenge of climate change and we all need to do so”.

Councillor Bernie Mooney introduced a report that provided the latest annual update on climate change activity in Wirral which had been requested by the Cabinet. The report provided an overview of the new UN Paris Agreement on Climate Change and introduced the Paris Pledge for Action – an initiative through which organisations could confirm their support for the new UN framework. It documented the activities of the Wirral Climate Group, introduced the Group's second annual progress report on the Wirral climate change strategy 2014 - 19, and the latest version of the “rolling” action plan to advance the strategy's implementation.

The Cabinet noted that climate strategy supported the delivery of 17 of the 20 pledges in the Wirral Plan.

Appended to the report was:

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| Appendix 1 | The Paris Pledge for Action |
| Appendix 2 | Wirral Climate Change Strategy 2014 – 2019 2 nd Annual Progress Report July 2016 |
| Appendix 3 | Climate Change Strategy Action Plan, August 2016 version |

Councillor Mooney informed that school children were being persuaded to look after their environment and a Wirral School had been nominated for a national award for the environmental work it carried out with its pupils.

Councillor George Davies proposed that the Climate Change Strategy and Action Plan be considered by the Cabinet on an annual basis so that Members could keep abreast of progress being made.

RESOLVED: That

- (1) the second annual progress report on the climate strategy and the latest version of the rolling action plan be noted, endorsed and used to fulfil the Council’s commitments to public reporting;**
- (2) Wirral Council will sign the Paris Pledge for Action in support of the UN Paris Agreement on Climate Change; and**
- (3) the Climate Change Strategy and Action Plan be presented to the Cabinet on an annual basis so that Members can be updated on progress.**

59 **IT DISASTER RECOVERY SCRUTINY REVIEW**



Councillor Ann McLachlan, Cabinet Member – Transformation, Leisure and Culture, said:

“Ensuring Wirral’s IT systems are fit for purpose and robust, with adequate safeguards in place to continue providing services when issues occur is incredibly important.

I am grateful to the Members who took part in this scrutiny review and believe their work and the recommendations it has led to will be hugely valuable”.

Councillor Ann McLachlan introduced a report, which set out the findings of a scrutiny review that had been set up to review the Council's IT disaster recovery arrangements. The review had been commissioned by the former Transformation and Resources Policy and Performance Committee and then approved and referred to the Cabinet by the Business Overview and Scrutiny Committee at its meeting on 12 July 2016. The report set out a series of recommendations that the Scrutiny Panel had put forward to help improve the Council's response to disaster recovery.

The Cabinet noted that this work supported enabling project activities to support the delivery of the Wirral Plan.

Appended to the report were the Disaster Recovery Scrutiny Review Minute Extract, the report to the Business Overview and Scrutiny Committee on 12 July 2016 and the Scrutiny Review Report.

Councillor McLachlan informed that Councillor Adam Sykes, the Chair of the Scrutiny Review Panel, had been invited to this meeting to present the report but unfortunately had been unable to attend. Councillor McLachlan also informed that the Panel had carried out an excellent piece of task and finish work. It had been described as forward thinking and all of the recommendations set out in the Scrutiny Review Report had been accepted. The work to ensure the Council had a robust plan had been going on for some time. The key issue was continuity which involved well thought out and managed plans. As part of this there was the mammoth task of the upgrade to Office 365 and the moving of data into the Cloud. This would be done in chunks.

Councillor McLachlan commended and thanked all those Members and Officers who had been involved with this outstanding Report.

RESOLVED: That:

- (1) the findings of the Report be endorsed and all the recommendations arising from this review be approved;**
- (2) the progress made since 2014 to address the historic weaknesses across the Wirral Council ICT estate and to improve the Council's ability to cope with and recover from a variety of Business Continuity risks be noted; and**
- (3) a future report is brought back to Cabinet by the Chief Information Officer setting out how the Council is responding to this review and taking forward this work.**

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

RESOLVED:

That, under section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act in that it contains commercially sensitive information. The Public Interest test has been applied and favours exclusion.

61 **HOYLAKE GOLF RESORT - EXEMPT APPENDICES**

RESOLVED:

That the content of the exempt appendices (reference report Agenda Item No. 4 – Hoylake Golf Resort - Minute No. 55) be noted.