

CABINET

Thursday, 26 November 2009

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance & Best Value
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly M McLaughlin R Moon J Stapleton	Corporate Resources Housing & Community Safety Children's Services & Lifelong Learning Environment Community & Customer Engagement Social Care & Inclusion Culture, Tourism & Leisure Regeneration & Planning Strategy
<u>Apologies</u>	Councillor	J Quinn	Streetscene & Transport Services

190 MINUTES

RESOLVED - That the Minutes of the meeting of the Cabinet on 5 November 2009 be confirmed as a correct record.

191 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor G Davies declared a prejudicial interest in Item No.3 on the agenda – Committee Referral – Children and Young People Overview and Scrutiny Committee – Review of Secondary School Places Phase I (Minute No. 197 refers), by virtue of being a Governor of Park High School. He left the meeting whilst the item was under consideration.

Councillor S Kelly informed the meeting that he would be leaving the room whilst the next item of business was under discussion because it included reference to Ridgeway High School and when the previous decision was called-in, he had attended the call-in meeting and expressed his views in relation to that school. Consequently, he had pre-determined himself.

192 COMMITTEE REFERRAL - CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF SECONDARY SCHOOL PLACES PHASE 1

A special meeting of the overview and scrutiny committee was held on 3 November 2009, to consider the call in of Minute 143 of Cabinet (1/10/09) relating to the above by the Conservative Group. Councillor P Davies informed that new information had been brought to his attention since the decision the Cabinet had made on 1 October 2009. He recommended that the Council should continue to support Ridgeway High School and that a report detailing options to re-organise Secondary Education in Wirral be presented to the Cabinet in due course.

RESOLVED - That

- (1) Cabinet notes the resolutions discussed at the Children and Young People Overview and Scrutiny Committee on 3 November 2009;
- (2) Cabinet reiterates its determination to tackle the surplus places issue in secondary education in order that public money is spent wisely and pupils receive the best possible education;
- (3) Cabinet notes the concerns expressed by parents and Governors of Ridgeway High School about its closure and the wishes of the governing body that it cannot agree to a proposal that would ultimately see the closure of Ridgeway High School;
- (4) In view of these representations, Cabinet believes that the '3 into 2' model which would see the closure of Park High, Rock Ferry High and Ridgeway High Schools and their replacement with two new Academies should be formally withdrawn';
- (5) Whilst Cabinet notes the professional view of the Director of Children's Services remains that the '3 into 2' model is the best solution to tackle the issue of surplus places and the gender imbalance in Birkenhead, the Authority pledges to continue to give its full support to Ridgeway High School through school improvement activities as it has always done;
- (6) In light of the above, there is clearly a need to identify a new options for reorganising secondary education in Birkenhead in order to reduce surplus places. Cabinet is also mindful of the window of opportunity available to attract significant additional funding from the current government for improving secondary education in Birkenhead;
- (7) Cabinet, therefore, agrees to revert to the original '2 into 1' model, which it agreed on 6 November 2008, and to recommence discussions and pre-consultation on the closure of Rock Ferry High and Park High in order to establish a new mixed Academy for pupils on either the Park High site or a new site, i.e. Borough Road Playing Fields. The Director is requested to consult with representatives of Park High School and Rock Ferry High School and representatives of residents from the Tranmere Hall and Mount Estates and with Shaftsbury Youth Club on the siting of the new Academy and report back to Cabinet on 9 December 2009;
- (8) Cabinet also asks the Director to begin discussions with other key stakeholders on the '2 into 1' model outlined above. This should include working with the Office of the Schools Commissioner and the Department of Children, Schools and Families to form a sponsor team and produce a new Statement of Intent. The Cabinet's view is that the previous Mixed Academy sponsor team should be put forward to the Overview and Scrutiny Committee;
- (9) The Director be also authorised to undertake pre-consultation on the closure of predecessor schools;

- (10) A further report, including the new Expression of Interest (EO1) be brought back to the Cabinet as a matter of urgency. It is proposed that if the Cabinet approves the EO1 it will also approve commencement of consultation on closure of the two schools as part of the Feasibility Stage; and
- (11) In view of the urgency of this item, the Cabinet agrees to waive the call-in process.

193 RECENT COUNCIL ACHIEVEMENTS

The Leader reported that the Council had been successful recently in respect of the following:

- (a) Equality Standard for Local Government – Level 3 Re-Assessment

This assessment involved a successful review of the whole Council and its approach of embedding equality and diversity across everything that it does as an employer, a service provider, a commissioner and in its leadership role within communities. Level 3 was recognised nationally and showed that the Council had developed and implemented the necessary systems and processes to promote equality and opportunity for all.

- (b) Investors in People Standard

The Council had successfully retained Investor in People status. The Investors in People Standard was a business improvement tool designed to advance an organisation's performance through its people. The Council was prepared for re-assessment against ten indicators of the Investors in People Standard. The review not only involved interviews with all staff, including senior managers, but also included Councillors and Trade Unions.

RESOLVED -

That all staff involved with these two initiatives be congratulated and thanked for all their hard work.

194 PROPOSAL FOR THE RELOCATION OF STANLEY SCHOOL

The Director of Children's Services reported that on 23 April 2009 the Cabinet had given approval to:

- (1) The rebuilding of both Stanley and Elleray Park Schools on new sites, each co-located with a mainstream primary school;
- (2) The implementation of a feasibility study regarding the possible creation of a 2-19 special school for children with profound and multiple learning difficulties, and;

- (3) The replacement of Foxfield and Meadowside Schools with a new build 11-19 complex learning difficulty school (CLD) built on split sites with the 11-16 provision being co-located with a mainstream secondary school and the 16-19 provision being co-located with Wirral Metropolitan College.

Members were informed of progress made thus far in the implementation of the actions and, in particular, approval was sought to enter into public consultation regarding proposals for the relocation of Stanley School to the site of the new Pensby Primary School.

RESOLVED - That:

- (1) **the progress made in implementing the actions agreed on 23.04.09 be noted, and;**
- (2) **a formal consultation exercise on the proposed re-location of Stanley School on the new Pensby Primary site be approved.**

195 BIRKENHEAD HIGH SCHOOL ACADEMY - OUTLINE BUSINESS CASE

A report by the Director of Children's Services requested the Cabinet's approval of the required Outline Business Case for capital works at Birkenhead High School for Girls Academy and to underwrite any affordability gap that might occur in the replacement and refurbishment scheme at Birkenhead High School Academy under the Partnerships for Schools (PfS) Academy programme - that commitment being a requirement of the Council's Outline Business Case with approval needed by Partnerships for Schools (PfS) prior to the Invitation to Tender (ITT) being released to Framework Contractors.

The Cabinet noted that the original intention was that the Outline Business Case should form part of a combined bid for capital funding along with the other Academy proposals, now withdrawn. The capital funding for Birkenhead High School Academy was a self-contained proposal, the merits of which were not dependent or connected in any way with the other Academy proposals. Therefore, the Cabinet required the business case to reflect this.

The Cabinet further required all costs to be kept within estimates and any deviation to be funded from within the resources being made available for this project to ensure no financial burden fell on Council Tax payers with regard to the proposal.

RESOLVED - That, subject to the above, the following be approved:

- (1) **the Council confirms its approval for the Capital Investment at Birkenhead High School Academy;**
- (2) **written confirmation to Partnerships for Schools that any funding gap will be underwritten by the Council;**
- (3) **the relevant Section 151 officer letter, as required by PfS, be drawn up and submitted to PfS; and**

- (4) further approval be given for the Council to sign the relevant Collateral Warranties in respect of various surveys carried out as part of the scheme development and accept the warranted report on title from the Girl's Day School Trust.

196 **GAYTON PRIMARY SCHOOL**

A report by the Director of Children's Services set out proposals to remodel the school's main entrance and reception area, office accommodation, staff facilities and resource area/teaching space for Extended Services at Gayton Primary School. The scheme would also enhance security at the school. The estimated costs of the scheme were set out and Cabinet was asked to consider and approve the proposal and to agree future years' Capital funding for the project.

The scheme had been identified in the Departmental Capital Programme for 2009/10, which was reported to the Cabinet on 28 May 2009 and this report was identified as item 80 on the Forward Plan of Key Decisions, for the period September – December 2009.

RESOLVED - That

- (1) the Scheme and Estimate, as presented in the report, be accepted;
- (2) the Director of Technical Services be authorised to obtain all necessary statutory approvals for the project;
- (3) the Director of Technical Services be authorised to seek tenders for the project;
- (4) the Director of Children's Services be requested to use his delegated powers to accept the lowest bone-fide tender and report his acceptance of the tender to the Cabinet in due course and in accordance with the Council's Procurement Policy; and
- (5) allocations from DCSF Modernisation allocations 2010/11 be made available for this scheme, ahead of Cabinet approval of the main Capital Programme for 2010/11.

197 **IRBY PRIMARY SCHOOL - REPLACEMENT PVI PRE-SCHOOL UNIT - SCHEME AND ESTIMATE**

The Department for Children Schools and Families had announced additional Early Years Capital Funding for the period April 2009 to March 2011, the grant being intended, but not exclusively, to support capital investment in the private, voluntary and independent (PVI) sector. A report by the Director of Children's Services described the scheme to replace a poor quality Pre-School Unit located at Irby Primary School with a new modular built unit. The costs and scope of the scheme were set out and the Cabinet was requested to consider and approve the proposal.

RESOLVED - That

- (1) the Scheme and Estimate, as detailed in the report, be accepted;
- (2) the Director of Technical Services be authorised to procure the project as a single stage selective competitive tender; and
- (3) the Director of Technical Services be authorised to obtain all necessary statutory approvals for the project.

198 **PROVISION OF A NEW SCHOOL AT PARK PRIMARY SCHOOL - TENDERS**

A report by the Director of Technical Services served to update the Cabinet on tenders received and sought approval of the most economically advantageous one.

Details of the tenders received and most economically advantageous one were included in an appendix to the report considered in Part 2 of the meeting after the press and public had been excluded (Minute No. 218 refers).

RESOLVED -

That the most economically advantageous tender, as indicated in the appendix to the report, be approved, subject to the Contractor developing a satisfactory Health & Safety Plan and completion of contract documentation.

199 **COMMITTEE REFERRAL - ECONOMY AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE - THE 'SAIL' PROJECT WEST KIRBY**

Following a report from the Director of Law, HR & Asset Management, Members were requested to consider a referral from the special meeting of the Economy and Regeneration Overview and Scrutiny Committee held on 27 October 2009 on the West Kirby 'Sail' project.

RESOLVED - That

- (1) the withdrawal of the call-in of the Cabinet's decision (Minute No.129 refers) by Conservative Councillors hereby indicating their support for that decision, which is now being implemented, be welcomed;
- (2) Cabinet is therefore perplexed that, having withdrawn that call-in notice, an additional meeting of the Economy and Regeneration Overview and Scrutiny Committee should have been held to consider the same issue. Cabinet thanks those representatives from the Lake Users Group and the West Kirby Walking Group who attended that meeting, but regrets that they were invited to a meeting which served no constitutional purpose; and
- (3) Cabinet notes that detailed negotiations are currently underway with Carpenter Investments to produce a Development Agreement, which will include a consultation and stakeholder engagement plan and which will be reported back to a future meeting of Cabinet for decision.

200 **LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - CORE STRATEGY DEVELOPMENT PLAN DOCUMENT - PUBLIC CONSULTATION ON SPATIAL OPTIONS**

A report by the Deputy Chief Executive/Director of Corporate Services sought approval to undertake public consultation on a draft Spatial Options Report as part of the next stage in the preparation of a Core Strategy Development Plan Document for Wirral. The Core Strategy, when adopted, would be the lead document of the Borough's Statutory Local Development Framework.

RESOLVED - That

- (1) **the draft Spatial Options Report appended to the report be approved for public consultation;**
- (2) **the Director of Corporate Services be given delegated authority to make any necessary factual or presentational changes to the draft Spatial Options Report and its accompanying documents, before publishing the Report for public consultation;**
- (3) **the Sustainability Appraisal prepared to accompany the Spatial Options Report be submitted for consideration by the Sustainability Appraisal Panel as part of the public consultation process;**
- (4) **the evidence base studies related to Flood Risk, Biodiversity and Landscape and Minerals be approved as material considerations for use by Planning Committee in the determination of individual planning applications and made available for public inspection on the Council's website.**
- (5) **an Open Day for members of the public and Area Forums and other stakeholders be arranged as part of the consultation process; and**
- (6) **Members be offered the opportunity to attend a Briefing Session as part of the consultation process.**

201 **COMPLEMENTARY BUSINESS START SERVICES TO ENHANCE NWDA INTENSIVE BUSINESS START UP SERVICES IN WIRRAL**

A report by the Director of Regeneration sought Members' agreement to the provision of additional complementary support services to the NWDA Intensive Business Start Programme.

RESOLVED -

That the additional complementary services for the NWDA Intensive Business Start Programme be agreed.

202 COMMITTEE REFERRAL - SCRUTINY PROGRAMME BOARD - SCRUTINY TRAINING

The Cabinet was requested to consider the recommendations of the Scrutiny Programme Board (Minute No. 26 – 4/11/09 refers) regarding Members' training and development.

RESOLVED - That

- (1) Cabinet thanks the Scrutiny Programme Board for its referral;
- (2) Cabinet notes that an initiative is already being taken by the Council's Chief Executive to progress issues around Members' Training and Development (including those around governance, training budgets and training providers) and that a meeting of the Chief Executive, Cabinet and Portfolio Holder for Corporate Services and the Members' Training Steering Group will shortly be held to discuss these issues; and
- (3) therefore, Cabinet requests that the Chief Executive reports back to it on the outcomes of these discussions and to the Scrutiny Programme Board and the Employment and Appointments Committee at the earliest opportunity.

203 WIRRAL COUNCIL AS ACCOUNTABLE BODY FOR THE MERSEYSIDE IMPROVEMENT AND EFFICIENCY PARTNERSHIP

The Chief Executive presented a report that set out details of the role of Wirral Council in the Merseyside Improvement and Efficiency Partnership (MIEP). It was recommended that Cabinet endorse Wirral Council's status as accountable body for the MIEP.

RESOLVED - That

- (1) the role that Wirral Council performs for MIEP be noted; and.
- (2) Wirral Council's role as accountable body for MIEP be endorsed.

204 BALANCE SHEET MANAGEMENT - REVIEW OF BALANCES - PROVISIONS AND RESERVES

A report by the Director of Finance detailed the mid-year review of the amounts held in balances, provisions and reserves. The release of those provisions and reserves no longer required to general balances was proposed.

RESOLVED -

That, having regard to the risk involved, the Marketing Wirral Tourism Reserve of £171,000 be returned to General Fund Balances.

205 VALUE FOR MONEY PROFILES 2008/09

A report by the Director of Finance set out details of further work undertaken on the 2008/09 Audit Commission Value for Money profiles for Wirral following the Cabinet meeting on 3 September 2009. The report examined the work on low cost profiles and detailed actions that would be required to reduce high cost profiles to an average level for our statistical nearest neighbours.

RESOLVED -

That the findings outlined within the report be noted.

206 CHANGE OPTIONS

Further to the report entitled "Options for Change – Towards a Strategy for Care Services" which had been presented to Cabinet at its meeting on 23 July 2009 (attached to the report as Appendix 1), the Director of Adult Social Services presented a further report outlining how the consultation process requested by the Cabinet had been carried out, and providing a summary of the consultation feedback for each area of service. Proposed options were put forward for each area of service based on the information within the original report and an analysis of the consultation feedback.

Three petitions were submitted by Unison as follows, and would form part of the Consultation process:

The Future of Poulton House	326 signatories
The Future of Pensall House	931 signatories
The Future of Meadowcroft	1201 signatories

The matter involved a key decision first identified in the Forward Plan of Key Decisions dated September 2009.

RESOLVED - That in respect of:

- (1) **Supported Living:** Further work be carried out on the realignment of the staffing structure to achieve efficiencies to bring costs in line with those in the independent sector. The realignment must take account of the Consultation feedback. Following that realignment, a further proposal be put before the Cabinet regarding the future of this service;
- (2) **Mapleholme:** The 'Take a Break' scheme be extended to all people who use the respite service at Mapleholme. The relocation of the service be deferred until a decision is reached regarding the provision of Intermediate Care;
- (3) **Meadowcroft:** Some bed capacity be retained at Meadowcroft and its focus be incrementally changed from bed based to community based services, whilst further work is undertaken to develop robust alternatives for respite and intermediate care services;

- (4) Fernleigh: A report from NHS Wirral be requested, to inform Members of progress being made in the review of the service currently provided at Fernleigh;
- (5) Officers be thanked for their hard work on change options;
- (6) Residential Care: People who currently live in these units be enabled to access alternative accommodation, preferably in their own tenancies. At the same time, the staffing structure be realigned to reflect these changes;
- (7) Dementia Care: A future report be presented to the Cabinet to update it on the progress of the Commissioning Strategy for Dementia Care; and
- (8) Day Services: A feasibility study be undertaken into the creation of a LATC.

207 **MENTAL HEALTH ACT 1983 - DISCHARGE FROM GUARDIANSHIP BY WIRRAL COUNCIL**

The Director of Adult Social Service presented a report which examined the need for the Council to have a Panel of Members which would allow the Local Social Services Authority to use its power to discharge service-users under Section 23 (4) Mental Health Act 1983 who were subject to Guardianship under Section 7 of the Mental Health Act 1983.

RESOLVED - That

- (1) a Panel of three or more Members be set up to hear requests to discharge service-users, subject to Guardianship upon the application of a professional responsible for their care; and
- (2) Panel members be appointed from those who currently sit on the Health and Well-Being Overview and Scrutiny Committee.

208 **ENFORCEMENT POLICY**

A report was presented by the Director of Regeneration which sought Cabinet approval for the revised enforcement policy for the Regeneration Department.

RESOLVED -

That the enforcement policy attached as appendix 1 to the report be approved.

209 **YOU DECIDE ALLOCATION 2009/10**

A report by the Deputy Chief Executive/Director of Corporate Services outlined the allocation of the 'You Decide' and Integrated Transport Block funding through Area Forums.

RESOLVED -

That the allocation of spending on 'You Decide' and the Integrated Transport Block in each Area Forum area be approved and officers now take the necessary steps to implement these proposals.

210 COMPACT CHAMPION

A report by the Deputy Chief Executive/Director of Corporate Services requested approval to appoint Councillor Stuart Kelly as the Council's Compact Champion.

RESOLVED -

That Councillor Stuart Kelly be appointed as the Council's Compact Champion.

211 ANY OTHER ITEMS OF BUSINESS THAT THE CHAIR DETERMINES ARE URGENT - ADDITIONAL ALLOCATION OF WORKING NEIGHBOURHOODS FUNDS

The Chair agreed to the consideration of this item of business as a matter of urgency because of the need to make the Cabinet aware of it as soon as possible.

Members were informed of the recent Government announcement to allocate additional Working Neighbourhoods Fund (WNF) resources of £807,140 to Wirral

RESOLVED -

That the use of this additional resource to fund 50 new places within the Wirral Apprenticeship Programme be approved.

212 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED -

That, under section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The Public Interest Test has been applied and favours exclusion.

213 HOUSING MARKET RENEWAL INITIATIVE - HMRI MARKETING AND COMMUNICATIONS

A report by the Director of Regeneration sought approval to extend an existing contract for the provision of design services for Housing Market Renewal in Wirral until 31 March 2011, in line with the Council's procurement rules.

RESOLVED -

That the provision of design services for Housing Market Renewal in Wirral provided by Wiggett Design be extended until 31 March 2011.

214 REQUEST FOR FINANCIAL ASSISTANCE

A report by the Deputy Chief Executive/Director of Corporate Services sought approval to provide a grant from the Think Big Investment Fund to the company named in the report in the sum of £53,604 to assist towards its diversification project. This included manufacturing products the company previously outsourced from outside of Wirral.

RESOLVED -

That a Think Big Investment Fund Grant of £56,440 be approved towards the business expansion project being undertaken by the company named within the report.

215 MERSEYSIDE PENSION FUND - REVIEW OF POTENTIAL UNFUNDED LIABILITIES FOR ADMISSION BODIES

A report by the Director of Finance set out details of the annual review of potential unfunded liabilities for admission bodies, undertaken by the Actuary Mercer, following an actuarial review of the Fund as at 31 March 2009.

Members were recommended to confirm, having regard to the continued current difficult financial circumstances, bond requirements for Contractor Admission Bodies should not be increased based on the latest figures provided by the Actuary but instead be retained at the 31 March 2007 levels.

Consequently, the funding guarantees provided by the Authority to MPF would need to be increased in accordance with the amount of the unfunded liability.

RESOLVED - That

- (1) **the bond requirements be not increased based on the 31 March 2009 figures provided by the Actuary but instead be retained at the 31 March 2007 levels;**
- (2) **the level of funding guarantees provided by the Council be increased in accordance with the amount of the unfunded liabilities;**
- (3) **a further review be undertaken as part of the forthcoming actuarial valuation as at 31 March 2010 and the results be considered, having regard to the outcome of the current funding consultation, and in the light of the economic and financial position at that time; and**
- (4) **the potential liabilities of admission bodies continue to be monitored on a regular basis.**

216 EXTENSION OF COUNCIL MORTGAGE SCHEME

Further to the resolution as part of the 2009/10 Council Budget, a report by the Director of Finance updated the Cabinet on the possible extension of the mortgage scheme.

RESOLVED - That

- (1) the work in progressing the extension of the Council mortgage scheme be noted;
- (2) the initiatives of the Government, lending institutions and advice agencies particularly in the local area be noted; and
- (3) a further report be submitted to the Cabinet when the Financial Services Authority has made recommendations on the implementation of proposals for a more sustainable mortgage market.

217 DISCRETIONARY RELIEF FOR NON PROFIT MAKING ORGANISATIONS

A report by the Director of Finance advised that the Policy and Resources Committee had previously agreed that 100% discretionary rate relief be given to certain non profit-making voluntary or sporting organisations which broadly fitted the criteria laid down. An application had been received from the Heswall Royal British Legion, which did not fully meet the criteria, and was referred to the Cabinet for consideration.

RESOLVED -

That the Club does not sufficiently fulfil the criteria and that the charitable, sporting voluntary and other appropriate activities are outweighed by the social usage of the Club and its associated facilities by members and guests, and consequently no relief be awarded.

218 ANY OTHER ITEMS OF BUSINESS THAT THE CHAIR DETERMINES ARE URGENT- PARK PRIMARY SCHOOL - TENDERS

The Chair agreed to consideration of this item as a matter of urgent business so that the contract could be let without delay.

The Cabinet considered the Tender Report for the provision of a new school at Park Primary School. Five contractors had completed the tendering process and had been scored on price and quality. These were considered along with a final evaluation.

RESOLVED -

That Tender E (Morgan Ashurst plc), the most economically advantageous tender, be accepted.