



# Cabinet

<b>Date:</b>	<b>Monday, 4 June 2018</b>
<b>Time:</b>	<b>10.00 a.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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## AGENDA

### 1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

### 2. MINUTES

The minutes of the last meeting have been printed and published. Any matters called in will be reported at the meeting.

RECOMMENDATION: That the minutes be approved and adopted.

## LEADER'S UPDATE

### 3. EXECUTIVE KEY DECISIONS TAKEN UNDER DELEGATED POWERS (Pages 1 - 2)

**Key Decisions** – taken under delegated powers. Period 16 March, 2018 (date of publication of last Cabinet agenda) to date.

- Leader of the Council  
Assisted Travel (Specialist Transport) Services Re-Commissioning from September, 2018 – Full Business Case and Award of Contract Routes  
(Executive Member Decision Form attached).

Effective from 28 April, 2018

### 4. STRATEGIC PRIORITIES 2018/19 (Pages 3 - 8)

## **CABINET MEMBER REPORTS**

- 5. CONSENT TO LEGISLATION TO ENABLE DEVOLUTION OF THE ADULT EDUCATION BUDGET (Pages 9 - 14)**

- 6. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)**

To consider any other business that the Chair accepts as being urgent.

- 7. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the 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 I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

- 8. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)**

To consider any other business that the Chair accepts as being urgent.

## EXECUTIVE MEMBER DECISION FORM

**DECISION TO BE TAKEN BY: CLLR PHIL DAVIES**

**KEY DECISION: YES**

**PORTFOLIO AREA: HIGHWAYS & TRANSPORT**

**PORTFOLIOS AFFECTED: HIGHWAYS & TRANSPORT**

**WARDS AFFECTED: ALL WARDS**

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**SUBJECT: RE-COMMISSIONING ASSISTED TRAVEL SERVICES FROM  
SEPTEMBER 2018 – FULL BUSINESS CASE AND AWARD OF  
CONTRACT ROUTES**

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### **1. RECOMMENDATIONS:**

The Leader of the Council is requested to:

- (1) Note the business case benefits and rationale for re-commissioning these services from September 2018 via a Dynamic Purchasing System (DPS) approach as outlined in section 4.0 of this report;
- (2) Note the list of 'eligible suppliers' that have successfully passed through the Supplier Qualification process as set out in the Appendix 1;
- (3) Delegate authority to officers to award contracts for 209 routes to the 'eligible suppliers' listed in Appendix 1 via two Bid Invitations up to a maximum financial value of £4.2M p.a. as outlined in this report and in accordance with CPR 9.7; and
- (4) Instruct officers to prepare a further report when the outcomes of the two Bid Invitations are known, setting out further details of awards via the Dynamic Purchasing System during the contract period.

### **2. REASON/S FOR RECOMMENDATIONS:**

The existing contract for these services will expire on the 31<sup>st</sup> August 2018 and there is no provision for further extension within the contract terms.

The procurement process will include the application of a Dynamic Purchasing System (DPS) methodology which will streamline and simplify the process for service providers.

The DPS process is compliant with UK Procurement Regulations and the Council's Contracts Procedure Rules and allows greater flexibility in procurement enabling the service to bring on board new suppliers on a rolling programme rather than having to wait until the end of an existing contract.

### 3. STATEMENT OF COMPLIANCE

*The recommendations are made further to legal advice from the Deputy Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.*

### 4. DECLARATION OF INTEREST

There are no conflicts of interest.

<b>Signed:</b>  <b>Executive Member: Cllr Phil Davies</b> <b>Date: 18 April 2018</b> <b>Also present:</b>	<b>Signed:</b>  <b>Chief Officer: Mark Smith</b> <b>Date: 18 April 2018</b>
<b>Date of Senior Policy Team Meeting(s):</b>	

**A list of background papers on this issue is held with:**

Contact Officer: Mark Smith  
Date: 17/4/18

**Date of Publication:**

**Date of Expiry of Call-In Period:**

*Form Reference: Executive Member Decision Form May 2012 v 1.0*



**COUNCILLOR PHIL DAVIES  
LEADER OF WIRRAL COUNCIL**

**CABINET**  
**4 June 2018**

**STRATEGIC PRIORITIES 2018/19**

**Councillor Phil Davies, Leader of Wirral Council, said:**

“Wirral residents expect good services; they expect their streets to be clean, their communities to be safe and their roads to be in good condition. They expect the vulnerable to be safe and protected, and for the economy to grow – creating the opportunities they need to secure good, well-paid jobs.

We will deliver on all of those expectations. Committing to delivering these priorities is about setting out our stall, it is about being clear with Wirral residents about what we will deliver and what they can expect from us.

We will also make sure we keep people informed on our progress, encourage residents to get involved in their local communities and shaping local services, and work with all of our partners to make sure we continue to deliver on our 20 Pledges.”

**REPORT SUMMARY**

- 1.1 This report sets out the strategic priorities for the Council in 2018/19. Progress against these priorities will be monitored and reported back on a regular basis throughout the year. The aim is to deliver outcomes against the 20 Pledges in the Wirral Plan.
- 1.2 Following last month’s local elections, the people of Wirral once again chose a Labour administration to run the Council, but they also told us what matters most to them and what they want us to deliver. We have listened and are taking action. This report re-affirms the importance of delivering the 20 Pledges in the Wirral Plan, agreed unanimously by Council in 2015. It also focuses on five strategic priorities to which particular emphasis will be given during 2018/19.

- 1.3 Against a continued back drop of austerity, Cabinet knows that we will be facing savings in excess of £45 million in 2019/20. In addition, the following year will see the removal of the Revenue Support Grant in its entirety. This will require the Council to make substantial changes to the way in which services are delivered and to continue to identify opportunities to generate additional income. For the immediate 12 months, and to begin to prepare for the huge change to local government financing in 2020/2021, a number of changes have been made to the Cabinet portfolio team. These were announced at Annual Council Part 2 on Tuesday 15<sup>th</sup> May, and included a new Cabinet role focussed on tackling law and order issues, a major concern for many residents.
- 1.4 This matter affects all Wards within the Borough. It is not a key decision.

## **RECOMMENDATION/S**

- 2.0 Cabinet are recommended to:
- i. Re-affirm its support for The Wirral Plan and endorse the Strategic Priorities for 2018/19 as set out in this report.
  - ii. Instruct relevant senior officers to work with their Cabinet leads to develop the detailed plans required to deliver on the Strategic Priorities, with a further report provided to Cabinet as soon as possible.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 As austerity policies continue, it is vital the Council continues to focus on those issues which are most important to local people, and seeks to find imaginative and efficient new ways of providing and commissioning services. This report provides the strategic direction for the Council for the next year, providing a clear framework upon which our work programmes can be based.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 The priorities have been developed following conversations with communities, market research and the financial imperatives the Council is working within.

### 3.0 BACKGROUND INFORMATION

- 3.1 From a policy perspective, the administration will focus on the following priorities:
- 3.2 **Getting the Basics Right:** While Council has to prepare for the financial challenges ahead, it is essential to maintain our focus on delivering excellent services to residents. This means getting the everyday services right, everyday – emptying the bins, repairing the roads, fixing the streetlights, keeping our parks and gardens and beaches in good order, tackling anti-social behaviour, and looking after our vulnerable residents.
- 3.3 **Jobs and Growth:** As exciting new developments with Wirral Growth Company emerge across the borough, construction starts on Wirral Waters, and progress is made with the Hoylake Golf Resort, it is important that local residents and businesses are the beneficiaries of these investments. ‘Spades in the ground’ should mean training, apprenticeships and skills opportunities for our young people, work and jobs for residents and, where possible, local procurement of services and contracts. Renewing our relationship with the Wirral Chamber of Commerce, playing a leadership role in the Liverpool City Region and using the powers and resources of devolution to support local firms and attract new investment to Wirral, will also help deliver our business pledges.
- 3.4 **Children’s Services:** While we have made a good start on our journey of improvement, we still have a lot of work to do. The over-arching aim must be to come out of intervention as quickly as possible. Specific priorities include a new management structure which ‘gets the basics right’, manages the budget, reduces the dependence on agency staff and creates a new work environment. We must ensure that early intervention improves so we can start to see a reduction in the number of children ‘looked after.’ Cabinet would also like to see more support for care leavers with housing and job opportunities, to give them the best possible life opportunities.
- 3.5 **Local Plan and Housing:** During 2018/19 we must complete the final Draft Local Plan for approval in July 2019. Our Local Plan must identify and secure long term opportunities to meet demand for homes and employment across the borough. It should inform and be informed by the emerging plans of the Wirral Growth Company and Wirral Waters amongst others, and it should recognise the importance of

protecting areas of Green Belt which contribute the most to the quality of life we enjoy in Wirral. To achieve this we will need to continue to make improvements in our planning department so we have the resources, expertise and systems to quickly deliver the new homes and developments we need.

- 3.6 **Leisure and Culture Review:** Over the past 12 months, a lot of time has been spent exploring possibilities and options to reform how we deliver Leisure and Cultural services. With huge changes to financing for local authorities emerging, it is vitally important we take action now to put these services on a sustainable foundation. We need to put a transformative action plan in place, and work more closely with existing and new partners to find sustainable income and revenue streams. We must also review which services the local authority should be providing and which ones can be managed and run better by other organisations, including local communities and charitable groups.

### **REPORTING BACK ON DELIVERY**

- 3.7 Accountability to the people of Wirral on delivering The Wirral Plan and our 20 Pledges is essential. In order to fulfil this duty, Cabinet members will report back at regular intervals throughout the year on the delivery of the Pledges and the strategic priorities set out above. Work is underway to define relevant metrics and key performance indicators.
- 3.8 As part of reporting back on delivery, Cabinet will also highlight how we are ensuring that the key principles which underpin the policies of this administration, i.e. fairness and social justice, are being achieved.
- 3.9 Finally, work is underway to look at priorities for this Council post 2020. A report on some initial ideas will be produced later in the year.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Strategic Priorities will be delivered within existing resources and also support the delivery of a fair and sustainable budget for future years.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 None arising as a direct implication of this report, although individual service and project plans to deliver programmes will fully consider legal matters.

### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 None arising as a direct implication of this report.

### **7.0 RELEVANT RISKS**

- 7.1 None arising as a direct risk to this report, although individual service and project plans will include robust risk assessments and plans.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 The priorities described within this report are based on consultations, conversations and market research with communities. Service changes, new developments and any new programme of work which emerge will of course be subject to full consultation with Wirral residents.

## **9.0 EQUALITY IMPLICATIONS**

9.1 None arising as a direct implication of this report, although individual service and project plans to deliver programmes will include full Equality Impact Assessments.

**REPORT AUTHOR:** *Cllr Phil Davies*  
*Leader of Wirral Council*

## **APPENDICES**

## **REFERENCE MATERIAL**

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**COUNCILLOR  
BERNIE MOONEY**

**CABINET**  
**4 June 2018**

**CONSENT TO LEGISLATION TO**  
**ENABLE DEVOLUTION OF THE ADULT**  
**EDUCATION BUDGET**

**Councillor Bernie Mooney, Cabinet Member - Children and Families, said:**

“We are determined to ensure people in Wirral have the skills which businesses need – the skills which will help our residents build good, well-paid careers which allow them to support their families and achieve their aspirations.

Working with our colleagues in the Liverpool City Region to develop local programmes to meet local need, is vital if we are going to be successful.”

## **REPORT SUMMARY**

- 1.1 The purpose of this report is to outline a process for agreeing the Devolution Order required to enable full devolution of the Adult Education Budget (AEB) from the start of the 2019/20 academic year and the timescale for doing so. Currently the AEB is administrated nationally by the Education Skills Funding Agency and primarily funds the council Lifelong Learning Service and adult further education at Wirral Met College.
- 1.3 At this stage, the Combined Authority does not have the legal powers to be able to administer the AEB. The Government did not include the required powers in the Order which created the role of the Metro Mayor and enabled the implementation of the majority of the Devolution Agreement. The delay in providing these powers has meant that the original plan for devolution in time for the 2018/19 academic year has been delayed and it is now expected to happen with effect from 2019/20.
- 1.4 In order to enable the legal powers to be conferred on the Combined Authority, an Order needs to be laid and agreed in Parliament: this is in line with previous processes which included the creation of the Combined Authority and the enabling of the

Devolution Agreement. The final draft of the Order is then expected to be circulated in late May 2018, at which point the Government will require the constituent local authorities and the Combined Authority each to provide formal consent by mid-June 2018.

- 1.5 There is a tight legislative window to allow for the Order to be laid in Parliament and thereby enable the duties to be conferred onto the Combined Authority in time for the 2019/20 academic year. The Combined Authority and the constituent local authorities will be required to provide consent to the final draft Order by mid-June 2018, with the text having been received in late May 2018.
- 1.6 This matter affects all Wards within the Borough.
- 1.7 The decision to be taken by cabinet and is a key decision.

#### **RECOMMENDATION/S**

- 2.0 Cabinet to note the requirement for each Liverpool City Region local authority to provide consent for the draft legislative Order to enable the transfer of Adult Education Budget powers to the Combined Authority from the start of the 2019/20 academic year by June 2018.
- 2.1 Cabinet to agree to delegate authority to the Chief Executive to provide consent to the Final Order on behalf of the council.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Devolution of the Adult Education Budget to the Combined Authority will enable greater control and targeting of the funding to support engagement of adults in learning which supports Wirral and Liverpool City Region wider economic and social priorities. Locally this includes the community learning provided by the council Lifelong Learning Service and “second chance provision” within Wirral Met College.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Not applicable. The council signed up to be part of the Liverpool City Region devolution deal, November 2015.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Liverpool City Region Combined Authority agreed its first Devolution Deal in November 2015. That Agreement includes the transfer of adult skills funding (the Adult Education Budget) to the Combined Authority. The subsequent Order establishing the Combined Authority contained details of a number of Adult Education powers, but did not deal with the agreed devolution of this funding.
- 3.2 The principal purpose of the Adult Education Budget is to engage adults in learning which supports wider economic and social priorities. This includes the community learning provided by constituent local authorities and “second chance provision” within colleges. The Combined Authority will also need to continue to secure provision of free study for learners who meet certain conditions for study for specified qualifications provided as a result of Statutory Entitlements.
- 3.3 The funding value for 2019/20 has yet to be confirmed, but the illustrative budget value for the Liverpool City Region for the 2018/19 academic year is £52m. Locally, the Council Lifelong Learning Service and Wirral Metropolitan College received largest share of this budget in 2017/18 with allocations of, £839,478 and £3,131,305 respectively.
- 3.4 Having the powers to commission this funding will allow the Combined Authority to set out priorities for delivery through its local skills plan, rather than resorting to influence. The Combined Authority called for this aspect of devolution because it would represent a significant change from the current situation, and would provide the Combined Authority with more ability to meet the needs of local employers.
- 3.5 In order to prepare for devolution, the Combined Authority is required to meet a series of readiness conditions: these include completion of the Area Based Review and having an up to date Skills Strategy. A number of these readiness conditions were set out in detail in the November 2015 Devolution Agreement, including conferring the relevant legal powers onto the Combined Authority.
- 3.6 At this stage, the Combined Authority still does not have the legal powers to be able to administer the Adult Education Budget. The Government did not include the required powers in the Order which created the role of the Metro Mayor and enabled the

implementation of the majority of the Devolution Agreement. The Combined Authority expressed its concern in December 2015 about the delay in providing the necessary powers. The delay in providing these powers has meant that the original plan for devolution in time for the 2018/19 academic year has been delayed and it is now expected to happen with effect from 2019/20.

3.7 In order to enable the legal powers to be conferred on the Combined Authority, an Order needs to be laid and agreed in Parliament: this is in line with previous processes which included the creation of the Combined Authority and the enabling of the Devolution Agreement. An initial draft of the Order is expected to be received in mid-March 2018, and any subsequent technical and drafting changes will need to be submitted by mid-April 2018. The final draft of the Order is then expected to be circulated in late May 2018, at which point the Government will require the constituent local authorities and the Combined Authority each to provide formal consent by mid-June 2018.

3.8 The Order will set out the details of the functions to be transferred to the Combined Authority alongside the agreement to devolve the Adult Education Budget. The Government has been clear that the Order will not cover anything related to apprenticeships, adult offender learning, or training or education for young people aged 16-18. Subject to these exceptions, it is expected that the following functions contained in the Apprenticeships, Skills, Children and Learning Act 2009 will form the basis of the Order:-

- s86 – duty to provide appropriate 19+ further education (not to include apprenticeships, prisoner education or traineeships);
- s87 – duty to provide appropriate further education to 19+ learners who do not have certain specified qualifications; and,
- s88 – duty to ensure that provision is free for relevant learners who do not have certain specified qualifications.

3.9 In addition, the Order is expected to provide that the following powers will be exercised concurrently with the Secretary of State:

- s90 – duty to encourage learner and employer participation in education and training of people aged 19+ (except those in adult detention) (to be exercised concurrently with the Secretary of State);
- s115 – duty to consider/have regard to the needs of 19+ learners with special education needs (other than those aged 19-25 with Educational Health Care Plans, who will remain the responsibility of the relevant local authority as they are treated as 16-18 year old learners); and,
- s122 – power to exchange information with providers to enable provision of 19+ further education (to be exercised concurrently with the Secretary of State).

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific local financial implications associated with the implementation of the recommendations in this report. The current annual Education Skills Funding Agency adult education budget received by the council is £839,470. Current

indications are that the Combined Authority is not considering making any changes to council adult learning funding allocations in the next 3 years.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Section 105(b) of the 2016 Cities and Local Government Devolution Act states that the Secretary of State may make an Order for the devolution of functions if consent has also given by each appropriate authority (i.e. the Combined Authority and the constituent local authorities in this case).
- 5.2 The timetable for approvals is challenging given the constraints of the Parliamentary process. All constituent local authorities and the Combined Authority will need to provide formal consent in a timely manner to ensure that the Order is laid before Parliament before the end of June 2018.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 There are no direct implications arising from this report.

## **7.0 RELEVANT RISKS**

- 7.1 There is a reputational risk for the City Region if consent to the draft legislative Order cannot be provided in time. This will be mitigated by agreeing the recommendations in this report.
- 7.2 There is a risk that the government will not adhere to the timescales set out in this report. This will be mitigated by working closely with Department for Education to ensure that documents are available when they are required.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 All relevant information and documentation will be placed upon the Combined Authority website.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 Yes and impact review can be found via the following link:  
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017-1>

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## **APPENDICES**

## **REFERENCE MATERIAL**

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>