

# CABINET

Monday, 24 June 2019

<u>Present:</u>	Councillor	P Hackett (Chair)	Leader of the Council
	Councillors	E Grey	Environment and Climate Change
		C Jones	Adult Care Health and Wellbeing
		T Jones	Regeneration and Growth
		A Leech	The Local Plan
		J McManus	Community Services
		C Spriggs	Culture and Tourism
		T Usher	Children Families and Education
		S Whittingham	Housing and Planning
		J Williamson	Finance and Resources

Apologies: Councillor T Usher

## 1 WELCOME TO THE MEETING

Councillor Pat Hackett welcomed everyone to the first meeting of the Council in the new Municipal Year. He informed that he was honoured to be the Leader of the Council and that it was important, in view of the make-up of the Council with no Political Group having overall control, that it worked 'cross party'. There had been a number of meetings with the other Political Groups and he wished to continue with these throughout the year.

Councillor Hackett informed that it was also important to work on issues, projects and schemes that the Political Groups could support each other on and that he was particularly looking at Wirral Waters, the Wirral Growth Company, Children's Services and Council House Building and the opportunities associated with that. These were very big issues which he believed the Political Groups should work together on as they were so important for the Borough, the economy and the wellbeing of residents of Wirral and it was essential that they were delivered upon.

Councillor Hackett informed that both his Leadership and that of the Administration would be inclusive. They would be open, honest and inclusive in their dealings with the other Political Groups and with the public. They had only had their new roles for five weeks and they aimed to make a big difference. They had an exciting agenda made up of the issues he had referred to and that could change the face of the Wirral and particularly Birkenhead.

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

No such declarations of interest were received.

**3 MINUTES**

**RESOLVED:**

**That the Minutes of the meeting of the Cabinet held on 25 March 2019 be confirmed as a correct record.**

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

**RESOLVED:**

**That the following Key Decisions taken under delegated authority from the period 15 March 2019 (date of publication of last Cabinet agenda) to date be noted:**

- Capital Funding for Extra Care Housing Development. Leader Decision (Adult Care and Health Portfolio). Decision date: 18 March 2019. Effective: 26 March 2019.**
- Application for Financial Assistance. Cabinet Member Jobs and Growth. Decision date: 5 April 2019. Effective: 13 April 2019.**
- Highway Structural Maintenance Programme 2019/20 – Local (Unclassified) Roads Programme. Cabinet Member Highways and Transport. Decision date: 3 May 2019. Effective: 14 May 2019.**

**5 RECOMMENDATION FROM AUDIT AND RISK MANAGEMENT COMMITTEE**

The Cabinet considered the recommendations of the Audit and Risk Committee (24 April 2019) in respect of 'Verification of the Validity Supplier VAT Registration Numbers' and the 'Appointment / Employment of Agency Workers'. (Minute No 73 refers.)

**RESOLVED:**

**That the Cabinet accepts the following for consideration:**

- (1) any Company / Contractor recruited at a rate in excess of £250 per day should be reported to the relevant Cabinet Member for political oversight prior to employment;**

- (2) in the case of employment at a rate of in excess of £250 per day, verification is also sought via Internal Audit to ensure that the IR35 assessment by the relevant service manager has been undertaken and is accurate;
- (3) where a situation exists that a Contractor has been taken on for over 2 years (or 2 contract extensions / continuations) there should be a formal review led by Human Resources Department; and
- (4) clarity be sought regarding contractual arrangements regarding ownership of intellectual property rights of the Council and Contractors working for the Council.

## 6 APPOINTMENT OF MEMBERS TO THE JOINT STRATEGIC COMMISSIONING BOARD

The Cabinet was requested to confirm Member appointments to the Joint Strategic Commissioning Board (Committee of Cabinet).

### **RESOLVED:**

**That Councillors Chris Jones, Julie McManus and Tom Usher be appointed to the Joint Strategic Commissioning Board and Councillor Anita Leech be appointed to deputise for them when necessary.**

## 7 EXECUTIVE DECISION MAKING PROCESS

Councillor Pat Hackett introduced a report which provided details of amendments he had made as the Leader of the Council, to the Scheme of Delegation of Executive Functions, effective immediately in and from 1 September 2019.

The Cabinet was reminded that the Council had adopted a Leader and Cabinet executive form of governance. Following the end of the term of office of the Member holding the position of Leader (every fourth year or less), the Council had elected the Leader of the Council at its Annual Meeting. At the last Annual Meeting of Council, Councillor Pat Hackett had been elected as Leader for the period ending with the Annual Meeting of May 2023 (subject to the provisions of the Constitution and any change in the Council's governance arrangements that may affect it).

The Cabinet was also reminded that the Leader must appoint a Deputy Leader and up to eight other Members to form the Executive, in respect of which the Council used the term 'Cabinet'.

It was noted that Article 7.06 (The Cabinet) of Part 2 of the Council's Constitution concerned the responsibility for functions. This provided that:

- “(i) The Leader may discharge any executive function, or  
(ii) may arrange for the discharge of any of those functions –  
(a) by the Cabinet;  
(b) by any Cabinet Member;  
(c) by a committee of the Cabinet;  
(d) by area committee; or  
(e) by an officer of the authority.”

The means by which these functions were allocated were set out in a Leader’s Scheme of Delegation. The current Scheme was published as Table 3 of Part 3 of the Council’s Constitution, together with a schedule of delegation of functions to individual Cabinet Members (3k - Schedule 5) and to individual officers (3j - Schedule 4B).

Appended to the Cabinet report was a replacement Leader’s Scheme of Delegation and Procedure. This included, at Appendix C, the named appointments of Deputy Leader and the remaining Members of the Cabinet and a description of their Portfolios of responsibility. This was of immediate effect.

The Cabinet noted that the key changes between the existing Scheme and this were:

- (a) The introduction of a clear hierarchy of decision making through the setting of financial limits to delegated decisions, which in summary was that:
- (i) officers may only take decisions up to a financial value of £1.5M; beyond which
  - (ii) individual Cabinet Members may only take decisions up to a financial value of £5M; and all other decisions beyond that must be taken by the Cabinet as a collective meeting.
- (b) Individual Cabinet Member decisions were to be subject to a set of rules regarding how and when they may take those decisions, including what advice and material must be before the Cabinet Member at that time. Existing rules concerning the reporting of those decisions, including that all such decisions were normally subject to call-in, were included for ease of reference.
- (c) Cabinet decisions were likewise subject to those rules, but additionally would include the intention of the Leader to request the establishment of:
- all-party policy advisory groups; and
  - Member workshops

by which the Cabinet could approach Members outside of the Cabinet to help it develop major policies and the budget and in making decisions on major projects.

(d) Officer executive decisions made at a lower level than at present would be subject to a requirement to publish that decision, and their reasons for making it, on the Council's website. This would apply to all decisions, other than ordinary business such as the provision of children's and social care packages, of a value above £250,000. Whilst these would not be subject to call-in, any key decision made by an officer would be subject to the same rules as for Cabinet Member decisions and would be subject to call-in.

The Scheme was of immediate effect. This was with the exception of the final provisions relating to officer decisions (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which would not be implemented until September 2019 to allow for implementation and training.

It was normal practice for the Leader to give notice of amendments to their Scheme of Delegation to the proper officer, the Director of Governance and Assurance, for the changes to be included in the Constitution and for the changes to also then be reported to a meeting of the Cabinet, and the Council.

Councillor Hackett informed that this was a very important report about making sure that decisions were taken in an open and transparent manner and were able to be challenged and scrutinised. He promised to make the Council more inclusive in its decision-making and was of the view that agreeing the recommendations would help with this. The changes would open up the Council and enable Members from each Political Group to become more involved and have more influence in the decisions that affect their constituents.

Councillor Tony Jones informed that he was in full supported the report's contents. He informed that the main goal of the Executive was to open up all decision-making and make the Town Hall more inclusive for Members and residents. Councillor Jones considered the report to be a really positive step of which he assured that there would be more to come.

Councillor Anita Leech drew attention to the fact that the Administration was a minority Administration and informed that this should not be allowed to paralyse it. It would have to continue with business as usual and would have to find a way of working cross party and to open discussion and debate to allow this to happen.

Councillor Chris Jones considered the proposal to publish officer decisions with the same level of scrutiny and openness and transparency as Member decisions was a perfect illustration and proof of the Administration's commitment to be open and inclusive. She fully supported the recommendations set out in the report.

**RESOLVED: That**

**(1) the amended Leader's Scheme of Delegation and Procedure which is of immediate effect, except the provisions relating to executive decisions**

**taken by officers (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which will not be implemented until September 2019, be noted and**

- (2) the Council be informed of the amended Leader's Scheme of delegation and Procedure at its meeting scheduled for 15 July 2019.**

## **8 WIRRAL'S LOCAL OFFER FOR CARE LEAVERS**

Councillor Pat Hackett introduced a report which informed the Cabinet that Section 2 of the Children and Social Work Act 2017 required the Council to consult on and publish a local offer for its care leavers. The local offer should provide information about all the services and support that was available to care leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chose to provide.

The Cabinet was also informed that during 2018; with the involvement of the Wirral Children in Care and Care Leavers Council; a working group consisting of Wirral Leaving Care Service staff, the Young People's Involvement Service and the Learning Skills and Education Team had met regularly to discuss Wirral's Local Offer for Care Leavers.

This groundwork carried out had led to a very successful Conference in November 2018 at the Floral Pavilion, New Brighton focusing on Wirral's Local Offer for Care Leavers. The Conference was hosted and attended by Wirral Care Leavers, staff from across the Council, its partner agencies, Health, Education, Housing, the charity sector and businesses. The emphasis had been very much on what could Wirral, as a whole community, do to support Wirral Care Leavers. The Conference included presentations from young people and other contributors; and ended with people being asked to make a pledge about how they might improve the lived experience, opportunities and support for Wirral Care Leavers.

Since the conference Wirral's first Local Offer for Care Leavers had been drafted and had been shared with the Wirral Children in Care and Care Leaver's Council; and was being presented to the Cabinet for consideration and permission to publish.

The Cabinet noted that decision supported the children pledges in the Wirral Plan 2020 with specific focus on supporting vulnerable children and that this matter affected all Wards within the Borough and was a Key decision.

Councillor Hackett informed that when OFSTED last visited Wirral in 2016 it found the Council's support for people leaving care to be sadly lacking. Since then officers had carried out a huge amount of work as had the former Leader, Phil Davies and this had resulted in improvement. OFSTED was now back on the Wirral carrying out a further inspection and had found a much better services on offer for care leavers as detailed in the report. Councillor Hackett made the point that these young people were among the most vulnerable in society and deserved

nothing but the best support from the Council. He was pleased and relieved that this was now what was being provided. Better advice, better support and better opportunities were the Council's promise to its care leavers and Councillor Hackett was fully in support of the recommendations set out in the report.

Councillor Anita Leech was also in support of the recommendations and considered that the report went a long way to supporting young people as they left care as it would ensure that they got a better start in life and certainly the financial assistance they would receive would be very beneficial to them.

Councillor Janette Williamson put on record the Cabinet Members' thanks to former Cabinet Member, Bernie Mooney, who had actually been instrumental in the progress that had been made in Children's Services and informed that her good work would be continued by Councillor Tom Usher. Councillor Williamson had seen some of the new support that had been put in place and she was really proud and excited by it. A lot of work had been carried out around social value in apprenticeships and the Council had recently won an award in this area. It had also made a decision to exempt care leavers, up to the age of 25, from Council Tax which she knew was a massive help to them. Also arrears had been written off after they had been accrued because the Council did not want to see young people leaving care, with the disadvantages they faced as a result of this anyway, being saddled with any kind of debt or being worried about the Council Tax. This was a big step and Councillor Williams was pleased about it.

Councillor Chris Spriggs recognised the work that had been carried out so far by the Council's Social Work Teams. They had been under unimaginable pressure for a very long time, as there were a record number of children in care on the Wirral which went with a budget that was under constant scrutiny. It was a measure of their hard work, expertise and dedication that this offer had been developed.

Councillor Julie McManus reminded the Cabinet that everyone had been shocked and disappointed at the outcome of the last OFSTED inspection and, it was fair to say, that everyone wanted to see vulnerable people supported well and kept safe. She was really pleased that progress was being made and it proved that when Members had said this would be their number one priority they had really meant it.

Councillor Liz Grey added that a year ago the Council put £20m into Children's Services and this had been done despite austerity. Children's Services and vulnerable young people had been recognised as a priority. That was the right decision and it was clearly paying off.

#### **RESOLVED:**

**That the Cabinet accepts and authorises publication of the Wirral Local Offer for Care Leavers.**

## **LOCAL GOVERNMENT OMBUDSMAN REPORT (MARCH 2019)**

Councillor Chris Jones introduced a report which informed the Cabinet that the Local Government Ombudsman (LGO) had investigated a complaint about the Council and found the Council to be at fault. The Cabinet noted that the LGO had made a number of recommendations which the Council had accepted in full. The LGO had made the decision that the report would be published. As well as being considered by the Cabinet the report had also been deliberated by the Standards and Constitutional Oversight Committee at its meeting on 11 June 2019.

The report set out the actions that had been taken, or would be taken, to avoid similar faults in future and to meet the recommendations of the report in full which have been accepted. The findings and recommendations were specific to the case that had been investigated.

The Cabinet noted that the report related to two of the Wirral Plan pledges: older people live well, and people with disabilities live independently.

The decision was not a key decision. The findings did relate to all wards as some responses to the LGO's recommendations would apply to all wards.

The LGO's report referred to Mr X as the son of the former service user, and for ease of reference the same approach had been taken in the Cabinet report.

Councillor Jones apologised for the unfortunate mistakes that had been made by the Council's Adult Social Care Teams in providing care for a resident and the problems the family had to deal with as a result. She informed that mistakes were not made often but when they were made they had to be put right quickly and this had been done. Also, it was important to make sure mistakes like these ones did not happen again.

Councillor Jones reassured the Cabinet and residents of the Borough that the issues the family had faced had been rectified, the systems involved had been improved and appropriate staff training had been provided. Councillor Jones also informed the Cabinet that the Council's Social Care Teams consisted of dedicated and extremely talented officers. They worked very hard, often in very difficult circumstances, to help people in difficult and complex situations and Councillor Jones thanked them for this.

Councillor Jones reported that Adult Social Care had recently recommissioned the domiciliary care and trusted assessor reviews and support packages were being kept under regular review and modified in accordance with changing needs.

### **RESOLVED:**

**That Members note the report and actions that have been or will be taken, in response to the Local Government Ombudsman's recommendations.**

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

**RESOLVED:**

**That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during 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. The Public Interest test had been applied and favours exclusion.**

11 **APPLICATION FOR FINANCIAL ASSISTANCE - COMPANY NAMED IN REPORT**

The Cabinet considered a report and appendices containing exempt commercially sensitive information, under Paragraph 3, Schedule 12A of the Local Government Act 1972. The report sought approval to provide a grant to the company named in the report to enable the development of a new visitor attraction in Wirral.

The intention of the grant was to intervene in situations where projects that deliver key economic outputs, in line with Wirral's Growth Plan, would not otherwise progress. These outcomes include creating jobs, delivering investment and enabling regeneration. Projects supported by the Council's Business Investment Fund would also have a catalytic impact across other areas of the Borough's economy. This project had been assessed in line with these criteria.

The Cabinet noted that this was not a key decision.

**RESOLVED: That**

- (1) approval be given to a grant of £95,000 to the Woodside Area Community Interest Company, from the Business Investment Fund, that will enable the development of a new visitor attraction in Wirral; and**
- (2) the Director of Governance and Assurance be authorised to draw up and sign a legal agreement between the Council and the Company that is within State Aid regulations and subject to the conditions contained in the report.**

12 **PAUL SATOOR**

Councillor Pat Hackett congratulated Paul Satoor on his appointment of Interim Chief Executive, subject to the Council's approval.