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CABINET

Thursday, 15 April 2010

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

379 MINUTES

RESOLVED:

That the Minutes of the Cabinet meeting held on 18 March 2010 be confirmed as a correct record.

380 DECLARATIONS OF INTEREST

Councillor George Davies declared a prejudicial interest in respect of Agenda Item No. 3, Birkenhead Academy (Minute No. 381 refers), by virtue of him being a Governor of Park High School. He left the meeting whilst this item of business was under discussion.

381 BIRKENHEAD ACADEMY

A report by the Director of Children's Services advised the Cabinet of the provisional outcomes of the consultation process which had taken place with regard to the closure of the predecessor schools; Park High and Rock Ferry, as agreed at the Cabinet meeting held on 14 January 2010 as part of the Phase 1 Secondary Review. The report described the responses, including additional suggestions put forward during the consultation process, and made recommendations with regard to statutory proposals in this area. It did not cover separate consultations by the lead sponsor, the University of Chester, regarding the opening of an academy. These consultations were due to end on 30 April 2010.

RESOLVED: That

- (1) **the Director of Children's Services be requested to bring a report to the Cabinet meeting scheduled for 27 May 2010, setting out the views of the lead sponsor following the end of the consultation period, and**
- (2) **consideration of the current report be deferred until that time.**

Councillor George Davies returned to the meeting.

382 FAMILY GROUP CONFERENCING - EFFICIENCY INVESTMENT FUND

A report by the Director of Children's Services recommended that the Efficiency Investment Fund be used to expand the Family Group Conferencing Team in Social Care at a cost of £138,000 per annum. The additional intervention work by the team would reduce costs by up to £500,000 and contribute to the key performance indicator to safely reduce the number of looked after children and secure more children permanently within their families.

RESOLVED: That:

- (1) the Family Group Conferencing Team be increased as described and the cost be funded from the Efficiency Investment Fund; and**
- (2) the anticipated budget saving of £70,000 in 2011 –12 and £130,000 in 2012-13, be noted.**

383 FURTHER DEVELOPING FOSTER CARE PROVISION

A report by the Director of Children's Services outlined a proposal to further develop the continuum of Fostering provision provided by the Council to better meet the placement needs of children/young people; specifically the development of a Foster Care Scheme that would enable young people who had successfully completed a Treatment Foster care programme with Fostering Futures to move to a long term family placement with designated support allowing a continuation of the treatment approach but in a less structured environment. The report identified potential funding for the development of the programme from the CAMH's Area Based Grant

RESOLVED: That

- (1) the proposal to develop a Move-On Scheme aligned to Fostering Futures funded from the CAMHs budget be agreed; and**
- (2) agreement be given to use the reserve from the 2009-10 CAMHs budget to cover set up costs in 2010-11.**

384 PROPOSAL TO ESTABLISH A REVIEW GROUP ON SAFEGUARDING

A joint report by the Director of Children's Services and the Director of Adult Social Services proposed the establishment of a Review Group on Safeguarding for the Authority as a working party of the Cabinet.

It was noted that the purpose of the Review Group on Safeguarding would be to assist the most senior community leaders of the Council, through its leading Members and Chief Executive Officer, to carry out their responsibilities of safeguarding children and adults in Wirral. The proposal was made in the light of changed statutory guidance in respect of safeguarding children, including specific requirements on the Leader of the Council and the Chief Executive Officer, and developing arrangements in respect of safeguarding vulnerable adults. The report set out the background to the issue and suggested membership and terms of reference for the new Review Group.

RESOLVED: That

- (1) a Reference Group on Safeguarding be established, as described in the report;**
- (2) serious case review summaries be reported to the Cabinet in future; and**
- (3) a further report be presented to the Cabinet, setting out proposals for the detailed Terms of Reference for the Group.**

385 CHILDREN'S CENTRE SCHEME, GREASBY LIBRARY - REVISED SCHEME AND ESTIMATE REPORT

The Director of Children's Services presented a report to update and advise Cabinet Members on the revised proposals to provide a satellite Children's Centre at Greasby library. The report advised of tenders received and sought approval of the lowest tender.

The Cabinet was recommended to accept the lowest tender.

RESOLVED:

That the lowest tender in the sum of £276,843.51 (subject to arithmetic check), submitted by E.J. Horrocks Limited, be approved subject to the Contractor developing a satisfactory Health & Safety Plan and completion of contract documentation.

386 FINANCIAL AND SERVICE PLANNING AND PERFORMANCE MANAGEMENT

A report by the Chief Executive set out the timing and content of the financial and performance management reports to be submitted to the Cabinet during 2010/11 and the proposed process and timetable for the production of financial and service plans for 2011/12.

RESOLVED: That

- (1) the dates for the planning and monitoring reports be agreed; and**
- (2) the process for financial and service planning and performance management be agreed.**

387 CHANCELLOR OF THE EXCHEQUER'S BUDGET 2010

Following the Budget presented by the Chancellor of the Exchequer on 24 March 2010, the Director of Finance presented a report that summarised the main issues from the Chancellor's speech, together with the key implications for local authorities.

RESOLVED:

That continuing support be given to the Local Government Association in presenting the case that local authorities are the most efficient part of the public sector and are already contributing more than their fair share to savings.

388 WIRRAL'S LOCAL AREA AGREEMENT REPORT

The Deputy Chief Executive/Director of Corporate Services presented a report which provided the Cabinet with the final position of the 2009/10 review and refresh of Wirral's 2008/11 local area agreement (LAA). The review and refresh had been managed by the Local Strategic Partnership Executive Board which reported to Cabinet, given that Wirral Council was the accountable body for the LAA.

The report also provided the Cabinet with Wirral's final performance reward grant allocation of **£7,933,232** for the previous LAA stretch targets. It was noted that this successful achievement was 80.76% of the total performance reward grant available for stretch targets during 2006-09.

The report requested that £120,765 of the Council's performance reward grant allocation be approved to continue funding the three temporary partnership posts to support the ongoing delivery of Wirral's LAA and development of Wirral's LSP.

RESOLVED: That

- (1) the report and findings of Wirral's LAA review and Wirral's refreshed 2008/11 LAA be noted;**
- (2) the LSP Executive Board's recommendations for final allocations of performance reward grant as the accountable body for the LAA, as set out in section 5.2 of this report be approved; and**
- (3) funds achieved over and above the 2009/10 and 2010/11 £1.4 million revenue allocations previously agreed by Cabinet, be allocated to continue temporary posts within the Corporate Performance Team, thus allocating £120,765 to continue to fund partnership performance and support officer posts.**

389 ANNUAL GOVERNANCE STATEMENT

A report by the Director of Finance advised that the preparation and publication of an Annual Governance Statement was necessary to meet the statutory requirement set out in the Accounts and Audit Regulations 2006.

The report explained the requirement for the Authority to produce the Annual Governance Statement declaring the degree to which it met the Governance Framework.

The Annual Governance Statement for 2009/10 was attached as Appendix 1 to the report.

RESOLVED:

That the Annual Governance Statement for 2009/10 be agreed.

390 **ANNUAL SCRUTINY REPORT 2008/09**

The Director of Law, HR and Asset Management presented the Annual Scrutiny Report 2008/2009. This report provided an overview of the work carried out and the achievements recorded by the ten Overview and Scrutiny Committees that were in place during the Municipal Year 2008/2009. The report covered the period from May 2008 until April 2009.

A revised forward by Councillor John Hale, Chair of the Culture, Tourism and Leisure Overview and Scrutiny Committee was circulated to replace that contained within the report on pages 102 – 103.

RESOLVED:

That the Annual Scrutiny Report 2008/2009 be received.

391 **GOVERNANCE REVIEW - IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS**

A report by the Director of Law, HR and Asset Management reminded Members that, at its meeting on 21 December 2009, the Council passed a resolution to formally adopt the 'new style Leader and Cabinet Executive (England)' model and approve the following proposals relating to that model:

- (1) That Council, in pursuance of the Local Government and Public Involvement in Health Act 2007, adopts the Leader and Cabinet Executive (England) model of governance.
- (2) That Council approves and adopts the proposals relating to the Leader and Cabinet Executive (England) model of governance set out at Appendix 1 to the report of the Director of Law, HR and Asset Management.'

The report set out the changes required to the Council's Constitution to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). The following changes were the most important features of the new governance arrangements:

- Provision for the Leader to be elected for a four year term of office (or until their earlier date of retirement as a Councillor) instead of being appointed every year.
- Provision for the removal of the Leader (within the four year term of office) by resolution of the full Council and for the election of a new Leader.
- Provision for the Leader (rather than full Council) to appoint (and remove) Members of the Cabinet.
- All executive power will be vested in the Leader (rather than the Cabinet collectively) and the Leader will then decide whether to delegate it to Cabinet, individual Cabinet Members or officers.

- Provision for the Leader to be able to appoint a Deputy Leader, who will hold office whilst the Leader remains in office.

The suggested drafting amendments to the Constitution to give effect to these new arrangements were set out in Appendix 1 to the report.

In addition to the changes required to comply with the 2007 Act, the amendments in Appendix 1 also included within the new Council Procedure Rule 5A, Annual Council Meeting, a mechanism for determining the date of that meeting. This would meet the requirements of the Local Government Act 1972. It would also mean that the 2010 Annual Council Meeting would commence on 17 May 2010.

RESOLVED:

That the content of the report be noted and it be recommended to Council that,

- (a) the changes to the Constitution set out in Appendix 1 to the report be approved, along with the following amendments:**

Article 7 – The Cabinet

Delete: 7.6.iii and replace with

Where the Leader makes any change to the above arrangements for the exercise of executive functions, the Leader must give written notice to the Proper Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegations from any person, body, committee or Cabinet as a whole. The Proper Officer will immediately notify all Chief Officers and Councillors of the changes and will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader. Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chair.

Rules of Procedure

Council Procedure Rules – Standing Orders

Section 1 – Relating to meetings of the Council

Paragraph 2 – Election of Mayor and Deputy Mayor

Add:

Should the Deputy Mayor subsequently be asked by the Leader to take up a position in his/her Cabinet and wishes to accept that invitation, then the Deputy Mayor shall relinquish the post of Deputy Mayor but may still be considered “Mayor Designate” for the following year. In these circumstances, a new election for Deputy Mayor will be held as soon as practicable to carry out all the activities associated with that post.

- (b) **the Director of Law, HR and Asset Management (in consultation with the Leaders of all Political Groups) be given delegated authority to make any necessary consequential amendments to the Constitution consistent with the changes contained within Appendix 1 to the report.**

392 GOVERNMENT IT STRATEGY

A report by the Director of Finance informed Members of the recently-published Government ICT strategy for the public sector and how it might impact upon the provision of information technology services to the Council in future.

RESOLVED:

That the ICT Strategy be reviewed to incorporate the proposals in the Government ICT Strategy.

393 TELL US ONCE PROGRAMME

A report by the Director of Finance informed Members of the implementation of the 'Tell Us Once' Programme which sought to reduce the times a person contacted Government and local government bodies about the same issue. Wirral had been selected as an early adopter in advance of the national roll out.

RESOLVED:

That Cabinet agree to the implementation of 'Tell Us Once'.

394 COMMITTEE REFERRAL - AUDIT AND RISK MANAGEMENT COMMITTEE - PETITIONS SCHEME

The Director of Law, HR and Asset Management presented a report setting out the new statutory duty on local authorities to have a scheme for handling petitions and presented a draft for consideration by the Cabinet, the Chair of the Scrutiny Programme Board, the Chairs of the Overview and Scrutiny Committees and the Audit and Risk Management Committee, with a view to it being recommended to the Council on 19 April 2010 for immediate implementation.

The Director informed that people who lived, worked or studied in the borough could sign petitions.

The purpose of the report was to ensure that the Council's governance arrangements complied with the changing law.

The views expressed by the Audit and Risk Management Committee and the Chairs of the Overview and Scrutiny Committees were considered and taken into account

RESOLVED: That

- (1) **the recommendations of the Audit and Risk Management Committee held on 24 March 2010 (Minute No. 94 refers) be endorsed and the Council be requested to similarly endorse the proposals for the Petitions Scheme as amended by that recommendation;**

- (2) in the light of (i) above, the threshold will be 1,500 signatures on a petition to trigger a Council Debate and 750 signatures on a petition to trigger an Officer response to the appropriate Council Committee; and
- (3) Council be recommended to agree that the new Petition Scheme takes effect in Wirral from the statutory implementation date set out in the legislation.

395 **ANTI-FRAUD AND CORRUPTION POLICY**

The Director of Finance presented a report summarising a review of the Anti-Fraud and Corruption Policy. Having such policies documented, up to date and drawn to the attention of all stakeholders was a fundamental requirement of one of the six core principles of the CIPFA/SOLACE Delivering Good Governance in Local Government Framework.

RESOLVED: That

- (1) the Anti-Fraud and Corruption Policy be endorsed; and
- (2) the Anti-Fraud and Corruption Policy be made available to all Members, officers, and citizens by being included on the Council Internet site and awareness training be scheduled to promote compliance across the Council.

396 **MERSEYSIDE PENSION FUND - BANK SIGNATORIES**

A report by the Director of Finance sought approval to amend the personnel nominated on the Merseyside Pension Fund (MPF) bank mandates with Royal Bank of Scotland and State Street, the Global Custodian.

RESOLVED:

That the Royal Bank of Scotland and State Street be authorised to accept cheques and other instructions on behalf of MPF signed in accordance with existing mandates by the following:-

Director of Finance	Ian E. Coleman
Deputy Director of Finance	David L. H. Taylor-Smith
Head of IT Services	John O. Carruthers
Head of Revenues, Benefits and Customer Services	Malcolm J. Flanagan
Head of Financial Services	Thomas W. Sault
Head of Support Services	Stephen J. Rowley
Head of Change	Jacqueline Roberts
Deputy Head of Pension Fund	Peter G. Mawdsley
Financial Controller	Gerard F. Moore
Benefits Manager	Kevin J. Greenough
Member Services Manager	Yvonne M Caddock

397 **REACHING 'EXCELLENT' LEVEL OF THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT**

The Deputy Chief Executive/Director of Corporate Services provided the Cabinet with an overview of the approach the Council would need to take in order to achieve 'excellent' level of the new Equality Framework for Local Government.

RESOLVED:

That the approach outlined in working towards excellent status of the Equality Framework for Local Government be agreed.

398 **AUTOMATIC METER READING SYSTEM -TENDER REPORT**

The Director of Technical Services provided details of the competitive tender process jointly managed by the Council's Corporate Procurement and the Sustainability Units using Buying Solutions AMR Framework Agreement RM679/L5 for "Automated Meter Reading (AMR) and Associated Services". The report also recommended that Members accept the lowest tender received from Stark Software International Limited in the sum of £945,398 for the five year contract.

RESOLVED:

That, subject to satisfactory contractual formalities being completed, the lowest tender received from Stark Software International Limited in the sum of £945,398 for the five year contract, with the option to extend the contract for a further twelve months, be accepted.

399 **COMMITTEE REFERRAL - SCRUTINY PROGRAMME BOARD - SCRUTINY OF THE CRIME AND DISORDER REDUCTION PARTNERSHIP**

A report by the Director of Law, HR and Asset Management advised that the Sustainable Communities Overview and Scrutiny Committee had new powers arising from The Police and Justice Act (2006), to:

- (a) review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
- (b) make reports or recommendations to the local authority with respect to the discharge of those functions.

Officers had prepared a draft protocol for the scrutiny of Wirral's Crime and Disorder Reduction Partnership (CDRP) Partnership and it had been presented for the Scrutiny Programme Board for consideration and had also been considered by the CDRP. The Protocol would be presented to the Council with a recommendation for adoption. If adopted, it would be adhered-to when the CDRP was under scrutiny.

RESOLVED:

That the Council be recommended to adopt the Protocol.

400 **PROPOSED EXTENSION TO LANDICAN CREMATORIUM - TENDER REPORT**

A report by the Director of Technical Services updated and advised Cabinet Members of progress to date and tenders received for the proposed extension to Landican Crematorium and sought approval of the most economically advantageous tender.

RESOLVED:

That the most economically advantageous tender submitted by E J Horrocks Limited, in the sum of £2,928,355.00, be accepted subject to a full arithmetical check of the submitted Tender documents, and the Contractor developing a satisfactory Health and Safety Plan and completion of contract documents.

401 **BIDSTON MOSS VIADUCT - FULL APPROVAL**

A report by the Director of Technical Services served to update Members on the latest position in relation to the Department for Transport's (DfT) consideration of the Major Scheme Business Case submitted in March 2010 and confirmed that the project had now been granted Full Approval to proceed.

RESOLVED:

That the contents of the report be noted and that the Bidston Moss Viaduct strengthening project be granted Full Approval to proceed with associated RFA funding allocation by DfT at the terms indicated within the report.

402 **COMMITTEE REFERRAL - REVIEW OF POLICY LEQ08 - LICENSING OF 'A' BOARDS, SHOP DISPLAYS AND PAVEMENT CAFES**

A report by the Director of Technical Services reviewed the current policy on the control of 'A' boards, shop displays located within the public highway.

The report recommended that the process of licensing items placed on the highway be retained with some amendments and requested a recommendation from members on the licence fee structure.

RESOLVED: That

- (1) the Director of Technical Services develops a 'standard rules licence' for A Boards, which would balance the desires of shops to promote their businesses with the need to maintain footways and verges clear of obstructions;**
- (2) application for a 'standard rules licence' will be free, but applicants will be required to adhere to all the conditions in the standard rules without exception; such standard rules to be published on the Council's website. The Council will grant the licence if it is satisfied that all license conditions will be met, otherwise the application would be refused;**

- (3) should an applicant wish to apply for an A Board licence with conditions other than those in the standard rules (i.e. a bespoke licence), a fee of £50 will be charged to cover the additional costs to the Council associated with assessment and administration of a bespoke license;
- (4) failure to comply with the conditions of the licence will result in the issuing of a formal notice requiring the breach to be rectified within a defined timescale. (The Council may remedy the breach and recover the costs in doing so if the notice is not complied with.);
- (5) the Director of Technical Services will additionally bring forward a policy on monitoring compliance with A Board licence conditions to Cabinet for approval; and
- (6) in the interim period there be no charge.

403 **CONSULTATION PAPER ON NEW PLANNING POLICY STATEMENT - PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT**

A report by the Deputy Chief Executive/Director of Corporate Services advised Members that the Government had issued a Consultation Paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment. Responses were requested by 1 June 2010. The report recommended that the comments attached to it at Appendix 1 form the basis of the Council's formal response to the Department of Communities and Local Government.

RESOLVED:

That the comments attached as Appendix 1 to the report form the basis of the Council's response to the Department of Communities and Local Government.

404 **URGENT BUSINESS - LAST ORDINARY CABINET MEETING**

Councillor Foulkes reminded Members that this was the last ordinary Cabinet meeting of the Municipal Year. He thanked officers for their support and informed that Councillor Jean Quinn was not standing for re-election. Councillor Foulkes, on behalf of the Cabinet, thanked Councillor Quinn for the fantastic contribution she had made to life on Wirral and wished her well for the future.

405 **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 in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

406 **HOYLAKE LIFEBOAT STATION, HOYLAKE**

A report by the Director of Law, HR and Asset Management advised Members of the offers received for the car park adjoining the original Lifeboat Station in Hoylake after the joint marketing of the site with Peel Holdings.

RESOLVED:

That the offer from M Rice on the terms set out in the report be accepted and, in the event of the sale not proceeding, the offer from S Barnes be accepted.

407 **PROUDMAN BUILDING, BIDSTON HILL**

A report by the Director of Law, HR and Asset Management sought authority for the Council's consent to the assignment of the lease of the Proudman Building to Doyle Properties Ltd.

RESOLVED:

That the the assignment referred to in the report be agreed and the Director of Law, HR and Asset Management be authorised to proceed with the necessary documentation.

408 **FELLOWSHIP HOUSE, TRINITY ROAD, HOYLAKE**

A report by the Director of Law, HR and Asset Management sought Member's approval to the disposal of Fellowship House to the Wirral Methodists Housing Association.

RESOLVED: That

- (1) Fellowship House, Hoylake be disposed of in accordance with the terms set out in the report; and**
- (2) in the event of Wirral Methodist Housing Association being unable to deliver the scheme within the timetable stipulated in the report, the Director of Law, HR and Asset Management be instructed to dispose of the property at auction.**

409 **TURNTABLE BUILDING, BIRKENHEAD**

A report by the Director of Law, HR and Asset Management sought Members' approval to lease the Turntable Building, Laird Street, Birkenhead to the Merseyside Model Railway Society (MMRS).

RESOLVED: That

- (1) the resolution to make the Turntable Building available for Community Asset Transfer be revoked; and**
- (2) the Turntable Building be leased to the Merseyside Model Railway Society in accordance with terms and conditions set out in the report.**

410 **LAND AT EUROPA BOULEVARD, BIRKENHEAD**

A report by the Director of Law, HR and Asset Management updated the Cabinet on the current situation regarding the proposed development at Europa Boulevard/Conway Street, Conway Park, Birkenhead.

RESOLVED:

That a further extension of time be granted to the developer and a further report on progress be presented to the next ordinary Cabinet meeting.

411 **OLIVER STREET/GRANGE ROAD DEVELOPMENT, BIRKENHEAD**

Further to Minute No. 371 of the Cabinet Meeting of 18 March 2010, the Head of Asset Management reported orally on progress relating to the Oliver Street/Grange Road Development in Birkenhead. He was now in receipt of further information which had become available earlier in the day and proposed to prepare a comprehensive report for the Cabinet's consideration.

RESOLVED:

That a special meeting of the Cabinet be held at 5:15 pm on a date to be identified, and as soon as possible, to consider the single item of Oliver Street/Grange Road Development, Birkenhead.

412 **WIRRAL PARTNERSHIP HOMES - SERVICE LEVEL AGREEMENT**

A report by the Director of Finance informed the Cabinet that Wirral Partnership Homes was ceasing the service level agreement with the Council for information technology services and requested agreement for virement to meet the loss of income to the Information Technology Services budget.

RESOLVED: That

- (1) the loss of income of £185,000 be noted; and;**
- (2) the resulting virement be agreed.**

413 **BUSINESS SUPPORT APPLICATION (1)**

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 £96,402 to assist towards its business diversification project which included investing in an additional 6,993 sq ft of industrial space in Bromborough.

RESOLVED:

That a Think Big Investment Fund Grant of £96,402 be approved towards the business diversification project being undertaken by the company named in the report.

414 **BUSINESS SUPPORT APPLICATION (2)**

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 £58,000 to assist towards its business development project.

RESOLVED:

That a Think Big Investment Fund Grant of £58,000 be approved towards the business development project being undertaken by the company named in the report.