

EXECUTIVE BOARD SUB COMMITTEE

At a meeting of the Executive Board Sub Committee on Thursday, 5 March 2009 in the Marketing Suite, Municipal Building

Present: Councillors Wharton (Chairman) and Harris

Apologies for Absence: Councillor Nelson

Absence declared on Council business: None

Officers present: M. Reaney, R. Apter, R. Dart, J. Hatton, J. Hughes, A. Jones, N. MacFarlane, R. Mackenzie and A. McNamara

Also in attendance: None

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE SUB-COMMITTEE

		<i>Action</i>
ES88	MINUTES	
	<p>The Minutes of the meeting held on 12th February 2009 were taken as read and signed as a correct record.</p> <p><i>(Councillor Wharton declared a Personal and Prejudicial interest in item number 3 (a) as his son plays for the Hale Juniors).</i></p>	
ES89	NON-DOMESTIC DISCRETIONARY RATE RELIEF	
	<p>The Sub-Committee received a report of the Strategic Director, Corporate and Policy which sought Members' consideration of an application for discretionary non-domestic rate relief and to review all of the current recipients, under the provisions of the Local Government Finance Act 1988.</p> <p>The Sub-Committee was advised that under the provisions of Section 47 of the Local Government Finance Act 1988, the Authority was allowed to grant discretionary rate relief to organisations that were either a charity or a non-profit making organisation. This relief may also be awarded to Community Amateur Sports Clubs. A summary of the application was outlined within the report and a list of</p>	

associated figures was attached as Appendix 1. Organisations currently receiving the relief were listed in Appendix 2 to the report.

It was reported that further information regarding three organisations was still required, namely Birchfield Park Sports & Social Club Ltd, Moorfield Sports & Social Club and Pavillions Arena Ltd. It was requested that these be deferred.

It was noted that there was an anomaly between the current awards of Discretionary Relief granted to the two 'Help the Aged' Charity Shops in the Borough.

RESOLVED: That

- 1) under the provisions of Section 47, Local Government Finance Act 1988, discretionary rate relief be granted to the following organisation at the percentage indicated, for the period from 1st April 2008 or the commencement of liability, whichever was the later, to 31st March 2013:

Halton Haven Hospice	20%
----------------------	-----

- 2) A decision on the award of Discretionary Relief to Birchfield Park Sports & Social Club Ltd, Moorfield Sports & Social Club and Pavillions Arena Ltd be deferred;
- 3) Help the Aged, 34A Albert Square, Widnes be awarded 20% Discretionary Relief from 1st April 2009 to 31st March 2013; and
- 4) All other current recipients of discretionary rate relief still satisfying the appropriate criteria, were re-awarded the relief from 1st April 2009 to 31st March 2013.

(Councillor Mike Wharton declared a Personal and Prejudicial interest in Item 3 (B) as he is Treasurer of the Hale Youth Club).

ES90 CORPORATE SECURITY CONTRACT

The Sub-Committee received a report of the Strategic Director, Corporate and Policy which notified Members of the intention to go out to tender with regards to procuring a new corporate security contract in line with the Council's

procurement strategy. There were currently two security contracts in place, the smaller one of which would require a short extension granting in order to bring it in line with the timescales of the larger contract, as such a waiver of standing orders was requested in respect of this process.

The Committee was advised that there were two main security contracts in place. The larger contract which related to buildings was procured via Property Services and expired on 31st May 2009. The current service provider for this contract were Select Security who took over the contract when they bought out Druants in November 2008. The second security contract which related to parks and the operation of playing fields was procured via Leisure Services. This was due to expire on 31st March 2009 the current service providers for this contract were Athena Global.

As the existing contracts expire at different times it was necessary to extend the smaller contract in order to bring it in line with the timescales of the larger contract.

Members were advised that the new corporate contract would bring the services currently being provided under the two separate contracts together, in addition, to which it would also allow for other departments to purchase any necessary future security provision that may be required during the life of the contract.

It was further noted that it was intended to have the new contract in place for 1st June 2009 and it was envisaged that the new contract would be set up for a three year period with the possibility of a one year extension subject to satisfactory performance, ensuring the maximum timeframe was four years, in line with EU procurement rules.

Members were advised that the likely value of the contract over the three-year period would be in the region of £2.5m. Whilst this was above the EU procurement thresholds, security services were exempt from the full EU procurement process and, as such, the contract did not have to be advertised under OJEU notice.

Athena Global had been contacted and they had agreed to continue delivering the existing services in line with their contract until such time as the new contract was in place.

Funding for the contract came from a variety of sources and would be contained within existing budgets.

Members queried what the contract included. In response it was noted that it included the security provision for all parks and that the contract tender would be advertised in the wider North West area rather than just locally.

It was further confirmed that Councillor Wharton would oversee the procurement from the Members side and that the item would come back to the Executive Board Sub Committee for approval once the process was complete.

RESOLVED: That

- 1) in line with Procurement Standing Order 1.6 the Executive Board Sub Committee waive Standing Orders 3.1 to 3.7 in order to allow for the Operational Director Culture and Leisure Services to grant an extension to the existing security contract with Athena Global from 1st April 2009 until such time as the new contract was in place, which was envisaged to be 1st June 2009; and
- 2) the intention to procure a new corporate security contract in line with the procurement strategy be noted.

ES91 THE DIGITAL INCLUSION PILOT

The Sub-Committee received a report of the Strategic Director, Corporate and Policy which requested the waiving of Procurement Standing Orders 3.1 to 3.7 which placed a requirement of the Council to tender for contracts with a value greater than £50,000 but not exceeding £1,000,000.

Members were advised that the Halton Strategic Partnership had approved a project to digitally enable around 120 households in an area with low levels of computer ownership and broadband uptake. It was a pilot project to establish that it could be successfully delivered. Households would be provided with a keyboard, mouse, flat screen and lightweight computing device (known as a thin client) connected to a managed computing service hosted at a central data centre. The service provided access to standard software such as Microsoft Office as well as to the Internet (which could be filtered if necessary). In the absence of existing Broadband connections, a wireless connection would be provided.

It was further noted that the service to be procured would be the provision of a robust infrastructure with low

running costs. The supplier would provide basic training on how to use the device, and a free connection for 12 months. Thereafter there may be a small charge (around £2 per month).

The partnership plan to build on this provision and develop local skills and to provide access to local services such as Job Centre Plus through a local portal.

Members were advised that residents in our deprived areas suffered from many forms of exclusion, one of which could be the lack of access to services provided over the internet. This project would address that, and also help to provide local residents with IT and other skills that may help in the job market. The pilot was to be located in part of Windmill Hill. This area had been selected because it was the most deprived area of the Borough and was relatively isolated. The proximity to the Daresbury Science facility was also a possible future benefit.

AIMES was a Community Interest Company. It was established by Liverpool University with funding from North West Development Agency and ERDF. It had established similar digital inclusion schemes in St. Helens, Liverpool and Wirral. It also provided commercial services, the profits from which were re-invested back into the social enterprise. The combination of the social objectives, specific expertise, technical solutions and experience in similar projects was believed to be unique in the region. The company had a local employment policy and a commitment to work with local partners on engagement and training provision. It was therefore recommended that for the purposes of this pilot, AIMES were engaged.

The contract would be for £200,000 and would provide approximately 120 households with a managed computer service, filtered internet access and access to other hosted applications, all the required equipment and connections, a user guide, and a free service for 12 months, and thereafter at a low cost.

Members were advised that there was no market in the provision of this service to enable value for money to be established through competition. However, AIMES would be procuring the equipment via competitive process. Thus although the co-ordination and management would not be market tested, much of the costs related to equipment which would be procured on a competitive basis, and so there was reasonable comfort that the costs represented value for money.

Members were further advised that the procurement process was transparent by virtue of this report and the availability of information via the Freedom of Information Act. The project would be subject to the Council's normal internal and external audit and scrutiny procedures.

It was noted that to ensure propriety and security the usual integrity clauses would be built into the contract document and only staff with a need to know would have information about the contract.

It was further noted that accountability for the project would remain with the Operational Director Policy and Performance. Progress would be scrutinised through the Corporate Services Policy and Performance Board and the Halton Neighbourhood Management Board.

Given the social aims of this initiative this would be a Part B contract as, as such was exempt from the tendering requirements of the Contract Regulations 2006. However, there was still a requirement to place Contract Award Notice in OJEU within 42 days of the award of the contract (supports transparency) and all other contracts including Part B were subject to the overarching EU Principles of Transparency and Non-Distortion of Competition.

Members raised concerns over the fact that this had not gone to tender and the need to waive standing orders to complete the project. In response it was noted that there was only one known supplier, and that due to the time scale involved for the use of Working Neighbourhood Fund money, there was no time to test this through a tender process.

Having expressed their views regarding the choice of ward selected to do the pilot project, Members offered their support. It was noted that officers would report back to the Employment Learning and Skills PPB with an update.

RESOLVED: That the Operational Director, Policy and Performance be authorised to award the contract for the provision of a Digital Inclusion Pilot to the contractor AIMS Grid Services CIC Limited in the sum of £200,000 and that in light of the exceptional circumstances and in accordance with Procurement Standing Order 1.6, Standing Orders 3.1 to 3.7 and 3.10 be waived on this occasion because the requirements can only be delivered by this particular supplier in that it can provide a technical solution, can host this solution and has successfully delivered similar projects.

ES92 HISTORIC ENVIRONMENT SERVICE LEVEL AGREEMENT

The Sub-Committee received a report of the Strategic Director, Environment which sought approval of a one-year renewal of the existing Service Level Agreement between Halton Borough Council and Cheshire County Council (and its successor authorities) in respect of Historic Environment Services.

Members were advised that on 14th September 2004, the Executive Board Sub Committee resolved that the Service Level Agreement (SLA) for the provision of Archaeological Service be entered into for a period of five years until March 2009. In 2004, the cost of this service was £5,995 per annum, subject to an adjustment for annual inflation.

On the 16th May 2005, the Executive Board Sub Committee resolved that the SLA be extended to include the provision of Listed Building and Conservation Area advice, with a combined annual cost of £13,523, subject to an adjustment for annual inflation. This renamed Historic Environment SLA, currently in place expired at the end of March 2009. Hence, it was recommended that this SLA be renewed.

Members were asked to recall the contents of the earlier reports of 14th September 2004 and 16th May 2005. There were several reasons as to why the Historic Environment SLA was an advantageous arrangement for the Council and these reasons were outlined within the report.

Members were advised that the report recommended that the Historic Environment SLA be renewed for a period of one year only. This was due to two factors, both of which would mean that the SLA would probably be subject to change during 2010. The first factor was that the Heritage Protection Bill may be enacted in 2010 and this would require the SLA to be revised in the light of new responsibilities for Local Authorities. Colleagues at Cheshire County Council had indicated that these new responsibilities would not prohibit the continued provision of the Historic Environment SLA, but its scope and remit would necessary change.

It was noted that the second factor behind the recommendation that the SLA be renewed for a period of one year only was the Local Government Reorganisation in

Cheshire. On 1st April 2009, some of the functions of the existing Cheshire County Council would automatically move to one of the two new Unitary Authorities. It was currently anticipated that the Historic Environment SLA would be delivered in Halton from the Cheshire West and Chester Unitary Authority, with accompanying advice from the new Shared Archaeology Service. However, this currently could not be confirmed. Therefore, the preferred course of action would be to renew the SLA with Cheshire County Council for the period of April 2009 to March 2010. Once the new delivery authorities could be formally confirmed, the SLA could be renewed.

With the above in mind, a further report would be brought to the Executive Board Sub Committee in late 2009, with a recommendation for the SLA to be renewed in an updated form, in line with the two factors outlined within the report. It was anticipated that this paper would recommend that the SLA be renewed for a three or five year period commencing in April 2010.

Members were advised that as the cost of the Historic Environment SLA exceeded £10,000, it should be noted that the Council's procedures for Standing Orders would have to be complied with. In this case, the Council's Solicitor had agreed that the three written quotations for the order were not required.

RESOLVED: That

- 1) the Service Level Agreement between Halton Borough Council and Cheshire County Council (and its successor authorities) for the provision of Historic Environment Services be renewed for a period of one year only from the 1st April 2009, to 31st March 2010 at a cost of £14,335.36 for the year; and
- 2) Procurement Standing Order 4.2 be waived to allow Cheshire County Council or its successor authority to supply the services within the Historic Environment Service Legal Agreement without the need for competitive tender.

ES93 COMMUNITY MEALS TENDER

The Sub Committee received a report of the Strategic Director – Health and Community which requested the waiving of Procurement Standing Orders 3.1 to 3.7 which placed a requirement on the Council to tender for contracts

with a value greater than £50,000 but not exceeding £1m.

Members were advised that the current Community Meals contract had been in operation for three years following a re-tendering process that took place in 2006 and was due to end on 31st March 2009.

Members were further advised that the service provided an average of 58,000 hot meals and 17,628 tea time packs to residents across the Borough on an annual basis. The cost of providing a hot meal was currently £4.50 per meal. A continued overall reduction on costs of a meal was to some extent dependent on the continued development and expansion of alternative service options, with an overall aim of ensuring this service was cost neutral i.e. no subsidy required from the Council.

It was noted that feedback from people using this service was good and the current service was performing well. The report sought approval to extend the existing contractual arrangements until 31st March 2010 and to commence a competitive tendering exercise for this service in September 2009, with a view to awarding a new contract from April 2010.

It was noted that the new specification for the provision of meals would require the meals provider to continue to use the in-house Council transport service for the delivery of meals.

The business case supporting the proposal to waive standing orders was outlined in the report and detailed – value for money, transparency, propriety and security and accountability.

It was noted that the estimated cost of the 12 month extension to the existing service was £156,948. Following a tendering exercise, the estimated contract value over five years (three years with an option to extend by two years) was £845,595.

Concerns raised by Members over the use of packaging for the meal services was noted and that efforts would be made to reduce unnecessary packaging and replacing it with recyclable containers in order to adhere to the Council's principles on recycling to reduce land fill.

RESOLVED: That in the exceptional circumstances set out in the report, for the purposes of Standing Order 1.6, Procurement Standing Orders 3.1 to 3.8 be waived in order

for the existing contractual arrangements to be extended until 31st March 2010 and in order that during the period of the extension the Council would complete a competitive tendering exercise for the Community Meals Service.

ES94 CULTURE & LEISURE SCALE OF CHARGES

The Sub Committee received a report of the Strategic Director, Health and Community which set out the proposed administration charges for 2009/10 for the Council Libraries, The Kingsway Learning Centre, Leisure Centres, Parks and Playing Pitches, Community Centres, Bereavement Services, Registration Services and the Brindley Arts Centre.

Members were advised that no major changes were proposed in the structure of charges for 2009/10. The levels of charges had been set as part of the Council's response in setting an overall budget. Charges had generally followed the corporate guidelines for a 3% rise across the board.

It was noted that the Brindley had proposed increases of 11% for commercial hirers Monday to Thursday in order to decrease the differential between weekend hire charges. It was also proposed to show the charge for rehearsals as an all-inclusive rate to reflect staffing costs that were previously charged separately.

The proposed charges for the new athletics facility were tabled at the meeting for the Board's consideration and the proposed charges for 2009/10 were attached to the report as an appendix. It was noted that the charges for the hire of the athletics track were set at a level that reflects the costs associated with operating and maintaining the facility.

RESOLVED: That the charges, as proposed be approved.

ES95 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

(1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local

Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and

(2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

ES96 REQUEST TO EXTEND CONTRACTS FOR SPECIALIST LEARNING DISABILITY RESIDENTIAL CARE AND ACTIVITY SERVICES

The Executive Board Sub Committee received a report from the Strategic Director, Health and Community to request that the existing contracts for residential care at Wide Cove and Smithy Forge be extended to 31st March 2010 and the contract with M-Power Activity Services be extended to no later than 30th September 2009, to allow sufficient time for the actions outlined to be completed.

It was noted that the uplift percentage on the report should be amended from 3% to 2½%.

RESOLVED: That the Executive Board Sub Committee agree:

- 1) in the exceptional circumstances set out below, for the purpose of standing order 1.6, procurement standing orders 3.1 to 3.9 be waived on this occasion on the basis that the residential services offered by Wide Cove and Smithy Forge do not meet with current Government policy and reconfiguration to a supported living model is required. In addition, the

existing contract for these services be extended to 31st March 2010 in line with the contracted rate previously agreed by Executive Board Sub Committee; and

- 2) in order to ensure sufficient time to fully comply with standing order 3.1 to 3.9, the existing contract with M-Power Activity Services be extended to 30th September 2009 at the current price set through the tendering process in 2004.

Meeting ended at 11.20 a.m.