

## EXECUTIVE BOARD SUB COMMITTEE

*At a meeting of the Executive Board Sub Committee on Friday, 1 April 2011 in the Marketing Suite, Municipal Building*

Present: Councillors Wharton (Chairman), Harris and Nelson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: M. Reaney, G. Ferguson, I. Leivesley, J. Unsworth, A. McNamara, S. Rimmer, W Rourke, M Bennett, E. Taylor and S. Murtagh

Also in attendance: None

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

		<i>Action</i>
ES90	MINUTES	
	<p>The Minutes of the meeting held on 17<sup>th</sup> March 2011 were taken as read and signed as a correct record.</p>	
	<b>ECONOMIC DEVELOPMENT PORTFOLIO</b>	
ES91	WAIVER TO EXTEND VOLUNTARY SECTOR CONTRACTS	
	<p>The Sub-Committee was advised that significant work had been carried out to support the development of the Voluntary Sector through commissioning and contracting arrangements over the previous three years. Voluntary sector services were now commissioned to deliver outcomes set out in the Prevention and Early Intervention Strategy. All services had been reviewed and remodelled in order to improve outcomes and deliver efficiencies.</p>	
	<p>Due to the uncertainty around a number of grant funding streams and the late confirmation of budgets, approval was sought to waive procurement standing orders 3.1 to 3.7 and 4.1 to 4.3, in order for the Strategic Director Adults and Community, in conjunction with the portfolio holder for Health, to extend the voluntary sector contracts</p>	

set out in the report for a period of one year, with the option to extend for a further two years, subject to budgetary provision and evidence that the services continued to meet local health and wellbeing needs.

It was noted that services were being delivered by local, established voluntary sector organisations with an extensive knowledge and understanding of Halton and the needs of its local community. As a result it would not make commercial sense to invite tenders as costs could outweigh any potential savings. In addition, commissioners would review these services annually to ensure desired outcomes continued to be achieved and that the method of service delivery remained the most cost effective for the Council.

The cost of entering into these contracts would be contained within existing available budgetary provision.

Members were advised that one change to note was that the Council had transferred responsibility for the provision of sexual health services to Halton and St. Helens PCT and therefore no longer directly held any contracts with the voluntary sector for HIV/Aids services.

RESOLVED: That

- (1) in light of the exceptional circumstances set out in the report, for the purpose of standing order 1.8.2, procurement standing orders 3.1 to 3.7 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of health and wellbeing services set out in Appendix 1, in order to ensure continuous care; and as the contracts offer value for money and are performing well in meeting the needs of people who use these services;
- (2) in light of the exceptional circumstances set out in this report, for the purpose of standing order 1.8.2, procurement standing orders 4.1 to 4.3 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of health and wellbeing services set out in Appendix 2, in order to ensure continuous care; and as the contracts offer value for money and are performing well in meeting the needs of people who use these services; and
- (3) the Strategic Director, Adults and Community be authorised, in conjunction with the portfolio holder for Health, to enter into contracts, listed in Appendix 1 and 2, for one year from April 2011 to the end of March

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2012, with an option to extend on an annual basis, subject to budgetary provision and good performance in meeting local need, for a further two years up to the end of March 2013.

## RESOURCES PORTFOLIO

### ES92 ONLINE LEGAL LIBRARY SERVICES - REQUEST TO WAIVE PROCUREMENT STANDING ORDERS

The Sub-Committee considered a request to waive standing orders in order to enter into a contract for the provision of online legal library services from LexisNexis for an initial three year period (2011/12 subscription) and that subject to budgetary provision the Operational Director (Legal and Democratic Services) be authorised in consultation with the Chair of Executive Board Sub-Committee to renew such subscription from time to time or enter into agreements with alternative suppliers as he judged necessary.

It was noted that the cost of the LexisNexis annual subscription was £30,995 for 2011/12, £32,547 for 2012/13 and £34,176 for 2013/14. This could be sustained through the Council approved legal budget for each year. The equivalent hard copy cost was £41,206 for 2011/12.

RESOLVED: That

- (1) in light of the exceptional circumstances set out in the report, for the purpose of Procurement Standing Order 1.8.2, Standing Orders 4.1 to 4.3 be waived on this occasion in order to permit the Operational Director Legal and Democratic Services to enter into arrangements as indicated in the report, in light of the service advantages for the Council associated with such services and on the basis that the features, range and mix of reference sources available from LexisNexis in this format were not available from any other supplier; and
- (2) the Operational Director (Legal and Democratic Services) be authorised to enter into a contract for the provision of online legal library services from LexisNexis for an initial three year period (2011/12 subscription) and that subject to budgetary provision he be authorised in consultation with the relevant portfolio holder to renew such subscription from time to time or enter into agreements with alternative suppliers as he judges necessary.

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## TRANSPORTATION PORTFOLIO

### ES93 HIGHWAY CONDITION SURVEY DATA COLLECTION

The Sub-Committee considered a report of the Strategic Director Environment and Economy which sought approval to continue with the current Data Collection and Bureau Consultancy Services contract with Jacobs Babbie Limited for a further period of twelve months.

Previously the Sub Committee had approved to adopt the web based United Kingdom Pavement Management System (UKPMS) technology for the management of road condition data and its corresponding performance indicators using the Bureau Consultancy Services supplied by Jacobs Babbie Limited. The approval was given on the basis that the partnership would be for an initial five years and that it would be reviewed on expiry. It was identified that as a consequence of investment in long term road condition surveys, subject to satisfactory performance, there would be substantial benefit in a longer term relationship.

Members were advised that, to date, performance levels for Jacobs Babbie Limited had been more than satisfactory, and they had a long-standing in depth knowledge of our highway network. The investment and training in the use of the web-based technology indicated that there would be a substantial benefit in continuing this long term relationship for a further 12 months. The fee paid to Jacobs Babbie for the 2010/11 period was £70,724.20. Jacobs Babbie had confirmed that the fee for 2011/12 would be £70,250.00, realising a £474 saving for the period.

It was noted that discussions had been held with the Council's Procurement Centre of Excellence with a view to carrying out a procurement exercise in April 2011 to identify alternative methods of procuring future requirements under UKPMS for 2012/13 and beyond. Once such alternative was a joint framework contract by Cheshire and Merseyside partners.

RESOLVED: That approval be granted to continue with the current Data Collection and Bureau Consultancy Services contract with Jacobs Babbie Limited for a further 12 months to 31<sup>st</sup> March 2012.

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### ES94 A533 QUEENSWAY (SILVER JUBILEE BRIDGE) OBJECTIONS TO PROPOSED CLEARWAY TRAFFIC

## REGULATION ORDER

The Sub-Committee was advised that over recent months there had been a number of complaints about delays crossing the SJB due to broken down vehicles not being removed quickly. Due to these incidents, discussions had taken place with Cheshire Police to find a way to reduce these delays and the need for the police officers to remain on the bridge with broken down vehicles. Cheshire Police had separate discussions with their legal team and it was requested that a "No Stopping" or clearway order be placed on the SJB in order to assist with removing of broken down vehicles. Such an order gave the Police powers to remove any vehicle immediately in the event of a breakdown or accident using their own Vehicle Recovery Contract provided by local garages. This would allow vehicles to be removed quickly and reduce delays.

It was noted that if the Police used their powers to remove vehicles, local contracted garages were obliged to attend the scene within a certain time limit. For vehicles under 7.5 tonnes (cars etc.) the response time was 30 minutes and with vehicles over this weight it was 40 minutes with the Police selecting the garage able to attend the scene in the shortest time. All the garages on the scheme had set fees that they would charge, as follows:-

Vehicle up to 7.5 tonnes	Minimum Charge £150;
Vehicle over 7.5 tonnes	Minimum Charge £350;
and	
Garage storage charge	Minimum Charge £12 per day.

Following advertisement of the proposed Traffic Regulation Order two objections were received from Elected Members details of which were outlined in the report.

RESOLVED: That the proposed Traffic Regulation Order for a "No Stopping Clearway" on A533 Queensway where it passes over the Silver Jubilee Bridge be made, and the objectors informed accordingly.

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## PHYSICAL ENVIRONMENT PORTFOLIO

### ES95 FORMER ST MICHAEL'S GOLF COURSE, WIDNES

The Sub-Committee considered a report of the Strategic Director, Environment and Economy, which provided an update on the progress of the remediation of the northern section of St. Michael's Golf Course and outlined

the options for potential future site uses. Funding totalling £2,477,131 and an additional £90,490 had been received from the Department for Environment, Food and Rural Affairs (Defra) for Phase 1 of the remediation of the northern section of St. Michael's Golf Course. Contractors Land and Water were appointed to complete Phase 1.

With regard to Phase 2, an initial trial would take place shortly to demonstrate if the identified potential technique was able to reduce the concentration of sulphide to concentrations that were appropriate to allow sewer disposal. Once the results were proven and a design had been signed off by the Environment Agency and also United Utilities then a Phase 2 funding application could be made to Defra. Until this was completed, the site would remain closed to public access on safety grounds.

Following the completion of Phase 2 remediation contract the next phase would be to restore the site for re-use. Members were advised on a number of options for the site which the Council would explore further with their associated benefits and risks. Confirmation of the intended restoration option of the site would be dependent on securing funding and also agreement from Defra and the Environment Agency who would require reassurances that the remediation works would be protected during and after the implementation of the site restoration.

It was noted that solutions were still being sought for the south side of the Golf Course and this would require further consideration.

RESOLVED: That

- (1) progress on the remediation of the site be noted; and
- (2) a further report be submitted to the Board on the options for future use of the site.

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ES96 PROPOSED REFURBISHMENT OF RUNCORN MARKET HALL

The Sub-Committee were advised that a feasibility study into a proposed refurbishment of the existing Runcorn Market Hall had been carried out following its closure in January 2011. Although there were strong financial and operational reasons for taking the decision to close the building, this had resulted in a relatively new building remaining vacant. Given the need to offer improved library and Halton Direct Link facilities to residents in Runcorn and

the fact that the Market Hall was currently unused, it was considered appropriate to investigate the feasibility of accommodating both the Library and HDL within the former Market Hall. A feasibility study had now been completed which demonstrated that it was possible to refurbish and remodel space within the Market Hall to accommodate both the Library and the Direct Link. A timetable for taking forward the proposal was outlined in the report.

It was noted that any proposed refurbishment of the Market Hall as a library and Direct Link would require a substantial investment from the Council (currently estimated at between £500,000 to £850,000) and would, therefore, require an amendment to the Capital Programme.

RESOLVED: That

- (1) Members agree in principle to the further development of the proposals for the existing Runcorn Market Hall;
- (2) authority be given to review the Capital Programme to identify the funding required to achieve the proposed refurbishment and that a further report be presented to Members on the results of this work; and
- (3) the proposed timescales outlined in the report be reviewed.

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## **CHILDREN, YOUNG PEOPLE AND FAMILIES PORTFOLIO**

### ES97 CONTRACTED SERVICES FOR DISABLED CHILDREN AND THEIR FAMILIES - WAIVER OF PROCUREMENT STANDING ORDERS

The Sub-Committee considered a request to waive of Standing Orders in order to extend existing voluntary sector contracts for the provision of services to disabled children, in order to ensure continuous care and support. The Aiming High for Disabled Children (AHDC) Programme was launched by DCSF and DH in 2007 to transform and prioritise services for Disabled Children and their families. Most of the additional resources to implement AHDC were dedicated to increasing the provision of Short Breaks.

Members were advised that the AHDC programme was supported with additional revenue and capital funding available in Halton for three years and this ceased in March 2011. The present Government had stated that funds to

continue to deliver Short Breaks were provided within the Early Intervention Grant. However, there was less funding available than in previous years. Some of Halton's short breaks services had been provided through Core Funds and Carers Grants, which also ceased next month.

It was noted that Halton had commissioned Short Breaks services from a number of local and national organisations in addition to the direct provision available from Halton Borough Council which was delivered from Inglefield Residential Centre, Outreach, Family Based scheme and Children Centres. As Halton was a pathfinder for AHDC the contracts with the providers had been in place for three years. These were monitored on a quarterly basis to ensure that they met their contractual requirements and delivered quality services.

The current contracted service providers had been delivering the services since 2007 and were well established voluntary sector organisations with an extensive knowledge and understanding of Halton and the needs of its local community. The services provided had been reviewed to ensure desired outcomes continued to be achieved and the method of service delivery remained the most cost effective option for the Council.

Although the report requested an extension for a 12 month period, it was intended that the newly reconfigured services would be commissioned earlier and the Council would go to the market with a view to awarding new contracts by the end of December 2011 (with a start date of 1<sup>st</sup> April 2012). This would enable a sufficient lead in period in order to facilitate the appropriate support of children and families through the transition.

RESOLVED: That

- (1) in light of the exceptional circumstances set out in the report, for the purpose of Standing Order 1.8.2, Procurement Standing Orders 3.1 to 3.7 and 4.1 to 4.3 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of services to disabled children, in order to ensure continuous care and support; and
- (2) the Strategic Director, Children and Young People be authorised, in conjunction with the portfolio holder for Children and Young People and Families to enter into contracts, listed in the report for one year from April 2011 to the end of March 2012 to enable the

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necessary consultation and full participation from young people and carers; including their involvement in the decision making processes for the awarding of contracts as required by the Breaks for Carers of Disabled Children Regulations (Paragraph 6(1) (c) Section 25 of the 2008 Act).

## **ENVIRONMENTAL SUSTAINABILITY PORTFOLIO**

### **ES98 ABANDONED SHOPPING TROLLEY POLICY**

The Sub-Committee considered a report which outlined the Council's powers in relation to the collection of abandoned shopping trolleys and proposed that recommendations be made in respect of the adoption of an Abandoned Shopping Trolley Policy.

It was noted that Schedule 4 of the Environmental Protection Act 1990, as originally enacted, was adopted by the Council in 1991. This dealt with the problem of abandoned shopping (and luggage) trolleys. Subsequently, the Clean Neighbourhood and Environment Act 2005 amended the 1990 Act and introduced a new system to replace the previous. To apply the new legislation, the Council must adopt the legislation (as amended) again.

Members were advised should the Council resolve to adopt the new legislation, a Public Notice would be placed in the local press in accordance with Section 99 Environmental Protection Act 1990. The Notice would outline the general effect of the legislation and state the date when it would come into effect (this was intended to be the 1<sup>st</sup> August 2011). The Sub-Committee was further advised that the Abandoned Shopping Trolley Policy would:-

- Help improve the procedures for dealing with trolleys and ensure that the owners of them could be recharged the full cost incurred by the Council in the seizure, removal, storage and return of each trolley that may be required to be dealt with;
- Provide a strong deterrent and encourage supermarkets and retail outlets whose trolleys were being used in this manner to employ methods to prevent trolleys being taken off site or from being left uncollected within neighbourhoods for any period of time to reduce the problem;

- Where trolleys were abandoned, the introduction of efficient reporting and collection arrangements would lead to their swifter removal.

It was proposed that local retailers would have the option to enter into a voluntary protocol whereby they would be notified of the local of abandoned trolleys and given a period of time to collect them prior to Council intervention.

In February 2011, local supermarkets and their headquarters were consulted and provided with the opportunity to comment on the Council's proposals for dealing with abandoned shopping trolleys, the charging arrangements and the option to enter into voluntary protocol. Following consultation, the Council received responses from Asda, Trolleywise, Aldi and Morrisons. Details of those responses were outlined in the report. A summary of the charges proposed for collection, storage, return to owners or trolley disposal were also set out in the report.

RESOLVED: That

- (1) the Sub-Committee endorse the adoption of the draft Abandoned Shopping Trolley Policy as set out in the report; and
- (2) the Council be recommended:
  - (i) to adopt Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005) on 1<sup>st</sup> August 2011;
  - (ii) to adopt the draft Abandoned Shopping Trolley Policy as set out in the report;
  - (iii) the Strategic Director – Communities be authorised to determine all matters relating to abandoned shopping trolleys, including the fixing of charges for the purposes of Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005);
  - (iv) the Strategic Director – Communities be given the power to enforce suitable individuals to enforce compliance with the

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Abandoned Shopping Trolley Policy  
throughout the Borough.

ES99 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 items 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 items 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.

**RESOURCES PORTFOLIO**

ES100 ACCOMMODATION - CASTLE VIEW HOUSE

The Sub-Committee considered a report of the Strategic Director, Resources which sought approval for the Council to enter into a lease for office space at Castle View House, Halton Lea, Runcorn in accordance with the Council's Accommodation Strategy. It was noted that Castle View House provided a modern workspace, was close to existing ICT infrastructure, maintained the spending power

of staff in the Halton Lea shopping area and offered significant revenue savings.

RESOLVED: That the Strategic Director, Resources, in consultation with the Corporate Services portfolio holder, be authorised to enter into a lease within the terms outlined in this report.

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**MINUTES ISSUED: 5<sup>th</sup> April 2011**

**CALL IN: 12<sup>th</sup> April 2011**

**Any matter decided by the Executive Board Sub Committee may be called in no later than 12<sup>th</sup> April 2011**

*Meeting ended at 11.14 a.m.*