

EXECUTIVE BOARD

At a meeting of the Executive Board on Thursday, 26 March 2015 in The Boardroom, Municipal Building

Present: Councillors Polhill (Chairman), D. Cargill, Harris, R. Hignett, Jones, T. McInerney, Nelson, Philbin, Wharton and Wright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Scott, M. Reaney, G. Cook, D. Johnson, I. Leivesley, G. Meehan, D. Parr and E. Dawson

Also in attendance: None

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE BOARD

Action

EXB147 MINUTES

The Minutes of the meeting held on 12 March 2015 were taken as read and signed as a correct record.

LEADER'S PORTFOLIO

EXB148 WEBSITE ADVERTISING OPTIONS

The Board considered a report of the Strategic Director, Policy and Resources, on website advertising options.

The Board was advised that the Council Advertising Network (CAN) provided an opportunity for local authorities to have adverts appear on their websites and intranets to generate income. A list of potential advertisers was set out in the report as an example. It was noted that each month, CAN would supply a list of advertisers for approval with the local authority having powers to veto any adverts that appeared. Income would be generated by the number of times the page on the Council's website was viewed, rather than relying on a user clicking on the adverts themselves.

It was reported that a soft market test exercise was undertaken via The Chest to establish whether CAN was the only organisation which offered this service to local

authorities. The only expression of interest received was from CAN.

RESOLVED: That

- 1) advertising on the Council's website and microsites using the Council Advertising Network be approved;
- 2) in accordance with Procurement Standing Order 1.8.3 (e), Procurement Standing Order 4.1 and 4.2 be waived in respect of the website advertising due to the results of the soft market testing carried out as reported; and
- 3) a review of the project take place after 12 months.

Strategic Director
- Policy &
Resources

CHILDREN YOUNG PEOPLE AND FAMILIES PORTFOLIO

EXB149 SCHOOL ADMISSION ARRANGEMENTS 2016 - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, on school admission arrangements for the September 2016 intake.

The Board was advised that in January 2015, Halton had published a statutorily required consultation paper on the proposed admission arrangements and co-ordinated admission schemes for the September 2016 intake.

It was noted that there were no changes proposed for the oversubscription criteria for admission to Local Authority maintained community and voluntary controlled primary schools, and no change to the current oversubscription criteria for admission to Local Authority maintained community secondary schools.

Reason(s) For Decision

The decision was statutorily required and any revision to the proposed arrangements may adversely affect school place planning, as detailed in the report.

Alternative Options Considered and Rejected

Other options considered and rejected included the allocation of places through random allocation (lottery), as

this method could be seen as arbitrary and random.

Implementation Date

The Policy would apply to the September 2016 academic intake.

RESOLVED: That the

- 1) Schools Admissions Policy, Admission Arrangements and Co-ordinated Schemes for admission to primary and secondary schools for the 2016/17 academic year, attached to the report, be approved;
- 2) the Department for Education School Admissions Code be endorsed, and all Halton Schools, including Academy and Free Schools be required to ensure that their admissions criteria are reasonable, clear, objective, procedurally fair and comply with all legislation; and
- 3) the Local Authority writes to the Office of the Schools Adjudicator to express concern regarding the admission arrangements currently operated by Wade Deacon High School.

Strategic Director
- Children and
Enterprise

(N.B. Councillor Jones made a Disclosable Other Interest in the following item of business as he was a Governor of Fairfield Primary School)

EXB150 CAPITAL PROGRAMME 2015-16 - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, which provided a summary of the Capital programmes for 2015/16 for the Children and Enterprise Directorate.

The Board was advised that in February 2015, the Department for Education announced the schools capital grant allocations for 2015/16; details of the funding received were set out in the report. A further table set out details of how the School Condition and Capital Expenditure revenue Account funding would be allocated. It was noted that schools were required to make a contribution to the cost of capital repair works, which was estimated to be in the region

of £40,000 based on current budget costs for the works. A further £95,000 would be carried forward as a contribution to the capital repairs programme for 2015/16.

The report set out details of the details of the re-build of Halebank Church of England Voluntary Controlled Primary School. This project had been included in the Department for Education's Priority School Building Programme. The project would commence on site in June 2015, with completion by April 2016. It was noted that an amount of £20,000 would be required to complete the transfer of equipment and furniture to the new building.

In January 2014, Fairfield Junior School was expanded to allow the integration of the Infants School, to form Fairfield Primary School. It was further reported that a number of improvements would be required to address building and organisational issues at the newly combined primary school.

Reason(s) for Decision

To deliver and implement the capital programmes.

Alternative Options Considered and Rejected

Not applicable.

Implementation Date

Capital programmes for 2015/16 would be implemented from 1 April 2015.

RESOLVED: That

- 1) the capital funding available for 2015/16 be noted;
- 2) the proposals to be funded from School Condition Capital Allocation and Capital Expenditure Revenue Account be approved;
- 3) the proposals for Halebank Voluntary Controlled Church of England Primary School be approved;
- 4) the proposals for Fairfield Primary School be approved; and
- 5) Council be recommended to approve the Capital

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Enterprise

Programme for 2015/16.

EXB151 14-19 STRATEGIC COMMISSIONING STATEMENT 2015-16

The Board considered a report of the Strategic Director, Children and Enterprise, which sought approval for the 14-19 Strategic Commissioning Statement (the Statement) for 2015/16.

The Board was advised that adoption of the Statement would enable the Borough Council to fulfil its statutory duty to secure sufficient suitable education and training provision to meet the reasonable needs of all young people in the Borough, and enable or assist them to participate in education or training.

It was reported that to support the production of the Statement and to identify key priorities, evidence, data and information was gathered and analysed alongside a review of outcomes of the 2014/15 Statement. The report detailed the three key priority areas for the Borough. It was noted that these priorities and supporting evidence had been individually consulted on with partners in specific task groups, and ratified by the 11-19 Strategic Partnership.

RESOLVED: That the 14-19 Strategic Commissioning Statement 2015/16 be ratified in order to fulfil Halton Borough Council's statutory duty.

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HEALTH AND WELLBEING PORTFOLIO

EXB152 HALTON BOROUGH COUNCIL AND NHS HALTON CLINICAL COMMISSIONING GROUP: REVISED JOINT WORKING AGREEMENT

The Board considered a report of the Strategic Director, Communities, which sought approval for the revised Joint Working Agreement between Halton Borough Council (HBC) and the NHS Halton Clinical Commissioning Group (CCG).

The Board was advised that HBC and the CCG currently operate a Joint Working Agreement to achieve strategic objectives of commissioning and providing cost effective personalised quality services for the people of Halton. As part of this agreement, a Pooled Budget arrangement contained the expenditure on delivering care and support services for adults with complex needs.

It was reported that in 2013, the Government announced its intention to further promote integrated working across the health and social care sectors through the development of mandatory pooled budget arrangements, intended to improve the quality of care delivered and to strengthen system capacity and demand management. These new pooled budgets were now known as the Better Care Fund.

In January 2015, Halton's Better Care Fund plan was presented and approved by the Health and Wellbeing Board. It was noted that the Joint Working Agreement had been revised to reflect a number of changes, as set out in the report, although no changes had been made to the legal framework of the agreement.

RESOLVED: That

- 1) the contents of the report be noted; and
- 2) the revised Joint Working Agreement, attached at Appendix 1, be approved.

Strategic Director
- Communities

EXB153 FEE LEVELS FOR RESIDENTIAL AND NURSING CARE 2015/16 - KEY DECISION

The Board considered a report of the Strategic Director, Communities, on proposed fee levels for Residential and Nursing Care for 2015/16.

The Board was advised that the contractual agreement for a range of care services with residential and nursing care providers had been in place for a considerable time. It was reported that the Council currently spent £18m per annum on residential and nursing home placements. It had been agreed with providers that a review of fees would take place, using external consultants, to provide a level of independence. The brief, developed following a procurement exercise, was detailed in the report, and included the development of a "fair price for care" and a review of fee sustainability in the sector.

Members were advised of the outcome of the consultants' findings and recommendations in the report.

Reason(s) for Decision

The setting of care home fees supports delivery of the priorities of the Council, Halton Clinical Commissioning Group and the Health and Wellbeing Board.

Alternative Options Considered and Rejected

None identified.

Implementation Date

1 April 2015.

RESOLVED: That

- 1) the contents of the report be noted; and
- 2) the fee levels, as set out in paragraph 3.5 of the report, be agreed.

Strategic Director
- Communities

EXB154 ADULT SOCIAL CARE CONTRACTS

The Board considered a report of the Strategic Director, Communities, which sought approval to extend the current Adult Social Care Contracts.

It was reported that the Council had contracts in place which were due to expire with the following services:

- MIND;
- Halton Carer's Centre; and
- Halton Healthwatch.

In anticipation of the implementation of the Care Act in April 2015, the Council had been working with these service providers to achieve better quality and value for money, improved integration within an evolving system and a service re-design based on outcomes.

It was noted that negotiations with each of the service providers was ongoing, and would result in revised, outcome focused service specifications in place by July 2015.

RESOLVED: That

- 1) the use of Procurement Standing Orders 1.8.3 (e) and (f) to waive Procurement Standing Order 4.1, in respect of the current MIND and Healthwatch contracts be agreed;
- 2) the use of Procurement Standing Orders 1.8.3 (f) to waive Procurement Standing Orders Part 3 in respect of the current Halton Carers Centre contract be agreed; and
- 3) an extension of the existing contracts listed in Appendix 1, for a period of up to one year from 1 April 2015 to 31 March 2016, be agreed.

Strategic Director
- Communities

EXB155 CARE ACT IMPLEMENTATION - KEY DECISION

The Board considered a report of the Strategic Director, Communities, on amendments to two policies following the implementation of the Care Act.

The Board was advised that a number of aspects of the Care Act will come into force from 1 April 2015. The Care Act stated that all local authorities had a duty to provide prevention, information and advice services. It was reported that Halton had a well-established base for prevention services, and that a review had concluded that this approach met the requirements of the Care Act. However, there were two areas identified as needing to be strengthened; these were Information Provision and Advocacy. It was further noted that there was provision for local authorities to charge for prevention services, although given the well-established services within Halton, it was proposed that these remained non-chargeable.

Members were advised that two policies, attached as appendices, required amendment. These were Care Act Assessment and Eligibility and Carers' Assessments and Eligibility.

Reason(s) for Decision

The Care Act was a statutory requirement of all local authorities. The policies submitted with this report were the most significant in terms of Adult Social Care.

Alternative Options Considered and Rejected

No other options were considered as this was a statutory requirement and therefore the policies have to be amended in line with the Act.

Implementation Date

1 April 2015.

RESOLVED: That

- 1) the two amended policies be agreed;
- 2) the recommendation not to charge for carers from 1 April 2015 be agreed, and a review of this decision be undertaken in 12 months' time; and
- 3) the recommendation not to charge for prevention services in Halton be agreed.

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- Communities

TRANSPORTATION PORTFOLIO

EXB156 STREET LIGHTING ENERGY PROCUREMENT

The Board considered a report of the Strategic Director, Policy and Resources, on street lighting energy procurement arrangements.

The Board was advised that since October 2001, the Council's un-metered electricity supply had been procured through Utilities Procurement Group (UPG), a public sector energy procurement specialist. The current contract with Haven Power had already been extended and would expire on 31 March 2015. Tenders were therefore invited on the Council's behalf by UPG, the details of which were set out in the report for information.

Members were advised that the street lighting energy contract needed to be accepted within a very short timescale, due to the rapid changes in prices charged for electricity. Often offers were withdrawn at short notice, hence the need to waive Procurement Standing Orders to enable the offer to be accepted in this instance.

RESOLVED: That

- 1) the new supply contract for un-metered electricity

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Resources

with British Gas be endorsed;

- 2) the waiver of Procurement Standing Orders 2.2 and 2.11 for the purchase of un-metered electricity be endorsed;
- 3) it be recorded that the expenditure is anticipated to be in excess of £1.0 million per annum; and
- 4) Utilities Procurement Group (UPG) continue to be used to manage our street lighting energy provision.

EXB157 HALTON LOCAL FLOOD RISK MANAGEMENT STRATEGY

The Board considered a report of the Strategic Director, Policy and Resources, on the development of Halton's Local Flood Risk Management Strategy (LFRMS).

The Board was advised that the LFRMS was a statutory document required under the Flood and Water Management Act 2010. The Strategy had been prepared in accordance with informal guidance published by the Local Government Association and using a common template that had been developed and agreed in conjunction with our neighbouring LLFA members of the Cheshire Mid-Mersey Regional Sub Group, to ensure a consistent approach to flood risk management across the sub-regional catchment areas. A copy of the Strategy document was attached at Appendix 1.

The LFRMS brought together information from a number of other sources, as detailed in the report and provided a coherent plan to demonstrate Halton's work with partners to manage flood risk.

It was noted that the draft LFRMS had been considered by the Environment and Urban Renewal Policy and Performance Board at its meeting on 28 January 2015.

RESOLVED: That the Local Flood Risk Management Strategy for Halton be approved and adopted in accordance with the Flood and Water Management Act 2010 Section 9.

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TRANSPORTATION PORTFOLIO AND RESOURCES PORTFOLIO

EXB158 INVEST TO SAVE PROPOSAL - STREET LIGHTING

The Board considered a report of the Strategic Director, Policy and Resources, on the findings of a Street Lighting Asset review and to seek approval of funding for an Invest to Save proposal.

The Board was advised that Halton currently had 19,000 street lights which operated with traditional high sodium lanterns. These need replacing after 4-5 years which incurred additional costs to the highways budget. It was reported that approximately 2000 lanterns had already been switched to LED's (light emitting diode) units, mainly in residential areas. The key benefits were noted as a reduction in energy costs, increased reliability and longevity and enabling the Council to meet its commitments on sustainable practices and reducing carbon emissions.

The report set out an analysis and assessment of three options for conversion of the Borough's street lighting to LED units, as follows:

- A bulk change of residential lights only;
- A bulk change of main roads and through routes only; and
- A bulk change of both residential and main roads and through routes.

Members noted that a risk assessment had been undertaken, as detailed in the report. A number of methods of funding the upfront investment costs had also been considered.

RESOLVED: That

- 1) a programme of work to replace the current conventional street lighting with energy saving Light Emitting Diode (LED) Units be approved;
- 2) Council be recommended to include this £4.7m scheme within the 2015/16 Capital Programme, to be funded as outlined in the report;
- 3) the Strategic Director, Policy and Resources in consultation with the Operational Director,

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Finance, be authorised to determine the most financial advantageous method of financing the Conversion Programme; and

- 4) subject to resolution 3, the Strategic Director, Policy and Resources, in consultation with the Operational Director, Finance, and the relevant Portfolio holders, be authorised to seek prudential borrowing of up to £4.7m to cover the costs of the LED Conversion Programme.

COMMUNITY SAFETY PORTFOLIO

EXB159 PUBLIC SPACES PROTECTION ORDERS

The Board considered a report of the Strategic Director, Communities, which advised Members of the powers available under Part 4, Chapter 2 of the Anti-social Behaviour Crime and Policing Act 2014.

Members were reminded that, at their meeting on 14 November 2014, they had received a report which outlined new tools and powers to tackle anti-social behaviour. It was reported that it was necessary to put in place the relevant delegations to enable the functions of the Council to be exercised. This would be dealt with by the annual update of the Council's Constitution, considered as a separate item on this agenda. However, in order for Officers to be able to utilise the new powers which related to Public Spaces Protection Orders (PSPO's), ahead of this update, a separate report outlined how the new powers would be implemented.

The Board was advised that making use of PSPO's would enhance the Council's and the Police's ability to prevent, reduce and more swiftly tackle incidents of anti-social behaviour. It was noted that Halton would be the first authority in Cheshire to utilise PSPO's to tackle anti-social behaviour in the manner set out in the report.

RESOLVED: That

- 1) the report be approved;
- 2) pending the review of the Council's Constitution, the Strategic Director, Communities, in consultation with the Portfolio holder, Community Safety, be authorised to exercise

Strategic Director
- Communities

the functions of the Council under Part 4, Chapter 2 (Public Spaces Protection Orders) of the Anti-Social Behaviour Crime and Policing Act 2014; and

- 3) delegated authority be given to the Strategic Director, Communities, in consultation with the Portfolio holder for Community Safety, to set penalty levels and discounts for early payment relating to Fixed Penalty Notices issued for breaches of Public Spaces Protection Orders.

ECONOMIC DEVELOPMENT PORTFOLIO

EXB160 VOLUNTARY SECTOR FUNDING – GRANT ALLOCATION 2015/16

The Board considered a report of the Strategic Director, Communities, on the Voluntary Sector Grant Funding Awards for 2015/16.

The Board was advised that voluntary sector organisations had been invited to submit applications for funding in 2015/16. Applications were assessed and recommendations agreed by a Panel consisting of the Executive Board Portfolio holder with responsibility for the Voluntary Sector and Officers from the Communities Directorate. It was noted that awards were judged against agreed criteria and actual targets negotiated prior to signing a service level agreement. Targets were now linked to both departmental and corporate priorities, which reflected a targeted approach to funding.

The report contained details of the recommended annual allocation for the financial year 2015/16.

RESOLVED: That the grant allocations, as outlined in the report, be approved.

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- Communities

RESOURCES PORTFOLIO

EXB161 REVIEW OF COUNCIL WIDE FEES AND CHARGES

The Board considered a report of the Strategic Director, Policy and Resources, on the proposed fees and charges for 2015/16 for services provided by the Council.

The Board was advised that a review of fees and

charges had been carried out as part of the budget preparations for 2015/16. Fees and charges for the Communities Directorate were approved by Executive Board on 26 February 2015, and were attached at Appendix B. It was reported that other fees and charges had been set to ensure that the Council recovered costs incurred as a result of providing the service charged for. Details were contained in Appendix A.

The Board was further advised that the cross- Policy and Performance Board Topic Group was conducting a more detailed review of fees and charges, and that their work was likely to influence the setting of figures primarily for the 2016/17 budget.

RESOLVED: That the proposed fees and charges for 2015/16, as set out in Appendices A and B, be approved.

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EXB162 CALENDAR OF MEETINGS 2015/16

The Board received a report of the Strategic Director, Policy and Resources, which set out the proposed Calendar of Meetings for the 2015/16 Municipal Year, which was appended to the report for information.

RESOLVED: That Council be recommended to approve the Calendar of Meetings for the 2015/2016 Municipal Year, as appended to the report.

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EXB163 ANNUAL REVIEW OF CONSTITUTION 2015

The Board received a report of the Strategic Director, Policy and Resources, which sought the approval of the Council to a number of changes to the Constitution.

Members were advised that the revised version picked up the changes to the Council's working arrangements that had taken place during the year, as well as other changes which were intended to assist the Council to operate more effectively.

The proposals for change had been considered by the Chief Executive and the Executive Board Member for Resources in accordance with Article 16.02. It was reported that, apart from the purely technical changes, the proposed amendments that were considered to be of particular significance were listed as an appendix to the report.

RESOLVED: That Council be recommended to approve the revised Constitution, including the amendments

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set out in Appendix 1 attached to the report.

EXB164 DIRECTORATE PLANS 2015 - 2018

The Board considered a report of the Strategic Director, Policy and Resources, on the adoption of the Directorate Plans for 2015 - 18.

The Board was advised that each Directorate was required to develop a medium term business plan or Directorate Plan, in parallel with the budget. These would be subject to annual review and refresh. Draft Service Objectives and Performance Indicators and targets had been developed and these would form the basis of the quarterly performance monitoring presented to the Board during the forthcoming year.

It was noted that Elected Members had engaged in the process primarily through the Policy and Performance Boards. It was reported that the plans could only be finalised once budget decisions had been confirmed.

RESOLVED: That

- 1) the Draft Directorate Plans be approved; and
- 2) the Chief Executive be authorised, in consultation with the Leader, to make any final amendments and adjustments that may be required.

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Resources

EXB165 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 outweighed 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 was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

PHYSICAL ENVIRONMENT PORTFOLIO AND RESOURCES PORTFOLIO

EXB166 DISPOSAL OF VARIOUS PARCELS OF LAND FOR RESIDENTIAL DEVELOPMENT - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, which sought approval to dispose of various parcels of land for residential development.

The Board was advised that development on the parcels of land identified as Castlefields, Lakeside; Latham Avenue (Land adjacent to The Grange School); Land at Grangeway; and Land at The Ridgeway were all subject to planning permission. The report contained detailed information on the proposed disposal and development of each location for Members' consideration.

Reason(s) for Decision

To dispose of surplus land at best value and to meet the housing requirements of the Borough. The do nothing option would mean that the sites remained unused for a further period of time, which would result in continued costs to the Council.

Alternative Options Considered and Rejected

Place the land on the open market for sale; in Officers' opinion negotiated transactions offered the best opportunity of influencing the development outcomes to support regeneration and housing policies.

Implementation Date

Transactions were subject to contract and anticipated

completion dates were October 2015.

RESOLVED: That

- 1) the disposal of the various sites to the named developers, and on the terms as set out in the report and appendices, be approved subject to planning permission and subject to contract;
- 2) the Operational Director, Economy, Enterprise and Property, be authorised to arrange for all documentation to be completed to the satisfaction of the operational Director, Legal and Democratic Services; and
- 3) the Operational Director, Economy, Enterprise and Property, be authorised in consultation with the Portfolio holders for Physical Regeneration and for Resources, to agree any appropriate and reasonable variations to the land price which may arise from more detailed ground investigations or Planning.

Strategic Director
- Children and
Enterprise

MINUTES ISSUED: 31 March 2015

CALL-IN: 9 April 2015

Any matter decided by the Executive Board may be called in no later than 5.00pm on 9 April 2015

Meeting ended at 2.30pm