

APPENDIX 1

Extract of Executive Board, Executive Board Sub Committee and 3MG Executive Sub Board Minutes Relevant to the Environment and Urban Renewal Policy and Performance Board

EXECUTIVE BOARD MEETING HELD ON 15 December 2011

EXB83 ST MICHAEL'S GOLF COURSE, WIDNES- CHANGE TO CAPITAL PROGRAMME - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, on amendments to the Capital Programme to ensure completion of Phase 2 of the St Michael's Golf Course remediation programme.

The Board was advised that it was important to complete the Phase 2 works, to reduce the estimated yearly leachate disposal costs and to ensure the site could be restored for future use (yet to be determined).

Reason(s) for Decision

The decision related to a significant investment to conclude the remediation of the former St. Michael's Golf Course. Once the remediation was completed, this would allow the Council to progress with the development of options for the future use of the site.

Alternative Options Considered and Rejected

An alternative would be to continue with the current leachate disposal arrangements. However, this was costing the Council £3,000 per week and was, therefore, unsustainable financially.

Implementation Date

Implementation of the amendment to the capital programme would be 1st March 2012. Completion of the remediation would be July 2012.

RESOLVED: That Council be recommended to amend the Capital Programme accordingly.

Operational
Director - Finance

EXB84 ST MICHAEL'S GOLF COURSE, WIDNES - REMEDIATION

(NORTHERN SECTION) AND FUTURE SITE OPTIONS - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise which provided an update on the progress of the remediation of the northern section of St Michael's Golf Course.

The Board noted the options appraisal attached to the report for Phase 3 - reinstatement of the site for public use.

Reason(s) for Decision

The decision related to an opportunity to bring back into use the former St. Michael's Golf Course. Entering into a commercial partnership was the only viable way of achieving this aim.

Alternative Options Considered and Rejected

A detailed options appraisal was contained in section 3.3 of the report.

Implementation Date

Implementation would be determined during the three month period of negotiation outlined in section 3.3.6 of the report.

RESOLVED: That

- 1) progress on the remediation of the site be noted; and
- 2) approval be given to enter into detailed negotiations with the interested party for a 9 hole golf course, driving range and associated facilities.

Strategic Director
- Children and
Enterprise

EXECUTIVE BOARD MEETING HELD ON 9th February 2012

TRANSPORTATION PORTFOLIO

EXB99 LOCAL SUSTAINABLE TRANSPORT FUND

The Board considered a report of the Strategic Director, Policy and Resources, on the Council's applications for funding from the Local Sustainable Transport Fund (LSTF).

The Board was advised that in January 2011, the Department for Transport (DfT) launched its White Paper 'Creating Growth, Cutting Carbon – Making Sustainable Transport Happen', (the Paper), which focused on the Government's transport priorities of economic growth and carbon reduction. The Paper concentrated on shorter distance trips where action at a local level was emphasised. Published alongside the Paper was bidding guidance for the LSTF. A fund of £560m for local authorities (outside London) was provided to fund packages of transport interventions which support economic growth and reduce carbon emissions, which delivered cleaner environments and improved air quality, enhanced safety and reduced congestion.

In March 2011, the Halton and Merseyside Chief Executives determined that two separate bids from the Liverpool City Region (LCR) would be preferable; one bid would cover the five Merseyside Authorities and the Integrated Transport Authority and one bid for Halton, the latter covering the financial years 2012/13 to 2014/15. It was noted that the main element of the bid would focus on sustainable travel to employment areas, so as to address the Government's transport priorities of economic growth and carbon reduction. The bid, named 'Routes to prosperity', would complement the Merseyside bid, aiming to be a programme of coordinated actions and interventions aimed at removing transport obstacles to employment for local residents.

It was noted that Halton's bid was in the order of £4.3m, plus local contributions, and the Merseyside bid was in the order of £3.2m plus local contributions. Both bids would need to be submitted by 24 February 2012, with decisions announced in May 2012. Copies of the bids were attached at appendices to the report.

RESOLVED: That

- 1) the Halton LSTF application be approved;
- 2) the joint 'Mid Mersey' LSTF application be approved; and
- 3) further editorial and technical amendments that do not materially affect the applications, be agreed by the Operational Director – Policy,

Planning and Transportation, in consultation with the Executive Board Member for Transportation, as necessary, before the document is published.

Strategic Director
- Policy &
Resources

PHYSICAL ENVIRONMENT PORTFOLIO

EXB103 WIDNES MARKET REVIEW

The Board considered a report of the Strategic Director, Children and Enterprise, that informed Members of the outcome of the recent review of Widnes Market.

The Board was advised that the indoor and outdoor markets were key assets in Halton's town centres, and that the vitality of the town centres and the future sustainability of the markets were inextricably linked. In addition, it had been proposed to align the management of the town centres and markets more closely within a clearly defined economic regeneration brief, to enable a more holistic and joined up approach to developing and marketing the town centres.

It was noted that in August 2011, the National Association of British Market Authorities (NABMA), Consultancy Services (NCS) were appointed to carry out a review of Widnes Market. The review focused on two aspects :

- Acting as a critical friend, NABMA/NCS offered advice and support to how the Council could improve its Market operation; and
- NABMA/NCS considered and made recommendations to improve the viability and vitality of the Market.

Details of the recommendations were attached at Appendix 1 whilst the report provided a summary of the recommendations as they related to Systems and Procedures and a Vision/Strategy for the Retail offer in Widnes.

RESOLVED: That

- 1) The recommendations set out In Appendix 1, attached to the report be approved; and
- 2) The Operational Director, Economy, Enterprise

Strategic Director
- Policy &

and Property, be authorised to organise a Markets Forum to present the recommendations to Traders.

Resources

EXB104 HALTON DIGITAL ECONOMY AND INCLUSION STRATEGY- KEY DECISION

The Board considered a report of the Strategic Director, Policy and Resources, on the Halton Digital Economy and Inclusion Strategy (DEIS).

The Board was informed that consultation on the DEIS had taken place with stakeholders, and comments incorporated, and had been approved by the Employment, Learning and Skills Policy and Performance Board in June 2011. Element 1 covered the upgrading of Halton's communications infrastructure to deliver superfast broadband, with a view to stimulating economic growth and enabling digital inclusion.

The report considered a number of opportunities to be pursued to achieve upgraded communications infrastructure. The Halton DEIS consisted of four elements:

1. Obtain Superfast Broadband (SFB) for the Borough by driving demand for this utility;
2. Provide businesses with the knowledge and skills to take advantage of SFB and related technology;
3. Provide residents with the knowledge, skills and infrastructure for inclusion in the online world; and
4. Deliver more Council Services primarily online with backup via other channels.

In addition, the report also considered the benefits of joining the Connecting Cheshire bid, to deliver SFB to 90% of homes and businesses and provide 100% coverage of two megabits per second (mbps) Internet access. Funding of £570k for Halton had been made available as part of a combined County of Cheshire allocation, which must be match funded and spent on infrastructure in order to access it.

Reason(s) for Decision

To take advantage of the Department of Culture Media and Sport funding via Broadband Delivery UK and deliver superfast broadband to the Borough faster than the general market would roll out SFB.

Alternative Options Considered and Rejected

Options were considered fully in the report, under the following headings:

Do nothing at all
Influence the Market
Halton Only Option
Join a Future Merseyside Project
Council Sponsored Network

Implementation Date

The DEI Strategy would begin implementation of the action plan with immediate effect.

The SFB project would be dependent upon access to appropriate match funding to deliver the infrastructure required. A successful project would deliver SFB to Halton in 2015.

RESOLVED: That

- 1) the Strategy be adopted and the Action Plan be approved for implementation; and
- 2) the Council formally joins the Connecting Cheshire project to stimulate economic growth across the Borough, but particularly in Runcorn.

**EXECUTIVE BOARD SUB COMMITTEE MEETING HELD ON 12
January 2012**

TRANSPORTATION PORTFOLIO

ES68 TENDER FOR THE PROVISION OF COMMERCIAL
VEHICLE AND PLANT SPARES AND COMPONENTS

The Sub-Committee considered a report on the process for the tender for the provision of Commercial Vehicle and Plants Components Contract. The existing contract would end on 31st March 2012. It was proposed that the new contract would be for a three year period with the potential for up to a two year extension subject to satisfactory performance and pricing agreement. It was noted that the contract would be awarded to the most economically advantageous tender through assessment of weighted scoring as follows:-

Overall price (40%), Quality (25%), Sustainability (10%) and (for shortlisted companies only) Supplier Presentation and Panel Questions (25%).

It was anticipated that based on previous expenditure the annual value of the contract in total was likely to be in the region of £335,000 therefore making the value of a five year contract (including potential extensions) in the order of £1,675,000.

It was noted that the tender had been advertised via “The Chest” e-procurement vehicle and had been subject to publication in the OJEU. However, due to the specialist nature of the service, and particularly the diversity of the components and spares to be provided, the pre-qualification stage of the tender had only identified three tenderers as demonstrating the necessary competence and financial stability to tender. Despite the lower than expected number of tenderers, officers were confident that there were sufficient tenderers to generate the necessary level of competition to ensure the Council would receive competitive offers.

Members noted that in accordance with Standing Orders, as there were less than five tenders to be submitted a report would be submitted to a future meeting of the Board to approve the successful tenderer.

RESOLVED: That Members note that a procurement process will be entered into with the purpose of securing the supply and management of Commercial Vehicle and Plant Spares and Components for use in the maintenance and repair to the Council’s operational vehicle fleet, plant and equipment.

**EXECUTIVE BOARD SUB COMMITTEE MEETING HELD ON 26TH
January 2012**

TRANSPORTATION PORTFOLIO

ES76 ENHANCEMENT OF VARIABLE MESSAGE SIGNS

The Sub-Committee considered a report which sought approval to award a contract for the supply, installation and commissioning of three Variable Message Signs to enhance the existing system. It was proposed to install additional signs at the following locations:

- A561 Speke Boulevard (outside former Metal Box Factory) (Liverpool City Council have agreed to a sign at this location);
- A5300 Knowsley Expressway (subject to identifying a suitable power supply) (Knowsley Council have agreed to a sign at this location); and
- B5419 Kingsway, Widnes (near Simms Cross School)

It was reported that the cost of purchasing the three signs was £47,501. Whilst the provision of electricity supplies and traffic management for the installation of the signs was in the region of £3,000.

RESOLVED: That

- (1) Procurement Standing Orders 4.1 to 4.3 be waived to obtain equipment that uses the same communication systems as our existing signs to ensure compatibility; and
- (2) the quotation from Siemens Traffic Controls for the supply, installation and commissioning of 3 Variable Message Signs for £47,501.00, be accepted.

Strategic Director
Policy and
Resources

**ES77 OBJECTIONS TO PROPOSED TRAFFIC REGULATION
ORDERS, WESTON POINT, RUNCORN**

The Sub-Committee was advised that a previous meeting of the Environment and Urban Renewal Policy and Performance Board on 15th June 2011 considered a petition concerning heavy industrial traffic on South Parade, Weston Point, Runcorn. A number of recommendations were approved that included:

- proposals to review existing direction signs and re-signed routes to industrial sites;
- to introduce a time limited weight restriction on South Parade and Sandy Lane; and
- the review of existing waiting restrictions in the area.

Members were advised that despite revised signing in the area and the best efforts of local businesses to direct their traffic away from South Parade, complaints continued from residents relating to heavy industrial traffic using South Parade. In order to address this issue and in an attempt to respond to the concerns of residents and local Councillors, proposed Traffic Regulation Orders were advertised to:

- impose prescribed movements on vehicles exiting private entrances on Picow Farm Road (between the Weston Point Expressway and Sandy Lane);
- to impose an overnight 7.5 tonne vehicle weight restriction on the full adopted length of South Parade, parts of Sandy Lane and Lydiate Lane and other adjacent roads; and
- to amend existing waiting restrictions on various roads.

The full details of these Traffic Regulation Order proposals, together with the objections received from Councillor Hodgkinson, Ineos Enterprises, Ineos ChlorVinyls and a 28 name petition were set out in detail in the report.

Following consideration of the objections/suggestions received it was proposed that the Traffic Regulation Orders should proceed, although a deferment of the Prescribed Route Order was recommended.

RESOLVED: That

- (1) notice be given of the Council's intention to create those vehicle weight restriction and waiting restriction Traffic Regulation Orders as set out in the report;
- (2) the prescribed Movement Order not be implemented at this stage, subject to the agreement

Strategic Director
Policy and
Resources

of the adjacent properties to amend their exit to prevent HGVs from making the advertised prohibited movements; and

(3) objectors be notified accordingly.

ES78 PROCUREMENT OF HIGHWAY IMPROVEMENT AND MAINTENANCE CONTRACT

The Sub-Committee received a report of the Strategic Director, Policy and Resources which provided information on proposals to enter into a Contract the value of which was likely to exceed £1,000,000. It was noted that works associated with improvement and maintenance of the highway network were currently delivered through two separate term contracts with Lambros (Paving Contractors) Limited and Amey LG Limited respectively.

The Highway Improvement Term Contract with Lambros was due to conclude in July 2012 and the Highway Maintenance Term Contract with Amey was due to end on the 31st March 2013. The Highway Development and the Bridge and Highway Maintenance Divisions had identified that the two existing contracts shared a number of common features and there was potential to procure a combined contract which could, through economies of scale, increase value for money in works delivery. It had also been recognised that the opportunity to engage current forms of contracts and to rationalise works ordering and payment processes would enhance efficiency and increase the ability to drive down costs.

Based upon current capital and revenue budgets, the value of works delivered through a new combined contract would be in the order of £3.5m per year. However, it had to be recognised that future reductions in capital grant and requirements to identify savings from revenue budgets would have implications. In conjunction with the Procurement Centre of Excellence, opportunities for collaborative procurement with neighbouring authorities, either using a contract already in place or by involving partner authorities in the drafting, tender and evaluation and administration of a potential shared/cross boundary contract would continue to be investigated.

RESOLVED: That the intention to procure a contract for delivery of works associated with improving and maintaining the highway network in Halton be noted.

**EXECUTIVE BOARD SUB COMMITTEE MEETING HELD ON 9TH
February 2012**

PHYSICAL ENVIRONMENT PORTFOLIO

**ES86 DEBT WRITE OFF - ST HELENS CANAL REMEDIAL
WORKS**

The Sub Committee considered a report which sought approval to write off a debt of £164,930.56 which was associated with works adjacent to St Helens canal at Carter House Bridge. In June 2008 a hole appeared on Council owned land between the railway line and St Helens canal adjacent to Carter House Bridge at the bottom of Tan House Lane, Widnes. It became evident that water was leaking from the canal through the masonry wall. Subsequently the canal was drained and it was established that the water was entering a United Utilities overflow drain. United Utilities repaired the pipe but did not accept that they were liable for anything other than that. Remedial works were carried out and funded from the maintenance budget 2008/09.

RESOLVED: That Members agree to write off the debt from 2008 in the amount of £164,930.56 following legal advice.

Strategic Director
Children and
Enterprise

3MG EXECUTIVE SUB BOARD – 12 January 2012

ESB5 REGIONAL GROWTH FUND (RGF) GRANT

The Board considered a report which sought authority to draw down the first instalment of grant funding following a legal agreement with the Government's Business, Innovation and Skills (BIS) Office for £9m Regional Growth Fund (RGF) grant.

The Board was advised that the Executive Board on 9 December 2004 (EXB162) adopted the Ditton Strategic Rail Freight Park Masterplan, now known as 3MG (the Mersey Multimodal Gateway). The Business Innovation and Skills office had offered a Regional Growth Fund allocation of £4.5m towards the remediation works to be carried out by the Stobart Group and £4.5m towards the provision of additional rail sidings to serve HBC Field and the wider 3MG area.

The Board was further advised that the Council had adopted the 3MG Masterplan in December 2004. The 3MG programme had been included in the Council's Corporate Plan, the Halton Partnership and Halton Borough Council Urban Renewal Strategy and Action Plan, and supported the Council's Urban Renewal corporate priority. In addition, it was reported that the Regional Growth Fund grant funding was essential to facilitate the delivery of 3MG.

Furthermore, it was reported that the Business Innovation and Skills Office had offered £9m Regional Growth Funding to progress 3MG. These funds were offered on condition that the Council entered into an agreement.

The funding offer, however, placed the balance of risk with the Accountable Body, in this case Halton Borough Council (HBC). Although some of the risks had been negotiated away, the most prominent risks for the Council remained as follows:-

- The Council must comply fully with the offer letter which included external verification of the claims;
- There was a specific clawback provision which would require the council to repay grant if the job target was not met. However, in turn, Halton would also enter into a clawback agreement with The Stobart Group to underwrite and share the risk in the event that the jobs or investments did not materialise or was reduced; and
- The responsibility for State Aid compliance rested with HBC. For this reason Halton would take advice regarding the potential implications of European Commission rules and regulations and implement appropriate procedures to monitor the project as it developed.

In conclusion, it was reported that these risks were similar to those previously accepted by Members in connection with other projects such as the Widnes Waterfront.

RESOLVED: That

- (1) Authority be given to the Operational Director for Economy, Enterprise & Property to

Operational
Director –

negotiate funding drawdown arrangements with the Office for Business, Innovation and Skills to make the first claim from a £9m grant to undertake land remediation of 100 acres of brown field land; and provide rail infrastructure to open up HBC Field in order to prepare the 3MG site for private sector occupation and development; and

Economy,
Enterprise &
Property

- (2) The Council enters into a clawback arrangement with the Stobart Group to share the risk.

ESB6 MARSH BROOK

The Board considered a report which sought authority to enter into a contract with the Stobart Group in respect of the future flood risk management of Marsh Brook.

The Board was advised that the Council had been working in partnership with the Stobart Group since 2007 in order to bring forward development of 200 acres of brownfield land within Stobart's ownership. The development of this land was an integral part of the 3MG Masterplan and the aspiration to create up to 5000 new jobs at 3MG.

The Board was further advised that site development, comprising of a 528,000 sq ft distribution warehouse had been undertaken during 2009. Site preparation works had included the improvement of Marsh Brook, the realignment of the channel and the construction of a new outfall culvert to the River Mersey. The existing culvert, which was sited on land occupied by the Trans Pennine Trail and owned by the Council, had become blocked and as riparian owner, the Council had been responsible for its maintenance. However, to enable the Development to proceed, the culvert construction work had been planned to be undertaken and paid for by the Stobart Group.

It was reported that during the infrastructure design stage, the Stobart Group and their Consultants had liaised on their proposals to improve Marsh Brook with the Environment Agency (EA), who were the Regulatory Authority for such matters. However, due to the demanding time constraints in delivering the development, work had commenced prior to receiving formal Land Drainage Act Consent from the EA. Furthermore, unforeseen issues and

difficult site conditions during construction necessitated amendments to the proposals that were originally submitted to the EA.

Furthermore, it was reported that in order to keep to the development programme, the Marsh Brook improvement works had been completed without EA Consent. These works subsequently proved to be not acceptable to the EA in terms of obstructing flow and maintaining a natural gradient along the Brook.

As a consequence in March 2010 the EA served notice on Westlink Holdings (the registered land owners who were a subsidiary of the Stobart Group) to rectify the un-consented works. Unfortunately, matters had not been resolved and there was an ongoing legal dispute between the two parties.

In addition, it was reported that the Council had liaised with both parties, who were seeking to reach agreement, in an attempt to find an acceptable and amicable solution. The EA had indicated that they would be prepared to accept the current arrangement of Marsh Brook and would not proceed with their prosecution if an approved maintenance plan for Marsh Brook was put in place for a period of 30 years and the Council agreed to underwrite the flood management responsibility, which it would have a statutory obligation for from April 2012. Therefore, it was reported that the EA had agreed to cease the legal challenge.

It was reported that the Council guarantee would only be activated following default by Westlink and the Stobart Group, or their successors in title in respect of the flood risk management aspect of Marsh Brook. This agreement would be for 30 years and the Council would be paid in advance the estimated maintenance costs of £164,000. This money would be held by the Council on a reducing scale for the 30 years and a proportion of it would be refunded annually to the Stobart Group for every year the Council had not had to intervene and undertake the maintenance.

In conclusion, it was reported that it was imperative that the next phase of Stobart Park commenced at the earliest opportunity as job creation was key to the ongoing success of 3MG and resolving this existing dispute would pave the way for the next phase of the development.

RESOLVED: That Authority be given to the Operational | Operational

Director for Legal & Democratic Services to enter into a legally binding contract with the Stobart Group and other interested parties in respect of future flood risk management of Marsh Brook.

Director – Legal & Democratic Services