

## **APPENDIX 1**

### **Extract of Executive Board and Mersey Gateway Executive Board Minutes Relevant to the Environment and Urban Renewal Policy and Performance Board**

#### **EXECUTIVE BOARD MEETING HELD ON 6 SEPTEMBER 2012**

##### **EXB52 HALTON HOUSING TRUST PROGRESS REPORT**

The Board received a presentation from Nick Atkin, Chief Executive of Halton Housing Trust and Ingrid Fife, Chair of the Board, Halton Housing Trust (HHT). They reported on progress to date in delivering some of the key “pledges” made prior to stock transfer and on progress in meeting the Tenant Services Authority’s Regulatory Framework.

The Board noted that the focus for HHT remained on improving the quality of life for the people living in Halton, in accordance with the Council’s five main priorities. This included prioritising employment and worklessness initiatives as an integral part of preparation for forthcoming welfare reforms and contributing to addressing health inequalities across the Borough.

In terms of future planning, HHT reported that they were managing the impact of welfare reform on both customers and the business itself, as well as addressing the prospect of building new affordable homes without grant. These challenges were being addressed through the launch of the new strategic direction and focus called “One Direction”.

Members had the opportunity to ask questions and clarify information contained in the presentation before Mr Atkin and Ms Fife were thanked for attending.

RESOLVED: That the progress reported be noted.

#### **TRANSPORTATION PORTFOLIO**

##### **EXB53 PROPOSAL TO ALLOW ADVERTISING ON IN-HOUSE PASSENGER TRANSPORT FLEET VEHICLES**

The Board considered a report of the Strategic Director, Policy and Resources, on a proposal to allow

organisations and businesses to advertise on the twelve in-house passenger transport fleet minibus vehicles.

The Board was advised that the Council's fleet of twelve minibuses provided daily transport for children with special educational needs travelling to and from schools, and for vulnerable adults and older people travelling to and from community and day centres. In addition, the vehicles were often utilised for group bookings and school outings and occasionally at weekends and evenings.

The proposal offered businesses/organisations the opportunity to advertise their services on the available space on the fleet vehicle or to sponsor a vehicle. Attached at appendix 1 was a detailed analysis of the various options and costs available for vehicle advertising. It was noted that possible income generated could be between £21,360 and £24,480 per annum.

RESOLVED: That the proposal to generate income by allowing advertising on the Council's in-house passenger transport fleet vehicles be approved.

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## **ENVIRONMENTAL SUSTAINABILITY PORTFOLIO**

### **EXB54 MERSEYSIDE & HALTON JOINT WASTE LOCAL PLAN - MODIFICATIONS - KEY DECISION**

The Board considered a report of the Strategic Director, Policy and Resources, which advised them of the modifications arising from the public examination of the Merseyside and Halton Joint Waste Local Plan.

The Board was reminded that the six councils of Merseyside and Halton had worked together to prepare a joint Waste Local Plan – "The Waste Development Plan Document (DPD)". The Waste Plan covered all waste produced across Merseyside and Halton from homes, places of work, public services and leisure activities. The Waste Local Plan provided planning policies against which proposals for waste uses could be tested and suitable waste sites identified.

Members were advised that the Waste Local Plan was submitted for Public Examination in February 2012. The report provided a summary of the outcomes of the hearing and details of the organisations that appeared at the public

examination in June 2012. The main modifications would need to be formally endorsed by each of the partner Councils and made subject to public consultation before they could be taken into account by the Inspector. In addition, it was proposed that a number of minor modifications, summarised in Appendix 1, be subject to public consultation to comply with Statements of Community Involvement and to guard against legal challenge.

The report provided information on sites in Halton, the approvals and consultation process for the modifications and the final stages to plan adoption.

#### Reasons for decision

Government policy (PPS10) required that waste must be dealt with in a sustainable way. The Council was producing a Joint Waste Local Plan for the Merseyside sub-region. Drafting of the Plan had reached the stage where the policy framework contained in the Waste Local Plan needed to be subject to public scrutiny.

#### Alternative Options Considered and Rejected

The Waste Local Plan had been prepared through a multi-stage process. Four previous public consultation stages had been completed and these were detailed in section 5.9 of the report.

These reports documented the evolution of the Plan and the options for policies and sites that had been considered and rejected. The results of the public consultation, engagement with stakeholders, industry and the Local Authorities and, detailed technical assessments had all been used to inform the preparation of the Local Plan. The Preferred Options stage reports set out the alternative options considered.

#### Implementation Date

The Joint Merseyside Waste Local Plan was scheduled to be adopted by all six partner Districts in early 2013.

RESOLVED: That Council be recommended to

- 1) approve the modifications (both main and additional (Appendix 1)) to the Waste Local Plan;

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- 2) approve public consultation on the modifications to the Waste Local Plan;
- 3) grant delegated authority to the Operational Director, Policy, Planning and Transportation in consultation with the Physical Environment Portfolio Holder, to make necessary further minor, typographical changes and non-strategic amendments to the Waste Local Plan prior to Council approval being sought for adoption; and
- 4) that material weight would be given to the Waste Local Plan as a material consideration in Council Development Management decisions.

### **PHYSICAL ENVIRONMENT PORTFOLIO**

#### **EXB61 NEW NATIONAL GYPSY AND TRAVELLER PLANNING POLICY - IMPLICATIONS FOR HALTON**

The Board considered a report of the Strategic Director, Policy and Resources, on the implications for Halton of the new National Gypsy and Traveller Planning Policy.

The Board was advised that Section 225 of the Housing Act 2004 had required local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). The new Planning Policy for Traveller Sites required the necessity to demonstrate a five year supply of sites against the local pitch targets set from the recommendations of the GTAA. It was noted that the last GTAA for Halton was undertaken in 2007, and concluded that Halton should provide for unmet need, as detailed in the report.

The Homes and Community Agency (HCA) through the Traveller Pitch Funding Stream, was providing £60m capital funding towards the development and improvement of Traveller pitches. This funding would be available to local authorities, housing associations and other delivery partners for new and refurbished pitches and the related site infrastructure. HCA were now seeking bids for £12.1m funding, which was on a continuous market engagement basis. Members noted that if a full bid were to be submitted by 30 September 2012, then the first round of allocation decisions would be made in October 2012. It was further noted that at the present time, any additional permanent

pitches provided, would qualify for payments to the Council under the New Homes Bonus Scheme.

RESOLVED: That

- 1) a new Gypsy and Traveller Accommodation Assessment (GTAA) be undertaken with the Cheshire Partnership (Cheshire East, Cheshire West and Chester, Warrington, and St Helens) to assess pitch requirements of both permanent and transit needs and set local pitch targets as required by 'Planning Policy for Traveller Sites';
- 2) the Site Allocations Development Plan Document (DPD) be expediently progressed to allow a supply of deliverable and developable Gypsy and Traveller Sites to be formally identified and allocated via the planning system;
- 3) feasibility studies and consultation be undertaken on shortlisted sites for the delivery of new permanent pitches be approved; and
- 4) a bid for grant funding be made to the Homes and Communities Agency via the Traveller Funding Stream within the Affordable Homes Programme to access finance for the provision of new permanent pitches in Halton.

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## **HEALTH AND ADULTS PORTFOLIO**

### **EXB62 HALTON TENANCY STRATEGY - KEY DECISION**

The Board considered a report of the Strategic Director, Communities, on the adoption of Halton's Tenancy Strategy.

The Board was advised that the Localism Act 2011 (the Act), introduced a new type of tenancy for social housing known as the fixed term or flexible tenancy. Under the Act, Registered Providers (RP's) of social housing could if they wish, offer new tenants a tenancy for a fixed period, following which their circumstances and need would be reviewed. The Act required local authorities to develop a Tenancy Strategy for their area, setting out the type of tenancies it recommended to be offered, the minimum length of tenancy and the circumstances in

which it recommended they were offered and renewed.

The Strategy, attached at Appendix A, had previously been considered by the Health and the Environment and Urban Renewal Policy and Performance Boards in March 2012. A period of public consultation took place between April and June 2012, and copies of the Strategy were sent to all registered providers with housing in Halton and a wide range of stakeholders in the statutory and voluntary sectors. In addition, a survey was undertaken with members of the public, with 190 responses received. The report detailed the outcome, and as a result, the Strategy was appropriately amended.

#### Reasons for Decision

Local Authorities had a statutory duty to develop a Tenancy Strategy within 12 months of enactment of the Localism Act 2011. The decision to develop a Strategy which permitted the use of fixed term tenancies, should RP's wish to use them, was taken as it allowed the Council to exercise some influence over their use.

#### Alternative Options Considered and Rejected

The development of a Strategy which did not include fixed term tenancies was considered. However, RP's were only required to have due regard to the local authority's Strategy when setting their own tenancy policies and were not compelled to follow the Council's recommendations. Consequently, a Strategy which did not include fixed term tenancies would mean that the authority would have no influence over their use should providers decide to introduce them for their stock. This option was, therefore, rejected.

#### Implementation Date

The Strategy would take effect from the date of approval by the Executive Board.

RESOLVED: That the Tenancy Strategy, attached at Appendix A to the report, be endorsed.

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## **EXECUTIVE BOARD MEETING HELD ON 6 SEPTEMBER 2012**

### **TRANSPORTATION PORTFOLIO**

#### **EXB64 TENDERS FOR SUPPORTED LOCAL BUS SERVICE CONTRACTS**

The Board considered a report of the Strategic Director, Policy and Resources on the tender procedure for Supported Local Bus Service Contracts.

The Board was advised that the Transport Co-ordination Section was responsible for the procurement of supported local bus services, sought through a competitive tendering process, but operated by commercial bus operators. Tenders would be advertised in full compliance with the Council's Procurement Standing Orders (2.1) and the European Union Public Procurement Regulations 2006, for contracts in excess of £1 million. It was noted that the tender would be published via The Chest – the Council's electronic tendering facility.

It was further noted that the supported local bus network provided for socially necessary bus services for residents and visitors to access essential services within the Borough and in some cases, cross boundary into neighbouring authorities. Appendix 1, attached to the report, provided details of the contracts to be tendered.

**RESOLVED:** That

- 1) the following Transport Tenders, Numbers 207, 223, 242, 244, 284 be deferred with a view to approaching the schools they support, and those schools being asked to make a contribution towards the cost of the service, with the results of this to be reported to Executive Board;
- 2) the following Transport tenders, Numbers 202, 204, 211, 237, 248 and 250, being

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advertised for supported bus services, operated on behalf of Halton Borough Council, required from February 2013, be noted and supported; and

3) the Tender and Award procedure outlined in the report for those Tenders identified for approval, be supported.

#### EXB65 MID MERSEY LOCAL SUSTAINABLE TRANSPORT FUND IMPLEMENTATION

The Board considered a report of the Strategic Director, Policy and Resources, on the Mid-Mersey Local Sustainable Transport Fund Implementation.

The Board was reminded that at its meeting on 9 February 2012, approval had been granted for the submission of a Halton only and a joint Mid Mersey Bid for funding under the Department for Transport's (DfT) Local Sustainable Transport Fund (LSTF). Although the Halton bid was unsuccessful, the DfT announced that the Mid-Mersey bid would be supported and a formal offer of funding (totalling £3.1 million), was sent to St Helen's Borough Council, as lead authority.

The report set out details of the capital and revenue funding for the current and next two financial years. The bid contained four elements with a number of schemes within each element. In addition, indicative allocations for each element were contained in the report, although Members noted that these were the subject of on-going discussions and could change.

The Board was advised that the overall aim of the project was to provide improved cross boundary travel for work and leisure purposes across the Mid-Mersey area and would support or enable the delivery of elements of the Local Transport Plan 3 (April 2011), which would improve facilities for the promotion of sustainable transport and active travel.

RESOLVED: That

1) the Department of Transport's offer of funding for the Mid-Mersey Local Sustainable Transport bid, with St Helen's MBC acting as Lead (Responsible) Authority be approved; and

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2) the Operational Director, Policy, Planning and Transportation, be granted delegated authority to work with St Helen's MBC and Warrington Borough Council representatives, and carry out such actions as are necessary to implement the bid proposals, including entering into any necessary legal agreements or contracts concerning the LSTF monies.

## **ENVIRONMENTAL SUSTAINABILITY PORTFOLIO**

### **EXB67 NEW CREMATORS FOR WIDNES CREMATORIUM**

The Board considered a report of the Strategic Director, Communities, on the replacement of existing cremators at Widnes Crematorium.

The Board was advised that the two cremators at Widnes Crematorium had become increasingly costly to maintain and unreliable, requiring regular repairs. In addition, the machines were no longer manufactured and replacement parts difficult to obtain, along with the anticipated replacement of linings within two years at a cost of approximately £50,000.

It was noted that the installation of new cremators would be more energy efficient, with an estimated gas consumption saving of between 40% to 50%. In addition, the savings in gas usage could be used to off-set replacement costs; the report provided further financial details for Members' consideration.

**RESOLVED:** That Council be recommended to approve the revision of the capital programme to incorporate the purchase of two new cremators at Widnes crematorium.

### **EXB68 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 Section 100A (4) 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 that 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 Section 100A(4) 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**

### **EXB69 ST MICHAELS GOLF COURSE RESTORATION (NORTHERN SECTION) - FUTURE SITE OPTIONS- KEY DECISION**

The Board considered a report of the Strategic Director, Children and Enterprise, on the future site options for the restoration of the northern section of St Michael's Golf Course.

The Board noted that the options appraisal for lease to a private operator had been presented to Executive Board on 15 December 2011. The report updated Members on progress and the current position, and provided details of the three options which Officers had considered.

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

The three options were set out in the report in sections 3.3, 3.4 and 3.5, with Option 1 being considered as the most appropriate.

#### Implementation Date

The indicative timeline was set out in Appendix 2.

RESOLVED: That

- 1) progress and current position be noted;
- 2) the Board approve entering into three months of exclusive negotiation with Mersey Valley Golf and Country Club to provide a 9-hole golf course, driving range and associated facilities. This would be subject to the caveats as set out in paragraph 3.3 of the report; and
- 3) the Operational Director, Economy, Enterprise and Property, in consultation with the Leader and the Physical Environment Portfolio, be authorised to proceed to a formal lease offer.

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### **ECONOMIC DEVELOPMENT PORTFOLIO AND NEIGHBOURHOOD LEISURE AND SPORT PORTFOLIO**

#### **EXB73 NORTON PRIORY MUSEUM**

The Board considered a report of the Strategic Director, Communities, on the successful stage one Heritage Lottery Fund bid for Norton Priory Museum.

The Board was advised that in April 2012, Norton Priory Museum Trust submitted a stage one application to the Heritage Lottery Fund for a project designed to preserve, restore, enhance, interpret and provide access to the 47 acre site on Norton Priory. As the application was successful, the Trust was invited to move to a stage two application, having been given funding at stage one, of £309,000 to help with the

development of the stage two bid.

The Board noted that the main focus of the project was the physical development of the site which included:-

- Preservation and restoration of the 12<sup>th</sup> Century undercroft;
- A new expanded museum building, creating 60% more exhibition space and linked to the undercroft; and
- Enhancement of the heritage features in the grounds.

The timetable for the development and delivery of the project was set out in the report with indicative start and finish times for the various phases of the work. The cost of the proposed development was £4,892,392 and budget expenditure details were also outlined in the report. It was further noted that the maximum grant available from the Heritage Lottery Fund was 75% of the total project cost, leaving £987,392 to be identified by Norton Priory before the submission of the stage two bid in July 2013.

Members were advised that Norton Priory had engaged with the Council throughout the bidding process and details of agreed assistance in helping to deliver a successful stage two bid were outlined in the report. Re-development of the site would produce a visitor attraction able to compete for visitors with a 60% increase forecast once the works were complete, and was designed to keep pace with the improvements and innovations at other visitor attractions across the country.

RESOLVED: That Council be recommended to support the project and stage two application by:-

- 1) acting as the delivery agent in the construction phase;
- 2) undertaking to cash flow the project and to draw down funding from the Heritage Lottery Fund accordingly;
- 3) assisting Norton Priory in realising targets set in their fund raising strategy;

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4) noting that a further report be brought to the Executive Board prior to the stage two submission, detailing the financial position and identifying any potential shortfall; and

5) acting as co-applicant for the stage two submission.

## **MERSEY GATEWAY EXECUTIVE BOARD**

### **MGEB6 MERSEY GATEWAY BRIDGE - PROCUREMENT PROGRESS**

The Board considered a report of the Chief Executive which gave Members advice on the progress of the Mersey Gateway procurement process.

The Board was advised that since the last report to the Mersey Gateway Executive Board, a significant number of Dialogue Meetings (split between Technical and Commercial elements) had taken place (supported by Bidder Submissions made in advance). Several meetings had taken place with each Bidder on a range of matters such as:-

#### Technical

- Proposals on dealing with various structures;
- Departures from Standard;
- Asset Management;
- Conceptual designs;
- Drainage;
- Landscaping;
- Traffic management;
- Contamination and remediation; and
- Construction methods.

#### Commercial

- Revenue Collection Service and Revenue

Collection Business Plan;

- Proposals on the ways in which the bidders would finance the project;
- Commentary on the draft contracts - Project Agreement (PA) and Demand Management Participation Agreement (DMPA);
- Proposals on how bidders would deal with contamination;
- Proposals on approach to insurance; and
- Employment and Skills Delivery Plans.

The Board was further advised that the project team remained on target to deliver Financial Close in the Autumn of 2013.

It was reported that bidders had also proactively engaged with the Halton Employment Partnership (HEP) in connection with developing their plans for the community engagement and social responsibility requirements. The HEP had been impressed with these Bidders' understanding of the various initiatives and the commitment to engagement. These Bidders were also exploring the possibility of various supply chain activities being provided by local businesses (with the assistance of the development and investment HEP partners).

It was also reported that in parallel with the Dialogue Meetings, the land acquisition programme continued to ensure the delivery of the required land, or necessary rights that the Project Company required in order to construct the Mersey Gateway. The programme was on schedule, and continued to acquire land both through agreement and by exercising of its Compulsory Purchase powers through the serving of General Vesting Declarations, of which five had been made to date. Negotiations also continued with a number of affected parties, with the ability to use Compulsory Purchase powers should it be necessary. In addition, it was reported that a significant number of

affected businesses had now identified relocation premises and the team were working with them to ensure they had relocated and vacated their existing premises by April 2013.

RESOLVED: That the Board noted that the Competitive Dialogue process is progressing to programme and that all bidders are engaged with the process and continue to develop their draft Final Submissions.

MGEB7 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- 2) 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 Section 100A (4) 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
- 3) 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 that 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 Section 100A(4) 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.

## MGEB8 GOVERNANCE, OCIP PROCUREMENT AND ADVANCE WORKS

The Board considered a report of the Chief Executive which outlined recent actions that had been taken by the Mersey Gateway Team in conjunction with senior officers in respect of Advance Works and Governance Arrangements.

The report also advised of the approach to the procurement of Owner-Controlled Insurance (OCIP) and sought approval of the commencement of procurement of advance works and various Standing Order waivers.

RESOLVED: That

- (1) In respect of carrying out of the Mersey Gateway advance works by National Grid, for the purposes of Standing Order 1.8.3 (a) (on the basis that compliance with tendering Standing Orders is not on this occasion possible), the waiver of the Tendering requirements of Procurement Standing Orders be approved;
- (2) The Board authorise the Chief Executive to award the contract for these advance works as outlined in the report within a sum for which there is a budgetary provision and that the Preliminary Report aspects of this report be approved;
- (3) The Chief Executive's action in appointing Infrastructure UK Ltd / Local Partnership to provide commercial advice to the Mersey Gateway Team at the estimated cost detailed in the report be noted;
- (4) In respect of the action set out at (3) above in light of the exceptional circumstances (namely joint and partnership working

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arrangements) waiver of the Tendering requirements of Procurement Standing Orders for the purposes of Standing Order 1.8.3 (e) be approved; and

- (5) the intention to undertake the procurement of the Owner Controlled Insurance Programme in line with the Public Contracts Regulations 2006 be noted.