

## EXECUTIVE BOARD SUB COMMITTEE

*At a meeting of the Executive Board Sub Committee on Thursday, 19 March 2009 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: R. Barnett, Duncan, G. Henry, A. McNamara, P Murphy, A. Plant, S. Rimmer and M. Simpson

Also in attendance: None

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

		<i>Action</i>
ES97	<p>LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS</p> <p>The Board was advised that two matters had arisen which required immediate attention by the Board (Minute Nos 106 and 107 refer). Therefore, pursuant to Section 100 B (4) and 100 E and due to resulting financial implications, the Chairman ruled that the item be considered as a matter of urgency.</p>	
ES98	<p>REQUEST TO WAIVE STANDING ORDERS</p> <p>The Board received a report of the Strategic Director Health and Community which sought a waiver of finance standing orders for the Strategic Director of Health and Community.</p> <p>It was reported that providers of both residential and domiciliary care services were currently paid 6 weekly in arrears for the service they provided to Halton residents. It was noted that the Council now required all invoices to be paid within 10 days of receipt so that businesses were not adversely affected by the "credit crunch". It was noted that</p>	

provider invoices were submitted and were checked before payment to ensure that the services listed had been provided before service users were invoiced for the care they had received.

The Board was advised that the volatility of the care market was well documented and there was a need to ensure that providers had sufficient cash flow so services were not suddenly withdrawn from the most vulnerable and needy people.

The report set out what Finance Standing Order 8.3 required and it was noted that standing orders therefore precluded the Strategic Directors from being able to make any payments in advance to providers.

It was reported that payments to Supporting People providers had to be made four weeks in advance as required under the Supporting People Contract Framework issued on 1<sup>st</sup> April 2003. This framework was being re-issued in April 2009 and the Council would no longer be statutorily required to make payments in advance to these providers. To maintain market stability it was proposed that the Council pay Supporting People providers four weeks in advance and make adjustments when their invoices were presented for payment.

The Board was informed that to ensure providers had sufficient cash flow available and to avoid unnecessary termination of services, it was proposed that, with effect from March 2009, providers be paid in advance for services. Advance payments would be based on 90% of the average payment made to them by the Council in the previous 36 weeks. Any adjustments plus or minus to the amount paid in advance would be made when the provider submitted their next actual monthly invoice four weeks later. It was further noted that failure to provide an invoice for the actual service delivered would result in immediate termination of the facility for payment of advance fees.

RESOLVED: That Finance Standing Orders 8.3, 8.3.1 and 8.3.2 be waived to allow the Strategic Director to pay all providers of community care and supporting people services four weeks in advance with effect from 6<sup>th</sup> April 2009.

Strategic Director  
- Health and  
Community

ES99 RESIDENTIAL CARE CONTRACTS 2009 - 2015

The Board received a report of the Strategic Director,

Strategic Director

Health and Community which requested suspension of the relevant procurement Standing Orders 3.1 – 3.9 under the exceptional circumstances set out in this report, to enter into new contracts for the provision of Residential and Nursing Care.

- Health and  
Community

It was reported that Halton's current contract for the provision of Residential and Nursing Care expired at the end of March 2009. The Authority had a statutory duty to meet the needs of physically frail and vulnerable people that were assessed as requiring residential and nursing care. The provision of this care was delivered within residential establishments (services that provided both accommodation and care) registered with the Commission for Social Care Inspectorate (CSCI). CSCI were the statutory regulators of residential and nursing care and all residential establishments must be built and operated to CSCI standards. It was advised that this report related to purchasing arrangements for the provision of residential and nursing care for clients to whom the local authority owed a statutory duty of care.

It was further advised that as commissioners of nursing and residential care, Halton Borough Council could enter into two different types of purchasing arrangements, with registered homes in the borough as follows:  
Block purchase arrangement and Spot purchase arrangement. Details of these were outlined in the report.

It was proposed that Halton continued with the existing method of "spot purchase" based on the rationale which was outlined in the report for Members' consideration.

The Board was advised that suspension of standing orders was therefore requested due to the particular circumstances set out in sections 3.1 – 3.2 of the report, in that compliance with standing orders relating to procurement was not practicable, in that placing a limitation on our arrangements to purchase beyond the requirements to meet CSCI standards, would restrict clients choice on where they could live and ending current arrangements with homes could mean that extremely frail and vulnerable older people would be asked to leave their existing homes in order to transfer to an alternative homes under contract with the Authority.

It was advised that moving frail and vulnerable people could cause the individual to experience considerable distress and could pose a significant risk to their health. Waiving Standing Orders also allowed the Authority to reach

informed decisions regarding a fair rate for the purchase of registered care that was applied to all homes operating across Halton.

It was reported that the proposed contractual arrangements would be for a period of three years, with an option to extend a further three years, subject to annual approval of the Strategic Director, Health and Community in conjunction with the Portfolio Holder for Health and Social Care. The Board was informed that the draft strategy had now been completed and the findings were set out in the report.

In addition, a regional comparison of fees had been carried out as part of the work undertaken to inform the development of the Residential Care Strategy. It was reported this comparison bore out commissioner and provider concerns that current fee levels in Halton were lower than that paid within neighbouring authorities. Fees across the region were detailed in the report for consideration.

The Board was advised of a proposal for a 4.95% increase on existing fees impacting on community care budgets. Arising from the discussion, Members considered the business case for waiving standing orders in terms of:

- Value for money and competition;
- Transparency;
- Propriety and security;
- Accountability; and
- Position of the contract under the Public Contract Regulations 2006.

The proposed changes including the percentage increase from the rates currently paid to the proposed rates were as follows –

<b>Current Rate</b>	<b>£</b>	<b>Proposed Rate</b>	<b>£</b>	<b>% Increase</b>
Basic Residential	334.33	Basic Residential	350.88	<b>4.95</b>
Dementia Residential	394.20	Higher Dependency level	413.71	<b>4.95</b>
Basic Nursing	357.25	Basic Nursing	374.93 +*FNC	<b>4.95</b>

EMI Nursing	378.2 3	EMI Nursing	*431.1 8 +*FNC	<b>14</b>
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\* All costs paid by PCT

Arising from the discussion, members felt it would be useful to be kept up to date and suggested a presentation be provided to all elected Members around the subject.

RESOLVED That:

(1) in the exceptional circumstances set out below for the purposes of Standing Order 1.6, Procurement Standing Orders 3.1 – 3.9 be waived on this occasion to permit the Strategic Director, Health and Community to enter into contracts on an individual “spot purchase” basis with providers of registered residential establishments that met the Council’s quality criteria; and

(2) the Strategic Director, Health and Community be authorised, in consultation with the portfolio holder for Health, to enter into “spot purchase” contract arrangements at the Borough-wide rates for each type of service provision as set out in Section 6.1 of the report, for the contract period of three years from April 2009 to the end of March 2012, with an option to extend for up to a further three years from April 2012 to the end of March 2015, and that these purchasing arrangements be reviewed on an annual basis by the Strategic Director, Health and Community, in consultation with the Portfolio Holder for Health and Social Care

ES100 EXTENSION OF RESIDENTIAL CARE CONTRACTS FOR PEOPLE WITH MENTAL HEALTH NEEDS

The Board considered a report of the Strategic Director, Health and Community which requested that the existing contract for residential care at Leahurst and Woodcrofts be extended to no later than 31<sup>st</sup> March 2010.

Strategic Director  
- Health and  
Community

It was reported that the focus of all mental health services was recovery and social inclusion for people with mental health problems, by supporting the individual to live as independent a life as possible, empowering them to take control of their lives and helping to develop or maintain the life skills necessary to do so.

It was further advised that Halton Borough Council was performing well in supporting adults with mental health problems to live in their own homes rather than being admitted to long-term residential care. However, there were still two residential homes in the Borough providing care to people with mental health problems. At times, residential care was the most appropriate place for people to recover from a significant episode of mental illness but with the improvements in mental health treatment and care in the community, it should no longer be seen as a long-term support solution. It was noted that the people currently resident in these homes should be offered choices in how they lived and provided with the necessary support to retain or regain their independent living skills, if at all possible.

The Board were advised that Leahurst had 26 places whilst Woodcrofts had 21, both provided services for adults with mental health problems and were owned by two different providers. At present, Leahurst had 13 Halton Borough Council residents and Woodcrofts had 12 Halton Borough Council residents. Commission for Social Care Inspectorate completed unannounced inspections during 2007 and both homes were rated as "good".

It was reported that fees were paid under the existing residential contract rate agreed by Executive Board Sub-Committee in June 2005 plus annual inflation uplifts. The current fee level in respect of Leahurst and Woodcrofts was £378.23.

It was further reported that a review of the current and future needs of those people with mental health needs living in residential care would be undertaken this year and a report detailing the outcomes of the review would be submitted to the Health Policy and Performance Board by the end of 2009.

Arising from the discussion, the Board noted that accurate quarterly standards were provided resulting from internal inspections carried out locally that provided an up to date picture of the standards in Halton at the current time.

**RESOLVED:** That

(1) in the exceptional circumstances set out below, for the purpose of Standing Order 1.6, the tendering requirements of Procurement Standing Orders be waived on this occasion on the basis that residential services offered by Hilton Residential Homes Limited

and Woodcrofts Residential Homes Limited should be reviewed in light of the changing needs of people with severe and enduring mental health problems, the proposed amendments to residential care contracts aligning funding scales to levels of dependency. In addition, the existing contract for these services be extended to 31<sup>st</sup> March 2010 in line with the contracted rate previously agreed by the Board, plus an inflationary uplift of 2.5% to allow a full review to take place; and

(2) a report outlining the current and future residential needs for people with severe and enduring mental health problems be presented to the Health Policy and Performance Board by the end of 2009.

## ES101 FOSTER CARE CHARGES

The Board received a report of the Strategic Director, Children and Young People which, in accordance with the annual budget review sought the Board's approval of the proposed increases in fees and charges for the rates paid to foster carers.

The Board considered details appended to the report outlining the current and proposed fees and charges for Children's Services foster carer rates. It was proposed that the basic foster care allowances for 2009-10 were increased in line with the recommended minimum allowance proposed by the Fostering Network.

It was further advised for those circumstances where the Fostering Network did not make a recommendation it was proposed that the rates were increased by 2.45% as per Appendix 2 to the report. It was advised that the basic allowances for foster carers included a weekly allowance plus birthday, Christmas and holiday allowances. It advised that fees would need to be increased with effect from 1<sup>st</sup> April 2009.

The Board held a wide-ranging discussion in terms of the shortage of foster carers nationally. It was noted that the current figure of foster carers in Halton was the lowest it had been for quite some time. There was a shortage of at least 20 foster carers in the Borough which caused a significant problem. There were various factors contributing to this, for example, competition from independent foster caring companies and significant changes to families lifestyles in terms of full time employment.

The Board was advised of a new marketing campaign which aimed to attract new foster carers within the Borough.

RESOLVED: That the proposed fees and charges outlined in Appendix 1 to the report be approved.

Strategic Director-  
Children & Young  
People

## ES102 PLAY SERVICE CHARGES

The Board received a report of the Strategic Director, Children and Young People which outlined proposals for increasing Play Service charges for childcare, building hire (Windmill Hill Play Centre) and Holiday Playschemes.

It was reported that childcare fees were last increased in 2006/07 and were detailed in the report for Members' consideration. The proposed fees from April 2009 were set out as follows:

Breakfast Club	£3.25
After School	£4.00 to 4 pm £6.00 to 5 pm £7.50 to 6pm
Holiday Care	£16.00 full day £10.00 half a day

It was further advised that increases were largely in line with annual inflation at 3% - 4% pa except for "to 4pm"; after school and half day holidays where the increase also included the need to reflect in charges the way that delivery costs included the following regardless of length of provision:

- a. Collected from school and
- b. Provided with a snack.

These increases would also keep charges in line with the sector norm (Childcare Audit).

In relation to room hire in addition to delivering open access play and childcare service, Windmill Hill Play Centre was a multi-use building extremely well used by both CYPAN 5 team for the delivery of their services and by the local community. CYPAN services, as part of the Children's Families and Extended Services Division, did not pay a room hire fee.



Detailed in the report for consideration were the charges for community use that were currently imposed.

In addition, the proposed charges for room hire were set out as follows:

Community Groups	£5.75 per hour
Commercial/Private	£10.00 per hour
Community Use Weekends	£10.00 per hour
Commercial/Private	£17.50 per hour

It was reported that these revised charges would bring Windmill Hill Centre in line with charges levied at the Authority's and other Community Centres operated through Culture and Leisure.

It was further advised that to reflect the developing partnership approach to the delivering holiday (sessional) play activities, Halton Play Council would increase its sessional playscheme charge to £1 per session (session = 2.5 hours) to bring those charges in line with charges for similar sessional holiday activities delivered through extended schools.

RESOLVED: That the proposed charges are agreed and implemented from 1<sup>st</sup> April 2009.

Strategic Director-  
Children & Young  
People

ES103 DESIGN OF NEW RESIDENTIAL DEVELOPMENT SPD - APPROVAL FOR STATUTORY PERIOD OF CONSULTATION

The Board received a report of the Strategic Director, Environment which sought approval for the publication of the draft Supplementary Planning Document (SPD) on Design of New Residential Development for the purposes of statutory public consultation in April and May 2009.

Strategic Director  
- Environment

The report set out the purpose of the Design of New Residential Development, the Stakeholder Consultation stage, the Scoping Stage and Sustainability Appraisal, and the final stage after the public consultation process.

Arising from the discussion, Members queried what form the public consultation would take. In response, it was noted that press notices would be publicised and the developers and architects would contact people who had

been taken from the core strategy database. It was suggested that this should be publicised further and people should be entitled to have a say on the SPD. It was agreed that discussions would be held with the Marketing Team in relation the form of public consultation.

RESOLVED: That

(1) the draft Supplementary Planning Document (SPD) Design of New Residential Development be approved for the purposes of statutory public consultation;

(2) the comments received at the stakeholder consultation stage, as set out in the Statement of Consultation and responses to them are noted;

(3) further editorial and technical amendments that do not materially affect the content of the SPD be agreed by the Operational Director, Environmental and Regulatory Services in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal, as necessary, before the document is published for public consultation;

(4) the results of the public consultation exercise and consequent recommended modifications to the draft SPD be reported back to the Executive Board for resolution to adopt as a Supplementary Planning Document; and

(5) options be considered in terms of expanding the public consultation process in consultation with the Halton Borough Council's Marketing Team.

#### ES104 REVIEW OF FEES AND CHARGES

The Board received a report of the Strategic Director, Environment which, in conjunction with the annual budget review, proposed to increase the charges under the control of the Executive Board in accordance with the schedules shown in the Appendix to the report, for the following: Environmental Information, Requests for Information Regarding Potentially Contaminated Land, Requests for Environmental Information, Environmental Health Services charges, Hackney Carriage and Private Hire Vehicle Charges, Licence fees, Road Traffic Regulation Act 1984

and Miscellaneous.

The Board was advised that the charges for road closures had increased by more than inflation due to the costs that had risen in terms of advertising in the local press.

The Board were provided with an update of the figures for the new Roads and Street Works Act 1991 as follows:

- (1) Unit of Inspection (30% of total)  
Statutory Fee Proposed Cost  
£50.00
  
- (2) Defective Reinstatements Per Inspection (maximum 3 No.)  
Statutory Fee  
£47.50  
  
Additional single inspection Statutory Fee  
£68.00
  
- (3) Section 50 Street Works Income
  - (i) New apparatus – Inspection 3 No.  
Statutory Fee  
£150.00
  - (ii) Existing apparatus Inspection  
Charges (Statutory Fee)  
£150.00

RESOLVED: That the proposed fees and charges be agreed and referred to the relevant Policy and Performance Boards for information.

Strategic Director  
- Environment

ES105 2009-10 CHARGES FOR RIVERVIEW GYPSY SITE

The Board received a report of the Strategic Director, Health and Community which sought approval for revised site charges for Riverview Gypsy site for the financial year 2009/10.

The report set out the existing weekly charges levied for pitch rental and water/sewerage for 2008/09, and the proposed charges for 2009 which applied to a 48 week year, as set out in the following table:-

	<b>2008/09</b>	<b>2009/10 (proposed)</b>	<b>Difference</b>
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Pitch Rental	21 @ £46.66 1@ £54.44	21 @ £48.99 1 @ £57.16	+ 5% + 5%
Water and Sewerage	23 @ £8.78	23 @ £9.59	+ 9%

The Board was advised that the Council's inflation allowance for general income for the coming year was 3%. The allowance for water and sewerage charges was 7% as there was a significant increase in charges introduced by the Utility companies during 2008/09. It was further noted that an above-inflation increase was being proposed in order to move towards a balanced budget and increases of 5% and 9% respectively for pitch rental and water rate, 2% above the Council's general inflation allowances, were proposed.

RESOLVED: That the proposed 5% increase to pitch rental and 9% increase in water charges set out in the report be approved with effect from 6<sup>th</sup> April 2009.

Strategic Director  
- Health and  
Community

*(NB: Councillor Wharton declared a personal and prejudicial interest in the following item due to his son being a member of Hale Junior Football Club and left the room during its consideration)*

#### ES106 DISCRETIONARY RATE RELIEF

The Board considered a report of the Strategic Director, Corporate and Policy which reviewed the five applications for discretionary non-domestic rate relief, under the provisions of the Local Government Finance Act 1988. It was noted that the Executive Board Sub-Committee deferred these decisions to this meeting on the 5<sup>th</sup> March 2009.

The Board was advised that, under the provisions of Section 47 of the Local Government Finance Act, 1988, the Authority was allowed to grant discretionary rate relief to organisations that were either a charity or a non-profit making organisation. It was reported that this relief may be also be awarded to community amateur sports clubs. It was noted that a full summary was provided in the item submitted on 5<sup>th</sup> March 2009.

It was further advised that if a decision was taken to terminate or reduce the award of discretionary rate relief to any organisation currently in receipt of discretionary rate relief and were still satisfying the appropriate criteria, legislation dictated that one year's notice of the amendment must be given to that group. This would result in any such

alteration becoming effective from 1<sup>st</sup> April 2010, following the appropriate period of notice.

Arising from the discussion it was agreed that Hale Junior Football Club, Hale Village Hall Management Committee and Moorfield Sports and Social Club be awarded the discretionary non-domestic rate relief.

The Board discussed the application from Birchfield Sports and Social Club and agreed that they could have the award subject to proof being provided to Halton Borough Council that they were established as a “not for profit” organisation. It was agreed that the decision for this could be delegated to the Operational Director – Exchequer Services and the Portfolio Holder for Corporate Services. It was also advised that Pavillions Arena Ltd had provided documentation to the Council that the company was limited by guarantee and had no share capital.

RESOLVED: That

- 1) Hale Junior Football Club, Hale Village Hall Management Committee, Moorfield Sports and Social Club and Pavillions Arena Ltd be awarded award the discretionary non-domestic rate relief; and
- 2) Authority be delegated to the Operational Director – Exchequer Services and the relevant Portfolio Holder for Corporate Services to approve the award once the documentation had been received from Birchfield Sports and Social Club.

Strategic Director  
- Corporate and  
Policy

## ES107 VOLUNTARY SECTOR

The Board considered a report of the Operational Director, Health and Partnerships which requested the suspension of the procurement standing orders 3.1 to 3.7 under the exceptional circumstances set out in the report, which placed a requirement on the Council to tender or obtain quotes for contracts set up with external providers in the voluntary and independent sector.

Strategic Director  
- Health and  
Community

It was advised that agreements on standard service specifications had been put in place for each of these voluntary sector contracts so that there was a consistent level of service delivery and contract monitoring for all organisations.

It was reported that significant work had been carried

out to support the development of the voluntary sector through our commissioning and contracting arrangements over the previous three years. This had resulted in a diminishing number of voluntary sector contracts being dependent on this particular form of funding. It was noted that a number had received three year contractors or alternative methods of more secure funding.

The Board was advised that in 2008 a Policy and Performance Board Scrutiny Group was set up to review two of the services described in an appendix to the report for Members' consideration. Vision Support and Deafness Support Network were both reviewed and were seen to be clearly delivering on key performance targets. In the case of Deafness Support Network it was clear that their specific assessment work linked to Carefirst and was vital to support people with a hearing impairment.

**RESOLVED:** That the Operational Director, Health and Partnerships be authorised to award the contracts for HIV and AIDS Support, Making Space, Vision Support, MIND and Vision Support as identified in Appendices 1 and 2 which were outlined in the report and that in light of the exceptional circumstances namely that the current contracts offer value for money and are performing well in meeting the needs of service users and in accordance with Procurement Standing Order 1.6:

- i) Standing Orders 4.1 and 4.3 be waived in respect of contracts listed in Appendix 1 whose value was less than £50,000 and that contracts and specifications are improved and linked to a standard process;
- ii) Standing Orders 3.1 to 3.8 be waived in respect of contracts listed in Appendix 2 whose value was in excess of £50,000 or more but not exceeding £1m and that contracts and specifications were improved and linked to a standard process; and
- iii) re-tendering takes place on each of the contracts listed in Appendix 3 to the report.

**MINUTES ISSUED: 2 April 2009**

**CALL IN: 9 April 2009**

**Any matter decided by the Executive Board may be called in no later than 9 April 2009.**

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*Meeting ended at 11.45 a.m.*