

EXECUTIVE BOARD SUB COMMITTEE

At a meeting of the Executive Board Sub Committee on Wednesday, 25 June 2008 in the Marketing Suite, Municipal Building

Present: Councillors Wharton (Chairman) and Harris

Apologies for Absence: Councillor Nelson

Absence declared on Council business: None

Officers present: M. Reaney, G. Ferguson, D. Cunliffe, B. Dodd, I. Leivesley, P. McWade, P. Searing and J. Unsworth

Also in attendance: None

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

		<i>Action</i>
ES4	<p>LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – URGENT BUSINESS</p> <p>The Sub-Committee was advised that a matter had arisen which required immediate attention by the Sub-Committee because a decision was required before the date of the next meeting (Minute ES9 refers), therefore pursuant to Section 100B (4) and 100E Local Government Act 1972, the Chairman ruled that the items be considered as a matter of urgency.</p>	
ES5	<p>MINUTES</p> <p>The Minutes of the meetings held on 10th April, 8th May, and 5th June 2008 were taken as read and signed as a correct record.</p> <p>PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO</p>	
ES6	<p>CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICE PROVISION</p> <p>The Sub-Committee was advised that the Clean</p>	

Neighbourhoods and Environment Act 2005 provided local councils with new powers to clamp down on environment crime such as abandoned vehicles, fly tipping, litter, graffiti, dog fouling, noise and other nuisances including light pollution. Of particular significance was the extension of the use of Fixed Penalty Notices (FPNs) as a means of dealing with offences as an alternative to prosecution. The Act also allowed authorities to retain the proceeds of Fixed Penalty receipts to fund enforcement and related activity. FPNs could not be used in respect of fly-tipping offences, other than for very small amounts not exceeding one bag. Due to the serious environmental impact of fly tipping, incidents should be dealt with by prosecution where the offender had been identified.

In addition, the Act gave Councils discretion to offer a discount for early payment of an FPN. Although there were prescribed minimum penalty levels that the discounted penalty must not fall below, as set out in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006. The report outlined FPN amounts and recommendations where the Council had discretion.

It was reported that in setting FPN levels and discounted amounts for early payment, consideration would be given to the deterrent effect of different levels and also people's readiness to pay, together with the likely fines that would be imposed in the Magistrates' Court for non-payment. Fixed penalties that were too high for local conditions would be counterproductive, as they would lead to substantial non-payment rates, as would payments that were higher than the likely fine in the event of non-payment. The recommended FPN amounts were considered to be reasonable in light of the experience of issuing FPNs to date.

The Sub-Committee was further advised that litter authorities could now enter into arrangements so as to enable any person (or the employee of any such person) to give such notices. It was noted that PCSOs also had the power to issue Section 88 notices under the Police Reform Act 2002. The Department was currently looking at how this could be put to best effect in a wider project to address litter waste and untidy areas which would be the subject of a further report.

RESOLVED: That the Sub-Committee:-

- (1) Note the following Fixed Penalty Notice amounts that were set by statute:

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- (a) Nuisance Parking - £100;
- (b) Abandoning a Vehicle - £200;
- (c) Failure to Produce Authority (Waste Transfer Notes) - £300;
- (d) Failure to Furnish Documentation (Waste Carrier's Licence) - £300;
- (e) Noise from Licensed Premises - £500.

(2) Approve the following Fixed Penalty Notice amounts that may be set by the Local Authority:

- (a) Litter - £75;
- (b) Street Litter Control Notices and Litter Clearing Notices - £100;
- (c) Unauthorised Distribution of Literature on Designated Land £75;
- (d) Graffiti and Fly-Posting - £75;
- (e) Offences in Relation to Waste Receptacles - £100;
- (f) Offences under Dog Control Orders - £75.

(3) Approve the following Fixed Penalty Notice amounts discounted for early payment:

- (a) Litter - £50;
- (b) Street Litter Control Notices and Litter Clearing Notices - £75;
- (c) Unauthorised Distribution of Literature on Designated Land - £50;
- (d) Graffiti and Fly-Posting - £50;
- (e) Failure to Produce Authority (Waste Transfer Notes) - £250;
- (f) Failure to Furnish Documentation (Waste Carrier's Licence) - £250;
- (g) Offences in Relation to Waste Receptacles - £70;
- (h) Offences under Dog Control Orders - £50;

(4) approve the time period for early payment discounts as being within ten days;

(5) delegates authority to the Strategic Director Environment and the Operational Director Environment and Regulatory Services to make any further changes to Fixed Penalty Notice amounts and early payment discounts as may be required; and

(6) the Operational Director Environment and Regulatory Services be given the power to authorise suitable individual persons to implement these powers and issue Fixed Penalty Notices.

HEALTH AND SOCIAL CARE PORTFOLIO

ES7 INTEGRATION OF ADULTS WITH LEARNING DISABILITIES' SERVICES

Adults with Learning Disabilities' (ALD) Services were guided by "Valuing People" the Government National Guidance published in 2001, which set out the priorities for the delivery of services for Adults with Learning Disabilities. The Guidance recognised the need to work in partnership both across agencies and with service users and carers. In Halton the Primary Care Trust (PCT) and Halton Borough Council (HBC) had worked closely together, this had been achieved by:

- the establishment of a pooled budget since 2002, managed by HBC. The budget stood at £12.8m 2007/2008 and included most ALD services and the Community Care budget.
- co-location of the PCT's Health Team and HBC's Care Management Team.

It was proposed that the partnership between the PCT and the Council could now be further strengthened to offer a fully integrated service. The PCT was seeking to transfer 13 posts to the Council and place them under the management of HBC. The transfer would take place on 1st July 2008. There were a number of advantages for this proposal which were set out below:

- the service would improve as People with Learning Disabilities would only have one point of access and assessment, currently there were two systems for service users and carers to navigate;
- nurses and social workers would have one management system, thus avoiding duplication and inefficiencies and would be based in one location at John Briggs House, Widnes;
- the "person centred planning" approach would be strengthened in line with national guidance "Valuing People 2001".

The proposal to transfer NHS staff into Halton had been subject to widespread consultation with staff and undertaken in partnership between the Council and the PCT. The proposals did not set out the delivery of a new model of

service therefore formal consultation with service users and carers was not required.

The Sub Committee was advised that the integration of services for People with Learning Disabilities offered the Council the opportunity to be more efficient in its delivery of services. There would be an increased ability to be flexible and a decrease in duplication improving the experience of people with learning disabilities assessed to be in need of services. It was planned that the existing agreement of a pooled budget and joint management between the PCT and the Council would be amended to reflect the new arrangements which would result in the Council providing all care and budget management. This would be undertaken by agreement between the Council and the PCT and subject to formal notification by both parties.

It was noted that the transfer of NHS staff would be subject to TUPE protection and a contract between the PCT and the Council that would cover all financial implications. In addition, the PCT would provide funding to the Council for the staff and it was proposed this would be a five-year agreement subject to a mid review at 3 years. There would not be any additional costs to the Council with this proposal.

RESOLVED: That the Sub-Committee agree the arrangements for a five-year contract between Halton Council and Halton and St. Helens Primary Care Trust (PCT) to transfer 13 posts (of which 6 were vacant), to the Council including a requirement for the PCT to meet the costs of these posts during the five-year term.

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CORPORATE SERVICES PORTFOLIO

ES8 2007/08 FINANCIAL OUTTURN

The Sub-Committee considered a report summarising the final revenue and capital spending position for 2007/08. The revenue budget had been closely monitored and controlled throughout the year. As anticipated, investment returns were better than expected and the review of the balance sheet amended the capital financing requirement resulting in a reduction in minimum revenue provision.

As agreed as part of the budget strategy, reserves had been made relating to the development of costs of the Building Schools for the Future project and time limited revenue spending on the Mersey Gateway Project.

Within the overall revenue underspend of £224,000

there had been a number of variances and these were outlined in the report. The underspend had resulted in a reduction in the planned contribution from balances (from £350,000 to £126,000) meaning that balances now stood at £6.984m.

In respect of school balances, these had increased by £0.4m to £4.6m. In addition, Standards Fund grant of £14.3m was available to schools. The money could be spent up to the end of the academic year and £4.5m remained to be spent.

With regard to Capital spending this totalled £29.1m, which was £2.5m below the revised capital programme of £31.6m and represented over 92% delivery of the revised capital programme. The only areas of significant slippage were on projects relating to Cavendish and Brookfields Special Schools, The Bridge Pupil Referral Unit, All Saints Children's Centre, Contaminated Land, Sports Pitch improvements, Widnes Waterfront and ICT Infrastructure.

RESOLVED: That the report be noted.

PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO

ES9 REPORT OF TENDER ACCEPTANCE FOR THE REPLACEMENT OF A SEWER BENEATH THE DARESBUY EXPRESSWAY

The Sub-Committee was advised of a revised tender offer for the sewer replacement works at Daresbury Expressway. The Sub-Committee had been previously notified of the acceptance of a tender from A. E. Yates Limited for the replacement of a sewer beneath Daresbury Expressway in February 2007 (Minute No. ES74 refers). Implementation of the scheme had been protracted for a variety of reasons which had resulted in a delay to the contract being formed. Additional ground investigation was undertaken during May 2008 to determine the exact type of thrust boring plant that was required to undertake the work.

As a consequence of the results of the investigation and due to the time that had passed since the original tender was submitted, costs had increased and the contractor had revised his tender offer to £99,879, a £20,000 increase over its original submission. It was noted that in the earlier report only two tenders were returned, the second tender being in the region of £150,000.

It was noted that the previously successful tenderer A. E. Yates Limited had now requested that the contract be formed directly to A. E. Yates Trenchless Solutions Limited, as they were a company within the group, operating from the same address, who had the specialist expertise and plant and who were now proposed to undertake the whole of the work including the construction of thrust pits, chambers and connections. A financial check had been carried out on the company by Internal Audit and they were deemed to have sufficient financial stability to undertake contracts of a value of £2,000,000 and had an above-average credit rating. The work would be carried out under the terms and conditions of the original tender.

On the basis of the detailed planning and pre-contract preparation work that had already taken place, and the further delays and additional costs that would be encountered if the scheme was re-tendered, it was considered that forming a contract with A. E. Yates Trenchless Solutions, for the revised tender price was the best value solution for the Council and its partners.

RESOLVED: That:

- (1) the revised tender offer of £99,879 from A. E. Yates Trenchless Solutions Limited, for the replacement of the sewer beneath Daresbury Expressway be accepted; and
- (2) the contract for the work be awarded to A. E. Yates, Trenchless Solutions Limited in lieu of the parent company, A. E. Yates Limited.

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Environment

ES10 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Committee during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and

- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

CORPORATE SERVICES PORTFOLIO

ES11 SALE OF LAND AT ASTON FIELDS ROAD, RUNCORN

The Sub-Committee considered a report which sought approval for the sale of a landscaped area situated above the Shell Oil Pipeline in Aston Fields Road, Runcorn.

RESOLVED: That approval be given for the sale of a landscaped area of land above the Shell Oil Pipeline in Aston Fields Road, Runcorn on the terms outlined in the report.

ES12 WATERLOO CENTRE, RUNCORN

The Sub-Committee was advised of an interest expressed in the Waterloo Centre, Runcorn, a building owned by the Council but which had not been used since the Community Centre was closed down some years ago. The report also sought guidance on the future disposal strategy for this building and the neighbouring Library and Rathbone Building.

RESOLVED: That the existing policy of dealing with the three buildings on the corner of Egerton Street and Waterloo Road, Runcorn (the Library, the Waterloo Centre and the Rathbone Building) once the future of the Library was determined, be supported. Essentially looking at one development site. The organisation New Hope Kids First who had expressed an interest in utilising the Waterloo

Centre, be advised on the Council's current policy.

MINUTES ISSUED: 8th July 2008

CALL IN: 16th July 2008

**Any matter decided by the Executive Board Sub Committee may
be called in no later than 16th July 2008**

Meeting ended at 11.14 a.m.