

## EXECUTIVE BOARD SUB COMMITTEE

*At a meeting of the Executive Board Sub Committee on Thursday, 25 September 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: J. Downes, P. Esseen, I. Leivesley, A. McNamara, P. Oldfield,  
P. Searing, S. Williams and L. Derbyshire

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

		<i>Action</i>
ES27	MINUTES	
	<p>The Minutes of the meeting held on 11<sup>th</sup> September 2008 were taken as read and signed as a correct record.</p>	
	<b>CORPORATE PORTFOLIO</b>	
ES28	ACCEPTANCE OF TENDER CAVENDISH SCHOOL RUNCORN	
	<p>The Board considered a report which informed Members that the Strategic Director, Corporate and Policy had accepted a tender relating to the extension and remodelling of Cavendish School, Runcorn and a contract had been entered into with the successful contractor.</p> <p>It was noted that Tenders had been invited from six contractors in a two stage tendering process, designed to ensure that the contractor offering 'best value' was appointed to carry out the project. The first stage entailed the contractors tendering their percentage additions for preliminaries, overheads and profit only against a notionally priced document already prepared for them to make a comparison assessment.</p> <p>The Board was advised that from analysis of the stage one bids which were assessed on both price and quality,</p>	

three contractors were chosen to progress to stage two. A detailed presentation and rigorous interview of each of these contractors was undertaken by an appointed panel to further establish quality levels as part of the overall review. The aggregate of both price and quality from this two-stage process resulted in a preferred contractor, John Turner Construction Ltd, being chosen for the project.

RESOLVED: That the Strategic Director, Corporate and Policy accepted the tender submitted by John Turner Construction Ltd, and a contract has been entered into, with a contract sum of £1,239,218.00 be noted.

## **PLANNING, TRANSPORTATION, REGENERATION & RENEWAL PORTFOLIO**

### **ES29 AWARD OF CONTRACT FOR SILVER JUBILEE BRIDGE, CABLE WRAPPING EAST ELEVATION**

The Board considered a report of the Strategic Director, Environment which outlined that Procurement Standing Order 3.2 for Contracts between £100,000 and £1,000,000 required that when accepting a tender where fewer than three tenders had been received, the circumstances to be reported to the Executive Board Sub-Committee for information.

The purpose of the report was to advise Members in respect of the contract to install protective measures to the hanger cables on the east elevation of the Silver Jubilee Bridge to Clan Contracting Ltd who returned the only valid tender for the works.

RESOLVED: That the report be noted.

### **ES30 REPORT OF URGENT BUSINESS UPTON ROCKS DISTRIBUTOR ROAD ACCEPTANCE OF TENDER**

The Board considered a report of the Strategic Director, Environment which informed Members of the urgent action taken by the Chief Executive in respect of the acceptance of a revised tender price for the Upton Rocks distributor road.

The Board was advised that a tender for the construction of the Upton Rocks Distributor road was accepted by the Operational Director, Highways & Transportation on 2<sup>nd</sup> March 2007. However, the award of

the contract was delayed due to a number of factors and it was not possible to proceed with the completion of the Contract formalities until early August, when all outstanding matters had been received.

The Board was further advised that seventeen months had elapsed since the original offer had been made by the successful tenderer, NMS Civil Engineering, and construction costs had risen during the intervening period due to inflation. Regular contact had been maintained with the contractor. Throughout the period NMS had been asked to provide a revised tender sum to take account of inflation since the acceptance of their original tender. The revised tender sum offered was £1,058,882.35, which represented a 9% increase over the original sum. The contractor also confirmed that they would be able to mobilise and commence construction in September.

Due to the committee summer recess, and to ensure that there was no further delay in progressing construction of the new road, the Chief Executive approved the acceptance of the revised tender sum on 7<sup>th</sup> August 2008 in accordance with Standing Orders – Procurement 1.7. This had enabled the contract completion formalities to proceed and pre-contract matters in relation to health and safety, programming & mobilisation and the date for commencement of works on site to be discussed and agreed with the contractor.

RESOLVED: That the urgent action taken by the Chief Executive in accordance with Standing Orders relating to Procurement 1.7, to accept the revised tender from MNS Civil Engineering Ltd in the sum of £1,058,882.35 for the Upton Rocks distributor road, be noted.

## **COMMUNITY PORTFOLIO**

### **ES31 AMENDMENTS TO STANDING ORDERS RELATING TO DUTIES OF PROPER OFFICERS AND DELEGATION TO OFFICERS**

The Board considered a report of the Strategic Director, Health and Community which requested that amendments be made to standing orders relating to duties of proper officers and delegation to officers, in light of changes to the system of home office style cautions (used by a number of the Council's officers as an enforcement tool) and to add Acts of Parliament to / delete Acts of Parliament from the list of Acts enforced by officers of the Consumer Protection Service.

The Board was advised that for some years the criminal justice system provided for a system of Home Office style 'formal cautions', which were available for use by enforcers as an alternative to instituting criminal Court proceedings, under particular circumstances. Earlier in the year this system of cautioning changed and 'formal cautions' were replaced with 'simple cautions' and 'conditional cautions'. Presently, only the Police may issue the latter. It was therefore necessary to replace any references to 'formal cautions' in the Council's Constitution, with the new reference of 'simple caution'.

RESOLVED: That the Council be recommended to amend Standing Orders relating to duties of proper officers and delegation to officers as follows:-

- (1) references to 'formal cautions' in paragraphs 152 and 172 of these Standing Orders be replaced with references to 'simple cautions'; and
- (2) the list of Acts included as Appendix B to these Standing Orders be amended by the addition of the Fraud Act 2006, the Licensing Act 2003 and the Protection of Children (Tobacco) Act 1986, and by the deletion of the Mock Auctions Act 1961 and the Trading Representations (Disabled Persons) Act 1958.

ES32 HALTON HOUSING TRUST GROUNDS MAINTENANCE CONTRACT FROM APRIL 09

The Board considered a report of the Strategic Director, Environment which sought retrospective approval to submit a Pre Qualification Questionnaire (PQQ) to Halton Housing Trust (HHT) for its advertised Grounds Maintenance Contract that will start on 1<sup>st</sup> April 2009. The report also sought approval to enter into the 'Competitive Dialogue' process and submit a Tender to HHT to deliver its Grounds Maintenance Contract from April 2009 for a three year period.

RESOLVED: That the Strategic Director, Environment;

- (1) in consultation with the Portfolio Holder, be granted, retrospective delegated authority to complete and submit a PQQ for the advertised HHT Grounds Maintenance Contract;

- (2) in consultation with the Portfolio Holder, be granted, delegated authority to prepare and enter into the 'Competitive Dialogue' process and bid for the advertised The Halton Trust, Grounds Maintenance Contract; and
- (3) in consultation with the Portfolio Holder, be granted delegated authority to bid for any further landscape maintenance contracts that are advertised by Registered Social Landlord's, Colleges, Landowning Trusts or other Public Bodies.

### **ENVIRONMENT, LEISURE & SPORT PORTFOLIO**

#### **ES33 THE APPLICATION OF THE BRAMM (BRITISH REGISTER OF ACCREDITED MEMORIAL MASONS) SCHEME IN HALTON'S CEMETERIES**

The Board considered a report of the Strategic Director, Health and Community which advised Members of the issues that had arisen during the first twelve months of the operation of the British Register of Accredited Memorial Masons (BRAMMS) scheme in Halton's cemeteries. The report also sought support for the amendment of the Council's cemetery rules to clarify certain matters, including anomalies that had arisen to date.

RESOLVED: That

- (1) the report and comments made be noted;
- (2) the adoption of a local Memorial Mason Registration Scheme, from 1<sup>st</sup> January 2009, as set out in the draft attached to the report at Appendix 1 be approved;
- (3) the Operational Director, Health and Partnerships, in consultation with the Executive Board Member, Environment be delegated to finalise the document and any future amendments;
- (4) the amendment of the Cemetery Rules as outlined in Appendix 2 of the report, to take effect on 1<sup>st</sup> October 2008 be agreed; and
- (5) a new fee for the right to place on a grave a vase / book / tablet exceeding 18 inches width x 12 inches x 12 inches but not exceeding the

width of the grave or 30 inches (whichever is the least) x 12 inches x 12 inches, of £65 be agreed.

ES34 WILD ABOUT HALTON AND THE ARTERY OF LIFE

The Board considered a report of the Strategic Director, Environment which sought approval to make an application for future funding to build on the successes of the Wild About Halton project whose current funding comes to an end in March 2009. A new grant scheme from natural England called 'Access to Nature' appears to present an ideal opportunity that would allow the Landscape Services Division to continue with the most successful elements of 'Wild About Halton' but as a new project called the Artery of Life.

RESOLVD: That

- (1) the Artery of Life Project is progressed to a detailed application stage, which would be submitted to the Natural England 'Access to Nature' grant scheme so that the most successful elements of Wild About Halton can be continued; and
- (2) the application is made as a joint bid with Warrington Borough Council, subject to the additional revenue funding referred to in paragraph 3.5 in the report be subject to the Council's budgetary process.

ES35 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.

ES36 TRAVELLER TRANSIT SITE

The Board considered a report of the Strategic Director, Health and Community which sought approval for the award of a contract for the management of the new Traveller transit site, and to set the pitch change.

RESOLVED: That

- (1) the Operational Director, Health and Partnerships be authorised to award the contract for site warden services at the Warrington Road Transit Site to Mr M Murphy in the sum of £13,000.00 plus three fee paying pitches for occupation by his extended family, and in accordance with Procurement Standing Order 1.6 Standing Orders 3.1 to 3.7 and 3.10 be waived on this occasion in view of the circumstances outline in the report;
- (2) the contract be awarded for an initial one year term;
- (3) the Strategic Director, Health and Community be authorised to renew or terminate or otherwise adjust the contract annually , subject to satisfactory performance;
- (4) the contract sum be adjusted annually in line with the Consumer price Index (CPI);

- (5) the pitch charge be subject to a further report at the next meeting;
- (6) the Strategic Director, Health and Community be authorised to approve and subsequently modify detailed site licence conditions, including permitted length of stay, as there will be insufficient time to present proposals to the Board before the site becomes operational; and
- (7) the Committee noted that the award of the contract would result in reduced costs to the Council and represented good value for money.

**ES37 DISPOSAL OF FORMER KINGSWAY MEDICAL CENTRE, KINGSWAY, WIDNES**

The Board considered a report of the Strategic Director, Corporate and Policy which set out various proposals for the former Kingsway Health Centre.

Members of the Committed noted that an opportunity had been presented to the Council to bid for resources through the Youth Capital Plus Project.

**RESOLVED:** That

- (1) Given the opportunity provided by the Youth Capital Plus Fund, approval be granted for a submission of a bid for the My Place Project, in order to meet the deadline of 30<sup>th</sup> September 2008;
- (2) Assuming the bid was successful, the former Health Centre building be utilised for the My Place Project;
- (3) Any additional revenue funding required for the project be subject to the Council's normal budgetary process; and
- (4) The appropriate directorates work with the other two projects to establish if their needs can be met in other ways.

**MINUTES ISSUED: 26<sup>th</sup> September 2008**

**CALL IN: 3<sup>rd</sup> October 2008**

**Any matter decided by the Executive Board Sub Committee may**



**be called in no later than 3<sup>rd</sup> October 2008**

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*Meeting ended at 11.26 a.m.*