

EXECUTIVE BOARD SUB COMMITTEE

At a meeting of the Executive Board Sub Committee on Thursday, 29 January 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: M. Reaney, C. Halpin, L. Butcher, P. Cornthwaite, B. Dodd, N. Martin and A. Williamson

Also in attendance: Councillor Hodgkinson

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

		<i>Action</i>
ES70	LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS The Board was advised that a matter had arisen which required immediate attention by the Board (Minute No 75 refers). 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.	
ES71	MINUTES The Minutes of the meeting held on 15 th January 2009 were taken as read and signed as a correct record.	
	CORPORATE SERVICES PORTFOLIO	
ES72	TREASURY MANAGEMENT 2008/09 3RD QUARTER: OCTOBER - DECEMBER The Sub Committee received a report of the Operational Director, Financial Services which updated Members on the activities undertaken on the money market as required by the Treasury Management Policy. It was	

noted that all the activities, including prudential indicators, complied with the policy guidelines.

The Sub Committee expressed its thanks to the Treasury Team for their hard work.

RESOLVED: That

- (1) That the report be noted; and
- (2) That the amendments to the counterparty list shown in Appendix A be approved.

Operational
Director -
Financial Services

PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO

ES73 REVIEW OF DIRECT PAYMENTS POLICY AND PROCEDURE

The Sub Committee received a report of the Strategic Director, Health and Community with an update on consultation events held across the Borough and which sought approval for the proposed changes to the draft Direct Payments Policy and Procedure for Adult Social Care.

It was noted that following a presentation to the Healthy Halton Policy and Performance Board (PPB) on 10th June 2008, Executive Board Sub Committee approved a number of changes to the Direct Payment Policy & Procedure on 25th July 2008 and agreed that these should be subject to public consultation. These were outlined in detail in the appendix to the report.

Members were advised that the Healthy Halton Policy and Performance Board received a further report on 13th January 2009 and considered the options set out in the report. There was a consensus of support for Option 3, implementation of proposed changes by October 2009. The PPB noted that this would also offer a reasonable period of time for officers and people affected by the changes to work together to implement any necessary changes.

Members were further advised that Halton Borough Council's Direct Payment rates for 2008/9 were:

2008/9 RATES	AGENCY	Personal Assistant (PA)
Standard	£10.70	£9.35
Complex	£11.36	£11.36

Currently, there were no criteria for assessing which level of hourly rate service users should be receiving. Therefore, a review was undertaken to establish current best practice, aiming for a greater degree of equity and consistency in how rates were applied across all service user groups.

Members were further advised that implementation of the criteria would introduce consistency both in relation to all community care packages arranged by Care Managers and those purchased via DP's, as well as ensuring FACS criteria eligibility would be applied. Additionally, comparability would be maintained against our nearest neighbour Local Authorities.

In addition consultation on changes to the policy for Direct Payment Service users had been undertaken in October and November 2008 for existing and potential future Direct Payment service users and residents of Halton. All current direct payment service users were sent a copy of a survey form to complete and seven presentations/ open forums were held in locations across the Borough so that people could come to talk to officers about the proposals and make their views known.

The appendix to the report summarised the comments made by Direct Payment service users, their carers and potential future recipients of Direct Payments.

The results of the survey were considered as regards to the impact and the introduction of the proposed eligibility criteria would have on new and existing service users and the direct payment rate paid now for new service users and for existing service users. A number of options for Members to consider were outlined in the report.

RESOLVED: That

- (1) the findings of the consultation process held on Direct Payments Policy and Procedural changes for Adult Social Care (Appendix 1) be noted;
- (2) the Direct Payments policy and procedure (Appendix 2) be amended as follows as set out below to:
 - (a) to introduce eligibility criteria to determine the rate at which Direct Payments (DP) will be set, based on current good practice (Appendix 3);

Strategic Director
- Health and
Community

- (b) to reflect the changes introduced by the Mental Capacity Act 2005, with additional detail on capacity;
 - (c) to reflect the growth in Personal Assistants (PAs) and, if required, include payroll charges in the set-up costs, and annually thereafter as a supplement to be paid to the service user if required, when employing a PAs from 01.04.2009.
- (3) Option 3 as set out in section 5.2 of the report be approved.

ES74 ACCEPTANCE OF TENDER FOR HALTON LEA LIBRARY

The Sub Committee received a report of the Strategic Director, Corporate and Policy which informed Members of the acceptance of a tender relating to the refurbishment of Halton Lea Library and a contract had been entered into with the successful contractor.

Members were advised that an application to the Big Lottery Community Libraries Programme was made by the Library Service in March 2007 and that this had been successful with a grant being awarded. Additional funding from the capital programme and maintenance budgets further enhanced this funding.

It was noted that six contractors had been invited for interview prior to tender documents being sent out. Tenders were then invited in the traditional manner and the results were set out in the report.

Following a careful analysis of the tenders submitted, Globe Management Services Limited were recommended for acceptance, their tender being the lowest received conforming to the specified tender documents for the project.

Members were advised that the accepted tender sum of £1,351,188.00 was within the budget allowance outlined in the report.

RESOLVED: That it be noted that the tender submitted by Globe Management Services Ltd has been accepted by the Strategic Director, Corporate and Policy, and a contract has been entered into, with a contract sum of £1,351,188.00.

CHILDREN AND YOUNG PEOPLE PORTFOLIO

ES75 CONNEXIONS - WAIVER OF PROCUREMENT STANDING ORDER

The Sub Committee received a report of the Strategic Director, Children and Young People which sought a waiver of the tendering section of Part 3 of Standing Orders.

Members were advised that on 25th March 2008 the Secretary of State for Children, Schools and Families wrote to Local Authorities notifying them of interim arrangements for the delivery of 'connexions services' and assessments for young people with learning difficulties from 1st April 2008. The Education and Skills Bill, currently before Parliament, proposed that legal responsibilities be brought into line by affecting the transfer to Local Authorities of the statutory responsibility of 'connexions services'.

In preparing for implementation of these arrangements in November 2007 the Executive Board agreed a number of actions, as outlined in the report.

It was noted that progress towards the arrangements had been overseen by a Transition Steering Group which comprised of the Chief Executives of Halton, Liverpool and St Helens, the Directors of Children's Services at Knowsley, Sefton and Wirral and the Chair was the Chief Executive of Halton Borough Council. The work of the Transition Group received the support of the Liverpool City Leaders Group.

It was further noted that in 2008 legal advice received by the participating Local Authorities indicated that the commissioning of Greater Merseyside Connexions Partnership could only occur for 2008/2009 and that EU procurement regulations would need to be followed from 2009 onwards. As a consequence work had been underway to secure the commissioning of 'connexions services' from 2009 – 2011.

In order to assist in this work support had been secured from the Merseyside Improvement Partnership (MEIP) which had funded consultants Mott MacDonald to advise on the details of the specification and procurement process. The next stage would lead into procurement through a process of open competitive dialogue.

Members were advised that in December 2008 Executive Board had agreed a number of recommendations in relation to this complex project, as outlined in the report.

Members were further advised that due the size of the potential contract (over 3 years potentially approximately £50m) and the complexity of commissioning the services across 6 Local Authorities, it had been agreed that dedicated project management was needed to steer the process through open competitive dialogue and to the point of awarding the contract.

It was noted that in order to fund this work a further bid had been made to the North West Efficiency and Improvement Partnership. A decision was awaited on this bid but was expected by the end of the month. In the event of the bid being unsuccessful, the 6 Local Authorities had agreed to underwrite the costs of the project management equally.

All 6 Local Authorities had considered whether they have the specialist capacity available internally to project manage this work and if so to second a dedicated worker to this role. No capacity was available within the 6 participating Local Authorities.

As a consequence of the above it was considered appropriate to return to the previous consultants Mott MacDonald, who had provided consultancy for phase one of the project. They had indicated that they could undertake the work at a cost of £56,000. The benefits to them of undertaking this work were the prior knowledge and intelligence acquired on the subject in undertaking Phase one of the work.

Members were advised that the Operational Director, Preventative Services (CPYD) would remain accountable for this contract and its implementation would be monitored via the Transition Steering Group.

RESOLVED: That the Operational Director, Preventative Services (CYPD) be authorised to award the contract for additional procurement support to the contractor Mott MacDonald Ltd in the sum of £56,000 (inclusive of expenses and Catalist discount but exclusive of VAT) and that in the light of the exceptional circumstances namely the specialist nature of the services and the knowledge already acquired by the firm under previous Halton contracts and that in accordance with Procurement SO 1.6(b,c) Standing Orders 3.1 – 3.7 and 3.10 be waived on this occasion in view of the matters set in the Business Case.

Strategic Director-
Children & Young
People

(NB: Councillor Wharton declared a personal interest in the following

items of business due to being a Member of Halton Transport Board and Chairman of the Friends of Hale Park respectively and left the meeting during consideration of this business.)

COUNCILLOR HARRIS IN THE CHAIR

ES76 LOCAL SUPPORTED BUS SERVICE CONTRACT - 232
WIDNES TO WARRINGTON

The Sub Committee received a report of the Strategic Director, Environment of the decision taken by the Operational Director (Highways, Transportation and Logistics) to award local supported bus Contract Number 232 to a non lowest price tenderer in line with the requirements of Procurement Standing Order 4.2.

It was noted that Halton Borough Council was empowered under the Transport Act 1985 to provide supported local bus services, serving communities which were not served adequately by commercially operated bus services.

Members were advised that the Council had set aside £789,340 from the corporate revenue budget for the provision of socially necessary bus services, which were typically procured through the standard competitive tendering approach.

It was noted that included within the network of supported local bus services, was a long established contract jointly funded by both Halton Borough Council and Warrington Borough Council for the provision of an hourly Monday to Saturday evening service between Widnes Town Centre and Warrington Town Centre via Halton View and Penketh. The costs of the contract were shared by both authorities in proportion to the share of operated mileage of the contract through each local authority area. In this instance the share of costs attributable to Halton Borough Council was 38%. Also in the case of this contract, Halton Borough Council was the lead tendering authority, and was responsible for managing the tendering process and contract quality assurance.

Members were further advised that as the existing Contract number 232 was due to expire on the 31st January 2009, tenders were invited from local bus companies on a standing list of bus operators, who had previously expressed their interest in undertaking local supported bus contracts. Within the tender documentation it was made clear to the tenderer that the Council would not be obliged to accept the

lowest cost tender, but would also consider other quality criteria, such as – age, make and type of vehicle when assessing tenders.

The Council received valid returned tenders from eight separate bus companies. Having reviewed the tenders received, the Operational Director (Highways, Transportation and Logistics) decided to award Contract Number 232 for a period of five calendar years to Halton Borough Transport Ltd on the basis that its tender included the operation of a fully accessible low floor bus. One of the tenders who submitted a lower price than the accepted tender was disqualified, due to reported problems of vehicle maintenance and operational difficulties, when operating supported bus service contracts on behalf of a neighbouring local authority. These issues only came to light during the tendering exercise. The second lowest tenderer only offered the provision of a high step entrance bus within its submission.

In addition a summary of the costs of the submitted tenders were outlined in the report and it was noted that Halton Borough Transport had submitted the third lowest tender.

This therefore meant that the cost of the new replacement Contract Number 232 was £36,443 per year. The current cost of the contract with the incumbent operator was £34,048. Although there had been a small increase in the contract cost as a result of the tendering exercise, the new contract, which would take effect from 2nd February 2009, would include the provision of a new low floor fully accessible bus which was fitted with CCTV for passenger safety and security. These features were not provided by the existing operator.

There would be a small change to the route of the supported 110 service, which operates Monday to Saturday evenings within Warrington Town Centre as a result of this re-tendering exercise. Due to the increased size of the vehicle to be used, by the successful tenderer, the new contract would have to operate via Priestley Street and Froghall Lane in Warrington Town Centre (serving Warrington General Hospital's Guardian Street entrance), instead of the existing route which serves the Hospital via Lovely lane. This change in route would be publicised extensively to existing passengers.

RESOLVED: That the decision by the Operational Director (Highways, Transportation and Logistics) to award

local supported bus Contract Number 232 to a 'non lowest' price tenderer (Halton Borough Transport Ltd), in line with the requirements of Procurement Standing Order 4.2 be endorsed.

ENVIRONMENT, LEISURE AND SPORT PORTFOLIO

ES77 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 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 item 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.

ES78 HALE PARK RESTORATION

The Sub Committee received a report of the Strategic Director, Environment which outlined the progress made to date with the Hale Park Restoration scheme.

RESOLVED: That

- (1) the progress on the restoration scheme be welcomed;
- (2) the Council enter into a lease or other instrument with the Hale Estate for the land necessary for the main path through Hale Park and related accommodation works and that the lease/instrument be on such terms as the Strategic Director Corporate and Policy approves; and
- (3) the Council exchanges the land identified on the attached plan and referred to in paragraph 3.8.

Strategic Director
- Environment

MINUTES ISSUED: 6th February 2009

CALL IN: 13th February 2009

Any matter decided by the Executive Board Sub Committee may be called in no later than 13th February 2009

Meeting ended at 10.40 a.m.