

# Public Document Pack



## Executive Board Sub Committee

Friday, 1 April 2011 10.00 a.m.  
Marketing Suite, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

**Chief Executive**

### **ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC**

#### **PART 1**

<b>Item</b>	<b>Page No</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. ECONOMIC DEVELOPMENT PORTFOLIO</b>	
<b>(A) WAIVER TO EXTEND VOLUNTARY SECTOR CONTRACTS</b>	<b>1 - 9</b>

*Please contact Gill Ferguson on 0151 471 7395 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Date Not Specified*

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<b>(A) ONLINE LEGAL LIBRARY SERVICES - REQUEST TO WAIVE PROCUREMENT STANDING ORDERS</b>	<b>10 - 12</b>
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<b>(A) HIGHWAY CONDITION SURVEY DATA COLLECTION</b>	<b>13 - 15</b>
<b>(B) A533 QUEENSWAY (SILVER JUBILEE BRIDGE) OBJECTIONS TO PROPOSED CLEARWAY TRAFFIC REGULATION ORDER</b>	<b>16 - 22</b>
<b>6. PHYSICAL ENVIRONMENT PORTFOLIO</b>	
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<b>(A) ABANDONED SHOPPING TROLLEY POLICY</b>	<b>37 - 45</b>
<b>PART II</b>	
<p>In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is <b>RECOMMENDED</b> that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A to the Act.</p>	
<b>9. RESOURCES PORTFOLIO</b>	

Item

Page No

(A) ACCOMMODATION - CASTLE VIEW HOUSE

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*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**REPORT TO:** Executive Board Sub Committee  
**DATE:** 1<sup>st</sup> April 2011  
**REPORTING OFFICER:** Strategic Director, Adults & Community  
**SUBJECT:** Waiver to extend Voluntary Sector Contracts  
**WARD(S)** Borough-Wide

## **1.0 PURPOSE OF REPORT**

- 1.1 To request the suspension of the relevant procurement standing orders 3.1 to 3.7 and 4.1 to 4.3, under the exceptional circumstances set out in this report, which places a requirement on the Council to tender or obtain quotes for contracts set up with external providers in the voluntary and independent sector.

## **2.0 RECOMMENDATION THAT:**

- (1) In light of the exceptional circumstances set out below, for the purpose of standing order 1.8.2, procurement standing orders 3.1 to 3.7 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of health and well being services set out in appendix 1, in order to ensure continuous care; and as the contracts offer value for money and are performing well in meeting the needs of people who use these services;**
- (2) in light of the exceptional circumstances set out in this report, for the purpose of standing order 1.8.2, procurement standing orders 4.1 to 4.3 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of health and well being services set out in appendix 2, in order to ensure continuous care; and as the contracts offer value for money and are performing well in meeting the needs of people who use these services; and**
- (3) the Strategic Director, Adults and Community be authorised, in conjunction with the portfolio holder for Health, to enter into contracts, listed in appendix 1 and 2, for one year from April 2011 to the end of March 2012, with an option to extend on an annual basis, subject to budgetary provision and good performance in meeting local need, for a further two years up to the end of March 2013.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 Significant work has been carried out to support the development of the

voluntary sector through our commissioning and contracting arrangements over the previous three years. Voluntary sector services are now commissioned to deliver outcomes set out in the Prevention and Early Intervention Strategy. All services have been reviewed and remodeled in order to improve outcomes and deliver efficiencies.

- 3.2 Due to the uncertainty around a number of grant funding streams and the late confirmation of budgets, approval is sought waive procurement standing orders 3.1 to 3.7 and 4.1 to 4.3, in order for the Strategic Director Adults and Community, in conjunction with the portfolio holder for Health, to extend the voluntary sector contracts set out in appendix 1 and 2 for a period of one year, with the option to extend for a further two years; subject to budgetary provision and evidence that the services continue to meet a local health and well being needs.

#### 4.0 **BUSINESS CASE FOR THE CONTRACT EXTENSION**

##### 4.1 **Value for money and Competition**

Services are being delivered by local, established voluntary sector organisations with an extensive knowledge and understanding of Halton and the needs of its local community. As a result it would not make commercial sense to invite tenders as costs could outweigh any potential savings.

Commissioners will review these services annually to ensure desired outcomes continue to be achieved and that the method of service delivery remains the most cost effective option for the Council.

##### 4.2 **Transparency**

In order to ensure transparency it is proposed that all services will continue to submit performance reports to named lead commissioning officers. The frequency and detail will be agreed by the relevant Commissioning Manager as part of the contract compliance process.

##### 4.3 **Propriety and Security**

The extension of these contracts complies with Halton Borough Council's standing orders and procurement. Compliance with anti corruption practices will be adhered to and the contract will be terminated if any instances of corruption by any organization or its staff members occur. The contract specifications will set out requirements in respect to minimum standards for the delivery of care and will include comprehensive standards relating to Adult safeguarding. The cost of entering into these contracts will be contained within existing available budgetary provision.

##### 4.4 **Accountability**

All services will be performance managed through the named commissioning managers. Performance will be scrutinised by the appropriate Local Implementation Teams. The process and paperwork is open to the annual audit process, internal audit and access by other regulatory and enforcement bodies.

##### 4.5 **Position of the contract under the Public Contracts Regulations 2006**

As this is for care services, these contracts are largely exempt from the 2006 Regulations so there is no need to advertise for expressions of interest in the official Journal.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 Financial implications of contracts listed in Appendix 1 of £485,811 will be met within existing budgetary provision.

5.2 Financial implications of contracts listed in Appendix 2 of £16,000 will be met within existing budgetary provision.

5.3 One change to note is that the Council has transferred responsibility for the provision of sexual health services to Halton & St Helens PCT and therefore no longer directly holds any contracts with the voluntary sector for HIV/Aids services.

## **6.0 POLICY IMPLICATIONS**

6.1 None at present.

### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

#### **6.1 Children and Young People in Halton**

None

#### **6.2 Employment, Learning and Skills in Halton**

A number of the providers help to support and enable vulnerable service users to access education, training and employment opportunities.

#### **6.3 A Healthy Halton**

Each of the services covered in this report is expected to clearly demonstrate the impact their service has on the health and well-being of service users in Halton. This includes performance towards healthier lifestyles, better access to services and improved mental health outcomes.

#### **6.4 A Safer Halton**

Contracts within this report provide information to support people to access a range of health and well being services. This supports targets set out in Halton's Prevention and Early Intervention Strategy and links to satisfaction with services and overall perception of the area in which people live.

#### **6.5 Halton's urban renewal**

None

## **7.0 RISK ANALYSIS**

7.1 Voluntary sector services are now commissioned to meet local needs identified in Halton's Prevention and Early Intervention Strategy. This has resulted in the reconfiguration of a number of voluntary sector services in order to meet identified local needs. Contract values can be met from within

existing budget provision and risk is minimised by limiting award on contract on an annual basis.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 No specific issues – reference to equality and diversity issues will be detailed in any contracts awarded to voluntary agencies.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None

**Appendix 1**

Contracts whose value is more than £50,000 but less than £1,000,000.

Name of provider & details of service	Lead Officer	Contract start date	Contract end date	Contract Amount (11/12)	Comments	Funding source
Halton Speak Out	Liz Gladwyn	01/04/11	31/03/12	£103,259	Service continues to meet identified outcomes including: Supporting adults with learning disabilities to self advocate and through peer advocacy. Promoting inclusion and rights of people with learning disabilities in Halton. Informing development of Council services. Supporting Transformation of Adult Social Care.	Base budget
MIND	Lindsay Smith	01/04/11	31/03/12	£37,890	Service continues to meet identified outcomes including:	Base Budget



					<p>Development of voluntary befriending scheme for people with mental health problems</p> <p>Delivery of a range of confidence building and personal development programmes</p>	
Richmond Fellowship	Lindsay Smith	01/04/11	31/03/12	£37,000	<p>Service continues to meet identified outcomes including:</p> <p>Securing employment opportunities for people with severe mental health problems</p> <p>Securing volunteering and education/training opportunities for people with severe mental health problems</p>	Base Budget
Crossroads – Support Service for Carers	Mark Holt	01/04/11	31/03/12	£66,666	<p>Service continues to meet identified outcomes including:</p> <p>Supporting carers to remain independent in their own</p>	Base budget

					homes Support vulnerable people to avoid admission in hospital or residential care To signpost vulnerable people and their carers to get the help and support they need to remain as part of their local community.	
Age UK – Information and advocacy service	Mark Holt	01/04/11	31/03/12	£81,079	Service continues to meet identified outcomes including: Vital information for local older people to access services Support to access services in the borough Access to low-level advocacy that allows people to get their voice heard	Base Budget
Age UK – Practical support service	Mark Holt	01/04/11	31/03/12	£86,227	Service continues to meet identified outcomes including: Delivering home safety checks linked to the falls pathway that allows older	Base Budget

					<p>people to stay independent in their own homes.</p> <p>Access to a register of traders that local older people can access to get work completed in their properties.</p> <p>Linking people to fire and crime safety equipment and information to improve people's property and wellbeing.</p>	
Red Cross – Care at Home	Mark Holt	01/04/11	31/03/12	£73,690	<p>Service continues to meet identified outcomes including:</p> <p>Supporting people to return home from hospital at the earliest point by offering up to eight weeks of support to people at home. This can include shopping, picking up pension or medication etc.</p>	Base Budget

## Appendix 2

Contracts whose value is less than £50,000.

Name of provider & details of service	Lead Officer	Contract start date	Contract end date	Contract Amount (11/12)	Comments	Funding source
Making Space	Lindsay Smith	01/04/11	31/03/12	£16,000	Service continues to meet identified outcomes including: Providing individual support to carers of people with severe mental health problems Facilitate regular carers support groups Developing a range of information and self help material for carers	Base Budget

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director Resources

**SUBJECT:** Online Legal Library Services – Request to Waive Procurement Standing Orders

**WARDS:** All

## **1.0 PURPOSE OF THE REPORT**

**1.1** To request the suspension of Procurement Standing Orders 4.1 to 4.3 (tendering requirements), under the exceptional circumstances set out in this report.

## **2.0 RECOMMENDATION: That**

**2.1** **In light of the exceptional circumstances set out below, for the purpose of Procurement Standing Order 1.8.2, Standing Orders 4.1 to 4.3 be waived on this occasion in order to permit the Operational Director Legal and Democratic Services to enter into arrangements as indicated in 2.2 in light of the service advantages for the Council associated with such services and on the basis that the features, range and mix of reference sources available from LexisNexis in this format are not available from any other supplier.**

**2.2** The Operational Director (Legal and Democratic Services) be authorised to enter into a contract for the provision of online legal library services from LexisNexis for an initial three year period (2011/12 subscription) and that subject to budgetary provision he be authorised in consultation with the Chair of Executive Board Sub-Committee to renew such subscription from time to time or enter into agreements with alternative suppliers as he judges necessary.

## **3.0 SUPPORTING INFORMATION**

**3.1** As an all-purpose authority the breadth of the Council's law library covers a very wide span: from child protection to planning, from emergency planning to governance, from court procedures to conveyancing precedents, from elections to school administration.

**3.2** Over the years the Council's law library has seen an increasing proportion of electronic-based material but paper sources and the subscriptions that support these have grown as has the presence of electronic sources. We have passed a tipping point where the Council needs to move systematically to a predominantly online law library where paper subscriptions are exceptional rather than the norm.

**3.3** Access to up to date information is one of the cornerstones of robust, effective and practical advice. The law is in constant change. Subscription to online services delivers topicality, accessibility and

reduction in delay without the need to update some forty volumes of paper encyclopaedias. It will also remove the need to administer replacement volumes of large and complex book series such as Halsbury's Laws and Halsbury's Statutes.

**3.5** None of the online services cover all the sources to which Legal Services needs access. A limited number of paper subscriptions and purchases will continue alongside the LexisNexis service if approved by the Sub-Committee.

**3.6** The cost of the LexisNexis annual subscription is £30,995 for 2011/12, £32,547 for 2012/13 and £34,176 for 2013/14. This can be sustained through the Council-approved legal services budget for each year. In addition access to Lexis-Nexis is intended for single approved users in Planning and Children's Services who will contribute their part of the approved budget for the service to the annual cost. The equivalent hardcopy cost is £41,206 for 2011/12.

## **4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS**

### **4.1 Value for money and Competition**

4.1.1 No single online library provider is ideal. However the optimum match for the Council's needs is LexisNexis. Various alternative online services have been appraised through demonstration and through comparing notes with legal services of councils in Cheshire and in Merseyside. The favoured option beside Westlaw, Lawtel and a number of others is Lexis-Nexis which has been demonstrated to staff and which has been the subject of a free trial subscription.

### **4.2 Transparency**

Subject to issues of commercial confidentiality information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

### **4.3 Propriety And Security**

The cost of entering into these contracts will be contained within available budgetary provision and the arrangements regarding propriety are provided by the Council's Standing Orders, Codes of Conduct and by the anti-corruption legislation including the Bribery Act 2010.

### **4.4 Accountability**

Operational Director (Legal and Democratic Services) is responsible for the award of the contract. The contracts and the award process are open to PPB Scrutiny and the internal and external audit.

### **4.5 Position of the contract under the Public Contracts Regulations 2006**

As these contracts are below the financial threshold and are exempt from the advertising and related requirements of the 2006 Regulations.

## **5.0 POLICY ISSUES**

The proposed contract gives effect to the following key priority: *To create*

*the maximum effect on the quality of life in the communities of Halton through the efficient use of the Council's resources.*

**6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

**6.1 Children and Young People in Halton**

Provides a more current and firmer basis for delivery of all Council priorities.

**6.2 Employment, Learning and Skills In Halton**

All service areas will indirectly benefit from this more efficient legal reference provision.

**6.3 A Healthy Halton**

Along with all other service areas the reference library will provide a securely rooted basis for service delivery.

**6.4 A Safer Halton**

The LexisNexis service includes thorough reference material in support of the Council's duties under this heading and specifically in relation to vulnerable children and their carers.

**6.5 Halton's Urban Renewal**

The complete range of functions is addressed by the legal source materials included in LexisNexis.

**FINANCIAL IMPLICATIONS**

Financial implications of the contract will be met from approved budgetary provision.

**7.0 RISK ANALYSIS**

There is some danger of failed access to internet and of LexisNexis not being updated sufficiently. However to this extent many of the Council's services are dependent directly or indirectly on the integrity of the internet access and on contractual obligations by third parties to keep information up to date. The risk is not greater than that associated with these other aspects of the Council's services.

**8.0 EQUALITY AND DIVERSITY ISSUES**

LexisNexis provides full access to legal reference sources and materials covering Equality and diversity.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

**REPORT TO:** Executive Board Sub-Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director, Environment and Economy

**SUBJECT:** Highway Condition Survey Data Collection

**WARDS:** Boroughwide

### **1.0 PURPOSE OF THE REPORT**

1.1 To seek approval to continue with the current Data Collection & Bureau Consultancy Services contract with Jacobs Babtie Ltd for a further period of twelve months.

**2.0 RECOMMENDATION: That approval is granted to continue with the current Data Collection & Bureau Consultancy Services contract with Jacobs Babtie Ltd for a further twelve months to 31<sup>st</sup> March 2012.**

### **3.0 SUPPORTING INFORMATION**

3.1 On 3<sup>rd</sup> April 2006, Executive Board Sub Committee approval was granted to adopt the web based United Kingdom Pavement Management System (UKPMS) technology for the management of road condition data and its corresponding performance indicators using the Bureau Consultancy Services supplied by Jacobs Babtie Ltd. This Bureau Service utilises web-based UKPMS technology.

3.2 The Bureau Service provided involves data collection using accredited equipment with UKPMS accredited personnel. This data is then analysed by UKPMS accredited personnel to produce the statutory required data and provide it to the Department for Transport.

3.3 Approval was given on the basis that the partnership would be for an initial 5 years, and that it would be reviewed on expiry. It was identified that as a consequence of investment in long term road condition surveys, subject to satisfactory performance, there would be substantial benefit in a longer term relationship.

3.4 To date, performance levels for Jacobs Babtie Ltd have been more than satisfactory, and they have a long standing in depth knowledge of our highway network. The investment and training in the use of the web-based technology indicates that there would be substantial benefit in continuing this long term relationship for a further 12 months.

3.5 Initial approval was given in light of the fact that there is a very limited market for provision of these technical products.



- 3.6 Halton do not have a member of staff within The Bridge & Highway Maintenance Division who has the required skill set and is UKPMS accredited. Without this skill set and accreditation, we are unable to fulfil the statutory requirement to provide UKPMS compliant data to the Department for Transport.
- 3.7 Therefore, Halton BC relies on the Bureau Service provided by Jacobs Babtie Ltd to meet our statutory requirements and for the production of our National Indicators and base data for work programmes.
- 3.8 The fee paid by HBC to Jacobs Batie for the 2010/11 period was £70,724.20. We have had written confirmation that the fee for 2011/12 would be £70,250.00, realising a £474 saving for the period.
- 3.9 There are two other known providers for data collection, WDM Ltd and Yotta. DCL. At present, neither of these companies is able to provide a Bureau Service capable of meeting HBC requirements.
- 3.10 Discussions have been held with The Council's Procurement Centre of Excellence (CoE), with a view to carrying out a procurement exercise in April 2011 to identify alternative methods of procuring our requirements under UKPMS for 2012/13 and beyond.
- 3.11 One such alternative is a joint framework contract currently being procured by our Cheshire & Merseyside partners. This framework (using the data collection services of Yotta DCL and WDM Ltd) is currently in its infancy and not yet at a stage where it would meet HBC requirements in time for the 2011/12 survey period. It has, however, been set up in such a way as to allow our entry into the framework at any time to suit ourselves.

#### **4.0 POLICY IMPLICATIONS**

None

#### **5.0 OTHER IMPLICATIONS**

- 5.1 The continuing use of the Jacobs Babtie Bureau Service will allow us to meet the statutory requirement to provide UKPMS compliant data.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

No implications.

##### **6.2 Employment, Learning and Skills in Halton**

No implications

**6.3 A Healthy Halton**

No implications.

**6.4 A Safer Halton**

No implications.

**6.5 Halton's Urban Renewal**

No implications.

**7.0 RISK ANALYSIS**

- 7.1 Should the recommendation to continue using the Jacobs Babbie Bureau Service for 12 months not be approved, the Council's ability to meet its statutory requirements in relation to UKPMS would be severely impaired. This would be to the detriment of service delivery.

**8.0 EQUALITY AND DIVERSITY ISSUES**

There are no issues relating to equality or diversity.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Executive Board Sub-Committee – 3<sup>rd</sup> April 2006, Item ES171.

**REPORT:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director, Environment & Economy

**SUBJECT:** A533 Queensway (Silver Jubilee Bridge)  
Objections to Proposed Clearway  
Traffic Regulation Order

**WARDS:** Riverside & Mersey

## 1.0 PURPOSE OF REPORT

- 1.1 To report on objections that have been received following public consultation on a proposed Traffic Regulation Order to make the section of the A533 Queensway where it passes over the Silver Jubilee Bridge (SJB) a no-stopping clearway.

## 2.0 RECOMMENDATIONS

- 2.1 It is recommended that the proposed Traffic Regulation Order for a no-stopping clearway on A533 Queensway where it passes over the Silver Jubilee Bridge should be made, and the objectors informed accordingly.**

## 3.0 SUPPORTING INFORMATION

- 3.1 Over recent months there have a number of complaints about delays crossing the Silver Jubilee Bridge (SJB) due to broken down vehicles not being removed quickly. On one recent occasion a vehicle was on the bridge for about three hours from 15:30, which resulted in queues back to M56 Junction 12, a distance of nearly 4 miles and during this time a police patrol car was behind the broken down car. Due to these incidents, discussions have been taking place between staff from Cheshire Police and Halton Borough Council, to find a way to reduce these delays and the need for police officers to remain on the bridge with broken down vehicles.
- 3.2 Cheshire Police had separate discussions with their legal team and it was requested that a 'No Stopping' or clearway order be placed on the SJB in order to assist with removing broken down vehicle. Such an Order would give the Police powers to remove any vehicle immediately in the event of a breakdown or accident using their own Vehicle Recovery Contract provided by local garages, rather than being obliged to stand by while a motorist attempts to arrange their own recovery. This would then allow vehicles to be removed quicker and hence reduce delays.
- 3.2 If the police use their powers to remove vehicles, local contracted garages are obliged to attend the scene within a certain time limit. For vehicles under 7.5 tonnes (cars etc) the response time is 30 minutes and with vehicles over this weight it is 40 minutes with the Police selecting the garage able to attend the scene in the shortest time. All the garages on the scheme have set fees that they can charge, as follows: -

Vehicle up to 7.5 tonnes (Cars etc)	Minimum Charge £150.
Vehicle over 7.5 tonnes	Minimum Charge £350.
Garage storage charge	Minimum charge £12 per day

Some recoveries can be complicated and take a long time, particularly after collisions, and will obviously incur more expense. Further information on operation of the Police vehicle recovery operation is set out in Appendix 'A'.

3.3 A proposed traffic regulation Order was subsequently advertised, to create a (no stopping) clearway on the A533 Queensway and approach roads from its junction with the A562 Speke Road through to its junction with the Daresbury Expressway to include connecting slip roads to and from Ditton Road, Desoto Road East, Desoto Road West, the Daresbury Expressway and the Weston Point Expressway, plus Desoto Road East and Desoto Road West.

3.4 An elected Member expressed concerns that the no-stopping zone extended over a popular drop-off/pick-up zone at the north end of the SJB for people car sharing, and in view of this, Cheshire Police clarified that they would be content for the Clearway Order to extend only over the actual Bridge span where there are four narrow lanes with no hardshoulder. The reduced extent now proposed reflect this change and address the concerns. Appendix 'B' defines the revised clearway proposals and is shown in Drawing. No. 8962.

3.5 Another elected Member lodged an objection as follows:

"It (TRO) does not achieve or improve anything; in fact it will probably exacerbate the situation. It is to all intents and purposes 'a cash cow' to clobber the motorist. I will be opposed to such and believe it should be removed from the wider scheme before wasting money on it and upsetting the motoring public any further in respect of the bridge issues."

3.6 There were no other objections and no enquiries from members of the public.

#### **4.0 FINANCIAL & OTHER IMPLICATIONS**

4.1 The cost of implementing the clearway is approximately £2,000 if executed at the same time as other bridge works needing lane closures and associated traffic management. This would be charged to traffic management revenue allocations.

4.2 There are no direct policy, social inclusion, sustainability, legal or crime and disorder implications resulting from this report.

#### **5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES.**

##### **5.1 Children & Young People in Halton**

Action to reduce delays in crossing the Silver Jubilee Bridge would be beneficial to school attendance and to client transport.

##### **5.2 Employment, Learning & Skills in Halton**

There are no direct implications on the Council's 'Employment, Learning & Skills in Halton' priority, although it would help reduce problems with travel to work or training.

##### **5.3 A Healthy Halton**

There are no direct implications on the Council's 'A Healthy Halton' priority.

**5.4 A Safer Halton**

The speedy removal of obstructions on the Bridge should reduce the potential for further accidents.

**5.5 Halton's Urban Renewal**

An ability to manage incidents on the Bridge more effectively should improve reliability, a major factor in the attractiveness of the area as a location for business.

**6.0 RISK ANALYSIS**

6.1 Failure to implement the proposed Clearway Order will see extended delays in removing broken down vehicles from the SJB and in the future, as lane restrictions become more common as a result of maintenance works on the structure and alterations associated with the proposed Mersey Gateway crossing, these delays could become more common. Traffic queues on the SJB can result in secondary traffic collisions on the approaches.

**7.0 EQUALITY & DIVERSITY ISSUES.**

7.1 There are no direct equality and diversity issues associated with this report.

**8.0 BACKGROUND PAPERS**

8.1 There are no background papers under section 100D of the Local Government Act 1972

**Notes on operation of vehicle removal relating to the Silver Jubilee Bridge, provided by Cheshire Police:**

You will be aware of the background to our request for a 'Clearway' Order on the Silver Jubilee Bridge, in that there were two recent incident where we received some criticism for staying with and allowing broken down vehicles to remain on the bridge for too long a period before they were removed. On both occasions the drivers had already arranged for their own breakdown service to attend, but by allowing them to remain it caused severe backlogs of traffic.

Under the Removal and Disposal of Vehicles Regulations 1986, Regulation 3 and 4 - a constable has the power to remove a vehicle on a road or arrange for its removal to a place not on a road, or to another position on that or another road, which:-

- a) has broken down on a road in such a position, condition or circumstances as to cause obstruction to persons using the road or as to be likely to cause danger to them, or
- b) has broken down and remained at rest on a road in contravention of a prohibition or restriction contained in any enactments mentioned in Schedule 1. (Includes Clearway Order).

In respect of a) above the terms used are subjective and open to interpretation, whereas b) is far more definitive. This is why the introduction of a Clearway Order will greatly assist the police with the suggested Vehicle Removal Policy indicated below.

Our Force has a Vehicle Recovery Contract with a company that at our request will remove vehicles from the scene of collisions, causing obstruction etc. There are a number of private garages contracted to this company and two of these cover the Silver Jubilee Bridge and its immediate area. All of the garages on the scheme are contracted to attend the scene of a removal within 30 minutes for a vehicle under 7.5 tonnes (car) and 40 minutes for any vehicle over this weight. The garages operating under the Vehicle Recovery Contract charge the owner of the vehicle to be removed a minimum of £150 for a vehicle under 7.5 tonnes (car) and a minimum of £350 for those over 7.5 tonnes to do so. There are then storage charges at the garage of a minimum of £12 per day.

In order to address the criticisms, improve traffic flows and lessen the potential danger to other motorists caused by broken down vehicles on the bridge, we are proposing to introduce the following policy:-

Where a constable attends the scene of a broken down vehicle on the bridge (within the span where there are just four narrow running lanes and no hard-shoulder) and either:-

- a) The driver is not present, and cannot be easily located the Vehicle Recovery Contract must be used immediately to have the vehicle removed from the bridge. Or
- b) The driver is present and has not made his/her own vehicle recovery arrangements, and is not a member of a vehicle recovery organisation, then the Vehicle Recovery Contract must be used immediately to have the vehicle removed from the bridge. Or
- c) When the driver is present and he/she has already made their own recovery arrangements or is a member of a vehicle recovery organisation which they have not already contacted to attend. It must be ascertained, if necessary via Force Resource Deployment Centre, how long it will take the recovery vehicle to attend the scene to start the recovery. If in the case of a vehicle under 7.5 tonnes unladen weight it is going to be longer than 40 minutes, then the Vehicle Recovery

Contract must be used immediately to have the vehicle removed from the bridge. If in the case of a vehicle over 7.5 tonnes unladen weight it is going to be longer than 50 minutes, then the Vehicle Recovery Contract must be used immediately to have the vehicle removed from the bridge. If applicable, the original attending garage must be immediately cancelled.

It will be noted that when you compare our Force Vehicle Recovery Contract Scheme times with those in the proposed 'Bridge Vehicle Removal Policy', we have extended the times by 10 minutes. As previously mentioned above the introduction of a 'Clearway Order' will greatly assist the police in their enforcement of the Removal and Disposal of Vehicles Regulations 1986, and the proposed policy.

**Details of Proposed Order:**

[a] Clearway (no stopping)

[b] Details:

A533 Queensway between a point immediately over Bank Street (below) in Widnes to a point 310 metres north of the Weston Point Expressway/Bridgewater Expressway (below) in Runcorn. (Links to existing clearway further south covering Silver Jubilee Bridge approach roads)

[c] Associated revocations:

None

[d] Exemptions: Standard

[e] Statement of Reasons: In order to permit faster removal of broken down/crashed vehicles by Cheshire Police contractors.

[f] Plans: Drg. no. 8962 for deposit only.

[g] Date to be advertised: ASAP

[h] Date to be effected: ASAP





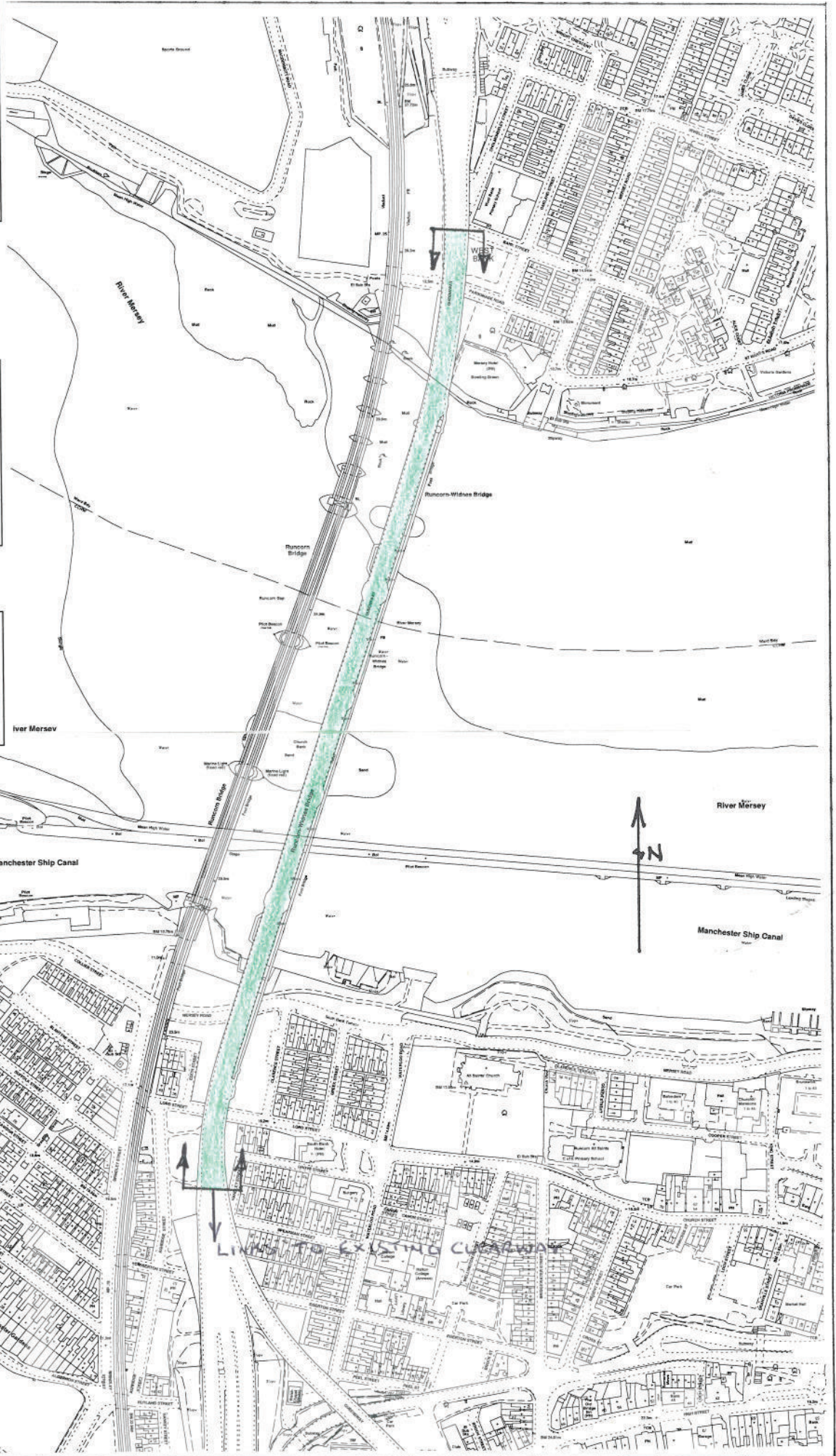
R.G.Tregea B.A.,M.A.,M.R.T.P.I., M.I.Mgt.  
Strategic Director,  
Environment Directorate,  
Rutland House, Halton Lea,  
Runcorn WA7 2ES. Tel: 0303 333 4300

**Proposed Clearway  
(No Stopping) Order**

**A533 Queensway  
(Silver Jubilee Bridge)**

Scale: NTS Date: Mar 2011  
Drawn: SJ Checked:

Drg. No. 8962  
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LIMIT TO EXISTING CLEARWAY

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director Environment & Economy

**SUBJECT:** Former St Michael's Golf Course, Widnes

**WARDS:** Riverside

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide an update on the progress of the remediation of the northern section of St Michael's Golf Course and to outline the options for potential future site uses.

### **2.0 RECOMMENDATION: That**

- (1) Progress on the remediation of the site is noted; and**
- (2) Members agree to the further exploration of the options contained in sections 3.6 – 3.10 of the report.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 The original 18 hole golf course at St Michael's was closed by the Health Protection Agency in October 2004 due to contamination control issues.
- 3.2 On the 14<sup>th</sup> October 2009 the offer of funding support to the value £2,477,131 was received from The Department for Environment, Food and Rural Affairs (Defra) for Phase 1 of the remediation of the northern section of St Michael's Golf Course. It should be noted that remediation refers solely to the clean-up of the contaminated land and not the restoration of the site. On the 22<sup>nd</sup> February 2011 the Environment Agency (EA) confirmed the award of an additional £90,490 for the Phase 1 St Michael's remediation project.
- 3.3 Contractors Land and Water were appointed to complete Phase 1 which included a stream diversion, the design of a new capping and a leachate collection system.
- 3.4 Phase 2 of the remediation is the design and installation of a leachate treatment system. Aeration has been identified as a potential technique to treat the leachate and an initial trial will shortly take place to demonstrate if it is able to reduce the concentration of sulphide to concentrations that are appropriate to allow sewer disposal. Once the results are proven and the design has been signed off by the EA and also United Utilities then a Phase 2 funding application can be made to Defra. Once completed this should significantly reduce the Council's on-going revenue costs of the leachate disposal. Until this is completed the site will remain closed to public access on safety grounds.

3.5 Following the completion of the Phase 2 remediation contract the next phase will be to restore the site for re-use. Outlined below are a number of options for the site which the Council will explore further with their associated benefits and risks.

### 3.6 Do nothing

- The Council will need to continue with the ongoing security and fencing repair revenue costs. In addition anti social behaviour, including grass fires during the dry summer months and children trespassing on the site are likely to become an issue for the Council.
- There could also be potential legal liabilities on which advice will need to be sought
- Breach of Grant Conditions; there may be claw back of grant given that grant approval was provided to support the reinstatement of the golf course

### 3.7 Re-instate of the Municipal Golf Course (North side only)

- Currently there are no available capital or revenue budgets to reinstate and run the Golf Course.

### 3.8 Privately operated Golf Course (North side only)

- The Council has received a letter of interest from an existing local operator. The company has stated that they have an existing business model in a neighbouring authority. They have proposed to construct a driving range and 9 hole golf course with the importation of additional material.
- There are a number of significant risks associated with this approach which need to be addressed should the Council chose to pursue this option.
- However, the letter of interest suggests that there may be a commercial opportunity to explore.
- The Council would need to ensure that it is securing best value for money out of any potential arrangement and would need to test the market for competition through Due North, specifying outcomes and specification and other conditions such as discounts for children.
- The Council would also need to understand the company's business model and their future intensions. Consideration would need to be given to how any resource would be regulated and enforced, and this would require Council resources to oversee this.
- The Council would need to consult with the neighbouring authority about their experiences with the existing operators. There are risks and resource issues associated with the management of this type of facility.
- The Council would need to ensure that these proposals are acceptable to the EA and Defra in terms of the importation of further materials and the conditions of the grant funding.
- Equally, members are advised that the development and implementation of such a scheme can take a significant amount of time.
- The advantage of this option to the Council would be that there are no ongoing revenue costs for the Council regarding security and maintenance. However it is likely that resources would be needed to oversee the contract between the Council and any potential operator of the site.

### **3.9 Public Open Space Landmark Proposal (North side only)**

- To celebrate the Queen's Diamond Jubilee, the Woodland Trust has launched a £10 million Jubilee Woods Project. The project aims to see sixty 60 acre Diamond woods and 100s of Jubilee community woods created throughout the UK.
- Colleagues from the Woodlands Trust regional office have visited this site. They remain very positive about its potential as an urban woodland. The site has the potential to fall under both the initiatives. However, it was recognised that the main constraints regarding a way forward are the level of remediation to date and cost associated with a woodland scheme (potentially importation of top soil and tree planting).
- The Woodland Trust is asking businesses to sponsor the creation of these new community woods, or pledge support for the overall project. There may be some opportunities for the Council to engage locally based businesses to support the woodland.
- Further work will be required to work up a design that is acceptable to both the Woodland Trust and also the EA and Defra.

3.10 Confirmation of the intended restoration option of the site will be dependant on securing funding and also agreement from Defra and the EA who will require reassurances that the remediation works will be protected during and after the implementation of the site restoration. If the Council take the decision to commercially redevelop the site then Defra are likely to claw back their funding.

3.11 Solutions are still being sought for the south side of the Golf Course and this will require further consideration.

## **4.0 POLICY IMPLICATIONS**

4.1 The remediation of St Michael's supports the Council's Urban Renewal Strategy, the Contaminated Land Strategy and Community Strategy for a Sustainable Halton.

## **5.0 OTHER IMPLICATIONS**

### **5.1 Financial Implications**

The Council's financial implications for each of the different options will be outlined in the next stage of the option appraisal.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

The site has the potential to provide a safe environment for Children and Young People.

### **6.2 Employment, Learning and Skills in Halton**

None noted at present

### **6.3 A Healthy Halton**

Active participation in leisure activities such as a new Urban Woodland or Golf Course would help address the boroughs health strategy to reduce the incidence of chronic illnesses.

**6.4 A Safer Halton**

One of these options will provide much needed environmental improvements to this area which will be adjacent to the Mersey Gateway toll plaza area.

**6.5 Halton's Urban Renewal**

The options discussed will help to resolve the Widnes Waterfront programme is acting as a catalyst to attract developers and new businesses to the Widnes Waterfront area by creating an attractive, well-accessed and serviced area which provides a safe and attractive environment for employees and visitors

**7.0 RISK ANALYSIS**

The risk implications for each of the different options will be outlined in the next stage of the option appraisal.

**8.0 EQUALITY AND DIVERSITY ISSUES**

Any Equality and Diversity implications for each of the different options will be outlined in the next stage of the option appraisal.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
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None.

**REPORT TO:** Executive Board Sub-Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director, Environment and Economy

**SUBJECT:** Proposed Refurbishment of the Runcorn Market Hall

**WARDS:** Boroughwide

### **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to inform Members of a feasibility study into a proposed refurbishment of the existing Runcorn Market Hall. The feasibility investigates the possibility of providing combined Library and Direct Link Services within the Hall.

### **2.0 RECOMMENDATION: That**

- 1) Members agree in principle to the further development of the proposals for the existing Runcorn Market Hall; and**
- 2) Authority be given to review the Capital Programme to identify the funding required to achieve the proposed refurbishment and that a further report be presented to Members on the results of this work.**

### **3.0 SUPPORTING INFORMATION**

3.1 For a number of years, the Council has been considering options for the improvement of the Library and Direct Link facilities provided in Runcorn Town Centre. Some of these options were linked to the Canal Quarter redevelopment proposal, which, as a result of the recession, has stalled.

However, there is recognition that the services we provide in our libraries need to reflect growing customer expectations in respect of state of the art facilities set within an ever-increasing Information Technology led society,

3.2 In January 2011 the Market Hall in Runcorn closed. Although there were strong financial and operational reasons for taking the decision to close the building, this has resulted in a relatively new building remaining vacant.

3.3 Given the need to offer improved Library and HDL facilities to residents in Runcorn and the fact that the Market Hall is currently unused, it was considered appropriate to investigate the feasibility of accommodating both the library and HDL within the “former” Market Hall.

- 3.4 A feasibility study has now been completed which demonstrates that it is possible to refurbish and remodel space within the Market Hall to accommodate both the Library and Direct Link.
- 3.5 There are, however, a number of factors that were considered as part of this study.
- 3.6 The floor area of the Market Building is 550m<sup>2</sup>. The HDL service to transfer currently uses a floor area of 338m<sup>2</sup> and the Library service currently uses a floor area of 528m<sup>2</sup>. A compromise on requirements was, therefore, necessary if both services were to be accommodated within the overall smaller Market building. A plan of the proposals is appended to this report.
- 3.7 Full consultation was undertaken with officers of both services to establish a briefing document for the study including agreeing space requirements that could be accommodated into the existing Market floor area.
- 3.8 The brief set out the minimum space requirements that would still enable two viable services to be provided, but with an arrangement to allow the sharing of back office space at the same time.
- 3.9 The brief also asked that costs would be provided on a specification range that would still provide the necessary services requested, but would also enable a choice to be made on the quality and type of materials used and finish of the end product.
- 3.10 The building was constructed specifically to be used as a market hall, rather than to provide office accommodation. For example, the building comprises a main market hall space which houses approximately 20 indoor market stalls. The building is of a steel frame construction with a double pitch metal roof and facing brick external cladding. Equally, there are no windows in the main lobby of the hall, but a glazed roof light along the main part of the hall at ridge level. The internal walls are generally facing brick and block. Costs reflect adherence to planning and building regulations. There are also different entrance levels to consider.
- 3.11 As a result, consideration was given to providing accommodation within the external envelope of the building whilst meeting an appropriate floor area requirement for both the Library and Direct Link.
- 3.12 The proposed scheme also allows for new windows and integral roller shutters to the front elevation, to provide daylight and a more inviting aspect. In addition, there is a requirement for the layout and acoustic separation within the building to reflect the differing requirements of respective services. For example, regarding the Direct Link, there was a need to balance privacy and security whilst allowing for a visual openness within the building. Regarding the Library, an assessment of appropriate storage, shelving and IT workstations.

- 3.13 Staff accommodation as well as public and staff toilet facilities have also been factored into the feasibility study.
- 3.14 The feasibility study has also included higher and lower specification solutions.
- 3.15 Assuming Members were to approve the further development of this scheme, the estimated timetable for taking forward this proposal would be as follows: -

April – July 2011 Design/Production

May – June 2011 Planning

August 2011 – Tender Period

September 2011 – Mobilisation

October 2011 – Start on Site

February 2012 Completion

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The proposed works will be reviewed in line with the draft Climate Change Policy and Outline Carbon Management Plan as a number of sustainability elements will be built into the scheme which will contribute to reducing carbon emissions within the Borough.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 Any proposed refurbishment of the Market Hall as a library and direct link would require a substantial investment from the Council (currently estimated at between £500 - 850k) and would, therefore, require an amendment to the Capital Programme. Authority is sought to review the Capital Programme to identify the funding required to achieve the proposed refurbishment and that a further report be present to members on the results of this work

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

A new library in the former Market Hall will allow for facilities to be provided which meet the needs of young people in the 21<sup>st</sup> century. For example, use of computers, wi-fi access in addition to a wide range of books, magazines and audio-visual materials.

##### **6.2 Employment, Learning and Skills in Halton Borough Council**

The provision of a new Library supports local people in acquiring skills and knowledge which will help them either to develop their learning and or improve their prospects of remaining in or gaining employment.



**6.3 A Healthy Halton**

Not Applicable.

**6.4 A Safer Halton**

Not Applicable.

**6.5 Halton's Urban Renewal**

The relocation of the Library and Direct Link will help to consolidate the core of Runcorn Town Centre and will help to contribute to the wider regeneration of the area.

**6.6 Corporate Effectiveness and Business Efficiency**

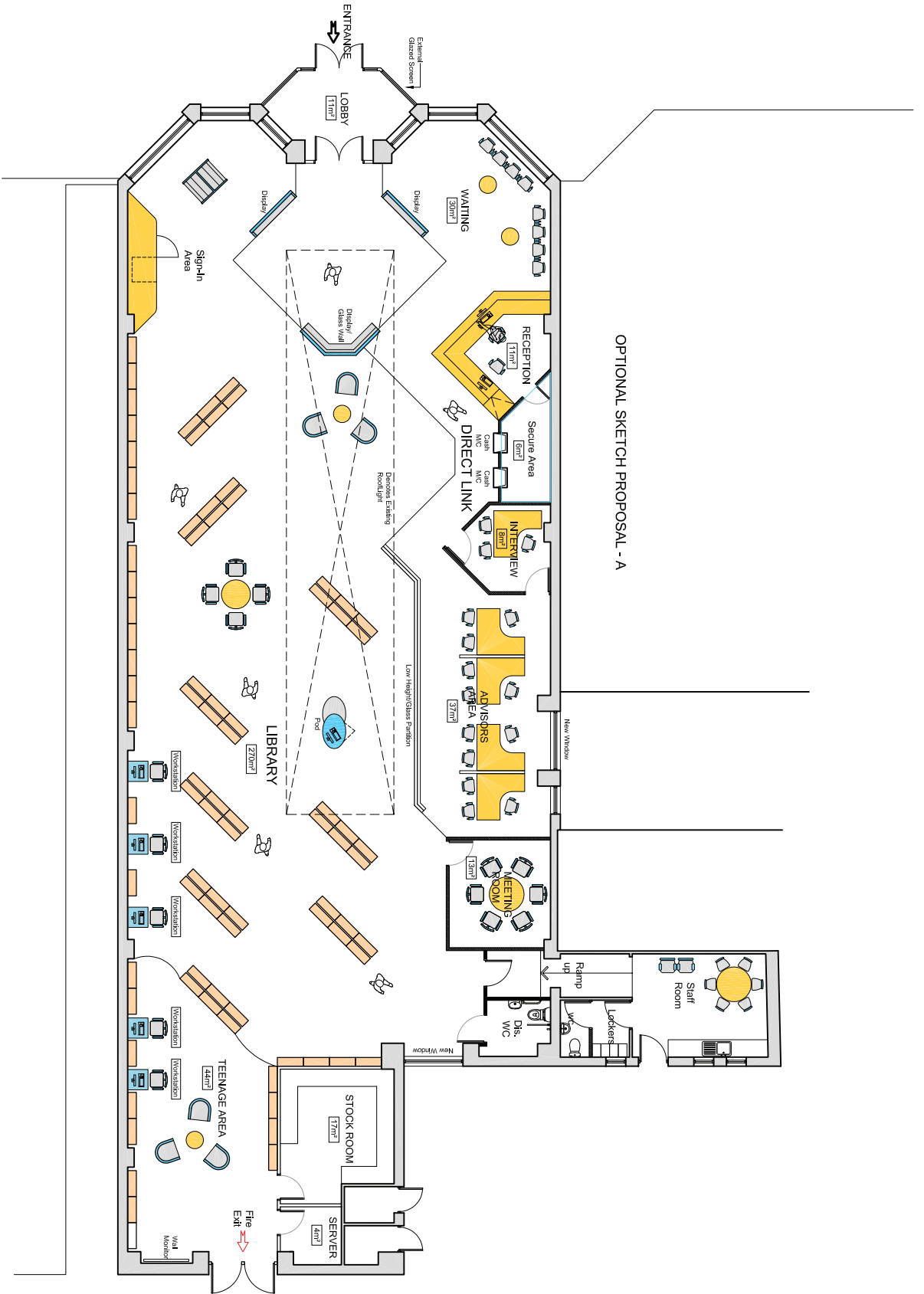
Including a direct facility will provide a customer facing service which is readily accessible by local residents.

**7.0 RISK ANALYSIS**

7.1 Not applicable.

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

8.1 None under the meaning of the Act.



OPTIONAL SKETCH PROPOSAL - A

Drawn By	Scale	Provision
RD	1:100	FAB 11

Client: Halton Borough Council

Project: Runroom Market Library and Direct Link

Drawing Title: Proposed Plan

Drawn By	Scale	Provision
RD	1:100	FAB 11

**CASIDY + ASHTON**  
 ARCHITECTS PLANNERS DESIGNERS BUILDING SERVICES

5, CALVERT ROAD  
 CENTRAL  
 BIRMINGHAM B1 1JF  
 T 0121 624 8221  
 F 0121 624 8222

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director Children and Young People

**SUBJECT:** Contracted Services for Disabled Children and their Families – Waiver of Procurement Standing Orders

## **1.0 PURPOSE OF THE REPORT**

**1.1** To request the suspension of the relevant Procurement Standing Orders 3.1 to 3.7 and 4.1 to 4.3 (tendering/ competitive requirements), under the exceptional circumstances set out in this report, which places a requirement on the Council to tender or obtain quotes for contracts set up with external providers in the voluntary and independent sector.

## **2.0 RECOMMENDATION: That**

- 1** In light of the exceptional circumstances set out below, for the purpose of standing order 1.8.2, Procurement Standing Orders 3.1 to 3.7 and 4.1 to 4.3 be waived on this occasion in order to extend existing voluntary sector contracts for the provision of services to disabled children, in order to ensure continuous care and support; and
- 2** the Strategic Director, Children and Young People be authorised, in conjunction with the portfolio holder for Children Young People and Families, to enter into contracts, listed in Table 1 for one year from April 2011 to the end of March 2012 to enable the necessary consultation and full participation from young people and carers; including their involvement in the decision making processes for the awarding of contracts as required by the Breaks for Carers of Disabled Children Regulations (Paragraph 6(1) (c) section 25 of the 2008 Act).

TABLE 1

Provider	Contract	Price for Extension Period
Crossroads	Short Breaks	£48,960
Barnardo's	Befriending Service	£49,051
Barnardo's	Brokerage Service	£20,000
HAFS	Family Breaks	£46,966
Halton Play Council	Runcorn After School Club	£25,304
Halton Play Council	Inclusive Play Schemes	£28,052
Halton Speak Out	Bright Sparks and Planning for Life	£56,000
		Total £274,333

### 3.0 SUPPORTING INFORMATION

**3.1** The Aiming High for Disabled Children programme was launched by DCSF and DH in 2007 to transform and prioritise services for disabled children and their families. Most of the additional resources to implement AHDC were dedicated to increasing the provision of short breaks. Short Breaks have two main aims: to provide a break from caring to enable a carer to continue to care for their child in the long term; and to enable disabled children to participate in safe, fun and interesting activities.

**3.2** The AHDC programme was supported with additional revenue and capital funding available in Halton for 3 years and this ceases in March 2011. The present Government have stated that funds to continue to deliver Short Breaks are provided within The Early Intervention Grant however there is less funding available than in previous years. Some of Halton's Short Breaks services have been provided through Core Funds and Carers Grant, which also ceases next month.

**3.3** In 2008, Halton was providing short break services for 137 disabled children through core funding and Carers Grant. The target set to increase this by March 2011 was 360 and by end of December 2010 407 children and young people were accessing a service. This is still steadily increasing. In the first three quarters of this financial year we have delivered 21,998 hours and 1033 nights against 22,817 hours and 1151 nights of breaks in the full year of 2009/10. This does not include the support available through Direct Payments, Individual Budgets and some community sports and leisure events.

**3.4** Halton has commissioned short breaks services from a number of local and national organisations in addition to the direct provision available from HBC, which is delivered from Inglefield Residential Centre, Outreach, Family Based scheme and Children Centres. As Halton was a Pathfinder for AHDC the contracts with the providers have been in place for 3 years. These are monitored on a quarterly basis to ensure that they meet their contractual requirements and deliver quality services.

## **4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS**

### **4.1 Value for money and Competition**

4.1.1 The current contracted service providers have been delivering the services since 2007 and are well established voluntary sector organisations with an extensive knowledge and understanding of Halton and the needs of its local community. Officers will keep services under review to ensure desired outcomes continue to be achieved and that the method of service delivery remains the most cost effective option for the Council.

4.1.2 Although the report requests extensions for a 12 month period, it is intended that the newly reconfigured services be commissioned earlier and we would intend to go to market with a view to awarding new contract by the end of December 2011 (with a start date of April 1<sup>st</sup> 2012). This will then enable a sufficient lead in period in order to facilitate the appropriate support of children and families through the transition. This process will be carried out in conjunction with Adults & Community services to identify areas for joint commissioning.

### **4.2 Transparency**

In order to ensure transparency it is proposed that all services will continue to submit performance reports to named lead commissioning officers. The frequency and detail will be agreed by the relevant Commissioning Manager as part of the contract compliance process. Subject to issues of commercial confidentiality information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

### **4.3 Propriety And Security**

The extension of these contracts complies with Halton Borough Council's standing orders and procurement processes. The contract specifications set out requirements in respect to minimum standards for the delivery of care and support and will include comprehensive standards relating to the safeguarding of children and young people. The cost of entering into these contracts will be contained within existing available budgetary provision.

### **4.4 Accountability**

Operational Director for Children and Families would be responsible for the award of the contract. The contracts and the award process are open to PPB Scrutiny and the internal and external audit.

### **4.5 Position of the contract under the Public Contracts Regulations 2006**

As these contracts are for educational and social care services, they are largely exempt from the 2006 Regulations so there is no need to advertise for expressions of interest in the official Journal.

## **5.0 POLICY ISSUES**

The Breaks for Carers of Disabled Children Regulations (Paragraph 6(1) (c) section 25 of the 2008 Act) means that the authority now has a duty to ensure that we continue to provide the full range of short breaks

services including care in and out of the home, specialist and non specialist group sessions, emergency and overnight support.

- 5.1 In future the commissioning for short breaks must have full participation from young people and carers including their involvement in the decision making processes for the awarding of contracts.

## 6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

### 6.1 Children and Young People in Halton

The providers will enable regular opportunities for disabled children and young people to have positive social and leisure experiences with their peers in their communities. They will also promote positive outcomes and independence.

### 6.2 Employment, Learning and Skills In Halton

A number of the providers help to support and enable vulnerable service users to access education, training and employment opportunities.

### 6.3 A Healthy Halton

Each of the services covered in this report is expected to clearly demonstrate the impact their service has on the health and well-being of service users in Halton. This includes performance towards healthier lifestyles, better access to services and improved outcomes.

### 6.4 A Safer Halton

Contracts within this report provide support to vulnerable children and their carers and help them to access a range of services. This supports targets set out in Halton's Prevention and Early Intervention Strategy and links to satisfaction with services and overall perception of the area in which people live.

### 6.5 Halton's Urban Renewal

None

## FINANCIAL IMPLICATIONS

Financial implications of the contracts listed in Table 1 will be met from existing budgetary provision.

## 7.0 RISK ANALYSIS

The current contracts for Short Breaks services are due to end on 31<sup>st</sup> March. If the waivers are not agreed then the short breaks services will end and The Council may not be able to fulfil its legal duty under the new regulations

Failure to have services in place will additionally lead to families being placed under increased pressure and we will not meet our statutory duties.

In future the commissioning for short breaks must have full participation from young people and carers; including their involvement in the decision making processes for the awarding of contracts in granting the waiver the

Department will be able to fully implement the new provisions in a transparent and meaningful way.

**8.0 EQUALITY AND DIVERSITY ISSUES**

The Green Paper published on 9<sup>th</sup> March 2011: Support and Aspiration: A new approach to special educational needs and disability, highlights the fact that the life chances of disabled children and young people are disproportionately poor compared to their non disabled peers and the development of short break services has had a positive impact upon outcomes for disabled children and their families.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2011

**REPORTING OFFICER:** Strategic Director – Environment and Economy

**SUBJECT:** Abandoned Shopping Trolley Policy

**WARD(S):** Borough-wide

## **1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to make recommendations with regard to the adoption of legislative powers, and a new Council policy, in respect of abandoned shopping trolleys.

## **2.0 RECOMMENDED: That;**

- 1. the Executive Board Sub Committee endorse the adoption of the draft Abandoned Shopping Trolley Policy set out in this report; and**
- 2. the Council be recommended:**

**2.1.1 To adopt of Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005) on 1<sup>st</sup> August 2011;**

**2.1.2 To adopt the draft Abandoned Shopping Trolley Policy set out in this report;**

**2.1.3 The Strategic Director – Communities be authorised to determine all matters relating to abandoned shopping trolleys, including the fixing of charges for the purposes of Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005);**

**2.1.4 The Strategic Director – Communities be given the power to authorise suitable individuals to enforce compliance with the Abandoned Shopping Trolley Policy throughout the Borough.**



### **3.0 BACKGROUND INFORMATION**

- 3.1 At their meeting of 16<sup>th</sup> March 2011, Members of the Environment and Urban Renewal Policy and Performance Board considered a report that set out proposals to adopt new powers, and a new Council policy, in relation to abandoned shopping trolleys. Members of the Board subsequently endorsed the proposals contained within the report and made recommendations that the Executive Board Sub Committee approve the adoption of the draft Abandoned Shopping Trolley Policy, and that recommendations should be made to the Council in respect of the adoption of legislative powers relating to abandoned shopping trolleys. The details of the legislative powers are set out within this report and a copy of the draft Abandoned Shopping Trolley Policy is attached as Appendix 1.
- 3.2 Schedule 4 of the Environmental Protection Act 1990, as originally enacted, was adopted by the Council in 1991. This dealt with the problem of abandoned shopping (and luggage) trolleys. In this borough there is no problem with abandoned luggage trolleys but the legislation deals with both issues.
- 3.3 The Clean Neighbourhoods and Environment Act 2005 amended the 1990 Act and introduced a new system to replace the old rules. To apply the new legislation the Council must adopt the legislation (as amended) again.
- 3.4 Section 99 and Schedule 4 of the Environmental Protection Act 1990 (as amended by The Clean Neighbourhoods and Environment Act 2005) allows local authorities to recharge for costs incurred as a result of dealing with abandoned shopping trolleys. The problem with the existing provisions is that if owners do not wish to reclaim their trolleys, e.g. if they are damaged, the Council cannot reclaim the cost of recovering the trolley. The new legislation contains a more realistic recharging mechanism with the Council able to serve notice on the owner of abandoned shopping trolleys and secure payment in default of compliance with the Council's policy.
- 3.5 Should the Council resolve to adopt the new legislation a Public Notice will be placed in the local press in accordance with section 99 of the Environmental Protection Act 1990. The Notice will outline the general effect of the legislation and state the date when it will come into effect (This is intended to be 1<sup>st</sup> August 2011). The resolution would specify a date which must not be before the expiration of three months beginning on the day on which the resolution is passed by Full Council.
- 3.6 It is therefore recommended that the draft Abandoned Shopping Trolley Policy be adopted to help improve the procedures for dealing with abandoned shopping trolleys and to ensure that the owners of trolleys can be recharged the full costs incurred by the Council in the seizure, removal, storage and return of each trolley that it may be required to deal with.

## 4.0 SUPPORTING INFORMATION

- 4.1 The intention of the draft policy is to reduce the number of trolleys abandoned in the borough's shopping areas, residential estates and open spaces. It is hoped that the introduction of the charges will provide a strong deterrent effect encouraging supermarkets and retail outlets whose trolleys are used in this manner to employ methods to prevent trolleys being taken "off site" or from being left uncollected within neighbourhoods for any period of time to reduce the problem. It is also hoped that where trolleys were abandoned, the introduction of efficient reporting and collection arrangements will lead to their swifter removal. A draft Abandoned Shopping Trolley Policy is set out in Appendix 1.
- 4.2 Schedule 4 of the Environmental Protection Act 1990 permits local authorities to enter into agreements with local retailers, in which the retailers undertake (either directly or via a specialist company) to collect all abandoned trolleys notified within a specified period of time. It is important to work in partnership with the local retailers to tackle problems as and when they occur and to this end local retailers will have the option to enter into a voluntary protocol whereby they would be notified of the location of abandoned trolleys and given a period of time to collect them prior to Council intervention. Failure by any retailer to comply with an agreed voluntary protocol would result in the Authority enacting its powers under the new legislation.
- 4.3 In February 2011, local supermarkets and their headquarters were consulted and provided with the opportunity to comment on the Council's proposals for dealing with abandoned shopping trolleys, the charging arrangements and the option to enter into a voluntary protocol. Following the consultation, the Council received the following responses;
- 4.3.1 Asda use a third party (Trolleywise) to collect all of their stolen/abandoned trolleys. Trolleywise, who have national contracts with Asda and Iceland, contacted the Council and commented regarding the short response times for collecting shopping trolleys. Trolleywise are to carry out an assessment of the relevant stores in Widnes and Runcorn, after which they will meet with Council officers to discuss their proposed arrangements.
- 4.3.2 Aldi indicated that it may not be possible for them to meet the removal timeframes and requested an additional 'grace' period be allowed for them to collect trolleys.
- 4.3.3 Morrisons have indicated that they wish to agree a voluntary protocol to recover trolleys.
- 4.4 There are no providers of luggage trolleys in Halton and therefore no further consultation was necessary.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 Actual costs incurred by the Authority will be recharged to the owners of abandoned shopping trolleys and therefore there are no financial implications as a result of the proposals contained within this report.

## **6. POLICY IMPLICATIONS**

- 6.1 This report will result in a new draft Abandoned Shopping Trolley Policy, the objectives of which are to;

6.1.1 Remedy the current deficiencies associated with the removal of abandoned shopping trolleys and allow the Council to seize, store and dispose of abandoned shopping trolleys, and to recover the costs from the owner of the trolley as a debt

6.1.2 Remove the blight on the quality of the local environment, or harm to the wildlife or creating a flood hazard in a water course.

6.1.3 Remove obstructions caused by discarded trolleys, preventing harm to pedestrians and motorists.

6.1.4 Avoid trolley losses and ensure a swift retrieval before damage occurs.

## **7. OTHER IMPLICATIONS**

- 7.1 The adoption of the policy and legislative powers will enable more effective use of the Council's resources and help improve the visual aspect of the Town Centers and residential areas.

- 7.2 The Council, as the Highway Authority, has a legal duty to ensure that the public highway is free from illegal obstructions and this policy assists the Council in discharging its duty. Failure of the Authority to take appropriate action under the Highways Act may render it liable to legal action.

## **8. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **8.1 Children and Young People in Halton**

No direct impact

### **8.2 Employment, Learning and Skills in Halton**

No direct impact

### **8.3 A Healthy Halton**

No direct impact, but the Policy will contribute towards for improving the environment and the appearance of the borough and shall have an overall beneficial affect on well-being.

### **8.4 A Safer Halton**

The adoption of regulations on shopping trolleys will make supermarkets more responsible for their equipment, and will significantly reduce the potential hazards encountered by individuals as a result of discarded trolleys. This will have a positive impact upon the Safer Halton Priority, and contribute towards the 'Cleaner, Greener, Safer' agenda.

### **8.5 Halton's Urban Renewal**

No direct impact, but the policy will help to promote a positive street scene and improve the visual appearance of the Runcorn and Widnes Town Centres and the surrounding environment and help make the borough a more attractive location for investment.

## **9.0 RISK ANALYSIS**

9.1 Failure to maintain an up to date and fit for purpose Abandoned Shopping Trolley Policy could reduce the effectiveness of the Council's powers to deal with abandoned shopping trolleys and;

9.1.1 Result in a reduced deterrent for retail outlets to take measures to prevent shopping trolleys from escaping their store confines

9.1.2 Reduce the attractiveness of town centre and residential areas and result in increased dangers to members of the public

9.1.3 Result in unnecessary and increased costs being incurred by the Council to deal with abandoned shopping trolleys.

## **10.0 EQUALITY AND DIVERSITY ISSUES**

10.1 The Policy is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group. The Waste and Environmental Improvement Division will continue to invite and seek feedback on its waste collection services and policies and will respond to any suggestion of differential impact.

## **11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

11.1 Consultation letter sent on 2<sup>nd</sup> February 2011 to all supermarkets and retailers in Halton who offer the use of shopping trolleys to their customers, and replies received thereof.



**DRAFT**

**ABANDONED SHOPPING TROLLEY POLICY**

**March 2011**

## **1. INTRODUCTION**

- 1.1 Abandoned shopping trolleys can have a detrimental affect upon the attractiveness and safety of an area. The Council has adopted different approaches to address this issue over a number of years, with varying degrees of success however, this anti-social behaviour has remained prevalent within many neighbourhoods across the Borough.
- 1.2 The Council has relied upon retailers to implement measures to prevent shopping trolleys from escaping the confines of their stores and upon their goodwill to collect their trolleys within a reasonable timescale upon notification. Although some good partnership working has existed, problems have remained in many areas and the Council needs to have in place a more comprehensive solution.
- 1.3 This document sets out the Council's Policy for dealing with abandoned shopping trolleys in Halton.

## **2. THE POWER TO SEIZE AND REMOVE ABANDONED SHOPPING TROLLEYS**

- 2.1 Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005) allows local authorities to recharge for costs incurred as a result of dealing with abandoned shopping trolleys. This refers to trolleys that are seized and stored by the Council, with the whereabouts notified to the assumed owners.
- 2.2 If an owner claims the trolley, the Council must return the trolley to the owner but is entitled to make a charge for all costs associated with this procedure. If the owner does not claim or refuses to accept delivery of the trolley, after six weeks, the Council is entitled to dispose of said trolley and recovers the associated costs form the owner. These costs may be recovered as a debt.
- 2.3 A shopping trolley is defined as, '*A trolley provided by the owner of a shop to customers to enable them to carry goods purchased at the shop*'. This definition excludes power-assisted trolleys. The powers in the Clean Neighbourhoods & Environment Act 2005 apply to trolleys in any condition, and therefore may be used in relation to unserviceable trolleys and trolley parts.

## **3. RECOVERY OF ABANDONED SHOPPING TROLLEYS**

### Voluntary Protocol – Store Recovery

- 3.1 The Council's approach to dealing with abandoned shopping trolleys is to work with local retailers to prevent the escape of trolleys, rather than their recovery afterwards. It is not the Council's preferred choice to seize shopping trolleys but rather that the relevant store be notified of a report of an abandoned trolley and that a response is made for its removal within a reasonable timescale.

- 3.2 Schedule 4 of the Environmental Protection Act 1990 permits local authorities to enter into agreements with local retailers, in which the retailers undertake (either directly or via a specialist company) to collect all abandoned trolleys notified within a specified period of time. Retailers will have the opportunity to enter into a voluntary protocol whereby they would be notified of the location of abandoned trolleys and given a period of time to collect them prior to Council intervention. The Council has determined that in the interests of community safety an abandoned shopping trolley dealt with through a voluntary protocol should be removed by the responsible owner as follows;
- 3.2.1 An abandoned shopping trolley reported to a store by 12 noon should be removed by 5.00pm that day.
- 3.2.2 An abandoned shopping trolley reported to a store after 12 noon should be removed by 12 noon the following day.
- 3.3 The store is required to notify the Council that an abandoned trolley has been removed. Should the store fail to notify the Council and subsequent checks are required to ascertain that removal has taken place the store may be recharged for the costs incurred by the Council.

#### Council Recovery

- 3.4 The Council will take all reasonable steps to ensure that trolleys identified for removal by a local store are collected. However, the Council will enact its powers under legislation and arrange for the seizure of abandoned shopping trolleys in the following circumstances;
- 3.4.1 Should a trolley be identified as belonging to a store that has not signed up to a voluntary protocol with the Council,
- 3.4.2 Should a store fail to adhere to the commitments it made in a voluntary protocol (by not responding and removing abandoned shopping trolleys within the required timescales as detailed in paragraphs 3.2.1 and 3.2.2 above),
- 3.4.3 Should abandoned shopping trolleys be encountered by Halton Borough Council operatives during the course of their normal duties (In the interests of community safety these trolleys will be immediately seized and the relevant store be notified retrospectively).

#### **4 SEIZED TROLLEYS**

- 4.1 Following seizure of an abandoned shopping trolley by the Council, the assumed owner (relevant store) will be advised either by fax, telephone or email. The store will be requested to take ownership of the trolley and collect it from the Council within 48 hours of notification. If the store is unable to provide a collection service, the Council will arrange for the trolley to be returned. In accordance with guidance, the Council shall store the trolley for six weeks.

- 4.2 The Clean Neighbourhoods and Environment Act 2005 states that where the six-week period has expired and the trolley has not been claimed (or has been claimed but the demanded charges not paid), the Authority is entitled to sell or dispose of it.
- 4.3 If the trolley has not been collected by the owner within 14 days from the date of collection, the Council shall serve a Notice on the owner stating that the trolley has not been collected informing them that if it is not claimed then the Council may dispose of it in accordance with legislation. The Notice will also advise of the associated costs involved.
- 4.4 Once a trolley has been collected by or returned to a store, or has been disposed of, a Charge Notice for any and all associated costs incurred by the Council will be sent to the store.
- 4.5 Legislation allows Halton Borough Council to recover costs associated in dealing with shopping trolleys escaping from store confines. These costs will be recovered as a debt. Details of the charges to be applied in respect of abandoned shopping trolleys are as follows;
- 4.5.1 Owners of shopping trolleys seized by the Council will be notified within 24 hours of seizure and will be offered the opportunity to collect their trolleys. A storage cost of £5 per day per trolley will apply. A charge of £50 for the initial collection by the Council will also be payable.
- 4.5.2 Owners can request the return of each trolley collected by the Council for which a charge of £100 per trolley will apply. This shall be in addition to the daily storage charge that shall be payable.
- 4.5.3 The Council shall store shopping trolleys for a period of up to six weeks (42 days). Should the assumed owners, after having been informed of its whereabouts and having been given the option to recover a seized shopping trolley, fail to do so, then the Council shall dispose of the trolley. In the event that the Council disposes of a trolley that it has collected and stored a charge shall be made to the assumed owner of £310 per trolley.

#### Summary of Charges

Collection by the Council (including administration costs) - £50 per trolley.

Storage (Up to a maximum of 42 days) - £5 per day per trolley.

Return to owner by the Council (including administration costs) - £50 per trolley.

Trolley Disposal (including administration costs) - £50 per trolley.



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