

## **APPENDIX 1**

### **Extract of Executive Board and Mersey Gateway Executive Board Minutes Relevant to the Environment and Urban Renewal Policy and Performance Board**

#### **EXECUTIVE BOARD MEETING HELD ON 13<sup>th</sup> DECEMBER 2012**

##### **HEALTH AND ADULTS PORTFOLIO**

###### **EXB116 AMENDMENT TO HOUSING ALLOCATIONS POLICY**

The Board considered a report of the Strategic Director, Communities, on the amendment to the Council's Housing Allocations Policy as it related to the treatment of Armed Forces personnel.

The Board was reminded that the Council's Housing Allocations Policy (the Policy) was approved on 3 March 2011. It was implemented with effect from 9 July 2012, when the new Choice Based Lettings Scheme, 'Property Pool Plus', went live in Halton. In order to give preference to local residents, the Policy contained a requirement for applicants to demonstrate a 'local connection'. Details of the current criteria for this 'local connection' was set out in Appendix 1.

As part of the Government's commitment to supporting the Armed Forces through the Military Covenant, new regulations came into force in August 2012 relating to Armed Forces personnel and the 'local connection' criteria. Where local authorities decide to use a local connection requirement as a qualifying criterion, they must not apply that criterion to certain defined categories of Armed Forces personnel, (which were detailed in the report), so as to disqualify them from an allocation of social housing.

The Board was advised that the sub regional Choice Based Lettings Group had proposed an amendment to the Policy in order to follow the spirit of the regulation. This would ensure that those defined categories of Armed Forces personnel were not disadvantaged in terms of securing accommodation. A similar recommendation would be presented to the respective Cabinet's of each of the partner authorities.

It was noted that further changes to the Policy would be considered as a consequence of new freedoms contained in the Localism Act 2011 and recent revisions to the Housing Allocations Code of Guidance. In addition, other changes to improve and clarify the existing Policy had been identified and it was proposed that partner authorities collaborate on a common consultation exercise to seek views on a number of options which were listed in the report.

RESOLVED: That

- 1) subject to the unanimous agreement of the authorities participating in the sub regional Property Pool Plus scheme, the Council's Housing Allocations Policy be amended to include the additional wording in italics set out in Appendix 1, to exempt Armed Forces personnel from the local connection criteria;
- 2) consultation be undertaken for the purpose of further amending the Housing Allocations Policy to take account of provisions within the Localism Act 2011 and the new Housing Allocations Code of Guidance; and
- 3) a further report on the outcome of the consultation be submitted to the Board for consideration.

Strategic Director  
- Communities

#### EXB117 RECONFIGURATION OF HOMELESSNESS SERVICE AT ORCHARD HOUSE

The Board considered a report of the Strategic Director, Communities, which provided an update on the reconfiguration of Orchard House.

On 12 July 2012, the Board had approved a proposal to enter into negotiations with Nightstop to reconfigure the service at Orchard House to provide an integrated Crisis Intervention Service for young people. A service delivery proposal was received on 19 October 2012 with a submitted proposal based on a five member staffing rota at a cost of £241,000. However, as the proposal was £44,866 in excess of the current budget, Officers advised Nightstop that they could not proceed with the service reconfiguration.

It was noted that Community Integrated Care (CIC), the current service provider, had indicated that they would not wish to enter into any long term agreement for the

provision of homeless services, although a previously agreed variation to extend their contract to 31 January 2013 meant that they would continue to do so in the interim.

The Homelessness Scrutiny Group considered a number of options for Orchard House which were:

- Retain status quo and continue to provide hostel service at Orchard House and existing Nightstop service through Halton YMCA;
- Open tender for integrated Crisis Intervention Service at Orchard House; or
- Request waiver to standing orders to negotiate the reconfiguration of Orchard House as an integrated Crisis Intervention Service with Depaul UK.

Members discussed the options and a number of concerns that were raised were detailed in the report. It was reported that the Scrutiny Group recommended the first option - to retain the status quo - until further information was known about the position with the Cosmopolitan Housing Association and the funding application for the Widnes hostel. It was noted that CIC had indicated their willingness to work with the Borough Council to provide a service at Orchard House, so long as they were delivering the Belvedere service.

RESOLVED: That

- 1) the Board agree to maintain the status quo and continue to provide a hostel service at Orchard House and existing Nightstop service through Halton YMCA; and
- 2) a further waiver of Procurement Standing Orders be agreed for an extension of the existing contract(s) with Community Integrated Care until 31 October 2013, in line with the preferred option.

Strategic Director  
- Communities

**ENVIRONMENTAL SUSTAINABILITY PORTFOLIO AND  
ECONOMIC DEVELOPMENT PORTFOLIO**

EXB119 THE LIVERPOOL CITY REGION SUSTAINABLE ENERGY  
ACTION PLAN

The Board considered a report of the Strategic

Director, Policy and Resources, on the Liverpool City Region Sustainable Energy Action Plan (SEAP).

The Board was advised that a SEAP had been prepared for the City Region by the Merseyside Advisory Service (MEAS) and consultants, ARUP. The SEAP was officially launched in July 2012 and had been welcomed by both the public and private sectors, including potential investors and energy companies, as it provided a larger scale and more co-ordinated response to the energy agenda for the City Region. The SEAP set out a number of prioritised actions across the City Region to deliver a low carbon economy with potential to add value to a number of investment opportunities and projects, which were outlined in the report.

The Board noted that a benefit of the City Region SEAP Programme was to provide the framework within which Districts could take forward their own energy aspirations. The SEAP was a live document and would be updated periodically as and when required. The report provided details on the governance and reporting arrangements, opportunities for projects across the sub-region and the various stages of development of the low carbon projects within the Borough.

RESOLVED: That

- 1) the Liverpool City Region Sustainable Energy Action Plan be endorsed as the programme and framework for the City Region to advance its sustainable energy actions; and
- 2) the Environment and Urban Renewal Policy and Performance Board receive progress reports on the SEAP Programme as and when appropriate.

Strategic Director  
- Policy &  
Resources

#### EXB120 LIVERPOOL CITY REGION COVENANT OF MAYORS AND CLIMATE LOCAL

The Board considered a report of the Strategic Director, Policy and Resources, on the Liverpool City Region Covenant of Mayors and 'Climate Local'.

The report outlined the benefits and implications of signing up to two climate change commitments. The European Commission launched the Covenant of Mayors (the Covenant) in 2008 to endorse and support the efforts

deployed by local authorities in the implementation of sustainable energy policies. The Covenant was a charter of key commitments, outlined in the Adhesion Form attached at Appendix B. It was noted that to date, Liverpool City Council was the only City Region authority to have signed up.

'Climate Local' was launched by the Local Government Association in June 2012 as a replacement to the Nottingham Declaration on Climate Change. This also required the signing of a commitment to address climate change but had a wider scope than the Covenant, as it addressed climate resilience and the management of future impacts of climate change such as extremes of weather. A copy of this agreement was attached at Appendix C.

It was noted that the European Union target was a 20% reduction in CO<sub>2</sub> emissions by 2020. The report provided details on the implications for Halton Borough Council, the development of the Council's Carbon Management Plan, Low Carbon Plan and the Sustainable Energy Action Plan. Progress on the latter had been reported elsewhere on this agenda.

RESOLVED: That the Board endorse the Council's signing of the EU Covenant of Mayors 'Climate Local'.

Strategic Director  
- Policy &  
Resources

## **EXECUTIVE BOARD MEETING HELD ON 10<sup>TH</sup> JANUARY 2013**

### **TRANSPORTATION PORTFOLIO**

#### **EXB124 EXTENSION OF EXISTING HIGHWAYS IMPROVEMENT AND MAINTENANCE CONTRACTS**

The Board considered a report of the Strategic Director, Policy and Resources, on the extension of the existing highways improvement and maintenance contracts.

The Board was advised that the existing contracts with both Lambros and Amey for improvement and highway maintenance, would expire on 31 March 2013. The Executive Board Sub Committee had previously agreed the procurement of a combined highways contract, and in line with national guidance, Halton and Warrington Borough Councils embarked on a joint procurement process for a single contractor to undertake the service for both authorities, under separate contracts.

The report advised Members that the Procurement

process had been extended, so as to seek legal advice on an issue relating to TUPE and pension provision which had been raised by one of the tenderers. A realistic start date for the new contract was considered to be 1 June 2013 and therefore there was a need to urgently extend the current arrangements before the return of any tenders for the new contract, in order to avoid any suggestion of impropriety.

On that basis, the Board was advised that the Chief Executive had approved the award of two month extensions to Lambros and Amey on 17 November 2012, with the terms and conditions of both extensions having been agreed with the respective organisations.

RESOLVED: That the waiver to Procurement Standing Orders Parts 1 and 3, granted by the Chief Executive, in respect of approval of award of 2 month extensions of existing contracts for Highways Maintenance and Improvement be noted.

#### EXB124 BYELAWS UNDER SECTION 66 OF THE LAND DRAINAGE ACT 1991

The Board considered a report of the Strategic Director, Policy and Resources, which informed them of recent changes to the Council's regulatory powers under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010).

The Board was advised that amendments to the Land Drainage Act (LDA) transferred certain powers from the Environment Agency to Halton Borough Council, as Lead Local Flood Authority for the area. The Flood and Water Management Act amended Section 66 of the LDA to allow local authorities to make byelaws for the following purposes:

- To secure the efficient working of a drainage system in its area;
- To regulate the effects of a drainage system on the environment; and
- To secure the effectiveness of flood risk management work.

It was noted that guidance on a set of Model Land Drainage Byelaws had been issued on the making of byelaws under Section 66 of the LDA, and were broadly similar to those operated by the Environment Agency; these

were attached at Appendix 1. The Environment and Urban Renewal Policy and Performance Board had considered the Council's new duties and powers in relation to ordinary watercourse regulation and endorsed the approval of a set of Land Drainage Byelaws for Halton by Executive Board. It was further noted that the report provided information on the procedure for making byelaws and the legal and resource implications. In addition, Appendix 2 contained information on the procedure and proposed timetable, including consultation, for the making of Byelaws under Section 66 of the LDA.

RESOLVED: That a consultation exercise be undertaken in connection with the draft Land Drainage Byelaws for Halton.

Strategic Director  
- Policy &  
Resources

#### EXB126 REPORT OF WAIVER OF PROCUREMENT STANDING ORDERS, FOR HIGHWAY WORKS AT CLIFTON COURT, RUNCORN

The Board considered a report of the Strategic Director, Policy and Resources, on the waiver of Procurement Standing Orders for highway works at Clifton Court, Runcorn.

The Board was advised that in May 2012, a contract in the sum of £10,272 was awarded to WPI Surfacing Ltd for the completion of carriageway works at Clifton Court, Runcorn. The works had been necessary to complete the formal adoption of the street, after the developer had gone into liquidation approximately seven years earlier, leaving the carriageway construction incomplete.

It was reported that, whilst the price was marginally in excess of the threshold of £10,000 set under Procurement Standing Order 1.8.2, to avoid further delay and the risk of the residents withdrawing their financial support for the scheme, and acting on advice from the Head of Procurement, Operational Director emergency approval was used, and the works were ordered from WPI Surfacing Ltd. These works were satisfactorily completed on 12 June 2012, and Clifton Court formally adopted on 18 June 2012.

RESOLVED: That the waiver granted under Procurement Standing Order 1.8.2 – Operational Director Approval, in respect of a contract to complete highway adoption works at Clifton Court, Runcorn be noted.

## RESOURCES PORTFOLIO AND PHYSICAL ENVIRONMENT PORTFOLIO

### EXB129 MARKETS UPDATE

The Board considered a report of the Strategic Director, Children and Enterprise, which updated Members on the changes in the management of the Borough's markets and proposals for improvements.

The Board was reminded that in February 2012, the Council's policy that the Widnes markets (indoor and outdoor) and the outdoor Runcorn market were regarded as key assets in Halton's town centres was re-affirmed. In April 2012, the Council aligned the management of the town centres and markets within a more clearly defined economic regeneration brief, bringing together town centre management, markets operations and town centre regeneration.

It was reported that since April 2012, new markets regulations and a written protocol had been introduced, along with new procedures and the tightening up of issues such as encroachment and the display of goods. A number of marketing and promotions events had also taken place during the year, as detailed in the report, and it was noted that overall, the markets remained vibrant.

The report detailed proposals for improvement works for both the indoor and outdoor markets, and it was further noted that these had been considered and supported by the Corporate Policy and Performance Board.

#### RESOLVED: That

- 1) Members note the changes made to the management of the markets;
- 2) the proposed actions set out in sections 3.6 to 3.12 of the report be supported;
- 3) the Operational Director for Economy, Enterprise and Property be authorised, in consultation with the Physical Environment Portfolio Holder and Resources Portfolio Holder to take decisions in relation to the proposed improvement works outlined in section 3.16 of

Strategic Director  
- Children and  
Enterprise



the report; and

- 4) the proposed improvement works will not exceed £40,000.

## **EXECUTIVE BOARD MEETING HELD ON 24<sup>TH</sup> JANUARY 2013**

### **NEIGHBOURHOOD LEISURE AND SPORT PORTFOLIO**

#### **EXB137 HALTON HOUSING STRATEGY 2013-2018 - DRAFT - KEY DECISION**

The Board considered a report of the Strategic Director, Communities on a draft of Halton's Housing Strategy 2013-18, for public consultation.

The Board was advised that the Local Government Act 2003 required local authorities to produce a housing strategy, to give an overview of housing in their district and to set out priorities for action. The strategic housing role was defined in the document Homes For the Future (2007) as providing "leadership, planning and delivery".

It was noted that there had been significant achievements since the last Housing Strategy was published in 2008, and these were detailed in the report. The Draft Housing Strategy 2013-18 had taken a slightly different approach from previous years, in that two documents had been produced. These were attached to the report, the first being a short easy to read document which focused on the strategic objectives, priorities and planned activities for the next three years (Appendix A) and a supported evidence paper setting out the context in which the Strategy had been developed (Appendix B).

The Draft Strategy contained three overarching strategic objectives with priorities within each, as set out in the report. It will be the subject of a seven week consultation period with partners, stakeholders and residents.

#### Reason(s) for Decision

Under Part 7 of the Local Government Act 2003, local authorities were expected to produce a Housing Strategy, which gave an overview of housing in their district and set out priorities for action.

#### Alternative Options Considered and Rejected

Not applicable.

Implementation Date

May 2013.

RESOLVED: That the content of the Draft Housing Strategy be approved and the arrangements for public consultation, as outlined in paragraph 3.4.1 of the report, be noted.

Strategic Director  
- Communities

**EXECUTIVE BOARD MEETING HELD ON 7<sup>TH</sup> FEBRUARY 2013**

**MERSEY GATEWAY EXECUTIVE BOARD MEETING HELD ON 24<sup>TH</sup> JANUARY 2013**

**MGEB13 MERSEY GATEWAY - PROPOSED PROCUREMENT BUDGET - DRAFT FINAL TENDER TO FINANCIAL CLOSE**

The Board considered a report of the Chief Executive which gave details of the current position relating to the Mersey Gateway Project Development Budget covering the concluding phase of the procurement process from the Evaluation of the Draft Final Tender to Financial Close.

The Board was advised that the actual funding required to progress procurement to the Draft Final Tender stage was £12.9m and the additional £500k had been included in the outline budget set out in Appendix 1 to the report. The budget continued to come under pressure because of additional work which had required considerable input from the project's legal and financial advisers. It was reported that the activity of the project team was largely dependent on reacting to the discussions with the three main bidder consortia with the aim of driving best value bids. The selection of the Preferred Bidder would also influence the amount of work required to be undertaken before Financial Close. The Project Team were, however committed to progressing only those tasks which were deemed critical to the procurement process of the Project and the resources in the core team were being utilised fully before consultants were deployed.

The Board was further advised that on 30 August 2012, the Project Team (in conjunction with HBC Finance) had written to the Department for Transport (DfT) requesting an increase in the Department's contribution towards

preparation costs for the Mersey Gateway scheme by utilising the forecast underspend within the £86m capital grant. The DfT had responded on the 14 December 2012 agreeing to advance £5m in 2012/13 from the agreed capped £86m of development cost funding. The funding, however was to be made available in the form of £3m of revenue grant and £2m of capital grant, which should assist the Council in terms of the current discussions with the Audit Commission (now Grant Thornton) surrounding the issue of capitalisation of Mersey Gateway Development Costs. The DfT had since requested that their contribution must be claimed and utilised during the current financial year.

It was reported that the relaxation provided access to the approved grant for the additional development costs and would assist the Council to conclude procurement. The budget was now being allocated based on £5m being sufficient to reach Financial Close. However current projections indicated that it would be prudent to consider contingency arrangements to cover delivery risk in the event that £5m was proved to be inadequate. A contingency of an additional £1m was thought to be appropriate to cover the level of uncertainty. A request had also been made within the letter for an additional £1m contingency amount in addition to the £5m contribution. Although the DfT remained silent on this, the Project Team recommended approaching the Department for a response on this particular issue should further funding prove to be necessary to achieve Financial Close.

In conclusion, it was reported that the initial allocation of the £5m budget was set out in Appendix 1 to the report for approval. The projections were based on £5m being sufficient to cover the work assumed to be required to achieve Financial Close before the end of October 2013. Any delay was likely to result in additional funding being required and this was indicated in the table at Appendix 1. It was noted that the allocation of the budget between the task headings included in Appendix 1 was work in progress and as such may alter slightly. However, it was reported that such changes would be reported to the Board. In addition, it was reported that the resource levels within the Core Project Team were over capacity and no further opportunities existed to re-distribute consultant tasks internally.

RESOLVED: That

- (1) The report be noted; and

- (2) The proposed budget for the Mersey Gateway Development Costs up to Financial Close be approved.

Chief Executive

MGEB14 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 Section 100A (4) 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 outweighed that 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 Section 100A(4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

MGEB15 DRAFT SUBMISSION TO CLOSE THE COMPETITIVE DIALOGUE PROCESS

The Board considered a report of the Chief Executive which explained that the Competitive Dialogue process was now in the final stages. Plans were being implemented to

close dialogue and to invite the three Bidders to submit their Final Tenders which would form the basis for a Preferred Bidder selection. The report advised the Members of the progress made in settling key issues that would enable this action to be taken.

RESOLVED: That

- (1) The progress made towards completing the Competitive Dialogue phase of procurement be noted; and
- (2) Delegated authority be granted to the Chief Executive, in consultation with the Leader, the Portfolio Holders for Transportation and Resources, Operational Directors for Policy, Planning and Transportation, Legal and Democratic Services, Financial Services and the Mersey Gateway Project Director to determine when it is appropriate to close dialogue formally and to invite Final Tenders.

Chief Executive