

EXECUTIVE BOARD

At a meeting of the Executive Board on Thursday, 19 September 2013 in The Boardroom, Municipal Building

Present: Councillors Polhill (Chairman), D. Cargill, Harris, R. Hignett, Jones, Nelson, J. Stockton and Wright

Apologies for Absence: Councillors Philbin and Wharton

Absence declared on Council business: None

Officers present: A. Scott, M. Reaney, G. Cook, I. Leivesley, G. Meehan, D. Parr, E. Dawson, E. O'Meara, C. Patino and J. Unsworth

Also in attendance: Councillor M. Ratcliffe

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE BOARD

EXB73 MINUTES

The Minutes of the meeting held on 5 September 2013 were taken as read and signed as a correct record.

LEADER'S PORTFOLIO

EXB74 LIVERPOOL CITY REGION REVIEW OF STRATEGIC GOVERNANCE - KEY DECISION

The Board considered a report of the Chief Executive which advised of the current position in relation to the consultation on the Liverpool City Region Strategic Governance Review and the proposals to establish a Liverpool City Region Combined Authority.

The report set out the remit of the Strategic Governance Review, the existing governance arrangements, an options assessment and details of the consultation which commenced on 2 August 2013.

Members noted that the remit of a Combined Authority for the Liverpool City Region (LCR) would be economic development, regeneration, transport, strategic

Action

housing and employment and skills functions which could be better delivered collaboratively across the LCR.

Reason(s) for Decision

These were as set out in paragraphs 14.1 to 14.9 of the report.

Alternative Options Considered and Rejected

Alternative models of governance were considered as part of the Review of Strategic Governance and were judged not to be as effective as improving the economic conditions of the Liverpool City Region as the preferred option.

Implementation Date

The Review of Strategic Governance and Scheme for the establishment of Liverpool City Region Combined Authority would be submitted to the Secretary of State for Communities and Local Government by 30 September 2013.

RESOLVED: That Council be recommended to approve

Chief Executive

- 1) the submission of the Liverpool City Region Strategic Governance Review and Scheme to the Department for Communities and Local Government, for the establishment of a Liverpool City Region Combined Authority, on the basis of the drafts attached at Appendix 1 and Appendix 2 to the report;
- 2) that Halton Borough Council should formally become a constituent member of the Liverpool City Region Combined Authority, thereby sharing appropriate economic development and transport powers with other Councils within the Liverpool City Region Combined Authority, in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009 and the Local Transport Act 2008; and
- 3) agree that any technical amendments to the Liverpool City Region Strategic Governance Review and Scheme before it is submitted to the Secretary of State on 30 September 2013, be delegated to the Chief Executive in consultation

with the Leader of the Council.

EXB75 REGIONAL AID AND THE ASSISTED AREA MAP - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, which provided an update on the development of a response to the Government's First Stage Consultation on the Assisted Area Map 2014- 2020.

The Board was advised that Regional Aid was a form of State Aid used to support businesses and promote economic development in selected economically disadvantaged regions known as Assisted Areas. It was reported that Halton had been leading on a piece of work to develop a response to the Government's consultation on Assisted Area Map 2014-2020, on behalf of the Liverpool City Region Regeneration Directors and the Local Enterprise Partnership. Consultation had been held in two stages, as detailed in the report.

The Board was advised that the Halton Lea ward would be removed from the Map to be submitted for approval, as this ward was primarily retail focused and support for business in this area could be provided using other financial instruments.

Reason(s) for Decision

The decision to support the assisted area map, provided the Borough with additional flexibility in how local businesses could be supported in the Borough.

Alternative Options Considered and Rejected

To seek 100% coverage for the Borough. There were two main reasons why this option had been considered and rejected. First, as outlined in the report, the City Region as a whole was required to reduce its population coverage in the new map. Second, given that the assisted area focused on support to businesses, it would be inappropriate to include residential areas.

Implementation Date

July 2014.

RESOLVED: That

- 1) the proposed Liverpool City Region response to the first stage consultation be approved; and
- 2) the proposed coverage of the revised Assisted Area Map in Halton be approved.

Strategic Director
- Children and
Enterprise

CHILDREN YOUNG PEOPLE AND FAMILIES PORTFOLIO

EXB76 WAIVER OF STANDING ORDERS- HEAR4U EMOTIONAL WELLBEING AND MENTAL HEALTH SERVICES FOR CHILDREN AND YOUNG PEOPLE - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, on the waiver of Procurement Standing Orders for the Contracted Services for Children and Young People's Emotional Wellbeing and Mental Health Services, Early Intervention and Targeted Provision.

The Board was advised that since April 2012, the service had been commissioned from Barnardo's as the *Hear4u* service. There was a consistently high volume of referrals from partner agencies across Halton Children's Trust, with a 41% increase against the 2011/12 year. A comprehensive review of provision was underway, which would determine the needs and the provision required to meet those needs.

It was reported that the contract for the current service would end on 31 March 2014. A waiver of Procurement Standing Orders was requested to enable service delivery to continue without disruption during the review period. Details of the Business Case were contained in the report. Members were advised that once completed, the review would inform future tendering requirements.

Reason(s) for Decision

Not applicable.

Alternative Options Considered and Rejected

Not applicable.

Implementation Date

1 April 2014.

RESOLVED: That

- 1) in light of the exceptional circumstances set out in the report, Procurement Standing Orders 3.1 to 3.7 be waived where compliance with Standing Orders would result in a clear financial or commercial detriment to the Council, in respect of the contracted Children and Young People's Emotional Wellbeing and Mental Health Services, Early Intervention and Targeted Provision. The waiver would ensure that children and young people receive continuous care and support whilst a review of this service area is undertaken by Halton Children's Trust Partners in order to determine the requirements for future provision; and

- 2) the Strategic Director, Children and Enterprise, be authorised, in conjunction with the Portfolio holder for Children, Young People and Families, to enter into the above contract for one year from April 2014 to the end of March 2015.

Strategic Director
- Children and
Enterprise

EXB77 WAIVER OF STANDING ORDERS - MISSING FROM HOME CARE SERVICE - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, on the contracted services for Missing from Home and Care Service for young people across Cheshire.

The Board was advised that since 2008, Halton had commissioned a Missing from Home and Care Service to fulfil its responsibilities under statutory guidance. The Local Safeguarding Children Boards of Cheshire East, Cheshire West and Chester, Halton and Warrington, along with Cheshire Constabulary, had collaborated to produce a Pan Cheshire Joint Protocol. It was reported that all four local authorities agreed to go ahead with a joint commission with Halton as the lead authority. Catch 22 had been the successful provider since 2012.

It was further reported that the services were due to end on 31 March 2014. A waiver of Procurement Standing

Orders was requested to enable service delivery to continue without disruption, enabling the Council to fulfil its statutory duty regarding looked after children. Details of the Business Case for the continuation of the service were contained in the report for Members' consideration.

Reason(s) for Decision

Cheshire East, Cheshire West and Chester and Warrington Local Authorities had all agreed to go forward for the next 12 months with the same provider.

Alternative Options Considered and Rejected

Not applicable.

Implementation Date

1 April 2014.

RESOLVED: That

- 1) in light of the exceptional circumstances set out in the report, the relevant Procurement Standing Orders through 1.8.4 (c) be suspended, where compliance with Standing orders would result in a clear financial or commercial detriment to the Council, 1.8.4. (f) where compliance with Standing Orders would be inconsistent with Joint and Partnership working, or special external funding arrangements, in respect of the contracted Missing from Home and Care Services. Procurement Standing Orders 3.1 to 3.7 be waived on this occasion in order to extend existing contract with Catch 22 for the provision of Missing from Home and Care Services to children and young people across the four Local Authorities in Cheshire, in order to ensure continuous care and support; and
- 2) the Strategic Director, Children and Enterprise, be authorised, in conjunction with the Portfolio holder for Children, Young People and Families, to enter into the above contract for one year from April 2014 to the end of March 2015.

Strategic Director
- Children and
Enterprise

EXB78 WAIVER – SERVICE LEVEL AGREEMENT LEARNING OUTSIDE THE CLASSROOM

The Board considered a report of the Strategic Director, Children and Enterprise, which sought approval for the waiver of Procurement Standing Orders for the provision of the Learning Outside the Classroom, Visits and Outdoor Education Advice and Guidance Service.

The Board was advised that the Authority had engaged the services of Cheshire West and Chester (CWaC) Quality Learning Partner's Outdoor Education Adviser (QLP OEA) to enable the authority to operate within the requirements of legal frameworks in the context of learning outside the classroom (LOtC). It was reported that to underpin service delivery, the Council operated a web-based educational visits notification, approval and database system provided by Edufocus. This supported schools and educational establishments in planning off-site activity.

It was reported that the combined service provided by CWaC and Edufocus delivered efficient support and robust management of LOtC for schools and establishments. The report asked for a waiver of Standing Orders to allow the continuation of the current service during which time a full review would be undertaken. A market testing exercise and procurement process over the next 12 months would be undertaken if required.

RESOLVED: That the use of Procurement Standing Orders 1.8.4 (e), to waive Procurement Standing Orders 4.1. – Competition Requirements – be approved.

Strategic Director
- Children and
Enterprise

COMMUNITY SAFETY PORTFOLIO

EXB79 FUTURE DELIVERY OF TRADING STANDARDS SERVICE - KEY DECISION

The Board considered a report of the Director of Public Health, on the future delivery of the Trading Standards Service.

The Board was advised that, since 2008, Halton's Trading Standards Service had been provided by Warrington Borough Council. The report provided details of the sum which Halton had agreed to pay for delivery of the service, and it was noted that this sum would rise annually by the Consumer Price Index (CPI) inflation measure for the October for the preceding year. Members noted that the expiry of the contract provided an opportunity to review

options for future service delivery. Two viable options had been identified and were detailed in the report. Option 1 would be to return the service in-house. Option 2 would be to tender for the provision of the service by an external provider.

Reason(s) for Decision

The existing contract for the provision of a trading standards service would expire on 30 November 2013. Continuing with the existing arrangement was no longer considered viable. The authority must determine an alternative option for service delivery.

Alternative Options Considered and Rejected

All options considered and rejected were detailed in the report.

Implementation Date

1 April 2014.

RESOLVED: That Option 1, to return the service in house from 1 April 2014, as detailed in the report, be approved.

Director of Public Health

RESOURCES PORTFOLIO

EXB80 INCOME MANAGEMENT SYSTEM - KIOSK INTEGRATION

The Board considered a report of the Strategic Director, Policy and Resources, which sought approval of the waiver of Procurement Standing Orders in connection with the provision of the Council's Income Management System.

The Board was advised that the Council was in the process of replacing its existing payment kiosks located within the One Stop Shops. In addition, it was necessary to integrate the replacement kiosks with the Council's existing income management system, provided by Capita. It was reported that this would necessitate the purchase of a Capita product called 'Smart Greenway' which ensured that receipts from the new kiosks were transferred directly into the Council's income management system, as well as validating all payments received by debit or credit card.

It was reported that, as Capita was the only provider

of 'Smart Gateway', it was not possible to undertake a competitive procurement exercise, and therefore a waiver of Procurement Standing Orders was requested, as detailed in the report.

RESOLVED: That the competition requirements of Procurement Standing Order 4.1 be waived to facilitate the integration of the Council's replacement payment kiosks with Capita Income Management System.

Strategic Director
- Policy &
Resources

EXB81 CAPITA - PAYMENT SYSTEMS MAINTENANCE

The Board considered a report of the Strategic Director, Policy and Resources, which sought approval of the waiver of Procurement Standing Orders in connection with the Capita Payment Systems Maintenance.

The Board was advised that the Council procured an income management system from Capita in 2004, with a number of additional related applications purchased from Capita since, which ensured that the Council's systems had kept pace with advances in technology and the way in which customers paid for goods and services. It was noted that the applications currently supplied by Capita included the AXIS income management system, telephone and internet payments, Chip and Pin licences and cash and cheque receipting systems.

It was reported that the continued use of these applications required an annual maintenance payment to Capita, which exceeded the £1,000 threshold set in Procurement Standing Orders. As it was not possible to seek competitive tenders elsewhere, a waiver was sought to enable this payment to be made.

RESOLVED: That the competition requirements of Procurement Standing Order 4.1 be waived to pay the annual maintenance charge for the payment systems provided by Capita.

Strategic Director
- Policy &
Resources

EXB82 UPGRADE TO CAPITA INCOME MANAGEMENT SYSTEM

The Board considered a report of the Strategic Director, Policy and Resources, on the upgrade to Capita Income Management System.

The Board was advised that the Council's income management system had been provided by Capita since 2004. The system was supported by Capita, with the current version of the software requiring replacement and upgrade

from January 2014. It was reported that, as Capita were the only company able to provide the necessary support, a waiver of Procurement Standing Orders was required to enable payment for the upgrade to take place. It was noted that the amount required exceeded the current threshold, and that it was not possible to undertake a competitive procurement process on this occasion.

RESOLVED: That the competition requirements of Procurement Standing Order 4.1 be waived to facilitate an upgrade of the Council's income management system that is provided by Capita.

Strategic Director
- Policy &
Resources

EXB83 DIRECTORATE PERFORMANCE OVERVIEW REPORTS FOR QUARTER 1 2013/14

The Board considered a report of the Strategic Director, Policy and Resources on progress against key objectives/milestones and performance targets for the first quarter to 30 June 2013.

The Board was reminded that in September 2011, a review of the Council's existing performance management and monitoring arrangements had been undertaken, based upon a set of principles agreed by the Corporate Policy and Performance Board. This was based around the better management of performance information in terms of both strategic focus and volume. The Directorate Performance Overview Report provided a strategic summary of key issues arising from performance in the relevant quarter for each Directorate, being aligned to Council priorities or functional areas. The Board noted that such information was key to the Council's performance management arrangements, with the Board having a key role in monitoring performance and strengthening accountability.

It was reported that monitoring of relevant high risks would be undertaken and progress be reported against the application of the risk treatment measures in Quarters 2 and 4.

RESOLVED: That the report and progress and performance information be noted.

EXB84 TREASURY MANAGEMENT 2013/14 1ST QUARTER: APRIL - JUNE

The Board considered a report of the Operational Director, Finance, which updated Members on the activities undertaken on the money market, as required by the

Treasury Management Policy.

The report provided supporting information on the economic background, economic forecast, short term rates, longer term rates, temporary borrowing/investments and new borrowing. It was noted that no debt rescheduling had been undertaken during the quarter.

RESOLVED: That the report be noted.

ENVIRONMENTAL SERVICES PORTFOLIO

EXB85 VARIATION OF THE NON-STATUTORY FEES OF HALTON REGISTRATION SERVICE FOR 2015/16

The Board considered a report of the Strategic Director, Communities, which sought approval for the variation of the non-statutory fees offered by Halton Registration Service for 2015/16.

The Board was advised that in January 2011, the Executive Board Sub Committee had agreed to set the Registration Service's non-statutory fees outside the usual time frame for setting fees, due to ceremonies being planned up to two years in advance. The proposed fee structure, attached at Appendix 1, was for 2015/16, and would be used in the main promotional event at the annual Wedding and Ceremony Fayre on 16 February 2014. It was noted that the proposals were in line with the Authority's new governance arrangements for delivery of registration services.

RESOLVED: That the variations to the non-statutory fees of Halton Registration Service, set out in Appendix 1 attached to the report, be approved

Strategic Director
- Communities

EXB86 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

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

paragraph 3 of Schedule 12A of the Local Government Act 1972; and

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

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it 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.

EXB87 RESOURCE RECOVERY CONTRACT - KEY DECISION

The Board considered a report of the Strategic Director, Communities, on the progress made with the procurement of the Merseyside and Halton Resource Recovery Contract.

The report set out the financial aspects of the contract. In addition, the report sought to re-affirm the delegation of defined aspects of the Council's Waste Disposal Authority Function to the Merseyside Waste Disposal Authority (MWDA) and the Council's commitment to enter into a legally binding Inter Authority Agreement (IAA) with the MWDA.

Reason(s) for Decision

In order for the Council to fulfil its statutory obligations as a Waste Disposal Authority, it must have in place arrangements for the treatment or disposal of residual household waste. It was important to ensure that any arrangements that were in place continued to represent the most cost effective and value for money solution available to the Council.

Entering into an Inter Authority Agreement with the Merseyside Waste Disposal Authority was required in order to secure Halton's inclusion in the Waste Treatment

Services and Facilities procured by the MWDA.

Alternative Options Considered and Rejected

Halton's involvement in a joint procurement exercise with the MWDA for the provision of Waste Treatment services through a Competitive Dialogue process, sought to ensure that the widest range of market solutions available had been considered and evaluated. The outcome of the procurement exercise was to determine the most cost effective waste management solution available.

The options that had been considered, and led to a decision to work in partnership with the MWDA, were detailed in previous reports presented to Executive Board.

Implementation Date

The Inter Authority Agreement would come into effect on the date that Financial Close of the Resource Recovery Contract was achieved.

RESOLVED: That

- 1) the Council, acting under Section 9EA of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers, delegates to Merseyside Waste Disposal Authority (MWDA) that part of its waste disposal function as relates to the procurement and administration of services for the treatment of waste as set out in the proposed Resource Recovery Contract (RRC) as described in the report (the Delegation);
- 2) the Delegation is contingent upon an Inter Authority Agreement (the IAA) being entered into between the Council and MWDA, and shall commence on a date to be specified in the IAA;
- 3) the IAA shall document the relationship between the Council and the MWDA consequent upon Delegation;
- 4) the expenditure associated with the Delegation be approved; and
- 5) the Strategic Director, Communities, be authorised, in

Strategic Director
- Communities

consultation with the Executive Board Members for Resources and for Environmental Services, the Operational Directors for Finance and for Legal and Democratic Services, to take all such actions and to make any decisions necessary to agree the final terms of the IAA, and to arrange for the IAA to be executed on behalf of the Council.

MINUTES ISSUED: 23 September 2013

CALL-IN: 30 September 2013

Any matter decided by the Executive Board may be called in no later than 5.00pm on 30 September 2013

Meeting ended at 2.30 p.m.