

## APPENDIX 1

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

#### **EXECUTIVE BOARD MEETING HELD ON 12 DECEMBER 2013 TRANSPORTATION PORTFOLIO**

##### **EXB129 OBJECTIONS TO PROPOSED 20MPH SPEED LIMITS, HALTON CASTLE WARD**

The Board considered a report of the Strategic Director, Policy and Resources, which detailed the objections received following public consultation on a proposed 20 mph speed limit on roads within the Halton Castle Ward.

The Board was advised that public consultation had taken place on the proposed introduction of 20mph speed limits on a number of residential areas within the Halton Castle Ward, as shown on the map at Appendix A. Details of the proposals were set out in Appendix B, attached to the report, and had been considered and supported by the Environment and Urban Renewal Policy and Performance Board at its meeting on 11 September 2013.

The introduction of 20mph speed limits had been shown to reduce the number of collisions on residential roads and reduce the severity of any accident casualties. It was reported that following formal consultation, two objections had been received, as detailed in the report. In addition, it was noted that the proposals had the support of Ward Councillors, Castlefields Implementation Group, Cheshire Police and the Portfolio holder for Transportation.

RESOLVED: That

- 1) notice be given of the Council's intention to introduce an Order to implement a 20 mph speed limit on those roads listed in appendix B attached to the report; and
- 2) the objectors be notified accordingly.

Strategic Director  
- Policy &  
Resources

#### **EXECUTIVE BOARD MEETING HELD ON 9 JANUARY 2014 EXB136 DELIVERY AND ALLOCATIONS LOCAL PLAN SCOPING DOCUMENT – APPROVAL FOR A PERIOD OF PUBLIC CONSULTATION**

The Board considered a report of the Strategic Director, Policy and Resources, which sought approval to publish the Delivery and Allocations Local Plan Scoping Document (the Scoping Document) for a six week period of public consultation.

The Board was advised that it was a statutory requirement for local authorities to produce a development plan for their area. The Delivery and Allocations Local Plan would identify strategic development site allocations and land use, set out specific policies to help guide development and provide further detail on key areas of change as identified in the Core Strategy. It was reported that the Scoping Document would be the starting point for discussion on what should be included in the Local Plan and which would eventually guide the future development of the Borough. A copy of this document was attached at Appendix 1.

RESOLVED: That

- 1) the Delivery and Allocations Local Plan Scoping Document (Appendix 1), be approved for the purposes of public consultation for a six week period; and
- 2) any minor drafting amendments to be made to the Delivery and Allocations Local Plan Scoping Document prior to public consultation, be agreed by the Operational Director, Policy, Planning and Transportation in consultation with the Portfolio holder for Physical Environment.

**EXECUTIVE BOARD MEETING HELD ON 6<sup>TH</sup> FEBRUARY 2014  
RESOURCES PORTFOLIO AND PHYSICAL  
ENVIRONMENT PORTFOLIO**

**EXB146 DEMOLITION OF MOOR LANE BUSINESS CENTRE**

The Board considered a report of the Strategic Director, Children and Enterprise, which provided an update on the closure and subsequent demolition of Moor Lane Business Centre.

The Board was advised that a decision to close the

Centre was made in early 2013, as repair work needed to return the building to a reasonable state of repair was estimated to be in excess of £750,000. It was noted that unless rents were increased substantially over a five year period, funding was not available to carry out this work.

Tenants had been provided with assistance with relocation and it was noted that although the majority of the 38 businesses had relocated within the Borough, five had relocated elsewhere. It was reported that if the building was demolished and the site cleared and secured, the site offered a regeneration opportunity. It was further noted that discussions had taken place with the NHS Clinical Commissioning Group in respect of the site being used as an interim car parking facility for clients using the Moor Lane Health Centre.

RESOLVED: That the Board noted

- 1) that the final date for the closure of the building was 31 January 2014; and
- 2) the demolition of the premises would commence in late February 2014, with completion being due in early June 2014.

Strategic Director  
- Children and  
Enterprise

**EXECUTIVE BOARD MEETING HELD ON 27<sup>TH</sup> FEBRUARY 2014  
COMMUNITY AND SPORT PORTFOLIO,  
ENVIRONMENTAL SERVICES PORTFOLIO AND  
PHYSICAL ENVIRONMENT PORTFOLIO**

**EXB159 REVIEW OF FEES AND CHARGES - COMMUNITY &  
ENVIRONMENT**

The Board considered a report of the Strategic Director, Communities, on a review of fees and charges within the Community and Environment Services for 2014/15.

The Board was advised that the review of fees and charges within the Communities Directorate had been carried out as part of the budget preparations for 2014/15. It was reported that the existing fees and charges would be increased generally in line with inflation. However, some, such as Cemeteries and Crematoria had been increased by more to ensure full cost recovery. It was noted that others had been increased to reflect the charges in other local

authority areas.

RESOLVED: That the proposed fees and charges as set out in Appendix 1 attached to the report be approved for 2014/15.

Strategic Director  
- Communities

EXB160 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 items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption 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.

**ENVIRONMENTAL SERVICES PORTFOLIO**

EXB162 WASTE TREATMENT SERVICES TENDER - KEY DECISION

The Board considered a report of the Strategic Director, Communities, on the provision of interim waste treatment services.

The Board was reminded that at its meeting on 24 May 2012, it had considered a report on the Council's current and proposed future contractual arrangements for dealing with residual household waste. In partnership with the Merseyside Recycling and Waste Disposal Authority (MRWA), the Council was involved in the procurement of a Resource Recovery Contract (RRC) for the diversion of residual waste from landfill, which was due to commence in 2016.

Officers undertook two procurement exercises, previously reported to the Board, to try to establish whether there was a more cost effective alternative to the Council's current landfill disposal arrangements during the interim period up to the commencement of the RRC. As these had proved unsuccessful, a further procurement exercise was undertaken in December 2013 and the details of that exercise were set out in the report for Members' consideration.

#### 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.

#### Alternative Options Considered and Rejected

By undertaking a procurement exercise for the provision of waste treatment services through an 'open' process, the Council had sought to consider the widest range of options that were currently available. The outcome of the procurement exercise had determined the most cost effective waste management solution available.

#### Implementation Date

The Waste Treatment Services Contract was expected to commence in April 2014.

RESOLVED: That

- 1) the award of the Waste Treatment Services Contract to the company named in the report, be approved;

and

- 2) the Strategic Director, Communities, be authorised, in consultation with the Portfolio Holder for Environmental Services and the Operational Director, Legal and Democratic Services, to finalise all matters relating to the Waste Treatment Services Contract.

Strategic Director  
- Communities

**MERSEY GATEWAY EXECUTIVE BOARD MEETING HELD ON  
23RD JANUARY 2014**

MGEB18 MERSEY GATEWAY CROSSINGS BOARD LTD

The Board considered a report of the Chief Executive which gave Members details of the role of the Crossings Board in connection with the Project, specifically that:-

- the Council had been required by the DfT as a condition of funding to form the Crossings Board to manage delivery of the Project with due consideration of value for money and affordability; and
- the Crossings Board would enter into:
  - a) each of the Project Agreements and the DMPA as an additional counterparty to the selected contractors; and
  - b) the governance agreement to set out the terms on which the Crossings Board would manage the project on behalf of the Council and the respective obligations of the Council and the Crossings Board to the DfT

as reported elsewhere on this agenda.

The Board was advised that at previous meetings the Board had approved the creation of the Crossings Board. It was confirmed that the Crossings Board had been incorporated in October 2012 as a private company limited by shares and registered at Companies House with the number 08751307.

The Board was further advised that Section 188 of the Companies Act 2006 stated that any director's contract of two years or more duration required approval by ordinary

resolution, i.e. that the shareholders of the company must agree to such contracts in advance.

It was reported that the Governance Agreement proposed that all non-executive directors were appointed for three years by way of a Directors Service Agreement, and hence approval by ordinary resolution was required for MGCB to be able to offer the directors contracts for this duration.

The Construction Director and Finance Director would both be offered a combined Directors Service Agreement and Contract of Employment for four years, and again approval by ordinary resolution was required for MGCB to be able to offer the directors contracts for this duration

The Department for Transport had been consulted on these matters, in accordance with the draft Governance Agreement and there had been no issues with the proposed duration of the contracts.

The Governance Agreement allowed the Council to appoint the initial executive directors, subsequent appointments were to be approved by the Appointments Committee of the Mersey Gateway Crossings Board Ltd.

RESOLVED: That the Board

- (1) note that the Mersey Gateway Crossings Board Ltd has been established in accordance with the Board's earlier approvals;
- (2) agree to the directors of Mersey Gateway Crossings Board Ltd being offered contracts in excess of two years;
- (3) delegate the right to vote on the above matter to the Operational Director, Legal and Democratic Services; and
- (4) authorises the Chief Executive, in consultation with the Leader, to make all the initial executive director appointments in respect of the MGCB.

Chief Executive

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.

#### MGEB20 PROGRESS REPORT AND DELEGATIONS BY COUNCIL TO THE CHIEF EXECUTIVE IN RELATION TO MERSEY GATEWAY - KEY DECISION

The Board was advised that Halton Borough Council ("Council") would be required to enter into a number of contracts in connection with the Project (as defined in the Project Agreement referred to in paragraph 1 below), the primary ones being:

1. the project agreement ("Project Agreement") between (1) the Council, (2) the Mersey Gateway Crossings Board Ltd ("Crossings Board") and (3) the special purpose project company established



by the preferred bidder to deliver the Project (“Project Company”);

2. a direct agreement between (1) the Council, (2) the Crossings Board, (3) the Project Company, (4) the agent appointed by the funders and (5) the Security Trustee (as defined in the Project Agreement);
3. the demand management participation agreement (“DMPA”) between (1) the Council (2) the Crossings Board and (3) the special purpose demand management participation company established by the Preferred Bidder;
4. the governance agreement between (1) the Council and (2) the Crossings Board; and
5. a deed of appointment for the independent certifier to be appointed in connection with the Project, such appointment to be entered into between (1) the Crossings Board, (2) the Project Company, (3) the independent certifier, (4) the Security Trustee and (5) the Council,
6. together the “Project Documents”.

The Board was further advised that the Council would be required to provide certificates in respect of certain of the Project Documents pursuant to the Local Governments (Contracts) Act 1997.

The Board considered a report that had been prepared by the Mersey Gateway Project Director, together with the Council’s legal advisers and the Operational Director (Legal and Democratic Services) in respect of the Project Documents, and the other documents which the Council would be required to enter into (together with the Project Documents, the “Transaction Documents”).

It was noted that the Council’s final business case (“Final Business Case”) together with the draft of the final funding letter from the Department for Transport (DfT) containing the capital and revenue budgets for the Project (“Final Funding letter”) had each been approved by Council on 11 December 2013. It was further noted that certain relevant extracts from the Final Business Case had been appended to the report.

The Board was also reminded that the Council was required, by the terms of the Final Funding Letter, to provide written confirmation that the Council agrees to the terms and conditions of such funding, including certification from the Council's Section 151 Officer that the Council accepts the requirements set out in the Final Funding Letter.

The Board was advised that copies of the latest drafts of each of the Project Documents, the Final Business Case and the Final Funding Letter were and had been available at the Project Office for Members to review.

It was reported that some further matters of fine tuning to the current drafts of the Project Documents may be necessary between now and the date of Financial Close to implement the Project.

The Board also noted the procedure for the execution of contracts by the Council as set out in the Constitution of the Council adopted by resolution of the Council on 17 April 2013 ("Constitution").

The Board was further advised that although this was a key decision (as defined in article 14.03 (B) of the Constitution, it had not been included in the relevant forward plan. However, it was reported that the procedure in Rule 15 (General Exception) of Chapter 4 of the Constitution had been followed.

Having concluded the confidential discussions, the public and press that had been excluded from the meeting for this item of business were invited back into the meeting to be present while the decisions were taken.

#### Reason(s) for Decision

As described in section 1.1 of the report.

#### Alternative Options Considered and Rejected

No alternatives were considered.

#### Implementation Date

The necessary relevant approvals need to be obtained in advance of the date to allow the Council to enter into the relevant contracts at Financial Close.

RESOLVED: That the Board

- (1) note the contents of the report and confirm the details of the project as set out therein;
  - (2) approve the draft of the Project Documents in their current form, noting that further amendments may be required between now and Financial Close;
  - (3) resolve that the entry by the Council into the Transaction Documents (as defined in paragraph 2.4 of the report) at Financial Close, will be necessary to implement the Project;
  - (4) note the appointment of Mark Reaney as Operational Director (Legal and Democratic Services) by the Council's Appointments Committee on 17 April 2007 (as evidenced in the extract from the relevant resolution contained in Part 1 of Appendix 1), and note the specimen signature of Mark Reaney (contained in Part 2 of Appendix 1);
  - (5) in accordance with Article 15.04 of the Council's Constitution, resolve that:-
    - i. any Officer of the Authority at Operational Director Level (as defined in the Constitution), together with another Officer of the Authority nominated by the said Operational Director, be authorised to sign any or all of the Transaction Documents; and
    - ii. the Operational Director (Legal and Democratic Services) or his nominee be authorised to attest the affixing of the Common Seal of the Council to any or all of the Transaction Documents;
- as required, provided that:-
- (1) in the circumstances set out in resolution (5) (i) such Officer and any nomination by such Officer be confirmed; and

- (2) in the circumstances set out in resolution (5) (ii) such nomination be made:

(as the case may be) by the Operational Director (Legal and Democratic Services) using the form of letter attached at Appendix 1;

- (6) resolve that each person so authorised by resolution (5) (each an "Authorised Signatory") is further authorised to negotiate, agree and amend, and complete any missing information in, any Transaction Document or other agreement related to the Project as may, in the opinion of such Authorised Signatory, be required to deliver the Project including (but not limited to) any gaps lists prepared in respect of the Transaction Documents; and
- (7) resolve that the Councils Section 151 Officer be authorised to provide such written confirmations as required by the Final Funding Letter and to sign such certificates based on the form set out in Appendix 2 as may be required in connection with the Local Government (Contracts) Act 1997 in relation to the relevant Project Documents.