

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 15 September 2016 in The Boardroom, Municipal Building*

Present: Councillors Polhill (Chair), D. Cargill, Harris, R. Hignett, S. Hill, Jones, T. McInerney, Nelson, Wharton and Wright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Scott, D. Parr, I. Leivesley, M. Reaney, E. Dawson, S. Wallace-Bonner, A. McIntyre, G. Cook, S. McDonald, I. Onyia and O. Adeyemi

Also in attendance: None

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE BOARD

*Action*

#### EXB27 MINUTES

The Minutes of the meeting held on 14 July 2016 were taken as read and signed as a correct record.

#### CHILDREN YOUNG PEOPLE AND FAMILIES PORTFOLIO

#### EXB28 CLOSURE OF WESTFIELD PRIMARY SCHOOL RESOURCE PROVISION BASE FOR PUPILS WITH HEARING IMPAIRMENT AND SPECIFIC LEARNING DIFFICULTIES - KEY DECISION

The Board considered a report of the Operational Director, Education, Inclusion and Provision, which provided a summary of the consultation on the proposal to close the Resource Provision Base for pupils with Hearing Impairment and Specific Learning Difficulties at Westfield Primary School.

Following approval by Executive Board on 16 June 2016, consultation commenced on the proposal to close the Resource Provision Base at Westfield Primary School. Details of the first phase of the consultation and responses were set out in the report, together with a copy of the consultation document attached at Appendix A. Approval

was sought to commence statutory consultation on the proposed closure, which would be effective from 31 December 2016, and to continue support for the three pupils in Key Stage 2 attending the Base, until the completion of their primary education at Westfield Primary School.

It was noted that a further report would be presented to the Board following the statutory consultation period, so that a decision on the proposal could be determined.

#### Reason(s) for Decision

To provide a more inclusive offer for pupils with hearing impairment, giving them the opportunity to be educated with support alongside their peers.

#### Alternative Options Considered and Rejected

Retaining the current provision. This was rejected as it was less inclusive and more costly.

#### Implementation Date

A decision would be required by Executive Board prior to the end of November 2016, so that the base can be closed with effect from 31 December 2016.

RESOLVED: That

- 1) the response to the first phase of consultation be noted; and
- 2) the statutory consultation on the closure of the Hearing Impaired Resource Provision Base at Westfield Primary School, be approved.

Operational  
Director -  
Education,  
Inclusion and  
Provision

### **HEALTH AND WELLBEING PORTFOLIO**

#### **EXB29 RECOGNISING, VALUING & SUPPORTING CARERS IN HALTON; JOINT CARERS STRATEGY 2016/2019 - KEY DECISION**

The Board considered a report of the Director of Adult Social Services, on the Joint Carers Strategy 2016/19 (the Strategy).

The Board was advised that the National Carers Strategy, refreshed by the Coalition Government in 2010, had four priority areas. Halton's Strategy had been developed to take into consideration the following:-

- National and local priorities for carers;
- Statutory responsibilities and good practice guidance;
- A framework for the continued development of services for carers in Halton; and
- Proposed actions to deliver the strategy over the next three years.

It was noted that the Strategy proposed a model of support for carers based around four key components, as detailed in the report. The body that would be responsible for the delivery of the Strategy in Halton would be the Carers Strategy Group, membership of which was drawn from carers that used the services as well as key delivery partners.

#### Reason(s) for Decision

The delivery of the Strategy would ensure that both the Local Authority and NHS Halton CCG met their statutory duties under the Care Act.

#### Alternative Options Considered and Rejected

None identified.

#### Implementation Date

The Strategy would be implemented following approval by Executive Board.

RESOLVED: That Recognising, Valuing and Supporting Carers in Halton: Joint Carers Strategy 2016/19, be approved.

EXB30 HALTON AFFORDABLE WARMTH STRATEGY 2016-2020  
- KEY DECISION

The Board considered a report of the Director of Public Health, on Halton's Affordable Warmth Strategy 2016/20 (the Strategy).

The report set out the background to a new Affordable Warmth Strategy, which outlined Halton's approach to tackle fuel poverty and conditions for those living in cold homes over the next five years. It was noted

that the Strategy aimed to enable households in Halton to achieve the heating levels they needed to maintain comfort and good health, at an affordable cost, and built upon a wide range of support to address fuel poverty which the Council and its partners already provided for households.

It was reported that the Strategy would address five main aims, as detailed in the report, and would address some of the key issues to improving the short and long term health and wellbeing of households in Halton.

Reason(s) for Decision

To provide a co-ordinated approach to reduce harms from fuel poverty in Halton.

Alternative Options Considered and Rejected

None.

Implementation Date

15 September 2016.

RESOLVED: That the Affordable Warmth Strategy 2016/20 be approved and the Board support the implementation of the Action Plan.

Director of Public Health

EXB31 HALTON 0-5 PUBLIC HEALTH SERVICE CONTRACT 2017 - KEY DECISION

The Board considered a report of the Director of Public Health, which sought approval for a direct contract for the delivery of Health Visiting and Family Nurse Partnership Services between April 2017 and August 2017.

The Board was advised that Bridgewater Community Health NHS Foundation Trust had held a contract with Halton Borough Council since it was novated over from NHS England in October 2015. The current contract delivered the Health Visiting Service and the Family Nurse Partnership Programme, which was due to expire in March 2017, and did not have an allowance for any extension.

It was proposed that the current provider be given a direct award of a contract for five months from 1 April 2017 to 31 August 2017. This would provide the opportunity to support meaningful consultation on the development of a new service specification, and to ensure continuity of service for local people during the proposed extension period.

### Reason(s) for Decision

As the value of the proposed contract would exceed the EU threshold for services of this type, Executive Board approval was sought to publish the Direct Award of a contract to 31 August 2017 to be given to the current provider, using a 'Voluntary Ex-Ante Transparency Notice' (VEAT) through which the contracting authorities must give sufficient information as to the justification for direct award of a contract without OJEU advertising and observe a minimum 10 day standstill period before the contract was awarded.

### Alternative Options Considered and Rejected

The procurement of a Health Visiting / Family Nurse Partnership in isolation had been rejected as it would not enable the development of an innovative, integrated and efficient service to meet the needs of children, young people and their families.

### Implementation Date

It was intended that the process to provide a direct award would be undertaken following Executive Board approval with the new contract to commence in April 2017 for a period of five months.

RESOLVED: That

- 1) the contents of the report be noted; and
- 2) the recommendation to grant a Direct Award to Bridgewater Community Health NHS Foundation Trust for the delivery of Health Visiting and Family Nurse Partnership Services from 1 April 2017 to 31 August 2017, be supported.

Director of Public Health

EXB32 SUPPORTED ACCOMMODATION (VULNERABLE ADULTS) TENDER

The Board considered a report of the Director of Adult Social Services, on the implementation of the vulnerable adults support accommodation services, following completion of the tender exercise.

The Board was advised that, following a tender process for seven geographic areas for the delivery of supported accommodation services in the Borough, contracts were awarded for a three year period from June

2016 to May 2019, with an option to extend for a further one year.

However, due to the withdrawal of services by a number of providers, as detailed in the report, a further procurement opportunity was offered to those previous providers that had reached Stage 2 of the earlier tender process. A further evaluation was completed and details of the current position in terms of providers for each of the zones was set out in the report. The Board noted that by testing the market, the Council had been able to ensure that the purchase of quality care represented value for money.

RESOLVED: That the contents of the report be noted.

*(N.B. Councillors Polhill and Wharton declared Disclosable Other Interests in the following item of business as they were Board Members of the Mersey Gateway Crossings Board)*

## **TRANSPORTATION PORTFOLIO**

### **EXB33 MERSEY GATEWAY BRIDGE PROJECT PROGRESS UPDATE**

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which provided an update on the progress with the Mersey Gateway Bridge Project (the Project) and the performance of the Mersey Gateway Crossings Board Limited (MGCB) for the period January to June 2016.

The Board was advised that the MGCB was a special purpose vehicle established by Halton Borough Council (the Council) with the delegated authority to deliver the Project and to administer and oversee the construction, maintenance and tolling of the new crossing including the tolling of the existing Silver Jubilee Bridge. The MGCB was commissioned to deliver the Project on behalf of the Council and operate as a commercial, (though not-for-profit), organisation on an arm's length basis.

The report set out updates under the following areas:-

- Construction progress;
- Compensation Event;
- Relief Event;
- Health and Safety;

- Key Performance Indicators;
- Risk and a Risk Register; and
- Business Plan.

RESOLVED: That

- 1) progress with the Mersey Gateway Bridge Project as set out in the report, be noted; and
- 2) performance of the Mersey Gateway Crossings Board Limited in monitoring the Project Company's (MER) performance, as set out in the report, be noted.

#### EXB34 STREET LIGHTING HIGHWAY ELECTRICAL TERM MAINTENANCE CONTRACT

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, on the Street Lighting Highway Electrical Term Maintenance Contract.

It was reported that, in November 2010, Tarmac commenced a term maintenance contract to maintain all electrical equipment within the Borough. The initial contract was for five years, with the option to extend up to five, one year extensions. One extension had been utilised and it was noted that the normal expenditure covered by the contract was around £0.5m each year. However, Members were advised that due to capital funding being secured to install LED lanterns, this would increase the work to be carried out through the contract and consequently, expenditure was likely to exceed £1m.

It was noted that, although there was no statutory duty to provide street lighting, where it was provided, there was a requirement that it should be maintained in a serviceable condition.

RESOLVED: That

- 1) an extension to the Street Lighting Term Maintenance Contract, under Procurement Standing Order 1.15, be agreed, for a period of one year from 1 November 2016 to 31 October 2017; and

Strategic Director  
- Enterprise,  
Community &  
Resources

- 2) it be recorded that the expenditure is anticipated to be in excess of £1m per annum.

**EXB35 SURFACE TREATMENT TERM MAINTENANCE CONTRACT**

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, on a procurement process for the provision of a Surface Treatment Term Maintenance Contract.

The Board was advised that the existing contract for surface treatment of the highway would end on 31 March 2017. It was necessary to make arrangements to secure a new term maintenance contract during the current financial year, to commence on 1 April 2017. It was reported that the value for a five year contract would be in the region of £3m, and under procurement rules, the contract would be tendered.

The Board was advised that tender submissions would be evaluated on a ratio of price (30%) and quality (70%), the outcome being reported to Executive Board at a future meeting.

**RESOLVED:** That it be noted that a procurement process will be entered into via The Chest, with the purpose of securing a Surface Treatment Term Maintenance Contract for carriageway and footway surface dressing and micro asphalt across the Borough.

Strategic Director  
- Enterprise,  
Community &  
Resources

**RESOURCES PORTFOLIO**

**EXB36 2016/17 QUARTER 1 SPENDING**

The Board considered a report of the Operational Director, Finance, which summarised the overall revenue and capital spending position as at 30 June 2016.

In overall terms, revenue expenditure was £0.2m above the budget profile. However, whilst the budget profile was only a guide to expected spending, historically spend was lower in the first quarter of the year and accelerated towards the year-end. Therefore, it was reported that there was a significant risk that the Council may overspend its budget for the year. The budget pressures facing the Council continued to be within the Children and Families Directorate, with an increase in out-of-Borough residential placements and fostering, despite an additional £2.3m of additional budget resources being provided in the past two



years.

It was noted that spending on employees at the quarter end was £192,000 below budget profile, mainly due to posts being held vacant and to a staff turnover savings target of 3% being achieved in most departments.

The Capital Programme had been revised to reflect a number of changes in spending profiles and funding as schemes had developed; a list of those schemes that had been revised were set out in the report. It was reported that capital spending at 30 June 2016 totalled £13.538m, which was 99% of planned spending at this stage. This represented 15% of the total Capital Programme of £88.386m.

The Council's Balance Sheet was monitored regularly in accordance with the Reserves and Balances Strategy which formed part of the Medium Term Financial Strategy. The key reserves and balances had been reviewed and were considered prudent and appropriate at this stage in the financial year and within the current financial climate.

RESOLVED: That

- 1) all spending continues to be limited to the absolutely essential;
- 2) Strategic Directors ensure overall spending at year-end is within their total operational budget; and
- 3) Council be recommended to approve the revised Capital Programme, as set out in Appendix 3, attached to the report.

Operational  
Director - Finance

#### EXB37 DISCRETIONARY NON DOMESTIC RATE RELIEF

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which set out details of an application for non-domestic rate relief.

The Board was advised that, under the amended provisions of the Local Government Finance Act 1988, the Council was able to grant discretionary rate relief to any business ratepayer. This relief had previously only been available to organisations that were a charity, a community amateur sports club or a not-for-profit organisation.

Since 1 April 2013, the Council had been responsible

for funding 49% of any award of mandatory or discretionary rate relief granted, with Government meeting the remaining 51%.

Details of the request were set out in the report for Members' consideration.

RESOLVED: That, under the provisions of Section 47 of the Local Government Finance Act 1988, the application for 15% discretionary rate relief from Loose, be granted for the period of three years commencing 1 April 2016.

Strategic Director  
- Enterprise,  
Community &  
Resources

#### EXB38 100% BUSINESS RATE RETENTION - CONSULTATION

The Board considered a report of the Operational Director, Finance, which outlined the consultations on the recently published business rates reform and the 100% business rates retention proposal.

The Board was advised that on 5 July 2016, the Department for Communities and Local Government (DCLG) published a consultation paper regarding the implementation of a new system of 100% business rates retention for local government by 2020. It was noted that Halton was working with the other Liverpool City Region (LCR) Councils, to prepare a combined LCR response to the consultation, as the implications for each of the six Councils were very similar. Alongside the consultation, the Government also announced a Fair Funding Review of Councils' relative needs and resources, the outcome of which would establish the funding baseline for each Council and the level of top-up grant that would be received.

It was reported that the LCR had already agreed to be a pilot area for 100% Business Rates Retention, as approved by the Board on 16 June 2016. Following discussions with DCLG, and as a result of being a member of the pilot area, it was noted that the Council would not be required to sign up to the four year grant settlement offer, as during this pilot period, DCLG guaranteed that no Council would be financially worse off as a result. However, since then, DCLG had published a paper titled "Calculating No Detriment", which outlined the principles of Councils within pilot areas being without detriment to the resources that would have been available to them under the current local government finance regime. The Board noted that although this guaranteed the Council would be no worse off as a result of being a pilot area, it did not provide absolute certainty of the Council being no worse off if it had signed up to the four year settlement or if it had not. It was therefore

considered prudent for the Council to sign up to the four year offer and to publish an efficiency report by 14 October 2016.

The report set out the key proposals from the consultation and the Fair Funding Review for Members' information. Technical work groups, set up by Government, had considered the following themes:-

- Devolution of responsibilities;
- Operation of the system, including how growth was rewarded and risk was shared;
- Local Tax Flexibilities;
- Accountability and accounting in a reformed system; and
- Assessment of Council's needs and redistribution of resources.

RESOLVED: That

- 1) the Operational Director, Finance, in consultation with the Resources Portfolio holder, take the necessary steps to accept the four-year funding settlement offer by 14 October 2016; and
- 2) the Operational Director, Finance, in liaison with the Resources Portfolio holder, contribute and agree to the Liverpool City Region response on the consultation titled "Self-Sufficient Local Government: 100% Business Rate Retention", and the call for evidence titled " Fair Funding Review: Call For Evidence on Needs and Distribution".

Operational  
Director - Finance

## **PHYSICAL ENVIRONMENT PORTFOLIO**

### **EXB39 BRENNAN LODGE SUPPORTED HOUSING SCHEME**

The Board considered a report of the Director of Adult Social Services which informed them that the contract with The Salvation Army for the delivery of supported housing services at Brennan Lodge had been terminated.

The Board was advised that the service was originally commissioned to provide a single homeless service in

Widnes. The service was procured in 2014/15 and opened in July 2015. The Salvation Army were commissioned to deliver the service following a robust procurement process, and following contract award, they joined the steering group responsible for the property development.

It was noted that, due to ongoing issues and areas of concern identified within the scheme, and as detailed in the report, an action plan was devised for the relevant Officers to update and complete. The service audit review was completed in June 2016, and although it confirmed that there had been slight improvements, repeated errors still existed within the procedural practice and case file management that had not been previously addressed.

The report set out three possible options for Brennan Lodge, which were; to fully lift the suspension of the service; to continue with partial suspension; or to terminate the contract with the current provider. Members were advised that the Local Authority had served formal notice on The Salvation Army, giving three month's notice to terminate the contractual agreement.

RESOLVED: That the Board note

- 1) the report;
- 2) that the contract with The Salvation Army has been terminated; and
- 3) that a re-procurement process has commenced, the outcome of which will be reported to the Executive Board.

Director of Adult  
Social Services

EXB40 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.

## **PHYSICAL ENVIRONMENT PORTFOLIO**

### **EXB41 3MG HBC FIELD**

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which provided an update on the disposal of the HBC Field site and the use by the Chief Executive of his emergency powers.

The Board had previously approved the disposal of land at HBC Field and the details of an option agreement with the end user at its meeting on 5 November 2015. In order to progress the negotiations and to finalise the legal documentation, the Chief Executive, in consultation with the Leader and the Portfolio Holders for Physical Environment, Transportation and Resources, had used his delegated powers to make amendments to the Heads of Terms having considered the rationale presented.

RESOLVED: That the Board endorse the use of emergency powers by the Chief Executive in consultation with the Leader and the Portfolio holders for Physical Environment, Transportation and Resources.

## RESOURCES PORTFOLIO

### EXB42 INDUSTRIAL ESTATE DISPOSAL OLDGATE, MARSHGATE, DEWAR COURT

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which provided an update on the disposal of Oldgate, Marshgate and Dewar Court Industrial Estates.

The Board was advised that, during the Summer, a retesting of the market with previous bidders had taken place. Details of the revised offers were outlined in Appendix 1 attached to the report, for Members' consideration.

RESOLVED: That

- 1) the disposal of the industrial estates to the company and at the price named in the recommendation be approved; and
- 2) the Operational Director, Economy and Enterprise, together with the Operational Director, Legal and Democratic Services and the Resources Portfolio holder, be delegated authority to accept reasonable adjustments to the offer price following detailed surveys, provided that any adjustments to the price still exceed that as set out in the report.

Strategic Director  
- Enterprise,  
Community &  
Resources

## ENVIRONMENTAL SERVICES PORTFOLIO

### EXB43 WASTE TRANSPORT SERVICES

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which sought approval to waive Procurement Standing Orders in connection with the proposed arrangements for the delivery of Halton's residual household waste contract.

The report set out a number of Options for Members' consideration in relation to the arrangements for the bulk transportation of Halton's kerbside collection of residual household waste to a Rail Transfer Loading Station, from October 2016.

RESOLVED: That

- 1) the waiver of Procurement Standing Order 1.14.3(a) be approved for the appointment of the Company named in the recommendation, to provide a service for the bulk transport of Halton's residual household waste to the Kirkby Rail Transfer Loading Station ("The Service") for the period 1 October 2016 to 31 March 2017;
- 2) the financial expenditure required to deliver The Service, as detailed within the report, be approved and be met from the Council's Contingency Budget; and
- 3) the Strategic Director – Enterprise, Community and Resources be authorised, in consultation with the Executive Board Member for Environmental Services and the Executive Board Member for Resources, to;
  - i) take all steps necessary to implement The Service for the period 1 October 2016 to 31 March 2017, including the agreement of all contractual arrangements, and;
  - ii) determine all matters relating to the transport of Halton's residual waste beyond 1 April 2017; including the potential continuation of a bulk transport service and any subsequent procurement arrangements and contract award up to the value of £1m.

Strategic Director  
- Enterprise,  
Community &  
Resources

**MINUTES ISSUED: 19 September 2016**

**CALL-IN: 26 September 2016**

**Any matter decided by the Executive Board may be called in no later than 5.00pm on 26 September 2016**

*Meeting ended at 2.18 p.m.*