

Public Document Pack



Executive Board Sub Committee

Thursday, 13 December 2007 at 10.00
a.m.

Marketing Suite, Municipal Building

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

Chief Executive

SUB COMMITTEE MEMBERSHIP

Councillor Mike Wharton (Chairman)	Labour
Councillor Phil Harris	Labour
Councillor Steff Nelson	Labour

Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.

The next meeting of the Sub Committee is on Thursday, 10 January 2008

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

Part I

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1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
3. COMMUNITY PORTFOLIO	
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PART II

In these cases the Sub Committee has a discretion to exclude the press and public, but in view of the nature of the business to be transacted it is **RECOMMENDED** that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

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

REPORT TO: Executive Board Sub Committee

DATE: 13 December 2007

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Enforcement of Part III of the Consumer Credit Act - Legal Authorisations

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval for a scheme of delegation to authorise Birmingham City Council and officers of the Illegal Money Lending Team (IMLT) to investigate and institute proceedings against illegal money lenders operating within the Halton Borough Council area.

2.0 RECOMMENDATION: That

- (1) the Board agrees to the delegation of the enforcement of Part III of the Consumer Credit Act 1974 in Halton, to Birmingham City Council (pursuant to Section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 20 of the Local Government Act 2000 and all other enabling powers) up to 31 March 2009. This delegation relates to the joint exercise of functions and does not affect the delegation of the enforcement of the Consumer Credit Act already furnished to officers of Halton Borough Council; and**
- (2) the attached "Protocol for Illegal Money Lending Team Investigations" be agreed and authority be delegated to the Operational Director, Health & Partnerships, in consultation with the Executive Board Member for Community, to enter into the agreement on behalf of Halton Borough Council and approve minor alterations if required.**

3.0 SUPPORTING INFORMATION

General Background

- 3.1 The primary legislation governing the consumer credit industry is the Consumer Credit Act 1974 and this is enforced, in each Local Authority area, by the Trading Standards (Consumer Protection) Service. The Act is based upon a licensing system and all consumer credit and

consumer hire businesses operating in the UK (with certain exemptions) must possess an appropriate licence issued by the Office of Fair Trading (OFT). The OFT must be satisfied that an applicant for a Consumer Credit Licence is a fit and proper person before issuing that person with a licence to trade.

- 3.2 To operate a consumer credit business without being licensed is a criminal offence and carries a maximum penalty of £5,000 and/or up to two years imprisonment. Further, the OFT can revoke licences where it can be established that the licensee has acted inappropriately. The OFT can issue warnings and add conditions to the licence where necessary.
- 3.3 Illegal money lending covers a range of activities, from persons that are actually licensed but are acting unlawfully (for example by canvassing off trade premises) to the extreme of a person offering cash loans without being licensed at all (Loan Sharks).
- 3.4 The Birmingham Illegal Money Lending Team was established as a pilot project, one of only two in Great Britain; the other pilot area being Glasgow. The remit of the team is to investigate illegal money lending activity and establish if a problem exists and, if so, bring to justice those persons carrying on this activity.
- 3.5 The pilot scheme in England hosted by Birmingham Trading Standards initially covered a geographical area including the West Midlands, Warwickshire, Shropshire, Herefordshire, Worcestershire, Stoke, Staffordshire and Telford. The team initially consisted of seven investigators with a broad range of backgrounds and investigative skills and a team manager.
- 3.6 Research, funded by the Department for Business, Enterprise and Regulatory Reform (DBERR) and using information gathered by the Birmingham pilot project, has been published which identifies the extent of this type of activity as well as the reasons that people use illegal money lenders.
- 3.7 In December 2006 the Treasury Minister Ed Balls visited the Birmingham based project and announced an extension to the funding for a further year, up to March 2008. The funding is provided from the Financial Inclusion Fund administered by the Treasury and managed by the DBERR. This continuation clearly identified the Government's support for the work undertaken by the Birmingham based team and a commitment to what is considered a successful project.
- 3.8 More recently, in September 2007, the Business Secretary, John Hutton, announced that the localised pilots would be extended to every region of the country, including the North West, up to 31 March 2009. However, given the timescale of the bidding process Trading Standards North West approached the Birmingham team to request

that they submitted a bid to undertake the work in the North West. This bid proved to be successful.

Key statistics for the project up to 1 February 2007

- 3.9 Since it began in 2005 the project can claim:
- Population covered – 5,267,337 incorporating 14 Local authorities
 - Illegal debt written off – over £2 million
 - Victims helped – over 1,500
 - Cash seized to date - £44,170
 - Proceeds of crime proceedings ongoing for over £1 million
 - 12 guns taken off the street
 - many offenders found to be falsely claiming benefits
 - counterfeit goods to the value of over £100,000 recovered
 - prison sentences totalling over 26 years so far handed down.
- 3.10 In addition to exceeding the expectations of the Government, the project has also achieved significant added value, including expert support to other Trading Standards authorities in tackling illegal moneylenders in their area. Developing partnership working with the Police, the Department of Work and Pensions, H M Revenue and Customs as well as other key partners has facilitated a coordinated approach to tackling crime.

Performance against the Objectives of the Pilot Project

Objective 1 - “To obtain a clear understanding of the scale and impact of illegal money lending as well as learning lessons on the best way to enforce”:

- 3.11 The evidence so far indicates that illegal moneylenders are widespread and prevalent. They operate in areas that have a high proportion of rented accommodation and target the most vulnerable members of society. Often these are areas where legitimate lenders do not lend due to safety risks for their collectors.
- 3.12 Evidence suggests illegal moneylenders vary from those who lend £10 over a few days and demand £12 on repayment, to those who provide substantial loans to those looking to set up businesses. Interest rates range from 100% up to 117,000% APR in some instances.
- 3.13 Information gathered so far suggests that illegal money lending is being operated across all sectors of the community. The majority of people using moneylenders are in receipt of income support or benefits and are introduced through word of mouth. However evidence also suggests that moneylenders operate within the wider community and the pilot has identified illegal money lending within the business community. In many of the investigations it has been established that the moneylenders resort to intimidation and violence in order to secure

payment. Other common traits include: adding indiscriminate charges, targeting single mothers and introducing payment through sexual favours.

- 3.14 Moneylenders often use victims of money lending to assist them with maintaining their criminal lifestyle and anonymity, for example illegal moneylenders' vehicles are often registered at a clients' address.
- 3.15 There is also anecdotal evidence suggesting that illegal moneylenders have an impact on the wider community in which they operate, with victims resorting to petty crime to enable them to meet payments. Reducing the activities of illegal moneylenders or removing them altogether may therefore help to reduce levels of other criminal activity within a community.
- 3.16 With regard to enforcement activity the investigation of illegal money lending has proven to be very resource intensive. Targets need to be observed and monitored to determine their activity, to identify them and if possible establish their address. A significant proportion of targets are also what are termed "life style criminals", which means that evidence of other illegal activity can surface during the course of an investigation. This may not only involve other agencies but can also extend the life of an investigation, thereby adding to the pressure on resources.

Objective 2 - "To create a climate where victims can come forward – confident that prosecutions will be undertaken, and convictions obtained, without fear of reprisals":

- 3.17 Effective branding and publicity of the pilot project has meant extensive promotion of the aims of the project and work of the team, within both the local and wider community. Evidence suggests that this has been achieved because it can be evidenced that victims are willing to contact the hotlines, and to provide further evidence to help achieve prosecutions.
- 3.18 The Birmingham Team has continued to use injunctions, backed by the power of arrest under the Anti-Social Behaviour Act 2003, to remove lenders from their area of operation. Injunctions are reinforced with an agreement from the local police to flag the matter on their system and respond immediately if they receive a call from one of the victims.

Objective 3 – "To change the perception amongst those lending that illegal money lending is rarely prosecuted":

- 3.19 A proactive media campaign is ongoing. Engaging television, radio and newspapers locally, regionally and nationally is helping to promote the work of the team and raising public awareness.

Objective 4 – “To develop ways of replacing the removed lenders with more support for their victims”:

- 3.20 The Birmingham Illegal Money Lending Team helps victims of illegal moneylenders with practical help and support through and in conjunction with the services of local Debt Advice Teams and the National Debt line. It has been noted that victims often need more than simple money advice and so face-to-face advice is considered the most helpful way forward and is the route normally adopted.
- 3.21 Links have also been established with credit unions and their associations and where practicable these agencies are also called upon to provide help and advice. The Birmingham Illegal Money Lending Team offers money management to all victims of moneylenders who contact them for advice and assistance. Partnership working in this area is recognised as being a must in this area of service provision.

Authorisations

- 3.22 In order to expand the scheme into Halton the existing Birmingham team requires proper authorisation of the officers to carry out the investigations and for all the associated legal processes and costs thereof to be delegated to Birmingham City Council. The draft protocol attached as Appendix 1 to this report contains all the required conditions and consents to enable Birmingham City Council officers to undertake investigations and legal procedures.

4.0 POLICY IMPLICATIONS

- 4.1 This proposal, if agreed, will supplement Halton’s Consumer Protection resources (at no extra cost to Halton Borough Council) and will enable the Consumer Protection officers to have access to a team of highly trained experts from the IMLT.

5.0 FINANCIAL IMPLICATIONS

- 5.1 HM Treasury funds the IMLT/Project. There will be no cost or resource implications for Halton Borough Council in delegating this authority to Birmingham City Council. Halton’s Consumer Protection Service does not currently have sufficient resources to dedicate a team solely to the investigation and detection of illegal or unlicensed moneylenders. The Birmingham based project team, funded by the Treasury, is able to provide additional resources and protection for the benefit of Halton’s citizens at no cost to Halton Borough Council.

6.0 OTHER IMPLICATIONS

- 6.1 Colleagues in Legal Services have been consulted and advise that a formal delegation of powers under the relevant local government legislation is the correct procedure to be used. They have also reviewed the proposed protocol and are satisfied that it is fit for purpose.
- 6.2 Halton's Consumer Protection Staff may, by agreement, be involved in some of the IMLT operational work whilst they are operating in the Halton area. However this delegation to the IMLT (and the proposed protocol) does not commit Halton Consumer Protection to provide any specific resource.
- 6.3 This area of law enforcement requires specialist expertise, techniques and facilities that the Consumer Protection Service would not otherwise have access to. Members of the IMLT include officers with high-level training and expertise in surveillance techniques as well as security operations. The team includes, amongst others, ex police officers and security services personnel.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

None directly but indirectly 7.3 and 7.4 below highlight implications that can impact on children and young people.

7.2 Employment, Learning and Skills in Halton

Marginalising rogue traders creates an environment that supports and encourages legitimate credit providers.

7.3 A Healthy Halton

Illegal money lending has a serious detrimental effect on both individuals and the community. Tackling the root causes and providing legitimate alternative sources of credit will contribute to reducing stress and pressures on many individuals and communities.

7.4 A Safer Halton

Illegal moneylenders invariably target low-income households and the most vulnerable members of society. This can mean that their activities have disproportionate implications for the more deprived areas and action taken against them therefore supports the policy priorities associated with crime and disorder and protecting the more vulnerable members of the community.

7.5 Halton's Urban Renewal

None.

8.0 RISK ANALYSIS

- 8.1 Given the performance of the Birmingham Illegal Money Lending Team to date and the fact that the partnership arrangement will be documented via the attached protocol, the risks associated with this proposal are considered to be minimal.

9.0 EQUALITY AND DIVERSITY ISSUES

- 9.1 The recommendations have a positive impact on equality, as the result of pursuing them will be to increase the protection of vulnerable members of the community. The report is neutral in terms of diversity.

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

- 10.1 There are no background papers within the meaning of the Act.

DEPARTMENT FOR BUSINESS ENTERPRISE & REGULATORY REFORM
ILLEGAL MONEY LENDING PROJECT

PROTOCOL FOR ILLEGAL MONEY LENDING TEAM INVESTIGATIONS

Interpretation

For the purposes of this Protocol –

“**BCC**” means Birmingham City Council

“**HCP**” means Halton Borough Council Consumer Protection

“**IMLT**” means the Illegal Money Lending Team

“**Delegated Power**” means the delegation of the enforcement of Part III of the Consumer Credit Act 1974 to BCC by Halton Borough Council in pursuance of section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000, section 20 of the Local Government Act 2000 and all other enabling powers. This delegation relates to the joint exercise of functions and does not affect the delegation of the enforcement of the Consumer Credit Act already furnished to officers of Halton Borough Council.

“**Commencement Date**” means the date the Delegated Power is granted

“**Term**” means from the date of signing of this protocol to 31st March 2009

“**Birmingham Trading Standards**” means Regulatory Services of BCC

“**Halton Contact Officer (HCO)**” means the relevant person appointed by the Divisional Manager of HCP to liaise with the IMLT team manager on matters relating to and in connection with the Illegal Money Lending Project

“**Appropriate Contact Officer**” means The Director of Regulatory Services, Head of Trading Standards and Licensing or the Illegal Money Lending Manager of Birmingham Trading Standards and the Divisional Manager of HCP or any person authorised by them

1. Application

1.1 This Protocol applies to the DBERR/HM Treasury funded 'Illegal Money Lending Project' and covers the following issues:-

- The conduct of investigations and associated working practices for the IMLT officers when conducting investigations or operating in Halton.
- The mechanisms whereby HCP is updated on the progress of the project and any significant issue relating thereto.
- The exchange of intelligence and information between the IMLT and HCP
- The institution of legal proceedings.

2. Protocol

2.1 The purpose of this protocol is to facilitate the delegation of powers to officers employed within BCC's IMLT to enforce the provisions of the Consumer Credit Act 1974 within the area of Halton. The protocol encourages the exchange of information and a working partnership approach between BCC and HCP in relation to the Consumer Credit Act 1974.

2.2 This Protocol will come into force on the Commencement Date and terminates at the end of the Term.

2.3 Notwithstanding the terms and conditions of this Protocol, this Protocol does not prejudice the right of HCP to withdraw the Delegated Power at any time during the Term. However HCP undertakes not to withdraw the Delegated Power unless it considers there is good reason to do so. The Delegated Power is not to be unreasonably withdrawn by HCP.

3. The IMLT

3.1 It is recognised that officers in the IMLT will need authority to initiate and/or undertake investigations and/or the prosecution of potential offences falling within the scope of the 'Illegal Money Lending Project' where such potential offences fall entirely outside of the BCC boundaries. The Delegated Power is deemed to provide such authority.

3.2 The IMLT will comprise of a team manager and up to 11 staff directly employed by BCC. The IMLT team manager will be responsible for the day-to-day operation and supervision of the IMLT.

3.3 The IMLT team manager will report directly to the Director of Regulatory Services.

- 3.4 The Illegal Money Lending Team Manager, BCC will quarterly from the Commencement Date, provide a progress report to the Divisional Manager of HCP giving details of investigations, (unless there is a significant risk that any such disclosure may jeopardise an investigation, such a decision is within the discretion of the Director of Regulatory Services BCC) prosecutions being pursued or concluded and developments concerning or affecting the Illegal Money Lending Project in Halton.
- 3.5 It is recognised that after Delegated Power is granted to BCC, all decisions concerning the pursuance of relevant investigations, decisions to prosecute and the laying of charges and/or information on such relevant matters within Halton, shall be taken by BCC and in accordance with the relevant Code for Crown Prosecutors and BCC's Enforcement Policy. However, BCC will consult with the Halton Contact Officer before any charges and/or informations are preferred unless it is not practicable to do so.

4 Working Arrangements in the Halton Borough Council Area

- 4.1 HCP will designate and appoint a Halton Contact Officer (HCO).
- 4.2 The IMLT team manager will on the first working day of each month and at any time the IMLT team manager considers necessary and prudent, or at the request of the HCO, brief the HCO on any intelligence gathered, any progress made on investigations and/or prosecutions pending or otherwise, relating to or affecting Halton and/or its residents.
- 4.3 Further to Clause 4.2 above, all reasonable steps will be taken by the IMLT team manager to keep the HCO updated on the progress of investigations and enquiries being carried out in Halton and any changes made or introduced by the Department for BERR concerning the 'Illegal Money Lending Project'. It is incumbent on the IMLT team manager to maintain regular dialogue/communication with the HCO.
- 4.4 The IMLT will have regular contact with Cheshire Police and other Government agencies. The IMLT team manager will consult the HCO to identify any local arrangements, investigations and protocols before any investigation is commenced in pursuance of the 'Illegal Money Lending Project'. Wherever possible, the IMLT team manager will actively involve the HCO and seek to develop close links between those agencies and HCP.
- 4.5 The IMLT team manager will as soon as reasonably practicably inform the HCO the outcome of any concluded prosecution proceedings conducted within Halton.
- 4.6 BCC will consult with HCP and the Halton Communications and Marketing Unit in good time before issuing any press release concerning any prosecution pursued by BCC pursuant to this Protocol.
- 4.7 Any contact with local government bodies, other police forces, credit unions or similar organisations that may be locally funded or may involve local sensitivities will be agreed with the HCO in advance. Upon being notified of an intention to

contact such a body, HCP may arrange for one of their own officers to accompany the relevant officer of the IMLT on any visit, or undertake the work themselves, and pass any results back to the IMLT.

- 4.8 Where the IMLT team manager and the Divisional Manager of HCP agree that an officer or officers of HCP will be actively involved in an investigation, that officer will remain an employee of HCP but for the purpose of that investigation, will come under the control of the IMLT team manager. Such agreement will be subject to the IMLT team manager being satisfied that the officer's or officers' participation will not compromise any investigation or endanger any member of the IMLT, supporting staff or witnesses, that the officer has the appropriate training and experience to undertake the task; and upon any other terms that the IMLT team manager and the Divisional Manager of HCP consider necessary and/or appropriate.
- 4.9 Unless there is prior agreement with the IMLT team manager for assistance in an investigation, which is accompanied by an official purchase order from BCC, no reimbursement will be made for time spent on activities supporting the 'Illegal Money Lending Project' or expenditure incurred by any HCP officer.
- 4.10 The exercise by BCC of these arrangements shall be at no cost to HCP and furthermore BCC undertakes to indemnify HCP against any claim made against HCP arising out of the exercise by BCC of powers granted to them under these arrangements.
- 4.11 BCC shall have an Appropriate Contact Officer.
- 4.12 In the absence of the IMLT team manager, the role, duties, and responsibilities of the IMLT team manager shall be discharged and carried out by the Appropriate Contact Officer.

5. Referral of Information/Intelligence to the Project Team

- 5.1 The IMLT It is recognised that the IMLT will rely on receiving information about Illegal Money Lender activities.
- 5.2 HCP will endeavour to provide as much relevant information and intelligence as reasonably and practicably possible to the IMLT concerning any investigation being carried out within Halton, having regard to any statutory limitations/restrictions, the time likely to be expended, resources available and costs likely to be incurred by HCP in providing the same.
- 5.3 Information and intelligence will be provided by the HCO to the IMLT team manager or a person designated by him/her.
- 5.4 BCC IMLT will not, as a matter of routine, investigate individual complaints received concerning alleged Illegal Money Lender activities. However, such complaints may be used by the IMLT as a source of intelligence.
- 5.5 BCC, IMLT and HCP agree to process personal data only in accordance with the requirements of the Data Protection Act 1998 and to disclose information in accordance with the requirements of the Enterprise Act 2002.

6 Conduct and Control of Investigations

- 6.1 The conduct and control of all investigations undertaken and prosecutions by the IMLT in Halton will be the responsibility of BCC. Investigations will be undertaken in line with the BCC's published Enforcement Policy and subject to the policies and procedures approved and adopted by Birmingham Trading Standards.
- 6.2 BCC will be responsible for all aspects of the investigations and responsibilities under the Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Enterprise Act 2002.
- 6.3 BCC will be solely responsible for the Health and Safety of IMLT officers and any other officer or person within the direct management of the IMLT providing support and assistance in any investigation undertaken by the IMLT.
- 6.4 Where breaches of Part III of the Consumer Credit Act 1974 are identified, action will be taken in accordance with the enforcement policy and procedures adopted by Birmingham Trading Standards.
- 6.5 When the Team Manager, IMLT BCC, recommends a prosecution under Part III of the Consumer Credit Act 1974, if required, HCP will be provided with a copy of the relevant prosecution file, which will consist of a detailed case summary, schedule of issues, aggravating and mitigating factors, reasons justifying prosecution and any other material fact that HCP ought reasonably to be aware of. HCP will be invited to communicate any comments it considers appropriate and necessary concerning the intended prosecution to the Senior Assistant Director, Regulatory Services, the informant for BCC. Such comments will be given due attention and consideration by the informant for BCC.

7. Responsibilities and Actions of the Authorities

- 7.1 BCC shall be liable for the actions and competence of the persons employed within the IMLT and shall ensure that the IMLT shall comply with all legislative requirements and take all reasonable steps to ensure any actions taken are lawful and within the spirit of the protocol.
- 7.2 HCP shall be liable for the actions and competence of persons within its employ and shall take all reasonable steps to ensure the competence of those persons in carrying out their functions and that they comply with legislative requirements and the spirit of this protocol.
- 7.3 Information / intelligence provided between BCC and HCP shall be used for the purpose intended and shall not be divulged to third parties unless to do so would be lawful and in pursuant of an investigation / enquiry subject to this protocol.

7.4 BCC and HCP endorse a joined up working approach to the enforcement of the Consumer Credit Act 1974. The partners will attempt to promote consistency in enforcement. However, this protocol does not attempt to restrict the powers of authorised officers of the IMLT or HCP from discharging their duties, as appropriate.

Commencement date:

Signed

Paul McWade
Operational Director
Health & Partnerships Department
Halton Borough Council

REPORT TO: Executive Board Sub-Committee

DATE: 13 December 2007

REPORTING OFFICER: Strategic Director, Health & Community

SUBJECT: Integration of Adults with Learning Disabilities' Services

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To inform the Executive Board Sub Committee of proposals to strengthen the integration of the services for Adults with Learning Disability (ALD) managed by the Health and Community Directorate. To seek appropriate authorisations and approvals.

2.0 RECOMMENDATION:

It is recommended that:

- i) Members agree the proposals to further integrate Health and Care Management Services; and**
- ii) Agree delegated authority to the Strategic Director, Health and Community, to agree a contract between Halton Council and Halton and St Helens Primary Care Trust to transfer up to 15 staff to the Council under the Transfer of Undertaking (Protection of Employment) Regulations) 2006 (TUPE).**

3.0 SUPPORTING INFORMATION

3.1 Adults with Learning Disabilities (ALD) Services are guided by "Valuing People" the Government National Guidance published in 2001 which set out the priorities for the delivery of services for adults with learning disabilities.

3.2 This Guidance recognised the need to work in partnership both across agencies and with the service users and carers. The Guidance also recognised the need to promote social inclusion and ensure that people with learning disabilities participated as fully as possible within the community.

3.3 In Halton the importance of close working arrangements has long been recognised to ensure that the needs of people with learning disabilities are met and that the spirit of the Guidance is adhered to

except where there are compelling reasons to do something else. The Primary Care Trust (PCT) and Halton Borough Council (HBC) have worked closely together; this has been achieved by:

- The establishment of a pooled budget since 2002, managed by HBC. The budget stands at £12.2m 2007/2008 and includes most ALD services and the Community Care budget. In line with the national picture the budget is under pressure and will continue to be so. Steps are being taken to address these pressures.
- Co-location of the PCT's Health Team and HBC's Care Management Team for ALD at The Bridges, Crow Wood Lane, Widnes. This is a Primary Care Trust Building and currently separate management arrangements are in existence for the two teams located there.

3.4 The Partnership between the PCT and the Council can now be further strengthened to offer a fully integrated service. The PCT is seeking to transfer up to 15 relevant staff to the Council and place them under the management of HBC. The staff in question would be mainly nurses who have developed an expertise in learning disabilities. More specialised staff will be transferred to a Health Trust and do not form part of this proposal. This transfer would take place at the earliest at the beginning of the next financial year. There are a number of advantages for this proposal which are set out below:

- The service will improve; as people with learning disabilities will only have one point of access and assessment, currently there are two systems for service users and carers to navigate.
- Nurses and social workers will have one management system, thus avoiding duplication and inefficiencies.
- The "person-centred planning" approach will be strengthened in line with national guidance "Valuing People 2001".

3.5 The proposal to transfer NHS staff into Halton Council will be subject to widespread consultation with staff and will be undertaken in partnership between the Council and the PCT. The PCT, as the employer, will inform the relevant NHS staff and their representatives of the progress of the transfer of the undertaking. Halton will continue to keep the PCT informed of the detail of the transfer so that the PCT can meet its' duties to keep staff informed. Any transfer will be undertaken on a planned basis and be subject to clear contractual arrangements.

3.6 These proposals do not set out the delivery of a new model of service therefore formal consultation with service users and carers is not required, indeed many service users and carers will not experience any change in service. At the same time, these changes

are to be viewed as an opportunity to improve services and carers and service users will be consulted in how this can best be achieved. A self-advocacy group will support the PCT and the Council in this consultation.

4.0 BUSINESS CASE

4.1 The integration of services for people with learning disabilities offers the council the opportunity to be more efficient in its delivery of services. There will be an increased ability to be flexible and a decrease in duplication improving the experience of people with learning disabilities assessed to be in need of services.

4.2 It is planned that the existing agreement of a pooled budget and joint management between the PCT and the Council will be amended to reflect the new arrangements which will result in the Council providing all care and budget management. This will be undertaken by agreement between the council and the PCT, and subject to formal notification by both parties.

4.3 The date of the implementation of the amended agreement will be agreed between the PCT and the Council and will be no earlier than 1 April 2008

5.0 POLICY IMPLICATIONS

5.1 This proposal supports the national guidance "Valuing People 2001" which requires agencies to provide a holistic service to people with learning disabilities.

6.0 FINANCIAL IMPLICATIONS

6.1 Transfer of NHS staff will be subject to TUPE protection in the case of employees and a contract between the PCT and the Council that will cover all financial implications. Given the budgetary pressures on the service and the ALD pooled budget there cannot be any additional costs to the Council with this proposal.

7.0 RISK ANALYSIS

7.1 Some staff currently employed by the PCT may seek employment elsewhere and not move into Council employment, this would make it difficult to provide both a Health and Social Care service. The Council will seek agreement from PCT that funding for the posts, even when vacant, sits within the council allowing maximum flexibility in the provision of the service.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 This proposal will enhance equity of access to people with learning disabilities.

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

Document	Place of Inspection	Contact Officer
Valuing People 2001	Grosvenor House 2 nd Floor, Dee Wing	Audrey Williamson Operational Director Adults of Working Age

REPORT TO: Executive Board Sub Committee

DATE: 13 December 2007

REPORTING OFFICER: Director Of Environment

SUBJECT: Report And Acceptance Of Tenders – A56 / A558 Junction Improvement Scheme, Daresbury

WARDS: Daresbury

1.0 PURPOSE OF THE REPORT

- 1.1 To report to the Board tenders received for the highway improvement scheme at the A56 / A558 junction, Daresbury and to make a recommendation for acceptance of tender.

Note: Tenders for this scheme are due to be received at noon on Monday 3rd December. Tenders will be checked and assessed forthwith, and a supplementary report will be prepared for distribution to Board members prior to the meeting.

2.0 RECOMMENDATION: That

- (1) **The tender recommended in the supplementary report be accepted.**

3.0 SUPPORTING INFORMATION

Details of this highway access improvement scheme were presented to the Board on 29th November 2007. In order to comply with the strict timescales associated with the ERDF funding profile for the project, tenders were invited at the end of October on the basis of a phased construction approach from the following companies:

Birse Civils Limited
DCT Civil Engineering Limited
Eric Wright Civil Engineering
NMS Civil Engineering Limited

Tenders were returned on Monday 3rd December and have been assessed on the basis of quality, execution and price in accordance with the criteria set out in the instructions for tendering.

Note: The results of the tender assessment process and a recommendation for acceptance of the most economically advantageous tender on the basis of quality, execution and price will be detailed in the supplementary report.

4.0 POLICY IMPLICATIONS

There are no policy implications.

5.0 OTHER IMPLICATIONS

5.1 Resource Implications

At its meeting on the 29th November, the Board resolved to recommend to Council that the scheme be included in the capital programme at a total cost of £3.478m (ES Minute 55 refers). This will enable the construction of the scheme to be undertaken within one contract. All land required for the construction of the scheme is in the Council's ownership and control.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

There are no implications for the Council's priorities.

7.0 RISK ANALYSIS

7.1 Financial Exposure of the Council.

All tenderers were selected from the 'Constructionline' pre-qualification database of contractors. HBC internal audit have carried out a further assessment of each company's financial standing and have advised that all tenderers have sufficient financial capability to undertake a contract of this value. Payments under the proposed contract will be due under a payment valuation based on ad-measurement of work completed. A performance bond will be a requirement of the contract.

7.2 Time and Cost Over-run

The risk of cost and time overruns associated with this project will be managed through the application of the Engineering and Construction Contract conditions which set out procedures for dealing with the effects of changes on price and completion date issues. The proposed contract will be supervised by dedicated on-site staff and administered by the Highways Management Division.

8.0 EQUALITY AND DIVERSITY ISSUES

The successful contractor will be required to have in place an acceptable equality and diversity policy prior to award of the contract.

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

Document	Place of Inspection	Contact Officer
Contract N ^o HE 367 A56/A558 Junction Instructions tendering	Highways Management Division, Rutland House, Runcorn.	John Gill

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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