

EXECUTIVE BOARD SUB COMMITTEE

At a meeting of the Executive Board Sub Committee on Thursday, 8 July 2010 in the Marketing Suite, Municipal Building

Present: Councillors Wharton (Chairman), Harris and Nelson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: M. Reaney, G. Ferguson, B. Dodd, J. Hatton, A. McIntyre, S. Munikwa, A. Plant and S. Rimmer

Also in attendance: None

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE SUB-COMMITTEE

		<i>Action</i>
ES10	MINUTES	
	<p>The Minutes of the meeting held on 17 June 2010 were taken as read and signed as a correct record.</p>	
	RESOURCES PORTFOLIO	
ES11	2009/10 FINANCIAL OUTTURN	
	<p>The Board considered a report which reported the final revenue and capital spending position for 2009/10.</p> <p>The report advised that the final accounts for 2009/10 were now complete and the revenue spending position for each Department, subject to external audit, was set out in the appendix to the report.</p> <p>It was noted that the Council had closely monitored and controlled its spending throughout the year such, that total spending was £489,000 below budget for the year (compared to £281,000 in the previous year).</p> <p>In addition, the Board was advised that staffing expenditure was significantly below budget across the Council, as vacancies remained unfilled in anticipation of the</p>	

Efficiency Review. However, the global credit crunch and economic downturn had impacted upon the Council's finances during the year. In particular, there were shortfalls totalling £1,727,000 in a number of areas of income details of which were outlined in the report.

With regard to capital spending, this totalled £33.2m, which was £8.5m below the revised capital programme of £41.7m. This represented 80% delivery of the revised capital programme for which 20% slippage had been anticipated throughout the year. The main areas of significant slippage were in respect of Mersey Gateway advance land acquisitions, Widnes Waterfront and Bridge Maintenance.

In respect of school balances, these had reduced by £0.7m to £7.6m in total. There was also £1.9m of unspent schools related funding held centrally which would carry forward to 2010/11.

RESOLVED: That the report be noted.

NEIGHBOURHOOD, LEISURE AND SPORT PORTFOLIO

ES12 ACCEPTANCE OF PANTOMIME TENDER

The Sub-Committee was advised that in March 2010 an advertisement was placed for expressions of interest in providing the seasonal pantomime at The Brindley to run from December 2010 to January 2011. From this advertisement seven pre-qualification questionnaires were returned. Of these, two were from organisations who were not production companies. Two other applicants had no experience of producing pantomimes. Of the remaining three applicants two companies failed the financial checks and were therefore disqualified from tendering. As such, this left New Pantomimes Production Limited the only company meeting the criteria.

In order to provide a cost comparison, and be confident that value for money was being achieved, two other comparators were used:-

- the cost of last year's pantomime that had the same number of performances. In this case, the tender submitted was some £6,000 lower than the cost of the previous year's production; and
- two writers/performance directors were invited to submit a proposal to stage a pantomime as a joint production with The Brindley. The initial cost estimate

was £116,350. This figure was later reduced but was still higher than the tendered figure.

The process of achieving comparisons was discussed with legal services and given the imperative to provide a pantomime this year, the course of action undertaken was seen as a pragmatic solution to ensure that the tender was competitive and provided value for money.

RESOLVED: That

1) the contract be awarded to New Pantomime Productions Limited for the sum of £84,000; and

2) the tendering process to provide pantomimes at The Brindley for up to three years from 2011 – 14 is started with immediate effect.

Strategic Director
Adults and
Community

LEADERS PORTFOLIO

ES13 CONTRACT EXTENSION FOR THE DESIGN, PRINT AND SUPPLY OF THE COUNCIL'S CIVIC MAGAZINE

The Sub-Committee was advised that the Council provided a free 32 page magazine to all Halton's residents four times a year to keep them informed of news and events relating to the Council and its partners. Members considered a report which sought approval to extend the existing contractual arrangements which were due to end on 30th September 2010 until 31st December 2010 and to commence a competitive tendering exercise for this service with a view to awarding a new contract from 1st January 2011, with the first edition produced in March 2011.

The proposed tender process would enable the Council to procure a quality magazine at a competitive price.

The extension of the existing contract would enable the current provider to complete the year cycle for the magazine and ensure a seamless transition to any potential new provider.

It was proposed that the new contract would last for a period of three years and would be offered an option to extend beyond that for 1 plus 1 years, subject to specified outcomes being delivered and specified targets being met.

RESOLVED: That

1) in the exceptional circumstances set out in the

report, for the purposes of Standing Order 1.6, Procurement Standing Orders 3.1 – 3.8 be waived in order for the existing contractual arrangements to be extended until 31st December 2010. During the period of extension, the Council will complete a competitive tendering exercise for the design, print and supply of the Council's Civic Magazine; and

Strategic Director
Resources

2) authority be delegated to the Strategic Director Resources, in consultation with the Leader, subject to an evaluation of value for money in a tender process, to award a contract to an external provider inclusive of the provision of management and administration. A report will be submitted to be Sub Committee on the outcome of tender process.

PHYSICAL ENVIRONMENT PORTFOLIO

ES14 WIDNES WATERFRONT, ARTS PROJECT CONTRACT

The Sub-Committee considered a report which advised on an increase in expenditure on the Widnes Waterfront Arts Project contract, estimated to be 20%.

Since the tender process, it had been necessary for the contractor to include a further two items of work not originally budgeted for, due to a lack of information at the time of tendering. These were:-

- Reinforcement of a footbridge which formed part of the access route to the site – works included traffic management, provision of reinforcement materials and construction of a temporary diversion route; and
- construction of a maintenance track to and around the base of the Future Flower from the existing footpath.

These additional costs amounted to £26,096.42, approximately 20% above the original tender costs. This cost had been funded using the original NWDA funding contingency sum of £15,199, together with £10,897.42 from the existing allocation of Widnes Waterfront Capital funding.

RESOLVED: That the report be accepted.

ES15 HISTORIC ENVIRONMENT SERVICE LEVEL AGREEMENT

The Sub-Committee received a report of the Strategic Director, Environment and Economy which sought approval of a three-year renewal of the existing Service Level Agreement (SLA) between Halton Borough Council and Cheshire West and Chester Council in respect of historic environment services.

Members were advised that on 5th March 2009, the Sub-Committee resolved that the SLA for the provision of Historic Environment Services be renewed for a one year period from 1st April 2009 to 31st March 2010, at a cost of £14,335.36. The SLA was extended for one year only as at the time Cheshire Council was undergoing reorganisation.

The report recommended that the SLA be renewed for a further period of three years (2010-13). The cost for year 1 of the SLA would be £14,693.74. The subsequent years would be subject to an adjustment for annual inflation. This would be reviewed at the end of each year.

The SLA represented good value for money in terms of ensuring continual and permanent access to specialist advice on Historic Environment. A private sector alternative would be significantly more expensive, and the appointment of a full time member of staff with the relevant qualifications and experience would also lead to a much greater cost for the Council. Additionally, the SLA incorporates the development and maintenance of Halton's Historic Environment record which was a requirement of Planning Policy Statement (PPS) 5: Planning for the Historic Environment.

The Sub-Committee were advised that as the cost of the SLA exceeded £10,000, the Council's procedures for Standing Orders would have to be complied with. In this case, the Council's Solicitor had agreed that the three written quotations for the order were not required.

RESOLVED: That

1) the Service Level Agreement between Halton Borough Council and Cheshire West and Chester Council for the provision of Historic Environment Services be renewed for a period of three years from 1st April 2010 to 31st March 2013; and

2) Procurement Standing Order 4.1 be waived to allow Cheshire West and Chester Council to supply the services within the Historic Environment Service Level Agreement without the need for a competitive tender.

Strategic Director
Environment and
Economy

TRANSPORTATION PORTFOLIO

ES16 STREET LIGHTING AND ILLUMINATED/UNLIT TRAFFIC SIGNS TERM MAINTENANCE CONTRACT

The Sub-Committee considered a report of the Strategic Director Environment and Economy on the recent advertisement of the Street Lighting and Illuminated/Unlit Traffic Signs Term Maintenance Contract. The existing contract was due to expire on 31st October 2010. The contract was for five years with an option to extend the contract by up to 5 years with the agreement of both parties. The Authority would support an extension, however, the current contractor was unable to agree to an extension for commercial reasons.

The Sub-Committee noted that the contract had been advertised following the rules defined in the EU Procurement Regulations. Tenders would be invited in early July and evaluated following their return in early August. It was planned to notify the successful tenderer in early September 2010 with the new contract due to commence on Monday 1st November 2010.

RESOLVED: That the report be noted and the Strategic Director for Environment and Economy, in consultation with the Executive Member for Transportation, be authorised to accept the tender for the Maintenance of Street Lighting and Illuminated/Unlit Traffic Signs Term Maintenance Contract.

Strategic Director
Environment and
Economy

COMMUNITY SAFETY PORTFOLIO

ES17 EXTENSION TO EXISTING CCTV MAINTENANCE CONTRACT

The Sub-Committee considered a report to waive Standing Orders to allow the existing specialist CCTV maintenance contract to be extended for six months. The current maintenance contract was due to expire on 31st October 2010 and therefore the tendering procedure for procuring the new contract should now commence. The contract had an annual value of £22,250, which was covered by a revenue budget, as well as by income from other organisations.

However, due to developments in technology investigations were taking place regarding the possibility of utilising the existing wireless communication equipment that

was used for the traffic monitoring cameras on the approaches to the Silver Jubilee Bridge, in place of existing CCTV fixed data links. Until these trials were completed, and a decision made over the future data transmission methods to be utilised, the nature and scope of the new maintenance contract could not be accurately determined. Once the communication trials were completed and the new communication system progressed, then changes within the CCTV control room could be investigated and the cameras to make the best use of the new systems. Therefore, it was proposed that the preparation and letting of the new maintenance contract be delayed until the future communication systems were determined.

The current contractor, Technology Solutions Limited had indicated that they would be willing to continue providing CCTV maintenance services for the additional six months at the rate contained within the current contract.

RESOLVED: That

1. the Operational Director (Highways, Transportation and Logistics) be authorised to extend the existing contract for Maintenance of CCTV Security Systems with the contractor Technology Solutions Limited in the sum of £11,250.00 (estimate);

2. in light of the need to trial and appraise the use of new technology during the extension and in accordance with Procurement Standing Orders 1.6, Standing 3.1, 3.7 and 3.9 be waived on this occasion;

3 the terms of the extension be agreed by the Strategic Director for Environment and Economy in consultation with the Executive Member for Community Safety; and

4. an update report be submitted to a future Sub-Committee meeting.

CHILDREN, YOUNG PEOPLE AND FAMILIES PORTFOLIO

ES18 HALTON HIGH/ACADEMY DEVELOPMENT LEGAL SUPPORT

The Sub-Committee considered a request to waive Standing Orders in order that legal support could be commissioned for the construction related works to Halton High as part of the Academy arrangements. Beachcroft were

Strategic Director
Environment and
Economy

commissioned in line with financial regulations and Standing Orders to provide the legal advice for the Halton BSF Programme and had been the legal advisers for each stage of the Programme. They were also on the Partnership for Schools Framework list, a list of quality assured external consultants who had a specialism in BSF.

It was noted that in order to change a high school to an Academy an additional amount of legal work was required to be undertaken. Some of this work needed to be undertaken within the next month to ensure that the Academy could be established by 1st September 2010. Any delay in agreeing the legal issues could result in a delay impacting on the approval of the Funding Agreement and effect transfer of Halton High.

As Beachcroft were the current legal advisers and had accrued knowledge about the BSF Programme, Halton High and the leasing arrangements, it was proposed that they be commissioned to undertake this work. The award of this work to Beachcroft would ensure that all outstanding legal issues related to the transfer could be undertaken in a timely way due to their knowledge, their previous experience of advising on Academy transfers and their detailed knowledge of Halton's BSF Programme.

RESOLVED: That the Operational Director, Children's Organisation and Provision be authorised to award the contract for Legal Support for construction related work to Halton High as part of the Academy Arrangements to the contractor Beachcroft in the sum of £51,510 and in the light of the exceptional circumstances outlined in paragraph 3.3 and in accordance with Procurement Standing Orders 1.6 Standing Orders 3.1 to 3.7 and 3.9 be waived on this occasion.

Strategic Director
Children and
Young People

MINUTES ISSUED: 9 July 2010

CALL IN: 19th July 2010

Any matter decided by the Executive Board Sub Committee may be called in no later than 19th July 2010

Meeting ended at 12.05 p.m.