

WARRINGTON Borough Council



To: **Executive Board**

Professor Steven Broomhead
Interim Chief Executive

Councillors:

**T O'Neill (Chair), M Hannon (Deputy Chair),
R Bowden, L Dirir, C Froggatt, K Hannon,
D Keane, H Patel, P Wright**

Town Hall
Sankey Street
Warrington
WA1 1UH

4 October 2013

Warrington Borough Council Executive Board Meeting
Monday, 14 October 2013 at 6.30pm
Council Chamber, Town Hall

Contact: Christine Oliver, Democratic and Member Services
(Tel: 01925 442104; Email: coliver@warrington.gov.uk)

AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

1. Code of Conduct – Declaration of Interests
Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

2. Minutes

Page 1

Minutes of the meeting of the Executive Board held on 16 September 2013.

3. Executive Decisions - Forward Plan

Page 11

Report of Solicitor to the Council and Assistant Director,
Corporate Governance.

4. **Referral from Organisational Improvement and Development Policy Committee – Living Wage (Forward Plan No NKD-012/13)** Page 23

Report of Councillor H Patel, Executive Board Member, Personnel and Communications.

Please note: Councillor J Kerr-Brown, Chair of the Organisational Improvement and Development Policy Committee is attending the meeting to present the Committee’s report and answer questions.

5. **Key Decisions and the Contracting Process (Forward Plan No NKD-029/13)** Page 33

Report of Councillor R Bowden, Executive Board Member, Corporate Resources and Assignments.

6. **Business Rate Retention Scheme – pooling proposal (Forward Plan No NKD-030/13)** Page 39

Report of Councillor R Bowden, Executive Board Member, Corporate Resources and Assignments.

7. **Marsh House Bridge, Fiddlers Ferry, Station Road, Penketh, Warrington – proposals and options (Forward Plan No 038/13)** Page 47

Joint report of Councillor M Hannon, Deputy Leader and Councillor L Dirir, Executive Board Member, Highways, Transportation and Climate Change.

Please note agenda item 9 is to be made under the General Exception Procedure Rule 13 – Access to Information Procedure Rules under Regulation 10 of the (Meetings and Access to Information) Regulations 2012.

8. **Appointment of Directors to the Southern Gateway Joint Venture Company (Forward Plan No 027/13)** Page 53

Report of the Leader of the Council, Councillor T O’Neill.

Part 2

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

The following information comprises the formal notice under Paragraph 5(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that a decision has been taken to hold this part of the meeting in private. Information is also provided against each item heading about the reasons for holding this part of the meeting in private, any representations received and the response to those representations.

9. Capital Investment in the Southern Gateway Joint Venture Company (Forward Plan No 028/13)

Report of the Leader of the Council, Councillor T O'Neill.

Reasons for Considering in Private:

Exempt information - Category 3, Schedule 12A, Local Government Act 1972.

Representations Received:

Nil

Response to Representations:

Nil

If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington



EXECUTIVE BOARD – 16 SEPTEMBER 2013

Present:

Executive Board Members

Councillors:

Leader

T O'Neill

Deputy Leader

M Hannon

Corporate Resources & Assignments

R Bowden

Highways, Transportation & Climate Change

L Dirir

Children and Young People's Services

C Froggatt

Leisure, Community and Culture

K Hannon

Environment and Public Protection

D Keane

Personnel and Communications

H Patel

Health and Wellbeing & Adult Services

P Wright

EB 46 Apologies

Nil.

EB 47 Code of Conduct – Declarations of Interest

Nil.

EB 48 Minutes

Decision – That the Minutes of the meeting of the Executive Board held on 15 July 2013 be received by the Executive Board and signed by the Leader as a correct record.

EB 49 Executive Decisions - Forward Plan

The Executive Board considered a report of the Solicitor to the Council and Assistant Director, Corporate Governance on the contents of the Executive Decisions - Forward Plan for the period 1 October 2013 – 31 January 2014.

Decision – That the report be noted.

EB 50 Capital Programme Monitoring 2013/14 – Quarter 1 (Forward Plan No. 024/13)

The Executive Board considered a report of Councillor R Bowden, Executive Board Member, Corporate Resources and Assignments which outlined the current position and progress of the 2013/14 Capital Investment Programme and its financing as at 30 June 2013. Several new schemes had been recommended for inclusion in the programme following the original budget approved by Council on 4 March 2013. Some schemes had been approved under the Chief Finance Officer's delegation and the Executive Board were asked to endorse these. Schemes above officer delegation were recommended for Executive Board approval. A new Council structure was

Minutes Issued on Thursday, 19 September 2013. Call In expires midnight on Monday, 23 September 2013. Decisions can be implemented from Tuesday, 24 September 2013.

approved at Council on 9 September and this would be reflected in future reports.

Decision – That the Executive Board agreed to –

- (1) approve amendments to the 2013/14 capital programme
- (2) note the monitoring report
- (3) endorse the schemes approved by the Chief Finance Officer under delegated powers (section 10 of the report)
- (4) approve 2013/14 budget of £137k on the Planning Improvement Scheme (paragraph 10.1 of the report).
- (5) approve 2014/15 budget of £303k on the Digital Strategy Phase 1 scheme (paragraph 10.1 of the report).
- (6) approve the new schemes added to the programme (section 11 of the report).

Reasons for Decision:

- (1) To approve the new schemes recommended by CIPG for inclusion in the 2013/14 – 2016/17 capital programme and to endorse the schemes included under the Chief Finance Officer delegation.
- (2) To ensure effective corporate governance procedures were in place for the management of the capital programme.

EB 51 Budget Monitoring 2013/14 – Quarter 1 Update

The Executive Board considered a report of Councillor R Bowden, Executive Board Member, Corporate Resources and Assignments which provided information on the forecast financial position for 2013/14 as at the end of June 2013 and to request approval for the use of MTFP reserves. The report also highlighted the progress on delivering the 2013/14 Medium Term Financial Plan savings targets. The report provided information in the previous Council structure. A new Council structure was approved at Council on 9 September 2013 and this would be reflected in future reports.

Decision – That the Executive Board agreed –

- (1) to note the forecast outturn as at Quarter 1
- (2) to approve the drawdown of £1.3m from MTFP reserve to fund an unachievable historic savings target within Neighbourhood and Community Services.
- (3) to note the progress on delivery of MTFP savings targets as at Quarter 1.
- (4) to note the continued commitment by Directors to ensure the delivery of a balanced budget at the end of the year.

Reasons for Decision:

- (1) The Council was currently forecasting an overspend of £5.534m for 2013/14. Historically overspends were reported at the first quarter which reflected an overly cautious position. This was in the event that

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unforeseen expenditure was to occur or a worst case scenario was expected on expenditure later in the year e.g. winter related costs. Directors were reviewing forecasts in anticipation of reducing overspend to the end of the year and until this was complete a prudent approach had been taken in forecasting the year end outturn as a result of continuing certainty over future funding.

- (2) It was important to have a full understanding of the Council's current budget position and pressures to enable Executive Board to play a full part in the decision making process to ensure that the Council continued to deliver a balanced budget.

EB 52 Performance Report – Quarter 1 2013-14

The Executive Board considered a report of Councillor H Patel, Executive Board Member, Personnel and Communications which provided an overview of the Council's performance for Quarter 1 of 2013-14 (April to June 2013). It updated members of the Executive Board on progress made towards the pledges contained in the Corporate Plan 2012-2015. It also provided an overview of progress against the corporate health measures relating to finance, staff and customer service.

Decision – That the Executive Board agreed to –

- (1) note the Quarter 1 2013-14 performance position up to the end of June 2013; and
- (2) note that relevant Executive Board Members would liaise with their Executive Directors to discuss specific performance issues.

Reason for Decision:

To ensure that the Executive Board was aware of the Council's Quarter 1 2013-14 performance position in relation to both the corporate plan and corporate health and could see the areas of good performance and those where improvements were required.

EB 53 Future Delivery of Parking Services (Forward Plan Decision No. 094/12)

The Executive Board considered a report of Councillor L Dirir, Executive Board Member, Highways, Transportation and Climate Change which provided information on the outcome and recommendations of the report entitled 'Warrington Parking Services – Options for the Future Delivery of Parking Services'. The report summarises work undertaken looking at the practicalities, risks and costs associated with four different delivery options for Parking Services in the borough. The Options considered were:

- Option 1 – To continue to provide Parking Services in partnership with the private sector;
- Option 2 – To provide all Parking Services internally (ie to bring them 'in house');

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- Option 3 – To fully externalise Parking Services
- Option 4 – To consider a ‘shared service’ with another local authority.

The report provided a summary of how Parking Services were delivered currently in Warrington and the issues associated with each of the four possible options for their future delivery. The report also sought approval for the preferred option for the future delivery of Parking Services as set out in the recommendations of the report.

Decision – That the Executive Board agreed to –

- (1) approve Option 1 – to continue to provide Parking Services in partnership with the private sector;
- (2) authorise Council Officers to immediately commence work to procure a new Parking Services contract, with the contract to commence as soon as possible after 31 March 2014. Authorise the Executive Director - Environment and Regeneration in consultation with the Lead Member – Highways, Transportation & Climate Change and the Section 151 Officer to determine contract options;
- (3) agree that Council officers should enter into negotiations with APCOA (Airport Parking Company of America) for an extension to the current contract for up to an additional three months beyond March 2014, to allow for a full tender exercise to be carried out.
- (4) agree that the Council should continue to provide accommodation free of charge to the provider in the Market Multi Storey Car Park, but the responsibility of finding and paying for suitable alternative accommodation would transfer to the provider if accommodation ceases to be provided by the Council in the future.

Reasons for Decision:

To enable the future delivery of Parking Services to be provided by the Council in the most effective, high quality and flexible manner with the least risk.

EB 54 Interim Review of Housing Allocations Policy (Forward Plan Decision No. 003/13)

The Executive Board considered a report of Councillor David Keane, Executive Board Member, Environment and Public Protection which provided details of the proposed interim revisions to the Council’s Housing Allocations Policy. Work was continuing with regard to the development of a Common Allocations Policy within the next 12 months. A copy of the proposed property size eligibility criteria was attached at Appendix 1 of the report. The proposed interim amendments to the criteria were highlighted.

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The Housing Allocations Policy contributed towards the Corporate Values: to protect the most vulnerable; to support the local economy and to help build strong and active communities for all.

Decision – That the Executive Board agreed to approve the revised interim arrangements as detailed below:

- (1) to amend the current Housing Allocations Policy to incorporate the legislative changes of the Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012 and the Cheshire, Warrington and Halton Armed Forces Community Covenant as outlined in paragraphs 4.1 – 4.3 of the report;
- (2) to amend the property size eligibility as follows:
 - (a) To allocate a separate bedroom to –
 - each married or cohabiting couple or single parent
 - two children of either sex under 10 years
 - two children of same sex aged over 10 years
 - any other person who cannot be paired
 - (b) to allow parents with children under 10 to occupy 2 bedroom upper floor flats (not high rise);
 - (c) to give secondary eligibility to parents with child access for two bedroom flats and maisonettes, subject to affordability criteria;
 - (d) to amend the existing secondary eligible criteria and introduce tertiary eligibility criteria so that where no eligible applicants make a successful bid for a property then the secondary or tertiary group of applicants may be considered, subject to affordability criteria.
- (3) to introduce affordability criteria when assessing bids for properties that would be under-occupied;
- (4) to adopt the property size eligibility criteria as set out in the table at Appendix 1 of the report.

Reasons for Decision:

- (1) To ensure the Council and its social housing partners had an up to date Housing Allocations Policy which was in line with legal requirements and adopted some of the new freedoms and flexibilities introduced by the Localism Act 2011 and took into consideration the views of the stakeholders.
- (2) To ensure that where possible, applicants were not placed in properties which they were unable to afford.
- (3) To allow two bed low rise flats and maisonettes to be occupied by families with children under 10 to enable better use of low demand properties and make available additional two bedroom stock for family use.

EB 55 Options for Developing Sustainable Adult Social Care In-House Services (Forward Plan No. 023/13)

The Executive Board considered a report of Councillor P Wright, Executive Board Member, Health & Wellbeing and Adult Services which presented a detailed analysis of the Options for Developing Sustainable Adult Social Care In-House Services (a detailed list of services in scope are included within Appendix B of the report). The report presented a preferred option and a proposed way forward for consideration and agreement.

Decision – That the Executive Board agreed, taking account of the comprehensive options analysis and the feedback from Staff, Trade Union Colleagues and Service Users –

- (1) to the principle of developing a Social Enterprise as the preferred option;
- (2) that a Business Plan for a Social Enterprise be developed, scrutinised and presented to the 11 November 2013 Executive Board meeting to consider for implementation.
- (3) given expressions of interest have been provided by LiveWire and Golden Gates Housing, whilst agreeing in principle to the development of a Social Enterprise as the preferred option, it was recommended that dialogue is conducted with LiveWire and Golden Gates Housing (and other appropriate interested organisations) and the outcome be included in the report to the 11 November 2013 Executive Board.

Reasons for Recommendation:

- (1) A comprehensive options appraisal (detailed at Appendix A of the report) conducted by an officer panel as described above indicated the most favourable option would be Option 5 Social Enterprise including Staff Mutuals (Co-ops).
- (2) The options appraisal highlighted some perceived benefits in moving forward with this option, particularly around sustainability, finance, procurement and stakeholder engagement for example:
- (3) The social enterprise offered significant scope for business development, trading and income generation as well as providing a facility to reinvest any surplus into the service and the community.
- (4) This model offered the ability to direct award which precluded the need for initial lengthy and expensive procurement processes.
- (5) The Council and Elected Members could continue to exercise significant control through board membership as well as contract management.

EB 56 Review of Non-Residential Adult Social Care Charging Policy (Forward Plan Decision No. 022/13)

The Executive Board considered a report of Councillor P Wright, Executive Board Member, Health and Wellbeing and Adults Services which outlined the

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result of consultation carried out in respect of changes to the Adult Social Care Non-Residential Charging Policy. The aim of these changes was to raise additional income from service users who were most able to contribute in order to maintain adult social care services to the most vulnerable and ensured that our charging policy remained fair and equitable and protected those on the lowest incomes.

Decision – That the Executive Board agreed to –

- (1) approve an increase in disposable income taken into consideration for charging, as part of Financial Assessments, from 90% to 100% and for this to be implemented for both existing and new service users with effect from 21 October 2013 (Please note - first invoices under revised policy would be received by service users in December 2013);
- (2) approve the proposal to change the levels of disability related expenditure from 21 October 2013 and for this to be implemented for both existing and new service users (Please note - first invoices under revised policy would be received by service users in December 2013);
- (3) note that an annual review of the charging policy and the impact of the recommended changes would be reported to Executive Board at an appropriate time.

Reasons for Decision:

- (1) To enable the Local Authority to manage the increased demand for Adult Social Care services, the current fiscal and economic environment resulting in reductions in Central Government funding and increased pressure on adult social care budgets, requires a reduction in the Council subsidy to enable the Local Authority to continue to commission / provide good quality Adult Social Care.
- (2) Both of the proposals consulted on would result in the majority of service users paying an increased charge, however, it was important to stress that all service users would have a thorough Financial Assessment and only those assessed as able to pay would be charged the appropriate amount. An appeals process was in place and individual circumstances would always be considered as part of the financial assessment.
- (3) It was possible there would be opposition to implementing the proposed changes. Substantial consultation had been undertaken and consultation responses indicated an appreciation of the Council's financial position, its commitment to providing quality Adult Social Care and managing the demand for services, as part of the reason for the proposed changes alongside an expectation that it would contribute towards protecting frontline services.

- (4) Adult Social Care services would continue to be heavily subsidised by the Council and the most vulnerable and those with the lowest incomes would continue to be protected under these proposals.

EB 57 Residential and Nursing Fee Review (Forward Plan Decision No. 021/13)

The Executive Board considered a report of Councillor P Wright, Executive Board Member, Health and Wellbeing and Adult Services which stated that in order to comply with the Local Authority’s statutory duties, officers in partnership with service providers were undertaking an exercise to identify the ‘actual cost of care’ in Warrington. The authority would then give due regard to that actual cost and other relevant factors, including affordability, in establishing fees to be offered under future framework agreements for provision of Residential and Nursing Care. However, it had not been possible to complete that process yet and the purpose of the report was to seek authority to make an interim offer of fees for the period 1 April 2013 to 31 March 2014. In the meantime, the Council would continue with the full process required for determining fees to be offered under future framework contracts from 1 April 2014.

The report set out information to enable the Executive Board to determine the level of fees to be offered to residential and nursing care homes, in respect of residents placed in those homes by Warrington Borough Council, from 1 April 2013 to 31 March 2014, (the ‘interim offer’).

The Executive Board was requested to give authority to make an offer of an interim increase in fees payable under the existing framework contracts having due regard to relevant factors affecting the residential and nursing care market in Warrington. These fees were outlined in Table 1 below:

Table 1

Category of Care	Recommended Fees Standard	Recommended Fees – Basic
Residential	£425	£380
Residential EMI	£483	£424
Nursing	£468 +FNC	£427 +FNC
Nursing EMI	£494 +FNC	£457+FNC

- FNC – Funded Nursing Care - Funding of £109.79 per person per week provided by the NHS as a contribution to the Nursing care costs of individuals.
- The current framework agreements provide for the Standard fee to be paid to all providers meeting specified quality standards and for the Basic fee to be paid where provision falls below those standards but the Council continued to commission from that provider. At present all providers were paid on the Standard basis and the Council would

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anticipate this situation remaining substantially the same through the period covered by the interim offer.

The provision of Residential and Nursing Care contributed to the achievement of the Council's three pledges and enabled the Local Authority to discharge its statutory duties in relation to the delivery of Adult Social Care.

Decision – That the Executive Board agreed to

- (1) give the Interim Executive Director Neighbourhood and Community Services delegated authority to make an interim offer for fees paid under the current framework agreement for Residential and Nursing care placements, for the period 1 April 2013 to 31 March 2014, for the reasons set out in the report. These fees are outlined in the table below:

Category of Care	Recommended Fees Standard	Recommended Fees – Basic
Residential	£425	380
Residential EMI	£483	424
Nursing	£468 +FNC	427 +FNC
Nursing EMI	£494 +FNC	457 +FNC

- (2) note the necessity of continuing with the full review of the fees for residential and nursing care to establish the fee levels payable from 1 April 2014, and for this process to be completed by 31 March 2014.
- (3) note the implications of the ongoing full review of fees for the Council's budget-setting and planning process for the next financial year and future financial years.
- (4) note that the Council, with the assistance of the service providers, remained committed to identifying the actual cost of care, researching and evaluating affordability for the Local Authority and giving due regard to sustainable level of occupancy and viability of the market in establishing the framework fee structures under the Residential and Nursing care framework agreement from 1 April 2014.

Reason for Decision:

- (1) To agree the level of weekly fees to be offered to care homes in respect of residents placed in those homes by Warrington Borough Council for the period 1 April 2013 to 31 March 2014.
- (2) To note the next steps to be taken in accordance with the report.

EB 58 Exclusion of the Public (including the Press)

Decision – That members of the public (including the press) be excluded from the meeting by reasons of the confidential nature of the following items of business to be transacted being within category 3 of Schedule 12a Local Government Act 1972 (Rule 10 of the Access to Information Procedure Rules) and the public interest in disclosing the information is outweighed by the need to keep the information confidential.

EB 59 Residential and Nursing Fee Review (Forward Plan Decision No. 021/13)

The Executive Board considered a report of Councillor P Wright, Executive Board Member, Health and Wellbeing and Adult Services which set out information relating to the risks and associated legal advice to be considered when making its decision upon the ‘Residential and Nursing Fee Review’ report. (EB 57 refers).

Decision – That the Executive Board agreed to consider the information contained in the private section of the report.

Reasons for Decision:

- (1) To agree the level of weekly fees to be offered to care homes in respect of residents placed in those homes by Warrington Borough Council for the period 1 April 2013 to 31 March 2014.
- (2) To note the next steps to be taken in accordance with the report.

EB 60 Warrington Means Business – Delivering Regeneration in the Town Centre (Forward Plan Decision No. 025/13)

The Executive Board considered a joint report of the Councillor T O’Neill, Leader and Councillor M Hannon, Deputy Leader which advised of an opportunity to acquire a property in the town centre in accordance with the Warrington Means Business initiative. The acquisition of the property supported the Bridge Street Regeneration Project.

Decision – That the Executive Board agreed to authorise the acquisition of the property on the terms set out in the report and authorised the Solicitor to the Council to complete the necessary legal documentation to enable the acquisition.

Reason for Decision:

To progress property acquisition in support of the Warrington Means Business growth and regeneration programme specifically around the BSQ project and town centre regeneration.

Signed.....

Dated.....

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 14 October 2013

Report of The Solicitor to the Council and Assistant Director Corporate Governance

Executive Director: Steven Broomhead, Interim Chief Executive

Senior Responsible Officer/Report Author: Bryan Magan, Head of Democratic and Member Services

Contact Details: **Email Address:** bmagan@warrington.gov.uk **Telephone:** 01925 442120

Key Decision No. N/A

Ward Members: All

TITLE OF REPORT: EXECUTIVE DECISIONS - FORWARD PLAN

1. PURPOSE

1.1 To consider the current Forward Plan covering the period 1 November 2013 to 28 February 2014.

2. CONFIDENTIAL OR EXEMPT

2.1 The report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

3.1 Key Decisions are Executive decisions of the authority which are decisions of the Executive Board or an Officer under delegated powers which are likely to –

- Result in Warrington Borough Council incurring expenditure, making savings or vireing £250,000 or more having regard to the Local Authority budget for the service or functions to which the decision relates, or
- Be significant in terms of its effects on communities living or working within Warrington Borough Council's area comprising two or more Wards.

3.2 To comply with the legislation 'Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012', the Council is required –

- (1) to publish a notice of its intention to discuss confidential or exempt items at least 28 days in advance of the meeting; and

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- (2) to publish a further notice at least 5 clear days' before a private meeting which must include a statement of the reasons for the meeting to be held in private, details of any representations received and a statement of its response to any such representations.

4. THE REPORT

- 4.1 The current Executive Decisions - Forward Plan is attached at Appendix A.
- 4.2 The following amendments/changes to the Forward Plan are reported for information:

NO.	NEW ITEM
	14 October 2013
038/13	Item to be considered under the General Exception Procedure Marsh House Bridge, Fiddlers Ferry, Station Road, Penketh, Warrington - Proposals and Options
NO.	CHANGES MADE TO THE FORWARD PLAN
NKD-013/13	Referral from Organisational Development Improvement Policy Committee - Co-op Councils and Mutual Arrangements – item moved from 14 October to 11 November 2013. Reason: Deferred to allow the Executive Board Member to be apprised of the findings of the Policy Committee.
036/13	Social Enterprise Business Plan – item moved from 11 November to 9 December 2013. Reason: Deferred due to relevant financial information for inclusion in the business plan not yet being fully available.
004/13	Capital Works at Gorse Covert Day Centre – item withdrawn from 11 November 2013 meeting. Reason: report only required for Executive Board for the award of the tender. This will be dealt with at a future meeting.
017/13	Award of Contract for the Supply of Tyres and Tyre Services – item moved from 11 November to 9 December 2013. Reason: Deferred to enable more time for tender evaluation to be undertaken.
NO.	NEW ITEMS
	11 November 2013
031/13	Council Tax changes
032/13	Business Rates Relief
037/13	Scrap Metal Dealers Act
NKD-040/13	Proposed Business Survey - recommendation from Supporting the Local Economy Policy Committee
	9 December 2013
NKD-033/13	Hot Food Takeaway Supplementary Planning Document

034/13	Local Plan Annual Monitoring Report
035/13	Local Plan Statement of Community Involvement
036/13	Social Enterprise Business Plan
	10 February 2014
037/13	Contract for the Provision of Health Services - 0 – 19 years old.
	Officer Decisions
094/12	Future Delivery of Parking Services
021/13	Residential & Nursing Fee Review

5. FINANCIAL CONSIDERATIONS

5.1 None.

6. RISK ASSESSMENT

6.1 N/A

7. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

7.1 Democratic and Member Services has an up to date Equalities Impact Assessment in place for its functions and policies and has produced an Action Plan to deal with key matters arising. There are no specific equalities issues in relation to the content of this report.

8. CONSULTATION

8.1 N/A.

9. REASONS FOR RECOMMENDATION

9.1 The report is submitted for information and comment.

10. RECOMMENDATION

10.1 That the Executive Board receives the contents of the Forward Plan and make comments as appropriate.

11. BACKGROUND PAPERS

Papers held within Democratic and Member Services about items for inclusion and changes to the Forward Plan.

Contacts for Background Papers:

Name	E-mail	Telephone
Julie Ramskill	jramskill@warrington.gov.uk	01925 442114



Updated: 1 October 2013

EXECUTIVE DECISIONS – FORWARD PLAN

1 November 2013 – 28 February 2014

Report of the Solicitor to the Council and Assistant Director,
Corporate Governance

This is formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 of Key Decisions due to be taken by the Authority and that those parts of the Executive Board meeting identified in this Forward Plan will be held in private because the agenda and reports for the meeting will contain confidential or exempt information as defined in the Regulations.

Contact Information:
Democratic & Member Services
Town Hall
Warrington
WA1 1UH
Email: jramskill@warrington.gov.uk
Tel: 01925 442114/01925 442104

EXECUTIVE DECISIONS - FORWARD PLAN 1 November 2013 – 28 February 2014

Agenda Item 3

What is the Forward Plan?

The Forward Plan contains all the key decisions the Council expects to take over the next four months. It will be refreshed regularly and will give at least 28 days' notice of any Key Decisions and, if applicable, the Executive Board's intention to discuss an item in private and the reason for this.

What is a Key Decision?

Key Decisions are Executive decisions of the authority which are decisions of the Executive Board or an Officer under delegated powers which are likely to –

- Result in Warrington Borough Council incurring expenditure or the making of savings of £250,000 or more, having regard to the Local Authority budget for the service or function to which the decision relates, or
- Be significant in terms of its effects on communities living or working within Warrington Borough Council's area comprising two or more Wards.

For information, the Forward Plan also includes some other matters expected to come before the Executive Board or that the Executive Board is likely to recommend to full Council whether or not they may give rise to Key Decisions.

What does the Forward Plan tell me?

The Plan gives information about:

- what key decisions are to be made in the next four months;
- the matter in respect of which the decision is to be made;
- who will make the key decisions;
- when those key decisions are likely to be made;
- what documents will be considered;
- who you can contact for further information.

Who takes Key Decisions?

Under the Authority's Constitution, Key Decisions are taken by the Executive Board or individual officers acting under delegated powers.

Most Key Decisions are taken at public meetings of the Executive Board. Executive Board meets at 6.30 pm at the Town Hall, Warrington.

Further Information and Representations about Items Proposed to be Heard in Private

Names of contact officers are included in the Plan and can be reached via (01925) 442114. If you are unsure, please contact Democratic & Member Services on the same number and staff there will be able to assist you. If you wish to make representations about an item proposed to be heard in private, you should contact Democratic and Member Services by no later than six clear working days before the meeting.

EXECUTIVE DECISIONS - FORWARD PLAN
1 November 2013 – 28 February 2014

Agenda Item 3

Last forward plan entry No. 040/13
If you have any questions about any of the items listed please contact Julie Ramskill on 01925 442114.

Key Decisions – 11 November 2013

Decision Reference Number	Date added to the Forward Plan	Item	£s to be spent/saved /vired	Statement of Reason why the item of business is private	Wards Affected	Lead Executive Board Member	List of Policy/Reference Documents	Directorate and Contact for Further Information	Key Decision (Y/N)
002/13	4/6/13	Warrington Market Regeneration – Bridge Street Development	Over £250K	N/A	Bewsey & Whitecross	Councillor M Hannon Deputy Leader		Economic Regeneration, Growth and Environment Stewart Brown Tel 01925 442850 sbrown@warrington.gov.uk	Yes
009/13	6/6/13	Stadium Quarter Regeneration Scheme Phase 1 – Heads of Terms for the Joint Venture Company	Over £250K	** Part 2 confidential (see notes below)	Bewsey & Whitecross	Councillor T O'Neill Leader of the Council	Transformation Project – Town Centre Renaissance programme. Regeneration Framework for Warrington 2009 Warrington Means Business	Economic Regeneration, Growth and Environment Steve Park Tel 01925 443940 spark@warringtonandco.com	Yes
019/13	17/7/13	Award of Contract for the Operation and Management of the Household Waste Recycling Centre	£800,000 (estimated) over 2 years	**Part 2 confidential (see notes below)	All	Councillor D Keane, Environment & Public Protection	Municipal Waste Management Strategy	Economic Regeneration, Growth and Environment P McHenry Tel: 01925 442654 pmchenry@warrington.gov.uk	Yes
031/13	17/9/13	Council Tax Changes	£400k approx.	N/A	All	Councillor R Bowden Corporate Resources & Assignments		Resources and Strategic Commissioning A Webster Tel 01925 442266 awebster@warrington.gov.uk	Yes

EXECUTIVE DECISIONS - FORWARD PLAN
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Agenda Item 3

032/13	17/9/13	Business Rate Relief	-	N/A	All	Councillor R Bowden Corporate Resources & Assignments		Resources and Strategic Commissioning M Watkins Tel 01925 442232 mwatkins@warrington.gov.uk	Yes
039/13	3/10/13	Scrap Metal Dealers Act		N/A	All	Councillor D Keane Environment & Public Protection		Economic Regeneration, Growth & Environment Dave Watson Tel: 01925 442590 dwatson@warrington.gov.uk	Yes
Non Key Decisions – 11 November 2013									
NKD-040/13	10/10/13	Proposed Business Survey – recommendation from Supporting the Local Economy Policy Committee	c£7,000	N/A	All	Councillor R Bowden Corporate Resources & Assignments	Workstream from relevant Policy Committee	Economic Regeneration, Growth and Environment Steve Park Tel: 01925 443940 spark@warringtonandco.com	
NKD-013/13	7/6/13	Referral from Organisational Development Improvement Policy Committee - Co-op Councils and Mutual Arrangements		N/A	All	Councillor H Patel Personnel and Communications		Assistant Chief Executive's Jan Boon Tel: 01925 443866 jboon@warrington.gov.uk Louise Murtagh Tel: 01925 442111 lmurtagh@warrington.gov.uk	N
Information Items – 11 November 2013									
N/A	27/8/13	Blacklisting – Minimising risks to the Council and local businesses.	N/A	N/A	All	Councillor R Bowden Corporate Resources & Assignments			No

EXECUTIVE DECISIONS - FORWARD PLAN
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Key Decisions – 9 December 2013									
Decision Reference Number	Date added to the Forward Plan	Item	£s to be spent/saved /vired	Statement of Reason why the item of business is private	Wards Affected	Lead Executive Board Member	List of Policy/Reference Documents	Directorate and Contact for Further Information	Key Decision (Y/N)
017/13	17/7/13	Award of Contract for the Supply of Tyres and Tyre Services	£3m over 3 yrs	**Part 2 confidential (see notes below)	All	Councillor D Keane, Environment & Public Protection		Economic Regeneration, Growth and Environment D Smith Tel: 01925 443041 dsmith@warrington.gov.uk	Yes
018/13	17/7/13	Award of the Contract for the Provision of a material Recovery Facility Service (Joint Procurement)	£2.2m over 3 yrs	**Part 2 confidential (see notes below)	All	Councillor D Keane, Environment & Public Protection		Economic Regeneration, Growth and Environment P McHenry Tel: 01925 442654 pmchenry@warrington.gov.uk	
026/13	5/9/13	Quarter 2 – 2013/14 Capital Programme Monitoring Report		N/A	All	Councillor R Bowden Corporate Resources and Assignments		Resources and Strategic Commissioning Danny Mather Tel 01925 442344 dmather@warrington.gov.uk	Yes
034/13	26/9/13	Local Plan Annual Monitoring Report		N/A	All	Councillor D Keane, Environment & Public Protection		Economic Regeneration, Growth and Environment Garry Legg Tel 01925 442795 glegg@warrington.gov.uk	Yes
035/13	26/9/13	Local Plan Statement of Community Involvement		N/A	All	Councillor D Keane, Environment & Public Protection		Economic Regeneration, Growth and Environment Garry Legg Tel 01925 442795 glegg@warrington.gov.uk	Yes

EXECUTIVE DECISIONS - FORWARD PLAN
1 November 2013 – 28 February 2014

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036/13	1/10/13	Business Plan for Adult Social Care Provider Services Social Enterprise		N/A	All	Councillor P Wright Health and Wellbeing and Adult Services		Families & Wellbeing Steve Reddy Tel 01925 444251 sreddy@warrington.gov.uk	Yes
Non Key Decisions – 9 December 2013									
NKD-033/13	17/9/13	Hot Food Takeaway – Supplementary Planning Document (SPD)		N/A	All	Councillor D Keane Environment & Public Protection	Local Development Framework	Economic Regeneration, Growth and Environment Joanne McGrath Tel 01925 442801 jmcgrath@warrington.gov.uk	Yes
Information Items – 9 December 2013									
	5/9/13	Budget Monitoring 2013/14 – Quarter 2 Update		N/A	All	Councillor R Bowden Corporate Resources and Assignments		Resources and Strategic Commissioning Danny Mather Tel 01925 442344 dmather@warrington.gov.uk	No
	5/9/13	Performance Report – Quarter 2 2013/14		N/A	All	Councillor T O'Neill Leader		Resources and Strategic Commissioning Kathryn Griffiths Tel 01925 442797 kgriffiths@warrington.gov.uk	No
Key Decisions – 13 January 2014									
Decision Reference Number	Date added to the Forward Plan	Item	£s to be spent/saved /vired	Statement of Reason why the item of business is private	Wards Affected	Lead Executive Board Member	List of Policy/Reference Documents	Directorate and Contact for Further Information	Key Decision (Y/N)
020/13	17/7/13	Award of contract for the Hire of Vehicles		**Part 2 confidential (see notes below)	All	Councillor D Keane, Environment & Public Protection		Economic Regeneration, Growth and Environment D Smith	Yes

EXECUTIVE DECISIONS - FORWARD PLAN
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									Tel: 01925 443041 dsmith@warrington.gov.uk	
Non Key Decisions – 13 January 2014										
NIL										
Information Items – 13 January 2014										
NIL										
Key Decisions – 10 February 2014										
Decision Reference Number	Date added to the Forward Plan	Item	£s to be spent/saved /vired	Statement of Reason why the item of business is private	Wards Affected	Lead Executive Board Member	List of Policy/Reference Documents	Directorate and Contact for Further Information	Key Decision (Y/N)	
037/13	1/10/13	Contract for the Provision of Health Services -0 – 19 years old.	£453,735	**Part 2 confidential (see notes below)	All	Councillor P Wright Health and Wellbeing and Adult Services		Resources and Strategic Commissioning Christopher Luke Tel: 01925 442879 cluke@warrington.gov.uk	Yes	
Non Key Decisions – 10 February 2014										
Information Items – 10 February 2014										

****Note: Part 2 confidential**

Exempt Information – Schedule 12A, Local Government Act 1972:

It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence

**EXECUTIVE DECISIONS - FORWARD PLAN
1 November 2013 – 28 February 2014**

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OFFICER KEY DECISIONS

Decision Reference Number	Date added to the Forward Plan	Item	£s to be spent/saved /vired	Statement of Reason why the item of business is private	Wards Affected	Decision Maker and Contact for Further Information	Lead Executive Board Member	List of Policy/Reference Documents	Key Decision (Y/N)
Date Decision to be taken: week commencing – to be advised									
094/12	25/9/13	Future Delivery of Parking Services		N/A	All	Executive Director, Economic Regeneration, Growth and Environment	Councillor L Dirir Highways, Transportation & Climate Change		Officer
021/13	25/9/13	Residential & Nursing Fee Review		N/A	All	Executive Director, Families and Wellbeing	Councillor P Wright, Health & Wellbeing and Adult Services		Officer
<p>The definition of a Key Decision is a decision of the Executive Board or an Officer under delegated powers which is likely to: Result in Warrington Borough Council incurring expenditure, making savings or vireing £250,000 or more having regard to the Local Authority budget for the service or functions to which the decision relates; or Be significant in terms of its effects on communities living or working within Warrington Borough Council's area comprising two or more Wards.</p>									

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 14 October 2013

Report of Executive Board Member:	Councillor Hitesh Patel, Executive Board Member, Personnel and Communications	
Executive Director :	Katherine Fairclough, Deputy Chief Executive	
Senior Responsible Officer:	Gareth Hopkins, Assistant Director, Human Resources	
Contact Details:	Email Address:	Telephone:
	ghopkins@warrington.gov.uk	01925 443932
Key Decision No.	NKD-012/13	
Ward Members:	All	

TITLE OF REPORT: ORGANISATIONAL IMPROVEMENT & DEVELOPMENT POLICY COMMITTEE REPORT – ‘LIVING WAGE’

1. PURPOSE

- 1.1 The purpose of this report is for the Organisational Improvement and Development Policy Committee to update Executive Board on its findings from undertaking a review of the implications of introducing the ‘Living Wage’ to Warrington Borough Council.

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

- 3.1 Executive Board agreed at their 21 January 2013 meeting to support the referral of the issue of the ‘Living Wage’ to the Organisational Development and Improvement Policy Committee for further investigation, and requested that a report to be presented back to the Executive Board by 30 October 2013.
- 3.2 The report from the Organisational Development and Improvement Policy Committee is attached (see Appendix 1 (page 25)).

4. FINANCIAL CONSIDERATIONS

4.1 Details are included in the attached report at Appendix 1.

5. RISK ASSESSMENT

5.1 Details are included in the attached report at Appendix 1.

6. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

6.1 Details are included in the attached report at Appendix 1.

7. CONSULTATION

7.1 Details are included in the attached report at Appendix 1.

8. RECOMMENDATION

8.1 The Executive Board is recommended to consider the recommendations made in the report at Appendix 1.

9. BACKGROUND PAPERS

N/A.

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 14 October 2013

Report of: Councillor John Kerr-Brown, Chair of the Organisation Improvement and Development Committee

Director : Katherine Fairclough, Deputy Chief Executive

Report Author: Gareth Hopkins, Assistant Director, Human Resources

Contact Details: **Email Address:** **Telephone:**
ghopkins@warrington.gov.uk 01925 443932

Key Decision No. NKD-012/13

Ward Members: All

TITLE OF REPORT: ORGANISATIONAL IMPROVEMENT & DEVELOPMENT POLICY COMMITTEE REPORT – ‘LIVING WAGE’

1. PURPOSE

- 1.1 The purpose of this report is for the Organisational Improvement and Development Policy Committee to update Executive Board on its findings from undertaking a review of the implications of introducing the ‘Living Wage’ to Warrington Borough Council.

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

- 3.1 The ‘Living Wage’ is an independently set, annually updated figure that the charitable Living Wage Foundation believes means that ‘workers earn enough to provide their families with the essentials of life’. The rate of the Living Wage as at the date of the report is £7.45 (in London it is £8.55).
- 3.2 Executive Board agreed at their 21 January 2013 meeting to support the referral of the issue of the ‘Living Wage’ to the Organisational Development and Improvement Policy Committee for further investigation, and requested that a report to be presented back to the Executive Board by 30 October 2013 (Appendix 2 – see page 29)

- 3.3 At their meeting on 28 January 2013, the Organisational Development and Improvement Policy Committee resolved to form a working group to look at the Living Wage issue, in order that a report could be back to the Committee to meet the requirement from Executive Board as detailed at 3.2.

4. LIVING WAGE WORKING GROUP

- 4.1 The Living Wage Working Group, made up of Councillors from the main policy committee, began its work on 11 February with regular meetings being held, and with support provided by the Assistant Director – HR, and Democratic Services.
- 4.2 The Working Group felt that the majority of its work should focus on the issues regarding the Council adopting the living wage. The group felt that a full understanding of the impact on the Council was required before it is well placed to lead a borough-wide debate on the issue.
- 4.3 The areas the Working Group considered were as follows:
- a) Information provided by the Living Wage Foundation, UNISON and GMB as to the benefits of introducing the Living Wage.
 - b) The Council's pay and grading structure and the profile of the workforce currently paid less than the Living Wage.
 - c) Details on the methods by which the Living Wage could be introduced at Warrington Borough Council.
 - d) The national and regional position with regard to other councils implementing the Living Wage.
 - e) Potential impacts on services if their staffing costs were to increase.
 - f) The legal position regarding paying staff the same salary as others despite being graded differently under the council's Job Evaluation scheme.
 - g) The effect on other benefits received by staff if their pay were to be increased to the rate of the Living Wage.
 - h) How Warrington may engage its partner agencies in the Living Wage debate.

- 4.4 Trade Union representatives were invited to provide their views to the Working Group, as was a Service Manager from Building Cleaning and Caretaker Consultancy Services.
- 4.5 At the working group's final meeting, it was agreed by all present that they were not in a position to recommend the implementation of the Living Wage due to the following specific concerns:
- The potential for the increased costs to services to result in a reduction in staffing for those services in order that they could remain competitive.
 - The sustainability of introducing an uncontrollable element to the pay structure, outside of national pay negotiations, for posts covered by the National Joint Council for Local Government Services.
 - Fundamental and costly changes to the council's agreed pay and grading structure or alternatively, the use of a legally, untested, 'Living Wage' supplement 4.6. At the Organisation Improvement and Development Policy Committee's meeting on 10 September, the Committee agreed the recommendations at 10.1.

5. NEXT STEPS

- 5.1 Whilst the Policy Committee has not recommended the implementation of the Living Wage at this point, it believes that the issue remains of national importance. The Committee recommends therefore that the Council review its position in light of any further developments.
- 5.2 One of the developments that the Committee believe will be influential is the Living Wage Commission. This is a national, independent, 12 month inquiry into the future of the Living Wage, bringing together leading figures from business, trade unions and civil society. Commissioners will research and assess evidence on the value of the Living Wage, barriers to its implementation and how these could be overcome. The chair of the Commission is the Archbishop of York, John Sentamu, and findings are expected in 2014.

6. FINANCIAL CONSIDERATIONS

- 6.1 It is estimated that the implementation of the Living Wage, by way of a supplement to Spinal Column Points 1-5 would cost an additional £400,000 per annum.

7. RISK ASSESSMENT

- 7.1 The implementation of a Living Wage by way of a supplement to Spinal Column Points 1-5 carries the potential for equal pay claims to be made as the concept of the has yet to be tested in the employment law system. In addition, a commitment to pay the Living Wage on an on-going basis introduces a further non-controllable element to salary costs.

8. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 8.1 This paper provides details of the equal pay concerns at paragraph 7.1.

9. CONSULTATION

- 9.1 A number of stakeholders were asked to either provide information or their views on the Living Wage by the Working Group. These included:

- UNISON (Local branch) on behalf of the council's workforce
- GMB (Local branch) on behalf of the council's workforce
- Building Cleaning & Caretaker Consultancy Services
- North West Employers Organisation
- Other Local Authorities

10. RECOMMENDATION

- 10.1 Executive Board is asked to accept the following recommendations:
- Warrington Borough Council does not implement the Living Wage due to the concerns detailed at 4.4.
 - That Executive Board recognise the difficulties in organisations seeking to implement the Living Wage locally and independently rather than via the legally enforceable minimum wage.
 - That a further review of the Council and Borough's partners' position is undertaken once the outcome of the Living Wage Commission is made public.
 - That any future review of the council's current pay and grading structure takes account of the Living Wage with regards any proposals that affect Spinal Column Points 1-5.

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 21 January 2013

Report of Executive Board Member:	Councillor R Bowden, Executive Board Member, Corporate Resources and Assignments Councillor M Hannon, Deputy Leader
Executive Director:	Katherine Fairclough, Assistant Chief Executive
Report Author:	Julie Holt, Service Manager Human Resources
Contact Details:	Email: jholt@warrington.gov.uk Telephone: 01925 442843
Key Decision No.	NKD-063/12
Ward Members:	All

TITLE OF REPORT: THE WARRINGTON LIVING WAGE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to outline the key features of the national Living Wage campaign and to recommend that a review be undertaken into the policy implications for Warrington Borough.
- 1.2 That this review be undertaken by the Organisational Development and Improvement Policy Committee.

2. BACKGROUND

- 2.1 Since 2001, The Living Wage Foundation have been campaigning for public and private organisations to adopt a policy to set their lowest hourly pay rate to the living wage rate. This is an independently set, annually updated figure that claims that 'workers earn enough to provide their families with the essentials of life. Many participating organisations have commented on the potential benefits of the Living Wage.
- 2.2 The rate for organisations outside of London, as calculated by the Centre for Research in Social Policy at Loughborough University, is currently £7.45 per hour (set in early November 2012). This rate is above the national minimum wage of £6.19 and the campaign encourages employers to choose to pay the Living Wage on a voluntary basis.

APPENDIX 2

2.3 The Living Wage Foundation promotes the potential benefits to both employers and employees. These include for example:

- a 'significant' positive impact on recruitment and retention levels;
- higher worker morale, motivation and productivity & enhanced quality of work;
- reputational benefits of being an 'ethical employer';
- 50% of employees felt that the Living Wage had made them more willing to change their working practices and more likely to accept change in the work place;
- over 15,000 families have been lifted out of working poverty as a result of the Living Wage.

3. NATIONAL, REGIONAL AND LOCAL PICTURE

3.1 The national pay negotiations are not expected to make any commitment or establish a national process for the adoption of the Living Wage. It is anticipated that this is likely to remain for local determination until at least 2015.

3.2 This is an issue that could potentially affect many organisations including Councils in the country. Initial research has highlighted a mixed picture with many public and private sector organisations exploring the impact of the Living Wage and in particular a Living Wage for the local area rather than a single agency.

4. POINTS FOR CONSIDERATION BY THE POLICY COMMITTEE

4.1 There is no legislative requirement to implement the Living Wage and the review is advised to explore pay levels across the major public and private sector bodies in Warrington and to assess as far as is possible the impact of the Living Wage on Warrington's economy and the feasibility of a Warrington living wage.

4.2 However, implementing the Living Wage would be a significant cost to organisations – and the review should consider the on-going commercial viability of services as current contracts may be compromised if salary costs increase significantly. The review should also consider the impact/expectations of suppliers of services – would larger organisations expect their suppliers to adopt the Living Wage?

4.3 The views on public, private and third sector organisations should be considered including schools. These sectors should be invited make representations in writing or in person to the Committee.

4.4 The review should consider the equality implications and risks, both financial and non financial, in making its recommendations.

4.5 The review to consider how Warrington employers could influence the Living Wage campaign.

5. FINANCIAL CONSIDERATIONS

The review to be undertaken within existing resources.

6. RISK ASSESSMENT

An initial risk assessment has been done and the Policy Committee are requested to undertake a full risk assessment of any proposals.

7. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

An initial EIA has been completed and the Policy Committee are requested to undertake a full equality assessment of any proposals.

8. CONSULTATION

Councillors Hannon and Bowden have been consulted.

9. REASONS FOR RECOMMENDATION

That a policy review be instigated into the impact of the Living Wage campaign on Warrington Borough.

10. RECOMMENDATIONS

- 10.1 The Executive Board is recommended to support the referral of this important policy issue to the Organisational Development and Improvement Committee for further investigation. A report to be presented back to the Executive Board by 30 October 2013.

11. BACKGROUND PAPERS

Directorate Business and Team Plans

Contacts for Background Papers:

Name	E-mail	Telephone
Katherine Fairclough	kfairclough@warrington.gov.uk	01925 442311

12.	Clearance Details:	Name	Consulted		Date Approved
			Yes	No	
	Relevant Executive Board Members	Cllr R Bowden Cllr M Hannon	✓ ✓		4.1.13
	SMT		✓		4.1.13
	Relevant Executive Director	Katherine Fairclough	✓		4.1.13
	Solicitor to the Council	Tim Date/Ian Mason	✓		4.1.13
	S151 Officer	Lynton Green	✓		4.1.13
	Relevant Assistant Director	N/A	✓		4.1.13

APPENDIX

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 14 October 2013

Report of Executive Board Member:	Councillor Russ Bowden, Executive Board Member, Corporate Resources and Assignments	
Executive Director:	Katherine Fairclough, Assistant Chief Executive	
Senior Responsible Officer:	Lynton Green, Director of Finance and Information Services	
Contact Details:	Email Address:	Telephone:
	lgreen@warrington.gov.uk	01925 443925
Key Decision No.	NKD-029/13	
Ward Members:	N/A	

TITLE OF REPORT: KEY DECISIONS AND THE CONTRACTING PROCESS

1. PURPOSE

- 1.1. To review the impact of the Key Decision process for some Goods or Service contracts over £250k, and to propose an alternate more efficient approach.

2. CONFIDENTIAL OR EXEMPT

- 2.1. The report is not confidential or exempt.

3. BACKGROUND

- 3.1. Currently, all Goods and Service contracts with a whole life cost over £250k are treated as requiring approval by the Executive Board (as a Key Decision). This practice has developed over time, even where the Council's existing Constitution does not require it. The process introduces a 58 to 88 day timeframe (based on the projected 2014 Executive Board Reporting Timetable) from the first written submission to the eventual approval by the Executive Board. Once endorsed by the Executive Board, we must add a five working day "call-in" period from scrutineers before we can declare the preferred bidder and move towards contract.
- 3.2. There will inevitably be a number of days prior to the start of the Executive Board submission, potentially adding a further 30 days to the process. As a minimum, it would therefore take two months from deciding the preferred

bidder to Executive Board approval. EU regulations prevent us from declaring the preferred bidder, or working with them during this period.

- 3.3. Whilst the need to ensure governance and oversight is undisputed, these delays can prove frustrating to the contract sponsor and the bidders, especially as the ITT process is often subject to tight timetables and some urgency.
- 3.4. A consequence of this is that we inevitably exceed the “hold for 90 days” price requested in the Tender documentation. Bidders are therefore at liberty to amend their offered price, and any change would require us to revisit the awarded Quality/Price marks – and may even mean we reverse our original decision. This would impart more delay as the process would need to be re-started.
- 3.5. Within the Key Decision process, it is only after Executive Board approval that we can declare the preferred bidder and inform all bidders of the decision. Losing bidders are invariably frustrated at the delay and decision and are potentially more pre-disposed to dispute the call. While this can be addressed, this “delayed” declaration can detrimentally impact on the losing suppliers’ willingness to bid for any future council work, decreasing competition and putting competitive pricing at risk.
- 3.6. Clearly, it would serve the best interest of the Council and all bidding suppliers if we could shorten the process for appropriate contracts, while maintaining assurance and oversight. The Council Constitution allows for this.

4. THE CURRENT COUNCIL CONSTITUTION

- 4.1. Para 12.5.3 of the Council’s Constitution (shown below) provides scope to significantly shorten the current Key Decision process.

*12.5.3. The Council has decided that the letting of any contract on behalf of the Council by an authorised person which involves the provision of services to, or the purchase of goods and services by the Borough Council shall be excluded from the definition of a key decision, **where such contracts relate mainly to the internal workings of the Authority** and do not therefore have a significant impact directly on local communities in the same way as other key decisions. Such contracts may include advertising, vehicles, consumables, food, gas, electricity, and cleaning of borough premises.*

5. THE PROPOSED PROCESS

- 5.1. For those contracts considered as “non-Key” under Constitution 12.5.3, it is proposed that a waiver submission be forwarded by the nominated contract officer for approval at the Strategic Procurement Panel (SPP). (The SPP is made up of the Council’s section 151 officer, the Executive Board Member,

Corporate Resources and Assignments, the Chief Internal Auditor, the Head of Legal Services, and representatives from each Directorate at Assistant Director level, supported by the Central Procurement Team). The approval by the Panel could then be recorded in their minutes, and captured in the contract Business Case (which should be created for all values over £50,000). In addition all officer waiver decisions are reported to the Council's Audit and Corporate Governance Committee on a regular basis.

- 5.2. The waiver endorsement must be agreed before the contract process is started. This will allow the Council to accurately inform prospective bidders of the timetable for the contract. The waiver document and decision should also be recorded and attached on "The Chest" within the "Pre-Tender Checks" step, for audit purposes. Approval by the SPP would allow the contract team to proceed without the need to refer to the full Executive Board process. The waiver template is included at appendix 1 for reference.
- 5.3. Projects that are not approved by the SPP, or not forwarded for approval, would be subject to the Key Decision process. A flow chart is provided at Appendix 2 to identify the full process for both Key and Non-Key options.
- 5.4. The lead officer would be responsible for informing the Executive Board of the status of any contract as part of an "information" process, rather than an "approval" process. Such a route would ensure transparent decisions, while allowing the council to drive forward and set new contracts in a controlled, authorised and expedient fashion.
- 5.5. It should be noted that the expected value of the contract will still be declared on the OJEU Contract Notice (Official Journal of the European Union), the agreed cost will be declared on our Website under the Open Data procedure, and the winning bidder would be declared as part of the OJEU Contract Notice process.

6. RISK ASSESSMENT

- 6.1 The risks of delays in the decision making process are described within the body of the report.

7. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 7.1 All tenders are required to provide details of their policies in relation to equality and diversity as part of the tendering process.

8. CONSULTATION

- 8.1 The proposed changes have been discussed in detail by the Council's Strategic Procurement Panel.

9. FINANCIAL CONSIDERATIONS

- 9.1 There are no direct financial considerations from changing this process, however it may enable the Council to achieve better contract prices in future.

10. REASONS FOR RECOMMENDATION

- 10.1 To recognise the opportunity to shorten the contract approval process under circumstances related to certain goods and services contracts, to ensure less reason from challenge and to ensure that the best price continues to be achieved.
- 10.2 To note that the existing constitution allows for these decisions to be taken under the existing delegations.

11. RECOMMENDATION

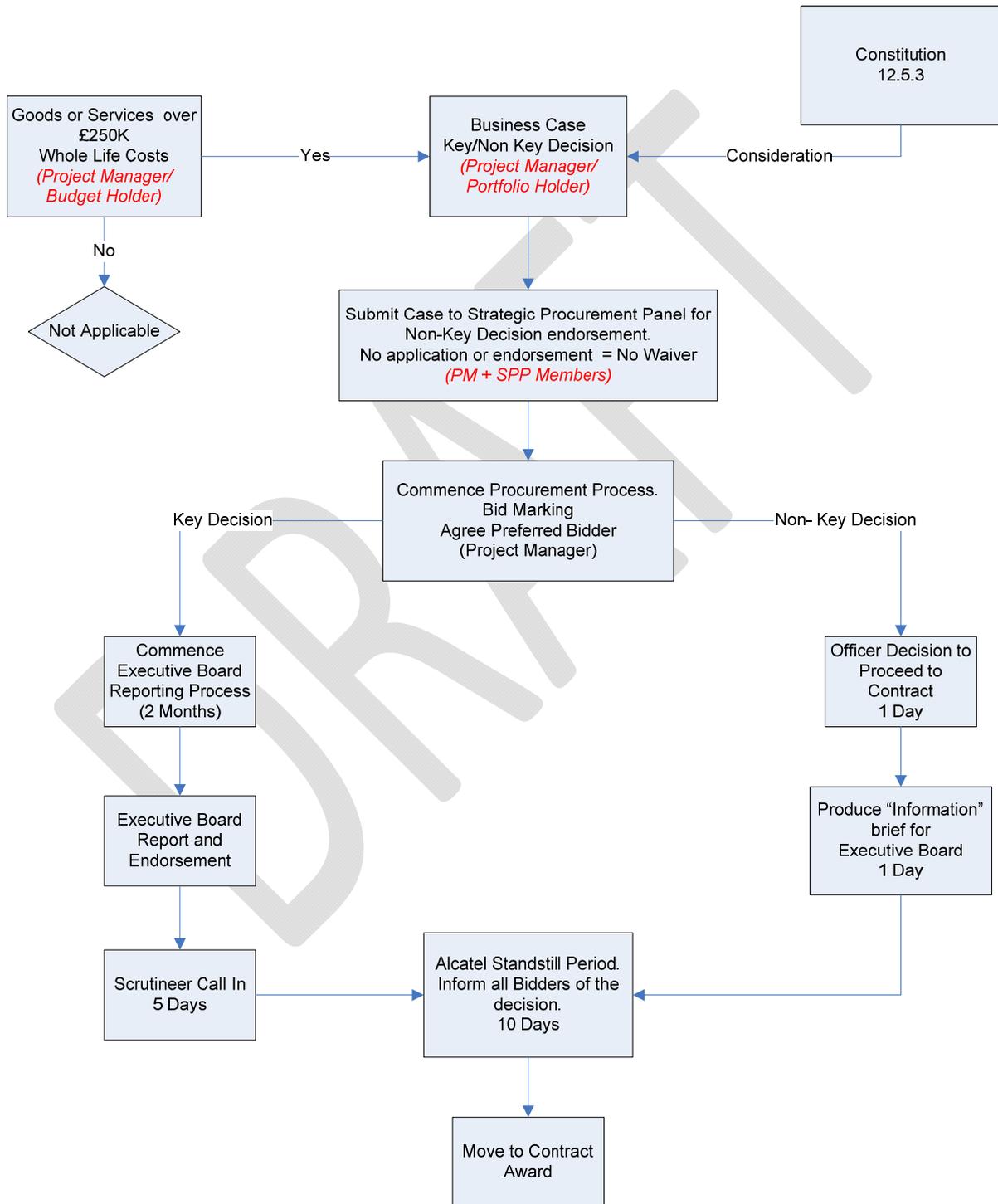
- 11.1 The Executive Board is recommended to:

- (i) agree to an optional shortened contract approval process for suitable Goods and Service contracts that are expected to exceed the Key Decision (+£250k) threshold.
- (ii) agree a “non-Key Decision” process for the above, such that it will ensure scrutiny and oversight from Senior Officers but will not be subject to the current Executive Board document process.

12. BACKGROUND PAPERS

N/A.

KEY/NON-KEY DECISION PROCESS



REQUEST FOR WAIVER TEMPLATE

<p>REQUEST FOR WAIVER</p> <p>A waiver request may only be submitted where the supply, part A service or works contract is valued below the relevant EU threshold.</p> <p>A copy of the completed waiver request must be submitted to <i>Central Commissioning and Procurement</i>.</p>		
<p>To which Rule(s) does this request for waiver apply? Please refer to the relevant Rule(s)</p>		
<p>Please explain why a waiver should be granted :</p>		
<p>Have you consulted <i>Central Commissioning and Procurement</i>? (please tick)</p>	<p>Yes</p>	<p>No</p>
<p>If 'Yes' to above, do <i>Central Commissioning and Procurement</i> support this waiver? (please tick)</p>	<p>Yes</p>	<p>No</p>
<p>If 'No' to above, why was the waiver not supported?</p>		
<p>Submitted by: (name)</p>		
<p>Supported by:(Executive Director signature)</p>		
<p>Supported by: (Chief Finance Officer signature)</p>		

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 14 October 2013

Report of Executive Board Member: Councillor Russ Bowden, Executive Board Member, Corporate Resources and Assignments

Executive Director: Katherine Fairclough, Assistant Chief Executive

Senior Responsible Officer: Lynton Green, Director of Finance and Information Services

Contact Details: **Email Address:** **Telephone:**
lgreen@warrington.gov.uk 01925 443925

Key Decision No. NKD-030/13

Ward Members: All

TITLE OF REPORT: BUSINESS RATE RETENTION - POOLING PROPOSAL

1. PURPOSE

1.1 To delegate to the Director of Finance and Information Services, following consultation with the Executive Board Member, Corporate Resources and Assignments, the authority to submit to the Department for Communities and Local Government (DCLG) an application for Warrington Borough Council to join a Business Rate Retention Scheme Pool with Halton Borough Council and St Helens Borough Council.

2. CONFIDENTIAL OR EXEMPT

2.1 The report is not confidential or exempt.

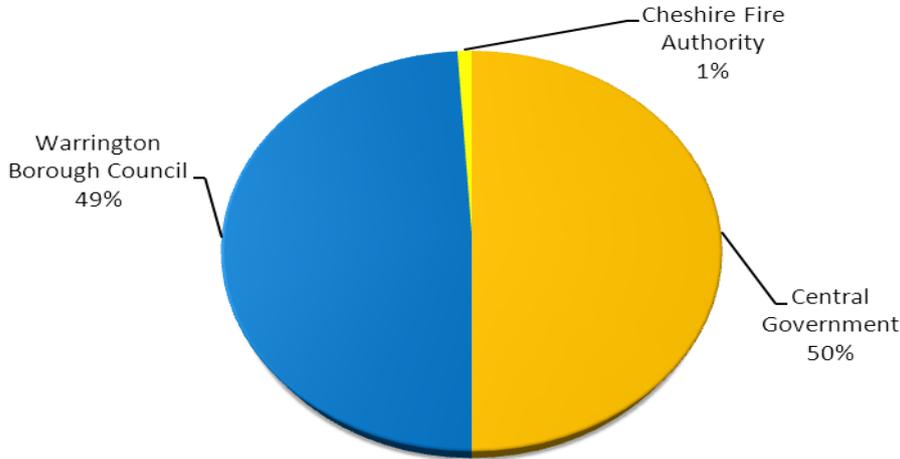
3. INTRODUCTION AND BACKGROUND

3.1 Since the National Non-Domestic Rates scheme began on 1 April 1990 Business Rate income has been paid to Central Government and redistributed as Formula Grant. The rates collected had no impact on the funding received by the Council and each local authority collected money on behalf of Central Government.

3.2 Following the Royal Assent of the Local Government Finance Act on 31 October 2012, the Business Rate Retention Scheme was implemented on the 1 April 2013. In principal the scheme allows local authorities to keep 50% of the Business Rates Income with 50% being paid to Central Government.

4. HOW DOES THE BUSINESS RATE RETENTION SCHEME WORK?

4.1 For single tier authorities Business Rate income will be split as 50% to central Government, 49% to Local Authorities and 1% to Fire Authorities as shown below:



4.2 To redistribute business rates evenly across all local authorities the initial income levels are then adjusted through Top Ups and Tariffs so that the income received reflects the needs of each authority.

4.3 The Top-Ups and Tariffs are calculated as the difference between the Business Rate Baseline and the Baseline Funding Level. Where the Business Rate Baseline is below the Funding Level the authority will receive a Top Up, if it is higher they will pay a Tariff.

Business Rate Baseline:

Government estimate of Business Rates to be collected by each authority in 2013/14. This is allocated to each authority based on the average of the 2011/12 and 2012/13 rates collected.

Baseline Funding Level:

Amount of Start Up Funding (formerly Formula Grant) which is to be funded through the Business Rate Scheme. The remainder of the Start Up funding is funded through the Revenue Support Grant.

4.4 To protect an authority from an excessive drop in funding, if an authority's Business Rate income falls by more than 7.5% below its funding level their income will be protected at this level. This is known as the Safety Net.

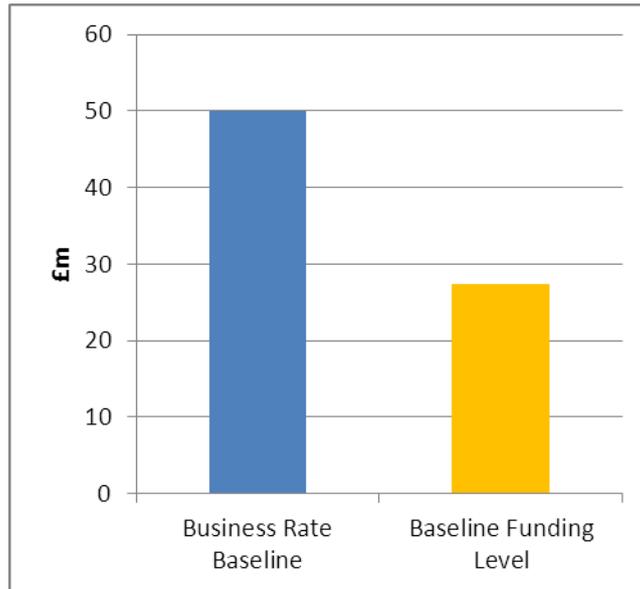
4.5 To pay for the safety net scheme, all tariff authorities are charged a levy on any income they receive over the Business Rate Baseline. The percentage payable is shown in the calculation below:

$$\text{Levy Rate} = \frac{\text{Tariff Payable}}{\text{Baseline Funding Level}}$$

4.6 The Baseline Funding Level and the Business Rate Baseline will be increased by RPI each year, and this scheme will not be amended until the scheme is due to be reset in 2020.

5. WHAT DOES THIS MEAN TO WARRINGTON?

5.1 The Business Rate Baseline and Funding Level figures for Warrington are shown below:



Business Rate Baseline	£50.0m
Baseline Funding Level	£27.4m
Tariff Payable	£22.6m
Levy Rate (Tariff / Baseline)	0.45

5.2 As Warrington raises £22.6m more in business rates than is designated through the Funding Level a tariff payment of £22.6m is due it will mean that any increase in business rates over the baseline of £50.0m will be subject to a levy of 0.45 and therefore Warrington retains only 27% of any increase in Business Rates. (ie 55% of the 49% due to the authority).

6. BUSINESS RATE POOLING

6.1 To encourage local authorities to work together and to support economic priorities across the area local authorities have the ability to pool their business rate income.

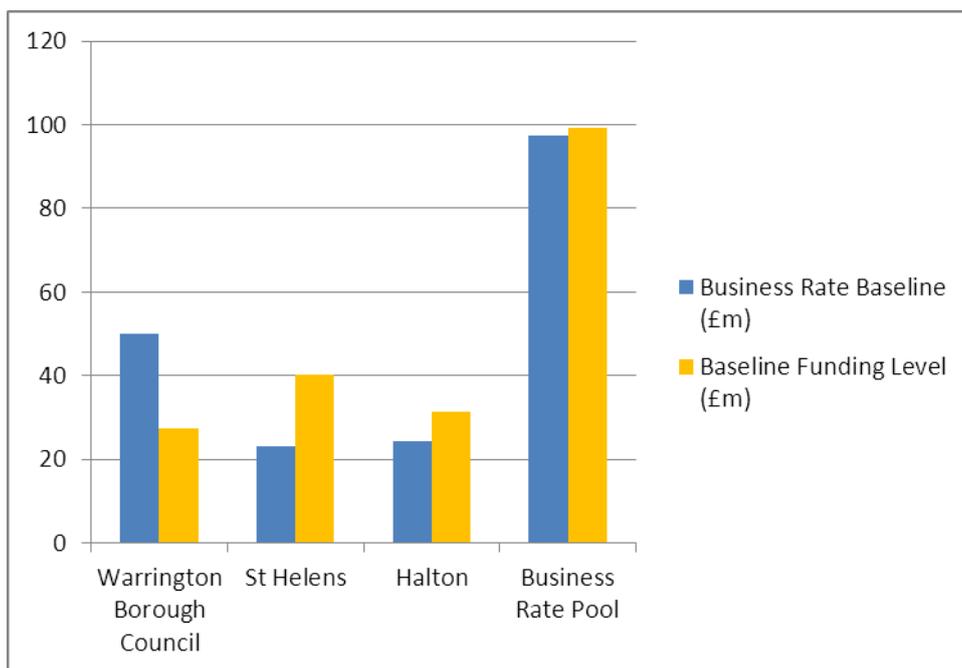
6.2 For pooled authorities the Business Rate Baseline and Funding Level will be calculated as the aggregate of the individual authorities. This can benefit the pool by reducing the levy payable and enabling the pool as a whole to keep up to 49% of any Business Rate growth. This could also be a risk as the Safety Net Payment would be calculated as 7.5% below the baseline of the aggregated pool.

6.3 Pooled authorities are expected to border each other and the pool should benefit 'local authorities and the Government's wider objectives for growth, and improved strategic and service delivery'.

7. MID-MERSEY POOL – WARRINGTON, HALTON AND ST HELENS

7.1 A number of options were considered across the Greater Manchester, Merseyside and Cheshire authorities and the best fit both financially and geographically is a Business Rate Pool with Halton and St Helens.

7.2 The aggregate of the three authorities gives a top-up payable of £1.9m as shown below:



Business Rate Baseline	£97.4m
Baseline Funding Level	£99.3m
Top up Receivable	£1.9m
Levy Rate (Tariff / Baseline)	0.00

7.3 As the pool would be a Top Up authority, this means that the pool would keep 49% of any growth (compared to 27% received by Warrington alone) so for every £1m increase in Warrington's business rates, the pool would keep £220k more than the three authorities would do alone.

7.4 The risk of the pooling arrangement is the safety net payment. As the aggregate of the Funding Level is £99.3m the safety net threshold for the pool would be £91.8m, meaning that the pool as a whole would lose £7.5m before any safety net payment is due.

7.5 It is thought that any financial benefit (or risk) of business rate pooling will be split pro rata to the level of Business Rate income of the three authorities.

This will need to be agreed with the other authorities before an application is made. Using this as a basis Warrington will retain over 50% of the benefit.

- 7.6 Initial discussions have taken place between the three pooling authorities at Chief Executive / Section 151 officer level and have agreed in principal to the opportunities of joining a business rate pool.

8. POOLING APPLICATION

- 8.1 All pooling proposals need to be made to the Department of Communities and Local Government by 31 October 2013.

- 8.2 A proposal for a new pool for 2014-15 must clearly set out the following:
- The identity of each authority that is to be part of the pool
 - An explanation of the potential benefits to pool members from pooling their business rates
 - The lead authority to whom payments will be made to / due from
 - The management of the pool and the overall governance arrangements

- 8.3 Final proposals need to be signed off by the Section 151 officers of each authority in the pool.

- 8.4 Local authorities can withdraw from a designated pool before the pool comes into effect, if after seeing the draft Local Government Finance Report they no longer believe that pooling provides the opportunities they previously thought. If a local authority writes to the Department within 28 days of the publication of the draft report the Secretary of State will revoke the designation.

- 8.5 Due to the tight timescales involved this report is to give the Director of Finance and IT the authority to submit the pooling application without further formal agreement of the Executive Board. The final pooling arrangements will be agreed by Executive Board before the 28 day deadline discussed in 8.4.

- 8.6 Although the application needs to be received by 31 October the three authorities will continue to refine their estimates of Business Rate income for 2014/15 until this deadline is reached. If any authority believes they will be in danger of dropping into the Safety Net, and the pool not being financially beneficial to all authorities, then the application can be withdrawn at any point before this date.

9. GOVERNANCE ARRANGEMENTS

- 9.1 As discussed in 8.2 the application to the Department of Communities and Local Government must include the Governance Arrangements signed off by the Section 151 Officer for each council in the pool.

- 9.2 The Governance Arrangements must include:
- The rights and obligation of pool members; including:
 - How money is to be disbursed to/between pool members and how payments to central government are to be funded by the lead authority

- the treatment of pool balances and liabilities following the pool's dissolution

9.3 As part of the arrangement a shared fund may be set up using the benefits of the pool, the governance of which will be detailed in the final document. Further detail on this cannot be provided at this time as this will require agreement of the three pooled authorities.

9.4 Under the DCLG guidance the Governance arrangements only require sign off by the Section 151 officer, however it is proposed that the Executive Board Member, Corporate Resources and Assignments will be consulted on the submission document.

10. FINANCIAL CONSIDERATIONS

10.1 The financial considerations are considered in the body of this report.

11. RISK ASSESSMENT

11.1 The only risk of a business rate pool is if any of the three authorities are in danger of being in the Safety Net threshold. As discussed in 7.4 the threshold is much lower for pooled authorities, and any drop in income could be at a cost to all three authorities. Any pooling arrangement will not be put forward if any of authorities involved are in danger of receiving a safety net payment.

11.2 At the time of writing this report, Warrington, Halton and St Helens are estimating significant growth for the 2014/15 financial year. All risks will be considered before the application is sent to the Department of Communities and Local Government and will be reconsidered before the 28 day deadline is reached following the publication of the draft Finance Settlement in December.

12. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

12.1 N/A.

13. CONSULTATION

13.1 Discussions have already taken place with St Helens Metropolitan Borough Council and Halton Borough Council.

14. REASONS FOR RECOMMENDATION

14.1 As all applications need to be agreed by all the local authorities involved and submitted by 31 October 2013, there will not be time to bring the full application to the Executive Board in advance of the submission. .

14.2 Local authorities can withdraw from the Business Rate Pool arrangement within 28 days of the publication of the draft Local Government Finance Report. The final decision on entering a business rates pool will need to be

formally agreed by the Executive Board before this date. It is expected that this will be possible as part of the existing budget process.

15. RECOMMENDATION

- 15.1 The Executive Board is recommended to delegate authority to the Director of Finance and Information Services to submit a proposal to the DCLG to apply for Warrington to join a Business Rate pool with Halton Borough Council and St Helens Metropolitan Borough Council.

16. BACKGROUND PAPERS

N/A.

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD - 14 October 2013

Report of Executive Board Members: Councillor Mike Hannon, Deputy Leader and Councillor Linda Dirir, Executive Board Member, Highways, Transportation and Climate Change

Executive Director: Andy Farrall Executive Director, Economic Regeneration, Growth and Environment

Senior Responsible Officer: Sharon Walls, Public Realm Service Manager

Contact Details: **Email Address:** **Telephone:**
swalls@warrington.gov.uk 01925 442427

Key Decision No. 038/13

Ward Members: Penketh and Ceurdley - Cllr Alan Dirir, Cllr Linda Dirir, Cllr David Keane

TITLE OF REPORT: MARSH HOUSE BRIDGE, FIDDLERS FERRY, STATION ROAD, PENKETH, WARRINGTON – PROPOSALS AND OPTIONS

1. PURPOSE

1.1 To inform the Executive Board of the background surrounding the recent collapse of the Marsh House Bridge at Fiddlers Ferry and to propose purchase of the bridge in order to address immediate access problems and deliver a long term sustainable solution.

2. CONFIDENTIAL OR EXEMPT

2.1 The report is not confidential or exempt.

3. INTRODUCTION

3.1 Following the recent incident at Marsh House Bridge, Fiddlers Ferry, Penketh it has highlighted the potential need for urgent action to be taken to maintain access to the land and property on the south side of St Helens Canal. The Council has no contractual or statutory liability for the bridge but can choose to become involved in finding a solution if it wishes to do so.

3.2 In order for the Council to resolve the current situation and importantly find a sustainable long term solution the bridge would have to be taken into Council ownership. Upgrade of the bridge would support the 'Warrington Means

Business' programme, support the potential growth of leisure activity and businesses in the area and provide priority infrastructure to support growth. The bridge is also seen as an important part of the infrastructure required to deliver the Sankey Canal Restoration Project. The Council does have an interest in this site with the St Helens Canal being in its ownership as part of the leisure operation. The Fiddlers Ferry Yacht Haven (Marina) is owned by the Council and let on a long lease. Therefore the Council also requires the Marsh House Bridge for continued access.

- 3.3 Prior to this incident the Council had been in the process of taking action to progress matters to enable the situation to be remedied, but the urgency has increased as a result of the recent incident.

4. BACKGROUND

- 4.1 The Marsh House Bridge is the only point of unrestricted vehicular access across the St Helens Canal for the owners and occupiers of land and buildings (including the Council) located on the south side of the St Helens Canal and north bank of the River Mersey.
- 4.2 In June 2007 the Marsh House Bridge sustained damage and at that time the Council undertook emergency repairs on a without prejudice basis, and imposed a weight limit on the adopted section of the approaching road. After these works had completed the Council became aware that the bridge was in the ownership of the Duchy of Lancaster.
- 4.3 The owners and occupiers of land on the south side of the St Helens Canal have to cross the Marsh House Railway Level Crossing which is located adjacent to the Marsh House Bridge. It is an electronic crossing suitable for vehicles. This is planned for replacement in the future by Network Rail and the Council has been in discussions with stakeholders in relation to this matter. The Council has a responsibility to contribute to the costs of installation of a new level crossing at this point, along with other users. At Fiddlers Ferry Tavern there is an additional pedestrian access point across the railway. This is via an unmanned level crossing and bridge, but there is no public vehicular access at this point.
- 4.4 Marsh House Bridge is not owned by Warrington Borough Council. The bridge is held by the Duchy of Lancaster as an owner of last resort following the dissolving of Food Securities Ltd who previously owned the structure. As far as we are aware since then no repairs have been undertaken apart from the emergency repairs carried out by the Council in 2007. However the Council does not have an ongoing responsibility to inspect or maintain the bridge as it is not within our ownership.
- 4.5 As part of the Recreational Study of Sankey Canal, Sankey Valley Park and surrounding environs completed with Royal Haskoning in June 2009 it was identified there is potential to develop the leisure facilities in conjunction with Halton Borough Council.

- 4.6 The Council has identified funds in the Capital Programme to acquire and reinstate the bridge to the value of £225,000. Approaches have been made to the solicitors acting on behalf of the Duchy of Lancaster with a view to the Council purchasing the bridge for a nominal sum, - along with the associated ongoing maintenance and safety liabilities. The Duchy is not willing to provide any funds to contribute to any maintenance / repair / replacement costs.
- 4.7 A joint bid was submitted to the Coastal Communities fund by Halton Borough Council and Warrington Borough Council earlier this year. The bid seeks to secure funding to help develop the sustainability of the coastal businesses in the area and also start the process to restore the St Helens Canal along its length up to and including Fiddlers Ferry Marina. This will include putting this bridge back into a usable condition while allowing navigation along the length of the canal. The first stage of this bid has been successful and we are now in the process of preparing the second stage for imminent submission. The results of this will be known in December 2013.
- 4.8 On Thursday, 5 September 2013 a lorry carrying a part load estimated at approx 20 tonnes (total weight) was using the bridge to access the industrial estate. As a result the bridge collapsed whilst the vehicle crossed the bridge and the vehicle and load fell through the deck into the canal. The vehicle has now been removed from the St Helens Canal.
- 4.9 Since then the Council has been involved in making the area safe and co-ordinating actions between the owner of the vehicle, Network Rail and Transco - who operate the major gas pipeline in the canal bank alongside the bridge.
- 4.10 The future development of St. Helens Canal, Fiddlers Ferry Marina, Sankey Valley Park and its environs is a long term inspirational aim of the Council in association with Halton Borough Council. This key aim will involve making St Helens Canal navigable from Spike Island in Halton to the Marina. If this is achieved Marsh House Bridge would have to be capable of being of a cantilever construction to allow boats and other vessels to pass along the canal.
- 4.11 Vehicular access to the sites on the south side of the St Helens Canal is not currently possible. Network Rail did provide temporary access via a Banksman operating the level crossing at Fiddlers Ferry to permit access by smaller vehicles but this has now been withdrawn and we are not aware that any local occupiers have volunteered to meet the cost. Enquires with Network Rail have revealed the approximate cost of such a provision would be £2,850 /week to continue to provide this facility.

5. LEGAL BACKGROUND

- 5.1 The bridge previously belonged to a private limited company, Food Securities Ltd. When this company went into liquidation in 1981, by operation of law the ownership of the bridge vested in the Crown and because of its geographical location it is administered by the Duchy of Lancaster As "owner of last resort"

the Duchy has the benefit of ownership and would retain the eventual proceeds of sale (if any) but has no interim liability to repair or maintain the structure. The Council has demonstrated to the Duchy that the bridge is in fact a liability with no asset value and the Duchy has therefore confirmed its willingness to transfer the bridge to the Council for a nominal price.

- 5.2 Marsh House Bridge does not form part of the adopted highway network and is a private bridge approached from Station Road
- 5.3 Station Road is a private road owned by Network Rail where the Council has a right of way subject to contributions for maintenance. This agreement also includes the Council's responsibility to contribute, with others, to the maintenance and/or replacement of the Marsh House Level Crossing.

6. ENGINEERING OPTIONS

- 6.1 Once the Council has purchased the Marsh House Bridge the matter of the repair and/or replacement of the bridge has to be addressed, but no actions can be taken until the acquisition is complete.
- 6.2 There are various levels of work that can be undertaken to provide access on either a short or long term basis. There is an immediate need for access to support the local businesses and enable them to continue trading, but this has to be countered against the long term requirement for a lifting bridge if the Coastal Communities bid is successful.
- 6.3 A lift bridge is required as part of the Heritage requirement of the bid where the ultimate aim is to have the canal open to navigation which would require a lifting bridge to be installed at this location. Whilst the cost of providing a lift bridge is greater a swing bridge is not considered a viable option at this location due to the close proximity of the railway line and automated level crossing.
- 6.4 Various temporary and permanent bridge options have been considered as outlined below:
 - Repair and Strengthen the existing Fixed Bridge
 - Remove the existing / remaining bridge and purchase and install a second hand Bailey bridge to 7.5 ton.
 - Purchase and Install a new Bailey bridge
 - Hire and Install a new Bailey bridge.
 - Temporarily Infill the Canal
 - Installation of new permanent bridge

The Territorial Army have also been consulted regarding the possibility of providing a temporary bailey bridge but unfortunately they are unable to assist in this case.

- 6.5 The preferred medium / long term solution is a new permanent bascule type (lifting) which would be compliant with the redevelopment of the St Helens Canal at some point in the future. A new moveable bridge will require Planning consent, and new foundations. This process has started to support the Coastal Communities Fund Bid.
- 6.6 The key considerations for option selection is the immediate need to provide access and also the complication of the timing of the CCF funding bid decision. Consequently, the recommendation for option selection is that initially the existing remains of the bridge are removed and a second hand bailey type bridge is purchased and installed. The bridge although temporary in nature would be specified and installed to give a medium term design life if required. The approx. cost of purchase and installation is £40,000. If the CCF bid is unsuccessful the temporary bridge would remain in place until funding became available for the permanent solution. If the CCF bid is successful the recommendation would then be to design and install a permanent bascule type bridge. The temporary bridge could either be resold or used elsewhere on the Council estate.

7. FINANCIAL CONSIDERATIONS

- 7.1 The cost of removing the existing bridge and replacement with a temporary bridge of £40,000 which can be funded from the sum identified in the Capital Programme for the current financial year of £225,000. This will include any accommodation works required to the road or foundations to accommodate the installation. If the CCF bid is successful and the permanent bascule type of bridge is progressed given the value of the project a further report seeking approval will be submitted to Executive Board.
- 7.2 On-going revenue costs required to maintain the bridge would be met from the Councils bridge maintenance budgets.

8. RISK ASSESSMENT

- 8.1 Although at present the Council has no liability here there is a considerable reputational risk if the Council does not take control of the situation. This is the reason behind the proposal to purchase the dilapidated bridge and proceed with the works to be determined.

9. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

No Equality and Diversity Assessment has taken place as part of this proposed acquisition of the infrastructure will support Warrington Means Business.

10. CONSULTATION

- 10.1 There has been no consultation on the specific contents of this report. However, once a decision has been made to proceed with the purchase and works the local businesses will be consulted to advise of proposals.

11. REASONS FOR RECOMMENDATION

- 11.1 The acquisition of the existing bridge in its dilapidated condition will enable the Council to take action to arrange for repairs and/or a replacement bridge to be installed to help support the businesses on the south side of St Helens Canal. However if the Council decides not to proceed with the purchase another party may acquire it and arrange for a replacement at their own cost. This may result in elements of “control” being enforced regarding access which are not inclusive for all business interests including our own.

12. RECOMMENDATION

- 12.1 The Executive Board is recommended to:
- (i) approve the acquisition of Marsh House Bridge from the Duchy of Lancaster at a nominal price.
 - (ii) authorise the Solicitor to the Council to execute and legally complete all necessary documents.
 - (iii) authorise the Executive Director, Economic Regeneration, Growth and Environment, following consultation with the Executive Board Member, Highways Transportation and Climate Change, to determine the most appropriate temporary and long term options to be implemented at this site. Depending on the final cost of the preferred option a further report will be referred back to Executive Board for approval if the value is above delegated limits.

13. BACKGROUND PAPERS

N/A.

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD - 14 October 2013

Report of Executive Board Member: Leader of the Council, Councillor Terry O'Neill

Executive Director : Andy Farrall, Executive Director, Economic Regeneration, Growth and Environment

Senior Responsible Officer: Steve Park, Managing Director, Warrington & Co

Contact Details: **Email Addresses:** spark@warringtonandco.com **Telephone:** 01925 443940

Key Decision No: 027/13

Ward Members: All

TITLE OF REPORT: **APPOINTMENT OF DIRECTORS TO THE SOUTHERN GATEWAY JOINT VENTURE COMPANY**

1. PURPOSE

To seek Executive Board approval to appoint Elected Members and the interim Chief Executive to represent the Authority as Directors of a new joint-venture company being established for the purposes of regenerating the Southern Gateway.

2. CONFIDENTIAL OR EXEMPT

2.1 This report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

3.1 In January 2013 the Executive Board approved the appointment of Langtree Land and Property PLC as development partner in respect of a proposed Joint Venture to achieve the regeneration of the Southern Gateway, in accordance with the aspirations of the Warrington Means Business framework for business growth and regeneration in the Borough.

- 3.2 The Council has worked in partnership with Langtree Land and Property PLC since approval was granted by the Executive Board to develop Heads of Terms, constitutional documents, land assembly and asset valuations.
- 3.3 Preparations are now underway to formally incorporate the Joint Venture Company on a 50:50 shareholding basis between Warrington Borough Council and Langtree Land and Property PLC. Due diligence exercises are currently being undertaken by legal representatives for both parties in the proposed Joint Venture Company.
- 3.4 It has been agreed between Warrington Borough Council and Langtree Land and Property PLC that the Board will be made up of six Directors, three from each organisation.
- 3.5 It has been further agreed that the Chair of the Board of Directors of the Joint Venture Company will alternate on an annual basis with the first Chair being held by a Director from Warrington Borough Council.

4. PROPOSED APPOINTMENT OF DIRECTORS

- 4.1 In order to incorporate the Joint Venture Company, which will be limited by shares, Directors must be appointed to the Board. It is proposed that the following are appointed to the Board of the Joint Venture Company:
- Leader of the Council
 - Executive Board Member, Corporate Resources and Assignments
 - Interim Chief Executive
- 4.2 It is proposed that the Chair of the Board of Directors of the Joint Venture Company be held by the Council's Interim Chief Executive for a period of twelve months from incorporation.

5. FINANCIAL CONSIDERATIONS

- 5.1 The budget for the attendance at Board meetings of the Joint Venture Company, including travel and subsistence, will be held by the Joint Venture Company itself.

6. RISK ASSESSMENT

- 6.1 N/A.

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT

- 7.1 The appointment of Elected Members and the interim Chief Executive to represent the Authority as Directors of the new Joint Venture Company does not require an equality and diversity / equality impact assessment.

8. CONSULTATION

- 8.1 Respective Elected Members, the interim Chief Executive and Directors of Langtree Land and Property PLC have been consulted.

9. REASON FOR RECOMMENDATIONS

- 9.1 The appointment of Elected Members and the interim Chief Executive to the Board of the Joint Venture Company will enable the incorporation of the company with Langtree Land and Property PLC to proceed with the regeneration of the Southern Gateway.

10. RECOMMENDATION

- 10.1 The Executive Board is recommended to approve the appointment of the Leader of the Council, the Executive Board Member, Corporate Resources and Assignments and the interim Chief Executive to the board of the Southern Gateway Joint Venture Company with Langtree Land and Property PLC.

11. BACKGROUND PAPERS

N/A

Agenda Item 8