

## COUNCIL

*At a meeting of the Council on Wednesday, 23 April 2008 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Hodgkinson (Chairman), P. Blackmore, S. Blackmore, Bradshaw, Bryant, D. Cargill, E. Cargill, Cross, Drakeley, Findon, Fraser, Gerrard, Gilligan, Harris, Higginson, Hignett, Howard, D. Inch, Jones, Leadbetter, Lloyd Jones, Loftus, A. Lowe, J. Lowe, McDermott, McInerney, Morley, Murray, Nelson, Nolan, Norddahl, Osborne, Parker, Philbin, Polhill, M. Ratcliffe, Redhead, Rowan, Rowe, Sly, Stockton, Swain, Thompson, Wainwright, Wallace, Wharton, Worrall and Wright

Apologies for Absence: Councillors Dennett, Edge, Horabin, C Inch, Lewis, Marlow, E. Ratcliffe and Swift

Absence declared on Council business: None

Officers present: L. Cairns, C. Foley, I. Leivesley, P. McWade, G. Meehan, S. Nicholson, D. Parr, M. Reaney and D. Sutton

Also in attendance: None

### *Action*

*(NB Prior to the start of the meeting, the Council watched a DVD celebrating the 10<sup>th</sup> birthday of Halton as a Unitary Authority.)*

#### COU80 COUNCIL MINUTES

The minutes of the Council meetings held on 5<sup>th</sup> March and 20<sup>th</sup> February 2008, having been printed and circulated, were taken as read and signed as a correct record.

RESOLVED: That the minutes of the meetings be confirmed and adopted.

#### COU81 THE MAYOR'S ANNOUNCEMENTS

The Mayor reported that he had been presented with a small glass plaque by the British Amateur Rugby League Association at Stobart Stadium when the Young Lions versus French Under 21s match had taken place on 19<sup>th</sup> March 2008.

#### COU82 LEADER'S REPORT

The Leader reported on the following issues:

- The Corporate Performance Assessment (CPA) and Joint Area Review (JAR) inspection had just finished and official feedback was expected in July 2008. The informal feedback received so far had been positive.
- The Police precept had been over the capping limit. This precept would be included with the Council's Council Tax Bills. The Department for Communities and Local Government was currently discussing whether it needed to be reviewed and the Council had written to outline its position, ie that it would be costly for the Authority to have to re-bill residents on behalf of the Police Authority.
- A number of youth events had been held, including the Youth Ball, which had been very popular and well attended. This work was a tribute to Councillor Wright.

#### COU83 MINUTES OF THE EXECUTIVE BOARD

The Council considered the minutes of the Executive Board from meetings held on 21<sup>st</sup> February, 6<sup>th</sup> March and 20<sup>th</sup> March 2008.

RESOLVED: That the minutes be received.

*(NB Councillor Wharton declared a personal and prejudicial interest in respect of minute number ES87 in the following item of business due to being a Board Member of Halton Transport.)*

#### COU84 MINUTES OF THE EXECUTIVE BOARD SUB-COMMITTEE

The Council considered the minutes of the Executive Board Sub-Committee from meetings held on 21<sup>st</sup> February, 6<sup>th</sup> March and 20<sup>th</sup> March 2008.

RESOLVED: That the minutes be received.

#### COU85 MERSEY GATEWAY EXECUTIVE BOARD

The Council considered the minutes of the Mersey Gateway Executive Board from the meeting held on 7<sup>th</sup> April 2008.

RESOLVED: That the minutes be received.

## COU86 QUESTIONS ASKED UNDER STANDING ORDER NO. 8

It was noted that no questions had been submitted under Standing Order No. 8.

## COU87 MERSEY GATEWAY TRANSPORT AND WORKS ACT ORDER - KEY DECISION

The Executive Board had considered a report of the Strategic Director – Environment relating to the applications and orders required to be promoted in order to secure powers to promote the Mersey Gateway Project (the “Project”), and seeking authority for a number of important matters relating to the Project outlined within the report. The minutes of the Executive Board meeting, held on 10<sup>th</sup> April 2008, had been published on the Council’s website and a copy was tabled for Members’ information (NB Councillor Higginson declared a personal and prejudicial interest in respect of minute number EXB129 in these minutes due to a family member being employed by Halton Housing Trust. In addition, Councillor M. Ratcliffe declared a personal and prejudicial interest in respect of minute number EXB129 due to being a Halton Housing Trust Director.)

An updated report had been circulated with the Summons further expanding on the need for the Council to resolve to promote the proposed Transport and Works Act Order in accordance with the requirements of Section 239 of the Local Government Act 1972, setting out the basis of the Transport and Works Act Order, and what it intended to achieve.

In this respect, the Executive Board resolved on 10<sup>th</sup> April 2008 to recommend to a meeting of the Council that it should resolve to promote an order under Section 3 of the Transport and Works Act 1992 to authorise interference with public rights of navigation by the construction of a new bridge over the River Mersey comprised in the Project and certain other matters.

### Reason for Decision

The recommended decisions were required to support the delivery of Mersey Gateway.

### Alternative Options Considered and Rejected

Alternative options for securing the powers to construct, maintain and operate, including tolling, the

Mersey Gateway project had been assessed and rejected.

### Implementation Date

The recommended decisions were required before the next phase of the statutory process took place in May 2008.

By a show of hands it was unanimously

RESOLVED: That

- (1) the Council note the content of this report and have regard to it in considering whether to promote an order under s3 of the Transport and Works Act 1992 authorising the construction of works that interfere with navigation and certain other matters explained elsewhere in this report;
- (2) in accordance with the terms of s239 of the Local Government Act 1972 as applied by section 20 of the Transport and Works Act 1992 the Council resolve to promote an order under the provisions of s3 of the Transport and Works Act 1992 authorising the construction of works that interfere with navigation and certain other matters explained elsewhere in this report, for effecting all or some of the following objects and purposes:
  - (i) for statutory authority to construct a new bridge across the River Mersey between Runcorn and Widnes in the Borough of Halton being works which interfere with public rights of navigation;
  - (ii) for statutory authority to construct works that interfere with navigation in the St Helens Canal, the Manchester Ship Canal and the Bridgewater Canal;
  - (iii) to authorise permanent and temporary changes to the highway network in the Borough of Halton;
  - (iv) to authorise the compulsory acquisition of land and rights in land for the purposes of this project;
  - (v) to authorise the charging, levying, setting and collection of tolls or charges for the use

of the works and the creation of summary offences in connection with non-payment;

- (vi) to authorise the making of byelaws and their enforcement, including the creation of summary offences;
  - (vii) to apply and/or disapply legislation relevant to the works;
  - (viii) to make arrangements for the letting of a concession to operate and manage the works and their construction; and
  - (ix) to authorise such ancillary, incidental and consequential provisions as may be necessary and/or convenient, and such other purposes as may be determined by the Council;
- (3) the Chief Executive be authorised to settle the areas subject to works to be authorised by the Order and the areas to be the subject to powers of compulsory acquisition contained in the Order and also to settle any documentation required for the Order;
- (4) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised to make the application for the Order to the Secretary of State and to take all necessary procedural steps prior to and after the making of the application, including the preparation and presentation of the council's case at any public inquiry;
- (5) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all other actions necessary to give effect to these recommendations; and
- (6) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised, as soon as the Order is made by the Secretary of State and comes into effect, to take all necessary procedural steps in order to implement the powers of the Council authorised by the Order as made.

*(NB The Councillors listed below declared personal and prejudicial interests in the following item of business due to having relatives working at the Council and left the meeting for the duration of its consideration:*

*Councillors Bryant (NB Councillor Bryant remained in the Chamber but took no part in the debate), D. Cargill, E. Cargill, Gerrard, Hignett, Howard, Murray, Nelson, Osborne, Polhill, M. Ratcliffe.)*

COU88 JOB EVALUATION - UPDATE - APPOINTMENTS COMMITTEE 28TH FEBRUARY 2008 (MINUTE NO. APC5 REFERS)

The Appointments Committee had considered a report of the Strategic Director – Corporate and Policy regarding the implementation of the National Job Evaluation Scheme.

With regards to a question from Councillor Harris about the appeal process that would apply where the management representative and trade union representative were not in agreement, it was agreed that a written response be provided.

Strategic Director  
- Corporate and  
Policy

In addition, staff were commended on their professionalism that had continued throughout the process, for example the work that had been carried out as part of the Joint Area Review (JAR) process.

RESOLVED: That the process be endorsed.

*(NB Councillor Hignett declared a personal and prejudicial interest in the following item of business due to being employed by CIC and left the room for the duration of its consideration.)*

COU89 HOUSING CAPITAL PROGRAMME - EXECUTIVE BOARD 10TH APRIL 2008 (EXECUTIVE BOARD AGENDA ITEM NO. 4B REFERS)

The Executive Board had considered a report of the Strategic Director – Health and Community regarding the forecast outturn for the 2007/08 housing capital programme and seeking approval for the 2008/09 programme. It was advised that the Board had agreed that the Healthy Halton Policy and Performance Board be requested to look at the Disabled Facilities Grant process and report back to the Executive Board.

RESOLVED: That the position regarding the 2007/08

programme be noted and the proposed programme for 2008/09 as set out in the report and Appendix be approved.

*(NB Councillors Fraser and Loftus declared personal and prejudicial interests in the following item of business due to being nominees and left the room for the duration of its consideration.)*

COU90 ARRANGEMENTS FOR THE APPOINTMENT OF MAYOR - EXECUTIVE BOARD SUB-COMMITTEE 21ST FEBRUARY 2008 (MINUTE NO. ES81 REFERS)

The Executive Board Sub-Committee had considered a report making recommendations for the appointment of Mayor and Deputy Mayor for the 2008/09 Municipal Year as follows:

Mayor – Councillor Loftus  
Deputy Mayor – Councillor Fraser.

The Council noted these recommendations, which would be formally confirmed at the Annual Meeting.

COU91 TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2008/09 - EXECUTIVE BOARD SUB-COMMITTEE 20TH MARCH 2008 (MINUTE NO. ES97 REFERS)

The Executive Board Sub-Committee had considered a report of the Operational Director – Financial Services seeking agreement to a Treasury Management and Investment Strategy for 2008/09.

It was advised that the Council's position, in relation to any exposure to Northern Rock, was being monitored.

RESOLVED: That the policies and strategies outlined in the report be adopted.

COU92 NORTH CHESHIRE HOSPITALS NHS TRUST APPLICATION FOR FOUNDATION STATUS

The Council considered a report of the Strategic Director – Health and Community providing an overview of the application for Foundation Status by North Cheshire Hospitals NHS Trust and providing information about the Governors Council.

It was advised that, under the Health and Social Care Act 2003, North Cheshire Hospitals NHS Trust had applied to become an NHS Foundation Trust. The consultation

period of 12 weeks had commenced on 14<sup>th</sup> January 2008 and had ended on 11<sup>th</sup> April 2008, with a decision to be taken by the Summer 2008.

Details regarding what Foundation Status meant was outlined for Members' consideration together with information regarding the implication of achieving foundation status for the people of Halton, and proposed governance arrangements. It was advised that the Partner Organisation Governors would include "One representative from Warrington Borough Council and one from Halton Borough Council". At its meeting on 10<sup>th</sup> April 2008, the Executive Board had agreed to support the Trust's Foundation application and confirmation of a Halton representative was now sought.

RESOLVED: That Councillor Nelson be appointed as the Council's representative on the Governors Council.

#### COU93 MINUTES OF POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

The Council considered the reports on the work of the following Boards in the period since the meeting of the Council on 20<sup>th</sup> February 2008:

Children and Young People  
Employment, Learning and Skills  
Healthy Halton  
Safer Halton  
Urban Renewal  
Corporate Services  
Business Efficiency Board

In receiving the minutes, the Chairmen thanked Members, officers and Topic Groups for their work throughout the year. In addition:

- (1) the Chairman of the Safer Halton Policy and Performance Board (PPB) referred to minute number SAF50 – "The Partnership with Birmingham Trading Standards to Combat Illegal Money Lending in the Borough – Presentation" – and the success of this partnership that had already borne arrests; and
- (2) the Chairman of the Corporate Services PPB congratulated those that had been involved with the job evaluation exercise.

## COU94 COMMITTEE MINUTES

The Council considered the reports on the work of the following Committees in the period since the meeting of the Council on 20<sup>th</sup> February 2008:

Development Control  
Standards  
Regulatory  
Appointments

In receiving the minutes, the Chairmen thanked Members and officers for their work throughout the year. In addition, the Chairman of the Regulatory Committee thanked Councillor Cross, who would be standing down at the next elections, and Councillor Wallace who, despite having been in hospital, had not missed a meeting. Praise was also extended to Lisa Capper – Solicitor (Environment and Licensing) who had been assisting the Committee in the Group Solicitor's absence.

*(NB At the close of the meeting the Leader thanked the Mayor for the way he had presided over meetings, and for both his, and the Mayoress', hard work throughout the year. In addition, it was noted that four Councillors would be standing down at the next election - Councillors Cross, Lewis, Marlow and Sly - and they were also thanked for their work with the Council.*

*In response, the Mayor thanked Members and Officers for their support and wished those Councillors who were standing down the best for the future.)*

*Meeting ended at 7.40 p.m.*