

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 26 February 2015 in The Boardroom, Municipal Building*

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

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Scott, M. Reaney, G. Cook, I. Leivesley, D. Parr, E. Dawson, S. McDonald, C. Patino and W Rourke

Also in attendance: None

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

*Action*

EXB130 MINUTES

The Minutes of the meeting held on 12 February 2015 were taken as read and signed as a correct record.

#### **CHILDREN, YOUNG PEOPLE AND FAMILIES PORTFOLIO**

EXB131 THE SCHOOL GOVERNANCE (CONSTITUTION)  
(ENGLAND) REGULATIONS 2012 AS AMENDED IN 2014

The Board considered a report of the Strategic Director, Children and Enterprise, on the revised arrangements for the appointment process for Local Authority governors to school governing bodies.

The Board was advised that new regulations came into force on 1 September 2014, which required all maintained school governing bodies to be reconstituted under the School Governance (Constitution and Federations) (England) (Amendment) Regulations, by 1 September 2015. It was reported that local authority governors, foundation governors and parent governors were only eligible to be appointed if they had the skills required to contribute to the effective governance and success of the school. In addition, new procedures for the removal of surplus governors had been introduced.

It was noted that the Government was seeking to strengthen the role of governing bodies in setting the strategic direction for schools and academies and in promoting school improvement. The amended regulations required local authority governors to be nominated by the local authority, but appointed by the governing body. The report set out further details of constitution requirements for all maintained schools. In the case of Academy Trusts, it was noted that although there was no requirement for them to have a local authority governor on the Academy governing body, should they decide to appoint one, then the appointment would be made via the agreed procedure for appointment of local authority governors.

#### Reason(s) for Decision

The decision was required to ensure that there was a clear and transparent process in place regarding the appointment of local authority governors.

#### Alternative Options Considered and Rejected

One option considered and rejected was to remain with the present appointment process, i.e. Local Authority appointments being made by the political Party Groups, with Local Authority governor positions being broadly allocated to a Party on a proportion based on the political make-up of the Council, with the Group whips co-ordinating this process for their party. However, Lord Nash had confirmed this was unacceptable practice and the law now required that all governors were appointed on the basis of the skills they had to contribute to effective governance, and Local Authorities must make every effort to understand the governing body's requirements in order to identify and nominate suitable candidates. Once appointed, Local Authority governors must govern in the interests of pupils, not to represent or advocate for the political or other interests of the Local Authority.

#### Implementation Date

The process would commence from the approval of the policy.

RESOLVED: That

- 1) the process and supporting documentation set out in the report regarding the nomination of Local Authority governors to Local Authority maintained

Strategic Director  
- Children and  
Enterprise

schools and Academies, against criteria determined by a school's governing body be approved; and

- 2) a Members Panel consisting of the Portfolio holder – Children, Young People & Families, the Leader, and the Strategic Director or his nominee be established to put forward Local Authority nominations for schools to consider. This panel will test that individuals meet the criteria for governors for specific schools and will meet termly, or additionally, as agreed by the Panel.

## **ENVIRONMENTAL SERVICES PORTFOLIO**

### **EXB132 THE WASTE (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2012 COMPLIANCE ASSESSMENT**

The Board considered a report of the Strategic Director, Communities, which advised Members of the requirements of the Waste (England and Wales) (Amendment) Regulations 2012 (the Regulations), and to seek endorsement of the outcome of the assessment of the Council's household waste collection system.

The Board was advised that from 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately. Some exceptions to this requirement were set out in the report. However, the aim of the Regulations was to maximise the economic opportunities and environmental benefits associated with higher quality recycling.

It was reported that there was no statutory guidance on how to interpret the separate collection requirement or to implement the Regulations. A 'Waste Regulations Route Map' had been produced to act as a framework to guide waste collection organisations in meeting requirements. Further details of the Route Map were set out in the report for Member's information. Using the Route Map, an assessment of the Council's compliance with the Regulations had been carried out, with full details of the assessment attached at Appendix 2.

**RESOLVED:** That

- 1) the outcome of the assessment of the Council's co-mingled recycling collection system which

Strategic Director  
- Communities

demonstrates the Council's compliance with Regulations 12 and 13 of the Waste Regulations (England and Wales) 2011 (Amended 2012), be approved; and

- 2) a re-evaluation of the Council's methodology for the separate collection of paper, glass, plastics and metals be undertaken in three year's time, or at any time should there be any significant change in circumstances, which may affect the Council's position on separate collections.

## **RESOURCES PORTFOLIO AND ECONOMIC DEVELOPMENT PORTFOLIO**

### **EXB133 DISCRETIONARY NON-DOMESTIC RATE RELIEF**

The Board considered a report of the Strategic Director, Policy and Resources and the Strategic Director, Children and Enterprise, which set out criteria to be applied in the consideration of applications for Discretionary Business Rate Relief.

The Board was advised that the Localism Act 2011 amended the provisions of the Local Government Finance Act 1988, such that Councils may grant Discretionary Business Rates Relief to any business ratepayer in any circumstance. The report set out details of the current arrangements where the Council had granted relief to Registered Charities, Community Amateur Sports Clubs (CASC's), and Not-for profit Organisations for Members' information. It was noted that the Council currently granted relief to organisations for a three year period, and it was recommended that this practice continue to provide organisations with some certainty and to assist with their financial planning.

In respect of applications from organisations who are not Registered Charities, Community Amateur Sports Clubs (CASC's), or Not-for profit Organisations, in order to ensure consistency, it was proposed that the criteria, as set out in the report, should be applied in future when considering requests for rate relief. This was intended to provide a policy framework to assist with the consideration of each application, although it was noted that the Board would still consider each request on its merits.

RESOLVED: That

- 1) Discretionary Business Rate Relief of 15% be granted for those registered charities and CASC organisations currently in receipt of such relief, for the period of three years commencing 1 April 2016;
- 2) Discretionary Business Rate Relief of 90% be granted for the not-for-profit organisations currently in receipt of such relief (except for the two referred to in paragraph 5.3 of the report), for the period of three years commencing on 1 April 2016; and
- 3) the criteria set out in Section 6 of the report, be approved as a policy framework to assist with considering future applications for Discretionary Business Rate Relief on the grounds of potential economic development and job creation benefits, whilst still considering each application on its own merits.

Strategic Director  
- Policy &  
Resources and  
Strategic Director  
- Children and  
Enterprise

## **RESOURCES PORTFOLIO AND PHYSICAL ENVIRONMENT PORTFOLIO**

### **EXB134 DISPOSAL OF FORMER HALTON VILLAGE HALL**

The Board considered a report of the Strategic Director, Children and Enterprise and the Strategic Director, Policy and Resources, on the proposed disposal of the former Halton Village Hall, Runcorn.

The Board was informed that the former Halton Village Hall was declared surplus to requirements and would be brought forward for disposal by the Executive Board at its meeting on 23 September 2013. The property had been gifted in 1903 and held in trust by the then Halton Parish Council (which was the area around Halton Village as opposed to the Borough of Halton). Members were then advised that when the Parish Council ceased to exist, the powers passed to the Borough Council.

It was reported that the last tenant vacated the premises in June 2011. The property was in a poor condition and would be in need of a substantial refurbishment before it could be re-occupied. The Board was advised that the

provisions of the trust were such that if the Council decided not to use the property for the specific purposes (set out in the report), then the property could be disposed of, with the proceeds used for the purposes of the Trust. This was suggested as including an allocation towards education, recreation or religious purposes within Halton Village.

RESOLVED: That

- 1) the property is no longer convenient for the purposes of the Trust and should be brought forward for disposal;
- 2) the sale proceeds used for the purposes of the Trust, be allocated towards education, recreation or religious purposes within Halton Village. Any funds could be managed through the arrangements for Area Forum grant;
- 3) the Operational Director, Economy, Enterprise and Property and the Operational Director, Legal and Democratic Services, be authorised to distribute the proceeds of sale as directed by the Board; and
- 4) the Operational Director, Economy, Enterprise and Property, be authorised to arrange for all required documentation to be completed to the satisfaction of the Operational Director, Legal and Democratic Services.

Strategic Director  
- Children and  
Enterprise and  
Strategic Director  
- Policy and  
Resources

**COMMUNITY AND SPORT PORTFOLIO,  
ENVIRONMENTAL SERVICES PORTFOLIO AND  
PHYSICAL ENVIRONMENT PORTFOLIO**

**EXB135 REVIEW OF FEES AND CHARGES**

The Board considered a report of the Strategic Director, Communities, on proposals to increase fees and charges for services which came under the control of the Communities Directorate.

The Board was advised that the review of fees and charges had been carried out as part of the budget preparations for 2015/16. It was proposed that existing fees and charges be increased in line with inflation. Members were advised that it was proposed to introduce an individual charge for the use of bowling greens with an Adult and Junior rate of £25 and £12.50 respectively, per annum.

RESOLVED: That the proposed fees and charges, as set out in the report, but with the proposed individual charges for use of bowling greens, be agreed for 2015/16.

Strategic Director  
- Communities

EXB136 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

**PHYSICAL ENVIRONMENT PORTFOLIO**

EXB137 3MG INFRASTRUCTURE - KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, which provided an update on the procurement works of the 3MG HBC Fields development site, and which also sought to amend the Capital Programme allocation.

The report set out the previously approved Regional Growth Fund funding towards the rail sidings project and the appointment of Project Managers by the Board in March 2013. The report sought approval for an amendment to the Capital Programme to increase the allocation for the construction of the rail infrastructure and associated costs.

RESOLVED: That

- 1) Council be recommended to approve a revision in the Capital Programme for £2.3m for the construction of the rail infrastructure to 3MG HBC Fields;
- 2) Council secure a rail operator to manage the rail infrastructure; and
- 3) the Chief Executive, in consultation with the Leader and the Portfolio holders for Physical Environment, Transportation and Resources, be authorised to take such action as he judges necessary to implement the 3MG HBC Field rail infrastructure.

Strategic Director  
- Children and  
Enterprise

## **CHILDREN, YOUNG PEOPLE AND FAMILIES PORTFOLIO**

### **EXB138 COMMISSIONING OF A PAN CHESHIRE MISSING FROM HOME AND CARE AND CHILD SEXUAL EXPLOITATION SERVICE**

The Board considered a report of the Strategic Director, Children and Enterprise, which sought approval to commence a procurement process for the provision of a Missing from Home and Care and Child Sexual Exploitation Services for children and young people across Cheshire.

The Board was advised that during 2010 and 2011, the Local Safeguarding Children Boards of Cheshire East, Cheshire West and Chester, Halton and Warrington, with Cheshire Constabulary, had collaborated to produce a Pan Cheshire Joint Protocol for children and young people who run away or go missing from home or care. The joint protocol sought to identify and manage the risks to ensure a consistency of approach across borders and agencies. It was noted that during this time, the four local authority commissioners considered the possibility of a Pan Cheshire Missing from Home Service. Halton, as lead authority,

appointed a successful provider in 2012.

In April 2014, the Missing from Home Service was expanded to include the emerging links around Child Sexual Exploitation (CSE). It was reported that the current contract was in place until 30 June 2015. Tender submissions would be evaluated using MEAT principles (Most Economic Advantageous Tender). The Commissioners would seek the delivery of a high quality service, effective in improving the outcomes which safeguard children and young people that were identified as being at risk.

Reason(s) for Decision

Cheshire East, Cheshire West and Chester and Warrington Councils had all agreed to proceed with a joint commission, with Halton being the lead authority.

Alternative Options Considered and Rejected

Not applicable.

Implementation Date

The new procurement process would commence in March 2015, with the new service in place by 1 July 2015.

RESOLVED: That the commencement of a procurement exercise for Missing from Home and Care and Child Sexual Exploitation Services for young people across Cheshire be approved.

Strategic Director  
- Children and  
Enterprise

**MINUTES ISSUED: 3 March 2015**

**CALL-IN: 10 March 2015**

**Any matter decided by the Executive Board may be called in no later than 5.00pm on 10 March 2015**

*Meeting ended at 2.17 p.m.*