

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 10 April 2008 in the Marketing Suite, Municipal Building*

Present: Councillors McDermott (Chairman), D. Cargill, Gerrard, Harris, McInerney, Polhill, Swain, Wharton and Wright

Apologies for Absence: Councillors Nelson

Absence declared on Council business: None

Officers present: L. Cairns, G. Cook, B. Dodd, D. Johnson, I. Leivesley, P. McWade, G. Meehan, S. Nicholson, D. Parr, M. Reaney and D. Tregoe

Also in attendance: 2 CPA representatives

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

#### EXB115 MINUTES

The Minutes of the meeting held on 20<sup>th</sup> March 2008 were taken as read and signed as a correct record.

#### CHILDREN AND YOUNG PEOPLE PORTFOLIO

#### EXB116 CHILDREN IN CARE STRATEGY AND THE CHILDREN AND YOUNG PERSONS BILL - KEY DECISION

The Board considered a report of the Strategic Director – Children and Young People seeking endorsement of the revised Children in Care Strategy, which was the Council's response to the Government's Care Matters Agenda and Children and Young Persons Bill. The Bill sought to ensure that Children and Young People in Care received high quality care and support, and aimed to enable them to achieve the same aspirations that parents had for their own children.

Within Halton, a multi-agency strategy for Children in Care had been in place since 2005. For the past two years, the task of implementing the Strategy had been undertaken by the Partnership Board of the Children in Care Mini Trust

*Action*

and by the Corporate Parenting Group. A list of achievements were outlined within the report for Members' consideration.

The Strategy, attached at Appendix 2 to the report, had now been revised to incorporate the provisions of Care Matters and the Children and Young Persons Bill. Importantly, the strategy also reflected some of the consultation that had taken place with children and young people who were, or had been, in care in Halton Borough Council. By having one clear Children in Care strategy, which incorporated all requirements, expectations were clear and the direction was coherent.

The Action Plan would primarily form the business of the Partnership Board of the Children in Care Mini Trust. Many agencies and partners were represented on this Board, a list of which was provided for Members. It was advised that membership of the Partnership Board was regularly reviewed to ensure wide representation and to address areas of priority. If approved, the Partnership Board would develop the Action Plan further to ensure that impact and outcome measures were clearly identified and timescales for achievement were more precise.

In addition, the Board was advised that, in order to achieve the actions required, additional financial resources had been provided by Government. The indicative figures for Halton were outlined. It was noted that initial estimates suggested that the grant funding alone would be insufficient to meet the likely requirements of the Bill, and the total shortfall in funding was estimated at £96,500. Ways to close the shortfall would be examined in future years but it may be necessary for this to be considered as part of the budget process.

The Board noted that:

- in addition to the national figure of Children in Care achieving 5 A\* to C grades at GSCE (or equivalent), "value added" for these young people was also evaluated;
- the Authority was working increasingly with the private sector and other partners to provide a range of opportunities around employment for young people Not in Education, Employment or Training (NEET);
- as prevention was better than cure, health and wealth had been prioritised at an early age;
- the Authority worked hard to support employers/training establishments, as some young

people could, due to their life experiences, present challenging behaviour; and

- Mini Trusts would be requested to put milestones in place to demonstrate achievements.

### Reasons for Decision

Endorsement of the multi-agency strategy was sought so that progress could continue on meeting the requirements of Care Matters, the duties of corporate parents and the targets of the Children and Young People Plan.

### Alternative Options Considered and Rejected

There were no alternative options to implementing Care Matters and the Children and Young Persons Bill. Consideration had been given to presenting separate strategies in respect of Children in Care, Care Matters and Corporate Parenting, but as these issues were so integral to each other the production of one coherent strategy had been favoured.

### Implementation Date

Work on some of the Care Matters issues was already underway but inspection against improved outcomes for Children in Care would commence in 2008. If approved, work on the strategy would commence in April 2008.

RESOLVED: That

- 1) the amended strategy for Children in Care be endorsed; and
- 2) the potential financial implications be noted pending more detailed information and direction from Government.

## EXB117 SCHOOL ADMISSION ARRANGEMENTS 2009/10

The Board considered a report of the Strategic Director – Children and Young People, which had been produced in accordance with statutory requirements, outlining Halton Local Authority's (LA's) School Admissions Policy for LA maintained community and voluntary controlled schools, and co-ordinated admission schemes for all primary and secondary schools for September 2009. In addition, the report provided information on the number of on-line applications and the percentage of first preference

applications met.

The Board was advised that, in January 2008, the LA had issued a statutorily required consultation paper on the proposed admission arrangements and co-ordinated admission schemes for the September 2009 intake. The paper proposed no changes to the current over-subscription criteria for admission to LA community and voluntary controlled schools, which followed the Department for Children, Schools and Families' (DCSF's) recommendations contained within the revised School Admissions Code of Practice.

However, the revised Code of Practice, which came into force on 28<sup>th</sup> February 2007, precluded the use of the first preference first system as previously operated in Halton and required all admission authorities to operate an equal preference system. Within the equal preference system all preferences expressed by parents on the application form were considered against each school's published admission criteria. After all preferences had been considered, if only one school named on the preference form could offer a place, the LA would send out an offer of a place. If more than one school could offer a place, parents would be offered a place at whichever of those schools was ranked highest on the preference form.

No responses had been received to the consultation, which had ended on 29<sup>th</sup> February 2008, and the Halton Admissions Forum at its meeting held on 18<sup>th</sup> March 2008 had approved the policy and arrangements for consideration and ratification by the Executive Board.

The Board was advised that St. Chad's Catholic High School had been over-subscribed. In addition, it was noted that, for the first time, the parents of 10 children at St. Berteline's Church of England Primary School had put Halton High School as their first preference. Previously, these children had all elected to go to schools out of the Borough. It was considered that these changes could be largely attributed to the Building Schools for the Future proposals.

RESOLVED: That

- 1) the Admissions Policy and co-ordinated schemes for nursery, primary and secondary admissions for the 2009/10 academic year be approved; and
- 2) the percentage of first preference applications and

on-line applications met be noted.

## **COMMUNITY PORTFOLIO**

### **EXB118 STRATEGIC NEEDS ASSESSMENT OF COMMUNITY SAFETY**

The Board considered a report of the Strategic Director – Health and Community regarding the Strategic Needs Assessment of Community Safety.

It was noted that the Home Office had directed that all Crime and Disorder Reduction Partnerships (CDRP) conduct a Strategic Assessment and develop a Partnership Plan for 2008. This process replaced the audit and three year strategy process that CDRPs had conducted since 1998. The purpose of the Strategic Assessment was to “assist the strategy group in revising the partnership plan”. A partnership plan would identify broader priorities for the Borough over a three-year period. The Strategic Needs Assessment was an internal document for the partnership and did not need to be published.

The statutory framework contained within the Home Office guidance required partnerships to include a number of components in the Strategic Assessment and these were outlined for the Board’s consideration. The Assessment was intended to align with the National Intelligence Model (NIM) and the Police process of producing strategic assessments that had been successfully used by the Police to address crime issues. The Partnership process of conducting a Strategic Assessment would enable the Partnership to respond more effectively to the communities they served.

It was considered that the Assessment in Appendix 1 to the report best reflected the most up-to-date needs of the community, and intelligence from a wide range of partners. It was intended to provide the Partnership with the core planning material to inform elements of the partnership plan. It did not replace the need for partnerships to develop more of an understanding of the issues: Strategic Assessments were only a part of the intelligence-led business process. Partnerships would still need to produce further analytical work during the course of the year.

The Board noted that the Partnership’s focus was on prevention and Council funding was invested with this in mind; for example, investment in projects such as “Splash”, and ongoing work with organisations such as the Youth Offending Team.

RESOLVED: That the Strategic Needs Assessment of Community Safety be approved.

#### EXB119 HOUSING CAPITAL PROGRAMME

The Board considered a report of the Strategic Director – Health and Community informing of the forecast outturn for the 2007/08 housing capital programme, and seeking approval for the 2008/09 programme.

It was noted that the Appendix to the report compared the approved 2007/08 programme with the forecast outturn position, and showed the proposed programme for 2008/09. Total resources available for 2007/08 amounted to £3.696m, whereas the projected spend was estimated at £2.460m. The reasons for variations to the programme were set out within the report.

In addition, the report outlined the level of resources likely to be available in 2008/09 based on the forecast outturn for 2007/08 and a proposed programme of work was set out in the final column of the table in the Appendix.

In particular, the Board noted the underspend in respect of the Disabled Facilities Grant (DFG) budget of £92,000. It was advised that the proposal to establish a framework agreement for the fast track supply, fitting, maintenance and recycling of stair lifts outside the DFG process had been more complex and time consuming than envisaged. A contract had been awarded in February but spend would now slip to 2008/09. Members noted that the DFG budget had been significantly increased to address waiting lists in both the private and public sectors. As this was a substantial growth, it may be that the resources would need to be phased over 2008/09 and 2009/10 due to the long lead-in times for this type of work. In addition, work was ongoing to address the difficulties associated with DFGs, for example by increasing the number of staff and working with new systems and a new consultancy. Although it could not be guaranteed that there would be no underspend in the future, it was envisaged that, by bringing the assessment team, the design team and building controllers into one team located with John Briggs House, and addressing systems and processes, there would be more flexibility.

RESOLVED: That

- 1) 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 recommended to Council for approval; and

- 2) the Healthy Halton Policy and Performance Board be requested to look at the DFG process and report back to the Board.

Strategic Director  
- Health and  
Community

## **CORPORATE SERVICES PORTFOLIO**

### **EXB120 ANNUAL REVIEW OF THE CONSTITUTION**

The Board considered a report of the Strategic Director – Corporate and Policy outlining the proposed changes to the Council's Constitution. It was noted that the revised version picked up the changes to the Council's working arrangements that had taken place during the year as well as other amendments which would hopefully assist the Council to operate more effectively.

The proposals for change had been considered by the Chief Executive and the Executive Board Member for Corporate Services in accordance with Article 16.02. Those that were considered to be of significance, and not just purely technical, were listed in Appendix 1 to the report.

**RESOLVED:** That Council be recommended to approve the changes to the Constitution as set out in the amended version.

## **HEALTH AND SOCIAL CARE PORTFOLIO**

### **EXB121 NORTH CHESHIRE HOSPITALS NHS TRUST - APPLICATION FOR FOUNDATION STATUS**

The Board considered a report of the Strategic Director – Health and Community providing an overview of the application for Foundation Status by North Cheshire Hospital NHS Trust under the Health and Social Care Act 2003. It was noted that the consultation period of 12 weeks had commenced on 14<sup>th</sup> January 2008 and ended on 11<sup>th</sup> April 2008 with a decision to be taken by the Summer 2008.

The Board was advised that when an organisation became a Foundation Trust it meant that it would:

- have more autonomy in making decisions about services provided;
- be accountable to members (staff, patients and local people) rather than directly to the Secretary of State;
- remain part of the NHS;

- be accountable to NHS Commissioners through legally binding contracts; and
- be approved by the Independent Regulator “Monitor” (which authorised and monitored NHS Foundation Trusts).

The Trust believed that flexibility and freedoms arising from Foundation Status would enhance its ability to shape healthcare services in response to the above average levels of chronic diseases arising from the severe health inequalities, social disadvantage and social exclusion evident in the population it served. The Trust was also committed to strengthening its links with the local community through the introduction of members and governors. In addition, there was a financial benefit in being able to retain or build up surpluses as well as borrowing monies to develop services.

The implications of achieving Foundation Status for the people of Halton, together with governance arrangements, were outlined within the report for the Board’s consideration. It was noted that the Partner Organisation Governors would include one representative from Warrington Borough Council and one from Halton Borough Council.

RESOLVED: That the application for Foundation Status and the opportunities this would bring for the people of Halton be supported.

EXB122 ADULTS SECTION 31 AGREEMENT WITH HALTON AND ST HELENS PCT, HALTON BOROUGH COUNCIL AND ST HELENS COUNCIL

*(Note: Due to a change in legislation, the Board was advised that Section 31 had been superseded by Section 75.)*

The Board considered a report of the Strategic Director – Health and Community providing an update on progress to develop commissioning between Halton Borough Council, St. Helens Council and Halton and St. Helens Primary Care Trust (PCT), and outlining a proposal to enter into a formal Section 75 Agreement with the PCT.

It was advised that, over the last ten years, the Council had developed a good working relationship with Primary Care Services, this becoming more robust over the last two years. Key achievements had included joint commissioning strategies for all adult service groups, which

the Commission for Social Care inspection had commended, as well as clarity and direction on the modernisation programme. Weaknesses had centred on roles and responsibilities and lead commissioning.

At a joint Chief Executive Officers' meeting in June 2007 between St. Helens and Halton Councils and the PCT, it was agreed that the PCT would commission and fund an analysis of the current commissioning arrangements and ATOS Consulting had undertaken this work. Since then, representatives from the PCT, the Council and St. Helens Council had been meeting to finalise the report and agree a way forward: Appendix 1 was a synopsis of the key actions and an agreement on the way forward.

It was advised that all three organisations would like to agree strategic leadership roles for commissioning care streams by introducing new partnership agreements through a formal DoH Section 75 Agreement, and the proposed lead roles were outlined for the Board's consideration along with the expected outcomes.

A draft Section 75 Agreement was attached at Appendix 2 to the report and it was proposed that the three organisations approve and sign up to the document. Further work would be undertaken to ensure that Halton Borough Council's priorities (Appendix 3) were fully integrated into the partnership agreement. It was advised that the agreement was for Adults Services only.

RESOLVED: That

- 1) the report be noted; and
- 2) subject to any minor drafting amendments, the Section 75 Agreement between Halton Borough Council, St. Helens Council, and Halton and St. Helens PCT be approved.

## **LEADER'S PORTFOLIO**

### **EXB123 APPROVAL OF HALTON'S LOCAL AREA AGREEMENT - KEY DECISION**

The Board considered a report of the Strategic Director – Corporate and Policy outlining a draft Local Area Agreement, the three-year protocol setting out the priorities for the local area.

It was advised that the Local Area Agreement had to

be agreed between Central Government and the area itself, as represented by the lead local authority and other key partners through Local Strategic Partnership.

The new Local Area Agreement would be part of the whole performance systems for Local Government as set out within the Act, aiming to be far more streamlined and significantly reduce the burden on the Local Partnership. Some existing performance indicators and reporting systems had been swept away and replaced with a new, single set of indicators, limited to 198. The Local Area Agreement would include two sets of indicators and targets, which were outlined for the Board's information. The expectation was that the totality of public funding in any area would be focused on achieving the key outcomes enshrined in the Local Area Agreement.

In Halton, partners had been working in recent weeks to produce an initial Local Area Agreement document in line with Government requirements. A copy of the narrative – “The Story of Place” – was attached at Annex 1 to the report. A series of negotiation meetings were to be held with the Government in coming months and it was important to establish a consensus within Halton about the direction and focus of the Agreement. The timetable dictated that ministers must sign off the final version by June 2008.

It was noted that, in the core of the Local Area Agreement, was the outcomes framework; a copy was attached at Annex 2 to the report. This would be the focus of the negotiation process with Government Office North West (GONW). Although the Agreement lasted for only three years, the overall ambitions for Halton were set out in the Community Strategy/Corporate Plan and consistent effort behind the priorities would be needed for 15 – 25 years for them to be realised. The Local Area Agreement formed just one part of the delivery chain for the overall priorities.

Members were requested to consider the outcomes framework on which negotiation with Government Office was to take place. The Agreement was then to be brought back in its final form to the Board for approval in May.

#### Reason for Decision

Under the new Local Government Act 2007, there was a statutory duty on all local authorities to produce a Local Area Agreement to the format and timetable set down by Government.

### Alternative Options Considered and Rejected

No other options had been pursued. The agreement process was a prescriptive one and Halton had followed Government guidance.

### Implementation Date

The Local Area Agreement would come into force when the Agreement in its final form was agreed and signed by the Minister for Local Government. This was expected to take place in June 2008.

RESOLVED: That

- 1) the progress made to date be noted and “The Story of Place” welcomed; and
- 2) the Outcomes Framework attached at Annex 1 to the report be endorsed as the starting point for negotiation with Government.

### EXB124 APPLICATION FOR TWINNING GRANT

The Board considered report of the Strategic Director – Corporate and Policy outlining an application that had been made to the Twinning Grant Fund.

It was advised that the application had been received from Wade Deacon High School requesting support for a visit to No’ 12 Middle School in Tong Ling. Eight pupils, four teachers, a head teacher and a Mandarin speaking School International Co-ordinator had visited the Tong Ling School during 23<sup>rd</sup> March to 1<sup>st</sup> April 2008 and examined the two rivers Yangtze and Mersey in the Music and English Department. They had visited sites of cultural, historical and geographical interest in Tong Ling and had taken two interactive wipe boards so that teachers from Wade Deacon could train colleagues in Tong Ling in the use of this technology. The visit was to provide a platform for the students to cement relationships with their pen pals and create friendships between each other.

The applicant had identified total costs of £20,260. Guidance given to applicants was that any grant awarded would not usually exceed £3,000: grants normally supported up to a maximum of 75% of the total cost of the project.

Members noted that Wade Deacon had been awarded a grant of £3,000 in May 2007 in order to visit Tong

Ling No' 12 Middle School in June 2007. The maximum grant that a group could be awarded each year was £3,000, which was why the applicant had waited until the new financial year (2008/2009) to apply. The applicant was asking the Board to make a special exception on this occasion and award retrospectively.

RESOLVED: That £3,000 be awarded to the Wade Deacon High School.

## **PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO**

### **EXB125 MERSEY GATEWAY: OVERARCHING REPORT ON THE STATUTORY PROCESS - KEY DECISION**

The Board 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.

It was noted that the provision of a second crossing of the River Mersey had been a long-held aspiration of the Council. The traffic bottleneck caused by the Silver Jubilee Bridge (SJB) had long been acknowledged as a social and economic constraint. Halton Borough Council had therefore begun to advance proposals and work had been undertaken by and on behalf of the Council between 2000 and 2003 focused on comparing potential alternatives to address problems associated with congestion in Halton. Through this process, certain regional and local objectives had been identified and these were set out in the report for information.

For any scheme to be successful, the Council required it to fulfil as many of the outlined objectives as possible to fit its environment and to be economically viable. Throughout the process a range of alternatives had been considered and those alternatives that satisfied the objectives, fitted their environment and were economically viable had then been considered further until a preferred solution had been identified.

A number of strategic alternatives with the potential to solve congestion problems in Halton and achieve the Council's objectives been considered throughout the development of the project. These included making better use of existing infrastructure and options for increasing

transport capacity. The main topics of investigation were outlined for Members.

Following a thorough assessment of each strategic alternative, it was concluded that a fixed crossing to the east of the SJB represented the only realistic option of delivering improvements in congestion and achieving the identified scheme objectives.

A series of alternative fixed routes had then been considered to the east of the SJB, all of which avoided the more environmentally sensitive lower reaches of the estuary. This concluded that an option known as Route 3A lay naturally on the design line for through traffic and was economic in connecting effectively with the Expressway Network to the north and south of the river.

The discussions with the Department of Transport, leading up to Programme Entry confirmation being granted in 2006, covered options from the Project. It was confirmed that Mersey Gateway should be delivered as a toll road and a road user charger machine would also extend to the existing SJB in order to deliver the programme benefits within the limited funding agreed with Government. In developing the project, and as an expression of its ongoing corporate support for the project, Halton Borough Council had identified revised strategic objectives for the Mersey Gateway Project, which were outlined for the Board's consideration. It could be seen from this that the Project would provide substantial transportation, environmental and regeneration benefits. Where the environmental statements submitted with the planning applications for certain parts of the projects revealed some adverse affects, these were few and – balanced against the benefits of the Project – were much more than outweighed by its positive aspects.

In light of this, a compelling case existed, in the public interest, for the promotion and delivery of the Project, including the acquisition of necessary land.

The consultation process undertaken so far was outlined for the Board's consideration and it was advised that, in response to the aspirations of the Borough Council, the needs of the Highway and Transportation Network, and as a product of the consultation outlined, it had been possible to advance to a stage where a design for the Project could be identified. This then had certain additional characteristics in terms of other, ancillary aspects that were described in further detail within the report covering:

- route description;
- Area A – main toll plaza;
- Area B – Ditton Junction to freightline;
- Area C – freightline to St. Helens Canal;
- Area D – Mersey Gateway Bridge;
- Area E – Astmoor Viaduct;
- Area F – Bridgewater Junction;
- Area G – Central Expressway, Lodge Lane Junction and Weston Link Junction;
- Area H – M56 Junction 12; and
- Area I – Silver Jubilee Bridge and Widnes de-linking.

It could be seen that the works comprised in the Project were both extensive and complex and, in addition to authority to carry out these works, the Project comprised certain other elements that were not works; these also required statutory authority.

It was anticipated that the Project would be procured as a Design Build Finance and Operate (DBFO) scheme. This meant that an organisation, known as a concessionaire, would be responsible for the detailed design and construction of the scheme. The concessionaire would also have to obtain finance that allowed it to construct, operate and maintain the scheme for a defined period. They would repay the finance that they had raised over the period of the contract that they had agreed to, known as the concession period. For schemes of this nature the concession period was typically 30 – 40 years. Although the Department for Transport (DfT) was contributing funding for the project, the scheme would be funded mainly through the Private Finance Initiative (PFI), which meant that the concessionaire would have to raise the money through private finance methods, such as a loan from a bank supported by PFI credit payments from the DfT.

The finance for the Project would rely on revenue recovered from users of the project through tolling and road user charging. To ensure robust revenue forecast and to ensure that the project would ease local congestion, it was proposed that tolls/charges be levied for use of both the new bridge and the SJB. The tolling/charging regimes would also provide a mechanism to manage demand so that freeflow traffic conditions were maintained on the new bridge. This was intended to achieve demonstrable service reliability and standards.

In order to obtain authority to carry out these works and to secure the additional powers described, the

applications described within the report were needed and could be divided into two broad categories:

- Main works – these were shown on the plan at Appendix 1 to the report edged in blue; and
- Remote works, including SJB – these were shown on the plan at Appendix 1 edged in red.

Further information about statutory authority in relation to these works, and how it was to be sought, was outlined within the report.

### 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.

RESOLVED: That

- (1) the contents of the report be noted;
- (2) full Council be recommended that, in accordance with the terms of Section 239 of the Local Government Act 1972, it should resolve to promote an order under the provisions of Section 3 of the Transport and Works Act 1992 authorising the construction of works that interfere with navigation and certain other matters explained elsewhere within the report;
- (3) consultation be commenced in relation to a Road User Charging Order under the provisions of Part 3 of the Transport Act 2000, imposing charges on motorists for the use of the Silver Jubilee Bridge; and
- (4) the Chief Executive, in consultation with the Leader, be authorised to take such steps as are necessary and appropriate to give effect to the above.

EXB126 MERSEY GATEWAY: THE COMPULSORY PURCHASE ORDER AND SIDE ROADS ORDER - KEY DECISION

The Board considered a report of the Strategic Director – Environment seeking authority to make Compulsory Purchase Orders (“CPOs”) to acquire all necessary interests in and rights over land in Widnes and land in Runcorn, and to enable the works described in the previous report before this meeting to be carried out, operated and maintained and to make Side Road Orders (“SROs”) in order to facilitate the Mersey Gateway Project.

It was noted that considerable progress had been made in respect of the preparation of the CPO. This included the appointment of Land Referencing Agents (Persona Associates) who were carrying out title investigations and site enquiries and who had prepared notices for service under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to requisition ownership information from all parties likely to be affected by the Mersey Gateway Project; and the appointment of specialist agents (G.V.A. Grimley) to use the land ownership information to progress negotiations with affected parties.

Whilst negotiations would continue, given the number of interests involved, it was not considered possible to acquire all interest in land required for the Project on acceptable terms within a satisfactory timescale. This meant that the only practical way of ensuring that all necessary land and rights were brought into the Council’s ownership with clean title, and the necessary works could be carried out to enable the Mersey Gateway Project to proceed, was by progressing the CPOs and SROs.

It was proposed to make two CPOs – one for the land and rights required in Widnes and one for the land and rights required in Runcorn – under the Highways Act 1980. It was also proposed to make SROs under the Highways Act 1980.

It was noted that the Office of the Deputy Prime Minister Circular 06/2004 stated that “a Compulsory Purchase Order should only be made where there is a compelling case in the public interest”. The benefits of the Mersey Gateway Project and the case for the CPOs had been set out in the previous report and it was considered that the CPOs and associated SROs were considered to be in the public interest.

Implications in terms of the Human Rights Act 1998

were outlined for the Board's consideration. In addition, information in respect of the consultation procedure carried out to date was provided. It was anticipated that the making of the CPOs would encourage affected parties to enter into, and actively progress, negotiations to agree terms for compensation and/or relocation.

#### 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 Mersey Gateway 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.

RESOLVED: That:

- i) authority be given for the Council to make CPOs under the powers conferred by Sections 239, 240, 246, 249, and 250 of the Highways Act 1980 (summarised in the table in Appendix 1) to acquire the interests in and rights over land shown on the plans available at the meeting. Similarly, land acquired by agreement should be included in such CPOs for the purpose of overriding covenants and other third party rights in accordance with s260 Highways Act 1980;
- ii) authority be given for the Council to make SROs under section 14 of the Highways Act 1980 in order to stop up or divert or otherwise alter or improve highways which cross, enter or are otherwise affected by the classified roads to be constructed or improved as part of the Mersey Gateway Project and to provide new highways and/or new means of access to premises as required;
- iii) the Chief Executive be authorised to settle the areas subject to the CPOs in accordance with the plans available at the meeting and confirm the roads to be subject to the SROs and also to settle any

documentation required for the CPOs and the SROs including the Statement of Reasons for the CPOs which should be based upon the terms of this report and the overarching report before this meeting;

- iv) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised to make the CPOs and the SROs and to take all necessary procedural steps prior to and after the making of the CPOs and SROs, including the submission of the CPOs and SROs to the Secretary of State for confirmation, together with the preparation and presentation of the Council's case at any public inquiry;
- v) 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
- vi) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised as soon as the CPOs and SROs are confirmed by the Secretary of State to advertise their confirmation, to serve and publish all necessary notices of confirmation and, once the CPOs become operative, to take all necessary procedural steps to acquire the interests in and new rights over land included in the confirmed CPOs including the service of Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, Notices of Entry under Section 11 of the CPA 1965 and the execution of General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981.

#### EXB127 MERSEY GATEWAY: APPROPRIATION - KEY DECISION

The Board considered a report of the Strategic Director – Environment seeking authority for the appropriation for planning purposes for the Mersey Gateway Development of areas of Council-owned land at St. Michael's Jubilee Golf Course and west of the Central Expressway (shown on plans at Appendix 1 to the report) as provided for by Section 122 of the Local Government Act 1972 in order to facilitate the Mersey Gateway Project.

It was noted that some of the land required for the Mersey Gateway Project was already owned by the Council. In particular, the Council owned two areas of land which were currently used for informal recreation by the public. One of these areas was at St. Michael's Jubilee Golf Course which was currently disused as a golf course whilst remediation of underlying contaminated land was undertaken. The second area was an area of land west of the central expressway and south of the Bridgewater Canal which, being near to residential properties, was used for informal recreation by local residents. Both these areas were defined as Open Space.

The appropriation of the land for planning purposes from Open Space purposes as proposed by the report was appropriate in view of the Council's commitment to the Mersey Gateway Project as the areas in question were required for it. It would also ensure that any existing rights or restrictions over the land, which could prevent the Mersey Gateway Project from proceeding, could be overridden and would obviate the need for special Parliamentary procedures to be followed to obtain the necessary orders for the project.

If the land on St. Michael's Jubilee Golf Course was appropriated, it would still be possible for the Golf Course to be re-opened at a future date, notwithstanding the loss of part of it for the purposes of the Mersey Gateway Project. Similarly, sufficient open space would be left adjacent to the Central Expressway to allow the informal recreational use there to continue.

Further information regarding appropriation and implications was outlined within the report for the Board's consideration. It was advised that, on 13<sup>th</sup> March and 20<sup>th</sup> March 2008, notice had been published of the Council's intention to appropriate land at St. Michael's Jubilee Golf Course and land west of the Central Expressway for the purposes of the Mersey Gateway Development, inviting representations. The period allowed for representations had expired on 3<sup>rd</sup> April 2008 and none had been received in respect of this matter whatsoever.

#### Reasons for Decision

The appropriation of land proposals were required to support the making of the Mersey Gateway CPO Order.

#### Alternative Options Considered and Rejected

The proposed appropriation was intended to reduce

the risks in delivering the Mersey Gateway Project against the “do nothing” option.

#### Implementation Date

If approved, with immediate effect.

RESOLVED: That the appropriation be approved with immediate effect of the Council owned land shown on the plans attached to the report for planning purposes pursuant to Section 122 of the Local Government Act 1972.

#### EXB128 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 item 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 paragraphs 1 and 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 outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972.

#### **COMMUNITY PORTFOLIO**

*(NB Councillors Swain and Wright declared personal and prejudicial interests in the following item of business due to being members of the Halton Housing Trust Board and left the room for the duration of its consideration.)*

## EXB129 HOMELESSNESS SERVICE - KEY DECISION

The Board considered a report of the Strategic Director – Health and Community outlining on-going work to complete an options appraisal of the Homeless and Housing Advice Service and seeking endorsement of the recommendation set out within the report.

### Reasons for Decision

As Halton Housing Trust had advised that it did not intend to continue with the contract under its present terms and conditions, a decision was needed on the best option available to the Council for the continued delivery of its statutory duty in respect to homelessness and the related services identified within the report.

### Alternative Options Considered and Rejected

A range of options within Appendices 1 and 2 of the report had been considered. Options 1 and 2 were rejected as the cost could not be met within existing budgets and the options did not offer the Authority the direct control felt necessary to effect service improvements and to redesign services with the focus on homelessness provision. Option 3 was proposed as the optimum choice to deliver value for money and maximum opportunity to improve services.

### Implementation Date

If agreed, delivery of the third option would be progressed immediately.

RESOLVED: That Option 3, detailed in Appendices 1 and 2 of the report, be supported, that is:

- (1) the current contract with Halton Housing Trust (HHT) be terminated and the primary elements of the Homelessness Service (homelessness prevention, housing advice, homeless assessment and decisions on applications, arranging interim and temporary accommodation) return to the Council's direct control, to be provided in-house;
- (2) the Council negotiate a new agreement with HHT for

Strategic Director  
– Health and  
Community

the management of nominations and the Housing Register and the interim management of Grangeway Court (GWC) to allow time to undertake a tender exercise; and

- (3) the Council, through open tender by September 2008, obtain a new provider for the Housing Management and Housing Related Support Service delivered at GWC.

**MINUTES ISSUED: 23<sup>rd</sup> April 2008**

**CALL IN: 30<sup>th</sup> April 2008**

**Any matter decided by the Executive Board may be called in no later than 30<sup>th</sup> April 2008**

*Meeting ended at 4.40 p.m.*