

HALTON BOROUGH COUNCIL



*Municipal Building,
Kingsway,
Widnes.
WA8 7QF*

4th December 2007

**TO: MEMBERS OF THE HALTON
BOROUGH COUNCIL**

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 12 December 2007 commencing at 6.30 p.m.. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

A handwritten signature in black ink, appearing to read 'David W. R.', is centered on the page.

Chief Executive

-AGENDA-

- 1. COUNCIL MINUTES**
- 2. APOLOGIES FOR ABSENCE**
- 3. THE MAYOR'S ANNOUNCEMENTS**
- 4. DECLARATIONS OF INTEREST**
- 5. LEADER'S REPORT**
- 6. MINUTES OF THE EXECUTIVE BOARD**
 - a) 1st November 2007
 - b) 15th November 2007
 - c) 29th November 2007
- 7. MINUTES OF THE EXECUTIVE BOARD SUB-COMMITTEE**
 - a) 1st November 2007
 - b) 15th November 2007
 - c) 29th November 2007
- 8. MINUTES OF THE 3MG EXECUTIVE SUB-BOARD**
 - a) 13th November 2007
- 9. MINUTES OF THE MERSEY GATEWAY EXECUTIVE BOARD**
 - a) 15th November 2007
- 10. QUESTIONS ASKED UNDER STANDING ORDER NO. 8**
- 11. MATTERS REQUIRING A DECISION BY THE COUNCIL**
 - a) **Executive Board - 1st November 2007 (Minute No. EXB 47 refers) - Schools Causing Concern**

The Executive Board considered the attached report.

RECOMMENDED: That the Constitution be amended to authorise the Strategic Director for Children and Young People to exercise the powers and duties provided to the Council under Part 4 of the Education and Inspections Act 2006.

b) Executive Board - 15th November 2007 (Minute No. EXB56 refers) - Licensing Act 2003 Statement of Licensing Policy

The Executive Board considered the attached report.

RECOMMENDED: that the Statement of Licensing Policy considered at the Executive Board meeting on 20th September 2007 be adopted.

c) Executive Board - 29th November 2007 (Minute No. EXB54 refers) - Determination of Council Tax Base

The Executive Board considered the attached report.

RECOMMENDED: That

- (1) the 2008/09 Council Tax Base be set at 37,762 for the Borough, and that the Cheshire Fire Authority, the Cheshire Police Authority, and the National Rivers Authority be so notified; and
- (2) the Council Tax Base for each of the Parishes be set as follows:

Parish	Tax Base
Hale	724
Daresbury	140
Moore	349
Preston Brook	339
Sandymoor	816
Halebank	510

d) Executive Board Sub-Committee - 15th November 2007 (Minute No. ES 51 refers) - Adoption of Section 120 Schedule 6 of the Local Government Act 2003 - Regulation of Cosmetic Piercing and Skin Colouring Businesses

The Executive Board Sub-Committee considered the attached report.

RECOMMENDED: That

- (1) Council resolve to apply to the whole of the Halton Borough Section 15 of the Local Government (Miscellaneous) Provisions Act 1982 adopting the new byelaw to cover: acupuncture, tattooing, semi permanent skin colouring, cosmetic piercing and electrolysis introduced by Section 120 and Schedule 6 of the Local Government Act 2003;
 - (2) and in doing so
 - a) authorising the affixing of the common seal to the byelaws and
 - b) authorising the Council Solicitor to carry out the necessary procedure and apply to the Secretary of State for confirmation;
 - c) upon adoption of the byelaws that the powers and duties within the byelaws necessary to effect regulation be delegated to the Council Solicitor and the Operational Director Environmental and Regulatory Services as appropriate;
 - d) new charges and costs be adopted and these reflect the administrative and officer costs involved in the process of registering a premises and a practitioner; and
 - e) the plan for updating registration certificates including the retrospective application of the process to existing businesses be accepted.
- e) Executive Board Sub-Committee - 29th November 2007 (Minute No. ES53 refers) - Highway Improvement Scheme A56/A558 Daresbury Expressway Junction**

The Executive Board Sub-Committee considered the attached report.

RECOMMENDED: That the scheme be included in the capital programme at a total cost of £3.478m.

12. SECONDARY SCHOOL RE-ORGANISATION

The Executive Board will consider the attached report on 12th December. An update will be provided at the Council meeting.

13. MINUTES OF POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

- a) Employment, Learning and Skills - Yellow Pages

- b) Children and Young People - Cream Pages
- c) Healthy Halton - Grey Pages
- d) Safer Halton - Pink Pages
- e) Urban Renewal - Green Pages
- f) Corporate Services - Salmon Pages
- g) Business Efficiency Board - White Pages

14. COMMITTEE MINUTES

- a) Development Control - Pink Pages
- b) Standards - White Pages
- c) Regulatory - Blue Pages

PART II

**ITEMS CONTAINING "EXEMPT" INFORMATION FALLING WITHIN
SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In this case the Council has a discretion to exclude the press and public but, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

15. MERSEY GATEWAY EXECUTIVE BOARD - 15TH NOVEMBER (MINUTE NO. MGB10 REFERS) - FINANCING ADVANCED LAND PURCHASE

The Mersey Gateway Executive Board considered the attached report.

RECOMMENDED: That the prudential borrowing required to support a programme of advanced land purchase, as a contingency should the arrangements with Greater Merseyside Pension Fund fail to come to fruition, be agreed and that such agreement establish the affordability limits referred to in recommendation (1) of minute number MGE10 of the Mersey Gateway Executive Board meeting of 15th November 2007.

REPORT TO: Executive Board

DATE: 1st November 2007

REPORTING OFFICER: Strategic Director
Children and Young People

SUBJECT: Schools Causing Concern

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 Pending a full report to Executive Board, this is seeking agreement to a revised policy for Schools Causing Concern.
- 1.2 To approve delegated powers to the Strategic Director, Children and Young People's Directorate, to exercise the statutory functions of the Council in identifying and intervening in schools causing concern where this is appropriate.

2.0 RECOMMENDATION: That

- (1) The Strategic Director for Children and Young People be authorised to take all such actions as shall be necessary to give effect to the Council's powers and duties in relation to the education of children at Simms Cross Primary School;**
- (2) Steps are taken to consult on the replacement of the Governing Body of Simms Cross School with an Interim Executive Board, for a time period yet to be specified; and**
- (3) The Strategic Director for Children and Young People be authorised generally to exercise the powers and duties provided to the Council under Part 4 of the *Education and Inspections Act 2006*, and that the Constitution be amended accordingly.**

3.0 SUPPORTING INFORMATION

- 3.1 The Education and Inspections Act 2006 outlines in Part 4 new powers for a Local Authority to intervene, take action and provide support to schools causing concern. This builds on existing statutory powers and good practice to ensure that every pupil is provided with the education and opportunities that they need.
- 3.2 On 4th January 2007, the DFES launched formal consultation on the revised statutory guidance on schools causing concern. This guidance supports local authorities, schools, governors and others with an interest

in school improvement to use the powers and duties provided by Part 4 of the *Education and Inspections Act 2006*.

- 3.3 To support this Act, new statutory guidance has been issued.
- 3.4 The Act gives local authorities new powers to enable earlier intervention in schools with more decisive action and more support to bear to address school underperformance and outright failure. The powers include:
 - Authorities will have a new power to force a weak school to federate or take another partner for school improvement;
 - The ability of authorities to warn under performing schools and to intervene in them when necessary is strengthened; and
 - Authorities will have a duty to consider taking action immediately whenever a maintained school fails an inspection, and must reconsider action if progress is deemed unnecessary.
- 3.5 The Local Authority is currently consulting with schools on revisions to the Local Authority procedures for identifying and intervening in schools causing concern, this with a view to a revised policy being submitted to Executive Board later this calendar year.
- 3.6 During the intervening period it is important that the Strategic Director has delegated powers to act where schools may already be presenting concerns.
- 3.7 Executive Board is asked to approve the delegation of these powers with immediate effect.
- 3.8 A small number of primary schools present concerns to the Local Authority. One school, Simms Cross, is currently in Special Measures. Due to concerns regarding the progress the school is making against milestones contained in its "Raising Achievement Plan", and having considered the guidance, and specific facts of the situation, the Strategic Director of Children and Young People is satisfied that steps need to be taken to consult the Governing Body with a view to replacing it with an Interim Executive Board (IEB). Permission is sought from the Executive Board to enable the Strategic Director to take the appropriate steps, which in this case, if approved will result in a submission being made to the Secretary of State for permission to form an IEB.
- 3.9 The school appointed a new Headteacher this year. The IEB will allow this new Head to focus on improving teaching and learning in the school.
- 3.10 An IEB is considered to be the Governing Body of the school for the period of time it is in office. It will take on all the responsibilities of the school, including the management of the budget, the curriculum,

staffing, pay and performance management, and the appointment (where appropriate) of the Headteacher and Deputy Headteacher.

- 3.11 The IEB's main functions are to secure a sound basis for future improvement in the school and promote high standards of educational achievement.

4.0 POLICY IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5.0 OTHER IMPLICATIONS

- 5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

This report has clear implications for improving the life chances of young people in the Borough. Challenging underperformance of schools is key to ensuring that all children and young people in the Borough have access to high quality teaching and learning experiences regardless of where they live.

6.2 Employment, Learning and Skills in Halton

6.3 A Healthy Halton

6.4 A Safer Halton

6.5 Halton's Urban Renewal

7.0 RISK ANALYSIS

- 7.1 Failure to take this decision will mean that the Local Authority, in the short term, will be unable to exercise its statutory powers in relation to schools causing concern. The Local Authority's ability to secure improvement in specific schools will therefore be limited.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 All pupils are entitled to have access to high quality teaching and learning experiences. School failure and underperformance impacts negatively on pupils life chances.

9.0 REASON(S) FOR DECISION

- 9.1 Strengthened powers of intervention to prevent school failure and underperformance is a key component of the *Education and Inspections*

Act 2006. Local Authorities are expected to demonstrate deployment of these powers where appropriate.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 None

11.0 IMPLEMENTATION DATE

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background documents under the meaning of this Act.

REPORT TO: Executive Board

DATE: 15 November 2007

REPORTING OFFICER: Council Solicitor

SUBJECT: Licensing Act 2003 Statement of Licensing Policy

WARDS: Boroughwide

1. PURPOSE OF REPORT

To recommend the Council to adopt the Statement of Licensing Policy attached to this report.

2. RECOMMENDED: That the Council adopt the Statement of Licensing Policy considered at its meeting on 20 September 2007.

3. SUPPORTING INFORMATION

- 3.1 The Licensing Act 2003 requires the Council to adopt a Statement of Licensing Policy and to review the policy every three years. Prior to any review the Council must carry out a consultation exercise. The review of the Council's existing policy must be completed by January 2008. The Statement of Licensing Policy sets out the broad approach of the Council in its approach to its licensing functions under the 2003 Act.
- 3.2 On 20 September 2007 the Council authorised a consultation exercise to be undertaken to review the Councils Statement of Licensing Policy (Minute EXB 38).
- 3.3 A consultation exercise was then undertaken in respect of the draft statement. The consultation period ended on 19 October 2007.
- 3.4 Only one response was received to the consultation exercise and this was from the British Beer and Pub Association. They commented that they welcome this Councils positive approach to the licensing of the sale of alcohol and the provision of public entertainment and in particular its recognition of the cultural and social contribution that the trade has to make and also its importance as a local employer. They further commented that the draft policy has also recognised one of the key principles of the Licensing Act 2003 namely that each application is treated on its own merits.

4. POLICY IMPLICATIONS

Once adopted, the statement of licensing policy will be used by applicants and the Regulatory Committee in accordance with the Licensing Act 2003.

5. OTHER IMPLICATIONS

There are no other implications arising out of this report.

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 Children and Young People in Halton

There are no new implications arising out of this report.

6.2 Employment Learning and Skills in Halton

There are no new implications arising out of this report.

6.3 A Healthy Halton

There are no new implications arising out of this report.

6.4 A Safer Halton

There are no new implications arising out of this report.

6.5 Halton's Urban Renewal

There are no new implications arising out of this report.

7. RISK ANALYSIS

N/A

8. EQUALITY AND DIVERSITY ISSUES

N/A

9 LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

This report is based on the Licensing Act 2003 and the written responses to the consultation exercise. In addition the DCMS and LACORS web-sites have provided background information.

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**This Statement of Licensing
Policy was adopted by Halton
Borough Council on
15th December 2004
(Minute No. COU 46/2004)**

LICENSING ACT 2003

HALTON BOROUGH COUNCIL

**STATEMENT OF LICENSING
POLICY**

1. INTRODUCTION

2. The Government has modernised the legislation governing the sale and supply of alcohol, the control of public entertainment, cinemas and theatres and the provision of late night refreshment. There will be a fundamental change in the responsibility for licensing, the personnel and premises involved in these activities. These changes are contained in the Licensing Act 2003 ("the Act"). It requires Licensing Authorities, in our case Halton Borough Council ("the Council"), to provide a Statement of Licensing Policy before it can make any decisions on licence applications.

3. The Council's Statement of Licensing Policy is set out in this document. It details the general principles that the Council will take into account when making its licensing decisions. In drawing up the

policy the Council is required to have regard to 'Government Guidance' produced under Section 182 of the Act. If the Statement of Licensing Policy departs from the guidance the Council must be able to justify its decision should there be a legal challenge.

4. The aim of the policy is to promote the four licensing objectives set out in the Act, namely:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

6. The policy aims to provide guidance to applicants, responsible authorities and interested parties on the general approach to licensing in the area. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this policy is offering guidance on the wider

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considerations that will be taken into account.

7. The policy comes into force on 7th February, 2005, and will be reviewed at least every three years. The policy is intended for the guidance of the Council's Regulatory Committee (which has responsibility for the Council's Licensing functions) as well as to assist applicants in presenting their application. It is not intended to limit the power or fetter the discretion of the Regulatory Committee who will listen to, and determine on its own individual merits, any application placed before it.

8. SCOPE OF THE POLICY

9. The policy covers applications, reviews, transfers and variations of licences for the following licensable activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
- The provision of regulated entertainment, and
- The provision of late night refreshment

10. LICENSING OBJECTIVES

11. The Council will carry out its functions under the Act with a view to promoting the licensing objectives, namely;

- The prevention of crime and disorder
- Public safety

- The prevention of public nuisance, and
- The protection of children from harm

12. No one objective is considered to be of any more importance than any other.

13. In carrying out its functions the Council will also have regard to this Policy and to any guidance issued by the Secretary of State under section 182 of the Act ("the Guidance").

14. Individual applicants will be required to address the licensing objectives and address the issues of the needs of the local community, the way in which the premises is to operate, the size, location and type of premises, and any entertainment which is to be provided.

15. The Council has identified 5 objectives of its own for the area. These objectives are:

1. Improving health
2. Promoting urban renewal
3. Enhancing life chances and employment
4. Increasing prosperity and equality
5. Ensuring safe and attractive neighbourhoods

16. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these objectives.

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17. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

18. INTEGRATING STRATEGIES

19. The Council's core plans and strategies are set out in the Corporate Plan, the Community Strategy.

20. The Council will secure the proper integration of its licensing policy with its core plans and strategies as well as its local crime prevention, planning, transport, tourism, equal opportunities, race equality schemes, and cultural strategies and any other plans introduced for the management of town centres and the night-time economy (as to which, see below).

21. This will be achieved by ensuring that the Council's Regulatory Committee receive appropriate reports on all relevant strategies, plans and policies. Many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

22. Many licensable activities take place at night-time: when much of the rest of the economy has closed down. It follows that licensable activities can contribute a very significant element of the night-time economy, particularly within town centres. Emerging Town Centre Strategies for Widnes and Runcorn will contribute to the development of the night-time economy and assist the Council in exercising its licensing functions.

23. This statement sets out the Council's general approach to the making of licensing decisions. It does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

24. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises.

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25. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

26. The need for licensed premises

27. There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in discharging its licensing functions. "Need" is a matter for planning committees and for the market.

28. The cumulative impact of a concentration of licensed premises

29. "Cumulative impact" is not mentioned specifically in the Act but means in the Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre of a large concentration of licensed premises in that part of the Council's area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider in developing its licensing policy statement.

30. The Council will not, impose any arbitrary quotas on numbers of licensed premises, nor will it impose any restriction or limitation on trading hours in a particular area.

31. The Council considers that there are presently no areas within the Borough of Halton which can be considered to be causing cumulative impact on one or more of the licensing objectives.

32. However, the absence of a special policy does not prevent the Council or any responsible authority or interested party making representations on a new application for the grant of

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a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

33. Notwithstanding what is set out in this statement about other mechanisms for controlling cumulative impact, applicants will be expected to demonstrate (where appropriate) how their proposals are consistent with dealing with crime and disorder and nuisance in the vicinity of their premises. Attention should be paid to their proposals in respect of hours of operation and the management of their premises generally. Regard should be had to issues such as taxis and transportation and the pattern of licensed premises and food premises in the vicinity, and, not least, the distribution of residential premises in the vicinity.

34. Other mechanisms for controlling cumulative effect

35. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or

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business to seek a review of the licence or certificate in question.

36. These can be supplemented by other local initiatives that similarly address these problems.

37. Licensing hours

38. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

39. The term "zoning" is used in the Guidance to refer to the setting of fixed trading hours within a designated area. The Council has followed the advice in the Guidance and will not be adopting such a policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser

residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

40. Shops, stores and supermarkets

41. With regard to shops, stores and supermarkets, the norm will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

42. Children

43. The Council considers that children and family groups in general should be encouraged to be present in places subject to premises licences unless the environment in those premises (by nature of the activities carried on) is unsuitable. As a general principle, the presence of children and family groups is felt to have a positive influence on the atmosphere within such premises and to produce a more balanced age range within the premises.

44. The Council will not seek to limit the access of children to any premises unless it is

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necessary for the prevention of physical, moral or psychological harm to them. The Council will not attempt to anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

45. The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

46. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity

at those venues. Accordingly, between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the Act.

47. The fact that the Act may effectively bar children under 16 unaccompanied by an adult from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved.

48. Subject only to the provisions of the Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at

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each premises will be considered on its own merits.

49. Certain areas need to be highlighted that will give rise to particular concern in respect of children. For example, these will include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

50. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. The Council, applicants, and responsible authorities will need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless bar staff,

striptease, lap-, table- or poledancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

51. There are a number of alternatives which may be considered for limiting the access of children where that is necessary for the prevention of harm to children. These, which can be adopted in combination, include:

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

52. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates.

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53. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice.

Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Council in these circumstances.

54. In connection with the protection of children from harm, the responsible authorities include a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the licensing authority for that area as being competent to advise it on such matters. The Council is a unitary authority and competent in this area. Applications will therefore not need to be copied to any other competent authority in this

area: the Council will liaise where appropriate with its own social services department.

55. Proof of Age

56. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

57. Responsible authorities

58. A full list of the responsible authorities in the area and appropriate contact details are set out at **Appendix A**.

59. The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

60. The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about

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products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

61. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends the Code and applicants will be expected to state how they intend to apply the Code.

62. Plastic containers and toughened glass

63. The Council has concerns about the dangers of bottles and glasses being used as weapons. It believes that the use of safer forms of glasses can help to reduce injuries and will expect applicants to state in their operating schedule what proposals they have to minimise such injuries through the use of

safer forms of glasses, bottles and other means.

64. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue, the activities carried on there, and the hours of operation, would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may be of concern.

65. CCTV

66. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

67. Children and cinemas

68. In the case of premises giving film exhibitions, the Council will expect licensees or

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clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself. The Council has no current plans to adopt its own system of classification.

69. The Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated – or by the licensing authority itself.

70. Crime prevention

71. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

72. Capacity limits

73. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

74. Good Management

75. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought be less conducive to avoiding crime and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating.

76. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how

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good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules.

77. Cultural strategies

78. In connection with cultural strategies, the Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only necessary, proportionate and reasonable licensing conditions will be applied on such events. Where there is any indication that such events are being deterred by licensing requirements, the statement be re-visited with a view to investigating how the situation might be reversed.

79. The United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1976. Article 15 of the Covenant requires that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. It is therefore important that the principles underpinning ICESCR will be integrated, where possible, with the Council's approach to the licensing of regulated entertainment.

80. Transport

81. The Council proposes, through its Local Transport Plan, to develop protocols to be agreed between the local police and other partners that have due regard to the need to disperse people from town centres swiftly and safely to avoid concentrations which produce disorder and disturbance. Applicants will be expected to have considered this issue, and their operating schedule should reflect their proposals for how they might assist in this process.

82. Tourism, employment, planning and building control, and highways

83. The following matters should be noted in relation to tourism, employment, planning and building control, and highways:

- arrangements have been made for the Council's Regulatory Committee to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in their considerations;
- the Council intends to keep the Regulatory Committee apprised of the employment situation in the area and the need for new investment and employment where appropriate;

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84. Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Except in cases where planning permission is not required, applications for premises licences for permanent commercial premises should normally be from businesses with planning permission in place for the property concerned.

85. Licensing applications will not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee or following appeals against decisions taken by that committee. Nevertheless, applicants should be aware that because the rules applicable and the range of matters to be taken into account are not identical, it is possible for planning permission to be granted and a licence application to be refused (and vice versa) in respect of the same premises. The same applies to the conditions which may be applied to planning permissions and premises licences.

86. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

87. Planning obligations under section 106 Town and Country Planning Act 1990 warrant special mention. The Council as *licensing authority* can neither demand that a planning obligation be entered into nor be party to a planning obligation. However, applicants are free to enter into such agreements with the Council as *planning authority* if they so wish. Such agreements could potentially deal with a wide range of matters such as contributions to town centre policing and litter control.

88. Proper integration will be assured by the Regulatory Committee, where appropriate, providing regular reports to the Development Control Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Development Control Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

89. The Council's Local Transport Plan is the mechanism by which the Council will work in partnership with all appropriate bodies to deliver effective local transport strategies. Effective strategies will include provision of night-time and evening services, where this is appropriate to the local situation.

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90. Where applicants seek premises licences in respect of pavement cafes and the like, they will have to have satisfied the Council (as Highway Authority) of the appropriateness and legality of any proposal prior to any application to the Licensing Authority.

91. Promotion of Race Equality

92. The Council recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

93. Local authorities are also required under the 1976 Act, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

94. Applicants will be expected to demonstrate that they have taken this issue into account.

95. Duplication

96. The Council will avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation.

97. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary. It should be borne in mind that an alteration is "material" for the purposes of the Building Regulations if it has the potential to affect structural stability, fire safety or access.

98. The Council appreciates that regulations under which a fire safety inspection would normally be carried out do not

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apply to ships/boats unless they are in dry dock. The safety regime for passenger vessels is enforced under the Merchant Shipping Acts by the Maritime and Coastguard Agency who operate a passenger ship certification scheme. Accordingly, it will not normally be necessary to duplicate the controls imposed through the certification scheme.

99. Certain health and safety issues can be taken into account despite apparent duplication. For example, applicants will be expected to consider the appropriate types of drinking containers (i.e glass or plastic) within premises or parts of premises. This example can only be considered under the crime and disorder heading.

100. Standardised conditions

101. The Guidance states that a key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned. This can be important to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. The Guidance states that standardised conditions should therefore be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion

of the licensing objectives in any individual case.

102. The Guidance states that it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions from which necessary and proportionate conditions may be drawn in particular circumstances. The Council considers that standardised wording of conditions (but not universally applied *block conditions*) are acceptable when dealing with the same or very similar situations.

103. There will be circumstances where no additional conditions may be necessary in circumstances where existing legislation and regulation already effectively promote the licensing objectives.

104. Enforcement

105. The Council intends to establish protocols with the local police on enforcement issues.

106. In particular, these protocols are intended to provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The Act does not require inspections to take place save at the discretion of those

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charged with this role. The principle of risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

107. Live music, dancing and theatre

108. The Council recognises that as part of implementing the Council's cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. Concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for children.

109. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. It is noted that the absence of

cultural provision in any area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people involved themselves.

110. To ensure that cultural diversity thrives, the Council will have a policy of seeking premises licences where appropriate for public spaces within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, Council owned art centres and similar public areas. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give a performance in these places. They would still require the permission of the Council as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas.

111. It should be noted that when one part of the Council seeks a premises licence of this kind from the Council in its capacity of licensing authority, the Regulatory Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee. Those making representations genuinely

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aggrieved by a positive decision in favour of the Council application by the Council in its capacity of licensing authority would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

112 Preparation of Operating Schedules

113 Applicants are strongly advised to obtain proper professional advice in the preparation of operating schedules and in particular are strongly advised to seek advice from the police on matters relating to crime prevention (including CCTV) to ensure a proper link between Crime and Disorder Strategies and Alcohol Harm Reduction Strategies.

114. Contact Points

115. Appendix B gives details of contact points where members

of public can obtain advice about whether or not activities fall to be licensed.

116. Administration, exercise and delegation of functions

117. The Council's Regulatory Committee (and Regulatory Sub-Committees) will carry out all of the Council's licensing functions under the Act except those relating to the making of statements of licensing policy. A full delegation scheme is in place. The matters which will be dealt with by the Council, the Regulatory Committee, the Regulatory Sub-committee(s) and officers of the Council are set out at **Appendix C**.

118. Monitoring/Review

119. The Council will carry out a review of the statement in accordance with the Guidance and the Act.

APPENDIX A

LIST OF RESPONSIBLE AUTHORITIES AND CONTACT DETAILS

All premises

- Chief officer of police
- Local Fire authority
- Local enforcement agency for health & safety (normally the Council*, otherwise the HSE)
- Environmental Health authority*
- Local planning authority*
- Recognised child protection body*
- Any licensing authority other than the Council in whose area part of the premises are situated
- *Crime & Disorder Reduction Partnership*

* In all these cases the Council is the responsible authority and a single notice to the Licensing Section will be forwarded to all relevant sections of the Council

Vessels

- The navigation authority in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when it is used for licensable activities
- Environment Agency
- British Waterways Board
- The Secretary of State for Transport through the Maritime and Coastguard Agency

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APPENDIX B

**CONTACT POINTS WHERE THE PUBLIC MAY OBTAIN ADVICE FROM THE
COUNCIL**

Council Website www.halton-borough.gov.uk

Email address: legal.services@halton.gov.uk

Telephone: 0151 424 2061 ext. 1054, 1055 and 1056

Fax No. 0151 471 7527

Postal Address: Licensing Section
Legal Services
Municipal Building
Kingsway
Widnes
WA8 7QF

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APPENDIX C**SCHEME OF DELEGATION**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to		All cases	

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review premises
licence/club
premises certificate

Decision on
whether a
complaint is
irrelevant, frivolous,
vexatious etc.

All cases

Decision to object
when local
authority is a
consultee and not
the relevant
authority
considering the
application

All cases

Determination of a
police objection to
a temporary event
notice

All cases

**The Policy can be found on the Council's website at
www.halton.gov.uk/**

**The Council welcomes comments and observations on this Policy at
the following address:-**

**Licensing Section
Legal Services
Halton Borough Council
Municipal Building
Kingsway
Widnes
Cheshire WA8 7QF**

Adopted by Halton Borough Council 15th
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REPORT TO: Executive Board

DATE: 29th November 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Determination of Council Tax Base

WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 There is a requirement for the Council to determine the 'Tax Base' for its area and also the tax base for each of the Parishes.
- 1.2 It is required to notify the figure to the Cheshire Fire Authority, the Cheshire Police Authority, the Cheshire Magistrates' Courts Committee, the Cheshire Probation Committee and the National Rivers Authority by 31st January 2008. The Council is also required to calculate and advise, if requested, the Parish Councils of their relevant tax bases.

2.0 RECOMMENDED: That

- (1) **The Executive Board recommend to the Council that the 2008/09 Council Tax Base be set at 37,762 for the Borough, and that the Cheshire Fire Authority, the Cheshire Police Authority, and the National Rivers Authority be so notified; and**
- (2) **The Executive Board recommend to the Council that the Council Tax Base for each of the Parishes be set as follows:**

Parish	Tax Base
Hale	724
Daresbury	140
Moore	349
Preston Brook	339
Sandymoor	816
Halebank	510

3.0 SUPPORTING INFORMATION

3.1 The Tax Base

The 'Tax Base' is the measure used for calculating the council tax and is used by both the billing authority (the Council) and the major

precepting authorities (the Cheshire Fire Authority and the Cheshire Police Authority), in the calculation of their council tax requirements.

The tax base figure is arrived at in accordance with a prescribed formula, and represents the estimated full year number of chargeable dwellings in the Borough, expressed in terms of the equivalent of Band 'D' dwellings.

3.2 The Council Tax Base for 2008/2009

The tax base is calculated using the number of dwellings included in the Valuation List, as provided by the Listing Officer, as at 17th September 2007. Adjustments are then made to take into account the estimated number of discounts, voids, additions and demolitions during the period 17th September 2007 to 31st March 2008.

An estimated percentage collection rate is then applied to the product of the above calculation to arrive at the tax base for the year.

Taking account of all the relevant information and applying a 99% collection rate, the calculation for 2008/2009 gives a tax base figure of 37,762 for the Borough as a whole.

This year has seen the creation of two new parishes, at Sandymoor and Halebank. The advice of the National Association of Local Councils has been sought on the process for setting their first precepts. The appropriate tax base figure for each of the Parishes is as follows:

Parish	Tax Base
Hale	724
Daresbury	140
Moore	349
Preston Brook	339
Sandymoor	816
Halebank	510

4.0 POLICY IMPLICATIONS

4.1 There are no policy implications.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton.

None applicable

6.2 Employment, Learning and Skills in Halton

None applicable.

6.3 A Healthy Halton

None applicable.

6.4 A Safer Halton

None applicable.

6.5 Halton's Urban Renewal

None applicable.

7.0 RISK ANALYSIS

7.1 Loss of Income to the Council if Council Tax Base is not agreed.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None applicable

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Working Papers	Catalyst House	Peter McCann

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REPORT TO: Executive Board Sub Committee

DATE: 15 November 2007

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Adoption of Section 120 Schedule 6 of the Local Government Act 2003 -Regulation of Cosmetic Piercing and Skin Colouring Businesses

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Members of a single new combined byelaw which allows for the regulation of persons carrying on businesses of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, and to seek adoption of new byelaws under the Local Government Act 2003 and set fees for registration. In essence pass a resolution. The power for making, amending, revoking, re-enacting or adopting byelaws is reserved in the Council's constitution to the full Council.
- 1.2 To inform the committee about the work plan to implement the changes this would bring about in current regulatory activity.
- 1.3 To inform the committee of the review of charges to business who register premises in order to provide these services and of the additional new charge and registration for individuals carrying out the activity.

2.0 RECOMMENDATION: That

- 2.1 **It is recommended to the Council to resolve to apply to the whole of the Halton Borough Section 15 of the Local Government (Miscellaneous) Provisions Act 1982 adopting the new byelaw to cover: acupuncture, tattooing, semi permanent skin-colouring, cosmetic piercing and electrolysis introduced by Section 120 and Schedule 6 of the Local Government Act 2003;**
- 2.2 **And in so doing**
 - a) **Authorising the affixing of the common seal to the byelaws and**
 - b) **Authorising the Council Solicitor to carry out the necessary procedure and apply to the Secretary of State for confirmation.**
 - c) **Upon adoption of the bylaws that the powers and duties within the bylaws necessary to effect regulation be delegated to the Council Solicitor and the Operational Director Environmental and Regulatory Services as appropriate**

- d) That new charges and costs are adopted and that these will reflect the administrative and officer costs involved in the process of registering a premises and a practitioner.
- e) That the plan for updating registration certificates including the retrospective application of the process to existing businesses is accepted.

3.0 SUPPORTING INFORMATION

3.1 Background

3.1.1 Adopting the byelaws will ensure that cosmetic piercing and skin colouring businesses can be registered and regulated in the same way as those who carry out electrolysis; tattooing, ear piercing and acupuncture are currently regulated. The power for making, amending, revoking, re-enacting or adopting byelaws is reserved in the Council's constitution to the full Council.

3.1.2 Cosmetic piercing and semi-permanent skin-colouring carry a potential risk of blood borne virus (BBV) transmission if infection control procedures are not observed (e.g. the use of sterile equipment for each client) Until the change in the law in the Local Government Act 2003, local authorities in England and in Wales did not have the powers to require businesses offering cosmetic piercing and semi-permanent skin-colouring to register and observe byelaws relating to the cleanliness and hygiene of the premises. Local authority's powers were limited to regulating ear piercing, tattooing, electrolysis and acupuncture. A joint Department of Health and Welsh office consultation exercise in 1996 elicited widespread support for changing the law to extend Local Authorities powers.

3.2 Changes in the Law

3.2.1 On the first of April 2004 Section 120 and Schedule of the Local Government Act 2003 on the regulation of cosmetic piercing and skin-colouring businesses, which amends section 15 of the Local Government (Miscellaneous Provisions) Act 1982 came into force. Halton along with other LA's waited to adopt these regulations until the Department of Health had published guidance .The guidance includes a set of model byelaws which local authorities can adopt in their entirety. It wasn't until the end of 2006 that this guidance was published. Halton waited for the guidance to be published in order for them to adopt one single set of Byelaws not lots of individual ones as some authorities did early on and which proved harder to apply and use.

3.2.2 These new provisions give local authorities in England and in Wales, specific powers relating to persons carrying on the businesses of cosmetic piercing (piercing of the body including the ears) and semi-permanent skin-colouring (including micro pigmentation, semi-permanent make-up and temporary tattooing) Local Authorities who adopt the byelaws will be able to require such businesses:

- To register themselves and their premises; and
- To observe the byelaws relating to cleanliness and hygiene of premises, practitioners and equipment.

3.2.3 These measures are intended to increase health protection and reduce the risk of transmission of blood-borne virus (BBV) infections such as HIV, Hepatitis B and C and other infections. The Department of Health have produced model byelaws that local authorities may wish to adopt in their area to facilitate consistency of enforcement. These have been appended to this report and it is intended that they will be adopted in their entirety in Halton.

3.2.4 Local businesses have been requesting that we adopt this legislation, as they want to have registration certificates which they can display. They wish to be regulated, as they are aware that there may be rogue traders who will be more noticeable to the public by their lack of a Registration Certificate. The intention is to publicise heavily in the local press the need for the public to check for a registration certificate before undergoing a treatment and if they are at all in doubt they should contact the Council's Environmental Health Section.

3.2.5 currently there are 45 premises that are registered under the existing byelaws for ear piercing, electrolysis, acupuncture and tattooing. Some of these are known to provide cosmetic piercing and or semi –permanent make-up which currently they are not registered for. We are not aware of any premises offering cosmetic piercing and or semi-permanent make-up which are not already registered for other treatments.

3.3 The new Provisions.

3.31- Section 120 of the 2003 Act

The provisions in section 120 of the Local Government Act 2003 essentially adds cosmetic piercing and semi-permanent skin-colouring businesses to section 15 of the 1982 Act so that local authorities may require persons carrying on such businesses to register themselves and their premises and may make byelaws in respect of matters related to the cleanliness of such businesses.

3.3.2 Section 120 introduces new terminology for simplicity and clarity as follows:

- Ear piercing and cosmetic body piercing are encompassed in the single term “cosmetic piercing” and
- Micro pigmentation, semi-permanent make-up and temporary tattooing are covered by the umbrella term “semi-permanent skin colouring”. Semi permanent skin colouring is defined as “the insertion of semi-permanent colouring into a person’s skin” This approach allows for other similar activities to be covered in future.

3.3.3 Transitional Provisions: Schedule 6 of the 2003 Act

The schedule is intended to provide for the transition from current legislation to the amended legislation and to avoid disruption to Local Authorities and businesses by providing that:

- Where a local authority has already resolved that section 15 of the 1982 Act should be brought into force in their area for tattooing, ear piercing and electrolysis, then the local authority will be automatically enabled to apply the registration and byelaws regime to cosmetic piercing and semi permanent colouring. Halton adopted the 1982 Act provisions and therefore transition to the 2003 Act will be straightforward.

- An interrogation of the current database for registered premises will be completed and any premises already registered for activities covered by section 15 of the current legislation (i.e. tattooing, ear piercing, acupuncture and electrolysis) will be unaffected. They will simply be sent an up dated replacement certificate copy of the byelaws to display in the premises.
- If they are already known to offer cosmetic piercing or semi-permanent colouring, they will not be charged for this updated and new certificate; however they will require an inspection and each operative carrying out the procedure will have their practices examined.
- As the registration scheme will be expanded to include an individual person registration. All existing premises will be required to provide a list of current employees and a registration certificate will be issued for each individual person specifying the treatments that they are competent to undertake and each individual will have their practices examined.
- In order to minimise the costs to businesses the first individual will be included in the cost of initial registration fee ('premises fee'). Any subsequent individual person(s) identified as offering a registerable treatment will be charged for at the individual 'operators' rate.
- No registration certificate for either a premises or an individual person is transferable and remain the property of Halton Borough Council.
- Any premises which is already registered at any stage for any one or more of the registerable practices who later goes on to carry on the business of any of the remaining register able practices will be required to go through the full registration process in order to up date their existing registration.

3.3.4 Section 16 of the 1982 Act.

Section 16 of the 1982 Act also applies to cosmetic piercing and semi-permanent skin-colouring businesses. It provides for offences and for non-custodial penalties (summary conviction and fine) for trading without local authority registration or breaching local authority byelaws. The court may also order suspension or cancellation of registration (whether of a person or premises) on conviction. When cancellation of registration happens, the court may order a fine, increased on a daily basis for late surrender of the cancelled registration certificate. There is also an offence of not displaying a certificate of registration or byelaws (for which a person is liable on summary conviction to a fine).

3.4 Registration Fees.

3.4.1 The Act enables local authorities to charge reasonable registration fees for registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin colouring. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration. It is proposed that Halton will charge the fees set out below having benchmarked against other Merseyside LA's. The cost has been kept as reasonable as possible so as not to burden business however it is important that the cost of undertaking the work is covered.

3.4.2 Proposed fees

- Premises Registration -a fee of £90 – This includes the premises plus one operator (usually the owner/manager if they are an operator) For this fee the premises will be thoroughly inspected in accordance with the byelaws and the owner will receive a certificate and a copy of the byelaws which must be displayed. The operator will be “interviewed” to determine that their practices are suitable and where possible they will be observed carrying out a procedure. The operator will be given a certificate which must be displayed at the premises when they are operating and a copy of the byelaws for them to keep individually.
- Additional operators Registration a fee of - £30 The operator will be “interviewed” to determine that their practices are suitable and where possible they will be observed carrying out a procedure. The operator will be given a certificate, which must be displayed at the premises when they are operating and a copy of the byelaws for them to keep individually.
- Additional Activities- a fee of £5 this is a nominal fee. A visit may be conducted to determine whether the premises have suitable facilities to offer additional activities.

3.4.2 In addition any business, which moves location, will have to apply and pay the appropriate fees, as registration is none transferable.

3.6 Resources

Costs to the authority of implementing these new provisions are estimated to be relatively small and will be off set by several factors. As mentioned above, local authorities will be able to charge reasonable registration fees. The department is already inspecting many of the businesses, as the majority are registered for other activities, such as ear-piercing, tattooing or electrolysis. In addition, local authorities already inspect these businesses under health and safety at work legislation. Therefore additional resources will not be made available by central government. The registration fee will cover the cost of administration and registration inspections. However there will be the initial cost of preparing, consulting and advertising the byelaw which will have to be met within the existing budgetary provision.

4.0 POLICY IMPLICATIONS

4.1 The Division’s enforcement policy will be reviewed to include the requirements of the new bye laws which in essence will be simply an expansion of existing policy for ear piercing and tattooing etc to cover more activities under the headings cosmetic piercing and semi-permanent skin-colouring.

4.2 The Council may charge reasonable fees for registration of skin piercing.

5.0 OTHER IMPLICATIONS

5.1 The only way in which the Council can effectively control skin piercing is by adopting the provisions outlined above .Not to adopt the recommendation above which will result in the Local Authority not being able to legally enforce

hygiene standards within cosmetic piercing and skin colouring establishments thus reducing human health protection from the spread of Blood Borne Viral infections

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Effective regulation and information will contribute to a safer and healthier environment for young people and help them to make considered choices. Cosmetic piercing and semi-permanent skin-colouring are services that are more and more frequently accessed by young people. By ensuring that all premises that carry out these activities display both the premises and the operators registration certificates young people in the borough will be encouraged to only select premises displaying these documents. It is intended to publish in the media the new registration requirements and to update the website. At present there is no statutory age of consent for cosmetic piercing and so it is essential that young people are aware of the risks and the controls that must be in place before proceeding with a treatment.

6.2 Employment, Learning and Skills in Halton **No direct implication as a result of this report**

6.3 A Healthy Halton

Not only will this address a health risk but can help promote a healthier lifestyle. These requirements will ensure that the risk of members of the public and the operators contracting a Blood Borne Virus (BBV) or other infections are reduced. The council will be in a position to insist on the best practises by the operators. This is essential in ensuring the health of the population of the borough. Recent cases in Manchester and Sheffield have proved the need for this. In Sheffield an 18-year-old male died from septicaemia after a lip piercing. A better-informed customer base may well help to deprive rogue unregistered clandestine practitioners of custom.

6.4 A Safer Halton

A better-informed customer base may well help to deprive rogue unregistered clandestine practitioners of custom and protect the vulnerable. All premises which provide cosmetic piercing and semi-permanent makeup and all operators who carry out these activities will have to be registered and will be required to display the certificate. This will guide the public to make safe choices as all registered premises displaying a certificate will have complied with the requirements of the byelaws that cover the safety of operators and customers to ensure the risk of BBV's are reduced.

6.5 Halton's Urban Renewal

No direct implication as a result of this report

7.0 RISK ANALYSIS

7.1 Adoption of the new provisions and byelaws will be consistent with the byelaws already adopted. The adoption should enhance the reputation of the Council in its aim to protect the public and public health. As reasonable fees are chargeable for registration there is little financial risk other than the initial cost of preparation and advertising of the byelaw. The department's enforcement policy will mitigate against any potential negative issues on how the byelaws are enforced and their impact.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The division's regulatory services aim to be consistent and even handed in all regards and as such the service does not apply differently to any particular group. The enforcement of this piece of legislation is not intended to have either a positive or negative impact upon equality and diversity. The service invites and seeks feedback on its regulatory activities and would respond to any suggestion of differential impact.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Department Of Health Regulation of Cosmetic Piercing and Skin Colouring Businesses - Guidance On Section 120 Schedule 6	Environmental Health Section – Environmental and Regulatory Services Department, Rutland House, Halton Lea, Runcorn	Jeannette Pope or Angela Yates

Appendix 1



DRAFT

THE HALTON BOROUGH COUNCIL
(ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN- COLOURING,
COSMETIC PIERCING AND ELECTROLYSIS)
BYELAW 2007

Halton Borough Council
Corporate & Policy
Municipal Building
Kingsway
Widnes
Cheshire
WA8 7QF

**THE HALTON BOROUGH COUNCIL (ACUPUNCTURE, TATTOOING,
SEMI-PERMANENT SKIN- COLOURING, COSMETIC PIERCING AND
ELECTROLYSIS) BYELAW 2007**

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Halton Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either –

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that —

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed

immediately prior to treatment has a smooth impervious surface which is disinfected—

- (i) immediately after use; and
- (ii) at the end of each working day.

(f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b)a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or

- (b) the client is know to be infected with a blood-borne virus;
- or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to acupuncture, tattooing, and ear piercing and electrolysis that were made by Halton Borough Council on the 4 October 1983 and were confirmed by the Secretary of State, Department of Health and Social Security on the 30 December 1983 are revoked.

EXECUTED as a DEED by hereunto
affixing the **COMMON SEAL** of
HALTON BOROUGH COUNCIL
this XX day of XXXXXXXX 2007
in the presence of-

Council Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on XX day of XXXXXXXX 2007 and shall come into operation on XX day of XXXXXXXX 2007

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in

which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15. The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

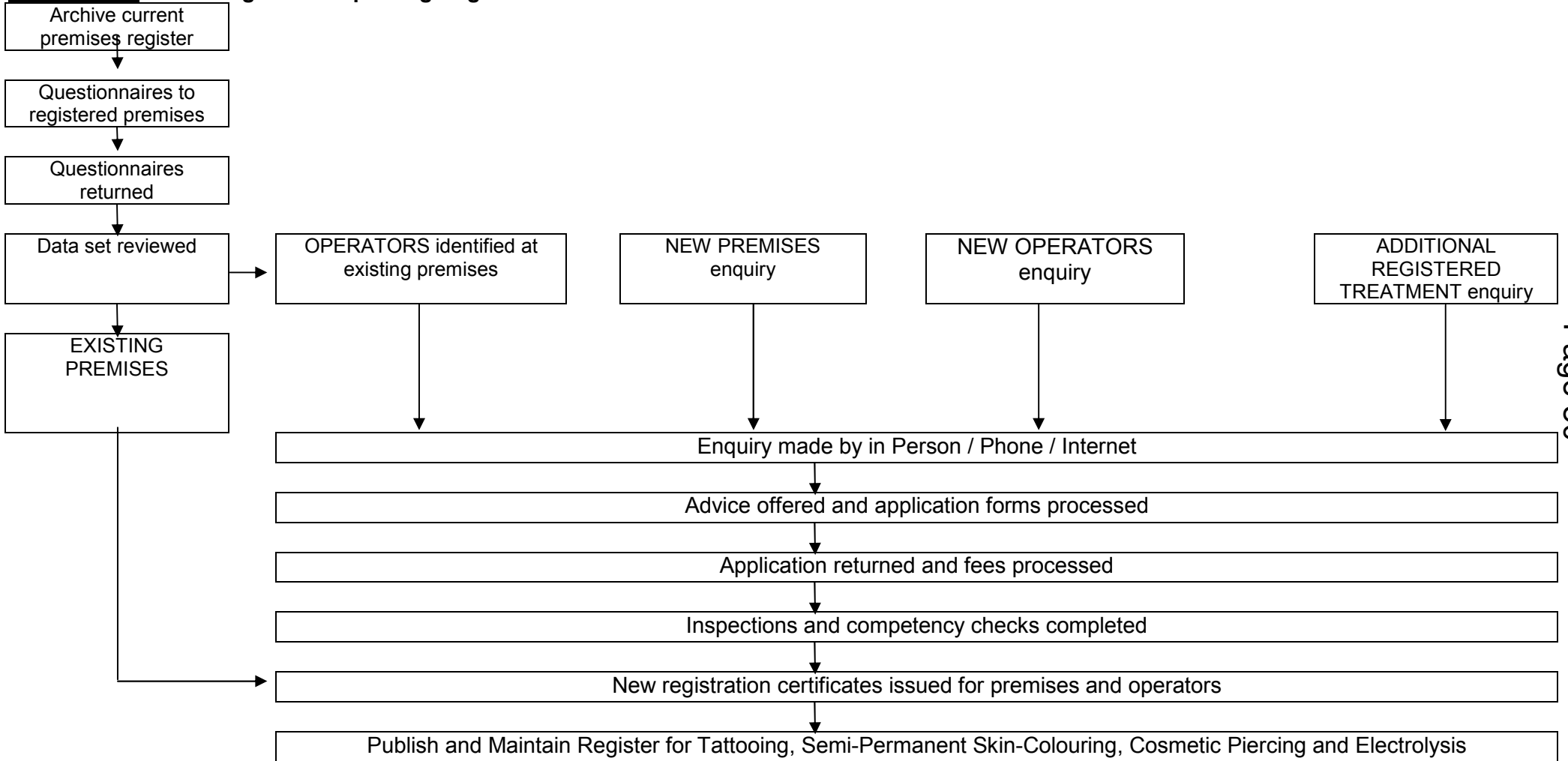
*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see **section 14(8) of the Act**).*

end

APPENDIX 2: Flow Diagram for Updating Registration Certificates for Invasive Treatments



REPORT TO: Executive Board Sub Committee

DATE: 29 November 2007

REPORTING OFFICER: Director Of Environment

SUBJECT: Highway Improvement Scheme
A56/A558 Daresbury Expressway Junction

WARDS: Daresbury

1.0 PURPOSE OF THE REPORT

1.1 To seek approval for Capital Funding for the scheme.

2.0 RECOMMENDATION: That

- (1) the Council be recommended to include the scheme in the capital programme at a total cost of £3.478m; and**
- (2) the funding for the scheme, and the fact that it will be undertaken within one contract be noted.**

3.0 SUPPORTING INFORMATION

3.1 The rapid development of the eastern Runcorn area is continuing to generate significant traffic growth, resulting in congestion at the junction of the A558 Daresbury Expressway and A56 Chester Road. Halton's Local Transport Plan describes a highway improvement scheme that is designed to increase junction capacity through the introduction of traffic signal control and widening the Expressway, to dual carriageway standard, between this junction and the Daresbury Science Park roundabout. These measures are designed to accommodate the increase in traffic growth due to committed developments identified in the Unitary Development Plan and in particular, to improve access to the Daresbury Science and Innovation Centre in support of continuing business interest. The estimated cost of the scheme is £3.478m including contract supervision and administration.

3.2 When permission was granted for the Daresbury Science and Innovation Centre, it was subject to a Section 106 agreement relating to off site highway improvements which committed the NWDA to providing a new roundabout to an agreed specification on the Daresbury Expressway and a link road from there to Keckwick Lane. Both these elements have been provided. The S106 agreement also provided for the Council to improve the A56 junction with the Daresbury Expressway and to dual the road between there and the new roundabout provided by the NWDA.

3.3 The scheme now to be implemented to satisfy the terms of the S106 agreement comprises:- replacement of the roundabout at A56 / Daresbury Expressway junction with traffic signals; the dualling of the carriageway between the A56 and the new roundabout on the Daresbury Expressway; and traffic movement restrictions on Keckwick Lane at the junction with A56.

3.4 Funding for the scheme has been secured from the following sources:

- Local transport Plan £650,000
 - ERDF Objective 2 £658,500
 - NWDA Section 106 Contributions £185,000
(Daresbury Innovation Centre)
 - English Partnerships (EP) contributions £250,000
- Total **£1,743,500**

Therefore balance of funding needed to deliver the full scheme is **£1,734,500**.

The ERDF contribution is dependant upon works being completed by June 2008 in order that final payment claims can be processed under ERDF regulations, and this will allow a first phase of the scheme, the conversion of the junction to traffic signal control, to proceed.

3.5 Further funding from English Partnerships has been secured under a Section 106 planning agreement, tied into the future development of housing within the Sandymoor developments. The agreement contains a schedule of infrastructure and transport related works in the Sandymoor area together with estimated costs including the proposed highway improvements totalling £4.5m at 2005 prices. However, the payment of contributions is dependant upon housing plot completion being in line with an anticipated four to five year programme and the initial contribution may not be available until 2008/09. Development has already commenced and EP have recently indicated a willingness to release funding more quickly, upon completion of land sales to developers.

3.6 In order to meet the timetable for the construction of Phase 1 works, tenders have been invited on the basis of a phased approach, delaying the award of Phase 2 dualling scheme, until funding is confirmed in place. However, there are distinct advantages to awarding a contract for the full scheme initially:

- Operationally: Construction of the junction layout can be better planned and programmed to ease the transition between phases thereby reducing abortive work and future disruption to traffic using the junction.
- Contractually: A simpler contract agreement with clearer programming and lower risk of compensation event payments (claims) can be achieved.

- Financially: Greater certainty of contract price, without need to re-negotiate Phase 2 rates if the commencement date is delayed beyond 2008. There are also economies to be gained in minimising abortive or transitional works (described above) and reduced preliminary costs for site establishments etc.

It should be noted, however, that even within a single contract, the work itself will still need to be phased, as it is necessary to relocate an existing badger sett that is close to a section of the proposed dual carriageway. Badgers are a protected species and their relocation can only proceed during certain times of year.

- 3.7 It is recommended that £1.735m be made available from the Council's capital programme in 2008/09 to enable implementation of the full scheme, until funding from the Section 106 agreement with English Partnerships is available. The Council would be reimbursed from contributions paid under the agreement.

4.0 POLICY IMPLICATIONS

- 4.1 There are no policy implications relating to the scheme implementation

5.0 OTHER IMPLICATIONS

5.1 Resource Implications

Awarding a contract for the whole of the works will reduce the amount of staff time required for drawing up agreements and in contract administration.

5.2 Best value implications

Letting a contract for the full scheme in accordance with BV principles will permit efficient use of the resources available to deliver the improvement scheme in the most effective manner for residents, businesses and the travelling public.

5.3 Legal Implications

There are no legal implications

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1.1 Children and Young People in Halton

No implications

6.2 Employment, Learning and Skills in Halton

These highway improvements will be undertaken on a busy traffic route serving the commercial and industrial developments at Daresbury SIC, Daresbury Park, Manor Park and Astmoor. Implementing the scheme

within a single contract will enable completion earlier than under a phased approach and therefore deliver improved access to these important employment centres sooner and within a shorter period of traffic disruption.

6.2 A Healthy Halton

No implications

6.4 A Safer Halton

The scheme addresses road traffic accident problems related to the layout of the A56 / A558 roundabout junction. Improving the junction capacity will also reduce congestion and delays. Improved traffic flow along this route should therefore reduce the incidence of 'rat-running', where drivers migrate onto other less suitable routes through residential areas of Sandymoor. Early delivery of the full scheme will therefore deliver the increased capacity sooner, negating the need to use alternative routes and will facilitate the introduction of safety improvements on adjacent local roads in accordance with the safer roads and integrated transport strategies.

6.5 Halton's Urban Renewal

The scheme provides improved transport access and connectivity to Daresbury SIC and other key employment sites in east Runcorn and contributes to meeting key urban renewal objectives in terms of supporting investment and economic growth.

7.0 RISK ANALYSIS

7.1 Risks associated with funding the scheme from Halton's capital programme:

The payment of S106 planning agreement contributions from English Partnerships fail to materialise leaving the Council exposed to meeting the full additional cost of the scheme:

- English Partnerships fail to find purchasers for the development land
- Developers fail to secure planning permission for housing

These scenarios are unlikely. The agreement has already been invoked following the development of one of the 'First Sites', the Sandymoor 28 housing development. The other sites, Sandymoor 12 / 14 / 15 & 16 are identified for housing development in the UDP. English Partnerships are currently undertaking a re-appraisal of specific areas allocated for housing and recreation within the sites, although this is intended to address flood risk issues and should not result in reduction in plot numbers. Developer interest in Sandymoor is still strong and likely to remain so.

The payment of S106 planning agreement contributions are delayed leaving the Council exposed to interest payments for a longer period:

- EP delay in bringing sites forward for sale for development
- Slow developer interest in sites brought forward for development
- Slow purchase of housing plots from developers

Although the marketing of development land has been delayed for reasons stated above, these issues should be resolved soon. A joint steering group has been set up comprising representatives of EP and the Council. Recent discussions have focused on the payment of contributions at completion of land sale to developers, delays in plot sales would therefore not affect contributions to the Council.

8.0 EQUALITY AND DIVERSITY ISSUES

There are no equality and diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Section 106 Agreement between English Partnerships and Halton Borough Council	Planning Division Environment Directorate Rutland House, Runcorn	L. Beard
A56 / A558 Daresbury Expressway Dualling and Junction Improvement. Scheme Drawings	Highways Management Division Environment Directorate Rutland House, Runcorn	D. Cunliffe

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REPORT:	Executive Board
DATE:	12 December 2007
REPORTING OFFICER:	Strategic Director – Children and Young People
SUBJECT:	Secondary School Re-organisation
WARDS:	Boroughwide

1.0 PURPOSE OF REPORT

- 1.1 This report seeks to provide a summary of the process undertaken for the second round of pre-statutory consultation on the re-organisation of secondary and secondary special provision. It provides a summary of the responses received at the time the report was produced (30th November 2007) and identifies the key issues.
- 1.2 A further update on the outcome of the consultation, along with the recommended proposals for the next stage of consultation will be provided following the conclusion of the consultation period on the 7th December 2007 and the meeting of the Cross Party Members Advisory Working Group on 10th December 2007.

2.0 RECOMMENDED: That the Executive Board consider the Building Schools for the Future proposals as set out in the additional report distributed following the Cross Party Members Advisory Working Group on 10th December 2007.

3.0 SUPPORTING INFORMATION

- 3.1 On 1st November 2007 Executive Board considered the outcome of the first phase of consultation on secondary and secondary special re-organisation across the Borough. It agreed to the recommendation of the Cross Party Member Advisory Group that revised proposals be considered and that a further pre-statutory stage of consultation be undertaken. It was decided that the second phase of pre-statutory consultation would commence on 2nd November 2007 and run to 7th December 2007. See Appendix A – for details of the revised proposals for the second phase of consultation)

- 3.2 As part of the consultation process the views sought included Elected Members, School Staff, Governors, the Public and Wider Community, Parents of Senior and Primary aged pupils, All Pupils in Halton primary, Secondary and Special schools, the Youth Forum, Trade Unions, Alliance Board, Neighbouring Authorities and Schools in Neighbouring Authorities which Halton pupils attend, Riverside College, NHS representatives, the Learning and Skills Council, MPs and Council staff.
- 3.3 Letters were sent to all parents and governors detailing the date, time and venue for each of the consultation meetings. In addition, all meetings were widely advertised through the local press, on the website, with posters displayed at all schools; Children's Centres, at each Direct Link and in many doctors' surgeries.
- 3.4 Staff and governors meetings were held in each of the secondary schools affected by the secondary and secondary special re-organisation proposals. In addition, consultation meetings were held with primary, secondary and special headteachers, secondary, special and primary governors and primary staff.
- 3.5 Nine public consultation meetings were held four in Widnes and five in Runcorn, with Diocesan representatives available to answer specific questions at one of the Runcorn and one of the Widnes public meetings. In addition, to the public meetings the opportunity was provided to book a personal meeting with Officers (surgeries). Five were offered in Widnes and five in Runcorn generally at the local Children's Centre or Direct Link.
- 3.6 A range of pamphlets were produced providing additional information on the key issues. These topics covered included:
- Feedback Summary from the first round of consultation;
 - How the pupil numbers have been calculated;
 - Zoning in Widnes;
 - Co-located schools;
 - Proposed Federations arrangements between Fairfield High and Wade Deacon;
 - All-Through Schools and Trust Schools; and
 - Halton Academy Pack

The pamphlets were available at each meeting and also placed on the website.

- 3.7 All secondary and secondary special staff were provided with the opportunity to book a confidential meeting with the BSF Personnel Officer.

The key issues identified through these meetings will be used to inform the BSF Workforce Strategy.

3.8 The response to the consultation up to 30th November 2007 is summarised below. A further update will be distributed following the close of the second consultation period.

- 763 people attended the consultation meetings and surgeries;
- 64 feedback forms were returned
 - Widnes – 34 forms returned, 13 agreeing, 8 disagreeing and 13 with general comments or questions;
 - Runcorn – 30 forms returned, 19 agreeing, 5 disagreeing and 6 with general comments or questions;
 - 11 letters, (1 general comment, 1 objection to the Widnes proposal and 9 objections to the Runcorn proposal);
 - 20 e-mails were received;
 - 1 petition against the re-location of Halton High; and
 - One primary school response from pupils.

No alternative responses had been submitted up to 30th November 2007.

3.9 The main themes that have emerged from the consultation include:

- The closure of Fairfield;
- Location of Halton High (new Academy);
- School Size;
- Pupil Numbers; and
- Workforce

3.10 The Cross Party Members Advisory Working Group will meet on 10th December 2007 to consider the key themes from the consultation and how to address these. They will evaluate each of the consultation proposals along with any alternative proposals that have been received. For each proposal the statutory consultation process will be outlined in detailed. The recommendations of the Cross Party Members Advisory Committee will then be distributed following the meeting and prior to Executive Board on 12th December 2007.

4.0 POLICY IMPLICATIONS

4.1 The re-organisation of secondary provision will change the balance of the numbers, knowledge, skills and experience of the staff required in Halton Schools. A Workforce Strategy is therefore being developed in collaboration with the Trade Unions.

5.0 OTHER IMPLICATIONS

- 5.1 The re-organisation of secondary provision requires a comprehensive review of the transport and access across the borough to ensure there is safe, accessible and sustainable provision to all schools.
- 5.2 Building School for the Future will provide in the region of £100 million of capital investment in Halton Schools. Funding for the programme will be delivered as conventional capital grant and/or private finance initiative (PFI) credits. There will be revenue costs for establishing a team and ongoing revenue consequences of PFI. Exact costs cannot be identified at this stage, however, there is provision within the programme to produce a detailed business case which demonstrates affordability.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People

By undertaking a secondary school re-organisation and entering into the BSF Programme the authority aim to transform secondary provision for all children and young people and improve the facilities for the secondary workforce.

6.2 Employment Learning and Skills in Halton

Through access to an excellent secondary school for all pupils, standards will improve providing greater employment prospects for Halton's Children and Young People.

6.3 A Healthy Halton

In developing its secondary schools for the future the authority will demonstrate how it will enable schools to meet the school sport Public Service Agreement through its capital investment and achieve high nutritional standards and encourage healthy eating.

6.4 A Safer Halton

Schools for the future will be designed to ensure that children, staff and other community users feel safe and secure on schools sites.

6.5 Halton's Urban

Through the BSF Halton schools will become a major resource for communities they serve and will be designed to offer shared community

facilities, linking to other wider regeneration projects as well as being the focus for the local delivery of children's services.

7.0 RISK ANALYSIS

7.1 Secondary school re-organisation must be completed in order that the authority can enter Building Schools for the Future Programme. A full risk register is available for the BSF Programme.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The proposals for the re-organisation of Halton's secondary and secondary special provision seek to provide choice and diversity, promote inclusion and access.

9.0 REASON(S) FOR DECISION

Secondary provision must be re-organised prior to entry in to the BSF programme.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The initial options along with the alternative options were all assessed considered and assessed against the government criteria.

11.0 IMPLEMENTATION DATE

The next phase of consultation will commence in January 2008.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Documents	Place of Inspection	Contact
<u>Second Consultation Summary – Halton Building Schools for the Future – Inspiring Children</u>	3 rd Floor Chester Building – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director – Business Planning and Resources
Consultation Meeting dates (Phase 2)	3 rd Floor Chester Building – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director – Business Planning and Resources
Consultation Presentations	3 rd Floor Chester Building – Grosvenor House, Runcorn and	Ann McIntyre – Operational Director – Business Planning and Resources

Pupil Numbers	website www.halton.gov.uk/bsf 3 rd Floor Chester Building – Grosvenor House, Runcorn and website	Ann McIntyre – Operational Director – Business Planning and Resources
Notes of Public Meetings	website www.halton.gov.uk/bsf 3 rd Floor Chester Building – Grosvenor House, Runcorn and website	Ann McIntyre – Operational Director – Business Planning and Resources
Halton Building School for the Future Pamphlets All-Through Schools & Trust Schools Federation Pupil Numbers Co-located Schools Zoning The Academy Pack	www.halton.gov.uk/bsf 3 rd Floor Chester Building – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director – Business Planning and Resources

Appendix A

HALTON SECONDARY AND SECONDARY SPECIAL RE-ORGANISATION PROPOSALS

Proposals

Changes to Post-16 provision have not been included in the proposals as these will be the subject of a separate borough wide 14-19 review.

The proposals for Widnes

The Bankfield School (Age range 11-16)

There is no change to the original proposal

Proposed to rebuild/remodel The Bankfield School on the current site so that it can offer state of the art secondary provision. The school will offer 1050 places for 11-16 year old pupils.

Chesnut Lodge (Age range 2-16)

There is no change to the original proposal

Proposed to co-locate and rebuild Chesnut Lodge on The Bankfield school site. Chesnut Lodge is a special school with 50 places for pupils aged 2-16.

Fairfield High School (Age range 11-16)

It is proposed to close Fairfield High School

This is due to the declining pupil numbers and the viability of the provision
To support Fairfield High School pupils' and staff during the transition Fairfield and Wade Deacon High Schools would be encouraged to form a hard federation.

School Organisation

This would be subject to a Statutory Notice* regarding the closure of Fairfield High

It is proposed to introduce zoning in Widnes. The proposed catchment zones will serve particular designated areas. This will remove the need for pupils to travel East to West or vice versa to access secondary provision.

Wade Deacon High School (Age range 11-16)

It is proposed to increase capacity at Wade Deacon as a response to the consultation and rebuild/remodel and expand Wade Deacon to 1500 pupils 11-16 (Previously proposed 1350).

School Organisation

This would be subject to a Statutory Notice

Ashley (Age range 11-16)

There is no change to the original proposal

Proposed to co-locate and rebuild Ashley on Wade Deacon school site. Ashley is a special school for 120 pupils, aged between 11 and 16 with cognition and learning combined with emotional and social difficulties.

Saints Peter and Paul Catholic College (Age range 11-18)

This is a diocesan proposal to reduce the capacity of 11-16 places to 1350 in line with projected pupil numbers and to further develop Saints Peter and Paul Catholic College by enhancing capital investment in its 11-16 and sixth form provision.

The Proposals for Runcorn

The Grange Comprehensive, Junior, Infant and Nursery School (Age range 0-16)

It is proposed that The Grange Comprehensive, Junior, Infant and Nursery schools establish a 0 -16 All-Through Trust School, providing 750 secondary places plus primary and nursery provision. The All-Through school will be provided on the same site, providing extended services and linked to the City Learning Centre and aligned with the Primary Capital Strategy.

School Organisation

This proposal would require a statutory notice*

The Heath Specialist Technology College (Age range 11-16)

It is proposed to rebuild/model the school on the current site to offer 21st century provision and to increase the capacity of the school to 1200 places for 11-16 year olds

Halton High School (Academy Age range 11-19)

It is proposed to explore the development of a new Specialist Academy in a state of the art building for a minimum of 900 (maximum of 1050) pupils aged 11-16 plus provision for 100 Post-16 places. Consultation will be undertaken on the three options for the location of the Academy in Runcorn. The proposed sites are the current school site, Wharford Farm and Halton Sports site.

School Organisation

This would require a statutory notice to close Halton High and establish an Academy

Cavendish School (Age range 11-19)

No change to original proposal

This is a special school with an age range 11-19, which will continue to offer 90 places on the current site for pupils with profound and severe cognition and learning needs, and pupils with communication and interaction needs including autistic spectrum disorder. Further investment will be made to this provision.

The Bridge (KS3) Pupil Referral Unit (PRU)

No change to original proposal

It is proposed that The Bridge Key Stage 3 PRU continue to offer 30 school places, with capital investment to ensure it can offer a broad and balanced curriculum and deliver 21st Century provision.

St Chad's Catholic High School (Age range 11-18)

No change to original proposals

This is a proposal by the Dioceses of Shrewsbury and Chester, who are exploring the opportunity of setting up a shared faith Anglican/Roman Catholic Secondary School in Runcorn, based at St Chad's Catholic High School. It is proposed that it will be an 11-18 provision and that there will be 1200 places for 11 –16 year olds.

***Statutory Notice** – as part of the formal consultation a statutory notice is published which details the proposed changes, the timescales for response and who to respond to.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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