

HALTON BOROUGH COUNCIL



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

7th May 2009

**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 Friday, 15 May 2009 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. ELECTION OF MAYOR AND DEPUTY MAYOR

To be moved by Councillor Stan Parker
To be seconded by Councillor Eddie Jones

“That **Councillor Frank Fraser** be elected Mayor of the Borough for the Municipal Year 2009/10”.

To be moved by Councillor Paul Nolan
To be seconded by Councillor Shaun Osborne

“That **Councillor Marie Wright** be elected Deputy Mayor for the Borough for the Municipal Year 2009/10”.

2. APOLOGIES FOR ABSENCE

3. MINUTES

To approve as a correct record the minutes of the meeting of the Council held on 22nd April 2009 (enclosed).

4. THE MAYOR'S ANNOUNCEMENTS

5. DECLARATIONS OF INTERESTS

6. EXECUTIVE BOARD (SELECTION COMMITTEE) - 13 MAY 2009

To formally approve the following recommendations of the Executive Board (Selection Committee).

(NB: The Executive Board will be meeting on 13th May 2009 to consider these recommendations. Any amendments will be reported to Council).

a) Leader and Deputy Leader of the Council

To receive a recommendation from the Executive Board on the appointment of Leader and Deputy Leader for the 2009-10 Municipal Year.

b) Boards, Committee's, Appeal Panel and Working Party

To be moved by the Mayor and seconded by the Deputy Mayor –

“That the following Boards, Committee’s, Appeals Panel and Working Party be constituted with the Membership as shown for the Municipal year 2009/10”.

(NB Information regarding Membership will be circulated as soon as possible).

Corporate Services Policy and Performance Board	(11)
Employment, Learning and Skills Policy and Performance Board	(11)
Safer Halton Policy and Performance Board	(11)
Healthy Halton Policy and Performance Board	(11)
Urban Renewal Policy and Performance Board	(11)
Children and Young People Policy and Performance Board	(11)
Regulatory Committee	(11)
Development Control Committee	(11)
Business Efficiency Board	(11)
Standards Committee	(5)
Mayoral Committee	(5)
Appeals Panel	(20)
Local Development Framework Working Party	(15)

c) Appointment of Scrutiny Co-ordinator

To appoint a Scrutiny Co-ordinator for the forthcoming Municipal Year.

d) Annual Review of Constitution

The Executive Board considered the attached reports (also see enclosed disc).

To be moved and seconded by the Mayor and Deputy Mayor –

“That the Council’s Constitution be amended as proposed”.

7. EXECUTIVE BOARD PORTFOLIOS

The Leader will report on the portfolio holders on the Executive Board for the forthcoming year.

8. CIVIC SUNDAY

To note the arrangements for Civic Sunday as being 10.45am on Sunday 12th July 2009 at St. Bede’s Catholic Church, Appleton, Widnes.

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COUNCIL

At a meeting of the Council on Wednesday, 22 April 2009 in the Council Chamber, Runcorn Town Hall

Present: Councillors Austin, Balmer, Browne, Shepherd, Hodgkinson, P. Blackmore, S. Blackmore, Bryant, D. Cargill, E. Cargill, Dennett, Edge, Findon, Fraser, Gerrard, Gilligan, Harris, Higginson, Hignett, Howard, Jones, Lloyd Jones, A. Lowe, J. Lowe, McDermott, McInerney, Morley, Murray, Nelson, Norddahl, Osborne, Parker, Philbin, Polhill, Rowan, Rowe, Stockton, Swain, Thompson, Wainwright, Wallace, Wharton and Worrall

Apologies for Absence: Councillors Loftus, M. Bradshaw, J. Bradshaw, Drakeley, Horabin, D. Inch, Leadbetter, Nolan, M. Ratcliffe, Redhead, Swift and Wright

Absence declared on Council business:

Officers present: T. Gerrard, I. Leivesley, G. Meehan, D. Parr, M. Reaney, D. Tregoe, A. Williamson and J. Whittaker

Also in attendance: 6 members of public

Action

COU82 MINUTES

The Minutes of the Council meetings held on 11th February and 4th March 2009, having been printed and circulated were taken as read and signed as a correct record.

COU83 THE MAYOR'S ANNOUNCEMENTS

The Deputy Mayor made the following announcements:

- A plaque presented by the Lion's Club; and
- An award for the Diversity Peer Challenge March 2009 which was presented by the Improvement Agency and Development.

COU84 LEADER'S REPORT

The Leader reported on the following issues:-

- The Mersey Gateway Public Inquiry was now set for 19th May 2009. It was confirmed that Warrington Borough Council had resolved a call in matter and remained fully supportive of the Mersey Gateway. The Leader reiterated the potential job creation and investment opportunities the Mersey Gateway would attract to the Borough
- The school plans had been sent to the Department for Children, Schools and Families (DCSF), which were for the Building Schools for the Future (BSF) programme, that would enable the Council to receive a £170 million investment. The Leader expressed appreciation of the work carried out by cross party working between Members, Head Teachers, governing bodies plus Gerald Meehan and Ann McIntyre;
- A St George's day marching parade would take place on Sunday 26th April and the Council would arrange for flags to be flown from appropriate buildings.

COU85 MINUTES OF THE EXECUTIVE BOARD

The Council considered the Minutes of the Executive Board from meetings held on 29th March, 12th February, 5th March, 19th March, 2nd April and 9th April 2009.

In receiving the minutes for the meeting held on 9th April 2009, the following amendment was agreed in relation to EXB147: on the first line delete the word "and", and replace with "at".

RESOLVED: That subject to the above amendment, the minutes be received.

COU86 MINUTES OF THE EXECUTIVE BOARD SUB COMMITTEE

The Council considered the minutes of the Executive Board Sub Committee from meetings held on 29th January, 12th February, 5th March, 19th March and 2nd April 2009.

In receiving the Minutes from 19th March 2009 it was noted that Councillor Wharton declared a personal interest in item ES106 due to being Treasurer of Hale Youth Centre, rather than Hale Village Hall.

In receiving the Minutes from the 2nd April 2009 clarification was sought in relation ES112 regarding the de-

linking issues as part of the public consultation. In response it was noted that the infrastructure and de-linking proposals were not confirmed as yet.

RESOLVED: That the minutes be received.

COU87 MINUTES OF 3MG EXECUTIVE SUB-BOARD

The Council considered the Minutes of the 3MG Executive Sub-Board from the 2nd April 2009.

RESOLVED: That the minutes be received.

COU88 MINUTES OF MERSEY GATEWAY EXECUTIVE BOARD

The Council considered the Minutes of the Mersey Gateway Executive Board from the 29th January and 19th March 2009.

RESOLVED: That the minutes be received.

COU89 QUESTIONS ASKED UNDER STANDING ORDER NO. 8

Councillor Murray asked the following question in accordance with Standing Order No. 8.

“In terms of the Gypsy and Travellers Site in Runcorn a decision made by the Executive Board Sub-Committee and affirmed by Full Council December 2008 following a “Call In” stated (Quote) *“That a charge of £11.00 per adult household be set initially for a period of six months and a further report be brought to the Sub-Committee to review income against costs in the light of operational experience”* (Un-quote)

Since this decision was made and the site has been operational it appears that financial expenditure has been greater than income with the result that the Site is not operating on a “cost neutral” basis as Officers projected but; is operating at a loss. The allegation of loss is based upon past Council financial forecasts on the sites projected income and expenditure levels and, observations that overall occupancy levels on the site are not reaching expected levels.

In light of clear indications that this site has greater financial expenditure than income; will the Chairman of the Executive Board Sub-Committee whose Sub-Committee initiated this decision as outlined adopt a proactive and sound business best practice approach and immediately –

rather than waiting for six months – call for this report to fully identify/address the sites financial failings and, in addition, develop a new financial business model for this Site that will ensure that its operational costs will not exceed its income thereby enabling it to operate on a cost neutral basis as was originally envisaged without detrimentally affecting existing Police Powers”.

In response Councillor Wharton advised the Council that “Councillors Murray and Findon met with the Chief Executive on Friday, 3rd April, 2009. The Chief Executive reiterated the position as determined by Council at was meeting in December, 2008 - when Council reaffirmed the decision of the Executive Board Sub of the 16th October 2008

At this meeting the Chief Executive also provided information to Councillor Murray and Councillor Findon advising the Traveller Transit Site had not been fully occupied since its opening.

Further, the Chief Executive advised that any scrutiny or determination of whether the site was delivering value for money would be premature, at the present time, as all relevant information was not yet available.

The Chief Executive reminded Councillors Murray and Findon that the purpose of the site was to offer accommodation to Travellers in transit and/or camped illegally. To achieve this it must operate a vacancy rate and this was always envisaged from the outset. (see – paragraph 3.3 of the report of the 16th October 2008 to Executive Board Sub Committee)

Further there was no reference in the report of the 16th October 2008 to the site being cost neutral as was suggested by Cllr Murray in his question.

The Transit Site had provided accommodation for Travellers in transit as the occupancy rate figures provided demonstrates.

The Chief Executive further advised Councillors Murray and Findon that since the opening of the site the Police had also had cause to remove two illegal encampments from the Borough. This would not have been possible had the Transit Site been fully occupied.

Having regard to previous experience, significant financial savings would be achieved and additional costs

avoided as a result of the Police action - which I reiterate was only possible due to the availability of the Transit Site. (paragraph 5.1 of the report of the 16th October 2008 estimated such saving over a 12 month period as in the region of £117.000).

Councillors Murray and Findon declared themselves satisfied with the information provided by the Chief Executive at the meeting.

Subsequent to this meeting Councillor Murray made a further specific request in writing on Friday 17th April to the Chief Executive for written information about site occupancy,

Information on occupancy was provided to Councillor Murray by e-mail by the Chief Executive on Monday 20th April - this information showed occupancy was steadily increasing as Travellers become more aware of the availability of the Transit Site. At present occupancy had increased even further to 70%.

There were very sensible reasons why 6 months was considered by Council to be a reasonable period for the review of the Transit Site. Any intervention before this time runs the risk of any review being based on incomplete information thereby providing an incomplete, distorted, inaccurate and prejudiced picture of the site operation.

It would be foolhardy and completely inappropriate for any member to seek to force a review or comment on the use of the Transit Site until the 6 months period comes to an end. Unless of course they have some other motive for their intervention!

I am aware that Councillor Murray continues to press officers and take up valuable officer time seeking more and more information, in a format he has determined. Information had been provided to Cllr. Murray in the form it was held by officers.

I would strongly urge Councillor Murray to exercise great caution in how he interprets and/or uses this information. This is a sensitive and complex matter and requires great care and diplomacy in its handling.

I can confirm the Urban Renewal PPB will receive the promised review at its meeting on 16th June – exactly 6 months to the day from the Council meeting requesting such a review”.

COU90 TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2009/10 - EXECUTIVE BOARD 12TH FEBRUARY 2009 (MINUTE NO. EXB104 REFERS)

The Executive Board had considered a report to propose the Treasury Management Strategy for 2009/10 of which was appended to the report which detailed the following:

- treasury management limits for 2009/10-2011-12;
- current portfolio position;
- borrowing requirement;
- prospect for interest rates;
- capital borrowings and the borrowing portfolio strategy;
- annual investment strategy;
- debt re-scheduling;
- minimum revenue provision;
- prudential indicators;
- interest rate forecasts; and
- economic rate background.

It was noted that the production and adoption, of the Treasury Management Strategy, by Council was a requirement of the CIPFA Code of Practice on Strategy Management.

RESOLVED: That

- 1) the Council adopt the policies and statements outlined in the Treasury Management Strategy; and
- 2) delegated authority be given to the Operational Director Financial Services to set the Minimum Revenue Provision repayment periods.

COU91 TRANSPORT IMPLEMENTATION CAPITAL PROGRAMME 2009/10 - EXECUTIVE BOARD 19TH MARCH 2009 (MINUTE NO. EXB121 REFERS) - KEY DECISION

The Executive Board had considered a report of the Strategic Director – Environment, which sought approval to: i) the inclusion of the 2009/10 Transport Capital Implementation Programme into the Council's 2009/10 Capital Programme; and ii), the carry over of £1,6088,01010 of the 2008/09 LTP Maintenance Block Borrowing Approval to 2009/10.

It was confirmed that funding would be available for improvements to be made for road re-surfacing in terms of

pot-holes etc.

Reason For Decision

The decision is required to include the 2009/10 Transport Capital Implementation Programme into the Council's 2009/10 Capital Programme and thereby enable the identified works to be undertaken.

Alternative Options Considered and Rejected

There are no appropriate alternative options to the proposed course of action.

Implementation Date

The 2009/10 Transport Capital Implementation Programme will commence during April 2009.

RESOLVED: That the Council approve the following:

- 1) The incorporation of the Transport Implementation Programme for 2009/10, (shown in Appendix A), in the sum of £ 10,840,200, into the Council's 2009/10 Capital Programme;
- 2) The carrying forward of £1,608,000 of the Local Transport Plan's Highways Maintenance Borrowing Power approvals for 2008/09 into 2009/10, to facilitate a re-profiling of works associated with the Primary Route Network Bridge Strengthening and Maintenance allocation; and
- 3) The authority agree the detail of the programmes of work for: Primary Route Network Bridge Strengthening and Maintenance; Adoptions; Flood Defence; and Street Lighting, for the periods 2009/10 and 2010/11, be delegated to the Strategic Director, Environment, in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal.

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

COU92 HEALTH AND COMMUNITY CAPITAL PROGRAMME - EXECUTIVE BOARD 2ND APRIL 2009 (MIINUTE NO.

EXB138 REFERS)

The Executive Board had considered a report of the Strategic Director – Health and Community regarding the likely provisional carry forward to 2009/10 and which sought approval for the draft 2009/10 capital programme.

The report outlined the provisional outturn for Health and Community's 2008/09 capital programme, the proposed draft capital programme for 2009/10 and the provisional carry forward to 2009/10. Detailed in the report were the 2009/10 allocations from grants for consideration.

It was noted that the carry forward figures were subject to variations and would not be finalised until year end, and that at the time of writing, there had been no formal announcement of the 2009/10 housing capital allocation, therefore an estimated figure had been used in order to get a budget approved in time for the new financial year.

RESOLVED: That the proposed capital programme for 2009/10, as set out in Appendix 1 of the report be approved.

COU93 PHASE 3 CHILDREN'S CENTRE CAPITAL - EXECUTIVE BOARD 9TH APRIL 2009 (MINUTE NO. EXB151 REFERS) - KEY DECISION

The Executive Board had considered a report of the Strategic Director – Children and Young People regarding the availability of Phase 3 capital funding for children's centres and proposed deployment of the resource to maximise access to children's centre services.

Reason for Decision

The Local Authority had been notified that it would receive capital funding to develop two further children's centres in the Borough. Subsequent advice received had indicated that the capital provision could be used to enhance existing stock if locally it was determined that further centres were not required.

Alternative Options Considered and Rejected

Consideration was given to developing further children's centres, however, following analysis of reach figures it was recognised that further centres were not necessary.

Implementation Date

This should be confirmed immediately with Together for Children. Work can then progress on developing the existing provisions at Windmill Hill Children's Centre and Upton All Saints Children's Centre and Primary School.

RESOLVED: That

- 1) Approval is given to the proposal to request that the Phase 3 capital funding is made available to Halton for the enhancement and maintenance of current children centre stock; and
- 2) Members note the positive developments at Windmill Hill Children's Centre and Primary school and approve a lease for up to 5 years to the Primary Care Trust to establish a temporary health facility on the school site.

COU94 ARRANGEMENTS FOR APPOINTMENT OF MAYOR, MAYORAL COMMITTEE 25 FEBRUARY 2009 (MINUTE NO. MYR1 REFERS)

The Mayoral Committee had considered a Part II report which made recommendations for the appointment of Mayor and Deputy Mayor for the 2009/10 Municipal Year as follows:

Mayor – Councillor Fraser
Deputy Mayor – Councillor Wright.

The Council noted these recommendations, which would be formally confirmed at the annually meeting. The Leader commended Councillor Loftus on her achievements as Mayor over the last year.

COU95 FLEXIBLE FRAMEWORK ON SUSTAINABLE PROCUREMENT, BUSINESS EFFICIENCY BOARD 25TH FEBRUARY 2009 (MINUTE NO. BEB19 REFERS)

The Business Efficiency Board considered a report of the Strategic Director – Corporate and Policy regarding the Flexible Framework on Sustainable Procurement.

The report outlined the Government's plans for introducing the "Flexible Framework on Sustainable Procurement", and to identify the actions that should be taken to ensure Halton was able to meet their expectations of the role expected of local authorities.

It was advised that the aim of the Framework was to ensure goods, services, works and utilities procured by the Council were designed, procured, used managed and disposed of in an environmentally and socially responsible way. Action would be needed to further embed sustainability into the Council's procurement processes.

It was reported that Sustainable Procurement was defined as – 'A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits, not only to the procuring organisation, but also to society and the economy, whilst minimising damage to the environment'.

RESOLVED: That

- 1) The Sustainable Procurement Policy be endorsed; and
- 2) The necessary actions be approved to enable Halton to meet the challenge of the Flexible framework in that:
 - i) sustainable Procurement Champions are identified at both Member and executive level;
 - ii) key procurement Officers are identified and trained at senior level to act as mentors to other procurement staff in their directorate; and
 - iii) progress on the Flexible Framework, be monitored by the Procurement and Commissioning Group and regular reports on progress be made to the Business Efficiency Board.

COU96 VILLAGE GREEN DESIGNATION - HALEBANK

The Council considered a report of the Strategic Director – Corporate and Policy regarding recommendations in relation to land at Halebank in its capacity as landowner, and its capacity as Village Green Registration Authority.

It was advised that there had been two applications for Village Green status for the same plot of Council-owned land in Halebank. The Leader outlined the progress made to date. It was noted that the second application had not been the subject of a public inquiry nor was there any express legal requirement to hold a further inquiry to examine the second application.

It was confirmed that this matter could not be deferred as Council was being pressed for a decision by the applicant.

RESOLVED: That

- 1) the land shown marked by a red outline be dedicated by the Council as Village Green in its capacity as landowner;
- 2) the Strategic Director Corporate and Policy and the Operational Director and Monitoring Officer (Legal, Organisation Development & Human Resources) be authorised to take such actions as are necessary to give effect to the dedication of the land identified above as Village Green; and
- 3) the Operational Director and Monitoring Officer (Legal, Organisation Development & Human Resources) be authorised to write in the context of the Council's role as Village Green Registration Authority to the Applicant referring to the Council decision as set out in 2.1 and enquiring whether the Applicant would wish, in the interests of avoiding further public expenditure associated with a potential further public inquiry, to withdraw the current undetermined Application for Village Green status.

COU97 MINUTES OF POLICY AND PERFORMANCE BOARDS AND BUSINESS EFFICIENCY BOARD

The Council considered the reports on the work of the following Boards in the period since the meeting of Council on 11th February 2009:

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

In receiving the minutes, the Chairs, Deputy Chairs and all Councillors on the Boards were thanked for their work and assistance throughout the year.

COU98 COMMITTEE MINUTES

The Council considered the reports on the work of the

following Committees in the period since the meeting of the Council on 11th February 2009:

Development Control;
Standards; and
Regulatory

In receiving the minutes the Chairmen thanked Members and officers for their work throughout the year.

Meeting ended at 7.50 p.m.

REPORT TO: Executive Board

DATE: 2 April 2009

REPORTING OFFICER: Strategic Director - Corporate and Policy

SUBJECT: Annual Review of Constitution: 2009

1.0 PURPOSE OF REPORT

1.1 The purpose of the report is to seek the approval of the Council to a number of changes to the Constitution.

2.0 RECOMMENDATION:

2.1 That Council be recommended to approve the changes to the Constitution as set out in the amended version enclosed herewith.

3.0 BACKGROUND

3.1 A revised version of the Constitution is enclosed (see disc) for Members' consideration. The revised version picks up the changes to the Council's working arrangements that have taken place during the year, as well as other changes which are intended to assist the Council to operate more effectively.

3.2 The proposals for change have been considered by the Chief Executive and the Executive Board Member for Corporate Services in accordance with Article 16.02. Apart from the purely technical changes, the proposed amendments that are considered to be of particular significance are listed in Appendix 1 to this report.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

4.1 As with the 2008 review the implications of the Local Government and Improvement in Health Act 2007 have been considered as well as other changes in the law. However, no further amendments, over and above those already outlined in the revised version circulated, are required at the present time. Sections of the 2007 Act have still to come into force but we have no firm dates for those changes being introduced. Required changes during the period 2009/10 will be the subject of further reports when dates and details are available.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton.

5.2 Employment, Learning and Skills in Halton.

5.3 A Healthy Halton.

5.4 A Safer Halton.

5.5 Halton's Urban Renewal.

All of the Council's priorities will be better served by the proposed changes. They are designed to enhance economy, efficiency and effectiveness of the Council's functions.

6.0 RISK ANALYSIS

6.1 The Council needs to ensure that its Constitution is regularly updated so that it continues to support efficient, transparent and accountable decision-making by the authority.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

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

None under the meaning of the Act.

Appendix 1 – Proposed Significant Changes to the Constitution

CHANGES

Local Code of Corporate Governance

National Standard document which Council needs to adopt. Further enhances the Council's integrity framework.

Warrington BC Trading Standards arrangements

Delegated powers changes to reflect joint working with Warrington BC

Mental Health functions – officer delegation

A separate report seeking additional officer delegations in relation to the council's Mental Health functions. To the extent approved by Council these will be added to the final printed version of the 2009 Constitution.

Urgent Decisions

It is important that the Council is able to respond promptly within an accountable framework. For this reason an urgent measures delegation is proposed for approval in the Scheme of Delegation.

Procurement Standing Orders

Improvements have also been proposed to the Procurement Standing Orders to ensure that the reasons for decisions are documented. This will enhance accountability and transparency.

Call-In

Changes have also been made to the Call-In Procedure to allow withdrawal where Members initiating the Call-In wish to discontinue the process.

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