

COUNCIL

At a meeting of the Council on Wednesday, 16 December 2009 in the Council Chamber, Runcorn Town Hall

Present: Councillors Loftus, Austin, Balmer, M. Bradshaw, Browne, Shepherd, Hodgkinson, P. Blackmore, J. Bradshaw, Bryant, D. Cargill, E. Cargill, Dennett, Edge, Findon, Fraser, Gilligan, Harris, Higginson, Hignett, Horabin, Howard, D. Inch, Jones, Leadbetter, Lloyd Jones, McDermott, McInerney, Morley, Murray, Nelson, Norddahl, Osborne, Parker, Philbin, Polhill, Redhead, Rowan, Stockton, Swain, Swift, Thompson, Wainwright, Wallace, Wharton, Worrall and Wright

Apologies for Absence: Councillors Drakeley, Gerrard, A. Lowe, J. Lowe, Nolan, E. Ratcliffe, M. Ratcliffe and Rowe

Absence declared on Council business: None

Officers present: D. Johnson, D. Parr, G. Meehan, M. Reaney, D. Tregea and L. Derbyshire

Also in attendance: None

Action

COU48 COUNCILLOR MRS SUE BLACKMORE

The Mayor reported on the sad passing of Councillor Mrs Sue Blackmore. He expressed the Council's deepest sympathy at this time. He took the opportunity to pay tribute to Councillor Blackmore and in particular her dedication to representing the community as a Mersey Ward Councillor, and her role of Scrutiny Co-ordinator.

The funeral would take place on Friday, 18 December 2009, at 1.30 pm in Walton Lea Crematorium. The Civic reception to commemorate Councillor Blackmore's life would commence at 2.30 pm in the Stobart Stadium, Widnes. All Members and officers were invited to attend.

The Council stood in silence as a mark of respect.

COU49 COUNCIL MINUTES

The minutes of the Council meeting held on 21 October 2009, having been printed and circulated, were taken as read and signed as a correct record.

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

COU50 THE MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements:-

- School Medals – Mr Kenneth Griffiths – presented his fathers school awards which had been given to him by Liverpool School Board. He requested that Halton Borough Council keep them with other awards that had been received for good attendance at schools in Widnes from 1892;
- Bronze Plaque – Presented to the Mayor Councillor Frank Fraser and delegation from Halton on their visit to Tongling. The plaque was engraved as follows: “Tongling City total solar eclipse observes the grand ceremony souvenir 22/7/2009”; and
- Acrylic Stand – Presented by the Rugby League to Halton Borough Council for the appreciation of the support for the England Community Lions Under 18's Vs Australian Institute of Sport.

COU51 LEADER'S REPORT

The Leader reported on the following issues:-

- CAA - The Comprehensive Area Assessment had been published last week on the Oneplace website. It was a good report and the overall verdict was one of a good Council improving well. The Audit Commission's accompanying report also highlighted that Halton Borough Council and the Fire & Rescue services had performed well.

It was reported that the new assessment represented a snap shot of Halton. There were areas where the Council had been marked down - mainly concerning health i.e. mortality rates. However, it was highlighted that the Council had marginal influence in these areas. Teenage pregnancies had also been highlighted as a problem, but this had improved since the assessment had taken place. It was emphasised that the assessment did not recognise the excellent achievements that were taking place in the Borough such as the improvements in GCSE results, the reduction in young people in NEETS (Not in

education, employment and training), the outstanding Youth Offending Service, My Place, Playbuilder and that £167m had been secured for the Building Schools for the Future Programme;

- Mersey Gateway – The Authority was still awaiting the Inspector's report on the public Inquiry, which was unfortunately late. Nevertheless, preparation was continuing for delivering the project on the assumption of a favourable verdict;
- Budget Planning – The Government had announced their pre-budget plans last week. There was very little information on how the spending cuts would impact on Halton Borough Council. However, if education, health and the Police were to be ring fenced then there was likely to be an even heavier burden on the remainder of local authority spending. It was highlighted that the Authority's preparations for 2010/11 were well underway. The Executive Board and Policy and Performance Board Chairs had also undertaken a workshop on the subject and the Budget Working Group would be bringing this year's work to a conclusion very soon. There would be a series of meetings in January and February prior to the publication of the recommended budget in mid February and the budget setting Council meeting in March;
- The Efficiency Review – The savings from the efficiency review would feed into the budget process. This had reached the stage where staff had been sent letters telling them of procedures in the New Year, which should result in the process being accomplished by the end of March 2010. The overall aim was to ensure that there was a job in the Council for those employees who wanted to stay; and
- Other Issues for discussion included:
 - Building Schools for the Future - particularly plans for Halton High;
 - 16-19 Collegiate Plans;
 - Magistrates' Court;
 - Audit Letter; and
 - Village Green.

The Council considered the Minutes of the Executive Board meetings held on 15 October 2009, 5 November 2009, 19 November 2009 and 3 December 2009.

In receiving the Minutes, in respect of EXB68 – The redesign of day services for people with physical and sensory disabilities and older people with additional needs it was noted that the Authority had given consideration to buildings and the issues surrounding compliance with the Disability Discrimination Act.

RESOLVED: That the Minutes be received.

COU53 MINUTES OF THE EXECUTIVE BOARD SUB COMMITTEE

The Council considered the Minutes of the Executive Sub-Board Committee meetings held on 15 October 2009, 5 November 2009, 19 November 2009 and 3 December 2009.

RESOLVED: That the Minutes be received

COU54 MINUTES OF THE MERSEY GATEWAY EXECUTIVE BOARD

The Council considered the Minutes of the Mersey Gateway Executive Board meeting held on 19 November 2009.

RESOLVED: That the Minutes be received

COU55 MINUTES OF THE 3MG EXECUTIVE SUB BOARD

The Council considered the Minutes of the 3MG Executive Board meeting held on 15 October 2009.

RESOLVED: That the Minutes be received

COU56 QUESTIONS ASKED UNDER STANDING ORDER 8

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

COU57 AMENDMENT TO CAPITAL PROGRAMME TO REFLECT GROWTH FUND CAPITAL AWARD (MINUTE NO: EXB48 REFERS)

The Executive Board received a report of the Strategic Director, Environment, on the Amendment to the Capital Programme to reflect the Growth Fund Capital Award.

The Growth Point Status had been awarded jointly with Halton, St Helens and Warrington in July 2008 by the Department for Communities and Local Government (DCLG). Halton, acting as the “responsible authority”, led on the formation of a Growth Point Partnership Board and on the production and submission of bids for funding from the Community Infrastructure Fund (CIF2) and the Growth Fund.

The report outlined the initial priorities for capital funding during 2009/10 which included Affordable Housing Subsidy and General Capital Improvement Fund projects.

RESOLVED: That

- (1) the funding allocation from the DCLG’s Growth Fund be noted; and
- (2) the Capital Programme be amended to reflect the Growth Fund award and facilitate Halton’s position as the ‘Responsible Authority’ for the Growth Point Partnership.

COU58 REVIEW OF SPATIAL STRATEGY (MINUTE NO: EXB49 REFERS)

The Executive Board considered a report of the Strategic Director, Environment, on the Regional Spatial Strategy Partial Review Consultation Response.

4NW (formerly the North West Regional Assembly) had been tasked to prepare, monitor and review the Regional Spatial Strategy (RSS) in partnership with others. The RSS was a regional plan that had to be taken into account when decisions were made about planning applications. It provided a spatial framework for development in the region and for other regional strategies and promoted sustainable development in the North West.

A partial review of the RSS was underway, due to the need to complete unfinished policy work within the RSS in response to recommendations of the RSS Examination in Public Panel. The Partial Review covered three key subject areas:

- New Draft Policy L6 – Gypsies and Travellers
- New Draft Policy L7 – Travelling Show People
- Revised Policy RT2 – Car Parking Standards

and consultation was open until 19 October 2009.

Draft Policy L6 specifically dealt with the scale and distribution of Gypsy and Traveller pitch provision across the North West Region. The policy made a distinction between permanent and transit pitches. In Halton, an additional 45 permanent and 5 transit pitches would be required by 2016; however ten new transit pitches recently provided at the Warrington Road site would meet and exceed the allocated apportionment under the draft policy.

Draft Policy L7 dealt with accommodation for Travelling Show People. At the present time, Members were advised that there was no provision or demand from these communities in Halton and the draft policy target figure did not require any future provision to be made.

Draft Policy RT2 dealt with the revision of an existing RSS policy and as such there was only an opportunity to comment on the specific minor revisions rather than the policy as a whole.

In response to a question relating to accessibility and car parking charges at railway stations, it was noted that the Chief Executive was in discussions with Network/Virgin Rail to address these issues.

RESOLVED: That:

- (1) the content of the report as the formal response to the consultation on the North West Plan Partial Review be agreed;
- (2) the Council strongly objects to the proposals in draft policy L6 for Halton to provide 45 additional pitches for Gypsies and Travellers by 2016, rising to 58 by 2021;
- (3) the draft policy L7 detailing the Scale and Distribution of Travelling Show People Plot Provision be supported; and
- (4) the principles of the proposed revisions to Regional Parking Standards (Policy RT2) and suggests some minor amendments to the draft text in the interests of policy clarity be supported.

COU59 GAMBLING ACT 2005 POLICY STATEMENT OF GAMBLING POLICY (MINUTE NO: EXB57 REFERS)

The Executive Board received a report which set out the Gambling Act 2005 Statement of Gambling Policy.

Under Section 349 of the Gambling Act 2005, the Council were required to adopt a three-year licensing policy. At its meeting on 9 September 2009, the Board approved a draft Statement of Gambling Policy for consultation. A public consultation exercise was undertaken and one response received from the British Beer and Pub Association. Details of the response were attached to the report at Appendix 1.

RESOLVED: That the Statement of Gambling Policy as attached to the report be adopted.

COU60 DETERMINATION OF COUNCIL TAX BASE - KEY DECISION (MINUTE NO: EXB63 REFERS)

The Executive Board considered a report of the Strategic Director, Corporate and Policy regarding the "Tax Base" for the area and the tax base for each of the Parishes. It was noted that the Council was required to notify the figure to the Cheshire Fire Authority, the Cheshire Police Authority and the Environment Agency by 31st January 2010. In addition, the Council was required to calculate and advise, if requested, the Parish Councils of their relevant tax bases.

The Tax Base was the measure used for calculating the council tax and was 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. It was arrived at in accordance with a prescribed formula representing the estimated full year number of chargeable dwellings in the Borough expressed in terms of the equivalent of Band "D" dwellings. Taking account of all the relevant information and applying a 99% collection rate, the calculation for 2010/11 gave a tax base figure of 38,200 for the Borough as a whole.

RESOLVED: That

- (1) the 2010/11 Council Tax Base be set at 38,200 for the Borough, and that the Cheshire Fire Authority, the Cheshire Police Authority, and the Environment Agency be so notified; and
- (2) the Council Tax Base for each of the Parishes be set as follows:

Parish	Tax Base
Hale	729
Halebank	594
Daresbury	142
Moore	343
Preston Brook	352
Sandymoor	938

COU61 PROPOSED CLOSURE OF WIDNES MAGISTRATES COURT - RESULTS OF CONSULTATION (MINUTE NO: EXB64)

The Executive Board considered a report of the Chief Executive which contained a summary of responses received following the consultation exercise on the proposed closure of Widnes Magistrates Court.

The Ministry of Justice had consulted the Borough Council on their proposals to close Widnes Magistrates Court. The period of formal consultation would end on 5 January 2010. At its meeting on 15 October 2009, Executive Board resolved the following:

- The Consultation Document be sent to all Council Members and relevant external partners inviting comments or views on the proposal by 30 November 2009;
- The Chief Executive be asked to present a Report to the Executive Board in December 2009 with a summary of comments and a recommendation for the Council's response to the Ministry of Justice; and
- The Chief Executive be requested to meet with the Court Service to discuss the proposal and the possible future use of the building.

The Leader and Chief Executive had met with the Court Service Staff on 10 November 2009; they expressed the view that, should the proposal to close take effect, they would wish to see the site utilised for the benefit of the Community.

RESOLVED: That the Chief Executive, in consultation with the Portfolio Holder for Corporate Services be authorised to finalise and despatch the Council's response to the consultation.

(NB Councillors Morley, Wainwright, Wharton, Philbin and Wallace declared a Personal and Prejudicial Interest in the following item of business relating to EXB65 due to being Members of Halton Transport Board and left the room during consideration of this item; and

Councillor Worrall declared a Personal and Prejudicial Interest in the following item of business as a Director of Halton Transport Board and left the room during consideration of this item).

COU62 CHANGES TO THE CONSTITUTION (MINUTE NO: EXB65 REFERS)

The Executive Board considered a report of the Strategic Director, Corporate and Policy, on proposed changes to the constitution in respect of the exercise of powers in relation to Halton Transport.

Under the Council's constitution all matters relating to Halton Transport were reserved to the Council, and the exercise of voting rights as a major shareholder was delegated to the Chief Executive.

Halton Transport wanted to make a fuel hedging arrangement for which the bank required a guarantee from the Council. Under the Constitution, this decision would be reserved to Council, and given the calendar of meetings, any delay in such a decision could result in a financial loss to Halton Transport.

The proposed change in wording was as follows:

"To exercise voting rights on behalf of the Council where the Council is the shareholder of a company and to take action up to £250,000 which may be considered appropriate from time to time."

RESOLVED: That the Constitution, be amended to reflect the change of wording as set out above.

COU63 CORPORATE PLAN MID- TERM REVIEW (MINUTE NO: EXB66 REFERS)

The Executive Board considered a report of the Strategic Director, Corporate and Policy on the Council's Corporate Plan mid-term review.

The purpose of the Corporate Plan was to outline key actions that the Council would undertake during the five year period 2006 to 2011. It also contributed to the Borough's

Sustainable Community Strategy (SCS) and Local Area Agreement outcomes.

As implementation of the Plan was half way through the five year period, it would be appropriate to consider and reflect on changes that had taken place since the Plan had been written in 2006.

The principle amendments to the Plan were outlined in the report and included

- The need to reflect the updated shared partnership vision, priorities, objectives and targets adopted in July 2009 as part of the mid term review of the Sustainable Community Strategy; and
- How the Council would contribute to achieving these shared priorities and objectives.

RESOLVED: That

- (1) the Corporate Plan mid-term review be noted; and
- (2) the mid term review of the Corporate Plan be approved.

COU64 VILLAGE GREEN APPLICATION

The Council considered a report of the Strategic Director, Corporate and Policy which provided background to the determination of the application made under the Commons Act 2006 by Florence Hurley that land at Halebank be designated village green.

RESOLVED: That in respect of the Second Application made under the Commons Act 2006 by Mrs. Florence Hurley that land at Halebank be designated village green, the statutory advertisement now be placed and a further report be brought to Council following the period allowed for objections, and any comments which may be made by the Applicant on any objections received.

COU65 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 the Council on 21 October 2009:-

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

In receiving the minutes of the Healthy Halton Policy and Performance Board a concern was expressed in respect of HEA32 – Stroke Strategy regarding the thrombolysis for stroke service only being available 9 am – 5 pm Monday to Friday and that there were no plans for an Acute Stroke Unit in Halton. It was reported that a written response would be provided to Councillor Norddahl.

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

(NB The Councillors shown below declared a Personal Interest in the following item of business relating to DEV41 09/00320/HBCFUL of the Development Control Committee meeting held on 12 October 2009 due to being governors of the schools described:-

Councillors Harris and Wainwright – All Saints School; and Councillor Norddahl – Halton Lea School.

COU66 COMMITTEE MINUTES

The Council considered the reports on the works of the following Committees in the period since the meeting of the Council on 21 October 2009:-

Development Control
Standards
Regulatory.

COU67 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Council considered:-

- (1) whether members of the press and public should be excluded from the meeting of the Council during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely

Strategic Director,
Health and
Community

that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and

- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

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

(NB Councillors Polhill and McDermott declared a Personal and Prejudicial Interest in the following item of business as a Director and a Member of Widnes Regeneration Ltd and left the room during consideration of this item).

COU68 THE HIVE VENTURE FIELDS, WIDNES

The Council considered a report of the Chief Executive which facilitated the development in the current economic climate of a multi-use family leisure facility to be known as The Hive at Venture Field, Widnes.

RESOLVED: That the Council:-

- (1) agree to acquire The Hive Leisure Development Venture Fields Widnes on completion of the development, on the terms set out in the report;
- (2) authorise Prudential Borrowing in the sum of not more than £5 million pounds to facilitate the acquisition of The Hive Leisure Development Venture Fields Widnes on completion of the development, on the terms set out in this report and amend the capital programme accordingly;

Chief Executive

and

- (3) the Council's land holding at Venture Fields is made available to facilitate The Hive development, on the terms set out in the report.

Meeting ended at 7.40 p.m.