

**HALTON BOROUGH COUNCIL**



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

*13 May 2010*

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

*You are hereby summoned to attend the Annual Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Friday, 21 May 2010 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'.

*Chief Executive*

## **-AGENDA-**

### **1. ELECTION OF MAYOR AND DEPUTY MAYOR**

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

“That **Councillor Marie Wright** be elected Mayor of the Borough for the Municipal Year 2010/2011.”

To be moved by Councillor Peter Murray  
and seconded by Councillor Peter Browne

“That **Councillor David Findon** be elected Deputy Mayor of the Borough for the Municipal Year 2010/2011”

### **2. APOLOGIES FOR ABSENCE**

### **3. MINUTES**

To approve as a correct record the minutes of the meeting of the Council held on 21 April 2010 (enclosed).

### **4. THE MAYOR'S ANNOUNCEMENTS**

### **5. DECLARATIONS OF INTEREST**

### **6. BOROUGH COUNCIL ELECTION RESULTS 6 MAY 2010**

To submit for information the election returns (see attached).

### **7. EXECUTIVE BOARD (SELECTION COMMITTEE) 18 MAY 2010**

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

(NB The Executive Board will be meeting on 18 May 2010 to consider these recommendations. Any amendments will be reported to Council.)

- a) Leader and Deputy Leader of the Council

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

“That

- (1) Councillor R Polhill be appointed Leader of the Council for the Municipal Year 2010/2011; and
- (2) Councillor M Wharton be appointed Deputy Leader of the Council for the Municipal Year 2010/2011.”

b) Boards, Committees, Appeal Panel and Working Party

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

“That the following Boards, Committees, Appeals Panel and Working Party be constituted with the membership as shown for the Municipal Year 2010/2011.”

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

**Children and Young People Policy and Performance Board (11)**

**Corporate Services Policy and Performance Board (11)**

**Employment, Learning and Skills Policy and Performance Board (11)**

**Healthy Halton Policy and Performance Board (11)**

**Safer Halton Policy and Performance Board (11)**

**Urban Renewal Policy and Performance Board (11)**

**Business Efficiency Board (11)**

**Regulatory Committee (11)**

**Development Control Committee (11)**

**Appeals Panel (20)**

**Appointments Committee (6)**

**Mayoral Committee (5)**

**Standards Committee (5)**

**Local Development Framework Working Party (15)**

c) Appointment of Scrutiny Co-ordinator

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

d) Appointment of a Police Authority Representative to the Safer Halton Policy and Performance Board

To appoint Mr Bob Hodson as the Police Authority representative to the Safer Halton Policy and Performance Board for the forthcoming Municipal Year.

e) Membership of the Standards Committee

To confirm the selection of independent members to the Standards Committee.

f) Annual Review of Constitution 2010

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

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

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

## **8. EXECUTIVE BOARD PORTFOLIOS**

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

## **9. CIVIC SUNDAY**

To note the arrangements for Civic Sunday as being 11.15 am on Sunday, 11 July 2010 at St Basil’s and All Saints Church, Hough Green Road, Widnes WA8 4SZ

**COUNCIL**

*At a meeting of the Council on Wednesday, 21 April 2010 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Loftus, Austin, Balmer, M. Bradshaw, Browne, Hodgkinson, J. Bradshaw, Bryant, D. Cargill, E. Cargill, Dennett, Drakeley, Edge, Findon, Fraser, Gerrard, Gilligan, Harris, Higginson, Hignett, Horabin, Howard, D. Inch, Jones, Lloyd Jones, A. Lowe, J. Lowe, McDermott, McInerney, Morley, Murray, Nelson, Nolan, Norddahl, Osborne, Parker, Philbin, Polhill, E. Ratcliffe, M. Ratcliffe, Rowan, Rowe, Swain, Swift, Thompson, Wainwright, Wallace, Wharton, Worrall and Wright

Apologies for Absence: Councillors Shepherd, P. Blackmore, Leadbetter, Redhead and Stockton

Absence declared on Council business: None

Officers present: D. Parr, M. Reaney, D. Johnson, I. Leivesley, G. Meehan, D. Tregea and A. Scott

Also in attendance: Six members of the public

*Action***COU88 COUNCIL MINUTES**

The minutes of the Council meetings held on 10 February 2010 and 3 March 2010, having been printed and circulated, were taken as read and signed as a correct record.

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

**COU89 THE MAYOR'S ANNOUNCEMENTS**

The Mayor made the following announcements:-

The Mayor had been presented with a Last Day Cover 'A Brief History of Widnes 1892-1974', by Mr D Sutton, to mark the occasion of Councillor Fraser retiring as Mayor.

**COU90 LEADER'S REPORT**

The Leader reported on the following issues:-

- 16-19 Education- Following the abolition of the Learning and Skills Council, the statutory duty and powers to provide Post-16 education and training had transferred to the local authority from 1 April 2010;
- Locality Working- Executive Board had agreed the recommendations to roll out locality working across the Borough based on the current Area Forum geography and with greater links to partner organisations;
- School Admission Arrangements 2010 – The majority of places had been allocated within the prescribed timescales, with approximately 12 cases outstanding;
- Alcohol Abuse – Consideration had been given to the introduction of a bye-law on the minimum price of alcohol, to try to combat the effects of excessive alcohol consumption in the Borough.
- New Blue Badge Scheme – The new scheme provided more clarity of the regulations;
- Playbuilder's Scheme- Thirteen play areas had been delivered over the first two years of the scheme. In the third year, a further nine sites were planned to be completed by 31 March 2011;
- Annual Report – The Year Ahead 2010 and Beyond- A copy of the Annual Report was circulated to all Members. The report sets out the challenges, uncertainties and opportunities during the next 12 months. The Chief Executive will formally present the report at the July meeting of full Council.
- Loose Music Studio –Their premises in the Queen's Hall Studio opened recently. This was a particular achievement for Jaki Florek who had initiated the project.
- Canal Boat Adventure Project – There had been recent TV coverage of the project.

*(The Councillors listed below declared a Personal Interest in the item of business contained within minute EXB 97- Executive Board 4 March 2010:-*

*Councillor Harris - Governor of All Saints (Upton) Primary School;Councillor Inch – had received funding for ICT equipment in her capacity as a registered child minder).*

## COU91 MINUTES OF THE EXECUTIVE BOARD

The Council considered the Minutes of the Executive Board from meetings held on 11 February 2010, 4 March 2010 and 8 April 2010.

RESOLVED: That the Minutes be received.

COU92 MINUTES OF THE EXECUTIVE BOARD SUB COMMITTEE

The Council considered the Minutes of the Executive Board Sub-Committee from meetings held on 11 February 2010, 4 March 2010 18 March 2010 and 1 April 2010.

RESOLVED: That the Minutes be received.

COU93 QUESTIONS ASKED UNDER STANDING ORDER 8

The following questions had been submitted under Standing Order

No. 8 from Councillor Colin Rowan to Councillor Tony Mc Dermott:-

1) On the 21<sup>st</sup> of December 2007 Councillor Phil Harris said, (Quote)... ***“Halton Borough Council has already made it clear that it does not support the construction of an Incinerator or a Waste Treatment Plant on land at Ditton Sidings etc “.***

Can Councillor Mc Dermott state quite categorically if, on the 21<sup>st</sup> of December 2007 when this comment was made by Councillor Harris, it 100% accurately reflected the position of both the Labour Group and the Council?

Can Councillor Mc Dermott also state quite categorically what the current position of both the Labour Party and the Council is now with regard to a proposed incinerator and/or Waste Treatment Plant on this Site?

**Reply:-**

Councillor McDermott advised that the same request had been put to Councillor Harris, Portfolio holder for Environment, Leisure and Sport, on 12 March 2010. A reply was sent on 16 March 2010 and he confirmed that there was nothing else to add to that reply at this stage.

2) On the 21<sup>st</sup> of December 2007, Mark Smith a Reporter from the “Weekly News” asked the Council’s Press Office what Halton Council thought about the resignation of a Merseyside Councillor who held a post associated with the Merseyside Waste Disposal Authority (MWDA) who accused the MWDA of “secretive” decision making and the fact information was being withheld from Halton Borough Council and its representatives at MWDA.

These are serious allegations that require investigation.

Can Councillor Mc Dermott please confirm if a request to the MWDA by Halton Council for an investigation was made and, if so, when this request was made and by whom. Can he also state where the documentation can be found that would corroborate such a request if appropriate?

If no request for an investigation was made by Halton Council can Councillor Mc Dermott please state the reason(s) why this request was not forthcoming bearing in mind the potential detrimental implications for the Council and residents if the allegation had validity?

Finally was there any investigation carried out as a result of a MWDA internal enquiry or a request by anyone else. If so what were the conclusions and, where can documentation be found that details this process?

**Reply:-**

Councillor McDermott reminded Members that Halton Borough Council had observer status on MWDA, that the Council was given access to all relevant documentation and had no complaints about MWDA's conduct. Therefore, there was nothing to add to the reply that had been made on the matter in 2007.

3) At the February 10<sup>th</sup> 2010 Council Meeting you attempted to re-assure Councillors and the Public that the public consultation process to be carried out over the Merseyside Joint Waste Development Plan Document – Preferred Options Report would be brought back to the Council for approval.

On that basis can I ask for clarification on the following points.

Will the decision over this matter be first decided at the Executive prior to any Council Meeting otherwise how can Councillors challenge a decision they may be unhappy with via a "Call In"?

Is it not correct that if a Planning Application were to be made for an Incinerator or Waste Treatment Plant on Ditton Sidings prior to and/or during the Public Consultation process the Council would be unable to defer this and, if the Development Control Committee were to vote in favour of



any such application, this would in effect mean that a decision by a Council body would be imposed upon all Councillors and the Public rendering their future views in all practical terms irrelevant particularly if they opposed the Planning Application?

Why has there been a delay in the commencement of the Public Consultation process and when can we expect this to start/end?

**Reply:-**

At the Council meeting on 10 February 2010, the Preferred Options report was discussed at length; Councillor McDermott had reassured the public in attendance and all Members present, that no decision had been made on any of the proposed locations and that the public consultation process would give everyone the opportunity to make their views known. Councillor McDermott had given assurances then that the report would come back to a future meeting of Council for approval, after the consultation stage had been completed. He confirmed that assurance again to all Members.

However, the consultation process had been delayed as all six greater Merseyside districts had agreed to postpone the start of consultation until after the forthcoming General Election.

Councillor McDermott advised that, should a planning application be submitted, this would be subject to the separate legal procedure for dealing with applications administered by the Development Control Committee.

**COU94 COMMISSIONING OF POST 16 PROVISION IN HALTON - KEY DECISION (MINUTE EXB 106 REFERS)**

The Executive Board received a report of the Strategic Director, Children and Young People which informed members of the abolition of the Learning and Skills Council (LSC) under the Apprenticeship Skills Children and Learning Bill (ACSL) and transfer of statutory duty and powers to Local Authorities from April 2010.

It was reported that on 1<sup>st</sup> April 2010, the LSC would be abolished and all functions previously carried out by the LSC with respect to 16 – 19 education and training would transfer either to local authorities or the Young People's Learning Agency (YPLA). A number of brand new duties and powers for local authorities would be created.

It was noted that local authorities would have the central commissioning role for all education and training for young people aged 16 – 19 and up to the age of 25 for those with learning difficulties, and for those people in youth custody aged 10 to 18.

Members were advised that the Strategic Director for Children and Young People had now assumed lead commissioning responsibility for Post 16 Education and Training in the Borough and sat on the Riverside College Board which was the major provider of post 16 education in Halton. It was noted that this would not be appropriate from 1<sup>st</sup> April 2010 when the Council would assume statutory commissioning responsibility due to inherent conflict of interest. The role was recommended to go to the Operational Director – Employment, Economic Regeneration and Business Development. This would be subject to a suitability interview by Riverside College Board.

Appended to the report for information were the key responsibilities for partners who were central to the commissioning process. The transferred LSC posts and resources would be fully funded through a Special Purposes Grant along with a contribution towards non employment costs. Key documents published that would support the transition were referred to in the report.

It was further reported that the 14 – 19 reform programme was a substantial element of the transfer. Details of this transfer were outlined in the report for information.

The transition from the LSC to the Skills Funding Agency (SFA) would take on the post-19 functions of the LSC. It was reported that the SFA would route around £3.5 billion of funding to further education colleges and other providers including the Third Sector, primarily in response to customer (employer and learner) choice on programmes such as Train to Gain. The SFA would operate through three customer focused gateways which were outlined in the report. In addition, the report also set out the Delivery Plan, policy implications and commissioning details. Funding provision and progress would be monitored closely by the Council.

RESOLVED:- That

- 1) responsibility be assumed for commissioning of post 16 provision with effect from 1<sup>st</sup> April 2010;

- 2) LSC staff be received under TUPE regulations to support post 16 commissioning;
- 3) a holistic approach to planning be ensured by reporting on post 16 commissioning to the Local Strategic Partnership and Employment Learning and Skills Strategic Partnership;
- 4) Executive Board receive a report as part of the annual commissioning cycle for post 16 education and training; and
- 5) the replacement of the Strategic Director for Children and Young People with Operational Director for Employment, Economic Regeneration and Business Development on the Riverside College Governing body be approved.

COU95 TRANSPORT CAPITAL IMPLEMENTATION PROGRAMME  
2010/11(MINUTE EXB 113 REFERS)

The Board received a report of the Strategic Director, Environment and Economy which sought approval to the inclusion of the 2010/11 Transport Capital Implementation Programme into the Council's 2010/11 Capital Programme.

It was reported that during the period of the first Local Transport Plan (LTP 2001/2 – 2005/6) the amount of LTP funding allocated was, in part, dependent on annual assessments of the progress that each authority had made in delivering its LTP.

The commencement of the second LTP brought with it much less rigorous reporting requirements based upon a collaborative approach between the Department for Transport (DfT) and the local authorities, to enable weakness in progress to be jointly addressed and strengths built upon.

The new approach required the de-coupling of the link between funding and performance which resulted in the DfT in its November 2007 settlement letter confirming the block allocations for the period 2008/9 – 2010/11 for both Integrated Transport Capital and Highways Capital Maintenance.

Detailed in appendix A to the report was the Transport Implementation Programme for 2010/2011 with the sum of £9,412,114 to be incorporated into the Council's

Capital Programme.

Outlined in the report were the following allocations for 2010/11:

- LTP Integrated Transport Allocation £1,767,000;
- Additional funding from national Primary Route Network £14,288,000;
- Bridge Strengthening and Maintenance allocation £4,980,000;
- Capital Programme for bringing streets to adoptable standard £100,000;
- Council's capital "Flood Defence" Programme £100,000;
- "Street Lighting" Capital programme £200,000; and
- Road Safety Grant (which would be paid as a capital grant) £75,114

Arising from the discussion Members discussed the Safer Roads Partnership and the decrease in deaths on roads in addition to the remedial works being carried out on Silver Jubilee Bridge and agreed that a presentation regarding the bridge works would be welcomed.

RESOLVED: That the incorporation of the Transport Implementation Programme for 2010/11 as detailed in Appendix A in the sum of £9,412,114 into the Council's 2010/11 Capital Programme be approved.

COU96 CALENDAR OF MEETINGS 2010/11 (MINUTE EXB 115 REFERS)

The Executive Board received the report of the Strategic Director, Resources which set out the proposed Calendar of Meetings for the 2010/11 Municipal Year.

RESOLVED: That the Calendar of Meetings for the 2010/2011 Municipal Year as appended to the report be approved.

*(The Councillors listed below declared a Personal Interest in the following items of business contained within the Children and Young People Policy and Performance Board meeting of 22 February 2010:-*

*Councillor Parker CYP46- Governor of Warrington Road Nursery; Councillor Wainwright CYP49- Governor of All Saints Primary School;  
Councillor J Lowe CYP 51 – Governor of Westfield Primary*

*School.*

*Councillor Gerrard declared a Personal and Prejudicial Interest in minute HEA56 – Healthy Halton Policy and Performance Board 9 March 2010 – as an independent lay member on the Community Health Services Provider Organisation.)*

#### COU97 MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

The Council considered the reports on the works of the following Boards in the period since the meeting of Council on 10 February 2010:-

Children and Young People  
Employment, Learning and Skills  
Healthy Halton  
Safer Halton  
Urban Renewal  
Corporate Services  
Business Efficiency  
Joint meeting of the Business Efficiency Board and  
Corporate Policy and Performance Board

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

In receiving the minutes of the Corporate Services Policy and Performance Board, Councillor Gilligan wished to place on record his thanks to Councillors Wainwright, A Lowe, Philbin and McDermott for their hard work and commitment in carrying out their respective topic reviews.

#### COU98 COMMITTEE MINUTES

The Council considered the reports on the works of the following Committees in the period since the meeting of the Council on 10 February 2010:-

Development Control Committee  
Standards Committee  
Regulatory Committee  
Appeals Committee

In receiving the minutes for the Development Control Committee of 15 March 2010, Councillor M Ratcliffe's name should be added to the list of attendees.

In receiving the minutes, the respective chairmen thanked Members and Officers on all Committees, and the public who attended the Development Control Committee, for their work and contributions throughout the year.

*(NB At the close of the meeting the Leader thanked the Mayor for the way he had presided over meetings, and for both his, and the Mayoress', hard work throughout the year. In addition, it was noted that Councillor Swift would be standing down at the next election and he was also thanked for his work with the Council.*

*In response, the Mayor thanked Members and Officers for their support in helping to make his term in office a great success.*

*Councillor D Cargill thanked Councillor McDermott on the occasion of his retiring as Leader, for all his work and personal efforts in maintaining Halton's profile in the North West region.*

*Councillors Murray and Hodgkinson also thanked the Mayor and Leader for their work in their respective roles and wished them well for the future.*

*The Leader responded by thanking everyone for their good wishes, thanked Councillor Polhill for his personal support as Deputy Leader and also thanked David Parr, Chief Executive for all his support and hard work. He added that it had been a privilege to serve the Borough as Leader and passed on his good wishes to all Members standing for re-election on May 6 2010.)*

*Meeting ended at 7.30 p.m.*

**BOROUGH COUNCIL ELECTIONS – 6 MAY 2010 – RESULTS**

<b>Party</b>	<b>Past Councillors</b>	<b>+/-</b>	<b>2010 Councillors</b>
<b>Labour</b>	<b>33</b>	<b>+ 4</b>	<b>37</b>
<b>Liberal Democrats</b>	<b>14</b>	<b>- 1</b>	<b>13</b>
<b>Conservative</b>	<b>9</b>	<b>- 3</b>	<b>6</b>
<b>Total Electorate</b>	<b>79,499</b>		
<b>Votes cast</b>	<b>47,399</b>		
<b>Spoiled votes</b>	<b>494</b>		
<b>Turnout</b>	<b>60%</b>		

<b>WARD, ELECTORATE &amp; CANDIDATE</b>	<b>PARTY</b>	<b>VOTES CAST</b>
<b>Appleton - Ward electorate: 4694   Turnout=2560 (54.54%)</b>		
HARPER Duncan James Robert	Conservatives	387
EDGE Sue	Labour	1714
MEARA Paul Nicholas	Liberal Democrats	448
<b>Birchfield - Ward electorate: 4941   Turnout= 3426 (69.34%)</b>		
ROWAN Ruth Elizabeth	Conservative	1199
FRY Michael	Labour	1539
FITZPATRICK Jane	Green	122
KING Joanne Marie	Liberal Democrats	546
<b>Broadheath - Ward electorate: 4858   Turnout=4803 (57.63%)</b>		
BROWN Geoff	Liberal Democrats	547
MORLEY Keith	Labour	1796
HARPER Philip	Conservative	395
<b>Halton Castle - Ward electorate: 4316   Turnout=2400 (55.61%)</b>		
CARGILL Ellen	Labour	1398
CHARLESWORTH Simon	Liberal Democrats	714
PFAFFENZELLER Stephan Boris	Conservative	283
<b>Ditton - Ward electorate: 5350   Turnout=3175 (59.35%)</b>		
ROWAN Colin	Conservative	925
ROBERTS Joe	Labour	2180
<b>Farnworth - Ward electorate: 5488   Turnout=3700 (67.42%)</b>		
MACMANUS Andrew Joseph	Labour	1532
HARE Ian	Liberal Democrats	563
STEAD Peter Vincent	Green Party	193
DRAKELEY Phil	Conservative	1392

Grange - Ward electorate: 4900   Turnout=2685 (54.80%)		
CRAIG Jim	Green	118
DENNETT Mark David	Labour	1375
DOWDLE William Hill	Conservative	418
STOCKTON Gareth Charles	Liberal Democrats	764
Hale - Ward electorate: 1591   Turnout=1135 (71.34%)		
INCH Christopher Michael	Liberal Democrats	47
STAINFORD-PAYNE James	Conservative	164
WHARTON Mike	Labour	921
Halton Brook - Ward electorate: 4709   Turnout=2704 (57.42%)		
PARKINSON Patricia	Conservative	288
STOCKTON John Robert	Labour	1402
WHITLEY Louise	Liberal Democrats	984
Halton Lea - Ward electorate: 4900   Turnout=2685 (54.80%)		
CLEIN Janet	Liberal Democrats	514
LOWE Alan Archie	Labour	1618
WALKER David John	Conservative	362
Halton View - Ward electorate: 4485   Turnout=2503 (55.81%)		
FORSYTH Maureen	Conservative	538
MCINERNEY Tom	Labour	2121
MELLOR Derek William	Green Party	622
Heath - Ward electorate: 4582   Turnout=3204 (69.93%)		
COLE Teddie	Labour	1005
MCDERMOTT Terence	Conservative	633
ROWE Christopher	Liberal Democrats	1558
Hough Green - Ward electorate: 5266   Turnout=3134 (59.51%)		
DOHERTY Paul Raymond	Conservative	601
HARRIS Phil	Labour	2002
HODGSON Miriam Cecilia	Green Party	114
INCH Gregory Michael	Liberal Democrats	411
Kingsway - Ward electorate: 4903   Turnout=2437 (49.70%)		
HODGE Miriam Lorraine	Liberal Democrats	907
LLOYD Frank Somerville	Conservative	480
MELLOR Linda Margaret	Green Party	793



Mersey - Ward electorate: 4838   Turnout= (51.40%) *2 Candidates available for selection		
CARLIN Christopher Martin	Liberal Democrats	1117
COLE Arthur Roy	Labour	1062
GERRARD John Paul	Labour	1153
HIGGINSON Trevor Edward	Liberal Democrats	1044
TAYLOR Andrew Anthony	British National Party	235
TAYLOR Mary Noreen	Conservative	364

**NB: John Gerrard will retire in 2014 and Christopher Carlin will retire in 2012**

Norton North - Ward electorate: 4917   Turnout=3155 (64.17%)		
LLOYD JONES Peter	Labour	1333
PRICE Barbara May	Conservative	528
WORRALL Phil	Liberal Democrats	1294
Norton South - Ward electorate: 4631   Turnout= 2639 (56.99%)		
ADAMS Ian John	Conservative	272
LLOYD JONES Martha	Labour	1845
WHITLEY Andrew	Liberal Democrats	514

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**REPORT TO:** Executive Board

**DATE:** 18 May 2010

**REPORTING OFFICER:** Strategic Director - Resources

**SUBJECT:** Annual Review of Constitution: 2010

## **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.
- 3.3 Attached at Appendix 2 are a series of proposals for changes to the Constitution which have been received from the respective Leaders of the Opposition Groups.

## **4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS**

- 4.1 As with the 2009 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. This review has also taken account of the changes to the Council's structure as a result of the Efficiency Programme. Any other required changes during the period 2010/11 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**

**Members' Allowance Scheme**

This section has been updated in line with the scheme adopted by Council on 3 March 2010.

**Call-In Procedure**

Changes have been made and a revised procedure and rules for debate drawn up.

**Carbon Reduction Allowances**

Not currently referred to but it is proposed to merge the powers in respect of Landfill Allowances in the duties delegated to Officers.

**Finance Standing Orders**

Changes to reflect new Service structures and section on Leasing and Credit Arrangements updated.

**Standing Orders Relating to Duties of Proper Officers and Delegation to Officers**

Extensively updated in line with the new structures following the Efficiency Review, effective from 1 April 2010.

Old paragraph 31 (new paragraph 30) - the authorisation of transactions involving the acquisitions and disposal of interests in land – proposed increase in value delegated to Officers from the current £100,000 to £250,000. This reflects the rate of inflation and the fact that the financial limit for this delegation had remained at £100,000 since 2004.

**Regulatory Committee**

The scope of licensing matters has been updated.

**Procurement Standing Orders**

Improvements have been proposed to the Procurement Standing Orders to mitigate the risk of cartel activity.

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**REVIEW OF CONSTITUTION: 2010****PROPOSALS FROM COUNCILLORS MURRAY AND REDHEAD**

<b>Text from Councillors</b>
<b>Proposals from Councillor Peter Murray - Leader – Conservative Group.</b>
<u>Suggestion:</u>
At the very least the Constitution should be amended to allow formal comment at Executive Meetings by opposition parties before decisions are taken giving Executive Members the opportunity of at least considering other issues.
1. Equality of opportunity does not apply across the political spectrum in terms of “Call Ins” as ten names are required for a “Call In” at full Council.
At present however the Conservatives (even if all nine Councillors fully support a Call In) we could not do this alone as the ten person rule cannot be met.
Further, equality of opportunity does not apply in terms of Policy and Performance Boards if we want to challenge a decision as five Councillors are required to do this.
In terms of the Conservatives, we do not have five Councillors who sit on any one Policy & Performance Board and therefore the five person rule cannot be met.
So, no matter which way we turn, the net result is, that we are prevented from even debating matters at the Executive, we are clearly excluded from the decision making process at the Executive and, this is exacerbated further by not being able to “Call In” decisions that are of concern because we have less than the prerequisite number of Councillors required.
We are therefore reliant upon gaining the support of the other opposition party should we wish to challenge a decision made by the Executive and, for obvious reasons, this cannot be guaranteed.
On the Council Website a Councillor is described as someone who is elected by local people to <u>represent them</u> on a Council and, also on the website in encouraging people to think about becoming a Councillor it is stated that if appropriate rather than standing as a Councillor for the “mainstream” parties individuals can stand as an “independent” candidate.

<p>This poses the questions about how local people can be represented and, as an example on how (if the situation arose that one “independent” candidate was elected on the Council who represented the views of a minority group) that single person could represent the views of the people who elected him/her if (a) he/she was not a member of the Executive; (b) was prohibited from raising concerns when attending an Executive Meeting where decisions are made and (c) as a single Councillor could never (without the support of other Political Parties) ever remotely hope to challenge the ruling group by calling for a “Call In” as (a single Councillor) he/she is 90% short of the numbers required of a “Call In”.</p>
<p>In fact, the inadequacy of this system is highlighted when even with nine elected Councillors the Conservative Group alone cannot challenge the ruling Group when it comes to “Call Ins”</p>
<p>Speaking personally as the Leader of the Conservative Group and, as a member of the Councils “Equality and Diversity Group” (my Conservative Deputy Leader is also a member of this Group) I would question where the “equality” issue is satisfied as personally I think the “principal” is completely missing.</p>
<p><u>Suggestions:</u></p>
<p>The number of people required to satisfy a request for a “Call In” should cease.</p>
<p>The overriding factor in calling for a “Call In” should be satisfied if a Political Party requests a “Call In” whether this applies to a Policy &amp; Performance Board or the Executive Board or a Sub Committee of the Executive Board.</p>
<p>The “Call In” process should be extended to include a situation whereby a Question under Sec 8 is asked but not answered (calling for an answer) or; if answered and the answer causes concern. (See separate comment below).</p>
<p>All Political Parties responding to a “Call In” should explicitly state whether they are voting under a “Whip” because if a “Whip” is used to defeat a “Call In” the “Call In” becomes useless as there is predetermination in play.</p>
<p>2. You will appreciate that in the past there has been some concerns over how to interpret whether a Councillor when presenting “Call In” is doing this via a “Motion”.</p>
<p>I have spoken at “Call Ins” in the past as you know on more than one occasion and, on the last occasion despite the fact I submitted the “Call In” as a Motion and it was circulated by the Council as a Motion it was not allowed to operate as a Motion as I was denied a right to reply to points raised that frankly had nothing at all to do with what the Motion was about and, my integrity was brought into question twice without me being allowed a right to reply/offer a personal explanation.</p>
<p><u>Suggestion:</u></p>



The process to be followed when a "Call In" is presented at Council should be recognised as being a "Motion" with the proposer having provision to explain the rationale behind it.
This being the case I think the Constitution regarding "Motions" would cover off any concerns I had.
3. Question 8 allows a Councillor to ask a question at full Council not covered in the Agenda on the business of a Panel, Board or Committee.
Constitutionally however, the person asking the question is not guaranteed an answer as the person to whom the question is put can decline to answer.
Further, if a question is asked and answered, the matter is prohibited from being discussed further.
<u>Suggestion(s):</u>
It cannot be right for someone to decline to answer a question legitimately asked by a Councillor bearing in mind that a Councillors duty in terms of overview and scrutiny leads him/her to search out answers for clarification or because of concerns. My suggestion in this regard therefore would be to remove entirely the right of someone to decline to answer a question unless that person specifically states that by answering such a question it may incriminate him/her due to (for example) identifying a breach of discipline or because of a pending disciplinary hearing.
Conversely, if a question is asked by a Councillor and answered but the answer raises more questions, it cannot be right that debate should not follow to draw out answers as again a Councillors duty in terms of overview and scrutiny would lead to debate. My suggestion therefore is to delete all reference within the Constitution to an answer when given not being allowed to be debated further and, add to the Constitution that where possible, verbally answering a question should be the primary response to a question rather than pointing out a reference to a publication or providing a written answer at some later date.
4. There has been in the past disagreements about votes at Council being in dispute and many debates are not fully recorded, simply decisions.
I therefore have concerns about inaccuracies and, the lack of a definitive independent process that we can accurately rely upon to

resolve issues where conflict may occur.
I also believe that with the modern technology available today we can provide a better service to the public in allow them to view their elected Councillors from their own homes.
<u>Suggestion(s):</u>
The Council should look at visually recording its Meetings and making them available to the public via its website.
If this is deemed un-feasible, then the Council should verbally record its Meetings and make this available to the public ideally through its website.
Master copies should be retained of meetings that can be accessed if need be to determine what was said and by whom to resolve differences of opinion.
With the Council engaged in an efficiency drive at present, this is the ideal time to carry out a cost benefit analysis to determine whether the visual and/or verbal recording of meetings offers better value than the use of Committee Clerks to attend & write up summaries of meetings; as well as the printing and circulation costs of "Minutes".
I would therefore propose such a cost benefit analysis being carried out and a cross Party Working Party being formed to develop this as a matter of urgency reporting their findings to the Executive and, if changes are implemented, the Constitution being amended accordingly..
5. With the exception of Council Meetings, I would like to see the venues for all other PPB and Regulatory Meetings being shared out equally with an identical number of all such meetings being held both at Widnes and Runcorn venues.
This will hopefully encourage more people to attend Meetings and it would distribute more evenly Councillors travel across a very busy Bridge at times.
<u>Suggestion:</u>
Make it a Constitutional requirement for PPB and Regulatory Meetings to be held equally each calendar year in Widnes and Runcorn. Council Meetings should of course all be held at Runcorn Town Hall.

6. Continuous training of Councillors should be a priority to drive up better understandings of the Constitutional processes.
<u>Suggestion(s):</u>
In terms of understanding the Constitution better, I would recommend that all Councillors be offered training led by the Monitoring Officer/Legal Services to explain the key issues of the Constitution.
In terms of the minority Political Parties (and I speak exclusively on behalf of the Conservatives to avoid conflict with members of a different political point of view) I would think it highly valuable to explain to Councillors (via training) the various legitimate ways that the Constitution permits challenge and, how this can be achieved.
I think this would have maximum impact if the training was offered to political groups in isolation rather than a collective audience but again, I speak exclusively as the Leader of the Conservative Group.
<u>In conclusion:</u>
If the Constitution is examined and "the purpose of the constitution" (page 5 of the Constitution) and, the "key roles of <u>all</u> Councillors" (page 8 of the Constitution) are taken account of I feel that at present we cannot satisfy many of the requirements they demand.
I think with respect my proposals bring us closer to achieving the goals of the Constitution and, I await your reply.
Yours truly,
Peter Murray
Leader of Halton Conservatives
31 <sup>st</sup> March 2010
<u>ADDENDUM: (added 26<sup>th</sup> April 2010.</u>
8 There should be a process in place that will enable a Councillor wishing to attract the Mayor at a Council Meeting for attention to raise questions/observations the capacity to do giving him/her the confidence that the request has been recorded.
<u>Suggestion(s):</u>
An electronic system should be introduced that will confirm to the Councillor making the request that it has been recorded and, confirm

to the mayor that a request has been made and when (inside or outside of permitted time).
Ideally, this should also be tied to a system that will allow Councillors to vote electronically and register their vote under their names.
Peter Murray
Leader – Conservative Group.
26 <sup>th</sup> April 2010
<b>Proposals from Councillor Linda Redhead - Lib.Dem. Leader</b>
We would like to have a representative from each of the opposition parties able to ask a maximum of one question on each item at Executive Board and Executive Board Sub.