

Public Document Pack



Executive Board

Thursday, 26 February 2015 2.00 p.m.
The Boardroom, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC

PART 1

Item	Page No
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. CHILDREN YOUNG PEOPLE AND FAMILIES PORTFOLIO	
(A) THE SCHOOL GOVERNANCE (CONSTITUTION) (ENGLAND) REGULATIONS 2012 AS AMENDED IN 2014	1 - 17

*Please contact Angela Scott on 0151 511 8670 or
Angela.scott@halton.gov.uk for further information.
The next meeting of the Committee is on Thursday, 12 March 2015*

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PART II	
<p>In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100A(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 items 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.</p>	
9. PHYSICAL ENVIRONMENT PORTFOLIO	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO:	Executive Board
DATE:	12 th February 2015
REPORTING OFFICER:	Strategic Director – Children & Enterprise
PORTFOLIO:	Children, Young People & Families
SUBJECT:	The School Governance (Constitution) (England) Regulations 2012 as amended in 2014
WARDS:	Borough-wide

1.0 PURPOSE OF THE REPORT

- 1.1 To revise the Local Authority (LA) governor appointment process in light of the School Governance (Constitution and Federations) (England) (Amendment) Regulations which came into force on 1st September 2014 regarding the constitution of, and appointment to, school governing bodies.
- 1.2 The Statutory Guidance for the amended regulations (published by the Department for Education in May 2014) outlines that all maintained school governing bodies need to reconstitute under the School Governance (Constitution) (England) Regulations 2012 (as amended), by 1st September 2015; and provides that local authority governors, foundation governors and parent governors are only eligible to be appointed where they have the skills required to contribute to the effective governance and success of the school. New procedures for the removal of surplus governors are also introduced.

2.0 RECOMMENDED: That

- 1) the process and supporting documentation set out in this report regarding the nomination of Local Authority governors to Local Authority maintained schools and Academies against criteria determined by a school's governing body is approved, and
- 2) a Members panel consisting of the Portfolio holder – Children, Young People & Families, the Leader, and the Strategic Director or his nominee is established to put forward Local Authority nominations for schools to consider. This panel will test that individuals meet the criteria for governors for specific schools and will meet termly, or additionally as agreed by the Panel.

3.0 SUPPORTING INFORMATION

- 3.1 The Government is seeking to strengthen the role of governing bodies in setting the strategic direction for schools and academies and in

promoting school improvement. The regulations and statutory guidance place an increased emphasis on ensuring that governing bodies have the requisite skills and experience to carry out this role effectively in order to promote school improvement and support head teachers and teachers in their work. Once appointed or elected, all governors must operate in the best interest of pupils, not as representative to lobby on behalf of their constituency. Their task is to govern the school. This means focusing on the core functions of providing strategic leadership, holding the head teacher to account and making sure the school's money is well spent. This is a demanding task for which all governors need to have, or develop, relevant and appropriate skills.

- 3.2 Under the previous constitutional arrangements LA appointments were made by the political Party Groups, with LA Governor positions being broadly allocated to a Party on a proportion based on the political make-up of the Council. The Group whips co-ordinated this process for their party. The political parties currently contribute skilled and effective governors and it is anticipated that they will continue to be an important source of recruiting governors under any new arrangement.
- 3.3 The amended regulations now require LA governors to be nominated by the local authority but appointed by the governing body. The local authority can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body's requirements and identify and nominate suitable candidates. The Governing body may veto an LA governor nominee if they consider the person would not bring the skills the governing body requires and request the LA to make a different nomination.
- 3.4 In the following extract from his open letter to Directors' of Children's Services in October 2014, Lord Nash, Parliamentary Under Secretary of State for Schools, states the importance of nominating high-quality local authority governors without regard to political affiliation:

*'Please also make every effort to nominate high quality LA governors. I understand that a few LAs still link the right to nominate LA governors to the local balance of political power. **I would like to make clear that this is unacceptable practice.** The law now requires that all governors are appointed on the basis of the skills they have to contribute to effective governance, and LAs must make every effort to understand the governing body's requirements in order to identify and nominate suitable candidates. Once appointed, LA governors must govern in the interests of pupils not to represent or advocate for the political or other interests of the LA.'*

4.0 POLICY IMPLICATIONS

- 4.1 All governing bodies of maintained schools are required to be constituted under the School Governance (Constitution) (England)

Regulations 2012 (as amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 by 1st September 2015.

- 4.2 The main purpose of the statutory guidance to the regulations is to highlight the direct impact that decisions about the constitution and membership of the governing body have on the governing body's ability to provide effective governance and contribute to the success of the school.

Key points from the statutory guidance include:

- Governing bodies should be no bigger than necessary to secure the range of skills they need
- A key consideration in the appointment and election of all new governors should be the skills and experience the governing body needs to be effective
- Anyone appointing governors to the governing body must appoint someone they believe has the skills to contribute to effective governance and the success of the school
- Governing bodies and local authorities should take steps to inform governor elections so that the electorate understands the extent to which nominated candidates possess the skill the governing body ideally requires.

- 4.3 The constitution requirements for all maintained schools are:

The total numbers of governors in all schools must be no fewer than seven. There is no upper limit. The Governing Body must include:

- at least 2 parent governors
- the Head Teacher (who is a member of the governing body by virtue of their office, unless they resign as a governor)
- 1 staff governor
- 1 Local Authority governor
- Co-opted governors – the governing body may appoint as many co-opted governors as they consider necessary. However, the total number of governors that qualify as staff governors (including the head teacher and staff governor) must not exceed one third of the total membership of the governing body
- Additional requirements for foundation and voluntary schools:
 - voluntary aided schools must have two more foundation governors than all other governors
 - voluntary controlled schools must have at least 2 foundation governors
- Partnership governors (foundation schools without a foundation only)

A governing body may also appoint Associate Members to serve on one or more governing body committees. They are not governors, their role is to bring expertise and experience which can add to that provided by the governor membership.

4.4 Academy Trusts – currently there is no requirement for academy trusts to have an LA governor on the academy governing body. However, where the academy trust decides that it wishes to have an LA governor the appointment will be made via the agreed procedure for appointment of LA governors.

4.5 The following supporting documents are attached to this report:

Appendix 1 – Flowchart of the appointment procedure

Appendix 2 – Revised draft procedure for the appointment of Local Authority Governors

Appendix 3 – Halton Authority Governor Role Description

Appendix 4 – Model Criteria for the Appointment of Authority Governors

Appendix 5 – Code of Conduct

Appendix 6 – Application Form

Appendix 7 – Grounds for Disqualification

5.0 OTHER IMPLICATIONS

5.1 The Local Authority is statutorily required to revise the way in which it appoints Local Authority governors to a school's governing body.

5.2 To ensure that the process for making LA Governor appointments is transparent and effective in supporting a reduction in vacancy rates and in providing schools with governors who have the time, commitment and skills to contribute to the effective governance and success of the school and meets any other eligibility criteria the school may have set.

5.3 School Governing Bodies have been advised that new regulations are in force, and full details of the regulations have been issued to governing bodies.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The proposed process complies with statutory requirements in ensuring that the Local Authority nominates governors to assist the governing body in undertaking their core functions, specifically holding the head teacher to account for the educational performance of the school.

6.2 Employment, Learning and Skills in Halton

Educational achievement is critical to the life chances of all children in the borough and the governing body play a fundamental role in setting the strategic direction for the school, and Local Authority appointed governors must govern in the interests of the school.

6.3 A Healthy Halton

N/A

6.4 A Safer Halton

Governing Bodies have a key role in ensuring the safety of pupils and in determining policies to support a safe environment for the children at their school.

6.5 Halton's Urban Renewal

N/A

7.0 RISK ANALYSIS

7.1 The proposed process complies with statutory requirements, and will ensure that nominated governors have the skills and experience the governing body needs to be effective. Local Authority governors must govern in the interests of the school and not represent or advocate for the political or other interest of the local authority.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The proposed arrangements reflect any requirements of the Equality Act 2010.

9.0 REASON FOR DECISION

9.1 The decision is required to ensure there is a clear and transparent process in place regarding the appointment of Local Authority governors.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 One option considered and rejected was to remain with the present appointment process, i.e. Local Authority appointments being made by the political Party Groups, with Local Authority Governor positions being broadly allocated to a Party on a proportion based on the political make-up of the Council. The Group whips co-ordinating this process for their party. However, Lord Nash has confirmed this is unacceptable practice and the law now requires that all governors are appointed on the basis of the skills they have to contribute to effective governance, and Local Authorities must make every effort to understand the governing body's requirements in order to identify and nominate suitable candidates. Once appointed, Local Authority governors must govern in the interests of pupils, not to represent or advocate for the political or other interests of the Local Authority.

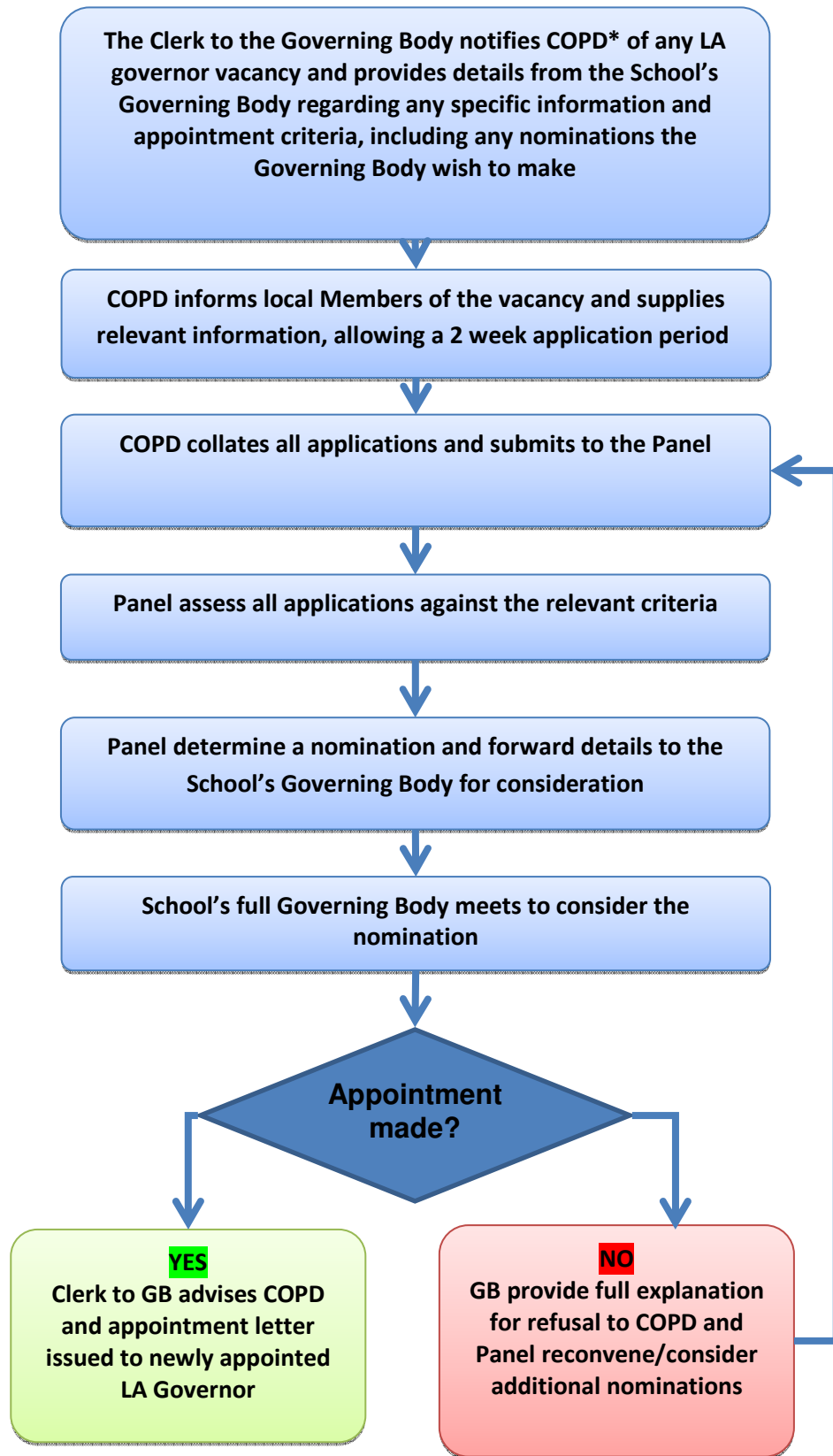
11.0 IMPLEMENTATION DATE

11.1 The process will commence from approval of this Policy.

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

Document	Place of Inspection	Contact Officer
School Governance (Constitution) (England) Regulations 2012	Children & Young People's Directorate	Martin West
School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014	Children & Young People's Directorate	Martin West
Statutory guidance for governing bodies of maintained schools and local authorities in England (DfE, 2014)	Children & Young People's Directorate	Martin West

Draft Procedure for the Appointment of Local Authority Governors



*COPD – Children's Organisation & Provision Department, Children & Enterprise Directorate

Children and Enterprise Directorate

Draft Procedure for the Appointment of Local Authority Governors

Local Authority Governor Appointment Panel Membership:

The Panel will consist of the Portfolio Holder for Children, Young People and Families, Lead Member, and Strategic Director – Children & Enterprise (or nominee).

Meetings:

To be held at least once every school term or additionally as agreed by the Panel.

Terms of Reference:

1. To consider and determine the selection of Local Authority Governors to all educational establishments, where governors are nominated or appointed by Halton Borough Council, including maintained schools, colleges, academies and free schools in order that appointments can be made in accordance with the agreed criteria.
2. To monitor vacancy rates of Local Authority Governors based on information provided by Children's Organisation and Provision Department (COPD), with a view to ensuring that nominations or appointments are made within no more than one school term of notification of the vacancy.
3. To note the appointment of additional governors and any urgent appointment to schools in the 'Schools Causing Concern' category as designated by the Local Authority or Ofsted.
4. To consider and, where appropriate, agree, terminating appointments, or the removal of nominated Local Authority governors where the governor has clearly breached confidentiality or brought the school/college or the Local Authority into disrepute, or otherwise failed to fulfil the role according to the code of conduct. This may be on the recommendation of officers and/or at the request of the governing body of the school/establishment concerned. This is in addition to situations where governors are automatically disqualified under Schedule 4 (9) of the School Governance (Constitution) (England) Regulations 2012 (see below).

Appointment Procedure for vacancies in establishments not identified as Schools Causing Concern by the LA or Ofsted, or not agreed to be urgent by the Chair of the Panel:

1. The clerk to governors will notify COPD of any Local Authority governor vacancy and provide details from the school governing body regarding any specific information and appointment criteria that may assist the

- nomination/appointment process, and include any nomination the governing body wishes to make to the next meeting of the Panel.
2. COPD will inform the local members and supply any relevant information, with a copy of the Local Authority governor application form, enabling them to make a nomination to the next meeting of the Panel.
 3. Local Authority governors reaching the end of their terms of office will be approached by the clerk as to whether they wish to be considered for nomination/re-appointment.
 4. All applicants must complete the Local Authority governor application form and confirm their agreement to comply with the code of conduct, and any code of conduct adopted by the governing body of the school concerned. Applicants are expected to provide sufficient detail of the skills and attributes they believe they are able to offer. Electronic applications will be accepted with accompanying emails accepted in lieu of a signature.
 5. COPD will provide the Panel with details of applications received for nomination/appointment as Local Authority governors and details of Local Authority Governors nearing the end of their term of office who have advised COPD they wish to be nominated or re-appointed, together with recommendations for nominations/appointments to posts at specified establishments. This information will be provided prior to the meeting, but the Panel may agree to accept late applications, up to and including those tabled at the meeting. In all cases governors seeking re-appointment or nomination must complete the application form and provide details of their contribution as a governor during their term of office. This information will be shared with the clerk to the governing body concerned, the headteacher, and the chair of governors.
 6. Where there is more than one application for a vacancy, all applications will be given equal consideration by the Panel and a decision will be made in line with agreed procedure, taking full account of any particular skills and attributes provided to the Panel, and any advice offered by officers.
 7. At the meeting the Panel will select individuals for nomination/appointment in line with the criteria for the nomination/appointment of Local Authority governors in effect for Halton Borough Council at the time, and in accordance with regulations and any associated statutory guidance.
 8. Where the termination of a governor's appointment is being considered a report will be made by COPD. This report will be made available to the individual in advance of the meeting and the individual will have the opportunity to make a response in writing for the Panel to consider, but the Panel's decision will be final.
 9. Where a governor is automatically disqualified from being a governor under the statutory criteria, members of the Panel will be informed.
 10. COPD will send nomination/appointment letters with copies to the Headteacher, chair of governors and clerk to the governing body.
 11. COPD will retain a record of the meeting.
 12. The governing body of the school/establishment concerned will be expected to consider nominations from the Panel at its next full governing body meeting and advise COPD of the appointment or non-appointment of the nominee, with written details to explain the reason

for any rejection of a nomination. The decision of the governing body will be reported to the Panel at the next termly meeting. Should the rejection of any nominee cause concern to COPD they shall make further enquiries of the school and report these to the Chair of the Panel, and at the next meeting of the Panel.

Nomination/Appointment procedure for Establishments identified as Schools Causing Concern by the LA or Ofsted, or agreed to be urgent by the Chair of the Panel

1. Nominations may be put by officers from the COPD to the Chair of the Panel, between meetings of the Panel, where the appointments are to establishments identified as Schools Causing Concern by the LA or Ofsted or otherwise deemed to be urgent. In the case of schools where Local Authority statutory intervention powers apply, the procedure will be for an appointment to be made, although COPD will ensure there is consultation with the school concerned prior to the appointment being made.
2. All potential nominees/appointees must have completed the Local Authority governor application form and signed the code of conduct.
3. Where such nominations/appointments are agreed by the Chair of the Panel, these appointments will be confirmed with immediate effect and then reported to the next meeting of the Panel.

Role Description

Halton Authority Governor

Purpose of Post

The role of a governor is to contribute to the work of the Governing Body in raising standards and maximising outcomes for all pupils. This involves:

- a. Ensuring clarity of vision, ethos and strategic direction
- b. Holding the Headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and
- c. Overseeing the financial performance of the school and making sure its money is well spent.

Some governing bodies of maintained schools, and all academy boards of trustees, have additional functions and responsibilities. Depending on the category of school, they may own land, act as employers, admission authorities, or boards of charitable trustees and company directors.

Local Authority Governors are nominated or appointed by the Local Authority and are expected to discharge their duties giving due consideration to relevant Local Authority policies, however they are not mandated by the Local Authority.

Responsibilities include:

- developing the strategic plan for the establishment;
- determining aims, policies and priorities of the establishment;
- setting statutory and non statutory targets;
- monitoring and evaluating the work of the establishment;
- appointment of staff and ensuring the implementation of a range of personnel procedures;
- management of the budget;
- securing high levels of attendance and good standards of pupil behaviour;
- ensuring that all children in the establishments have access to a broad and balanced curriculum which is suitable to age, aptitude and ability, which prepares them for adult life;
- ensuring the health and safety of pupils and staff.

Tasks include:

- to get to know the establishment: its needs, strengths and areas for development;
- to attend meetings (full governing body, committees and working groups);
- to work as a member of a team;
- to speak, act and vote in the best interests of the establishment;
- to respect all Governing Board decisions and to support them in public;
- to act within the framework of the policies of the Governing Board and legal requirements;
- to commit to training and development opportunities.

Model Criteria for the Appointment of Authority Governors Halton Council

Local Authority Governors will be nominated for appointment/appointed to establishments within Halton by the Local Authority Governor Appointments Panel, in accordance with the following criteria, as evidenced in the Local Authority Governor application form:

Criteria	Essential / Desirable
<ul style="list-style-type: none"> • Able to demonstrate relevant and appropriate ability, experience or skills or a willingness and capacity to acquire them. • Displaying support for the main strategic aims of the Service for Children and Enterprise in Halton with regard to achieving the best outcomes for children. • Display an interest and/or involvement in children's education. • A commitment to attend/undertake training and governor briefing sessions. • Demonstrate good interpersonal, teamwork and communication skills • A commitment to attending meetings and contributing to the work of the governing body, including membership of a committee. • Involvement in the establishment's community through local groups such as voluntary groups, churches or work in the community. • Connection with local business/Council partners. • Interest in and/or links with the establishment such as ex-parent, voluntary helper, ex-employee at the establishment. 	E E E E E D D D
<p><i>Disqualification Criteria</i></p> <ul style="list-style-type: none"> • Any Local Authority Governor who has been disqualified through non-attendance will not normally be re-appointed; • Anyone who is disqualified by virtue of Regulation 9 (Schedule 4) of the School Governance (Constitution) (England) Regulations 2012 cannot be appointed as a governor at that school for a period of twelve months (see appendix 7); • A person is disqualified from appointment as an LA Governor if s/he is eligible to be a Staff Governor of the school. 	

Code of Conduct
Halton Local Authority Governors

Local Authority Governors should:

- Act in the best interests of the pupils/students at the establishment having considered the views and advice of the Local Authority. Governors may need to balance long and short term issues, establishment and community issues.
- Work as a member of a team at all times and be loyal to collective decisions made by the governing body.
- Recognise that all governors have the same rights and responsibilities unless particular responsibilities are conferred on them by the full governing body.
- Understand that no governor can act alone except in exceptional circumstances prescribed in the regulations – the power of the governing body rests in it acting as a single body.

All governors must:

- Respect confidentiality.
- Listen to and respect the views of others.
- Express their own views clearly and succinctly.
- Take their fair share of work/positions of responsibility.
- Know, understand and work within the prescribed regulatory framework.
- Report any evidence of fraud, corruption or misconduct to an appropriate person or authority.
- Respect any code of conduct agreed by the governing body.

In addition Local Authority Governors are expected to:

- Prepare for meetings by reading papers beforehand.
- Take responsibility for their own learning and development as a governor, including attending training.
- Attend meetings promptly, regularly, and for the full time.
- Read any briefings specifically for Local Authority governors.
- Familiarise themselves with Local Authority policy and guidance and, where necessary, be able to explain this to other governors on the governing board.

Halton Local Authority Governor Declaration

I confirm that I am not disqualified by any of the above regulations and therefore I am eligible to serve on governing bodies within Halton Borough Council. I have read the code of conduct and I am willing to abide by it. I also give my permission for Halton Borough Council to make arrangements with me to make a Disclosure and Barring Service (DBS) check, and to check my details against any such list that replaces this in the future.

Signed:

Print name:

Date:

If you are appointed to a Local Authority Governor position, your appointment will be for four years.

LOCAL AUTHORITY GOVERNOR APPLICATION FORM FOR HALTON BOROUGH COUNCIL

NAME OF ESTABLISHMENT APPLIED FOR: _____

OR

I AM WILLING TO BE APPOINTED TO ANY ESTABLISHMENT: (PLEASE TICK)

Please indicate the source of this nomination / how you found out about being a governor in Halton	Elected Member (please include name)
School Governors' One Stop Shop (SGOSS)	Halton Website
School/College (please specify)	Other (please include brief details)
Title:	Surname:
	Other names:
Date of birth:	Occupation:
	Male
	Female
Home address:	Work address:
Tel:	Tel:
Email:	Email:
Mobile:	Can we contact you at work? YES/NO
Have you been a governor before or are you currently a governor? If yes, please give details:	

Please outline your reasons for showing an interest in becoming a governor – including details of personal qualities, relevant experience or skills (attach an additional sheet if required):

If you are not applying to a specific establishment please indicate any area you would prefer or the distance you are prepared to travel:

If you are not applying to a specific establishment please indicate whether you have a preference for establishments with a particular religious ethos

Catholic Schools Church of England Schools

Other (please specify) _____

Please give details of any particular provision you would require eg wheelchair access:

Grounds for Disqualification from Membership of a Governing Body

General grounds

- Registered pupils cannot be governors.
- A governor must be aged 18 or over at the time of election or appointment.
- A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

- A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).
- A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.
- A person is disqualified from being a partnership governor if they are:
 - a parent of a registered pupil at the school;
 - eligible to be a staff governor at the school;
 - an elected member of the LA; or
 - employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

- A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.
- A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.
- A person is disqualified from holding or continuing to hold office if that person:
 - is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced.
 - is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order) has been removed from the office of charity trustee or trustee for a charity by the

Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body

- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children
- is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- has received a prison sentence of two years or more in the 20 years before becoming a governor
- has at any time received a prison sentence of five years or more
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
- refuses a request by the clerk to make an application under section 113B of the Police Act 1997(c) for a criminal records certificate.

REPORT TO: Executive Board

DATE: 26 February 2015

REPORTING OFFICER: Strategic Director - Communities

PORTFOLIO: Environmental Services

SUBJECT: The Waste (England and Wales) (Amendment) Regulations 2012 Compliance Assessment.

WARD(S): Borough-wide

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to advise Members of the Executive Board of the requirements of the Waste (England and Wales) (Amendment) Regulations 2012 (“the Regulations”), and;
- 1.2 To seek endorsement of the outcome of an assessment of the Council’s household waste collection system that has been undertaken to demonstrate the Council’s compliance with those Regulations.

2. RECOMMENDED: That

- 1) **Executive Board approve the outcome of the assessment of the Council’s co-mingled recycling collection system which demonstrates the Council’s compliance with Regulations 12 and 13 of The Waste Regulations (England and Wales) 2011 (Amended 2012); and**
- 2) **a re-evaluation of the Council’s methodology for the separate collection of paper, glass, plastics and metals be undertaken in 3 years time or at any time should there be any significant change in circumstances which may affect the Council’s position on separate collections.**

3. BACKGROUND

Relevant Legislation and Regulations

- 3.1 The EU Waste Framework Directive provides the legislative framework for the collection, transport, recovery and disposal of waste. The directive requires all member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements.

- 3.2 The directive also requires member states to take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness and secondly the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. The Directive's requirements are supplemented by other directives for specific waste streams.
- 3.3 The Waste (England and Wales) (Amendment) Regulations 2012 were laid before Parliament and the Welsh Assembly on 19th July 2012 and came into force on 1st October 2012. The amended regulations relate to the separate collection of waste. They amend the Waste (England and Wales) Regulations 2011 by replacing regulation 13.
- 3.4 From 1st January 2015, waste collection authorities must (subject to exceptions – see para 3.6 below) collect waste paper, metal, plastic and glass separately. It also imposes a duty on waste collection authorities, from that date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.
- 3.5 DEFRA defined 'co-mingling' (the placing of paper, metal, plastic and glass into a single container) as a form of separate collection in its original transposition of the Directive into UK legislation, however this was challenged and DEFRA amended the regulation by removing the reference to 'co-mingling' to follow the wording of the Directive more closely. The regulation allows 'co-mingling' after January 2015 in certain circumstances and, despite legal challenge, the wording was upheld after Judicial Review.
- 3.6 The aim of the Regulations, which apply to household and commercial waste, is to maximise the economic opportunities and environmental benefits associated with higher quality recycling and require the separate collection of paper, glass, plastic and metal unless:
- It is not necessary to produce high quality recyclates, and
 - It is not technically, environmentally and economically practicable to do so.

Enforcement

- 3.7 The Environment Agency (EA) is responsible for regulating compliance with the Regulations in England. The EA have written to Councils advising them of the need to have an assessment in place to demonstrate compliance with the Regulations. The EA approach suggests they will contact all Waste Collection Authorities by March 2015 to request information on collection methods and potentially to seek evidence on application of the Waste Regulations Necessity and Practicability (TEEP) Tests. The EA information indicates that enforcement action will be prioritised on those that have made little or no attempt to apply the regulations and/or do not respond to requests for information.

4. SUPPORTING INFORMATION

- 4.1 There is no Statutory Guidance on how to interpret the separate collection requirement or implement the regulations. However, a group of organisations, including waste sector representative bodies and the LGA worked together to produce the 'Waste Regulations Route Map'; to act as a framework to guide waste collection organisations in meeting the requirements of the regulations.
- 4.2 The Route Map does not identify whether to collect recycling separately or co-mingled and Council's need to take their own local circumstances into account in evidencing their decision on the recycling collection systems they deliver.
- 4.3 The Route Map does set out a series of Key Steps that Councils can follow to assess their compliance with the Regulations;

Route Map – Key Steps

INFORMATION GATHERING

- Step 1 – Identify current waste collection arrangements
- Step 2 – Identify how these materials are currently treated

ASSESSMENT

- Step 3 – Apply the waste hierarchy
- Step 4 – Decide whether separate collection of the 4 materials (glass, metal, paper, plastic) is required

APPROVAL AND REVIEW

- Step 5 – Obtain Sign-off
 - Step 6 – Retain Evidence
 - Step 7 – Review Process
- 4.4 An assessment of the Council's compliance with the Regulations, using the Route Map, has been carried out. Full details of the assessment and the outcome are contained in Appendix 2.
- 4.5 Deciding whether separate collection of glass, metal, paper and plastic is required (Step 4) is the key step in the route map in terms of compliance with the Regulations' separate collection requirement. Attached as Appendix 1 is diagram which summarises the approach to making this decision.

- 4.6 The Regulations do not require the best performing recycling system, but one that delivers reasonable performance at reasonable cost after taking into account local considerations, including affordability. The core of the Necessity Test is whether separate collection is necessary to “facilitate or improve” recovery. If not, then co-mingling may be acceptable.
- 4.7 The terms ‘Facilitate’ or ‘Improve’ are not defined in the legislation but could be interpreted as meaning;
- “making recycling possible or easier” and
 - “more material is recycled” and / or more recycling is made up of a “high quality”

5.0 OUTCOME OF ASSESSMENT

- 5.1 As set out in Section 5 of Appendix 2, after applying The Necessity Test, **it is deemed that separate collections of glass, metal, paper and plastic is not necessary to ensure that waste is recycled and to facilitate improved recovery as identified by Regulation 13 of the Waste England and Wales Regulations 2011.** This is predicated on the basis that the Council’s current co-mingled method of recycling provides the following outputs:-
- A simple and easy to use system for residents;
 - Increasing levels of recycling since 2007, with a high level of recycling performance of over 40% projected for 2014/15;
 - Good quality input material for MRF processing, and;
 - Good quality MRF output materials that meet re-processor market standards for subsequent recycling within a closed-loop recycling system.
- 5.2 On the basis the Council has deemed it not necessary to carry out separate collections of glass, metal, paper and plastic it has not applied the Practicality Test of the Route Map to the four waste materials. Notwithstanding this, as set out in Appendix 2, consideration was given to aspects of the Practicability Test. Whilst recognising that technically it is possible to collect the four materials separately, the unviable economic aspects of reverting to a separate collection service would make it impracticable to do so.
- 5.3 The assessment process has been reviewed by the Portfolio Holder for Environmental Services, the Operational Director for Legal & Democratic Services and the Divisional Manager for Waste and Environmental Improvement Services, who are all satisfied with the outcome. The Route Map recommends that once completed, the outcome of the assessment is formally signed-off. Executive Board are therefore asked to consider the assessment undertaken and approve the outcome; that the Council’s current co-mingled recycling service is compliant with Regulation 13.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 As the outcome of the assessment of the Council's current system for collecting paper, glass, plastics and metals has determined that alternative separate collection arrangements are not necessary, there are no financial implications arising from this report.

7.0. POLICY IMPLICATIONS

- 7.1 There are no policy implications as a result of this report.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 Children and Young People in Halton

None identified.

8.2 Employment, Learning and Skills in Halton

None identified.

8.3 A Healthy Halton

None identified.

8.4 A Safer Halton

None identified.

8.5 Halton's Urban Renewal

None identified.

9.0 RISK ANALYSIS

- 9.1 There is a significant risk of enforcement action being taken by the Environment Agency (EA) should the Council have not carried out an assessment of its compliance with the Regulations, or should it fail to provide evidence of the assessment process. Whilst an assessment has been carried out and the Council is satisfied that its current service delivery methodology is compliant with Regulation 13, given that it will be maintaining its co-mingled recycling service, the EA may still scrutinise the Council's assessment. Should this occur the Council may need to provide further evidence to support its decision.

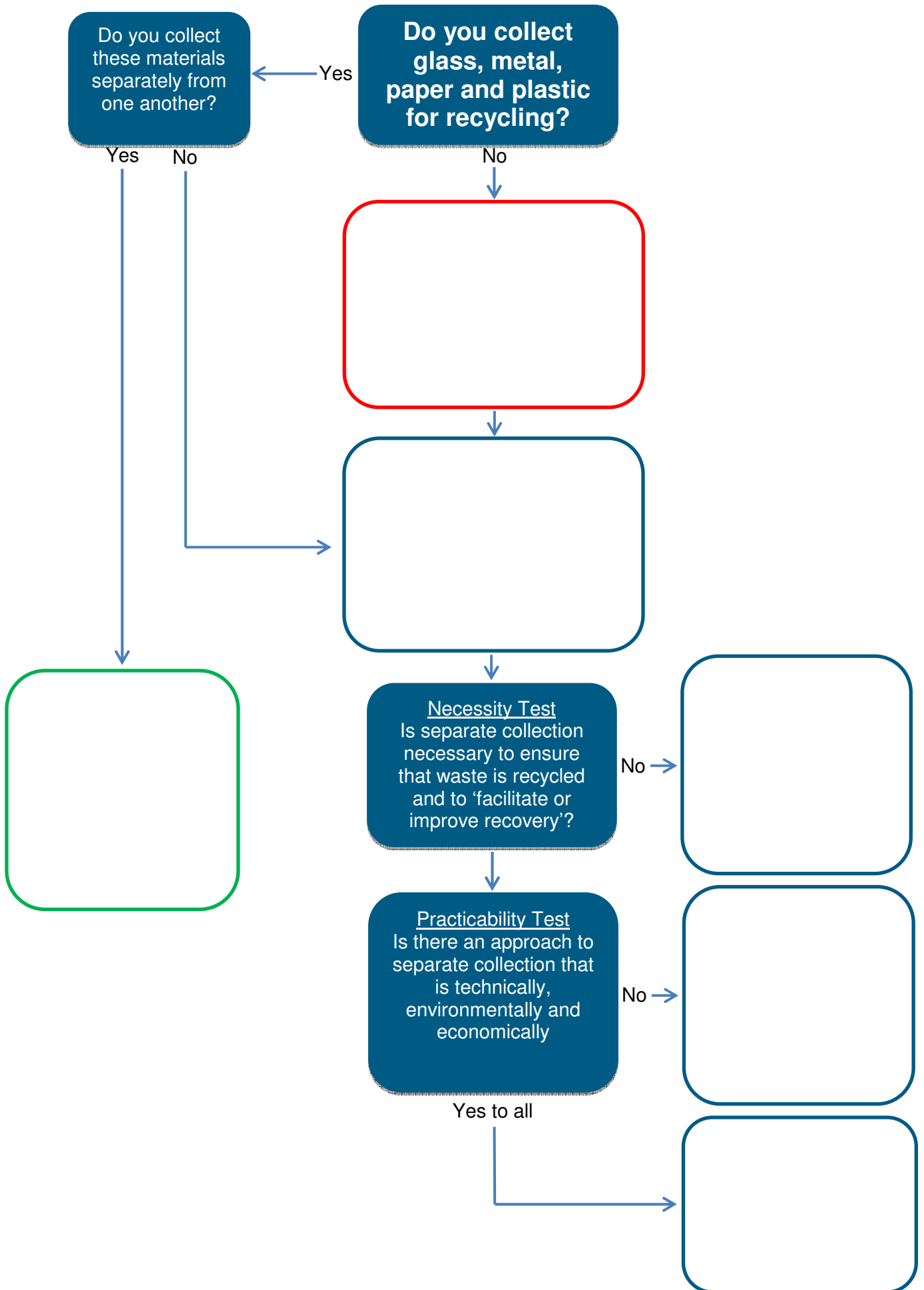
10.0 EQUALITY AND DIVERSITY ISSUES

- 10.1 None identified.

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

- 11.1 There are no background Papers under the meaning of the Act.

Route Map Step 4 Breakdown



HALTON BOROUGH COUNCIL

**RESPONDING TO THE REQUIREMENTS OF
REGULATIONS 12 AND 13 OF
THE WASTE REGULATIONS
(ENGLAND AND WALES) 2011
(AMENDED 2012)**

The following assessment of the Council's compliance with Regulation 12 and Regulation 13 of the Waste Regulations (England and Wales) 2011 (amended 2012) has been made by the Council using the Waste Regulations Route Map (April 2014) prepared on behalf of local authority waste networks, the London Waste and Recycling Board and WRAP.

December 2014

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1. INTRODUCTION

- 1.1 As a Unitary Authority Halton Borough Council (the Council) arranges for the collection of household and commercial waste within the borough of Halton under the Environmental Protection Act 1990 (Section 45).

Waste for recycling is transferred by the Council to a Merseyside Recycling & Waste Authority (MRWA) facility for processing by way of long term contractual arrangements between the two Authorities. Residual waste is currently delivered to a private contractor for treatment and use in an Energy from Waste (EfW) facility via a Halton interim treatment contract.

- 1.2 The Council and MRWA, alongside the other five Merseyside local authorities (Knowsley, Liverpool, Sefton, St Helens and Wirral), form the Merseyside and Halton Waste Partnership.

The Merseyside authorities have an approved Joint Recycling and Waste Management Strategy; *RESOURCES Merseyside 2011-2041*, that sets targets in respect to moving the management of municipal waste as far up the European Union (EU) Waste Hierarchy as is practically and economically feasible.

Halton has a separate Waste Management Strategy which included the following targets which are relevant to this assessment:

- a) To recycle at least 40% of household waste by 2020
- b) To seek to develop high quality outputs from the recycling and composting processes and meet standards wherever practicable.
- c) To maximise the recovery of recyclable and biodegradable materials through kerbside collection services and bring schemes
- d) To deliver an awareness raising campaign to promote the improved collection services (encourage participation and reduce contamination) to all residents
- e) To increase the provision of Neighbourhood Recycling Facilities, in addition to Household Waste Recycling Centres in order to ensure members of the community can access and participate in recycling schemes.

A copy of Halton's strategy document is available on request.

The Merseyside Joint Strategy can be found at;
<http://www.merseysidewda.gov.uk/waste-strategy/resources-merseyside-2011-2041/>

1.4 The Merseyside and Halton Partnership is delivering against these outcomes through a range of activities highlighted below, delivered through public, private and community sector agencies:-

- a) Waste prevention and minimisation initiatives;
- b) Waste collection operations;
- c) Household Waste Recycling Centres (HWRCs);
- d) Community bring-site recycling facilities;
- e) Green garden waste composting;
- f) MRWA Waste Management and Recycling Contract (WMRC) with Veolia Environmental Services Ltd;
- g) MRWA Resource Recovery Contract (RRC) with SITA UK Ltd;
- h) Halton waste residual treatment contracts;
- i) MRWA landfill disposal contracts; and
- j) Waste and Recycling Collection Policies.

1.5 Through these approaches both Halton's and the Partnership's current combined household waste recycling performance is circa 40%.

2. ROUTE MAP STEP 1: DETERMINE WHAT WASTE IS COLLECTED AND HOW

2.1 Table 1 below provides information on the Council's waste collection service and forecast performance for 2014/15.

Table 1: Halton Borough Council Waste Collection Context Information 2014/15	
Halton Population	125,700
Total number of households	55,993
Number of households receiving the following services:	
Residual waste collection	Wheeled Bins - 52,893 / Plastic Sacks - 3,100
Recycling collection	Wheeled Bins - 52,233 / Boxes - 3,760
Green garden waste	41,490
Food waste	0
2014/15 forecast household waste recycling performance (%)	40.00%
2014/15 forecast waste per household per annum (kg)	622kg

2.2 The Council has designed its waste collection services and associated policies in order to maximise the following environmental benefits:-

- a) Waste prevention;
- b) Waste minimisation;
- c) Waste material recycling / composting performance; and
- d) Waste to landfill diversion.

The Council's current Household Waste & Recycling Collection Policy is available on request.

2.3 The Council's model of waste collection, integrated with the MRWA waste recycling/treatment contracts, also has due regard to the following critical factors:-

- a) Ease of use by the population of Halton;
- b) The significant and on-going financial pressures faced by the Council; and
- c) The need to maximise the income associated with the household waste resource.

2.3 Through the introduction of a co-mingled recycling collection service in 2007 and an alternate weekly bin collection system in 2011 the Council has been able to respond to the above factors and increase household recycling performance from 25% in 2007/08 to a projected level of over 40% in 2014/15. This step change in performance and the associated service design changes were introduced following successful pilot schemes and community feedback.

The services have also been subject to Council scrutiny which has led to the formal adoption of the current methods of waste collection/treatment. Documents that evidence community feedback, Council scrutiny and approval are available on request.

2.5 The Merseyside and Halton Waste Partnership undertook a waste composition analysis of its household waste in 2010.

Table 2 overleaf shows the waste composition study average figures for Halton based on weight %.

Table 2 – Halton Waste Composition Analysis				
Primary Category	Residual Waste	Garden Waste	Dry Recyclables	Combined
Paper	11.1%	0.0%	45.3%	15.1%
Card	6.0%	0.3%	13.0%	6.3%
Plastic (dense)	9.3%	0.1%	7.1%	7.6%
Plastic (film)	6.2%	0.0%	0.4%	4.4%
Textiles	4.6%	0.0%	0.0%	3.2%
Miscellaneous Combustibles	5.9%	1.1%	0.1%	4.2%
Glass	5.7%	0.0%	28.1%	8.6%
Miscellaneous Non-combustibles	2.0%	0.0%	0.1%	1.4%
Metal (ferrous)	3.5%	0.0%	3.5%	3.0%
Metal (non - ferrous)	1.5%	0.0%	1.5%	1.3%
WEEE	2.7%	0.0%	0.1%	1.9%
Hazardous	0.6%	0.0%	0.0%	0.4%
Organic Catering	33.3%	0.4%	0.2%	23.1%
Organic Non-Catering	5.0%	98.1%	0.4%	17.8%
Fines	2.6%	0.0%	0.2%	1.8%
Total	100.0%	100.0%	100.0%	100.0%

The full waste composition analysis can be accessed via the link below, with separate sections available for survey results for each individual authority and for the Partnership as a whole. It should also be noted that a further analysis is planned to be undertaken in 2015.

<http://www.merseysidewda.gov.uk/wp-content/uploads/2012/10/RESOURCES-Waste-Composition-Final-Report-A.pdf>

- 2.6 It is against the backdrop of this waste composition analysis that the Council has sought to maximise the variety and quantity of the waste material that Halton's residents can divert from landfill or residual waste treatment through the range of Council waste collection services.

Table 3 below overleaf provides an estimate of available tonnage for specific materials based on the waste composition analysis.

Table 3 – Estimated Recyclable Material Tonnages		
Material	Composition %	Equivalent Tonnes*
Paper	15.1	6580.29
Glass	8.6	3747.72
Card	6.3	2745.42
Metal	4.3	1873.86
Plastics	7.6	3311.94

**Based on combined annual kerbside tonnage of 43,578.14 for 2013-14*

2.7 The Council's waste collection services are delivered in-house and a description of the service model for 2014/15 is identified in Table 4 below.

Table 4 – Halton Borough Council Waste Collection Service Model 2014/15	
Service Provision over two week cycle (29,534 Households)	Bin capacity (litres)
Week 1	
Residual waste (black bin)	240
Week 2	
Residual waste (black bin)	240
Co-mingled recycling (blue bin)	240
Green garden waste (green bin) (seasonal)	240
Total bin capacity per household over 2 week cycle	960

Service Provision over two week cycle (3,100 Households)	Bin capacity (litres)
Week 1	
Residual waste (black sack)	240
Week 2	
Residual waste (black sack)	240
Co-mingled recycling (blue box)	44
Total receptacle capacity per household over 2 week cycle	524

Service Provision over two week cycle (23,359 Households)	Bin capacity (litres)
Week 1	
Residual waste (black bin)	240
Week 2	
Co-mingled recycling (blue bin)	240
Green garden waste (green bin) (seasonal)	240
Total bin capacity per household over 2 week cycle	720

- 2.8 The net cost of delivering the Council's waste collection service during 2014/15 is £2.85m, of which the co-mingled recycling service accounts for £516k (direct collection costs only).

2.9 Co-mingled recycling Service

As shown in Table 2, the Council provides a co-mingled recycling service to all households in Halton. In the main, 240 litre blue wheeled bins are used by residents to collect the items listed in 2.10 below for recycling, which are emptied by the Council on a fortnightly collection cycle. The Council uses 26 tonne refuse collection vehicles (RCVs) to make these collections, with each collection crew made up of one driver and two collectors.

Collected recyclable materials are delivered by the Council's RCVs to the MRWA Material Recovery Facility (MRF) at Gillmoss Waste Transfer Station, Liverpool. The MRF is operated by Veolia Environmental Services Ltd under the long-term Waste Management and Recycling Contract with MRWA and Halton.

Vehicle payloads are restricted to 7 tonnes and low compaction of the comingled payload is compulsory to ensure the input of high quality materials to the MRF. This is in line with the contractual acceptance protocol for the facilities and designed to improve the quality of the output materials which are sent to reprocessor destinations.

- 2.10 Items of household waste that are permitted for co-mingled recycling are as follows:-

- a) Glass bottles and jars;
- b) Plastic bottles;
- c) Paper;
- d) Card; and
- e) Food and drinks cans.

2.11 Green Garden Waste Composting Service

In addition to the above items, the Council provides a kerbside garden waste collection service to approximately 41,500 households on a fortnightly basis during the period March to November. Residents, through the use of 240 litre green bins, are able to send the following items for composting:-

- a) Grass cuttings
- b) Hedge clippings, Small branches, Twigs and Leaves
- c) Cut flowers/plants
- d) Bark

2.12 The Council uses 26 tonne RCVs (driver plus two loaders) to make these collections. This material is delivered by the Council's RCVs to the Haddocks Wood open windrow composting facility in Runcorn, operated by Veolia Environmental services as part of the Merseyside and Halton Waste Management and Recycling Contract. This site also receives garden waste from Halton's two Household Waste Recycling Centres (HWRC's)

2.13 Residual Waste Collection Service

At the time of completing this assessment, the Council collects waste that is not suitable for co-mingled recycling or green garden waste composting from half of Halton's households on a fortnightly basis (roll out of service due for completion in early 2015). Residents, in the main, use 240 litre grey wheeled bins to store this waste which is collected by the Council using 26 tonne RVCs (driver plus two loaders). Where properties will not be served by an alternate weekly collection of residual waste, the Council will restrict the amount of residual waste that it will collect on a weekly basis to approximately 120 litres.

This residual waste is currently delivered under a contractual arrangement to WSR Recycling Limited for pre-treatment and onward transport to an Energy from Waste facility.

From 2017/18 this material will be treated via the Merseyside and Halton Resource Recovery Contract (see 3.13 Energy Recovery, for further details).

2.14 Items of household waste permitted for collection via the residual waste collection service include:-

- a) Food waste; and
- b) General waste items that cannot be recycled.

2.15 Bulky Household Waste Collection Service

The Council provides, on request, a collection service for bulky household waste items (e.g. sofas, wardrobes and tables) for which it makes a charge of £21 per visit (for collecting up to 3 items, plus a further charge for each additional item up to 10). This waste is collected by the Council in a 7.5 tonne box van (driver plus one loader) and currently taken to the Bulky Bobs social enterprise company where the items are separated for re-use / recycling (where practically and economically possible).

2.16 Further information on the Council's waste collection services is provided via the following link;

<http://www3.halton.gov.uk/Pages/Bins/binsandrecycling.aspx>

2.17 Household Waste Recycling Centres (HWRCs)

The Council provides Household Waste Recycling Centres to Halton's residents. The Council's two HWRCs are managed by Veolia Environmental Services as part of the Merseyside and Halton Waste Management and Recycling Contract. A range of household waste materials can be recycled / composted via these sites in addition to those provided for through the Council's kerbside waste collection services referenced above. These additional items include:-

- a) Cartons (Tetrapak)
- b) Aluminium foil;
- c) Car batteries;
- d) Household batteries;
- e) Cooking oil;
- f) Electrical items and equipment;
- g) All light bulbs;
- h) Engine oil and oil filters;
- i) Furniture;
- j) Garden waste;
- k) Gypsum (plasterboard);
- l) Printer cartridges;
- m) Rubble;
- n) Scrap metal;
- o) Textiles/clothes/shoes;
- p) Timber/wood;
- q) Tyres;
- r) Rigid Plastics, and
- s) Soils.

2.18 Community bring-recycling sites

There are a number of neighborhood recycling sites within the borough which are available for the deposit of materials including glass, cans, paper, card and plastics

Further information on HWRCs and community bring-recycling sites is provided via the following web links:-

<http://www3.halton.gov.uk/Pages/Bins/Household-Recycling-Centres.aspx>

2.19 It will be noted that the Council's waste collection services are designed around the provision of a co-mingled household waste recycling service and the associated MRF infrastructure.

The Council has invested in fleet, wheeled bins and staff resources to deliver co-mingled recycling services. Furthermore the MRWA has previously awarded a 25 year Waste Management and Recycling Contract to Veolia Environmental Services which commenced in 2009. This incorporated the build and operation of a dedicated MRF at Gillmoss, the operation and upgrade of a MRF at Bidston, Wirral, the operation of a composting site in Runcorn and associated transfer and transport infrastructure. Therefore, ceasing the co-mingled recycling service in favour of a kerbside sort recycling operation would incur a significant and economically unviable cost to the Council (as well as the MRWA and the wider Partnership).

Contractual breaches including compensation events would be triggered if the Council changed the system of collection or withdrew from the current arrangement. This would result in significant financial penalty to the Council. Relevant contract information can be provided on request.

The MRWA has made significant investment with its contractor in MRF facilities, the costs of which will remain should those waste collection authorities operating co-mingled services (including the Council) introduce a new system of collection. Additionally such change would require a comprehensive communication campaign with residents and the re-introduction of a less user-friendly method of collection. Any change to the current recycling collection system is likely to have significant impact on participation and the associated performance, environmental and financial benefits.

Waste Communications Campaign

In 2008 the Council invested in a comprehensive and targeted communications and marketing campaign to bring about increased awareness amongst the residents of the borough. This was:

- based on co-mingled collections of recyclates.
- specifically aimed at diverting additional tonnage of materials for recycling
- aimed at increasing participation levels
- designed to be simple to use for residents
- provided for the best and most economical use of recycling bins in place for a single waste recycling stream (i.e. paper)

Effective and efficient communications is widely accepted as a vital element in driving up recycling performance and, recognising this fact, Members approved revenue growth for 2008/09 and 2009/10 to deliver an enhanced publicity and awareness raising programme.

To support the development of this programme an external communications specialist was commissioned to deliver training to a number of key Council officers, which focused upon the principals of successful communications and publicity. The communications campaign in Halton set out to achieve the following outcomes;

- Establishment of existing attitudes and habits towards recycling
- Increase awareness of recycling and waste minimisation in Halton
- Enhanced and increased use of existing recycling services and facilities
- Encourage increased participation and correct use of existing collection schemes
- Maintain awareness of new scheme and other recycling services
- Maintain highest levels of recycling possible during and beyond campaign

The subsequent campaign was made up of a number of key components, including;

- A Halton 'Brand' Development
- Direct marketing to each household in the borough (information packs)
- Public Roadshows, 'Doorstepping' and community engagement activities
- Media advertisement

The financial investment in the campaign was considered to represent value for money as a cost/value ratio analysis revealed increased landfill disposal cost savings were achievable as a result.

Halton's 'Rewards for Recycling' Scheme

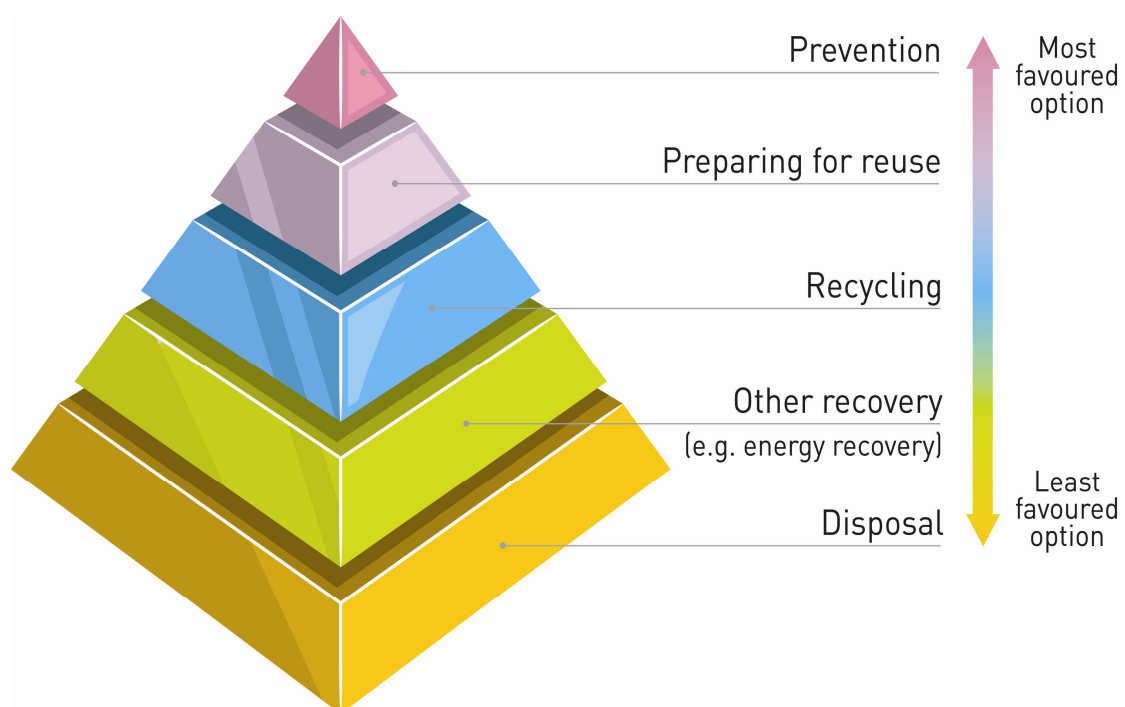
In 2009/10 the delivery of a pilot scheme to reward residents for co-mingled recycling received approval. The scheme, administered by RecycleBank (now Geenredeem) commenced in October 2009 and was implemented to 10,000 properties. Halton Borough Council became the first authority to apply an incentive scheme to an existing collection service, and only the second in the country to launch the scheme. Following a successful pilot the 'rewards for recycling' scheme was rolled out to all areas of the borough from the summer of 2010.

Maintaining a 'recycling rewards scheme' represents a significant investment in the promotion of kerbside co-mingled recycling by the Council.

3. ROUTE MAP STEP 2: CHECK HOW COLLECTED MATERIALS ARE TREATED AND RECYCLED

- 3.1 The Partnership's strategic focus is to move waste management higher up the Waste Hierarchy by supporting activities on waste prevention, re-use, recycling and composting whilst recognising the impact these actions have on the amount of residual waste requiring treatment or disposal. This programme of work is being delivered in a cost effective, affordable and value for money manner whilst optimising environmental benefits.
- 3.2 As such the Partnership, and the Council, is working towards managing municipal waste at the highest possible level in the Waste Hierarchy as possible to maximise environmental benefit. The Waste Hierarchy is shown in Figure 1 below.

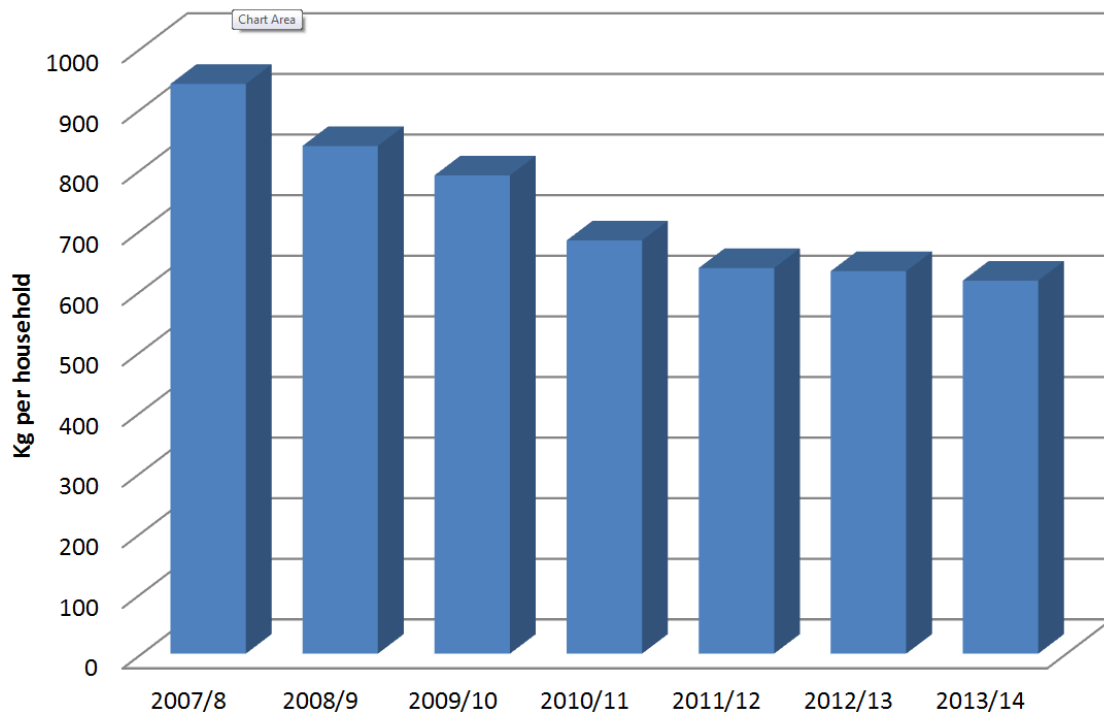
Figure 1 - The Waste Hierarchy



Waste Prevention / Reduction and Re-use Activity

- 3.3 Waste minimisation actually prevents the generation of waste in the first place, so it is the most preferred method of waste management and goes a long way toward protecting the environment. There are solutions and ways in which everyone can help reduce the amount of waste we produce. Waste prevention, or 'waste minimisation', means consuming and throwing away less. It includes:-

- a) purchasing durable, long-lasting goods
 - b) smart shopping: buying only what you need
 - c) repairing what is broken or giving it to someone who can repair it
 - d) seeking products and packaging that are as environmentally friendly as possible
 - e) using local facilities like charity shops
 - f) reducing junk mail
 - g) Re-designing products to use fewer raw materials in production, have a longer life, or used again after its original use.
- 3.4 Further ways to reduce waste include repairing, donating to charity and community groups, or selling items that are no longer needed. Reusing products, when possible, is better than recycling because the item does not need to be reprocessed before it can be used again. The Council's current arrangement with Bulky Bobs for the refurbishment of unwanted bulky household items is an example of a re-use project. More waste prevention and re-use information can be found at;
- www.recycleformerseasideandhalton.com
- 3.6 The Merseyside and Halton Waste Partnership directly support community groups in the delivery of waste prevention and re-use initiatives through the MRWA Community Fund. For example, in 2014 more than a dozen community projects that are working to cut food waste, and recycle or reuse everything from textiles to furniture have been selected to spearhead a £180,000 initiative across Merseyside and Halton.
- 3.7 In Halton, a project which gives young people the skills to transform unwanted furniture for needy residents received a £9,700 grant for 2014/15. The project in Widnes called 'Project Up', involves 'upcycling' items by the newly-skilled volunteers which have so far been donated to residents in need. The project aims to replicate Project Up's success on the Wirral, where 80 per cent of young people taking part went on to find employment.
- 3.8 The Council's waste prevention and reduction initiatives have been successful in helping to reduce the overall amount of waste produced per household. Graph 1 overleaf showing the reducing levels of waste produced per household.

Graph 1 – Household Waste Kg of Waste per Household

Recycling

3.7 As highlighted above the Council provides two primary methods of household waste recycling collection which are supported by communication and direct community engagement with Halton's residents to help them to recycle as much of their waste as possible:-

- a) Green garden waste collections – this material is composted (open windrow) by Veolia Environmental Services Ltd under the Waste Management and Recycling Contract; and
- b) Co-mingled recycling collections – this material is processed via a MRF that is operated by Veolia Environmental Services Ltd, also under the Waste Management and Recycling Contract.

3.8 The services that the Council provides are delivering a forecast household waste recycling performance for 2014/15 of over 40% whilst remaining aligned with our commitment to maximising financial and environmental benefits from the Council's waste collection operations and the MRWA contracts for waste treatment. This approach has been formally approved by the Council and documents evidencing this are available on request. These include a legally binding Inter Authority agreement between MRWA and Halton.

- 3.9 The Council directly takes its co-mingled collected recycling material to the MRWA MRF at Gillmoss, Liverpool for processing into separate material streams for onward recycling. In order to ensure that the best quality material is supplied to the MRF as possible the refuse collection vehicles operate low compaction to ensure that the payload is not excessively compressed and is therefore presented in line with the MRF contract input specification and acceptance criteria
- 3.10 The Council engages with the public to ensure minimal contamination of the co-mingled recycling stream through a range of measures including published recycling guidance, recycling promotional campaigns using outdoor media (including advertising on waste collection vehicles), website material direct community engagement / door-stepping through a community engagement officers, and implementation of the Council's waste collection policy (available on request).
- 3.11 Therefore the input of co-mingled material by the Council to the MRF is of good quality and this outcome is evidenced through the relatively low proportion of such material that is rejected due to contamination / presence of non-target material (as highlighted in Table 3)
- 3.12 As stated above the MRWA and Halton contractor, Veolia Environmental Services Ltd, operate the MRF. They operate the facility in accordance with the Material Recycling Facility Code of Practice and data in respect to the associated sampling regime will be available from January 2015. Current sampling of output material demonstrates that a good quality material is being produced by the MRF, this illustrated in Table 3 below.

Table 5: Gillmoss MRF Output Material Quality			
Sold As	% Of Ouput	Purity of Output	Recycled %
News & Pams	5.84%	98.01%	100%
Mixed Paper	38.09%	94.02%	100%
Card	5.86%	98.11%	100%
Small Glass	23.84%	91.66%	100%
Aluminium	1.00%	92.39%	100%
Steel	3.70%	88.46%	100%
Mixed Plastics	8.07%	85.50%	100%
Total	100.00%		

Table 5 illustrates that the current MRF sorting arrangements result in 100% recycling of waste paper, metal, plastic and glass with high purity rates of between 85.50% and 98.11%.

Furthermore, Veolia are able to secure a reasonable price from the recycling processing industry for the MRF output material in line with the price ranges illustrated in the monthly WRAP / MRF Material Pricing Report.

Material Reprocessing

Current reprocessor destinations for key materials from MRF outputs are shown in Table 4 below (NB: reprocessors are subject to change).

Table 4	Recyclable Materials Reprocessor Destinations
Glass	Recresco Ltd, Lane End, Urban Road, Kirkby-in-Ashfield, Notts, NG17 8LP
Metal	Morris & Co.(Handlers) Ltd, Bankwood Lane Industrial Estate, Roseington, Doncaster, DN11 0PS O'Connell Metal Recycling Alutrade Can Recycling Ltd, Langley Forge House, Tat Bank Road, Oldbury, West Midlands, B69 4NH
Paper	JHS Recycling Mark Lyndon Paper Enterprises (UK) Limited, NG2 Business Park, 12 The Triangle, Nottingham, NG2 1AE UPM - Kymmene (UK) Ltd, Shotton Paper, Weighbridge Road, Shotton, Deeside, Flintshire, CH5 2LL
Plastics	Closed Loop Recycling Eco Plastics Ltd, Hemswell Business Park, Hemswell, Lincolnshire, DN21 5TU

Energy Recovery

3.13 In December 2013 the MRWA announced that it had completed its procurement for a 30-year waste Resource Recovery Contract (RRC) on behalf of the Merseyside and Halton Waste Partnership. The Financial Close of the contract will bring more than £100M worth of savings to the Authority and its partner Councils over current landfill costs and over the life of the contract. MRWA has signed contracts with a consortium led by SITA UK for the Contract worth more than £1billion.

3.14 The winning bid from the SITA UK-led group includes a high efficiency Energy from Waste facility with Combined Heat and Power at the Wilton International site in Teesside creating around 50 new permanent jobs, and a new rail hub for the transportation of waste at the existing Potter Group Rail Freight Terminal at Kirkby in Knowsley on Merseyside, creating around 25 new permanent jobs.

- 3.15 The energy-from-waste facility will also be able to provide heat to local businesses, with the capacity to deliver 190 tonnes of steam an hour to neighbouring industrial businesses via a district heating system. This solution will enable the Merseyside and Halton Waste Partnership to divert more than 92% of its residual waste from landfill, while also generating the equivalent electricity to power thousands of homes. Managing the waste material in this way will result in CO2 reduction of approximately 127,335 tonnes a year – compared with landfill disposal and, by using rail haulage, will effectively remove the equivalent of 21,000 HGV journeys per year off the roads.
- 3.16 The announcement is the final stage of a resource management project which will provide a sustainable and cost effective solution for 430,000 tonnes of municipal waste per year, which the MRWA handles and which has not been recycled.
- 3.19 The MRWA will now work with SITA UK and the other partners to implement the contract and start the development and construction of facilities in both Knowsley and Teesside. The Wilton Energy from Waste plant is expected to take two years to build and the contract is expected to start handling waste in 2017, with the rail terminal development in Kirkby starting in 2015.
- 3.20 In the interim period (up to 2017, and the commencement of the RRC), a Residual Waste Treatment Services Contract has been procured by the Council in order to secure services to:
- ensure that sufficient interim capacity is available to Halton,
 - to minimise transport costs and,
 - to maximise landfill diversion

WSR Recycling Ltd was awarded a 2 year contract in 2013 which has options to extend up to the start of the RRC. Under the contract, Halton's residual waste is delivered to an Energy from Waste facility.

Disposal

- 3.21 The interim arrangements secured by Halton and the RRC will provide a sustainable and affordable solution for the management of the current 430,000 tonnes of municipal waste that Merseyside and Halton have previously sent to landfill.

4. ROUTE MAP STEP 3: APPLY THE WASTE HIERARCHY

- 4.1 The information provided above for Steps 1 and 2 evidences the Partnership's and the Council's approach to managing municipal waste against the Waste Hierarchy's priorities. In the current context of public sector austerity whilst recognising the financial, economic development and environmental benefits of taking steps to move further up the Hierarchy, the approach described is deemed to be compliant with the Hierarchy's requirements and the measures taken to comply are "reasonable in the circumstances".
- 4.2 Thus the direct actions of the Council, extended through the activity of the wider Partnership, do meet the requirements of Regulation 12 of the Waste England and Wales Regulations 2011 in respect to its requirement to apply the Waste Hierarchy.

5. ROUTE MAP STEP 4: DECIDE WHETHER SEPARATE COLLECTION OF THE FOUR MATERIALS IS REQUIRED

- 5.1 The Council provides a co-mingled household waste recycling service to Halton's residents. This includes the collection of glass, metal, paper and plastic together for processing at a MRF into separate commodities that can be subsequently recycled in their own right as part of a closed-loop recycling system that meets the necessary quality standards for the relevant recycling sectors.
- 5.2 This co-mingled method of recycling provides the following outputs:-
- a) A simple and easy to use system for residents;
 - b) Increasing levels of recycling since 2007, with a high level of recycling performance of over 40% projected for 2014/15;
 - c) Good quality input material for MRF processing;
 - d) Good quality MRF output materials that meet re-processor market standards, for subsequent recycling within a closed-loop recycling system;
 - e) An essential financial return on the significant investment the MRWA has made in the provision of two MRF's to support the delivery of the Halton's household waste recycling operations;
 - f) An important step, within a range of measures, to manage household waste as far up the Waste Hierarchy as possible; and
 - g) Reasonable performance is being achieved for reasonable cost.
- 5.3 **Given the outputs set out in paragraph 5.2, it is deemed that separate collections of glass, metal, paper and plastic is not necessary to ensure that waste is recycled and to facilitate improved recovery as identified by Regulation 13 of the Waste England and Wales Regulations 2011.**

Practicability Tests

- 5.4 Given that the Council has deemed that separate collections of glass, metal, paper and plastic is not necessary, it determined that it was not necessary to fully apply the Practicability Test of the Route Map to the four waste streams identified. Notwithstanding this, the Council did also consider the following points:

Based on statistics provided by WRAP for 2013/14, 50% of Local Authorities in England operated a co-mingled kerbside dry recycling service; 29% operated a separate collection system for more than one material, and 34% operated a separate collection system for one material only. It is clear therefore that it is technically practical to separately collect each material because separate collections have been demonstrated and operated by other Local authorities, including St Helens within the Merseyside and Halton Waste Partnership.

However, the Council needs to consider:

- Halton's local circumstances
- Previous investment in promoting a user friendly recycling collection
- The impact of deviating from the requirements of the Waste Management and Recycling Contract
- The impact of any changes in collection routes and optimisation
- Carbon emissions for the service
- The considerable investment that would be needed to restructure services and change public education/engagement
- The significant investment that the Council and the MRWA has made in recent years to implement co-mingled recycling collections alongside the un-viable cost implications of ceasing this arrangement

Commercial Waste

- 5.5 The Council collects waste from commercial premises upon request. The total amount of commercial waste collected annually is circa 1,180 tonnes, which represents only 3% of the total waste/recyclable materials collected from households and businesses across the borough. An economic assessment has determined that there would be a significant additional cost incurred to separately collect paper, glass, plastics and metals from the Council's commercial waste customers; which is not economically practical. Increased costs are primarily associated with providing additional waste receptacles as well as additional/multiple waste collection vehicle movements per day. Given Council budget pressures these additional annual costs may not be considered reasonable. Notwithstanding this, the additional collection costs would need to be passed onto the customers which may have a negative impact on the Council's ability to provide a competitive collection service in the future.

6. ROUTE MAP STEP 5: OBTAIN SIGN-OFF

- 6.1 The Merseyside and Halton Waste Partnership's Senior Officer Working Group has acted as a peer review group in the Council's assessment of its waste collection operations against the requirements of the Regulations.
- 6.2 The outcome of this assessment will be presented to the Council's Executive Board for formal approval. The recommendations to the Council's Executive Board will be made in consultation with the Council's Portfolio Holder for Environmental Services, the Operational Director for Legal & Democratic Services and the Divisional Manager for Waste and Environmental Improvement Services.

7. ROUTE MAP STEP 6: RETAIN EVIDENCE

- 7.1 The Council will maintain evidence generated by the previous steps in order to support the rationale for its decision on separate collection.

8. ROUTE MAP STEP 8: REVIEW PROCESS

- 8.1 In order to ensure continuing compliance with the Regulations, the Council will re-evaluate its position on the separate collection of paper, glass, plastics and metals every 3 years. The Council will re-evaluate its co-mingled collection methodology prior to any scheduled review should there be any significant change which may affect its position. Such factors may include, but are not limited to;
 - Contractual changes
 - Availability of recycling facilities / new technologies
 - Changes in recyclate value
 - Changes in waste composition
 - Changes in staff, vehicle, fuel, waste management costs

REPORT TO:	Executive Board
DATE:	26 February 2015
REPORTING OFFICERS:	Strategic Directors – Policy & Resources and Children & Enterprise
PORTFOLIOS:	Resources and Economic Development
SUBJECT:	Discretionary Non-Domestic Rate Relief
WARD(S):	Borough-wide

1.0 PURPOSE OF REPORT

1.1 The Localism Act 2011 amended the provisions of the Local Government Finance Act 1988, such that councils may grant discretionary business rates relief to any business ratepayer in any circumstance.

1.2 The purpose of this report is to;

- a) Consider the renewal of discretionary business rate relief for existing organisations who continue to satisfy the appropriate criteria, and;
- b) Establish criteria to be applied when considering applications for discretionary business rate relief from organisations where there is considered to be an economic development benefit from doing so.

2.0 RECOMMENDED: That

- 1) Discretionary business rate relief of 15% be granted for those registered charities and CASC organisations currently in receipt of such relief, for the period of three years commencing 1st April 2016;**
- 2) Discretionary business rate relief of 90% be granted for the not-for-profit organisations currently in receipt of such relief (except for the two referred to in paragraph 5.3), for the period of three years commencing 1st April 2016; and**
- 3) the criteria set out in Section 6, be approved as a policy framework to assist with considering future applications for discretionary rate relief on the grounds of potential economic development and job creation benefits, whilst still considering each application on its own merits.**

3.0 REGISTERED CHARITIES AND CASCs

- 3.1 The Council has previously granted discretionary business rate relief to a number of organisations which are registered charities, not-for-profit organisations, or Community Amateur Sports Clubs (CASC). The Council currently grants discretionary business rate relief for these organisations for a period of three years.
- 3.2 These organisations automatically receive mandatory 80% business rates relief. Prior to April 2013 the full cost of such mandatory relief was met by the Government, whilst the Council funded 75% of any discretionary rate relief granted (for the remaining 20% of their rates liability).
- 3.3 Following the introduction of the business rates retention scheme, the Council now funds 49% of both mandatory and discretionary rate relief.
- 3.4 Therefore, prior to April 2013 the total cost to the council taxpayer would have been 15% of the total rates liability. However, the total cost to the council taxpayer would now be 49% of the total rates liability.

4.0 NOT-FOR-PROFIT ORGANISATIONS

- 4.1 Not-for-profit organisations are not entitled to mandatory rate relief. Previously, where not-for-profit organisations were granted discretionary rate relief the Council funded 75% of the cost. However, following the introduction of the business rates retention scheme the Council now funds 49% of discretionary rate relief for such organisations.

5.0 LEVEL AND PERIOD OF BUSINESS RATES RELIEF AWARDED

- 5.1 Previously, where the Council has granted discretionary rate relief for registered charities and CASC organisations, this has been granted for the full remaining 20% of the organisation's rates liability.
- 5.2 In light of the current financial challenges and constraints facing the Council, it is recommended to grant discretionary business rate relief of 15% for registered charities and CASC organisations, for the period of three years commencing 1st April 2016. This would provide the Council with a saving of approximately £9,500 per annum. The organisations themselves would then have to meet the remaining 5% of their business rates liability.
- 5.3 For not-for-profit organisations the Council has in the main granted 100% discretionary rate relief, except in the case of two organisations who received less than 100% for specific reasons.
- 5.4 In terms of existing not-for-profit organisations who receive rate relief (except for two referred to in paragraph 5.3 above), it is recommended to grant discretionary business rate relief of 90% for these organisations, for the period of three years commencing 1st April 2016. This would provide the Council with a saving of approximately £13,000 per annum. The organisations themselves would then have to meet the remaining 10% of their business rates liability.

5.5 The Council currently grants discretionary business rate relief to organisations for a three year period. It is recommended that this practice continues, in order to provide the organisations with some certainty so as to assist with their financial planning.

5.6 Regulations require that organisations are given twelve months' notice of ceasing or changing discretionary rate relief and the current period of relief ends on 31st March 2016. If the Council wishes to cease or reduce relief thereafter, then the organisations must be notified by 31st March 2015.

6.0 CRITERIA FOR GRANTING RATE RELIEF ON THE GROUNDS OF POTENTIAL ECONOMIC DEVELOPMENT AND JOB CREATION BENEFITS

6.1 Under the amended provisions of the Local Government Finance Act 1988, any organisation may apply to the Council requesting discretionary business rates relief. In these instances the Council will fund 49% of any discretionary rate relief granted.

6.2 Historically, the Council has considered such requests on their individual merits and in light of the potential economic development and job creation benefits they might deliver for the Borough. Whilst this type of request can provide a useful 'hook' to enable the Council's Business Improvement and Growth Team to engage with businesses, the granting of rate relief is only one of a number of options available to support businesses. In fact, other types of support, for example, grant aid, help with recruitment and diagnostic input, may be more relevant to the needs of that particular business.

6.3 Therefore, in order to ensure consistency it is proposed that the following criteria be applied in future when considering such requests for rate relief;

- (i) The number of additional, sustainable jobs forecast to be created in the following twelve months.
- (ii) Based upon (i) above, the gross cost per job and no greater than £26,000 per job if granted.
- (iii) State Aid compliance.
- (iv) All planning consents and other permissions already in place.
- (v) Evidence that the applicant has business rates liability for the property.
- (vi) The ultimate end-user of the property to be identified.
- (vii) The nature of the business involved with priority to be given to Halton's growth sectors.
- (viii) The type of jobs to be created with priority given to Halton's growth sectors.
- (ix) The robustness of business plans, forecasts and expansion plans provided in support of the application for rate relief.

6.4 It is also proposed that discretionary business rates relief will not be granted where;

- (i) The property is located within an Enterprise Zone or any other area where a specific rate relief policy applies.
- (ii) The application for rate relief is received retrospectively.

- 6.5 The above criteria are intended to provide a policy framework to assist with considering each application for discretionary rate relief. However, within this policy framework the Board will still consider each request on its merits.
- 6.6 One option considered was to limit discretionary business rate relief to only new businesses locating to the Borough. However, this could be disadvantageous to the Borough's economic growth, given that approximately 68% of our investment and expansion enquiries come from indigenous businesses.
- 6.7 Another option considered, was to apply minimum thresholds in respect of jobs, floor space created/land brought forward for development. However, small and medium sized enterprises make an important contribution to the Borough's economy, and it would therefore be counterproductive to limit awards of discretionary grant relief purely to larger scale developments. Furthermore, many high growth, high value businesses, which are good for our economy do not always generate huge numbers of jobs.
- 6.8 Consequently, the criteria proposed above focus on the quality and added value that an investment enquiry will bring, rather than the size and scale of the development.
- 6.9 In future, the Council may wish to develop a Businesses Attractiveness Model whereby the Council will identify and apply criteria to measuring the attractiveness of a business to the area. Such criteria are often based upon: which business sector they are in; whether they are in an employment area; the number of employees; whether they are an exporter; trade locally; part of a larger chain; a sole trader; their internet presence; the stage of the business cycle they are in; and whether they are headquartered in Halton.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The Council funds 49% of both mandatory and discretionary business rates relief, with the Government funding the other 51% of such relief.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 8.1 The organisations for whom discretionary rate relief is granted may engage with one or more of the Council's priorities.

9.0 RISK ANALYSIS

- 9.1 There are none.

10.0 EQUALITY AND DIVERSITY ISSUES

- 10.1 There are none.

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

11.1 Document	Place of Inspection	Contact Officer
Application forms and supporting evidence	Kingsway House, Caldwell Road, Widnes	Phil Murphy, Business Rates Manager

REPORT TO: Executive Board

DATE: 26 February 2015

REPORTING OFFICER: Strategic Director Children and Enterprise
Strategic Director Policy and Resources

PORTFOLIO: Resources and Physical Environment

SUBJECT: Disposal of former Halton Village
Hall

WARD(S) Halton Castle, Runcorn

1.0 PURPOSE OF THE REPORT

1.1 To provide information on the proposed disposal of the former Halton Village Hall. The site is approximately 75sqm and the village hall building 55sqm

2.0 RECOMMENDATION: That

- 1) The property is no longer convenient for the purposes of the Trust and brought forward for disposal;**
- 2) The sale proceeds used for the purposes of the Trust allocated towards education, recreation or religious purposes within Halton Village. It is suggested that any funds could be managed through the arrangements for Area Forum Grant;**
- 3) Authorise the Operational Director, Economy, Enterprise and Property and Operational Director, Legal and Democratic Services to distribute the proceeds of sale as directed by the Board; and**
- 4) Authorises the Operational Director, Economy, Enterprise and Property to arrange for all required documentation to be completed to the satisfaction of the Operational Director, Legal and Democratic Services.**

3.0 SUPPORTING INFORMATION

3.1 The former Halton Village Hall was declared surplus to the Council's requirements and to be brought forward for disposal at the meeting of the Executive Board on 23 May 2013 with the schedule of the other surplus sites.

- 3.2 The property was gifted in 1903 and held in trust by the then Halton Parish Council to be used for such purposes, amongst others, as public offices, meetings and purposes connected with parish business or duties of the Parish Council. It may also be used for meetings of persons whose purposes are religious, educational, temperance, political or recreational.

The reference to Halton for the purposes of the trust are the areas around Halton Village rather than the Borough of Halton. The Halton Parish Council no longer exists and the powers passed to the Council.

- 3.3 The property was occupied by the Halton Trade Union Unemployed Community Resource Centre between December 1987 and December 1998 and has not been used for the purposes of the Trust since then.

The last tenant occupied the property between June 2001 and June 2011 for the storage of cycles and it has been vacant since then. The condition of the property is poor, is in need of substantial refurbishment before the property could be reoccupied and is a financial liability for the Council.

- 3.4 The provisions of the trust provide that if the Council decide it is no longer convenient to use the property for the purposes of the trust they can dispose of the property and the proceeds used for the purposes of the trust.

Several purposes of the trust may no longer be applicable but the proceeds could be allocated towards education, recreation or religious purposes within Halton Village.

4.0 **POLICY IMPLICATIONS**

The proposal supports the Borough's Regeneration objectives, optimises the return from the disposal of property assets and is in line with the UDP and upcoming Core Strategy.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

- 5.1 None

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

No implication for this priority as a result of this disposal

6.2 **Employment, Learning & Skills in Halton**

No implication for this priority as a result of this disposal

6.3 **A Healthy Halton**

No implication for this priority as a result of this disposal

6.4 **A Safer Halton**

No implication for this priority as a result of this disposal

6.5 **Halton's Urban Renewal**

The asset is surplus to requirements and has been vacant for a number of years and the disposal will help to bring the building back into useful economic life.

7.0 **RISK ANALYSIS**

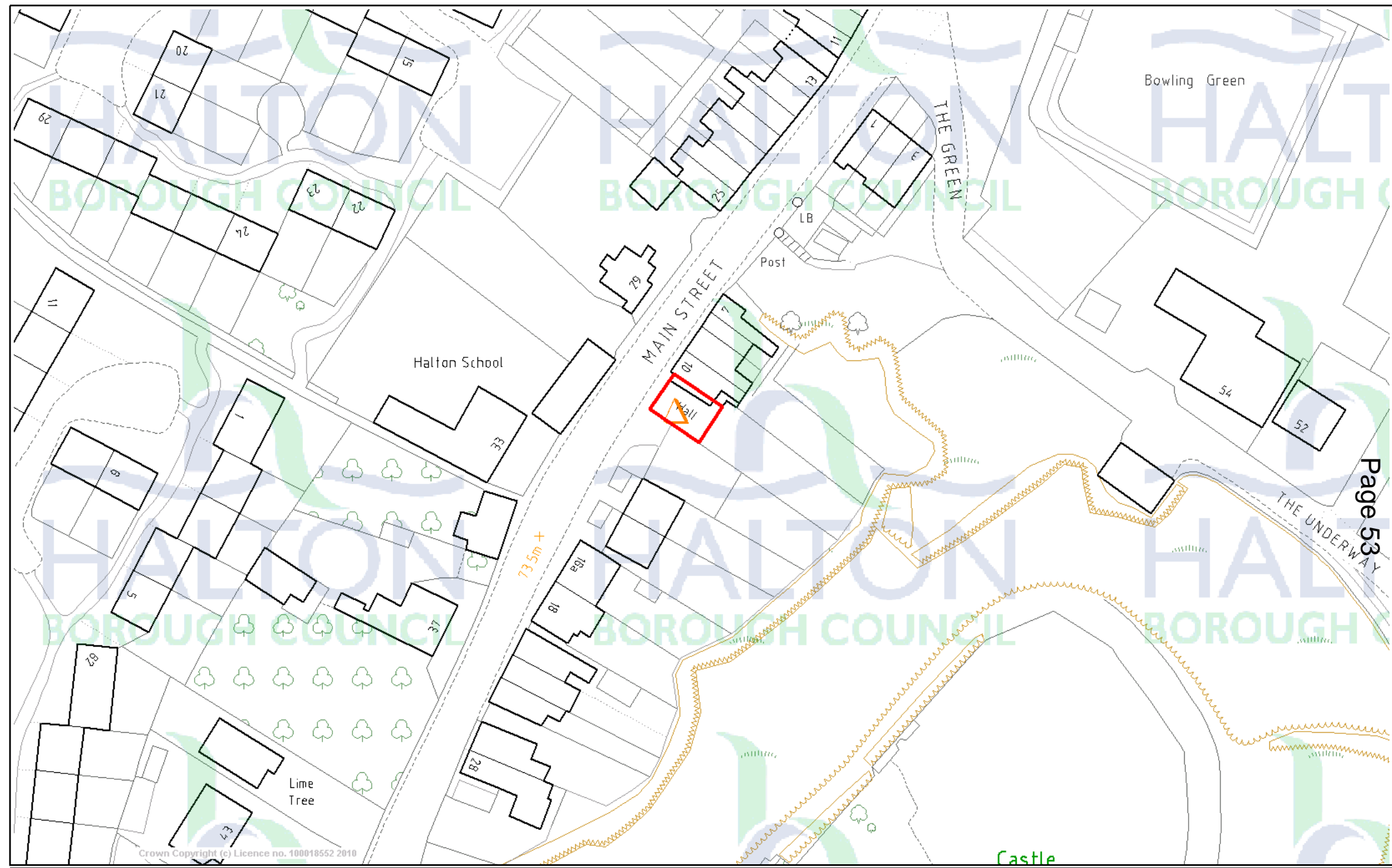
7.1 The most significant risk associated with the proposal is failure of the property to attract purchasers due to the need for extensive repairs. The property will be advertised with external marketing agents.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 To dispose of surplus land at best value and to encourage a sustainable business investment in the Borough

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

None under the meaning of the Act.



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REPORT TO: Executive Board

DATE: 26 February 2015

REPORTING OFFICER: Strategic Director – Communities

PORTFOLIO: Community & Sport
Environmental Services
Physical Environment

SUBJECT: Review of Fees and Charges

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 In conjunction with the annual budget review it is proposed to increase the charges under the control of the Communities Directorate in accordance with the schedules shown in the Appendix to this report.

2.0 RECOMMENDATION: That the proposed fees and charges as set out in this report be agreed for 2015/16.

3.0 SUPPORTING INFORMATION

3.1 The review of Fees and Charges within the Communities Directorate has been carried out as part of the budget preparations for 2015/2016. As a consequence of the review, it is proposed that existing fees and charges be increased generally in line with inflation.

3.2 Use of Council bowling greens is currently free. Bowls is enjoyed by many in the community especially amongst the older age groups. However it is costly to provide bowling greens. It is proposed in this report to introduce a charge for the use of bowling greens.

4.0 POLICY IMPLICATIONS

4.1 There are no new policy implications as a result of the proposed increases in Fees and Charges.

5.0 FINANCIAL IMPLICATIONS

5.1 These are contained within the report.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There are no implications for this priority.

6.2 Employment, Learning and Skills in Halton

There are no implications for this priority.

6.3 A Healthy Halton

There are no implications for this priority.

6.4 A Safer Halton

There are no implications for this priority.

6.5 Halton's Urban Renewal

There are no implications for this priority.

7.0 RISK ANALYSIS

7.1 There is a requirement for the fees to be paid and in order to avoid the risk of them not being paid, all fees should be received before the service is provided.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no Equality and Diversity implications arising as a result of the proposed action.

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

9.1 There are no background papers under the meaning of the Act.

APPENDIX 1 – CURRENT AND PROPOSED FEES AND CHARGES

Waste and Environmental Improvement Services	Present Charge	Proposed Charge
Waste and Recycling	2014/15	2015/16
Charge for a new or replacement wheeled bin	£26.00	£26.50
Charge for the collection of bulky household items.	£21.00 for up to 3 items. Additional items at £5.50 each. Maximum of 10 items per collection.	£21.50 for up to 3 items. Additional items at £5.60 each. Maximum of 10 items per collection.
Charge for the collection of Commercial Waste	Variable charges dependent upon size of containers & frequency of collection	Increase of 2% on 2014/15 charges
Community Centres	2014/15	2015/16
Community Groups:		
Room Hire – Hall (per hour)	£8.05	£8.25
Room Hire – Small Room (per hour)	£2.90	£3.00
Room Hire – Large Room (per hour)	£4.55	£4.65
Room Hire – Stage (per hour)	£2.90	£3.00
Room Hire – Kitchen (per hour)	£2.30	£2.35
Room Hire – Cafeteria (per hour)	£4.55	£4.65
Private and Commercial Groups:		
Monday to Friday (as per Community Group Charges plus 15%)	Above +15%	Above +15%
Weekends (as per Community Group Charges Plus 50%)	Above +50%	Above +50%
Performing Rights (of total charge)	5%	5%
Sports hall at Upton Community Centre (Adults)	£31.00	£31.75
Sports hall at Upton Community Centre (Juniors)	£25.00	£25.50

Open Space Services	Present Charge	Proposed Charge
Parks and Open Spaces	2014/15	2015/16
Summer Games		
Bowling Green Hire (Alternate weeks)	Free	N/A
Adult Bowling Green Card (Annual)	N/A	£25.00
Junior Bowling Green Card (Annual)	N/A	£12.50
Summer Rugby Adult	£520.00	£530.00
Summer Rugby Juniors*	£306.00	£312.00
Winter Games		
Adult B/B Pitch Hire (Alternate Weeks)	£520.00	£530.00
Adult Casual Hire	£132.00	£135.00
Junior B/B Pitch Hire* (Alternate weeks)	£306.00	£312.00
Mini Soccer B/B Hire*	£229.00	£234.00
Junior Casual Hire	£66.00	£67.00
Adult Baseball Field (Annual)	£1570.00	£1600.00
Junior Baseball Field* (Annual)	£785.00	£800.00
Exhibition Unit Day Hire		
In-house Service	£500.00	£510.00
Private Hire	£650.00	£663.00
Event Equipment Hire (per day)		
Pop Up Gazebo (3m x 3m)	£160.00	£163.00
Walkie Talkies x 10	£350.00	£357.00
PA (Speakers, Amp, CD Player, Microphone)	£425.00	£433.00
Bandstand Hire (by written request only)	£200.00	£204.00
SJB Bridge Zip Wire Hire (1hire day per year)	£1200.00	£1224.00
Fair and Circus Park Hire 6000 m² Spike Island/Heath Park		
Non Trading Days (per day)	£155.00	£158.00
Trading Days (per day)	£355.00	£362.00
Fair and Circus Park Hire 3000 m² Victoria Park/Picow Farm Road		
Non Trading Days (per day)	£105.00	£107.00
Trading Days (per day)	£260.00	£265.00
Allotments		
Annual Allotment Rent (Levied from 1 January each	0.422p M2	0.430p M2

year)		
New tenant administration fee (includes £20.00 refundable cost of key)	£40.00	£41.00
Cemeteries and Crematorium		
Purchase of Exclusive Right of Burial (50 year lease)		
(a) Three interments	£850.00	£867.00
(b) One or two interments	£760.00	£775.00
(c) Cremated remains grave	£450.00	£459.00
(price includes fee for concrete beam for installation of memorials)		
Interment Fee		
(a) 1 interment – Adult	£675.00	£688.00
(b) 2 Interments – Adult	£785.00	£800.00
(c) 3 Interments – Adult	£890.00	£908.00
(d) 1 interment (Child 1 month -16 years)	£300.00	£306.00
(e) 2 interments – child (1 month-16 years)	£330.00	£336.00
(f) 3 interments - child (1 month-16 years)	£410.00	£418.00
(g) Stillborn child or child not exceeding 12 months	Nil	nil
(h) Burial of cremated remains (Mon-Fri)	£170.00	£173.00
(i) Burial of two cremated caskets at same time (Mon-Fri)	£255.00	£260.00
Additional fee outside of core times (<i>Monday to Thursday 10.00 a.m. – 3.00 pm, Friday – 10.00 a.m. to 2.00 pm</i>).	£120.00	£122.00
Saturday morning additional fee (full burials)	+50% of interment fee	+50% of interment fee
Non-resident charge for (a)-(h) above	+100%	+100%
Indemnity fee	£75.00	£76.50
Use of Crematorium Chapel for funeral service	£100.00	£102.00
Transfer of Ownership of Exclusive Right of Burial	£75.00	£76.50
Civil Funeral Celebrant	£195.00	£199.00
Grave search – up to 10 names	£30.00	£31.00
Crematorium charges <i>Applicable Monday-Thursday 9.00 a.m. – 3.30 p.m. Friday – 9.00 am. – 2.00 p.m. (later times only by agreement)</i>		
Cremation charge – adult	£625.00	£637.00

Cremation charge – child (1 year-16 years)	£300.00	£306.00
Cremation charge – child under 1 year	£65.00	£66.00
Cremation charge – after anatomical examination	£335.00	£342.00
Saturday morning – additional charge	+50%	+50%
Scattering of remains – with an appointment (cremation at Widnes Crematorium) – Mon-Fri	£55.00	£56.00
Scattering of remains (no attendance) when cremation has taken place At another crematorium – Monday to Friday <i>(Scattering of remains not available on a Saturday)</i>	£95.00	£97.00
Casket – wooden	£65.00	£66.00
Casket - aluminium	£40.00	£41.00
Casket - small wooden (child)	£30.00	£31.00
Token box	£20.00	£20.50
Storage of cremated remains after one calendar month from date of cremation	£65.00 per month	£66.00 per month
Postage of cremated remains (by secure carrier)	By Request	By Request
Certified Extract from the Cremation Register	£45.00	£46.00
Civil Funeral Celebrant	£200.00	£204.00
Memorials		
New headstone	£170.00	£173.00
Additional inscription	£35.00	£36.00
Vase/tablet/book – not exceeding 12” x 12” x 12	£45.00	£46.00
Vase/tablet/book – up to 18” x 12” x 12”	£65.00	£66.00
Vase/tablet/book – over 18” up to 30” x 12” x 12”	£80.00	£82.00
Registration of BRAMM registered masons	Nil	Nil
Inscription to Baby Headstone (inc.of VAT)	£60.00	£61.00
Memorial Benches (10 year lease) – Prices exclusive of VAT		
5ft hardwood bench, with engraved plaque	£710.00	£724.00
Renewal of 10 year lease (new bench/plaque)	£580.00	£592.00
Granite bench – Four Seasons Garden only	£1,290.00	£1316.00
Renewal of 10 year lease (existing bench)	£525.00	£535.00
Plaques (10 year lease) – Prices exclusive of VAT		

Bronze plaque	£240.00	£245.00
Renewal for further 10 years	£110.00	£112.00
Granite plaque on Planter – Four Seasons/ Runcorn Cemetery Sundial	£375.00	£382.00
Renewal for further 10 years	£155.00	£158.00
Book of Remembrance – Prices exclusive of VAT		
2 line entry	£91.00	£93.00
3 line entry	£118.00	£120.00
4 line entry	£145.00	£148.00
5 line entry	£172.00	£175.00
6 line entry	£199.00	£203.00
7 line entry	£226.00	£230.00
8 line entry	£253.00	£258.00
Flower designs	£78.00	£80.00
Other designs	£88.00	£90.00
Extra line to existing entry	£45.00	£46.00
Slate Tablets per letter		
	£4.00	£4.10
Memorial Cards – Prices exclusive of VAT		
2 line entry	£37.00	£38.00
3 line entry	£49.00	£50.00
4 line entry	£61.00	£62.00
5 line entry	£73.00	£74.00
6 line entry	£85.00	£87.00
7 line entry	£97.00	£99.00
8 line entry	£109.00	£111.00
Flower design	£78.00	£80.00
Other designs	£88.00	£90.00
Sanctum Vaults		
10 year lease	£575.00	£586.00
Renewal for further 10 years	£260.00	£265.00

20 year lease	£775.00	£790.00
Renewal for further 20 years (includes first placing of remains) Monday to Friday (<i>not available Saturday</i>)	£365.00	£372.00
Placing 2 nd casket of remains Monday to Friday (<i>not available Saturday</i>)	£60.00	£61.00
Designs and lettering – Prices exclusive of VAT		
Lettering, per letter	£3.80	£3.90
Small design	£75.00	£76.50
Large design	£95.00	£97.00
Photo tile (portrait – 1 person)	£135.00	£138.00
Photo tile (landscape – 2 persons)	£175.00	£178.50
The Brindley Proposed Hire Fees	2015/16	2016/17
Commercial Hirers (Mon – Thurs) 1 perf or up to 8 hrs	£1,150.00	£1,173.00
Commercial Hirers (Fri/Sat) 1 perf or up to 8 hrs	£1,260.00	£1285.00
Commercial Hirers (Sun & B/Holidays) 1 perf or up to 8 hrs	£1,380.00	£1407.00
Commercial Hirers (Mon – Thurs)	£725.00	£740.00
Commercial Hirers (Fri/Sat)	£820.00	£836.00
Commercial Hirers (Sun & B/Holidays) 1 perf or up to 8 hrs	£930.00	£948.00
Commercial Hirers Rehearsal per 4 hrs or part thereof (Mon-Thurs)	£315.00	£321.00
Commercial Hirers Rehearsal per 4 hrs or part thereof (Fri&Sat)	£370.00	£377.00
Commercial Hirers Rehearsal per 4 hrs or part thereof (Sun & B/Holidays)	£420.00	£428.00
Halton Community Hirers (Mon – Thurs)	£675.00	£688.00
Halton Community Hirers (Fri/Sat)	£750.00	£765.00
Halton Community Hirers (Sun & B/Holidays)	£850.00	£867.00
Halton Community Hirers Rehearsal per 4 hrs or part thereof (Mon-Thurs)	£280.00	£285.00
Halton Community Hirers Rehearsal per 4 hrs or part thereof (Fri&Sat)		

Halton Community Hirers Rehearsal per 4 hrs or part thereof (Sun & B/Holidays)	£330.00	£336.00
	£425.00	£434.00
The Studio		
Per 8 hour performance with technical support (Mon-Thurs)	£365.00	£372.00
Per 8 hour performance with technical support (Fri&Sat)	£425.00	£433.00
Per 8 hour performance with technical support (Sun & B/Holidays)	£490.00	£500.00
Per 4 hour rehearsal with technical support (Mon-Thurs)	£210.00	£214.00
Per 4 hour rehearsal with technical support (Fri&Sat)	£240.00	£244.00
Per 4 hour rehearsal with technical support (Sun & B/Holidays)	£270.00	£275.00
Per 2 hour hire without technical support (Mon-Thurs)	£70.00	£71.50
Per 2 hour hire without technical support (Fri&Sat)	£95.00	£97.00
Per 2 hour hire without technical support (Sun & B/Holidays)	£130.00	£133.00
Per 4 hours dressing room facility (Mon-Thurs)	£130.00	£133.00
Per 4 hours dressing room facility (Fri&Sat)	£185.00	£189.00
Per 4 hours dressing room facility (Sun & B/Holidays)	£245.00	£250.00
Per 8 hours dressing room facility (Mon-Thurs)	£260.00	£265.00
Per 8 hours dressing room facility (Fri&Sat)	£360.00	£367.00
Per 8 hours dressing room facility (Sun & B/Holidays)	£480.00	£490.00
Per 12 hour dressing room facility (Mon-Thurs)	£360.00	£367.00
Per 12 hour dressing room facility (Fri&Sat)	£420.00	£428.00
Per 12 hour dressing room facility (Sun & B/Holidays)	£490.00	£500.00
Sales, Marketing & Admin		
Inclusion within the Brindley season Brochure	£125.00	£127.00
Inclusion in the Brindley's Monthly Newspaper	£60	£61.00
Brindley to manage ticket sales	40p per ticket	40p per ticket
Programme/Merchandise sales by hire company	10%	10%
Programme/Merchandise sales by Brindley staff	20%	20%

Admin charge for orders made on behalf of hirer	10% of total order value	10% of total order value
Technical		
Additional technicians	£15 per hour	£15.00
Pre rig (sound, lighting or stage)	£325 Mon - Fri £370 Sat, Sun & BH	£331.00 £377.00
Use of the orchestra pit	£140	£142.00
Smoke Machine	£20.00per day £40 weekly	£20.50 £41.00
Haze Machine	£20.00 per day £40 weekly	£20.50 £41.00
Radio Microphones	£28 per mic £84 weekly	£28.50 £86.00
1400 Lumen Projector – Studio	£105 per day £335 weekly	£107.00 £340.00
Film Screen – Studio	£22 per day £65 weekly	£22.50 £66.00
Cinema projector & Screen	£170.00	£173.00
Media Package – projector, dvd, cd & laptop	£50 per day £150 weekly	£51.00 £150.00
Harlequin Dance Floor	£65 per day £200 weekly	£66.00 £204.00
Steinway Grand Piano – (Theatre only) - Without Tune	£110 per day £330 per week	£112 per day £336 per week
Steinway Grand Piano – (Theatre only) - tune	£110 per day Mon to Friday £140 per day Sat & Sun	£112 per day Mon to Friday £142 per day Sat & Sun
Front of House & Hospitality		
Additional Front of House Stewards	£15 per hour	£15.00
Post show bar	£50.00 – Waived if bar sales over £150	£51.00 – waived if bar sales over £150.
Catering	Prices on application	

Stadium, Libraries and Sports Development		2014/15	2015/16
Library Service Loan charges		Present Charge	Proposed Charge
Talking Books for 3 weeks		£1.25	1.30
Talking Books for 3 weeks Halton Leisure Card		75p	80p
DVDs Children's collection for 1 week		£1.35	1.40
Learning for Life Collection non-book items		£1.25	1.30
Learning for Life Collection non-book items		FREE	No change
Library Service Fines on overdue items			
Books, Talking books, CDs Learning for Life Collection			
Adult tickets (maximum £2.00 per item)		15p per day	No change
Halton Leisure Card (maximum £2.00 per item)		5p per day	No change
Children's tickets		no charge	No change
Young Persons ticket (16-18)		no charge	No change
DVDs – Adult ticket		55p per day	No change
– Halton Leisure Card		25p per day	No change
Maximum £3.00 per item			
Children's books borrowed on an adult ticket are subject to the adult fine rate.			
LOST & DAMAGED ITEMS			
Lost or damaged items will be charged for at the current replacement cost.			
Library Service Reservations			
For items currently in stock		FREE	No change
Leisure card holders		FREE	No change
For items which have to be bought for stock		£2.25 per item	2.50 per item
For items which have to be bought for stock (HLC)		£1.25 per item	£1.50 per item
For items which have to be obtained through Inter Library Loan or British Library		£8.25 per item	£9.00 per item
For items which have to be obtained through Inter Library Loan or British Library (HLC)		£5.25 per item	£6.00 per item
Printing			
Printing black & white		15p per page	No change
Printing black & white (HLC)		10p per page	No change
Printing colour		25p per page	No change
Printing colour (HLC)		15p per page	No change
Photocopies A4		15p per sheet	No change
Photocopies A3		25p per sheet	No change
Fax to UK per sheet received		50p per sheet received	No change
		£1.00 first sheet	No change
		25p subsequent sheets	No change
Fax to Europe		£2.00 first sheet	No change
		50p subsequent sheets	No change
Fax to International		£3.00 first sheet	No change
		£1.00 subsequent sheets	No change
Lost tickets – Adults		£1.60	£1.80
Lost tickets – Children and HLC		80p	90p
Room Hire Halton Lea			
		Community Rate	Council Rate
	2014-15	2015-16	2015-16
Room 2	£9.00 per hour	£9.50 per hour	£11.00 per hour
Room 3	£9.00 per hour	£9.50 per hour	£11.00 per hour
Rooms 2 & 3	£17.75 per hour	£18.00 per hour	£22.00 per hour

Room 4	£4.50 per hour	£5.00 per hour	£6.00 per hour
Room 5 – ICT Suite	£9.00 per hour	£9.50 per hour	£11.00 per hour
Room 6	£7.00 per hour	£7.50 per hour	£9.00 per hour
Meeting Room 7	£5.50 per hour	£6.00 per hour	£7.00 per hour
Room Hire Runcorn			
	2014-15	2015-16	2015-16
Meeting Room	£6.50 per hour	£7.00 per hour	£9.00 per hour
Kingsway Learning Centre			
Community Rate 14/15 Meeting room 13	Community Rate 15/16	Council Standard Rate 14/15	Council Standard Rate 15/16
£13.00 per hour	£13.50 per hour	£16.00 per hour	£16.50 per hour
Community Rate 14/15 Other meeting rooms	Community Rate 15/16	Council Standard Rate 14/15	Council Standard Rate 15/16
£7.00 per hour	£7.50 per hour	£8.50 per hour	£9.00 per hour
Block bookings			
Less 10% in respect of 8 or more bookings made at any one time.			
Private and Commercial Bookings			
The above charges (community rate) increased by 25% and 50% respectively and cumulatively.			
Leisure Prices	Present Charge	Proposed Charge	
Halton Leisure Card (HLC)	4.00	4.00	
SWIMMING			
Adult(18+ years)	3.40	3.50	
¹ Junior (under 18 years)	1.90	2.00	
Halton Leisure Card	2.10	2.20	
² Junior Lessons (10 lessons)	39.50	41.00	
Senior Lessons (10 lessons)	41.00	42.50	
Aqua class	4.90	4.90	
SPORTSHALL			
Adult	3.70	3.80	
Junior	1.85	1.90	
Halton Leisure Card	2.20	2.25	
ACTIVITY			
Half Hall BB Hire	28.00	28.50	
Adult admit fee	2.20	2.20	
Junior admit fee	1.15	1.15	
HLC admit fee	1.35	1.35	
Squash (40 min)	3.50	3.60	
Junior Squash	1.75	1.80	
Casual Gym/Aerobics	4.90	5.00	
Junior Fitness	2.45	2.50	
Health suite	6.00	6.00	
Crèche per hour	1.60	1.70	
Table Tennis	2.50	2.50	
Junior Table Tennis	1.25	1.25	
SPECTATOR			

Adult	0.50	0.50
Junior	0.25	0.25
HLC	0.25	0.25
Shower	1.00	1.00
SPECIAL EVENTS		
KLC		
Half Hall Booking	41.00	42.00
Full Hall Booking	82.00	84.00
Gymnasium	32.00	33.00
Crèche	25.00	26.00
Swimming Pool	60.00	60.00
Small Pool	45.00	45.00
Studio 1& 2	31.00	32.00
RSP		
Swimming Pool	50.00	50.00
BROOKVALE RECREATION CENTRE		
Swimming Pool	55.00	55.50
Sports hall Adult	66.50	66.50
Sports hall Junior	38.00	38.00
Half Hall Booking - Adult	35.00	36.00
Half Hall booking - Junior	20.00	21.00
Gymnasium - Adult	30.00	30.50
Gymnasium - Junior	20.00	20.50
Studio	25.50	26.00
³ Astro Turf Pitch		
Adult Casual	39.00	39.00
Junior Casual	19.50	19.50
Block Booking		
Adult	33.50	34.50
Junior	16.75	17.25
Hockey Match		
Adult	48.00	48.00
* 9am - 5pm weekend rate available on request		
¹ All young people under the age of 8 swim for free when accompanied by a paying adult		
² All young people on a swimming lesson programme can swim for free at 'All Welcome' sessions		
³ Special rates available at certain times (school holidays)		

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