

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 20 November 2008 in the Marketing Suite, Municipal Building*

Present: Councillors McDermott (Chairman), D. Cargill, Gerrard, Harris, McInerney, Nelson, Polhill, Swain, Wharton and Wright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: L. Cairns, G. Cook, B. Dodd, I. Leivesley, P. McWade, G. Meehan, D. Parr, M. Reaney and D. Tregoe

Also in attendance: 1 Member of Public and Councillor Redhead

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE BOARD

#### EXB71 MINUTES

The minutes of the meeting held on 6<sup>th</sup> November 2008 were taken as read and agreed as a correct record.

#### CORPORATE SERVICES PORTFOLIO

#### EXB72 MEDIUM TERM FINANCIAL STRATEGY

The Board considered a report of the Operational Director – Financial Services setting out the Medium Term Financial Strategy (MTFS) for 2009/10 to 2011/12. The Medium Term Financial Forecast set out a three-year projection of resources and spending based on information that was currently available. The Board was advised that there was information yet to be received and revisions would need to be made as this became available - confirmation of a number of grants was expected on 26<sup>th</sup> November 2008. As a result, the projections had to be treated with a considerable degree of caution; however, they did provide initial guidance to the Council on its financial position into the medium term.

Members noted that the global “credit crunch” and the

*Action*

consequent inflationary and economic pressures were beginning to have an impact on the budget. The Prime Minister had stated that additional borrowing would be used to stimulate demand within the economy, including a focus on public works projects; however, the consequences on local authorities were not yet clear.

Information was set out within the report outlining the objectives of the MTFS, which were in line with the Council's priorities; the proposed budget strategy; and the proposed capital strategy. It was noted that the MTFS represented the "finance guidelines" that formed part of the medium term corporate planning process. These guidelines identified the financial constraints that the Council would face in delivering its key objectives and were an important influence on the development of the Corporate Plan and Service Plans and Strategies. It was anticipated that savings of £6 million would need to be made over each of the next four years.

The Executive Board noted that the Strategy would be considered at the Policy and Performance Board Chairs' Away Day, scheduled to be held on 12<sup>th</sup> and 13<sup>th</sup> December, where Chairs of the regulatory Committees and representatives of the two opposition parties would also be in attendance.

RESOLVED: That

- (1) the Medium Term Financial Forecast be noted;
- (2) the base budget be prepared on the basis of the underlying assumptions set out in the Forecast;
- (3) the Medium Term Financial Strategy be approved;
- (4) the Reserves and Balances Strategy be approved; and
- (5) further reports be considered by the Executive Board on the areas for budget savings and spending pressures.

Operational  
Director -  
Financial Services

#### EXB73 PROTOCOL FOR MEMBERS' ACCESS TO PART 2 ITEMS

The Board considered a report of the Strategic Director – Corporate and Policy proposing an amendment to the Constitution regarding Members' Access to Part 2 items.

It was noted that clarification had been sought in respect of Members' Rights of Access to meetings of a

Committee/Sub-Committee/Board of which they were not members when exempt information was being discussed. Appropriate advice had been given by officers and it had been requested that consideration be given to an amendment being made to the Constitution in order that an agreed protocol could be adopted.

A slightly amended proposed change was tabled for Members' consideration including the proposal that discussion should take place with the relevant Chairman prior to the relevant meeting.

RESOLVED: That Council be asked to approve an amendment to the Constitution as set out below:

“For the avoidance of doubt, Councillors who are not Members of a particular committee/sub-committee/board have no automatic right to remain in a meeting of a committee/sub-committee/board once a resolution has been passed under Section 100 (A) (4) of the Local Government Act 1972 excluding the press and public from the Meeting. A Councillor would only be entitled to remain in the Meeting if he or she had been able to establish a “need to know” as described above, to the satisfaction of the committee/sub-committee/board. In these circumstances, a Councillor who is not a Member of the committee/sub-committee/board wishing to remain in a meeting following a passing of the appropriate resolution shall demonstrate the “need to know” on a report by report basis to the Chief Executive no later than the day preceding the Meeting or as soon as possible. The Chief Executive will then consult the relevant Chair. This will enable due consideration to be given to the request, in order that appropriate advice may be given to the committee/sub-committee/board to assist them in making the decision.”

Strategic Director  
- Corporate and  
Policy

#### EXB74 IMPLEMENTATION OF THE EFFICIENCY PROGRAMME

The Board considered a report of the Strategic Director – Corporate and Policy seeking approval to the development and implementation of an Efficiency Programme over the next four years on the lines of that outlined by KPMG at the recent presentation to Members. Agreement was also sought of outline arrangements to support the implementation of the programme. A revised recommendation was tabled for Members' consideration.

It was noted that the Council had commissioned KPMG to assist in developing an Efficiency Programme to help the Authority in meeting the significant financial

challenges it faced over the coming years. The Medium Term Financial Strategy showed the level of cashable savings the Council would be required to make over the next four years which, if service levels were maintained, would be challenging. KPMG had been asked to work with the Council to develop a programme which both protected or enhanced front line services and made efficiency savings.

The KPMG work had identified a number of areas of the Council's business where it was felt that there was potential for making efficiency savings and these were outlined within the report for Members' information. An outline business case for each of the areas had been produced and, if the Board was content, these would be developed between now and the end of the calendar year into a detailed implementation plan. KPMG believed that these opportunities had the potential to achieve cumulative savings of £20.2m by the end of 2012. In order to achieve this level of saving in the time outlined, the programme needed to commence in January 2009.

In order to deliver the programme the Council would need to establish a Programme Office and identify a Programme Manager. The Programme Team would have the responsibility of co-ordinating the programme and would be Council led although it was suggested that, in accordance with best practice, KPMG be retained to work alongside the team to provide the additional capacity and enhanced skill base the Council needed to deliver the programme.

The Board was advised that, in order to achieve savings of £20.2m KPMG had identified investment in the region of £2.3m to make it happen. That figure had been included in the Medium Term Financial Strategy. This would be used to fund the development of a Programme Office and to fund any outside support the Council needed to deliver the programme.

The delivery of the programme would be challenging and would require close working between Members, staff and trade unions. In order to manage that process effectively, it was suggested that a Staffing Protocol be developed with the trade unions detailing the way in which staffing matters would be dealt with as the programme unfolded.

It was confirmed that the detailed programme would be brought back to the Board for approval and any proposals that flowed from pieces of work would also be

submitted to the Board for consideration; for example, any proposals in relation to market testing. The Appointments Committee would also be involved where appropriate in accordance with the Council's Constitution. In addition, there had already been meetings with trade unions and briefing sessions. The Board noted that communication with staff, who continued to deliver excellent services despite the challenges they faced, would be an important part of the process.

The Chief Executive confirmed that this was not a crisis situation but rather a managed approach to improve the quality of the organisation and was necessary if the Council was to achieve the savings required over the forthcoming years. Although the proposals equated to a reduction in approximately 150 staff posts, this would largely be addressed by natural turnover within the organisation, which currently stood at 120 staff per year.

RESOLVED: That

- (1) approval be given to develop an efficiency programme based the elements outlined in paragraph 3.2 of the report;
- (2) the Strategic Director – Corporate and Policy, in consultation with the Corporate Services Portfolio Holder, be authorised to extend the contract arrangements with KPMG, to support the Programme Office in delivering the programme with the final arrangements being reported back to this Board;
- (3) the Strategic Director – Corporate and Policy, in consultation with the Corporate Services Portfolio Holder, be authorised to draw up a Staffing Protocol to outline the options available to staff throughout the process; and
- (4) the detailed delivery programme be brought to this Board for approval with regular progress reports being submitted to the Business Efficiency Board.

Strategic Director  
- Corporate and  
Policy

EXB75 DCLG CONSULTATION: MEMBER/OFFICER CODES OF CONDUCT

The Board considered a report of the Strategic Director - Corporate and Policy seeking approval of the Council's response to the Government's Consultation Paper on an Officers' Code of Conduct.

It was noted that there were separate Codes of Conduct for Members and officers, both of which appeared in the Halton Constitution. The Members' Code included the Ten Principles of Public Life recommended in the Neil Report into Conduct in Public Life, which had been prescribed by law. Halton's version followed the national model. Members accepting office agreed to be guided by the Code and breach of the Code was dealt with under the Standards Committee process.

The Officers' Code of Conduct had never been prescribed by law although there had been a national model recommended at one time by the Local Government Management Board (LGMB), which was substantially the model approved by the Council and included in the Constitution. Breach of the Code could form the basis for engaging the Disciplinary Code. Officers were expected to comply with the Code and, in recent years, employees' Particulars of Employment had explicitly required them to comply with its terms. This Code of Conduct was in addition to various other codes that certain officers were subject to; for example employees who belonged to particular professional bodies.

Since the introduction of the Local Government Act 2000, there had been power to establish a national statutory code of conduct for officers. The Department of Communities and Local Government (DCLG) had published a new consultation paper in October 2008 inviting responses to 22 questions relating to "Codes of Conduct for Local Authority Members and Employees" with comments to be submitted to the Department by 24<sup>th</sup> December 2008.

The report outlined the areas that the consultation paper was inviting comments upon in terms of both Members and officers. Consultation on the Members' Code of Conduct fell within the remit of the Standards Committee and, as such, the Committee had been requested to consider this at its meeting of 19<sup>th</sup> December 2008. The Board was advised that the Committee had agreed the response to the Member Code outlined within Appendix A to the report subject to further consideration being given to including police cautions to the definition of "criminal offence" and to whether the conduct of Members in a private capacity that resulted in a tribunal finding of discrimination should be capable of amounting to a breach of the Code.

Although not in its remit, the Standards Committee had also considered the Officers' Code and had requested that the Executive Board consider removing the reference to

politically restricted posts in the response to question 18 so that it read “Yes the Code should require employees to register their interests publicly”. The Executive Board considered this proposal but agreed that the implications of this change would be unreasonable in terms of the impact on officers’ civil liberties and in the administration of declarations from thousands of officers.

RESOLVED: That

- (1) the consultation in respect of a revised Members’ Code of Conduct considered by the Standards Committee, the proposed response to this consultation outlined in Appendix A to the report, and the Standards Committee’s subsequent amendments, be noted; and
- (2) the Strategic Director – Corporate and Policy be authorised to draw up and submit a response to the Consultation Paper in respect of the Officers’ Code of Conduct as outlined in Appendix B to the report.

Strategic Director  
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## **PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO**

### **EXB76 MERSEY MULTI MODAL GATEWAY SUPPLEMENTARY PLANNING DOCUMENT**

The Board considered a report of the Strategic Director – Environment seeking approval for further changes to the text of the 3MG (Mersey Multimodal Gateway) Supplementary Planning Document (SPD).

It was noted that the Board had resolved that the Ditton Strategic Rail Freight Park (SRFP) SPD, now renamed the 3MG SPD, should be adopted at its meeting of 21<sup>st</sup> September 2006. However, adoption had been delayed because of continued uncertainty over the state of the open land at Halebank, fronting Lovell Terrace, which had been the subject of two applications for “Village Green” status. Additionally, access to site 253 from the junction between the A5300 (Knowsley Expressway) and the A562 (Speke Road) had been secured through planning permissions granted by both Halton and Knowsley local planning authorities. This would enable the site to be accessed directly off the A562 (Speke Road) and also to connect with the eastern parts of 3MG. Therefore, there was now no need for a new east-west link via Halebank between the two parts of 3MG.

In order to take account of these changes to the access arrangements to 3MG, it had been necessary to revise the content of the SPD. This had been done in two ways. Firstly, there were the “technical” changes to the text, which did not materially affect the content or intended purpose of the SPD. These were listed in the first part of the Appendix to the report and had been agreed by the Operational Director and the relevant Executive Board Member under delegated authority. Secondly, there were changes to the amendments already agreed by the Executive Board in September 2006, which were proposed as a result of public consultation and the emerging design of the project, and were listed in the second part of the Appendix. These changes altered the definition of how site 253 was to be accessed, confirming the primacy of the A5300 link.

Legal advice had stated that no further public consultation was required on the proposed changes to the draft SPD set out in the report. The 3MG SPD had been prepared at the same time as the SPD for the adjoining Halebank Action Area and public consultation had been carried out on both. It was advised that, now the new access to HBC Field had been resolved, the Halebank SPD could also proceed to adoption.

Further background information was provided in the report for Members’ consideration together with information on public participation, the sustainability appraisal and the process for adoption of the SPD.

RESOLVED: That the amendments to the text of the SPD set out in the appendix to the report be agreed.

## **QUALITY AND PERFORMANCE PORTFOLIO**

### **EXB77 PERFORMANCE MANAGEMENT REVIEW TOPIC GROUP AND ACTION PLAN REPORT**

The Board considered a report of the Strategic Director – Corporate and Policy presenting a report and recommendations of the Corporate Services Policy and Performance Board (PPB) that had arisen from a review of Performance Management.

It was noted that, at its meeting of 5<sup>th</sup> June 2007, the Corporate Services PPB agreed to scrutinise the Corporate Performance Management Framework in order to review and further develop Members’ roles in performance management. A Topic Group of Board Members and officers



conducted the review through a series of interviews, surveys, a meeting with PPB chairs, and a visit to another local authority. The review looked at the roles of PPB Members and Executive Board Members in order to establish how Members were currently engaged in the process and how they wanted to develop their input in the future. In addition, it investigated the practical elements of the performance management framework such as the planning process, and performance monitoring and reporting arrangements.

The review had identified a number of areas for further improvement including:

- the role of Members;
- the performance management framework and services planning;
- risk assessment;
- monitoring and reporting arrangements/use of information;
- the new National Indicator Set; and
- the Local Area Agreement.

As a result of the review, a number of recommendations had been made to the Corporate Services PPB on each of these elements on 3<sup>rd</sup> June 2008 and these were outlined for Members' information. The Corporate Services PPB had agreed these recommendations and also agreed that the Operational Director (Policy and Performance) prepare an action plan based on the recommendations and this be submitted to the Executive Board for consideration and response before being returned to the Corporate Services PPB for regular progress reports. The Topic Group Review Report and action plan were attached to the report for Members' consideration, and the Board discussed the following:

- the need not to lose sight of outputs, without which there would not be outcomes;
- Members were to have a greater involvement at the Service Plan development stage; and
- the development of the quality assurance process for Divisional Plans was one more element in the planning framework.

RESOLVED: That

- (1) the recommendations set out in the Topic Group

Strategic Director  
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Policy

- Report and Action Plan be approved; and
- (2) the Corporate Services PPB receive regular progress reports on the Action Plan.

**MINUTES ISSUED: 28<sup>th</sup> November 2008**

**CALL IN: 5<sup>th</sup> December 2008**

**Any matter decided by the Executive Board may be called in no later than 5<sup>th</sup> December 2008**

*Meeting ended at 2.50 p.m.*