



Executive Board Sub Committee

**Wednesday, 25 June 2008 10.00 a.m.
Marketing Suite, 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 personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO	
(A) CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICE PROVISION	1 - 9
4. HEALTH AND SOCIAL CARE PORTFOLIO	

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Thursday, 17 July 2008*

Item	Page No
(A) INTEGRATION OF ADULTS WITH LEARNING DISABILITIES' SERVICES	10 - 21
6. CORPORATE SERVICES PORTFOLIO	
(A) 2007/08 FINANCIAL OUTTURN	22 - 26
PART II	
<p>In this case the Sub Committee has a discretion to exclude the press and public but, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100(A)(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 they involve the likely disclosure of exempt information as defined in paragraphs 3 and 5, and paragraph 3 respectively, of Part 1 of Schedule 12A of the Act.</p>	
7. CORPORATE SERVICES PORTFOLIO	
(A) SALE OF LAND AT ASTON FIELDS ROAD, RUNCORN	27 - 30
(B) WATERLOO CENTRE, RUNCORN	31 - 35

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 sub Committee

DATE: 19th June 2008

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Clean Neighbourhoods and Environment Act 2005 - Fixed Penalty Notice Provisions

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To advise the committee of the new and revised Fixed Penalty Notice provisions introduced by the Clean Neighbourhoods and Environment Act 2005 and to seek committee approval for the recommended penalty levels and discounts for early payment.

2.0 RECOMMENDATION: That

2.1 The sub Committee:

2.1.1 Note the following Fixed Penalty Notice amounts that are set by statute:

- (a) Nuisance Parking - £100;
- (b) Abandoning a Vehicle - £200;
- (c) Failure to Produce Authority (Waste Transfer Notes) - £300;
- (d) Failure to Furnish Documentation (Waste Carrier's Licence) - £300;
- (e) Noise from Licensed Premises - £500.

2.1.2 Approve the following Fixed Penalty Notice amounts that may be set by the Local Authority:

- (a) Litter - £75;
- (b) Street Litter Control Notices and Litter Clearing Notices - £100;
- (c) Unauthorised Distribution of Literature on Designated Land - £75;
- (d) Graffiti and Fly-Posting - £75;
- (e) Offences in Relation to Waste Receptacles - £100;
- (f) Offences under Dog Control Orders - £75;

2.1.3 Approve the following Fixed Penalty Notice amounts discounted for early payment:

(a) Litter - £50;

(b) Street Litter Control Notices and Litter Clearing Notices - £75;

(c) Unauthorised Distribution of Literature on Designated Land - £50;

(d) Graffiti and Fly-Posting - £50;

(e) Failure to Produce Authority (Waste Transfer Notes) - £250;

(f) Failure to Furnish Documentation (Waste Carrier's Licence) - £250;

(g) Offences in Relation to Waste Receptacles - £70;

(h) Offences under Dog Control Orders - £50;

2.1.4 Approve the time period for early payment discount as being within ten days.

2.1.5 That the committee delegates authority to the Strategic Director Environment and the Operational Director Environment and Regulatory Services (E&RS) to make any future changes to Fixed Penalty Notice amounts and early payment discounts as may be required.

2.1.6 The Operational Director E&RS be given the power to authorise suitable individual persons to implement these powers and issue fixed penalty notices.

3.0 SUPPORTING INFORMATION

3.1 The Clean Neighbourhoods and Environment Act 2005 received Royal assent on 7th April 2005. The Act is intended to improve neighbourhood cleanliness and environmental quality and to strengthen powers and penalties in relation to the growing problem of environmental crime. The Act 2005 introduces a number of new provisions and enforcement powers and amends several pieces of existing legislation, including the Environmental Protection Act 1990, to strengthen existing powers. Principally, the Act provides local Councils with new powers to clamp down on environment crime such as abandoned vehicles, fly tipping, litter, graffiti, dog fouling, noise and other nuisances including light pollution.

3.2 Of particular significance is the extension of the use of Fixed Penalty Notices (FPNs) as a means of dealing with offences as an alternative to prosecution. The Act also allows authorities to retain the proceeds of

Fixed Penalty receipts to fund enforcement and related activity. Local Authorities have some discretion in setting the level of FPNs.

- 3.3 Government guidance directs that FPNs should not be used in respect of fly-tipping offences, other than for very small amounts not exceeding one bag. Due to the serious environmental impact of fly-tipping, incidents should be dealt with by prosecution where the offender has been identified.
- 3.4 For most of those offences for which the Council may issue a FPN, discretion is given under the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 to set the level of the FPN between a prescribed upper and lower limit. In the absence of a decision to set a level there are prescribed default levels that apply. The Act gives Councils discretion to offer a discount for early payment of a FPN. There are prescribed minimum penalty levels that the discounted penalty must not fall below, set out in the 2006 Regulations.
- 3.5 There is a standard payment period of fourteen days set in the legislation. A prosecution cannot be pursued if the FPN is paid within this period. Government guidance recommends that in order to avoid confusion, the early payment discount period should not be more than ten days.
- 3.6 The table below sets out specified FPN amounts and recommendations where the Council has discretion.

Offence	Statutory FPN Amount	Statutory Minimum FPN Amount for Early Payment	Recommended HBC FPN Amount	Recommended HBC FPN Amount for Early Payment
Litter	£50-£80	£50	£75	£50
Street Litter Control Notices and Litter Clearing Notices	£75-£110	£60	£100	£75
Unauthorised Distribution of Literature on Designated Land	£50-£80	£50	£75	£50
Graffiti and Fly-Posting	£50-£80	£50	£75	£50
Failure to Produce Authority (Waste Transfer Notes)	£300	£180	£300	£250
Failure to Furnish Documentation (Waste Carrier's Licence)	£300	£180	£300	£250
Offences in Relation to Waste Receptacles	£75-£110	£60	£100	£75
Offences under Dog Control Orders	£50-£80	£50	£75	£50

- 3.7 In setting FPN levels and discounted amounts for early payment, consideration must be given to the deterrent effect of different levels and also people's readiness to pay, together with the likely fines that would be imposed in the Magistrates' Court for non-payment. Fixed penalties that are too high for local conditions will be counter-productive, as they will lead to substantial non-payment rates, as will penalties that are higher than the likely fine in the event of non-payment. The recommended FPN amounts are considered to be reasonable in light of the experience of issuing FPNs to date.
- 3.8 A number of Council Officers are already authorised to enforce the new and revised powers introduced by the Act. Under the original 1990 legislation it referred only to an officer of a litter authority i.e. an employee, authorised in writing for the purpose of issuing fixed penalty notices. Litter authorities can now enter into arrangements so as to enable 'any person' (or the employee of any such person) to give such notices. In addition it should be noted that PCSOs also have the power to issue section 88 notices under the Police Reform Act 2002. The department are currently looking at how this could be put to best effect in a wider project to address litter waste and untidy area which will be the subject of a separate later report. It is being recommended however that the Operational Director E&RS be given the power to authorise suitable individual persons to implement these powers and issue fixed penalty notices.
- 3.9 Once approved, the new FPN levels will be publicised to assist in education and reinforce the deterrent effect.

4.0 POLICY IMPLICATIONS

- 4.1 Adopting the new provisions can be accommodated within existing policy
- 4.2 There are no identified implications in respect of the Human Rights Act 1998 arising from this report.
- 4.2 There are no identified implications in respect of the Data Protection Act arising from this report.

5.0 OTHER IMPLICATIONS

- 5.1 The new provisions contained within the Act strengthen the existing powers available to the Council's Enforcement Officers.
- 5.2 There can be considerable costs involved in prosecuting individuals. Whilst the Council would still instigate criminal proceedings in certain cases, there are many actions of individuals which do not warrant prosecution but do nonetheless warrant some other sanction. The use of FPNs provides Council's with a viable and effective alternative to prosecution in such circumstances.

- 5.3 Dependent upon the use of fixed penalty notices particularly for commonly occurring offences like depositing litter there could be implications of resourcing enforcement particularly the impact upon legal services if there is a high level of non payment of fixed penalty notices resulting in prosecution.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There will be close co-operation with schools and colleges in Halton to promote a clean borough.

6.2 Employment, Learning and Skills in Halton

No direct impact

6.3 A Healthy Halton

No direct impact, but improving the environment and the appearance of the borough shall have an overall beneficial affect

6.4 A Safer Halton

Adoption and utilisation of the new powers under the Act will demonstrate that the Council is committed to dealing with environment crime. It is hoped that the use of FPNs will act as a deterrent and assist in the improvement of the local environment, reduce environmental crime and have a positive impact upon the Safer Halton Priority, and contribute towards the 'Cleaner, Greener, Safer' agenda

6.5 Halton's Urban Renewal

No direct impact, but overall environmental benefits should make the borough a more attractive location for investment. Planning controls will be utilised to ensure adequate receptacles are provided in appropriate circumstances.

7.0 RISK ANALYSIS

The Act has made new powers available to the Council and the Government has made it clear in guidance that they expect these new powers to be fully utilised. Failure to do this may lead to criticism of the Council thereby damaging its reputation. Effective training of authorised staff and practical enforcement protocols will ensure a sensible and proportionate approach. National guidance exists and will be followed for dealing with juveniles.

8.0 EQUALITY AND DIVERSITY ISSUES

The department's regulatory services aim to be consistent and even handed in all regards and as such the service does not apply differently to any particular group. The enforcement of this piece of legislation is not intended to have either a positive or negative impact upon equality and diversity. The service invites and seeks feedback on its regulatory activities and would respond to any suggestion of differential impact.

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

There are no background papers within the meaning of the Act

Appendix 1

Clean Neighbourhoods and Environment Act - Outline of Measures

Crime and Disorder

- Ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies.
- Gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour.

Fixed Penalty Notices (Fines)

- Makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- Gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

Nuisance and Abandoned Vehicles

- Gives local authorities the power to remove abandoned cars from the streets immediately;
- Creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

Litter

- Makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- Gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- Strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- Enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- Confirms that cigarette butts and discarded chewing gum are litter.

Graffiti and fly-posting

- Extends graffiti removal notices (as introduced by the Anti-social Behavior Act 2003) to include fly-posting;
- Improves local authorities powers to tackle the sale of spray paints to children;
- Strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- Enables local authorities to recover the costs of removing illegal posters.

Waste

- Amends provisions for dealing with fly-tipping by:
 - removing the defence of acting under employer's instructions
 - increasing the penalties
 - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
 - extending provisions on clear up to the landowner in the absence of the occupier.
- Gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
 - to businesses that fail to produce waste transfer notes
 - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
 - for waste left out on the streets (local authority only)
- Introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- Introduces a new provision covering the waste duty of care and the registration of waste carriers
- Introduces a new requirement for site waste management plans for construction and demolition projects
- Repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- Reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

Dogs

- Replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- Gives local authorities, rather than police, sole responsibility for stray dogs.

Noise

- Reduces nuisance caused by noise by giving local authorities to:
 - deal with burglar alarms
 - impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- Gives local authorities greater flexibility in dealing with noise nuisance.

Architecture and the Built Environment

- Establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis.

Miscellaneous

- Enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- Extends the list of statutory nuisances to include light pollution and nuisance for insects
- Improves the contaminated land appeals process.

REPORT TO: Executive Board Sub Committee

DATE: 25 June 2008

REPORTING OFFICER: Strategic Director – Health & Community

SUBJECT: Integration of Adults with Learning Disabilities' Services

WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To inform the Executive Board Sub Committee of plans to strengthen the integration of the services for Adults with Learning Disability (ALD) managed by the Health and Community Directorate. To seek appropriate authorisations and approvals.

2.0 RECOMMENDATION: That:

- i) **the Sub Committee agree the arrangement for a five-year contract between Halton Council and Halton and St Helens Primary Care Trust (PCT) to transfer 13 posts (of which 6 are vacant), to the Council including a requirement for the PCT to meet the costs of these posts during the five-year term.**

3.0 SUPPORTING INFORMATION

3.1 Adults with Learning Disabilities (ALD) Services are guided by "Valuing People" the Government National Guidance published in 2001, which set out the priorities for the delivery of services for adults with learning disabilities.

3.2 This Guidance recognised the need to work in partnership both across agencies and with the service users and carers. The Guidance also recognised the need to promote social inclusion and ensure that people with learning disabilities participated as fully as possible within the community.

3.3 In Halton the importance of close working arrangements has long been recognised to ensure that the needs of people with learning disabilities are met and that the spirit of the Guidance is adhered to except where there are compelling reasons to do something else. The Primary Care Trust (PCT) and Halton Borough Council (HBC) have worked closely together; this has been achieved by:

- The establishment of a pooled budget since 2002, managed by

HBC. The budget stands at £12.8m 2007/2008 and includes most ALD services and the Community Care budget.

- Co-location of the PCT's Health Team and HBC's Care Management Team. However, separate management arrangements are in existence for the two teams, located at The Bridges, Crow Wood Lane, Widnes. Plans address this issue.

3.4 The Partnership between the PCT and the Council can now be further strengthened to offer a fully integrated service. The PCT is seeking to transfer 7 relevant staff to the Council and place them under the management of HBC. The staff in question are mainly nurses who have developed an expertise in learning disabilities. More specialised staff will be transferred to the 5 Boroughs Partnership Trust and will with additional staff offer a specialised service to Knowsley, Halton and St Helens. They do not form part of this proposal. This transfer would take place on July 1st 2008. There are a number of advantages for this proposal which are set out below:

- The service will improve; as people with learning disabilities will only have one point of access and assessment, currently there are two systems for service users and carers to navigate.
- Nurses and social workers will have one management system, thus avoiding duplication and inefficiencies and will be based in one location at John Briggs House Gerrard Street Widnes.
- The "person-centred planning" approach will be strengthened in line with national guidance "Valuing People 2001".

3.5 The proposal to transfer NHS staff into Halton Council has been subject to widespread consultation with staff and undertaken in partnership between the Council and the PCT. The PCT, as the employer, have informed the relevant NHS staff and their representatives of the progress of the transfer of the undertaking. Halton continue to keep the PCT informed of the detail of the transfer so that the PCT can meet its duties to keep staff informed. The transfer will be undertaken on a planned basis and be subject to clear contractual arrangements.

3.6 These proposals do not set out the delivery of a new model of service therefore formal consultation with service users and carers is not required, indeed many service users and carers will not experience any change in service. At the same time, these changes are to be viewed as an opportunity to improve services and carers and service users will be consulted in how this can best be achieved.

3.7 It is expected that transferring PCT staff will be able to retain their

membership of the NHS Pension Scheme.

4.0 **BUSINESS CASE**

4.1 The integration of services for people with learning disabilities offers the council the opportunity to be more efficient in its delivery of services. There will be an increased ability to be flexible and a decrease in duplication improving the experience of people with learning disabilities assessed to be in need of services.

4.2 It is planned that the existing agreement of a pooled budget and joint management between the PCT and the Council will be amended to reflect the new arrangements which will result in the Council providing all care and budget management. This will be undertaken by agreement between the council and the PCT, and subject to formal notification by both parties.

4.3 The date of the implementation of the amended agreement will be agreed between the PCT and the Council and will be no earlier than 1 July 2008.

5.0 **POLICY IMPLICATIONS**

5.1 This proposal supports the national guidance "Valuing People 2001" which requires agencies to provide a holistic service to people with learning disabilities.

6.0 **FINANCIAL IMPLICATIONS**

6.1 Transfer of NHS staff will be subject to TUPE protection in the case of employees and a contract between the PCT and the Council that will cover all financial implications (see Funding Agreement Appendix 1). Appendix 2 is a confirmatory letter from the PCT. This ensures the PCT will provide funding to the council for the staff. It is proposed this is a 5-year agreement subject to mid-review at 3 years. There will not be any additional costs to the Council with this proposal.

6.2 The PCT staff will be transferred under an NHSPS direction, which allows specified Halton and St Helens NHS staff, who are to be compulsorily transferred to Local Authority employment to remain in the NHS Pension Scheme. There are no financial implications on this basis.

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

7.1 **Children & Young People in Halton**

The proposal will support the transition process for young people into Adult services.

7.2 **Employment, Learning & Skills in Halton**
None identified

7.3 **A Healthy Halton**

This proposal will better meet the needs of vulnerable people and specifically Adults with Learning Disabilities and their families.

7.4 **A Safer Halton**

None identified.

7.5 **Halton's Urban Renewal**

None identified.

8.0 **RISK ANALYSIS**

8.1 Some staff currently employed by the PCT may seek employment elsewhere and not move into Council employment, this would make it difficult to provide both a Health and Social Care service. The Council has agreement from PCT that funding for the posts, even when vacant, sits within the council allowing maximum flexibility in the provision of the service. The Funding Agreement is a 5-year arrangement, there are additional guarantees relating to the PCT sharing costs of any future redundancies and therefore minimal risk to the Council.

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 This proposal will enhance equity of access to people with learning disabilities.

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

Document	Place of Inspection	Contact Officer
Valuing People 2001	Runcorn Town Hall, Heath Road, Runcorn, Cheshire WA7 5TD	Audrey Williamson, Runcorn Town Hall, Heath Road, Runcorn, Cheshire WA7 5TD

HALTON AND ST HELENS PRIMARY CARE TRUST

AND

HALTON BOROUGH COUNCIL

1 July 2008 to 30 June 2013

FUNDING AGREEMENT

Relating to

**Learning Disability Services in Halton
Within the Hub Core Team**

June 2008

APPENDIX 1

THIS AGREEMENT dated day of 2008

MADE BETWEEN the following parties:-

- (1) **HALTON BOROUGH COUNCIL**, RUNCORN TOWN HALL, HEATH ROAD, RUNCORN, CHESHIRE, WA7 5TD ('the Council') and
- (2) **HALTON AND ST HELENS PRIMARY CARE TRUST**, VICTORIA HOUSE, THE HOLLOWAY, RUNCORN. ('the PCT')

WHO HAVE AGREED AS FOLLOWS during the Term:-

1. DEFINITIONS

- | | | |
|-----|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | Partners | Halton Borough Council and Halton and St Helens Primary Care Trust |
| 1.2 | Service | The nursing services described in Schedule 1 to this Agreement |
| 1.3 | Schedule 2 posts | The posts detailed in Schedule 2 whether or not occupied by the persons named in Schedule 2 and such other posts as may be established to replace such posts to undertake the Service. |
| 1.4 | Transfer Date | 1 st July 2008 |
| 1.5 | The Term | The period of this Agreement running from and including 1 July 2008 to 30 June 2013 |

2. WHEREAS

- 2.1 The Partners have agreed to enter into funding arrangements under which the Service will be provided by the Council
- 2.2 The Council will provide the Service through the transfer of staff currently employed by the PCT.
- 2.3 The PCT will continue to fund the Council's posts undertaking service after transfer date and up until 30 June 2013. If the PCT decides to commission services from an alternative provider then the PCT will acknowledge a share of any potential redundancy costs in respect of the appropriate staff who could not be redeployed within the Council. Any costs arising from this would need to be agreed by both parties".

3 AGREED AIMS AND OUTCOMES

3.1 The Partners aim to:

3.1.1 Identify and agree shared priorities

3.1.2 Improve the ability of people to live independently through better coordinated services

3.2 The agreed intended outcomes of the arrangements are:-

3.2.1 The service will improve; as people with learning disabilities will only have one point of access and assessment, currently there are two systems for service users and carers to navigate.

3.2.2 Nurses and social workers will have one management system, thus avoiding duplication and inefficiencies and will be based in one location at John Briggs House, Gerrard Street Widnes.

3.2.3 The “person-centred planning” approach will be strengthened in line with national guidance “Valuing People 2001”.

4. CORE PROVISION

4.1 The PCT shall facilitate the transfer of the staff detailed at Schedule 2 to the Council and facilitate the transfer on the Transfer Date.

4.2 The PCT shall fund all the costs of the Schedule 2 posts whether those costs relate to payments to the employee or to payments made by the employer in connection with the employee’s employment and payments shall be made to the Council by the PCT within ten working days of presentation to the PCT of a monthly invoice.

APPENDIX 1

- 4.3 The PCT shall continue to make payments in accordance with 4.2 not only in respect of the Schedule 2 posts existing as at 1st July 2008, but also in respect of such posts as may replace those posts in any restructure of the service conducted after Transfer Date
- 4.4 The PCT shall continue to make payments in accordance with 4.2 not only in respect of the Schedule 2 posts which are occupied as at Transfer Date but also in respect of such posts which are vacant on Transfer Date but also in respect of such posts as may replace those vacant posts in any restructure of the service conducted after the Transfer Date
- 4.5 The PCT shall in respect of the Schedule 2 posts indemnify Halton Borough Council as detailed in Schedule 3.
- 4.6 Neither party shall assign the whole or any part of the Contract without the prior written consent of the other. Such consent shall not be unreasonably withheld or delayed.
- 4.7 The PCT warrants to the Council that in respect of the Schedule 2 posts it has complied with the requirements of the Acquired Rights Directive and/or the Transfer of Undertaking (Protection of Employment) Regulations and the Cabinet Office guidance and code in relation to such transfers and that to the extent that the Regulations do not apply to such posts has acted as if the Regulations did apply.
- 4.8 The PCT warrants that it has before Transfer Date informed the Council of all matters relating to the Schedule 2 staff which a transferor is required to notify to a transferee under a situation that is subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 whether or not such Regulations actually apply to this transfer.

APPENDIX 1

5 CHANGE CONTROL

5.1 The parties may enter into negotiations at any time with a view to making mutually acceptable changes to the Agreement and such changes shall be reduced to writing and shall only be effective when signed by duly authorized signatories of both parties.

SIGNED on behalf of

**HALTON AND ST HELENS
PRIMARY CARE TRUST**

.....

(duly authorised in that behalf)

SIGNED on behalf of

HALTON BOROUGH COUNCIL

.....

(duly authorised in that behalf)

SCHEDULE 1**The Service**

The Hub of the service, which is the Core Team, brings together a range of health and social care professionals and will sit within a developing network of primary care and preventative services, to support individuals to live healthy, independent and rewarding lives in the community. The Team will facilitate social inclusion by supporting people to access local primary care services whenever possible. This will support the implementation of “Our Health, Our Care, Our Say” which emphasises the key role of primary care in prevention and the local delivery of services.

The Core Team will ensure individuals receive a seamless service ranging from advice on what is available in the community through to intensive support at home. There will be an emphasis on prevention, personal outcomes and re-ablement. The Core Team will offer a differential service recognising that some people will be able to establish their own support through signposting and information; others may complete a self assessment and support plan with a minimum of direct intervention; whilst others, especially with more complex needs, will require a care management and care co-ordination approach with on-going social work and nursing support.

SCHEDULE 2**The Staff and Posts transferring to Halton Borough Council**

Job title	Occupied/Vacant	Banding
Receptionist/Typist	Occupied	2
JTP Manager	Occupied	7
Support Worker	Occupied	3
Receptionist/Typist	Occupied	2
Senior Nurse Clinical Lead	Vacant	8a
Specialist Nurse	Occupied	7
Community Nurse	Occupied	6
Community Nurse	Occupied	6
Community Nurse	Vacant	6
Community Nurse	Vacant	6
Community Nurse	Vacant	6
Support Worker	Vacant	3
Technical Instructor	Vacant	2

SCHEDULE 3

Indemnity by PCT to Halton Borough Council

1. Subject to paragraph 2 of this Schedule the PCT shall fully and promptly indemnify and keep indemnified the Council in relation to all claims, awards, damages and other liabilities of whatever nature including legal and other costs incurred in relation to defending claims and any costs awarded against the Council in relation to any claim made by any of the Schedule 2 Staff or by any recognised trade union on behalf of any such Transferring Employee(s) or Staff or by any recognised trade union on its own behalf at any time which relates to the Service.
2. The indemnity set out in paragraph 1 of this Schedule shall apply only to liabilities arising as a result of actions that have occurred or omissions that relate to periods prior to Transfer Date.
3. The PCT's liability and indemnity to the Council pursuant to this Agreement shall be without prejudice to any other right or remedy available to the Council.
4. Without prejudice to the Partner's liability to indemnify the Council under this Agreement, the Partner shall maintain such insurances as are necessary to cover any liability arising in respect of any matters referred to in this Agreement.

APPENDIX 2

Direct Line: 0151 495 5172

Email: Mike.Treharne@hsthpcnhs.uk

Our Ref: MJT/KP/027

**Executive Headquarters
Health Care Resource Centre
Oaks Place
Caldwell Road
Widnes
Cheshire
WA8 7GD**

Telephone: (0151) 495 5000

Fax: (0151) 495 5188

9 June 2008

Audrey Williamson
Operational Director, Adult Services
Halton Borough Council
Health & Community Directorate
Grosvenor House
Halton Lea
Runcorn

Dear Audrey

RE: Transfer of LD Services

With reference to the above I can confirm that Halton and St Helens Primary Care Trust is committed to the attached ECB Report and the funding agreement.

If you have any queries regarding the documents please do not hesitate to contact me.

Yours sincerely



Mike Treharne
**Director of Financial Strategy/
Deputy Chief Executive**

Enclosure

REPORT TO: Executive Board Sub-Committee
DATE: 25th June 2008
REPORTING OFFICER: Operational Director – Financial Services
SUBJECT: 2007/08 Financial Outturn

1.0 PURPOSE OF REPORT

1.1 To report the final revenue and capital spending position for 2007/08.

2.0 RECOMMENDED: That the report be noted.

3.0 SUPPORTING INFORMATION

Revenue Spending

3.1 The draft Abstract of Accounts for 2007/08 has been completed and is now subject to audit. The draft Abstract will be presented to the Business Efficiency Board on 26th June 2008 as part of the Council's governance arrangements.

3.2 The format of the Abstract is highly prescribed and as a result it is a very technical document which is not easy to understand. The accounts have now been disaggregated across Departments with revenue spending shown in Appendix 1 and capital spending shown in Appendix 2.

3.3 The revenue budget has been closely monitored and controlled throughout the year. As anticipated, investment returns were better than expected and the review of the balance sheet amended the capital financing requirement resulting in a reduction in minimum revenue provision. As agreed as part of the budget strategy, reserves have been made relating to the development costs of the Building Schools for the Future project and time-limited revenue spending on the Mersey Gateway project.

3.4 Within the overall revenue underspend of £224,000 there have been a number of variances and these are also shown in Appendix 1.

3.5 The underspend has resulted in a reduction in the planned contribution from balances (from £350,000 to £126,000) meaning that balances now stand at £6.984m.

School Spending

3.6 Schools are fully funded by Dedicated Schools Grant (DSG) and other grants, which totalled £74.1m in the year. During the year spending by

schools totalled £73.7m which resulted in school balances increasing by £0.4m to £4.6m.

- 3.7 In addition, Standards Fund grant of £14.3m is available to schools. The money can be spent up to the end of the academic year and £4.5m remains to be spent.

Capital Spending

- 3.8 Appendix 2 presents a summary of spending against the 2007/08 Capital Programme. Capital spending totalled £29.1m, which is £2.5m below the revised capital programme of £31.6m and represents over 92% delivery of the revised capital programme.

APPENDIX 1

2007-08 Revenue Expenditure

	Budget	Actual	Variance
	£'000	£'000	£'000
Specialist Services	12,168	12,066	102
Business Planning & Resources	11,611	11,546	65
Universal & Learning Services	2,482	2,451	31
Community Services	1,172	1,152	20
Children and Young People Directorate	27,433	27,215	218
Environment & Regulatory	10,485	10,564	(79)
Highways & Transportation	13,003	12,105	898
Major Projects	396	396	0
Regeneration	1,326	1,303	23
Stadium	1,275	1,496	(221)
Domestic Services	457	952	(495)
Environment Directorate	26,942	26,816	126
Legal, Organisation Development & HR	900	1,260	(360)
Policy & Performance	3,814	3,737	77
Exchequer & Customer Services	5,155	5,191	(36)
Financial Services	80	0	80
ICT Services	-67	-190	123
Property Services	1,670	2,548	(878)
Financial Arrangements	-12,456	-13,230	774
Corporate and Policy Directorate	-904	-684	(220)
Culture & Leisure Services	14,248	14,248	0
Adult Services	12,669	12,877	(208)
Health & Partnerships	2,578	2,342	236
Older People	12,425	12,353	72
Health and Community Directorate	41,920	41,820	100
	95,391	95,167	224

The following are the main reasons for variances within the outturn figures shown in the table above;

Specialist Services (£102,000 underspend):- there have been significant numbers of vacant social work related posts due to recruitment difficulties, although these have partly been offset by the use of agency staff.

Environment & Regulatory (£72,000 overspend):- largely due to a shortfall in planning fee income and building control fee income, as a result of the slowdown in the building industry and increased competition from the private sector respectively.

Highways & Transportation (£898,000 underspend):- there have been major difficulties recruiting staff during the year which has led to a significant underspend on the staffing budget. In addition, street lighting and fleet management costs were lower than anticipated.

Stadium (£221,000 overspend):- primarily due to shortfalls in various forms of income, along with higher than anticipated food costs.

Domestic Services (£495,000 overspend):- mainly relates to staffing costs in the School Meals Service due to higher than expected sickness levels, along with increased food costs and reductions in sales income.

Legal, Organisation Development & HR (£360,000 overspend):- there have been higher than anticipated staffing costs relating to the implementation of the Trent system, along with the additional cost of agency staff within Legal Services and a continuing shortfall in land charge income as a result of the slowdown in the property market.

ICT Services (£123,000 underspend):- relates to the staffing budget due to a number of vacant posts during the year following a major restructuring of the Department.

Property Services (£878,000 overspend):- as highlighted during the year this primarily relates to significant shortfalls in income, including market, industrial estate and other property rents and capital works. In addition, building maintenance and energy costs have been higher than anticipated along with increased business rates due to revaluations.

Financial Arrangements (£774,000 underspend):- primarily due to a reduction in the minimum revenue provision and higher than anticipated income from treasury management activities.

Adult Services (£208,000 overspend):- mainly due to increased costs from the provision of community care.

Health & Partnerships (£236,000 underspend):- mainly relates to the staffing budget due to a number of vacant posts during the year, along with income from receiverships and rents which has been higher than anticipated.

APPENDIX 2

2007-08 Capital Expenditure

	Revised Allocation	Actual Expenditure	Variance (overspend)
	£'000	£'000	£'000
Children & Young People Directorate			
Specialist Services	22	22	0
Preventative Services	5,215	3,477	1,738
Sub Total	5,237	3,499	1,738
Environment Directorate			
Highways & Transportation	9,038	9,888	(850)
Environmental & Regulatory	2,516	2,049	467
Stadium	130	133	(3)
Major Projects	6,267	5,771	496
Sub Total	17,951	17,841	110
Health & Community Directorate			
Culture & Leisure	276	335	(59)
Housing Strategy	2,500	2,436	64
Adult Services	209	176	33
Older People	255	269	(14)
Health & Partnerships	124	100	24
Sub Total	3,364	3,316	48
Corporate & Policy Directorate			
Policy & Performance	120	120	0
ICT Services	1,552	870	682
Property Services	3,359	3,432	(73)
Sub Total	5,031	4,422	609
	31,583	29,078	2,505

The only areas of significant slippage are on projects relating to Cavendish and Brookfields special schools, The Bridge pupil referral unit, Runcorn All Saints children's centre, contaminated land, sports pitch improvements, Widnes Waterfront and ICT infrastructure.

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