

HALTON BOROUGH COUNCIL



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

12th February 2008

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

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 20 February 2008 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

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

Chief Executive

-AGENDA-

- 1. COUNCIL MINUTES**
- 2. APOLOGIES FOR ABSENCE**
- 3. THE MAYOR'S ANNOUNCEMENTS**
- 4. LEADER'S REPORT**
- 5. MINUTES OF THE EXECUTIVE BOARD**
 - a) 12th December 2007
 - b) 13th December 2007
 - c) 10th January 2008
 - d) 24th January 2008
 - e) 7th February 2008
- 6. MINUTES OF THE EXECUTIVE BOARD SUB-COMMITTEE**
 - a) 13th December 2007
 - b) 10th January 2008
 - c) 24th January 2008
- 7. MINUTES OF THE MERSEY GATEWAY EXECUTIVE BOARD**
 - a) 24th January 2008
- 8. QUESTIONS ASKED UNDER STANDING ORDER NO. 8**
- 9. MATTERS REQUIRING A DECISION BY THE COUNCIL**
 - a) **Executive Board - 10th January 2008 (Minute No. EXB74 refers) - Capital Programme 2008/2009**

The Executive Board considered the attached report.

RECOMMENDED: That the Capital Programme detailed in Appendix 1 of the report for 2008/2009, and the Children's Personal Social Services Capital Allocation detailed in Appendix 3 of the report, be approved.

b) Executive Board - 7th February 2008 (Minute No. EXB83 refers) - Calendar of Meetings 2008-2009

The Executive Board considered the attached report.

RECOMMENDED: That the Calendar of Meetings for the 2008-2009 Municipal Year, attached at Appendix 1 to the report, be approved.

c) Executive Board - 7th February 2008 (Minute No. EXB84 refers) - Polling Districts/Polling Stations Review

The Executive Board considered the attached report.

RECOMMENDED: That Council adopt the amendments to the scheme detailed in the appendix to the report for the period 2008-2011.

d) Executive Board - 7th February 2008 (Minute No. EXB87 refers) - Transport Implementation Programme 2008/09

The Executive Board considered the attached report.

RECOMMENDED: That the Transport Implementation Programme for 2008/09 in the sum of £8,237,000 (shown in Appendix A) be included in the Council's 2008/09 Capital programme.

e) Executive Board Sub-Committee - 13th December 2007 (minute no. ES58 refers) - Enforcement of Part III of the Consumer Credit Act - Legal Authorisations

The Executive Board Sub-Committee considered the attached report.

RECOMMENDED: That the Council's Constitution be amended to include the delegation of the enforcement of Part 3 of the Consumer Credit Act 1974 in Halton, to Birmingham City Council (pursuant to Section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 20 of the Local Government Act 2000 and all other enabling powers) up to 31st March 2009. This delegation relates to the joint exercise of functions and does not affect the delegation of the enforcement of the Consumer Credit act already furnished to Halton Borough Council.

10. CHANGE TO BOARD MEMBERSHIP

Council is advised of the following change of Board Membership, which has been made in accordance with Standing Order No. 30(4):

3MG Executive Sub-Board – Councillor Nelson replaced Councillor McDermott

11. MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

- a) Children and Young People
- b) Employment, Learning and Skills
- c) Healthy Halton
- d) Safer Halton
- e) Urban Renewal
- f) Corporate Services
- g) Business Efficiency Board

12. COMMITTEE MINUTES

- a) Development Control
- b) Regulatory

REPORT TO: Executive Board

DATE: 10th January 2008

REPORTING OFFICER: Strategic Director – Children and Young People

SUBJECT: Capital Programme – 2008/2009

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 This report provides a summary of the funding available for the schools capital programme 2008/2009; it outlines the process for prioritisation for capital repairs and the proposed programme. It also provides an update of the Childrens Personal Social Services Capital Allocation.

2.0 RECOMMENDATION: That

- (1) Full Council be recommended to approve the capital programme detailed in Appendix 1 for 2008/2009 and the Children's Personal Social Services Capital Allocation detailed in Appendix 3.

3.0 SUPPORTING INFORMATION

3.1 The main source of funding for the schools capital programme is the DCSF capital allocation. For 2008/2009 capital funding is available as follows:

DESCRIPTION	ALLOCATION
Capital (SCE R)	£1,477,843
LA revenue repairs (to be confirmed)	£422,870
TOTAL	£1,900,713

In November, 2006 the DCSF approved an advance of £700,000 from 2008/2009 schools capital funding for the extension and remodelling works at Brookfields and Cavendish Schools. The advance will be deducted by reducing the capital grant over the period 2008-2011. The capital allocation above of £1,477,843 is the net allocation after the return of the first advance payment of £233,333.

3.2 AutoCAD plans were produced this year detailing the layout and schedule of accommodation for all school buildings and will enable their use by schools in relation to asset management. It will be necessary to update plans at schools where improvement works have been carried out. The budget provision required to update plans is £5,000.

- 3.3 Fire compartmentation works are carried out in consortia type school buildings as a preventative measure against the risk of fire. To continue the work to provide fire compartmentation it is proposed to carry out further works. The budget provision required for this work is £15,000.
- 3.4 A contingency of £170,000 has been identified for 2008/2009. This budget is used to cover the costs of emergency capital and health and safety works that arise during the year.
- 3.5 During the design of the extension and remodelling works for the Cavendish and Brookfields Schools a number of works have come to light that were unforeseen at estimate stage. These include the provision of new gas supplies and upgrading electrical supply due to existing services being inadequate, additional drainage, piling foundations and provision of retaining wall due to poor ground conditions. The budget provision required for these works is £218,000.
- 3.6 Property Services carry out an annual short survey of all schools plus a more detailed survey for one quarter of Halton schools each year. These surveys identify the key capital repairs requirements. This information is then prioritised through use of a condition score matrix which takes into account the following factors: likelihood of occurrence, impact on school, impact on building fabric, health and safety and school repair strategy. The matrix has been agreed by the Asset Management Steering Group which is a group consisting of Headteacher representatives from primary, secondary and special schools, representatives from the Dioceses of Liverpool, Shrewsbury and Chester and officers of Property Services and the Children and Young Peoples Directorate.
- 3.7 The detailed capital repairs programme for 2008/2009 is identified in Appendix 2. The costs shown against each project are currently provisional. Based on these estimated costs it is likely that all projects can be funded in 2008/2009 however should the costs following receipt of tenders be less than the estimated costs further projects will be brought forward from the reserve list. However if the costs exceed the total funding available once final costs have been obtained the lowest scoring projects (lowest priority) will be deferred to 2009/10.
- 3.8 Funding for the Primary Capital Programme becomes available from 2009/2010. In order to carry out feasibility studies and other associated survey works in preparation for the programme a budget provision of £50,000 is required.

4.0 POLICY IMPLICATIONS

The capital repairs element of the Capital Programme will allow the Council to continue to meet its requirement to enhance the learning environment through capital projects allocated in accordance with the priorities identified in the Asset Management Plan.

5.0 OTHER IMPLICATIONS

The capital repairs programme will contribute to Halton's Carbon Management Programme by producing more energy efficient buildings.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The capital repairs programme will address condition issues within school buildings and will improve the learning environment for children and young people.

7.0 RISK ANALYSIS

7.1 As the costs identified in Appendix 2 are currently only estimates once final costs have been obtained should there be insufficient funds the lowest scoring projects (lowest priority) will be deferred to 2009/10.

7.2 It is current practice for schools to contribute towards the cost of works. This consultation with schools has yet to take place therefore if schools are not willing or able to contribute these projects may not be carried out in 2008/9.

8.0 EQUALITY AND DIVERSITY ISSUES

Consideration to access is given in all projects.

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

Document	Place of Inspection	Contact Officer
Schools Capital Announcement – DCSF 10/10/2007	Finance & Resources	Phil Dove
Asset Management Steering Group Minutes	Finance & Resources	Phil Dove

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CAPITAL PROGRAMME SUMMARY 2008/2009

FUNDING	
Total Capital Budget 2008/9	1,900,713
School contribution	475,891
Estimated Total	2,376,604

DESCRIPTION	ESTIMATED COSTS	COMMENT
Asset Management Data	5,000	Update CAD (Computer Aided Design) plans
Fire Compartmentation	15,000	Continuation of compartmentation works.
Capital Repairs	1,763,353	See Appendix 2 for full details. Estimated costs only - should prices received exceed estimate the number of projects approved in 2008/9 will need to be decreased.
Contingency	170,000	Funding required to cover costs of retentions from previous years, emergency capital and health and safety work.
Cavendish and Brookfields	218,000	Upgrade electrical and gas mains, additional drainage, foundations and retaining wall
Primary Capital Programme	50,000	Feasibility and survey work
Estimated Total	2,221,353	

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PROPOSED PROGRAMMED MAINTENANCE FOR SCHOOLS 2008 - 2009

Work	Estimated Cost 08/09	Estimated Cost	Estimated Cost of Fees	Estimated Cost	Likelihood of Occurrence	Impact on School	Impact on Fabric	H&S	Schools Repair Strategy	Total Score
The Park Primary	Rooflights/roof coverings - Lower roof	50,000	7,500	57,500	4	5	2	3	2	48
Wade Deacon High School	Roof works - Phase 2	100,000	15,000	115,000	4	3	4	3	2	48
Farnworth CE Controlled Primary	Windows	45,000	6,750	51,750	4	3	3	3	2	44
The Grange Infants	Roof covering	35,000	5,250	40,250	4	3	3	3	2	44
Wade Deacon High School	Gym Floor / Enabling works	60,000	9,000	69,000	4	3	3	3	2	44
West Bank	Final stage electrics	40,000	6,000	46,000	4	3	2	3	2	40
Weston Primary	Boiler replacement	45,000	6,750	51,750	4	3	2	3	2	40
Ditton CE Primary	Windows	12,000	1,800	13,800	4	3	1	3	2	36
Fairfield Infants	Roof - Corridor roof	21,000	3,150	24,150	4	2	3	2	2	36
The Heath Comprehensive	Boiler replacement	200,000	30,000	230,000	4	3	2	2	2	36
Fairfield High	Automatic Fire Detection	40,000	6,000	46,000	3	3	3	4	2	36
Fairfield Infants	Automatic Fire Detection	20,000	3,000	23,000	3	3	3	4	2	36
Halebank CE Primary	Fire detection	40,000	6,000	46,000	3	3	3	4	2	36
Fairfield Infants	Refub Heating / gas supply	117,000	17,550	134,550	3	3	3	4	2	36
Oakfield Community Primary	Windows	55,000	8,250	63,250	3	2	2	4	2	30
Simms Cross Primary	Renew roof coverings	70,000	10,500	80,500	4	2	2	1	2	28
Hallwood Park	Ongoing Electrics	75,000	11,250	86,250	4	2	1	2	2	28
Gorsewood	Pipes, Pumps & BMS Upgrade	73,600	11,040	84,640	4	2	1	2	2	28
Pewithall Primary School	Windows	50,000	7,500	57,500	3	2	2	2	3	27
Oakfield Community Primary	Remedial works following testing	25,000	3,750	28,750	3	3	2	2	2	27
The Heath Comprehensive	Electrics	100,000	15,000	115,000	3	2	2	2	2	24
The Grange Infants	Electrics	47,000	7,050	54,050	3	2	2	2	2	24
Fairfield Junior	Windows	15,000	2,250	17,250	3	2	2	1	2	21
The Heath Comprehensive	Windows	25,000	3,750	28,750	3	1	1	3	2	21
Daresbury Primary	Pipes & Rads	47,750	7,163	54,913	3	1	2	2	2	21
Fairfield Junior	Refub Heating / gas supply	40,000	6,000	46,000	3	2	1	2	2	21
The Grange Junior	Pipes & Rads	30,000	4,500	34,500	3	2	1	1	3	21
Victoria Road Primary	Boilers & Pipework	55,000	8,250	63,250	3	2	1	1	3	21
		1,533,350	230,003	1,763,353						

RESERVE LIST

The Grange Comprehensive	Windows	70,000	10,500	80,500	2	2	1	2	3	16
Wade Deacon High School	Switchgear Lower & Upper	75,000	11,250	86,250	2	2	2	2	2	16
Weston Primary	Windows	30,000	4,500	34,500	2	1	2	2	2	14
Fairfield Juniors	Roofs	21,000	3,150	24,150	2	2	2	1	2	14
Ashley School	Mains & Distribution boards	25,000	3,750	28,750	2	2	1	3	1	14
The Bankfield	Electrics Main Bldg & Houghton	60,000	9,000	69,000	2	2	1	1	3	14
The Grange Comprehensive	Elec Distrib /Sub distribution	60,000	9,000	69,000	2	2	1	1	3	14
Daresbury Primary	Windows	12,000	1,800	13,800	2	2	1	2	2	14
Windmill Hill Primary	Full heating system	75,000	11,250	86,250	2	2	1	1	2	12
		428,000	64,200	492,200						

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Programme Maintenance Condition Score Matrix for elements 2008/9

Following a review of the scoring matrix amendments have been proposed to assist, enhance and refine the marking system

The following factors will be taken into account within the matrix

Likelihood of occurrence (A)	This will be a professional assessment by property services taking into account age, condition and current level of repairs	Score of 1 to 4	1 will be unlikely (0-20%).
			2 possibly (20-50%).
			3 Probably (50-80%).
			4 Almost certain (80-100%)
Impact on School (B)	This will be a professional assessment by C&YPD/school taking into account location within the school use of area and other relevant factors	Score of 1 to 6	1 Little impact on school activities.
			2 minor disruption but not affecting curriculum
			3 Disruption with school needing to make adjustment to working patterns
			4 Disruptive with the school needing to adjust it pattern taking a small area out of use
			5 Serious disruption with significant areas being affected and unusable
			6 Likelihood of school closure
Impact on Fabric (C)	This will be a professional assessment by Property services taking into account cost of delay and impact on other elements	Score of 1 to 4	1 Little affect by delay and not affecting other elements
			2 Delay will increase cost of maintenance and may affect other elements
			3 Delay will increase cost out of proportion to delay
			4 Will increase costs out of proportion and have significant affect on other elements
Health and Safety (D)	Professional assessment by C&YPD/Sch	Score of 1 to 6	1 only remote risk of injury
			2 Possible risk of minor injury
			3 Risk of minor injury or possible risk of significant injury
			4 Risk of significant injury
			5 Risk of significant injury to more than a single person
			6 Risk of life threatening injury
Schools repair strategy (E)	Professional assessment by C&YPD/Property Services based on annual inspections	Score of 1 to 4	1 school takes little care of its buildings
			2 school takes below average care of its buildings
			3 School takes average care of its buildings
			4 School takes above average care of its buildings

Total Score = A(B+C+D+E)

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Appendix 3.

Childrens Personal Social Services Capital Allocations – Proposal.

In addition to the Schools Capital Allocations £22000 additional capital approval was received as part of the Childrens Personal Social Services Capital Allocations in 2005/2006. This was a three year allocation with 2007/2008 the final year. It is proposed to allocate the funding to carry out works at 67 Edinburgh Road, a childrens home. The works will be to modernise the accommodation in order to promote independence skills amongst young people.

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REPORT TO: Executive Board

DATE: 7 February 2008

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Calendar of Meetings 2008-2009

WARDS: All

1.0 PURPOSE OF THE REPORT

To approve the Calendar of Meetings for the 2008-2009 Municipal Year attached at Appendix 1 (NB light hatched areas indicate weekends and Bank Holidays, dark hatched areas indicate school holidays).

2.0 RECOMMENDATION:

That Council be recommended to approve the Calendar of Meetings for the 2008-2009 Municipal Year, attached at Appendix 1.

3.0 SUPPORTING INFORMATION

None.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

Should a Calendar of Meetings not be approved, there will be a delay in publishing meeting dates. This would result in practical difficulties in respect of the necessary arrangements to be made and the planning process regarding agenda/report timetables.

8.0 EQUALITY AND DIVERSITY ISSUES

Once a Calendar of Meetings has been approved the dates will be published, hence assisting public involvement in the democratic process.

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

None under the meaning of the Act.

DRAFT 2008/2009 Year Planner

APPENDIX 1

2008/2009

	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APR
M					1			1				
T			1 AF - C, WH, NN & NS		2			2				
W			2 AF - HL & B		3	1 AF - B, F & HV		3				
T					4	2		4 Executive Sub Executive Board	1			1 SEMINAR 2 Executive Sub Executive Board 3MG Sub-Board
F	1		3		5	3		5	2			3
S	2		4	1	6	4	1	6	3			4
S	3		5	2	7	5	2	7	4	1	1	5
M	4	1	6	3	8	6	3	8	5	2	2	6
T	5	2 Children & Yng Pple PPB	7 Dev Control Cttee	4	9 Corporate Services PPB	7 AF - C, WH, NN & NS	4 Corporate Services PPB	9 SEMINAR	6 Corporate Services PPB	3 AF - C, WH, NN & NS	3	7
W	6	3 Corporate Services PPB	8	5	10 Standards Committee Business Efficiency Brd	8 AF - HL & B	5	10	7 Standards Committee Business Efficiency Brd	4 AF - HL & B	4 SPECIAL COUNCIL	8
T	7	4 Standards Committee Business Efficiency Brd	9	6	11 Executive Sub Executive Board	9	6 Executive Sub Executive Board	11	8 SEMINAR	5	5 Executive Sub Executive Board	9
F	8	5 Executive Sub Executive Board	10 SEMINAR	7	12	10	7	13	9	6	6	10
S	9	6	11	8	13	11	8	13	10	7	7	11
S	10	7	12	9	14	12	9	14	11	8	8	12
M	11	8	13	10	15 Dev Control Cttee	13 Dev Control Cttee	10 Dev Control Cttee	15	12 Dev Control Cttee	9 AF - Daresbury SEMINAR	9 Employment, Learning & Skills PPB	13
T	12	9 Dev Control Cttee	14 AF - Daresbury	11 Development Control Committee	16 Healthy Halton PPB	14	11 Healthy Halton PPB	16	13 Healthy Halton PPB	10	10 Healthy Halton PPB	14
W	13	10 SEMINAR Healthy Halton PPB	15	12 SEMINAR	17 Urban Renewal PPB	15 SEMINAR	12 Standards Committee Business Efficiency Board	17 COUNCIL	14 Employment, Learning & Skills PPB	11 COUNCIL	11 SEMINAR	15 Dev Control Cttee
T	14 Executive Board (Selection)	11 Employment, Learning & Skills PPB	16 COUNCIL	13	18 SEMINAR	16 Executive Sub Executive Board 3MG Sub-Board	13 SEMINAR	18 Executive Sub Executive Board	15 Executive Sub Executive Board 3MG Sub-Board	12 Executive Sub Executive Board	12	16
F	15	12	17 Executive Sub Executive Board	14	19	17	14	19	16	13	13	17
S	16 ANNUAL COUNCIL	13	18	15	20	18	15	20	17	14	14	18
S	17	14	19	16	21	19	16	21	18	15	15	19
M	18	15	20	17	22 Employment, Learning & Skills PPB	20 AF - Daresbury	17 Employment, Learning & Skills PPB	22	19 Regulatory Committee	16 Dev Control Cttee	16 Dev Control Cttee	20
T	19 Dev Control Cttee	16 MGE B Regulatory Committee	21	18	23 Safer Halton PPB	21	18 Safer Halton PPB	23	20 Safer Halton PPB	17	17 Safer Halton PPB	21
W	20 SEMINAR	17 Safer Halton PPB	22	19	24 Regulatory Committee	22 COUNCIL	19 Urban Renewal PPB	24	21 Urban Renewal PPB	18	18 Urban Renewal PPB	22 COUNCIL
T	21	18 Urban Renewal PPB	23	20	25 MGE B Executive Sub Executive Board	23	20 MGE B Executive Sub Executive Board	25	22	19	19 MGE B Executive Sub Executive Board	23
F	22	19 Executive Sub Executive Board	24	21	26	24	21	26	23	20	20	24
S	23	20	25	22	27	25	22	27	24	21	21	25
S	24	21	26	23	28	26	23	28	25	22	22	26
M	25	22	27	24	29 AF - B, D & HG	27	24 Regulatory Committee	29	26 AF - B, D, H & HG	23 Children & Yng Pple PPB	23 Regulatory Committee	27
T	26	23 AF - B, D, H & HG	28	25	30 AF - R, A & K	28	25	30	27 AF - R, A & K	24 Corporate Services PPB	24	28
W	27	24 AF - R, A & K	29	26		29	26	31	28 AF - B, F & HV	25 Standards Committee Business Efficiency Brd	25	29
T	28	25 AF - B, F & HV	30	27					29 MGE B Executive Sub Executive Board	26	26	30
F	29	26 3MG Sub-Board Business Effic'y Brd (Closure of Accounts)	31	28		30	27			27	27	
S	30	27		29		31	28		30	28	28	
S	31	28		30			29		31		29	
M		29		31			30					
T		30 AF - M, H, G & HB					31				30	
											31	

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REPORT TO: Executive Board
DATE: 7 February 2008
REPORTING OFFICER: Chief Executive
SUBJECT: Polling Districts/Polling Stations Review
WARDS: All Wards

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the results of the formal Polling District, Places and Stations Review, highlight recommended changes to the polling scheme and put forward a revised polling scheme for approval.

2.0 RECOMMENDATION:

That Council be recommended to adopt the amendments to the scheme detailed in the appendix to the report for the period 2008-2011.

3.0 SUPPORTING INFORMATION

The Electoral Administration Act 2006 requires the Council to carry out a review of all its polling stations every four years after that. The main purpose of the review is to ensure that all residents have reasonable facilities for voting.

As part of the review process we have to consult electors, councillors and other interested parties. Details of all polling districts and polling stations were on the Council's website and notices were placed in the Direct Link offices. Comments were required by 12 November and those received have been taken into account.

The responses to the consultation were considered by the Polling Station Review Working Party on 18 December 2007 and 17 January 2008. The recommendations of the Working Party are detailed in the Appendix.

4.0 POLICY IMPLICATIONS

There are no specific policy implications although it is important to ensure that all electors have equal access to polling stations and places in line with the Council's priority on accessibility of services.

5.0 FINANCIAL IMPLICATIONS

There will be an additional cost, for this year only, of £1300 for the hire of an additional mobile polling station.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 **Children and Young People in Halton** – If polling stations are situated in the right places it could encourage voter turnout for electors in this age group.
- 6.2 **Employment, Learning and Skills in Halton** – There are no implications arising from this report.
- 6.3 **A Healthy Halton** – The provision of polling stations in suitable locations could encourage engagement with the democratic process and in turn promote a healthy living environment.
- 6.4 **A Safer Halton** – The location of polling stations in a safe environment for all electors could encourage voter turnout.
- 6.5 **Halton's Urban Renewal** - There are no implications arising from this report.

7.0 RISK ANALYSIS

There are no risk assessment implications.

8.0 EQUALITY AND DIVERSITY ISSUES

It is important to ensure that all electors have equal access to polling stations and places in line with the Council's priority on accessibility of services.

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

None

Appendix

POLLING PLACES AND ELECTORATE

APPLETON WARD

Polling District	Polling Place	Electorate	Suggested Change
BA	Fairfield High School (Lower Wing), Peelhouse Lane, Widnes	1345	None
BB	St Bedes Catholic Junior School, Leigh Avenue, Widnes	1119	None
BC	Fairfield Infants School, Peelhouse Lane, Widnes	1697	None
BD	Mobile Polling Station, Frederick Street/Dickson Street, Widnes	249	None
BE	St Gerard's Catholic Primary & Nursery School, Lugsdale Road, Widnes	397	None

BEECHWOOD WARD

Polling District	Polling Place	Electorate	Suggested Change
PA	Beechwood Primary School, Grasmere Drive, Runcorn	1458	None
PB	Hillview Primary School, Beechwood Avenue, Runcorn	1738	None

BIRCHFIELD WARD

Polling District	Polling Place	Electorate	Suggested Change
XA	Mobile Polling Station, Upton Tavern Car Park, Upton Lane, Widnes	3391	None
XB	Mobile Polling Station, Queensbury Way, Widnes	1406	None

BROADHEATH WARD

Polling District	Polling Place	Electorate	Suggested Change
FA	Our Lady's Church Hall, Mayfield Avenue, Widnes	640	None
FB	Mobile Polling Station, Delamere Avenue (rear of Quarry Court), Widnes	846	None
FC	Mobile Polling Station, The Bankfield School, Liverpool Road, Widnes	919	None
FD	Mobile Polling Station, Blundell Road/Hanley Road, Widnes	1218	None
FE	Widnes Rugby Union Football Club, Heath Road, Widnes	1273	None

CASTLEFIELDS WARD

Polling District	Polling Place	Electorate	Suggested Change
OA	St Augustine's Catholic Primary School, Nigel Walk, Runcorn	1322	None
OB	Castlefields Community Centre, Chester Close, Runcorn	834	None
OC	St Mary's Halton CE Aided Primary School, Castlefields Avenue South, Runcorn	1020	None
OD	The Brow Community Primary School, The Clough, Runcorn	1502	None

DARESBUY WARD

Polling District	Polling Place	Electorate	Suggested Change
TK	Milner Institute, Runcorn Road, Moore, Runcorn	684	None
TL	Daresbury Primary School, Chester Road, Daresbury, Warrington	210	None
TM	Village Hall, Preston Brook, Runcorn	614	None
TT	Sandymoor Community Centre, Otterburn Street, Off Pitts Heath Lane, Sandymoor, Runcorn	1713	None

DITTON WARD

Polling District	Polling Place	Electorate	Suggested Change
GA	Nursery Unit, Oakfield Infants School, Edinburgh Road, Widnes	841	None
GB	Our Lady of Perpetual Succour Catholic Primary School, Clincton View, Widnes	1088	None
GC	Halebank Youth Club, Baguley Avenue, Widnes	1181	None
GD	Mobile Polling Station, Ditchfield Road, Widnes	1080	None
GE	Our Lady's Church Hall, Mayfield Avenue, Widnes	691	None
GF	Scout Hut, Hall Avenue, Widnes	560	None

FARNWORTH WARD

Polling District	Polling Place	Electorate	Suggested Change
AA	Lunts Heath Primary School, Wedgewood Drive, Widnes	2529	None
AB	Farnworth CE Controlled Primary School, Pit Lane, Widnes	1534	None
AC	Previously Crow Wood Youth Centre (shared with Halton View Ward)	768	Moorfield Primary School, School Way, Widnes
AD	Farnworth Methodist Church Hall, Derby Road, Widnes	518	None

GRANGE WARD

Polling District	Polling Place	Electorate	Suggested Change
NA	Bertha's Room, St Edwards Parish Centre, Ivy Street, Runcorn	1425	None
NB	Grangeway Community Centre, Grangeway, Runcorn	1597	None
NC	Halton Lodge Primary School, Grangeway, Runcorn	2136	None

HALE WARD

Polling District	Polling Place	Electorate	Suggested Change
JA	Hale Village Hall, High Street, Hale	1589	None

HALTON BROOK WARD

Polling District	Polling Place	Electorate	Suggested Change
MA	The Grange Junior School, Latham Avenue, Runcorn	2005	None – but Officers endeavour to ensure that the access to the polling station is DDA compliant.
MB	Brook Chapel, Boston Avenue, Runcorn	1422	None
MC	Castle View Primary School, Meadway, Runcorn	1430	None

HALTON LEA WARD

Polling District	Polling Place	Electorate	Suggested Change
QA	Palacefields Community Centre, The Uplands, Runcorn – having structural alterations in 2008	2000	Mobile on car park of Community Centre for 2008 elections only.
QB	The Lapwing Centre, Lapwing Grove, Runcorn	1258	None
QC	Hallwood Park Primary School, Hallwood Park Avenue, Runcorn	908	None
QD	Halton Lodge Community Centre, Whitchurch Way, Runcorn	601	None

HALTON VIEW WARD

Polling District	Polling Place	Electorate	Suggested Change
CA	Mobile Polling Station, Weates Close, Widnes	1616	None
CB	Mobile Polling Station, Bancroft Road, Widnes	1840	None
CC	St Ambrose Church Hall, Warrington Road, Widnes	1326	None
CD	Previously Crow Wood Youth Centre (shared with Farnworth Ward)	567	Moorfield Primary School, School Way, Widnes

HEATH WARD

Polling District	Polling Place	Electorate	Suggested Change
LA	Christ Church Hall, Sandy Lane, Runcorn	770	None
LB	St Clements Catholic Primary School, Oxford Road, Runcorn	1378	None
LC	St John's CE Church Hall, Weston Village, Runcorn	885	None
LD	The Heath School, Clifton Road, Runcorn	1690	None

HOUGH GREEN WARD

Polling District	Polling Place	Electorate	Suggested Change
HA	All Saints CE Primary School, Hough Green Road, Widnes	2227	None
HB	Upton Community Centre, Hough Green Road, Widnes	932	None
HC	Mobile Polling Station, Arley Drive, Widnes	1209	None
HD	St Basil's Catholic Primary School, Hough Green Road, Widnes	1045	None

KINGSWAY WARD

Polling District	Polling Place	Electorate	Suggested Change
DA	6 th Form Building, St Peter & Paul Catholic High School, Highfield Road, Widnes	1056	None
DB	Ditton Primary School, Liverpool Road, Widnes	521	None
DC	Creche - Fitness Suite – Halton Stadium, Lowerhouse Lane, Widnes	2275	None
DD	Simms Cross Primary School, Kingsway, Widnes	663	None
DE	Conference Room 3, Ground Floor – Municipal Building, Kingsway, Widnes	385	None

MERSEY WARD

Polling District	Polling Place	Electorate	Suggested Change
KA	All Saints CE Primary School, Church Street, Runcorn	1249	Spiritualist Church, Ashridge Street, Runcorn
KB	The Partnership Centre, Old Police Station, Bridge Street, Runcorn	797	None
KC	Victoria Road Primary School, Victoria Road, Runcorn	761	None
KD	West Runcorn Youth Club, Russell Road, Runcorn	968	None
KE	Westfield Primary School, Clayton Crescent, Runcorn	1174	None

NORTON NORTH WARD

Polling District	Polling Place	Electorate	Suggested Change
RA	St Bertelines CE Primary School, Norton Lane, Runcorn	2599	None
RB	Gorsewood Primary School, Gorsewood Road, Runcorn	2365	None

NORTON SOUTH WARD

Polling District	Polling Place	Electorate	Suggested Change
ZX	Brookvale Community Centre (Higher House), Old Northwich Road, Runcorn	1077	None
ZY	Murdishaw West Community Primary School, Barnfield Avenue, Runcorn	1579	None
ZZ	Brookvale Community Centre (Higher House), Old Northwich Road, Runcorn	2210	None

RIVERSIDE WARD

Polling District	Polling Place	Electorate	Suggested Change
EA	St Gerard's Catholic Primary & Nursery School, Lugsdale Road, Widnes	473	None
EB	West Bank Primary School, Cholmondeley Street, Widnes	995	None
EC	Ditton Community Centre, Dundalk Road, Widnes	837	None
ED	St Michael's Parish Centre, St Michaels Road, Widnes	1306	None

WINDMILL HILL WARD

Polling District	Polling Place	Electorate	Suggested Change
SA	Priory View Community House, 231-233 Lockgate West, Runcorn	834	None
SB	Windmill Hill Primary School, Windmill Hill, Runcorn	898	None

REPORT TO: Executive Board

DATE: 7 February 2008

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: Transport Implementation Programme
2008/09

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 The purpose of the report is: a) to advise members of the announcement of the three year Local Transport Settlement (2008/09 – 2010/11) that was made on 27 November 2007; and b) to seek approval to the Transport Implementation Programme for 2008/09 being included in the Council's 2008/09 Capital Programme

2.0 RECOMMENDATION: That the

- a) **2008/09 – 2010/11 Local Transport Settlement be noted; and**
- b) **the Transport Implementation Programme for 2008/09 in the sum of £8,237,000 (shown in Appendix A) be recommended to Council for inclusion in the Council's 2008/09 Capital programme.**

3.0 SUPPORTING INFORMATION

3.1 Members will recall that in previous years Local Transport Plan (LTP) funding has been dependent, in part, on annual assessments on the progress transport authorities had made on the delivery of their LTPs. However, the situation has changed significantly following the commencement of the second round of LTPs. New guidance issued recently by the DfT has confirmed a much less rigorous reporting requirement, based on a more collaborative approach between the DfT and local authorities to enable weaknesses in progress to be jointly addressed and strengths to be built upon. In addition, the guidance makes it clear that the levels of funding allocated throughout the remainder of LTP2 are not dependent on progress made.

3.2 The DfT has also indicated that it is vital that local authorities, along with Government Offices and local partners, incorporate local transport issues adequately and sufficiently in Local Area Agreements.

3.3 The December 2006 Local Transport Capital Expenditure Settlement Letter provided indicative allocations for the Integrated Transport Block for the period 2008/09 – 2010/11, which were enhanced by reward funding of

25%, due to the quality of Halton's delivery report for the first LTP and its second LTP; both achieving 'Excellent' status. However, the Highways Capital Maintenance allocations were not provided for this period, as they were to be subject to the 2007 Comprehensive Spending Review and a reassessment of the formula on which allocations were made.

- 3.4 The November 2007 Settlement letter confirmed the LTP Integrated Transport Capital Block allocations for the period 2008/09 – 2010/11 as being unchanged from that previously indicated in the December 2006 letter. These allocations are as follows:

LTP Integrated Transport Capital Block 2008/09 – 2010/11

2008/09 £000s	2009/10 £000s	2010/11 £000s	Total £000s
1,885	1,831	1,767	5,483

- 3.5 As indicated above, the allocation of the Highways Capital Maintenance block is based on a new formula. This has resulted in a reduction of £959,000 to Halton, over three years, to that previously indicated as the Provisional Planning Guideline to be used in the preparation of LTP2. The comparative allocations for each year are given below:

Highways Maintenance Capital Block 2008/09 – 2010/11

	2008/09 £000s	2009/10 £000s	2010/11 £000s
LTP2 Provisional Planning Guideline	2,237	2,349	2,467
Nov 2007 Settlement Letter	1,881	2,023	2,190
Reduction (%)	356 (16%)	326 (14%)	277 (11%)

- 3.6 Importantly, Halton has also been allocated substantial additional funding from the Primary Route Network (PRN) Bridge Strengthening and Maintenance allocation. The total awarded over the three years is £14.288m, which is over 12% of the total available. This funding was top sliced from the national pot available for Highways Capital Maintenance and it should offset the reduction identified in 3.4 above. The funding will enable much needed maintenance and inspection work on the Silver Jubilee Bridge (SJB) complex to commence in 2008/09 and will replace some of the funding required from the Regional Funding Allocation (RFA) for the SJB major maintenance scheme. This major scheme bid was submitted to the DfT in March 2006; however, a decision is still awaited on its entry into the DfT's programme of works. The specific details of the PRN maintenance funding allocated, which is to be provided as a direct capital grant, is as follows:

**PRN Bridge Strengthening and Maintenance Capital Allocation
2008/09 – 2010/11**

2008/09 £000s	2009/10 £000s	2010/11 £000s	Total £000s
4,402	4,906	4,980	14,288

3.7 It should be noted that both the Integrated Transport and Highway Maintenance Capital Blocks are part of the single capital pot and are not ring-fenced. However, the DfT has advised that it will review how much authorities have spent on transport at the end of the LTP2 period and where spending on integrated transport does not match the capital allocations, it would consider the level of future funding allocations.

3.8 The settlement for the Integrated Transport and Highway Maintenance Capital Blocks is in response to the Council's LTP2 submission and therefore the schemes to be implemented over the coming years are to be drawn from the programmes included in LTP2. The 2008/09 programme is shown in Appendix A.

3.9 It was agreed at the Executive Board meeting of 2 March 2006 that authority to agree each year's detailed implementation programme of the LTP 2006/7-2010/11 be delegated to the Strategic Director, Environment, in consultation with the Executive Board Member for Planning Transportation and Development (Minute EXB181).

3.10 The final LTP programme will be in line with the capital budget to be agreed by the Council. This programme will be included in the Highways, Transportation and Logistics Department Service Plan.

3.11 Halton's Road Safety Grant, which is the funding used to help support the Cheshire Safer Roads Partnership was also confirmed unchanged from that indicated in the 2006 decision letter. The revenue element of this grant will be included in the area-based grant, whilst the capital element will be paid as a direct capital grant. The Road Safety Grant allocated is detailed below:

Road Safety Grant 2008/09 – 2010/11

Funding	2008/09 £000	2009/10 £000	2010/11 £000	Total £000s
Specific Road Safety Grant (Capital)	69.424	72.167	75.114	216.705
Specific Road Safety Grant (Revenue)	312.024	324.350	337.597	973.971
Total £000s	381.448	396.517	412.711	1,190,676

3.12 Halton has also continued to be allocated an element of Detrunked Roads Maintenance grant. This grant is used to maintain the Widnes

Eastern Relief Route and will also be included in the area-based grant. The funding is as follows:

Detrunked Roads Maintenance Grant 2008/09 – 2010/11

Funding	2008/09	2009/10	2010/11
Detrunked Roads Maintenance (Revenue)	208,614	213,830	219,175

3.13 The DfT also advised in it's letter that a decision has yet to be made on the grants for buses and concessionary fares.

3.14 The Urban Renewal Policy Performance Board of 23 January 2008 considered a similar report entitled 'Local Transport Capital Settlement 2007/08'. The views of the PPB will be reported to the meeting.

4.0 POLICY IMPLICATIONS

4.1 The settlement is to deliver the strategies contained within the Council's second Local Transport Plan, which was approved by the Executive Board on 22 June 2006.

5.0 OTHER IMPLICATIONS

5.1 The report details approved levels of funding to be allocated during the life of LTP2, which will be used to deliver the interventions, described within the approved LTP2 capital programme.

5.2 The LTP is targeted at improving transport opportunities for those without access to private cars and has therefore positive impacts on social inclusion and sustainability issues.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The 2008/09 Implementation Programme will assist children and young people in accessing services in the Borough and improve road safety.

6.2 Employment, Learning and Skills in Halton

Measures contained within the 2008/09 Implementation Programme are expected to improve access to employment, training and learning facilities within the Borough.

6.3 A Healthy Halton

The 2008/09 Implementation Programme will help to encourage local communities to adopt more healthy lifestyles through the introduction of measures to increase the use of cycling and walking for local journeys.

6.4 A Safer Halton

The 2008/09 Implementation Programme incorporates measures to reduce road casualties in the Borough and to improve road safety.

6.5 Halton's Urban Renewal

The 2008/09 Implementation Programme will continue to support the ongoing regeneration of Halton.

7.0 RISK ANALYSIS

6.1 The report details the funding allocations for the period 2008/09 – 2010/11 and therefore the Implementation Programme can now be planned with certainty to ensure effective delivery of schemes and initiatives.

6.2 A risk associated with the report is the failure to deliver against the Implementation Programme. This risk will be managed through regular progress meetings with senior managers to enable early action to be taken, should the need arise.

6.3 In addition, there is a risk that the transport related funding that has been pooled into the area based pot will not be fully allocated for transport measures. If this is the case, then it will not be possible to undertake all of the works proposed.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Accessibility and connectivity are essential issues for equality and diversity and every effort is made to facilitate barrier free movement around the Borough. Particular emphasis is given to improving access to education and training, employment, health, shopping and leisure facilities, which are key services impacting on quality of life.

9.0 REASON FOR DECISION

9.1 The decision is required to enable capital works involving improvements and maintenance to Halton's transport system to be undertaken.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 None

11.0 IMPLEMENTATION DATE

11.1 The works will be implemented during the 2008/09 financial year.

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

Document	Place of Inspection	Contact Officer
Letter from DfT 27 November 2007	Highways, Transportation & Logistics Department Rutland House, Runcorn	Phil Cornthwaite

Appendix A

TRANSPORT IMPLEMENTATION PROGRAMME 2008/09 (£000's)

Local Transport Plan Element	£000
Bridge and Highway Maintenance	
Bridge Assessment, Strengthening & Maintenance	
Bridge Assessment	20
Bridge Strengthening	75
Bridge Maintenance (on SJB Complex and Associated Structures)	2,969
Minor Bridge Works (SJB Complex)	350
Other Bridges	1,438
Subtotal	4,852
Road Maintenance	
Structural Maintenance of Carriageways	773.5
Independent Footpath Network	140
Footway Reconstruction	305
Lighting	160
Cycleways	52.5
Subtotal	1,431
Total for Bridge & Highway Maintenance	6,283
LTP Integrated Transport Allocation	
Local Safety Schemes	200
Quality Corridors:	
Walking	194
Cycling	196
Bus Route Improvements	170
Subtotal	560
Interventions Outside Quality Corridors	
Cycling	90
Walking	90
Integrated Transport	251
Traffic Signal	37
Accessible Buses	122
Subtotal	590

Other Improvements	
Variable Message Signing	55
A56 Eastern Expressway Improvements	440
Direct Contribution to Regeneration	40
Subtotal	535
Integrated Transport Total	1,885
Road Safety Grant (Capital only)	69
Total Capital Programme 2008/09	8,237

□

REPORT TO: Executive Board Sub Committee

DATE: 13 December 2007

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Enforcement of Part III of the Consumer Credit Act - Legal Authorisations

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval for a scheme of delegation to authorise Birmingham City Council and officers of the Illegal Money Lending Team (IMLT) to investigate and institute proceedings against illegal money lenders operating within the Halton Borough Council area.

2.0 RECOMMENDATION: That

- (1) the Board agrees to the delegation of the enforcement of Part III of the Consumer Credit Act 1974 in Halton, to Birmingham City Council (pursuant to Section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 20 of the Local Government Act 2000 and all other enabling powers) up to 31 March 2009. This delegation relates to the joint exercise of functions and does not affect the delegation of the enforcement of the Consumer Credit Act already furnished to officers of Halton Borough Council; and**
- (2) the attached “Protocol for Illegal Money Lending Team Investigations” be agreed and authority be delegated to the Operational Director, Health & Partnerships, in consultation with the Executive Board Member for Community, to enter into the agreement on behalf of Halton Borough Council and approve minor alterations if required.**

3.0 SUPPORTING INFORMATION

General Background

- 3.1 The primary legislation governing the consumer credit industry is the Consumer Credit Act 1974 and this is enforced, in each Local Authority area, by the Trading Standards (Consumer Protection) Service. The Act is based upon a licensing system and all consumer credit and

consumer hire businesses operating in the UK (with certain exemptions) must possess an appropriate licence issued by the Office of Fair Trading (OFT). The OFT must be satisfied that an applicant for a Consumer Credit Licence is a fit and proper person before issuing that person with a licence to trade.

- 3.2 To operate a consumer credit business without being licensed is a criminal offence and carries a maximum penalty of £5,000 and/or up to two years imprisonment. Further, the OFT can revoke licences where it can be established that the licensee has acted inappropriately. The OFT can issue warnings and add conditions to the licence where necessary.
- 3.3 Illegal money lending covers a range of activities, from persons that are actually licensed but are acting unlawfully (for example by canvassing off trade premises) to the extreme of a person offering cash loans without being licensed at all (Loan Sharks).
- 3.4 The Birmingham Illegal Money Lending Team was established as a pilot project, one of only two in Great Britain; the other pilot area being Glasgow. The remit of the team is to investigate illegal money lending activity and establish if a problem exists and, if so, bring to justice those persons carrying on this activity.
- 3.5 The pilot scheme in England hosted by Birmingham Trading Standards initially covered a geographical area including the West Midlands, Warwickshire, Shropshire, Herefordshire, Worcestershire, Stoke, Staffordshire and Telford. The team initially consisted of seven investigators with a broad range of backgrounds and investigative skills and a team manager.
- 3.6 Research, funded by the Department for Business, Enterprise and Regulatory Reform (DBERR) and using information gathered by the Birmingham pilot project, has been published which identifies the extent of this type of activity as well as the reasons that people use illegal money lenders.
- 3.7 In December 2006 the Treasury Minister Ed Balls visited the Birmingham based project and announced an extension to the funding for a further year, up to March 2008. The funding is provided from the Financial Inclusion Fund administered by the Treasury and managed by the DBERR. This continuation clearly identified the Government's support for the work undertaken by the Birmingham based team and a commitment to what is considered a successful project.
- 3.8 More recently, in September 2007, the Business Secretary, John Hutton, announced that the localised pilots would be extended to every region of the country, including the North West, up to 31 March 2009. However, given the timescale of the bidding process Trading Standards North West approached the Birmingham team to request

that they submitted a bid to undertake the work in the North West. This bid proved to be successful.

Key statistics for the project up to 1 February 2007

- 3.9 Since it began in 2005 the project can claim:
- Population covered – 5,267,337 incorporating 14 Local authorities
 - Illegal debt written off – over £2 million
 - Victims helped – over 1,500
 - Cash seized to date - £44,170
 - Proceeds of crime proceedings ongoing for over £1 million
 - 12 guns taken off the street
 - many offenders found to be falsely claiming benefits
 - counterfeit goods to the value of over £100,000 recovered
 - prison sentences totalling over 26 years so far handed down.
- 3.10 In addition to exceeding the expectations of the Government, the project has also achieved significant added value, including expert support to other Trading Standards authorities in tackling illegal moneylenders in their area. Developing partnership working with the Police, the Department of Work and Pensions, H M Revenue and Customs as well as other key partners has facilitated a coordinated approach to tackling crime.

Performance against the Objectives of the Pilot Project

Objective 1 - “To obtain a clear understanding of the scale and impact of illegal money lending as well as learning lessons on the best way to enforce”:

- 3.11 The evidence so far indicates that illegal moneylenders are widespread and prevalent. They operate in areas that have a high proportion of rented accommodation and target the most vulnerable members of society. Often these are areas where legitimate lenders do not lend due to safety risks for their collectors.
- 3.12 Evidence suggests illegal moneylenders vary from those who lend £10 over a few days and demand £12 on repayment, to those who provide substantial loans to those looking to set up businesses. Interest rates range from 100% up to 117,000% APR in some instances.
- 3.13 Information gathered so far suggests that illegal money lending is being operated across all sectors of the community. The majority of people using moneylenders are in receipt of income support or benefits and are introduced through word of mouth. However evidence also suggests that moneylenders operate within the wider community and the pilot has identified illegal money lending within the business community. In many of the investigations it has been established that the moneylenders resort to intimidation and violence in order to secure

payment. Other common traits include: adding indiscriminate charges, targeting single mothers and introducing payment through sexual favours.

- 3.14 Moneylenders often use victims of money lending to assist them with maintaining their criminal lifestyle and anonymity, for example illegal moneylenders' vehicles are often registered at a clients' address.
- 3.15 There is also anecdotal evidence suggesting that illegal moneylenders have an impact on the wider community in which they operate, with victims resorting to petty crime to enable them to meet payments. Reducing the activities of illegal moneylenders or removing them altogether may therefore help to reduce levels of other criminal activity within a community.
- 3.16 With regard to enforcement activity the investigation of illegal money lending has proven to be very resource intensive. Targets need to be observed and monitored to determine their activity, to identify them and if possible establish their address. A significant proportion of targets are also what are termed "life style criminals", which means that evidence of other illegal activity can surface during the course of an investigation. This may not only involve other agencies but can also extend the life of an investigation, thereby adding to the pressure on resources.

Objective 2 - "To create a climate where victims can come forward – confident that prosecutions will be undertaken, and convictions obtained, without fear of reprisals":

- 3.17 Effective branding and publicity of the pilot project has meant extensive promotion of the aims of the project and work of the team, within both the local and wider community. Evidence suggests that this has been achieved because it can be evidenced that victims are willing to contact the hotlines, and to provide further evidence to help achieve prosecutions.
- 3.18 The Birmingham Team has continued to use injunctions, backed by the power of arrest under the Anti-Social Behaviour Act 2003, to remove lenders from their area of operation. Injunctions are reinforced with an agreement from the local police to flag the matter on their system and respond immediately if they receive a call from one of the victims.

Objective 3 – "To change the perception amongst those lending that illegal money lending is rarely prosecuted":

- 3.19 A proactive media campaign is ongoing. Engaging television, radio and newspapers locally, regionally and nationally is helping to promote the work of the team and raising public awareness.

Objective 4 – “To develop ways of replacing the removed lenders with more support for their victims”:

- 3.20 The Birmingham Illegal Money Lending Team helps victims of illegal moneylenders with practical help and support through and in conjunction with the services of local Debt Advice Teams and the National Debt line. It has been noted that victims often need more than simple money advice and so face-to-face advice is considered the most helpful way forward and is the route normally adopted.
- 3.21 Links have also been established with credit unions and their associations and where practicable these agencies are also called upon to provide help and advice. The Birmingham Illegal Money Lending Team offers money management to all victims of moneylenders who contact them for advice and assistance. Partnership working in this area is recognised as being a must in this area of service provision.

Authorisations

- 3.22 In order to expand the scheme into Halton the existing Birmingham team requires proper authorisation of the officers to carry out the investigations and for all the associated legal processes and costs thereof to be delegated to Birmingham City Council. The draft protocol attached as Appendix 1 to this report contains all the required conditions and consents to enable Birmingham City Council officers to undertake investigations and legal procedures.

4.0 POLICY IMPLICATIONS

- 4.1 This proposal, if agreed, will supplement Halton’s Consumer Protection resources (at no extra cost to Halton Borough Council) and will enable the Consumer Protection officers to have access to a team of highly trained experts from the IMLT.

5.0 FINANCIAL IMPLICATIONS

- 5.1 HM Treasury funds the IMLT/Project. There will be no cost or resource implications for Halton Borough Council in delegating this authority to Birmingham City Council. Halton’s Consumer Protection Service does not currently have sufficient resources to dedicate a team solely to the investigation and detection of illegal or unlicensed moneylenders. The Birmingham based project team, funded by the Treasury, is able to provide additional resources and protection for the benefit of Halton’s citizens at no cost to Halton Borough Council.

6.0 OTHER IMPLICATIONS

- 6.1 Colleagues in Legal Services have been consulted and advise that a formal delegation of powers under the relevant local government legislation is the correct procedure to be used. They have also reviewed the proposed protocol and are satisfied that it is fit for purpose.
- 6.2 Halton's Consumer Protection Staff may, by agreement, be involved in some of the IMLT operational work whilst they are operating in the Halton area. However this delegation to the IMLT (and the proposed protocol) does not commit Halton Consumer Protection to provide any specific resource.
- 6.3 This area of law enforcement requires specialist expertise, techniques and facilities that the Consumer Protection Service would not otherwise have access to. Members of the IMLT include officers with high-level training and expertise in surveillance techniques as well as security operations. The team includes, amongst others, ex police officers and security services personnel.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

None directly but indirectly 7.3 and 7.4 below highlight implications that can impact on children and young people.

7.2 Employment, Learning and Skills in Halton

Marginalising rogue traders creates an environment that supports and encourages legitimate credit providers.

7.3 A Healthy Halton

Illegal money lending has a serious detrimental effect on both individuals and the community. Tackling the root causes and providing legitimate alternative sources of credit will contribute to reducing stress and pressures on many individuals and communities.

7.4 A Safer Halton

Illegal moneylenders invariably target low-income households and the most vulnerable members of society. This can mean that their activities have disproportionate implications for the more deprived areas and action taken against them therefore supports the policy priorities associated with crime and disorder and protecting the more vulnerable members of the community.

7.5 Halton's Urban Renewal

None.

8.0 RISK ANALYSIS

- 8.1 Given the performance of the Birmingham Illegal Money Lending Team to date and the fact that the partnership arrangement will be documented via the attached protocol, the risks associated with this proposal are considered to be minimal.

9.0 EQUALITY AND DIVERSITY ISSUES

- 9.1 The recommendations have a positive impact on equality, as the result of pursuing them will be to increase the protection of vulnerable members of the community. The report is neutral in terms of diversity.

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

- 10.1 There are no background papers within the meaning of the Act.

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DEPARTMENT FOR BUSINESS ENTERPRISE & REGULATORY REFORM
ILLEGAL MONEY LENDING PROJECT

PROTOCOL FOR ILLEGAL MONEY LENDING TEAM INVESTIGATIONS

Interpretation

For the purposes of this Protocol –

“**BCC**” means Birmingham City Council

“**HCP**” means Halton Borough Council Consumer Protection

“**IMLT**” means the Illegal Money Lending Team

“**Delegated Power**” means the delegation of the enforcement of Part III of the Consumer Credit Act 1974 to BCC by Halton Borough Council in pursuance of section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000, section 20 of the Local Government Act 2000 and all other enabling powers. This delegation relates to the joint exercise of functions and does not affect the delegation of the enforcement of the Consumer Credit Act already furnished to officers of Halton Borough Council.

“**Commencement Date**” means the date the Delegated Power is granted

“**Term**” means from the date of signing of this protocol to 31st March 2009

“**Birmingham Trading Standards**” means Regulatory Services of BCC

“**Halton Contact Officer (HCO)**” means the relevant person appointed by the Divisional Manager of HCP to liaise with the IMLT team manager on matters relating to and in connection with the Illegal Money Lending Project

“**Appropriate Contact Officer**” means The Director of Regulatory Services, Head of Trading Standards and Licensing or the Illegal Money Lending Manager of Birmingham Trading Standards and the Divisional Manager of HCP or any person authorised by them

1. Application

1.1 This Protocol applies to the DBERR/HM Treasury funded 'Illegal Money Lending Project' and covers the following issues:-

- The conduct of investigations and associated working practices for the IMLT officers when conducting investigations or operating in Halton.
- The mechanisms whereby HCP is updated on the progress of the project and any significant issue relating thereto.
- The exchange of intelligence and information between the IMLT and HCP
- The institution of legal proceedings.

2. Protocol

2.1 The purpose of this protocol is to facilitate the delegation of powers to officers employed within BCC's IMLT to enforce the provisions of the Consumer Credit Act 1974 within the area of Halton. The protocol encourages the exchange of information and a working partnership approach between BCC and HCP in relation to the Consumer Credit Act 1974.

2.2 This Protocol will come into force on the Commencement Date and terminates at the end of the Term.

2.3 Notwithstanding the terms and conditions of this Protocol, this Protocol does not prejudice the right of HCP to withdraw the Delegated Power at any time during the Term. However HCP undertakes not to withdraw the Delegated Power unless it considers there is good reason to do so. The Delegated Power is not to be unreasonably withdrawn by HCP.

3. The IMLT

3.1 It is recognised that officers in the IMLT will need authority to initiate and/or undertake investigations and/or the prosecution of potential offences falling within the scope of the 'Illegal Money Lending Project' where such potential offences fall entirely outside of the BCC boundaries. The Delegated Power is deemed to provide such authority.

3.2 The IMLT will comprise of a team manager and up to 11 staff directly employed by BCC. The IMLT team manager will be responsible for the day-to-day operation and supervision of the IMLT.

3.3 The IMLT team manager will report directly to the Director of Regulatory Services.

- 3.4 The Illegal Money Lending Team Manager, BCC will quarterly from the Commencement Date, provide a progress report to the Divisional Manager of HCP giving details of investigations, (unless there is a significant risk that any such disclosure may jeopardise an investigation, such a decision is within the discretion of the Director of Regulatory Services BCC) prosecutions being pursued or concluded and developments concerning or affecting the Illegal Money Lending Project in Halton.
- 3.5 It is recognised that after Delegated Power is granted to BCC, all decisions concerning the pursuance of relevant investigations, decisions to prosecute and the laying of charges and/or information on such relevant matters within Halton, shall be taken by BCC and in accordance with the relevant Code for Crown Prosecutors and BCC's Enforcement Policy. However, BCC will consult with the Halton Contact Officer before any charges and/or informations are preferred unless it is not practicable to do so.

4 Working Arrangements in the Halton Borough Council Area

- 4.1 HCP will designate and appoint a Halton Contact Officer (HCO).
- 4.2 The IMLT team manager will on the first working day of each month and at any time the IMLT team manager considers necessary and prudent, or at the request of the HCO, brief the HCO on any intelligence gathered, any progress made on investigations and/or prosecutions pending or otherwise, relating to or affecting Halton and/or its residents.
- 4.3 Further to Clause 4.2 above, all reasonable steps will be taken by the IMLT team manager to keep the HCO updated on the progress of investigations and enquiries being carried out in Halton and any changes made or introduced by the Department for BERR concerning the 'Illegal Money Lending Project'. It is incumbent on the IMLT team manager to maintain regular dialogue/communication with the HCO.
- 4.4 The IMLT will have regular contact with Cheshire Police and other Government agencies. The IMLT team manager will consult the HCO to identify any local arrangements, investigations and protocols before any investigation is commenced in pursuance of the 'Illegal Money Lending Project'. Wherever possible, the IMLT team manager will actively involve the HCO and seek to develop close links between those agencies and HCP.
- 4.5 The IMLT team manager will as soon as reasonably practicably inform the HCO the outcome of any concluded prosecution proceedings conducted within Halton.
- 4.6 BCC will consult with HCP and the Halton Communications and Marketing Unit in good time before issuing any press release concerning any prosecution pursued by BCC pursuant to this Protocol.
- 4.7 Any contact with local government bodies, other police forces, credit unions or similar organisations that may be locally funded or may involve local sensitivities will be agreed with the HCO in advance. Upon being notified of an intention to

contact such a body, HCP may arrange for one of their own officers to accompany the relevant officer of the IMLT on any visit, or undertake the work themselves, and pass any results back to the IMLT.

- 4.8 Where the IMLT team manager and the Divisional Manager of HCP agree that an officer or officers of HCP will be actively involved in an investigation, that officer will remain an employee of HCP but for the purpose of that investigation, will come under the control of the IMLT team manager. Such agreement will be subject to the IMLT team manager being satisfied that the officer's or officers' participation will not compromise any investigation or endanger any member of the IMLT, supporting staff or witnesses, that the officer has the appropriate training and experience to undertake the task; and upon any other terms that the IMLT team manager and the Divisional Manager of HCP consider necessary and/or appropriate.
- 4.9 Unless there is prior agreement with the IMLT team manager for assistance in an investigation, which is accompanied by an official purchase order from BCC, no reimbursement will be made for time spent on activities supporting the 'Illegal Money Lending Project' or expenditure incurred by any HCP officer.
- 4.10 The exercise by BCC of these arrangements shall be at no cost to HCP and furthermore BCC undertakes to indemnify HCP against any claim made against HCP arising out of the exercise by BCC of powers granted to them under these arrangements.
- 4.11 BCC shall have an Appropriate Contact Officer.
- 4.12 In the absence of the IMLT team manager, the role, duties, and responsibilities of the IMLT team manager shall be discharged and carried out by the Appropriate Contact Officer.

5. Referral of Information/Intelligence to the Project Team

- 5.1 The IMLT It is recognised that the IMLT will rely on receiving information about Illegal Money Lender activities.
- 5.2 HCP will endeavour to provide as much relevant information and intelligence as reasonably and practicably possible to the IMLT concerning any investigation being carried out within Halton, having regard to any statutory limitations/restrictions, the time likely to be expended, resources available and costs likely to be incurred by HCP in providing the same.
- 5.3 Information and intelligence will be provided by the HCO to the IMLT team manager or a person designated by him/her.
- 5.4 BCC IMLT will not, as a matter of routine, investigate individual complaints received concerning alleged Illegal Money Lender activities. However, such complaints may be used by the IMLT as a source of intelligence.
- 5.5 BCC, IMLT and HCP agree to process personal data only in accordance with the requirements of the Data Protection Act 1998 and to disclose information in accordance with the requirements of the Enterprise Act 2002.

6 Conduct and Control of Investigations

- 6.1 The conduct and control of all investigations undertaken and prosecutions by the IMLT in Halton will be the responsibility of BCC. Investigations will be undertaken in line with the BCC's published Enforcement Policy and subject to the policies and procedures approved and adopted by Birmingham Trading Standards.
- 6.2 BCC will be responsible for all aspects of the investigations and responsibilities under the Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Enterprise Act 2002.
- 6.3 BCC will be solely responsible for the Health and Safety of IMLT officers and any other officer or person within the direct management of the IMLT providing support and assistance in any investigation undertaken by the IMLT.
- 6.4 Where breaches of Part III of the Consumer Credit Act 1974 are identified, action will be taken in accordance with the enforcement policy and procedures adopted by Birmingham Trading Standards.
- 6.5 When the Team Manager, IMLT BCC, recommends a prosecution under Part III of the Consumer Credit Act 1974, if required, HCP will be provided with a copy of the relevant prosecution file, which will consist of a detailed case summary, schedule of issues, aggravating and mitigating factors, reasons justifying prosecution and any other material fact that HCP ought reasonably to be aware of. HCP will be invited to communicate any comments it considers appropriate and necessary concerning the intended prosecution to the Senior Assistant Director, Regulatory Services, the informant for BCC. Such comments will be given due attention and consideration by the informant for BCC.

7. Responsibilities and Actions of the Authorities

- 7.1 BCC shall be liable for the actions and competence of the persons employed within the IMLT and shall ensure that the IMLT shall comply with all legislative requirements and take all reasonable steps to ensure any actions taken are lawful and within the spirit of the protocol.
- 7.2 HCP shall be liable for the actions and competence of persons within its employ and shall take all reasonable steps to ensure the competence of those persons in carrying out their functions and that they comply with legislative requirements and the spirit of this protocol.
- 7.3 Information / intelligence provided between BCC and HCP shall be used for the purpose intended and shall not be divulged to third parties unless to do so would be lawful and in pursuant of an investigation / enquiry subject to this protocol.

7.4 BCC and HCP endorse a joined up working approach to the enforcement of the Consumer Credit Act 1974. The partners will attempt to promote consistency in enforcement. However, this protocol does not attempt to restrict the powers of authorised officers of the IMLT or HCP from discharging their duties, as appropriate.

Commencement date:

Signed

Paul McWade
Operational Director
Health & Partnerships Department
Halton Borough Council