

## COUNCIL

*At a meeting of the Council on Wednesday, 22 October 2008 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Loftus (Chairman), Austin, P. Blackmore, S. Blackmore, M. Bradshaw, J. Bradshaw, Browne, Bryant, E. Cargill, Dennett, Drakeley, Edge, Findon, Fraser, Gerrard, Gilligan, Harris, Higginson, Hignett, Howard, D. Inch, Jones, Leadbetter, Lloyd Jones, A. Lowe, J. Lowe, McDermott, McInerney, Morley, Murray, Nelson, Nolan, Norddahl, Parker, Philbin, Polhill, E. Ratcliffe, M. Ratcliffe, Redhead, Rowan, Rowe, Shepherd, Stockton, Swain, Swift, Thompson, Wainwright, Wallace, Wharton and Wright

Apologies for Absence: Councillors Balmer, D. Cargill, Hodgkinson, Horabin, Osborne and Worrall

Absence declared on Council business: None

Officers present: R. Barnett, L. Cairns, G. Cook, B. Dodd, D. Johnson, I. Leivesley, G. Meehan, S. Nicholson, D. Parr, D. Tregaea and J. Whittaker

Also in attendance: 1 Member of the Press and 1 Member of the Public

### *Action*

#### COU29 COUNCIL MINUTES

The Minutes of the Council Meeting held on 13<sup>th</sup> August 2008, having been printed and circulated, were taken as read and signed as a correct record.

RESOLVED: That the Minutes of the Meeting be confirmed and adopted.

#### COU30 THE MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements:

- A plaque "Freeman of England and Wales" had been presented to Halton Borough Council by the Lord Mayor of Hale on behalf of the Freemen on 31<sup>st</sup> August 2008.
- Runcorn Golf Club had offered to hold another tournament and were looking for a team. Members were requested to contact the Mayor if they were interested in taking part.

## COU31 LEADER'S REPORT

The Leader reported on the following issues:

- The budget-setting process was to commence in the near future and a number of options were to be outlined by KPMG in a presentation following this meeting. These options were not just about savings but rather the improved quality of services and value for money. The Budget Working Group would continue to meet as in previous years.
- The Council had had no exposure to the Icelandic Banks; however, the implications of the financial climate, and the subsequent impact on banks and developers, would have to be managed by the Authority.
- Halton High School, designated an Academy School as part of the Building Schools for the Future (BSF) process, now had two sponsors, namely Chester University and Ormiston Education Trust.
- All objectors to Mersey Gateway had been contacted in the last few days in order to try to address any outstanding concerns. There had now been an announcement that a Public Inquiry would take place in this respect although a date was yet to be confirmed. In the meantime, the Government had made £6.4m available to help the Local Authority with the escalating development costs of the Bridge.
- There had been many events for young people in the Summer months run by the Youth Service. David Williams, Head of Halton Youth Service, was leaving the Service and the Leader expressed appreciation of the work he had done since he had being appointed.
- Free swimming was to be available for both the over 60's and the under 16's, running alongside the regular Urban Splash arrangements providing free recreational facilities for youngsters during the school holiday periods.
- Work was continuing slowly in respect of the Liverpool City Region and the Multi Area Agreement. Tentative arrangements were in place for the first meeting to take place at the end of November.

In addition, the Leader confirmed that a Members' Seminar had been held on 15<sup>th</sup> October 2008 to consider constitutional matters relating to the Local Government and Public Involvement in the Health Act 2007. Two issues had been highlighted at this event. The first related to the electoral arrangements and whether or not to retain the current arrangements of elections by thirds or to move to all-out elections every four years. There had been no enthusiasm at the Seminar for changing these arrangements and so no further action was required by the Authority.

The second issue related to the Council's internal Governance arrangements and whether or not to move to a directly elected Mayor and Cabinet or a Leader and Cabinet model. It had been agreed that each political group would discuss this issue and advise of their preference following which consultation would take place.

#### COU32 MINUTES OF THE EXECUTIVE BOARD

The Council considered the Minutes of the Executive Board from meetings held on 24<sup>th</sup> July, 2<sup>nd</sup> September, 11<sup>th</sup> September and 25<sup>th</sup> September 2008.

In receiving the Minutes, a concern was expressed in respect of EXB49 – Health Summit (25<sup>th</sup> September 2008) regarding the need to address the shortage of GPs in the Borough and the work the PCT needed to do to tackle this issue.

RESOLVED: That the Minutes be received.

#### COU33 MINUTES OF THE EXECUTIVE BOARD SUB-COMMITTEE

The Council considered the Minutes of the Executive Board Sub-Committee from meetings held on 25<sup>th</sup> July, 11<sup>th</sup> September and 25<sup>th</sup> September 2008.

An issue was raised in respect of ES36 – Traveller Transit Site (25<sup>th</sup> September 2008). However, as this issue had been considered in the absence of the press and public, it was agreed that the matter be considered in Part II of the agenda.

RESOLVED: That the Minutes be received.

#### COU34 MINUTES OF THE MERSEY GATEWAY EXECUTIVE BOARD

The Council considered the Minutes of the Mersey Gateway Executive Board from the meeting held on 25<sup>th</sup> September 2008.

RESOLVED: That the Minutes be received.

COU35 QUESTIONS ASKED UNDER STANDING ORDER NO. 8

It was noted that no questions had been submitted under Standing Order No. 8.

COU36 AMENDMENTS TO STANDING ORDERS RELATING TO DUTIES OF PROPER OFFICERS AND DELEGATION TO OFFICERS - EXECUTIVE BOARD SUB-COMMITTEE 25TH SEPTEMBER 2008 (MINUTE NO. ES31 REFERS)

The Executive Board Sub-Committee had considered a report requesting that amendments be made to Standing Orders relating to Duties of Proper Officers and Delegation to Officers in the light of changes to the system of Home Office style cautions (used by a number of the Council's Officers as an enforcement tool) and to add Acts of Parliament to/delete Acts of Parliament from the list of Acts enforced by Officers of the Consumer Protection Service.

RESOLVED: That Standing Orders relating to Duties of Proper Officers and Delegation to Officers be amended as follows:

- 1) references to "formal cautions" in paragraphs 152 and 172 of these Standing Orders be replaced with references to "simple cautions"; and
- 2) the list of Acts included as Appendix B to these Standing Orders be amended by the addition of the Fraud Act 2006, the Licensing Act 2003 and the Protection of Children (Tobacco) Act 1986, and by the deletion of the Mock Auctions Act 1961 and the Trading Representations (Disabled Persons) Act 1958.

COU37 BUDGET - MERSEY GATEWAY 25TH SEPTEMBER 2008 (MINUTE NO. MGEB8 REFERS)

The Mersey Gateway Executive Board had considered a report regarding the revised development cost budget forecast for delivering Mersey Gateway up to the construction phase when a contract would be in place with the private sector (the Concessionaire) to design, build, finance and operate the project. The information updated the

Strategic Director  
- Corporate and  
Policy

forecast made in the development budget approved by the Executive Board on 20<sup>th</sup> April 2006 and the information on budget monitoring reported to the Mersey Gateway Executive Board since then.

Councillor Polhill undertook to provide a written response to a question from Councillor Findon regarding the procurement process, ie whether it had started and how far along this path the Council was. In addition, it was advised that further details would be provided at a later stage regarding the increase in the budget together with information about any additional monies, such as the £6.4m from Government to assist in the development costs.

RESOLVED: That the Capital Programme be amended as outlined within the report.

COU38 THE RELATIONSHIP BETWEEN HEALTHY HALTON POLICY AND PERFORMANCE BOARD (PPB) AND HALTON'S LOCAL INVOLVEMENT NETWORK (LINK) - EXECUTIVE BOARD 16TH OCTOBER 2008

The Executive Board had considered a report outlining a proposal to establish formal links between the Healthy Halton Policy and Performance Board (PPB) and the newly established Local Involvement Network (LINK).

RESOLVED: That a LINK representative (name to be confirmed once LINK formalised) be appointed as a non-voting co-optee on the Healthy Halton Policy and Performance Board for a period of one year, commencing from 22<sup>nd</sup> October 2008.

COU39 STANDARDS COMMITTEE - PARISH COUNCIL VACANCY

The Council considered a report of the Strategic Director – Corporate and Policy regarding the proposed appointment of a Parish Council representative to the Council's Standards Committee.

Members had previously agreed to increase the size of the Standards Committee by one additional independent member and one additional Parish member. Since the previous meeting, Rev. David Felix, a Parish Councillor at both Daresbury and Sandymoor, had agreed to fill the vacancy.

RESOLVED: That Rev. David Felix be appointed as a new Parish Council representative member of the Council's

Standards Committee until the end of the 2011/2012 Municipal Year.

*(NB Councillors McDermott and Polhill declared a personal and prejudicial interest in the following item of business due to being board members of Widnes Regeneration Ltd (WRL) and left the room during its consideration.)*

#### COU40 WIDNES WATERFRONT LEISURE DEVELOPMENT, THE HIVE

The Council considered a report of the Strategic Director – Environment seeking approval to amend the Capital Programme.

It was advised that Widnes Waterfront Economic Development Zone (“EDZ”) was 200 acres of low quality former industrial land located on the banks of the River Mersey to the south of Widnes town Centre. The European Union, Central Government, North West Regional Development Agency (NWDA) and Halton Borough Council had designated the EDZ as a regeneration site of high priority and funding to bring this land back into full economic use was available until 31<sup>st</sup> March 2010. In order to address the area’s problems, the Widnes Waterfront Masterplan had been approved by Executive Board on 22<sup>nd</sup> May 2003 setting out the vision and objectives for the EDZ.

One of the development projects within the Masterplan was the creation of a significant regional leisure and tourism facility, on the Venture Fields site on Earle Road, by Widnes Regeneration Limited (WRL). Planning permission had been granted for Phase 1, which was expected to cost in the region of £9m. However, there was currently a funding gap of approximately £4m. Due to the current economic climate, the gap was now larger than originally anticipated. In addition, both the abnormal remediation and utility costs were larger than the original estimates. It was therefore proposed that the gap should be made up from three sources –

- (1) Halton Borough Council’s WRL Dividend;
- (2) NWDA funding; and
- (3) Under reprogramming of the Council’s Capital Programme.

Executive Board had approved the releasing of the Council’s dividend of £550,000 on 20<sup>th</sup> March 2008, and an application to the NWDA for funding of £1.5m had been made.

In terms of capital, the Council's Capital Programme included a contingency sum of £2m for the Queens Hall "Marmalade Development" which was no longer required and could therefore be transferred to the WRL Leisure Development. It was proposed that all or part of this contribution be recovered from a future sale of the asset subject to the clawback provisions imposed on the Venture Fields site by the NWDA and by Merseyside Task Force (now English Partnerships) as a result of the remediation works which they funded in the 1980's.

It was confirmed that this reallocation of funding would not change the relationship in the dividend between the Council and St. Modwen Properties PLC. In addition, it was advised that it was not possible to forecast whether future monies could be put aside to maintain the Queens Hall although this would be borne in mind during the budgetary process.

RESOLVED: That the Capital Programme be amended by transferring finance currently allocated for the Queens Hall Marmalade Development to the Venture Fields leisure development known as "The Hive" subject to confirmation of further funding from the NWDA.

COU41 CALL-IN - WIDNES VIKINGS - EXECUTIVE BOARD 11TH SEPTEMBER 2008 (MINUTE NO. EXB44 REFERS)

The Mayor advised that, in the interests of the convenient dispatch of business due to the item relating to a Part II report, this matter would be moved to the end of the agenda.

COU42 ACQUISITION OF BAYER CROPSCIENCE SITE - EXECUTIVE BOARD 25TH SEPTEMBER 2008 (MINUTE NO. EXB55 REFERS)

The Council noted the action taken by the Strategic Director – Corporate and Policy, in accordance with Standing Orders, to make a bid to acquire the Bayer Cropscience site. It was advised that the matter had required immediate action, which could not await this Council meeting.

COU43 APPOINTMENTS TO OUTSIDE BODIES

The Council noted the following appointments to outside bodies that had been made in accordance with delegated powers:

- Halton Housing Trust – Councillor Swain replaced Councillor Osborne;
- Liverpool City Region Housing and Spatial Planning Board – Councillors Polhill and Wright appointed;
- North West Regional Housing Board – Councillor Wright appointed; and
- Norton Priory Museum Trust – Councillor Nolan replaced Councillor Wright.

#### COU44 MINUTES OF POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

The Council considered the reports on the work of the following Boards in the period since the meeting of the Council on 13th August 2008:

Children and Young People  
 Employment, Learning and Skills  
 Healthy Halton  
 Safer Halton  
 Urban Renewal  
 Corporate Services  
 Business Efficiency Board

In receiving the Minutes the following points were noted:

- The Chairman of the Children and Young People Policy and Performance Board (PPB) thanked the Strategic Director – Children and Young People for attending the question and answer session. In addition, the Children and Young People Portfolio holder thanked the Strategic Director and his team for the work undertaken in securing sponsors for the Academy School.
- Healthy Halton PPB – it was advised that a seminar regarding streamlining adaptations had taken place at Pentecostal Church in Widnes. This had been chaired by Mr Dave Thompson from Warrington and had been a well-attended event.
- Safer Halton PPB – Minute No. SAF 12 – Councillor Findon expressed disappointment regarding the continual change in personnel of police inspectors in Runcorn and Widnes, and confirmed that he would ask Councillor D. Cargill to raise this issue at the next meeting of the Police Authority.



*(NB Councillor Wainwright declared a personal interest in the following item of business relating to DEV38 of the Development Control Committee meeting held on 15<sup>th</sup> September 2008 as he had represented the resident against the application.*

*Councillor A. Lowe declared a personal and prejudicial interest in the following item of business relating to REG17 of the Regulatory Committee meeting held on 1<sup>st</sup> October 2008 as he had been called as a witness. There was no discussion on this item.)*

#### COU45 COMMITTEE MINUTES

The Council considered the reports on the work of the following Committees in the period since the meeting of the Council on 13<sup>th</sup> August 2008:

Development Control  
Standards  
Regulatory

#### COU46 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraphs 3, and 1, 2 and 3 respectively, of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of

business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraphs 3, and 1, 2 and 3 respectively, of Schedule 12A of the Local Government Act 1972.

#### COU47 ES36 EXECUTIVE BOARD SUB-COMMITTEE

Clarification was sought in respect of pitches and warden arrangements at the Travellers' transit site. A response was provided by the Strategic Director – Health and Community.

*(NB Councillors Howard and Swain declared a personal and prejudicial interest in the following item of business due to being season ticket holders and left the meeting during its consideration. In addition, Councillor Swain advised that the decision to purchase a season ticket had been taken since the meeting of the Executive Board on 11<sup>th</sup> September 2008.*

*The Chief Executive also declared an interest and left the room due to being a Director of the club.)*

#### COU48 CALL-IN

It was noted that the following call-in had been submitted in accordance with Standing Order No. 9:

“The Council is making a significant financial commitment to an organisation which has recently been in administration with debts to the Council.”

The Council considered the call-in and discussed the financial implications of the decision. In addition, a further issue was raised relating to the declaration of interests by Members who were season ticket holders. In response it was confirmed that advice had been provided in this respect and relevant Members had outlined their reasons for declarations prior to discussion commencing.

RESOLVED: That the Executive Board decision, Minute No. EXB 44, be affirmed.

*Meeting ended at 7.40 p.m.*