

HALTON BOROUGH COUNCIL



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

14th October 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, 22 October 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.', is positioned above the title 'Chief Executive'.

Chief Executive

-AGENDA-

- 1. COUNCIL MINUTES**
- 2. APOLOGIES FOR ABSENCE**
- 3. THE MAYOR'S ANNOUNCEMENTS**
- 4. DECLARATIONS OF INTEREST**
- 5. LEADER'S REPORT**
- 6. MINUTES OF THE EXECUTIVE BOARD**
 - a) 24th July 2008
 - b) 2nd September 2008
 - c) 11th September 2008
 - d) 25th September 2008
- 7. MINUTES OF THE EXECUTIVE BOARD SUB-COMMITTEE**
 - a) 25th July 2008
 - b) 11th September 2008
 - c) 25th September 2008
- 8. MINUTES OF THE MERSEY GATEWAY EXECUTIVE BOARD**
 - a) 25th September 2008
- 9. QUESTIONS ASKED UNDER STANDING ORDER NO. 8**
- 10. MATTERS REQUIRING A DECISION OF THE COUNCIL**
 - a) **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 considered the attached report.

RECOMMENDED: 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.

b) Budget - Mersey Gateway 25th September 2008 (Minute No. MGEB8 refers)

The Mersey Gateway Executive Board considered the attached report.

RECOMMENDED: That the capital programme be amended as outlined within the report.

c) 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 will be considering the attached report at its meeting of 16th October 2008. The recommendation to the Board is as follows:

RECOMMENDED: That Executive Board recommend to Full Council 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 the date approval is given.

An update will be provided at the Council meeting.

d) Standards Committee - Parish Council Vacancy

To consider the attached report.

RECOMMENDED: That Reverend 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.

e) Widnes Waterfront Leisure Development, The Hive

To consider the attached report.

RECOMMENDED: 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 the confirmation of further funding from the NWDA.

**f) CALL-IN - Widnes Vikings - Executive Board 11th September 2008
(Minute No. EXB44 refers)**

The Chief Executive has received the following call-in in accordance with Standing Order No. 9:

Proposed by: Councillor Hodgkinson
Seconded by: Councillor Worrall

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

(NB Council 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 this item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.)

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

To note 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. This had required immediate action, which could not await this Council meeting.

12. APPOINTMENTS TO OUTSIDE BODIES

To note the following appointments to outside bodies 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
Norton Priory Museum Trust – Councillor Nolan replaced Councillor Wright

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

- a) Children and Young People - cream pages
- b) Employment, Learning and Skills - yellow pages
- c) Healthy Halton - blue pages
- d) Safer Halton - pink pages
- e) Urban Renewal - green pages
- f) Corporate Services - salmon pages
- g) Business Efficiency Board - white pages

14. COMMITTEE MINUTES

- a) Development Control - pink pages
- b) Standards - white pages
- c) Regulatory - blue pages

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REPORT TO: Executive Board Sub Committee

DATE: 25 September 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Amendments to Standing Orders Relating to Duties of Proper Officers and Delegation to Officers

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To request 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.

2.0 RECOMMENDATION: That Council be recommended to amend Standing Orders relating to duties of proper officers and delegation to officers, as follows:

- (1) references to "formal cautions" in paragraphs 152 and 172 of these standing orders be replaced with references to "simple cautions"**
- (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**

3.0 SUPPORTING INFORMATION

Changes to the issuing of cautions as an enforcement tool

3.1 For some years the criminal justice system provided for a system of Home Office style "formal cautions", which were available for use by enforcers as an alternative to instituting criminal Court proceedings, under particular circumstances. Earlier in the year this system of cautioning changed and "formal cautions" were replaced with "simple cautions" and "conditional cautions". Presently, only the Police may

issue the latter. It is therefore necessary to replace any references to “formal cautions” in the Council’s Constitution, with the new reference of “simple cautions”.

Additions to list of Acts enforced by officers of the Consumer Protection Service

- 3.2 **The Fraud Act 2006** addresses certain offences previously covered by the Theft Acts (which are included in the Constitution). Fraud Act offences include false representation; failure to disclose information when there is a legal duty to do so and abuse of position. The Act also creates new offences of possession and making or supplying articles for use in frauds. The offence of fraudulent trading (Section 458 of the Companies Act 1985) will apply to sole traders and obtaining services by deception is replaced by a new offence of obtaining services dishonestly.
- 3.3 **The Licensing Act 2003** places a duty on the Local Weights and Measures Authority to enforce the sale of alcohol to under age children.
- 3.4 **The Protection of Children (Tobacco) Act 1986** was an amending Act, the definitions of which are now required in the course of tobacco enforcement undertaken by the Consumer Protection Service.

Deletions from the list of Acts enforced by officers of the Consumer Protection Service

- 3.5 Both the **Mock Auctions Act 1961** and the **Trading Representations (Disabled Persons) Act 1958** may be deleted from the Constitution, as these Acts were repealed by the Consumer Protection from Unfair Trading Regulations 2008. These Regulations were made under the European Communities Act 1972, which is covered in the Constitution. Note that the Theft Acts are not being deleted at this time, just in case any pre 2006 Theft Act offences present themselves in the next year or so.

4.0 POLICY IMPLICATIONS

- 4.1 The matters addressed in this report conform with existing Council policy.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The recommended changes to Standing Orders are financially and resource neutral.

6.0 OTHER IMPLICATIONS

- 6.1 Whilst the Licensing Act 2003 places a duty on the Authority, we have

been enforcing the sale of alcohol to children for some time so there is no additional work associated with this change. The other recommended changes do not add or remove duties falling to be undertaken by officers of the Consumer Protection Service.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

None directly as there are no material changes to work already undertaken by officers of the Consumer Protection team.

7.2 Employment, Learning and Skills in Halton

None directly as there are no material changes to work already undertaken by officers of the Consumer Protection team.

7.3 A Healthy Halton

None directly as there are no material changes to work already undertaken by officers of the Consumer Protection team.

7.4 A Safer Halton

None directly as there are no material changes to work already undertaken by officers of the Consumer Protection team.

7.5 Halton's Urban Renewal

None directly.

8.0 RISK ANALYSIS

8.1 There are no risks of any significance associated directly with the recommendations.

The proposal is not so significant as to require a full risk assessment.

9.0 EQUALITY AND DIVERSITY ISSUES

9.1 There are no equality and diversity issues flowing directly from this report or the recommendations.

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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REPORT TO: Mersey Gateway Executive Board

DATE: 25 September 2008

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Mersey Gateway: Project Budget

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 This report deals with the revised development cost budget forecast for delivering Mersey Gateway up to the construction phase when a contract will be in place with the private sector (the Concessionaire) to design, build, finance and operate the project. The information updates the forecasts made in the development budget approved by the Executive Board on 20 April 2006 and the information on budget monitoring reported to the MG Executive Board since then.

2.0 RECOMMENDATION: That the Board

- i) approve the revised budget for Development Costs up to Final Funding Approval;
- ii) recommend that the Council amend the Capital Programme accordingly; and
- iii) note the potential call on the Council Priorities Fund.

3.0 SUPPORTING INFORMATION

3.1 The funding agreement with the Department for Transport (DfT) established when Mersey Gateway received Programme Entry approval in March 2006, specifies that the Council is responsible for meeting all development costs up to receiving Final Funding approval for the project. The funding agreement with Ministers is being administered by the rules for delivering local major transport schemes. These rules establish the following stages in project approval:-

- **Programme Entry** once the initial case has been made to the DfT (achieved in March 2006).
- **Conditional Approval** once statutory powers are in place and HM Treasury content for procurement to commence (ie the Treasury Project Review Group has cleared the outline business case (Expected in January 2010)

- **Full Approval** case submitted once a Preferred Bidder has been identified and firm prices have been secured (expected in April 2011).
- 3.2 The Executive Board agreed the terms of the funding conditions at their meeting of 20 April 2006 and approved the project development budget over the five year pre-construction programme, as given in Table 1 below. The Council contributions were assumed to be capital expenditure secured through prudential borrowing drawing on the Council priority fund. The approved budget was agreed by Council and the amount reflected in the Council Capital Programme.
- 3.3 When recommending the budget to members in April 2006, officers pointed out that the forecast was derived from an estimated range of between £12m and £16m. Actual expenditure during the first year of the five year development programme was in line with the budget forecast. During the second year cost pressure increased due mainly to external factors associated with satisfying the requirements of the DfT and the additional tasks associated with the development of the scheme design. These developments have been reported to the Mersey Gateway Executive Board culminating in the revised budget projection in Table 1, which was reported in the approved Outline Business Case in April 2008. The revised expenditure forecasts had consequently moved towards the high end of the range estimated in April 2006.

Year	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	
Agreed Budget Profile	£3.60m	£3.75m	£2.50m	£1.55m	£2.0m	£0.60m	£14.0m
	Planning/Statutory Process			Procurement			Total
Revised Forecast Excluding Inflation	£3.61m	£4.93m	£2.5m	£1.55m	£2.0m	£0.6m	£15.19m
Agreed Budget Inflated at 5% pa	£3.6m	£3.94	£2.75	£1.80	£2.43	£0.77	£15.3m
Revised Forecast (April 08) Including Inflation	£3.61m	£4.93	£2.75	£1.80	£2.43	£0.77	£16.29m

Table 1

- 3.4 As part of the routine liaison with DfT the project team asked if consideration could be given for grant aid towards the development cost to reflect the exceptional burden on Halton. In January this year the DfT invited the Council to submit a bid for a special contribution towards development costs given the unusual circumstances where a relatively small authority is promoting a large and complex project. This invitation suggested the DfT are prepared to relieve the funding condition that placed development cost with the Council. A bid was submitted in February 2008 based on the information contained in Table 2 below.

Year	Total Preparation Expenditure	Current Contributions		HBC Contribution
		3 rd Parties	DfT	
2006 – 07	£3,613,486	-		£3,613,486
2007 – 08	£4,932,428	£3,500,000 (NWDA)		£1, 432,428
2008 – 09	£2,750,000	-		£ 2,750,000
2009 – 10	£1,800,000	-	-	£1,800,000
2010 – 11	£2,430,000	-	£350,000	£2,080,000
2011 – 12	£770,000	-	£850,000	-£80,000
Total	£16,295,915	£3,500,000	£1,200,000	£ 11,595,914
TOTAL FUNDED BY DfT AND HBC(rounded)				£12,800,000
BID FOR INCREASED DfT CONTRIBUTION (total)				£6,400,000

Table 2

- 3.5 This cost pressure has continued throughout the calendar year where the project has progressed through the submission of planning applications and Orders. The revised development budget forecast is given in Table 3 below where the new annual totals are compared against the approved budget approved in April 2006.

	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	Total
	Planning/Statutory Process			Procurement			
April 06 Approved Budget	3.5	3.25	2.65	1.75	2.0	0.85	14.0
Revised Budget Forecast	3.6	4.9	6.7	3.8	2.6	0.0*	21.6

Table 3: Revised Budget Forecast

(* costs during 2011/12 to be charged to the PFI Contract)

3.6 In view of the size of this increase in expenditure the actual costs have been reconciled against the original £14m budget forecast. Actual expenditure is available up to August this year. The original budget assumed that we would submit the planning applications towards the end of 2007. Delay due to undertaking a final round of public consultation plus the extra time required to settle the statutory process with the DfT resulted in the applications being made in March and May this year, around six months later than planned. To identify where actual cost has varied from the forecast budget it is appropriate to allow for the delay, which has contributed to cost increase, and the following results compare the original budget between April 2006 and March 2008, with actual costs incurred between April 2006 and June 2008. The main differences are in Table 3 overleaf alongside comments explaining the key reasons for cost increases.

Planned Work Stream	Budget £k	Actual £k	Difference £k	Comments
Variable Demand Appraisal	890	1940	1050	The Mersey Gateway traffic model breaks new ground and the tasks required to develop the model and the subsequent scheme appraisal to satisfy DfT approval has been much greater than planned.
Environmental Assessment	800	1780	980	The resources required to produce an appropriate Environmental Statement which satisfied legal scrutiny and regulatory requirements were underestimated.
Scheme Reference Design	710	1530	820	The results of public consultation required the scope of the scheme to be extended from Bridgewater Junction to Junction 12 M56. Highway Authority review required extensive resources to settle design issues. More extensive design required to satisfy CABE.
Environmental Surveys	260	820	560	Additional information on baseline environmental data required to satisfy regulators.
Planning Services	30	300	270	Budget assumed internal resources and tasks required to support planning application underestimated.
Other			(430)	Cost savings where made elsewhere.
Total			3250	
Unplanned Tasks/Items				
Transportation			460	Operational assessments were required to be repeated using the variable traffic model forecasts. Developing the MG Sustainable Transport Strategy and supporting the MG Regeneration Strategy were additional tasks.
TWA Fee			140	Statutory Process fees not identified in budget assumptions
PR/Publicity			150	Some additional stakeholder events not planned.
HBC Staff Recharges			130	Unplanned corporate recharges to project.
Other			100	
TOTAL INCREASE			4230	

Table 3 Financial Variance Report

- 3.7 Most of the cost increase occurred towards the end of the last financial year until 30 May 2008 where resources in the project team were extensive in order to deliver the planning application and the submission of Orders. At this time expenditure was running at £500k per month. Mersey Gateway sets a precedent in using the Transport and Works Act combined with Road User Charging and Highway Act procedures. Although the statutory process followed is in the best interest of project delivery, there is no doubt that the work required was much greater than would have been necessary to negotiate a more conventional planning process.
- 3.8 The complexity of the Statutory Procedures, the Environmental Statement and the traffic modelling is still influencing the preparation required for the public inquiry. Consequently the revised budget allows for the additional resources required to deal with these circumstances and the higher level of expenditure is expected to continue throughout the current financial year. The revised budget forecast allows for all this activity to be completed this financial year.
- 3.9 Towards the end of this financial year the project team propose to prepare for procurement so that the timetable to contract award in 2011 can be achieved. After the Public Inquiry the assumption is that preparation of procurement will continue. Again the revised budget forecasts allow for this up until April 2011 when we expect to select our preferred private sector partner (Preferred Bidder) who would become the Concessionaire. The forecast has been increase by £1.6m to allow for the new procurement regulations applied by HM Treasury for PFI projects (the Competitive Dialogue procedure). All development costs after selecting a Preferred Bidder up to reaching contract award would be charged to the concession contract. At Preferred Bidder stage we would seek Final Funding approval from the DfT (see 3.1 above). A summary of the budget forecast for 2008/09 to 2010/11 is given in Table 4.

	2009-2010	2010-2011
Project Management and Administration	£810,806.30	£879,471.96
Scheme Development and Design	£0.00	£0.00
Scheme Appraisal and DfT Liaison	£0.00	£0.00
Legal Advice (Procurement)	£638,639.00	£155,700.00
Financial Advice (Procurement)	£314,422.00	£147,912.00
Technical Advice (Procurement)	£1,664,956.00	£1,089,275.00
Communications, Publicity & Public Relations	£81,921.00	£72,621.00
Surveys	£99,999.96	£99,999.96
HIA	£0.00	£0.00
3rd Party costs & recharges	£189,252.00	£155,016.00
Total	£3,799,996.26	£2,599,995.92

Table 4: Breakdown of Forward Budget

- 3.10 The higher budget forecast increases the case for a contribution from DfT. The DfT have advised that should our bid be approved by the Minister their contribution towards development cost (which they call preparation costs) would need to be provided for in the Regional Funding Allocation programme. The North West Executive Board on 14 July 2008 approved the reprofiling of funding for Mersey Gateway that would accommodate our bid for £6.4m. We have confirmed that the RFA has been amended and requested that our full bid is put to the Minister for a decision at her earliest convenience.
- 3.11 The revised outturn forecast of £21.6m would required the Council to meet £11.7m (excluding pre Programme Entry cost of £2.1m) in total assuming the DfT agree to contribute £6.4m and taking into account the £3.5m already secured from the Development Agency. It is assumed that it is appropriate to capitalise development costs allowing the Council to fund its contribution by prudential borrowing. Under the constitution the revised budget would need to be approved by Council (see recommendation ii). Members should note that the District Auditor has questioned this accounting treatment although he is content with our assumptions at this stage (see risks). A proportion of the strategic priorities fund has already been set aside to secure borrowing up to £8m and the Capital Programme is based on the current approved development cost budget (£14m). Table 5 below indicates the funding and financing required to support the estimated development costs assuming that the Council continues to use prudential borrowing and that we receive the full grant from DfT that we have requested.

Borrowing Req'	Sunk Cost Supported by PB	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
Spend Profile	(2.1)	(3.6)	(4.9)	(6.7)	(3.8)	(2.6)	(0.00)
NWDA Contribution		3.5					
DfT Contribution				2.2	2.2	2.0	
Council Contribution through PB (£8M approved)	2.1	0.1	4.9	0.9			
Council Contribution through PB (Additional £5.8m required)				3.6	1.6	0.6	
HBC Aggregate Exposure	2.1	2.2	7.1	11.6	13.2	13.8	13.8
Key Risk Events (see Risks below)			Traffic Model Results		Orders Made	Preferred Bidder (Market Price Confirm')	Financ' Close

Table 5.

3.12 The above amounts do not include any land acquisition related tasks or land acquisitions cost which will be funded from the land acquisition budget established under separate arrangements.

4.0 POLICY IMPLICATIONS

4.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 The implementation of Mersey Gateway will have significant benefits for all Council priorities.

6.0 RISK ANALYSIS

- 6.1 The Council investment in development costs is exposed to potential early termination of the project. The key events that pose a threat to early termination are shown at the bottom of Table 5. The first event is linked to the DfT funding condition where the project business case must be supported by the new traffic model. This requirement is in effect now satisfied. The next key risk event will be the confirmation of Orders in spring 2010, followed by market prices being confirmed when bids are returned from potential contractors in early 2011. Early termination would cause the capitalised debt to revert to a revenue obligation.
- 6.2 The current discussions with the District Auditor could conclude that it is not appropriate to capitalise the Council's contributions towards development costs for Mersey Gateway as a PFI transaction. Should this conclusion be reached then prudential borrowing would be excluded and the Council would need to use reserves and/or revenue to meet its contributions to the revised budget forecast.
- 6.3 Securing the full DfT contribution of £6.4m towards development cost can not be guaranteed at this stage but the outlook is very encouraging.
- 6.4 The specific risks are reported in a detailed project risk register linked to the Council's corporate risk management regime.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 REASON(S) FOR DECISION

- 8.1 The recommended decisions are required to support the delivery of Mersey Gateway.

9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 9.1 Not applicable.

10.0 IMPLEMENTATION DATE

- 10.1 The recommended decisions are required at the earliest opportunity to authorise the continued preparation of the Mersey Gateway project.

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

- 11.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.

REPORT TO: Executive Board

DATE: 16 October 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: The relationship between Healthy Halton Policy and Performance Board (HPPB) and Halton's Local Involvement Network (LINK)

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Executive Board of the proposal to establish formal links between Healthy Halton Policy and Performance Board (HHPPB) and the newly established Local Involvement Network (LINK).

2.0 RECOMMENDATION: That

- (1) **The Executive Board recommend to Full Council 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 the date approval is given.**

3.0 SUPPORTING INFORMATION

- 3.1 A report was presented to Healthy Halton Policy and Performance Board on 16th September, 2008 attached as **Appendix A** and supported the recommendation presented to the Executive Board today.
- 3.2 The report outlines the clear expectation that there will be a formal relationship between HHPPB and LINKs as set out in Government guidance, for example HHPPB has a duty to acknowledge any referral from LINK within 20 days on areas that may warrant scrutiny. It also noted it would be beneficial for both bodies that the PPB and LINK work in parallel to avoid duplication of work streams.
- 3.4 The national guidance 'Changing for the Better' will provide a common framework for ensuring service developments are appropriately effective. HHPPB received a report on this on 16th September attached as **Appendix B**.
- 3.6 It is proposed that to ensure that Healthy Halton Policy and Performance Board can work closely with LINK that LINK representative should be appointed as a non-voting co-optee for a period of one year.

4.0 POLICY IMPLICATIONS

- 4.1 Legislation establishing LINks falls under The Local Government and Public Involvement In Health Act 2007. This Act is part of a much broader range of policy initiatives designed to devolve more power to local government and from local government to local communities. Realising this agenda will entail a significant shift towards a more robust, inclusive and comprehensive approach to public engagement as well as greater status and influence being given to scrutiny.

5.0 OTHER IMPLICATIONS

- 5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1 None applicable.

Employment, Learning and Skills in Halton

- 6.2 None applicable.

A Healthy Halton

- 6.3 Establishing a formal relationship between LINK and Healthy Halton PPB will strengthen the Council's ability to monitor and review progress on reducing health inequalities.

A Safer Halton

- 6.4 None applicable.

Halton's Urban Renewal

- 6.5 None applicable.

7.0 RISK ANALYSIS

- 7.1 Failure to respond appropriately to requests for information and referrals would result in the HHPPB contravening current legislation.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The procedures and processes described in this report will enable a much broader range of people to contribute and influence scrutiny and commissioning decisions.

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

Document	Place of Inspection	Contact Officer
Award of contract for the Host Body for Local Involvement Networks (LINKs) - Executive Board Report 26/06/08	Municipal Building Widnes	Dwayne Johnson Strategic Director Health & Community

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REPORT TO: Healthy Halton Policy and Performance Board

DATE: 16 September 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: The relationship between HHPPB and Halton's Local Involvement Network (LINK)

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To identify the implications of the LINKs' powers for Overview and Scrutiny Committees.

2.0 RECOMMENDATION: That

(1) the Executive Board and Full Council be requested to agree the appointment of a LINK representative (name to be confirmed once LINK formalised), as a non-voting co-optee on the Policy and Performance Board for a period of one year, commencing from the date approval is given.

3.0 SUPPORTING INFORMATION

Why are LINKs being set up?

3.1 There have been many different ways for people to have a say in health services over the years. Recent work, however, undertaken by the Department of Health suggested that people should have 'more choice and a louder voice' in local health and social care systems. The 'Local Government and Public Involvement in Health Act' in 2007, therefore, placed a statutory duty on all local authorities with social care responsibilities to contract a Host organisation to establish a LINK.

Key characteristics of Local Involvement Networks (LINKs)

3.2 LINKs have been designed to involve a diverse and inclusive body of people in shaping the services and priorities of health and social care bodies in their areas. Their main functions are as follows: -

- To collate the views and experiences of patients and the public with a view to influencing commissioning, provision, monitoring and regulation. This will include identifying gaps in service provision as well as whether services are effectively addressing need.
- Operating as an independent network they will seek to bring together a broad range of people from interested individuals, local user groups, advocacy groups and voluntary and community sector

(VCS) organisations. Their structure and function will develop in accordance with the needs and characteristics of Halton.

- Anyone can be part of a LINK and the LINK should represent everyone in the local community. The LINK will need to be inclusive, flexible and participative, with its members drawn from as broad a range of the local population as possible, and with a particular emphasis on including unheard voices and vulnerable groups.

What relationship will the LINK have with HHPPB?

- 3.3 The LINK will be able to refer on to the HHPPB any matter that it considers should be drawn to the HHPPB's attention for further scrutiny. The HHPPB will have a duty to acknowledge the referral and respond within 20 days. If the HHPPB decides to exercise its powers on the matter it should state clearly in its response, taking into account the information supplied by the LINK, what action it will take and why. The LINK should be kept informed of progress. Clearly it would be beneficial for both bodies that the HHPPB and the LINK work in parallel and to this end the Host of the LINK will be expected to avoid duplication of work streams. The guidance 'Changing for the better' will provide a common framework across the Halton LINK and HHPPB for ensuring service developments are appropriate and effective.

4.0 POLICY IMPLICATIONS

- 4.1 Legislation establishing LINKs falls under The Local Government and Public Involvement In Health Act 2007. This Act is part of a much broader range of policy initiatives designed to devolve more power to local government and from local government to local communities. Realising this agenda will entail a significant shift towards a more robust, inclusive and comprehensive approach to public engagement as well as greater status and influence being given to scrutiny.

5.0 OTHER IMPLICATIONS

- 5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1 None applicable.

Employment, Learning and Skills in Halton

- 6.2 None applicable.

A Healthy Halton

- 6.3 Establishing a formal relationship between LINK and Healthy Halton PPB will strengthen the Council's ability to monitor and review progress on reducing health inequalities.

A Safer Halton

- 6.4 None applicable.

Halton's Urban Renewal

- 6.5 None applicable.

7.0 RISK ANALYSIS

- 7.1 Failure to respond appropriately to requests for information and referrals would result in the HPPB contravening current legislation.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The procedures and processes described in this report will enable a much broader range of people to contribute and influence scrutiny and commissioning decisions.

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

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

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REPORT TO: Healthy Halton Policy & Performance Board

DATE: 19 September 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Changing for the better

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To brief the Board on the policy context for guidance when undertaking major changes to NHS Services.

2.0 RECOMMENDATION: That

- (1) the report be noted; and**
- (2) the implications of the guidance are discussed with Halton & St Helens PCT to ensure they are clear of requirements for early involvement of HHPPB.**

3.0 SUPPORTING INFORMATION

- 3.1 There is a strong perception amongst the public and professionals that the NHS is constantly changing and the pace seems to be ever increasing. One reason for this change is because people expect a much higher standard of medical care, including when and where they are treated, compared with, say, 20 years ago. Given this context and the fact that modern medicine can now prolong the life of people with previously fatal diseases, means that the average person will have far more care and treatment from doctors and nurses in their lifetime than ever before.
- 3.2 'Changing for the better' has therefore been produced to provide clear guidance for patients, the public and NHS staff on the processes underpinning changes to acute NHS services. The guidance has been developed by clinicians and staff working in the NHS as well as patient group representatives. It draws heavily on their experiences of major service change, offers a guide for action to all local health services, and sets out a total of 15 recommendations that will help ensure the process is more open, transparent and fair.
- 3.3 In implementing this guidance, key to success will be the involvement of public and staff in the planning, development and decisions for service change rather than simply being asked for comments during a formal consultation exercise. Furthermore, this best practice has been enshrined in legislation (Section 242 of the NHS Act 2006). In addition to this requirement for full engagement the guidance also emphasises the importance of clinical evidence and available resources.

3.4 In future all major service change will be based on the following key principles:-

- Change will always be to the benefit of patients.
- Change will be clinically driven.
- Change will be locally led.
- Local people will be involved.
- Patients will see the difference before existing services are withdrawn.

3.5 To ensure the principles are delivered appropriately and effectively Primary Care Trusts will be responsible for local coordination. The key barriers to the ongoing change process are the same as for any large scale organisation, i.e. communication, culture and self-interest. To ensure these principles are adhered to, it would be prudent for HHPPB to be mindful of these when reviewing any service development in the NHS as well as being informed of any associated guidance. A key source of information in this respect will be the Halton LINK (see report on the relationship between HHPPB and LINKs).

3.6 A current initiative closely related to this guidance is the Darzi Review, 'High Quality Care for All' and the associated additional documents. Proposals fall under four broad themes:-

- People shaping services.
- Promoting healthy lives.
- Continuously improving quality.
- Leading local change.

3.7 The key implications for local government arising from the Darzi Review include the need for stronger partnership working especially with respect to designing services around the needs of individuals and local communities, investment in 'upstream' initiatives and ensuring complementarity with the 'Putting People First' Protocol.

4.0 POLICY IMPLICATIONS

4.1 The Guidance makes specific reference to PCTs holding early and ongoing discussions with local authority Overview and Scrutiny Committees (OSCs) so that councillors are involved in, and briefed about, emerging service models. It also states that the outcome of a consultation is subject to scrutiny by the OSCs or, where a proposal impacts a number of local authority areas, a Joint OSC (JOSC).

4.2 In the event the committee is not satisfied with the content of the consultation, or that the proposal is in the interests of the health service in its area, it has powers to refer these issues to the Secretary of State for Health.

5.0 OTHER IMPLICATIONS

5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Given the guidance affects all service developments in the NHS, it equally impact on children's services. It would therefore be prudent for the Children & Young People Policy and Performance Board to be informed of this guidance.

6.2 Employment, Learning and Skills in Halton

None identified.

6.3 A Healthy Halton

Engaging with the NHS at the earliest possible stage of significant changes to provision will enable the Council to exert appropriate influence to secure the best possible outcomes for Halton's residents.

6.4 A Safer Halton

None identified.

6.5 Halton's Urban Renewal

None identified.

7.0 RISK ANALYSIS

7.1 Operational Directors should be kept informed of key local changes and milestones to ensure these complement parallel HBC service developments.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 In keeping with the 'White Paper: Our Health, Our Care Say' all service developments need to ensure that provision is improved for those most in need and that provision is tailored to need. Given the same requirement is required of local authorities, this will help address inequities in terms of who receives services and where they are situated.

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

9.1 There are no background documents under the meaning of this Act.

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REPORT TO: Council

DATE: 22 October 2008

REPORTING OFFICER: Strategic Director – Corporate & Policy

SUBJECT: Appointment of Parish Council Representative to the Standards Committee

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to make a recommendation to Council with regard to the appointment of a Parish Council representative to the Council's Standards Committee.

2.0 RECOMMENDATION

- 2.1 That Reverend 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.

3.0 SUPPORTING INFORMATION

- 3.1 Members will recall having agreed at Annual Council to increase the size of the Standards Committee by one additional Independent member and one additional Parish Member.
- 3.2 Since the last Council meeting, Reverend David Felix, a Parish Councillor at both Daresbury and Sandymoor, has agreed to fill the vacancy.

4.0 POLICY IMPLICATIONS

- 4.1 None.

5.0 FINANCIAL AND OTHER IMPLICATIONS

- 5.1 None.

6.0 IMPLICATIONS FOR THE COUNCILS 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

7.1 Good Corporate Governance including high ethical standards are vital to ensure that public trust and confidence in local authorities is maintained and enhanced. Parish Council representative members of the Standards Committee are a key control measure in helping to maintain high standards in the Council’s Ethical Governance arrangements.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None.

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

None under the meaning of the Act.

REPORT TO: Council

DATE: 22nd October 2008

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Widnes Waterfront Leisure Development,
The Hive

WARDS: Riverside. However, due to the size and nature of the project, it will benefit the whole borough.

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to amend the capital programme.

2.0 RECOMMENDATION: That

Council approval is granted to amend the capital programme by transferring finance currently allocated for the Queens Hall Marmalade Development to the Venture Fields leisure development known as 'The Hive' subject to the confirmation of further funding from the NWDA.

3.0 SUPPORTING INFORMATION

Background

- 3.1 Widnes Waterfront Economic Development Zone (the "EDZ") is 200 acres of low quality former industrial land located on the banks of the River Mersey to the south of Widnes Town Centre. The site currently includes 44 hectares of vacant and derelict land, the legacy of the areas declining chemical industry sector.
- 3.2 The EU, Central Government, Northwest Regional Development Agency (NWDA) and Halton Borough Council have designated the EDZ as a regeneration site of high priority. Funding to bring this land back into full economic use is available until March 31st 2010 using European Funding under Priority 3 of the North West England Objective 2 Programme, Northwest Development Agency Funds plus Halton Borough Council monies.
- 3.3 In order to address the area's problems the Widnes Waterfront Masterplan, which was approved by Executive Board on 22nd May 2003, set out the vision and objectives for the EDZ.

- 3.4 One of the development projects within the Masterplan is the creation of a regional significant leisure and tourism facility on the Venture Fields site.
- 3.5 Widnes Regeneration Ltd (WRL), a joint venture between Halton Borough Council and St Modwen Properties plc, is bringing forward a development on the site on Earle Road known locally as Venture Fields.
- 3.6 Planning permission has been granted for Phase 1 which includes an ice rink operated by Planet Ice, a 24-lane bowling alley operated by Tenpin, a multi-screen cinema operated by Reel Cinemas, and a Frankie and Benny's restaurant.
- 3.7 Phase 1 will cost in the region of £9.0 million and currently there is approximately a £4.0 million funding gap. Due to the current economic climate the gap is now larger than originally anticipated. In addition, both the abnormal remediation and utility costs are larger than the original estimates.
- 3.8 It is proposed that the gap should be made up from three sources; Halton Borough Council's WRL dividend; NWDA funding; and a re-programming of the Council's capital programme
 - 3.8.1 Executive Board approved the releasing of the Council's dividend of £550,000 on 20 March 2008.
 - 3.8.2 An application to the NWDA for funding of £1.5million towards the abnormal costs, including remediation and utilities provision, has been made. Work is currently underway by the NWDA to appraise this application. There will be claw-back provisions associated with this funding.
 - 3.8.3 The Council's capital programme includes a contingency sum of £2 million for the Queens Hall 'Marmalade Development' which is no longer required and can therefore be transferred to the WRL leisure development. It is 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 North West Development Agency and by Merseyside Task Force (now English Partnerships) as a result of the remediation works which they funded in the 1980s.

4.0 POLICY IMPLICATIONS

- 4.1 The Council adopted the Widnes Waterfront Masterplan in May 2003 (EXB 77).
- 4.2 The Widnes Waterfront Masterplan is included in the Council's Corporate Plan, the Halton Partnership and Halton Borough Council

Urban Renewal Strategy and Action Plan and supports the Council's Urban Renewal corporate priority.

5.0 OTHER IMPLICATIONS

5.1 Further information is required from WRL relating to the costs and procurement of project to satisfy the North West Development Agency funding criteria.

5.2 WRL will need to confirm that all State Aid rules have been adhered to.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

This project will provide further leisure opportunities for children and young people in Halton.

6.2 Employment, Learning and Skills in Halton

This project will assist on providing job opportunities for local people and will go some way to address the level of unemployment in Halton.

6.3 A Healthy Halton

The development will provide a number of different leisure facilities which will encourage Halton residents to participate in healthy activities.

6.4 A Safer Halton

This project will ensure a vacant brownfield site is bought back into beneficial public use.

6.5 Halton's Urban Renewal

The Phase 1 leisure development will create a high quality development on a brownfield site. Phase 1 will act as a catalyst to attract further developers and new businesses to the Widnes Waterfront area by creating an attractive, well-accessed and serviced area which provides a safe and attractive environment for employees and visitors.

7.0 RISK ANALYSIS

7.1 Further information is required from St Modwen PLC relating to the project costs to confirm the funding gap and allow the North West Development Agency to proceed with their funding appraisal.

7.2 The North West Development Agency funding will require the project to meet certain criteria and also require WRL to sign a legal agreement which will detail the funding claw back conditions.

7.3 The North West Development Agency funding will be conditional on WRL complying with the State Aid rules. Further advice is currently being sought to ensure that there is full compliance.

8.0 EQUALITY AND DIVERSITY ISSUES

The proposed development will provide facilities which will benefit all members of the local community.

9.0 IMPLEMENTATION DATE

9.1 Construction work will start as soon as possible after **all** funding is approved and all conditions satisfied.

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

Document	Place of Inspection	Contact Officer
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None applicable.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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