

# Public Document Pack



## Executive Board

Thursday, 14 September 2023 2.00 p.m.  
The Boardroom, Municipal Building

S. Young

Chief Executive

### ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC

#### PART 1

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Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
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*Please contact Gill Ferguson 0151 511 8059 or  
gill.ferguson@halton.gov.uk for further information.  
The next meeting of the Committee is on Thursday, 19 October 2023*

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AND THE LOCAL GOVERNMENT (ACCESS TO  
INFORMATION) ACT 1985**

**PART II**

In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is **RECOMMENDED** that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**11. DEPUTY LEADER'S PORTFOLIO**

**(A) PROPERTY AND ACCOMMODATION REVIEW**

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*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**EXECUTIVE BOARD**

*At a meeting of the Executive Board on Thursday, 13 July 2023 in The Boardroom, Municipal Building*

Present: Councillors Wharton (Chair), Dennett, Harris, M. Lloyd Jones, J. Lowe, T. McInerney, Nelson, P. Nolan, Thompson and Wright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: M. Reaney, G. Ferguson, W. Rourke, S. Baker and D. Nolan

Also in attendance: One member of the press

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

EXB12 MINUTES

The Minutes of the meeting held on 15 June 2023 were taken as read and signed as a correct record.

**LEADER'S PORTFOLIO**

EXB13 URGENT DECISIONS

The Executive Board received a report from the Chief Executive, which provided information on the urgent decisions taken since the last meeting of the Board.

It was noted that the Council's Constitution gave authority to the Chief Executive to take urgent decisions, in consultation with the Leader of the Council and the Operational Director Finance and/or the Operational Director Legal and Democratic Services, where necessary.

Two urgent decisions had been made since the last meeting of the Board and full details were published on the Council's website.

**RESOLVED:** That the urgent decisions taken since the last meeting of the Executive Board be noted.

*Action*



EXB14 PROTOCOL FOR THE APPOINTMENT OF HONORARY ALDERMEN/ALDERWOMEN

The Board considered a report which recommended a new protocol for the appointment of Honorary Aldermen/Alderwomen.

The Council's current protocol reflected the law but did not set out any criteria or process of nomination and appointment. In order that clear guidance was provided for future Honorary Aldermen/Alderwomen and a fair and transparent process was followed, it was recommended that a new protocol was devised setting out both the criteria and procedure for nomination and appointment. Appended to the report at Appendix B was a copy of the suggested new protocol.

RESOLVED: That the Board

Chief Executive

- 1) approve the protocol for the appointment of Honorary Aldermen/Alderwomen appended to the report at Appendix B ("the Protocol"); and
- 2) recommend to Council that the Protocol be adopted.

**CORPORATE SERVICES PORTFOLIO**

EXB15 TRANSFORMATION PROGRAMME UPDATE

The Board considered a report of the Corporate Director: Chief Executive's Delivery Unit, which provided an update on the progress made within the Council's Transformation Programme. Work had continued to develop the scope of projects alongside service areas with a view to supporting changes that were designed to optimise operations, align service provision with demand and reduce the cost of service provision.

The Board noted the initial programme structure had been augmented to increase capacity as projects came on stream. The schedule of projects set out in Appendix A to the report had been updated to reflect this.

The programme methodology had also now become embedded and it balanced service involvement and ownership, with project support and challenge. The focus was now on applying the methodology through robust arrangements to identify and realise financial savings and service optimisation.

RESOLVED: That the Board noted the contents of the update.

EXB16 TREASURY MANAGEMENT ANNUAL REPORT 2022/23

The Board considered a report from the Operational Director – Finance, which presented the Treasury Management Annual Report 2022/23.

The report updated Members on the activities undertaken on the money market, as required by the Treasury Management Policy.

Information was provided on the economic outlook, interest rate forecast, borrowing and investments, budget monitoring, policy guidelines and treasury management indicators. The Council's approved Treasury and Prudential Indicators for 2022-23 were set out in the Treasury Management Strategy Statement and was attached as Appendix one.

RESOLVED: That the report be noted.

**EMPLOYMENT, LEARNING AND SKILLS, AND COMMUNITY PORTFOLIO**

EXB17 THE BRINDLEY THEATRE

The Board considered a report of the Executive Director – Environment and Regeneration, which set out the financial position of the Brindley since its opening and requested authority to delegate the full commercial programming of the Brindley Theatre to the Brindley Manager and Leisure Services Divisional Manager.

The Board was advised that the matter had been discussed in detail at the Employment, Learning and Skills and Community Policy and Performance Board meeting on 19 June 2023.

RESOLVED: That

- 1) the report be approved; and
- 2) the Board delegates the full commercial programming of the Brindley Theatre to the Brindley Manager and Leisure Services Divisional Manager, in consultation with the Portfolio Holder for Employment, Learning and Skills and Community.

Executive Director  
Environment &  
Regeneration

**ENVIRONMENT AND URBAN RENEWAL PORTFOLIO**

**EXB18 TRANSPORT INFRASTRUCTURE UPDATE**

The Board considered a report of the Executive Director – Environment and Regeneration, which provided an update on improvements to the Borough’s Transport Infrastructure and network and sought approval for the next set of transport related projects.

It was reported that Halton’s adopted Local Transport Plan 3 (LTP3) set out the statutory context for investment in infrastructure to 2025/26. In association with the 22 ‘Primary Transport Strategies’ contained in LTP3, there were a number of major schemes and improvement projects that covered road, rail, bus, cycling and walking. The report provided Members with details for each of these projects and advised that many of the schemes had been delivered.

It was noted that, since the adoption of LTP3, there had been a number of changes to the way transport strategy and funding were administered. The Liverpool City Region Combined Authority (LCRCA) had been created and new priorities such as Transport for the North, Northern Powerhouse Rail and High Speed 2 had emerged. Department for Transport funding was now directed to the LCRCA and redistributed to local councils. It was therefore imperative that schemes were developed to an advanced stage of design and appraisal to ensure funding success. Appendix 1 within the report contained the list of schemes that formed Halton’s ‘transport pipeline’ and Appendix 2 outlined current schemes.

RESOLVED: That

- 1) the list of schemes in Appendix 1, attached to the report be approved, and be developed into deliverable schemes (including design, feasibility work, business case preparation, funding bids and, where appropriate, grant acceptance and entry into the Council’s Capital Programme);
- 2) the Operational Director, Planning, Policy and Transport, be authorised, in consultation with the Portfolio Holder for Environment and Urban Renewal, to take the necessary actions to ensure value for money through the appropriate procurement processes relating to the list of schemes (Appendices 1 and 2); and

Executive Director  
Environment &  
Regeneration

- 3) the Operational Director, Planning, Policy and Transport, be authorised, in consultation with the Portfolio holder for Environment and Urban Renewal, to take any other actions necessary to accept grant funding and enable timely delivery of the list of schemes (Appendices 1 and 2).

## **CLIMATE CHANGE PORTFOLIO**

### **EXB19 HALTON MICRO GRID - KEY DECISION**

The Board considered a report of the Executive Director – Environment and Regeneration, which outlined the procurement process in respect of the provision of a Halton Micro Grid. The Halton Micro Grid sought to increase the size of the existing Solar Farm on the former St Michael's Golf Course by installing a combination of additional rooftop and solar farm solar PV generation schemes.

It was noted that the anticipated value of the contract would be in the region of £11m, with a contract for maintenance of £1.9m over the 30 year lifetime of the project. The cost of the works would be met from prudential borrowing and a grant of £2.5m from the Liverpool City Region Combined Authority. The project would fund a number of capital investments and deliver long term revenue benefits to the Council, details of these were set out in the report.

#### Reason(s) for Decision

To seek approval for the procurement of a Halton Micro Grid.

#### Alternative Options Considered and Rejected

It is proposed to invite bids from Engineering, procurement, and construction (EPC) contractors to support the design, build and maintenance of the project, which will provide alternative options from which the preferred solution will be identified.

#### Implementation Date

1 August 2023.

RESOLVED: That

- 1) the intention to undertake a procurement exercise via The Chest with the purpose of securing a Design,

Executive Director  
Environment &  
Regeneration

Build, Operate and Maintenance Contract for the implementation of the Halton Micro Grid, be approved; and

- 2) Council be asked to include the £11m total estimated cost of the Halton Micro Grid scheme within the capital programme, to be funded as outlined in section 5 of the report.

EXB20 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 item of business in accordance with Section 100A (4) 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 paragraph 3 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 outweighed that 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 Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

**ENVIRONMENT AND URBAN RENEWAL PORTFOLIO**

EXB21 SCI-TECH DARESURY – PROJECT VIOLET PHASE 2 - KEY DECISION

The Board considered a report of the Executive

Director – Environment and Regeneration, which provided an update on the proposed next phase of delivery and funding arrangements at Sci-Tech Daresbury and the Investment Zone initiative. The report sought approval in principle to utilise the Enterprise Zone Tax Incremental Financing mechanism to support the viability gap for Project Violet Phase 2 and also to provide an equity contribution to the Joint Venture to delivery Project Violet Phase 2.

Reason(s) for Decision

A decision is required to enable the Council to progress the necessary legal and funding agreements for Project Violet which include use of the Enterprise Zone TIF Borrowing Mechanism.

Alternative Options Considered and Rejected

A number of alternative funding arrangements have been explored; however there is currently no commercial market to fund a speculative development at Sci-Tech Daresbury.

Grant funding has been explored, but were not appropriate funding mechanisms at this point for a variety of reasons, including timescales and eligibility.

Reflecting its status as a designated Enterprise Zone, it is envisaged that a TIF mechanism, based on Public Works Loan Board (PWLB) borrowing against future business rates growth, will play a critical role in addressing barriers to the delivery of the masterplan.

Implementation Date

Subject to further due diligence, the project will continue to be developed through to procurement and the borrowing is likely to be required during 2024.

RESOLVED: That

- 1) the report be noted; and
- 2) the Board approve in principle the funding strategy for Project Violet Phase 2 outlined in the report, subject to the completion of the necessary due diligence.

Executive Director  
Environment &  
Regeneration

**CORPORATE SERVICES PORTFOLIO**

**EXB22 OFFICER LAPTOP REPLACEMENT PROGRAMME - KEY DECISION**

The Board considered a report of the Operational Director – ICT and Support Services, which sought approval to enter into a contract for the supply of fully warrantied and insured laptops, over a five-year period on a lease rental basis, leading to the ownership of the devices for the sum of £1 per device upon completion of the contract.

Reason(s) for Decision

To seek approval for the acceptance of a tender for the replacement of all officer laptop devices.

Alternative Options Considered and Rejected

Not to replace the laptops is not an option, as many existing devices will not operate Windows 11 and M365. A procurement exercise had been undertaken via a Government portal, resulting in a number of tender bids being received which meet the required specification.

Implementation Date

1 August 2023.

RESOLVED: That

- 1) details of the procurement process undertaken, the proposed contract award and funding as set out in the report, be noted; and
- 2) the proposal for all officer devices be replaced with new laptops which are fully warrantied and insured under contract with Phoenix Ltd for a five-year period, be approved.

Chief Executive

**MINUTES ISSUED: 18 July 2023**

**CALL-IN: 25 July 2023 at 5.00 pm.**

**Any matter decided by the Executive Board may be called in no later than 5.00pm on 25 July 2023.**

*Meeting ended at 2.18 p.m.*

<b>REPORT:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Leader
<b>SUBJECT:</b>	Regulation of Investigatory Powers Act 2000 (“RIPA”) & Investigatory Powers Act 2016 (“IPA”) updated Policy and Use
<b>WARDS:</b>	Borough-wide

## **1 PURPOSE OF REPORT**

- 1.1 To seek the Executive Board’s approval of the updated RIPA and IPA Policies and accompanying Employee Guides which cover the use of covert surveillance and the acquisition of communications data.
- 1.2 To update members on the Council’s written response to the Investigatory Powers Commissioner’s Office (“IPCO”) updating them on the Council’s use and compliance with RIPA and IPA.

## **2 RECOMMENDATION**

**It is recommended that the Executive Board:-**

- 1. approve the revised RIPA policy and accompanying Employee Guide;**
- 2. approve the revised IPA Policy and accompanying Employee Guide; and**
- 3. note the recent response to the IPCO.**

## **3 SUPPORTING INFORMATION**

### **What is RIPA?**

- 3.1 RIPA regulates the use of covert surveillance by public bodies, including local authorities. It sets out an authorisation framework and a number of controls on local authority use to ensure that such surveillance is used in a manner that is compliant with human rights. The covert surveillance of citizens will always engage the right to privacy and family life under Article 8 of the European Convention of Human Rights since private information is likely to be obtained without a person’s knowledge or consent. This is a qualified right which means that it can be interfered with provided such interference is justified and



in accordance with the law. Article 6 – the right to a fair trial – may also be engaged where information obtained by covert surveillance is subsequently used in criminal proceedings against that person, especially when carried out without authorisation.

3.2 An authorisation under RIPA gives lawful authority to carry out covert surveillance and protects the Council and its officers against:-

- claims for breaches of the Human Rights Act 1998;
- evidence being ruled inadmissible in criminal proceedings;
- complaints to the Ombudsman or the Investigatory Powers Tribunal, who oversees compliance with RIPA and has the power to award compensation; and
- reputational damage.

3.3 This is often referred to as the “RIPA shield”.

3.4 The Council uses covert surveillance to support its law enforcement functions. It is rarely employed given that most information can be obtained by overt investigatory techniques. However, there are circumstances where covert surveillance is necessary and the offence is serious enough to warrant such an intrusion into a person’s private life. Trading Standards are the main department that are likely to use covert surveillance. This will either be by directed surveillance (surveillance of an individual for a specific purpose without their knowledge) or the deployment of a covert human intelligence source (informants and undercover test purchasers) or CHIS for short.

3.5 Importantly, RIPA provides that the Council can only use these covert techniques for the purposes of preventing or detecting crime or disorder and where it is proportionate to do so. Furthermore, directed surveillance may only be used where the matter involves a criminal offence punishable by a maximum custodial sentence of six months or more or relates to the underage sale of alcohol or tobacco. This is known as the Crime Threshold and does not apply to the use of a CHIS.

3.6 RIPA provides that covert surveillance must be authorised internally by “authorised officers” and by the Magistrates Court before a RIPA authorisation will be valid. The authorising officers are set out in the Council’s constitution and include the Chief Executive and the Group Solicitors in Legal Services. Once obtained, investigations must be carried out in accordance with an authorisation to maintain the RIPA shield.

### **What IPA?**

3.7 IPA supplements RIPA in that it regulates the acquisition of communications data, such as telephone billing and subscriber data. Communications technology has evolved rapidly over the last twenty years and this evolution has brought with it huge challenges for

criminal and fraud investigations. Acquiring communications data assists in proving or disproving an individual's involvement in criminal investigations since it shows **when** a communication happened, **where** and **who** it came from, where it was going and **how** it was communicated. It does not, however, show what was said or written.

- 3.8 IPA follows a similar authorisation process to that set out in RIPA. An authorisation is lawful authority for acquiring communications data and therefore interfering with a person's Article 8 rights.
- 3.9 However, there are some important differences. The process starts by the applicant (i.e. the relevant enforcement officer) generating an on-line application via NAFN (the National Anti fraud network). An approved rank officer within the Council (the Group Solicitors) is "made aware" of the application who then submits it to NAFN for processing and checking its compliance with the law. The application is then approved by the Investigatory Powers Commissioner via the Office for Communications Data Authorisations rather than by the judiciary.

### **The Council's RIPA/ IPA Policies**

- 3.10 RIPA and IPA are supplemented by Codes of Practice issued by the Home Office which must be followed by the Council. The Covert Surveillance and Property Interference Revised Code of Practice 2022 provides that elected members should review the Council's use of RIPA and set the policy at least once a year.
- 3.11 RIPA has not been used by the Council for some time, with the last authorisation being granted in 2018.
- 3.12 The Council's RIPA policy and accompanying Employee Guide is attached at **Appendix A**. This has been in place for some time but has recently been updated to reflect amendments to the above Code of Practice, particularly on the procedure for deleting material obtained by covert surveillance.
- 3.13 The IPA Policy and its accompanying Employee Guide is also attached at **Appendix B**.
- 3.14 In a nutshell, these policies and the accompanying employee guides set out in detail the requirements of RIPA, IPA and the Codes of Practice and explain how and when an authorisation can be obtained, with reference to the Council's internal procedures. They also detail how material obtained is to be safeguarded and retained. All officers undertaking investigatory activities are required to only do so in accordance with these policies and employee guides.

### **Who oversees compliance with RIPA/IPA?**

- 3.15 The Investigatory Powers Commissioner's Officer ("the IPCO") oversees compliance with RIPA and IPA and the Codes of Practice. Significantly, the IPCO conducts three-yearly inspections of the Council's use and procedures. The last inspection was undertaken in February 2020 and was satisfactory.
- 3.16 On 5 July 2023, the Council received correspondence from the IPCO advising that they will no longer undertake routinely an inspection and instead ask local authorities for a written update of their compliance. A copy of the IPCO's letter is attached at **Appendix C**. This also requests the Council to answer several questions which the Council has done, with the response being sent on 10 August 2023. For completeness, this is attached at **Appendix D**. As Members will note, refresher training on RIPA was delivered, in-house, by Legal Services to enforcement officers and managers earlier this year. This also focused on the Council's own RIPA policy, the Codes and Practice and the use of social media as part of investigations, including avoiding inadvertent, unauthorised use.
- 3.17 Members are requested to note the contents of the letter to the IPCO and approve the updated RIPA and IPA policies and accompanying Employee Guides.

#### **4. POLICY IMPLICATIONS**

- 4.1 The Council's current policies on RIPA and IPA have been updated to reflect updates to the Codes of Practice issued by the Home Office and to which the Council must adhere.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications as this is a policy update.

#### **6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

N/A

##### **6.2 Employment Learning and Skills in Halton**

N/A

##### **6.3 A Healthy Halton**

N/A

##### **6.4 A Safer Halton**

N/A

**6.5 Halton's Urban Renewal**

N/A

**7. RISK ANALYSIS**

7.1 The Covert Surveillance and Property Interference Revised Code of Practice 2022 issued by the Home Office pursuant to section 71 of the Regulation of Investigatory Powers Act 2000 provides guidance to local authorities. The guidance states Members should review the Council's use of RIPA and set the Council's policy at least once a year.

7.2 These policies and the training that was carried out earlier this year will mitigate the risk of staff breaching codes of practice and/ the law.

**8. EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equality issues arising from this report.

**9. CLIMATE CHANGE IMPLICATIONS**

9.1 There are no climate change implications.

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

None under the meaning of the Act.

# Halton Borough Council

## Regulation of Investigatory Powers Act 2000

### Policy Document

#### INTRODUCTION

The Regulation of Investigatory Powers Act 2000 ("RIPA") introduced wide ranging controls over a number of investigatory powers exercised by public authorities. Local authorities may not exercise all of the powers covered by RIPA. This Policy covers the investigatory powers exercised (or exercisable) by local authorities such as Halton Council.

These investigatory powers are:

1. The use of covert human intelligence sources ("CHIS");
2. Covert Surveillance (specifically, directed surveillance);
3. Acquisition and disclosure of communications data.

All of these investigatory powers are the subject of detailed guidance in the form of Codes issued by the Home Office. There is also secondary legislation to supplement the requirements of RIPA together with additional guidance (and requirements) issued by the Investigatory Powers Commissioners Office (IPCO) – formerly, so far as relevant here, the Office of Surveillance Commissioners (OSC) and the Interception of Communications Commissioner's Office (IOCCO).

The purpose of this Policy is not to repeat or summarise the above information. Its purpose is;

- To set out the Council's approach to RIPA;
- To outline the relationship of the Council with external inspection agencies.

- To explain to the public where they may find out more about RIPA.

This Policy aims to improve the understanding and conduct of RIPA.

This Policy should be read together with the Council’s Employees’ Guide to Directed Surveillance & Use of Covert Human Intelligence Sources (CHIS).

**THE COUNCIL’S APPROACH TO RIPA**

The Council is committed to following RIPA in accordance with all of the relevant codes and guidance.

This commitment is manifested in the selection of various categories of authorised persons together with ensuring proper training for all those involved with RIPA.

The Council is also committed to giving full co-operation to the external inspection agencies described in this Policy.

The RIPA procedures are subject to change and the Council will keep its procedures under review to ensure continued compliance.

Authorised persons

The Council’s Constitution states the follows:

<b>SO 28a</b>	<b>RIPA Authorising Officers/Designated Persons involving employment of juveniles or vulnerable CHIS or the acquisition of confidential information</b>	<b>Chief Executive or in his absence SD-C&amp;R and SD-P&amp;E</b>
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<b>SO 28b</b>	<b>RIPA Authorising Officers/Designated Persons except in respect of 26a matters</b>	<b>Chief Executive Group Solicitors</b>
<b>SO 28c</b>	<b>Senior Responsible Officer  RIPA Co-ordinator</b>	<b>OL-LD  Practice Co-ordinator - Legal Services</b>

The Authorising Officers/Designated Persons<sup>1</sup>, Senior Responsible Officers and RIPA Co-ordinator are all the appropriate level within the Council to undertake the relevant duties. The OL-LD is also the Council's Monitoring Officer.

The Constitution incorporates a reference to the independent requirement set out at the IOCCO Circular dated 1st June 2014. Whilst this refers to the acquisitions and disclosure of communications data it has also been adopted generally for RIPA activities.

The Council's Group Solicitors will be the 'lead' Authorising Officers/Designated Persons. Neither the Chief Executive nor the Strategic Directors of the Council would be expected to be familiar with the detailed RIPA procedures and would take advice from a Group Solicitor before acting on a request involving RIPA.

Exercise of delegated powers under SO28a (or by the Chief Executive under SO28b) would be expected to be extremely rare. In the vast majority of cases it would be expected that the Group Solicitor would act as Authorising Officer/Designated Persons.

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<sup>1</sup> Different terminology is used for directed surveillance and acquisition and disclosure of communications data.

## Training

The Council is a member authority of the National Anti-Fraud Network (“NAFN”) and takes advantage of its training resources. The Council will also ensure that the internal training is carried out as appropriate.

The core requirements of training will focus on the “5 Ws” (who, what, where, when and why) together with the necessity and proportionality of any proposed action.

## **EXTERNAL INSPECTION AGENCIES**

### Office of Surveillance Commissioners (OSC)

The Office of Surveillance Commissioners is responsible for overseeing the use of covert surveillance by designated public authorities. It does not oversee the intelligence or security services. The OSC is judge-based and entirely independent of Government and all other public authorities. Its aim is to provide effective and efficient oversight so that the conduct of covert activities by public authorities is human rights compliant in accordance with relevant legislation. With regard to the activities of the Council the OSC are the inspectors of the Council’s actions related to directed surveillance and the use of covert human intelligence sources (CHIS).

### Interception of Communications Commissioner’s Office (IOCCO)

The function of the IOCCO is to keep under review the interception of communications and the acquisition and disclosure of communication data by intelligence agencies, police forces and other public authorities.

The IOCCO undertakes a range of different types of inspection by the primary type of inspection so far as the Council is concerned are communications data inspections. The primary objectives of inspections are to ensure that:



- the system in place for acquiring communication data are sufficient for the purposes of the Act that all relevant records have been kept;
- all acquisitions of communications data has been carried out lawfully and in accordance with Part 1 Chapter II and its associated Code of Practice
- the data acquired was necessary and proportionate to the conduct authorised;
- errors are being 'reported' or recorded and that the systems are reviewed and adapted in the light of any exposed weaknesses or faults.
- persons engaged in the acquisitions of data are adequately trained and are aware of the relevant parts of the legislation.

A separate policy document has been issued on the Investigatory Powers Act 2016 which was brought into force in early June 2019. This Act sets out the extent to which certain investigatory powers (relating to the acquisition of communications data from a telecommunications operator) may be used to interfere with privacy.

### **FINDING OUT MORE ABOUT RIPA**

The primary link to RIPA information is: <https://www.gov.uk/search?q=ripa>

Investigatory Powers Commissioners Office (IPCO) <https://www.ipco.org.uk/>

The Council's Employees' Guide to Directed Surveillance and CHIS can be found on the Council's website.

**Halton Borough Council**

**Regulation of Investigatory Powers Act 2000**

**Employees' Guide to Directed Surveillance & Use of  
Covert Human Intelligence Sources (CHIS)**

**Mark Reaney**

**Senior Responsible Officer**

## 1 Introduction and 2012 Changes

- 1.1 The Regulation of Investigatory Powers Act 2000 (the 2000 Act), also known as RIPA, regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively. This Guidance should be read together with the Council's 'RIPA Policy'.
- 1.2 Halton Borough Council is therefore included within the 2000 Act framework with regard to the authorisation of both Directed Surveillance and of the use of Covert Human Intelligence Sources.
- 1.3 The purpose of this Guidance is to:
- 1.3.1 explain the scope of the 2000 Act and the circumstances where it applies
  - 1.3.2 provide guidance on the authorisation procedures to be followed.
- 1.4 The Council has had regard to the Codes of Practice produced by the Home Office in preparing this Guidance and each Department should hold copies to which staff can refer.
- 1.5 In summary the 2000 Act requires that when the Council undertakes "Directed Surveillance" or uses a "Covert Human Intelligence Source" (CHIS) these activities must only be authorised by an officer *designated for that purpose* when the relevant criteria are satisfied.

- 1.6 The officers listed in Schedule 1 are the Council's Authorising Officers for the purposes of the Act. Such nomination permits officers to grant authority for any purpose (except authorising juveniles or vulnerable CHIS or the acquisition of confidential information — reserved to Chief Executive or in his absence the Strategic Directors).
- 1.7 Authorisation under the 2000 Act gives lawful authority to carry out surveillance and the use of a source. Obtaining authorisation helps to protect the Council and its officers from complaints of interference with the rights protected by Article 8(1) of the European Convention on Human Rights which is now enshrined in English law through the Human Rights Act 1998. This is because the interference with the private life of citizens will be "in accordance with the law". Provided activities undertaken are also "reasonable and proportionate" they will not be in contravention of Human Rights legislation.
- 1.8 It should be noted that the Council cannot authorise "Intrusive Surveillance".
- 1.9 Authorising Officers and investigators within the Council are to note that the 2000 Act does not extend powers to conduct Intrusive Surveillance. Investigators should familiarise themselves with the provisions of Sections 4 and 5 of the Code of Practice on Directed Surveillance to ensure a good understanding of the limitation of powers within the 2000 Act.
- 1.10 Deciding when authorisation is required involves making a judgment. Paragraph 2.4 explains this process in detail. If you are in any doubt, seek the advice of an Authorising Officer, if they are in doubt they will seek advice from the Senior Responsible Officer. However, it is always safer to get authorisation.

- 1.11 Only the Chief Executive has the power to authorise directed surveillance involving the covert filming of any Council member or employee. Only the Chief Executive has the power to authorise the use of a minor as a covert human intelligence source.
- 1.12 From 1 November 2012 the Council is required to obtain approval from a Justice of the Peace prior to using **Directed Surveillance** or **CHIS** under the 2000 Act. Authorisations and notices under the 2000 Act will only take effect once an Order has been granted by a Justice of the Peace allowing the Council to undertake such surveillance.
- 1.13 Council use of Directed Surveillance under the 2000 Act will be limited to the investigation of crime which attracts a 6 month or more custodial sentence, with the exception of offences relating to the under-age sale of alcohol and tobacco. This is the Crime Threshold.
- 1.14 The Crime Threshold shall not apply to the use of Covert Human Intelligence Source (CHIS).
- 1.15 The changes introduced in November 2012 are further described within Home Office guidance the link to which can be found in Schedule 2 below.
- 1.16 References in this Guidance to 'authorisation' by officers are to be read in light of the above guidance. The authorisation in respect of Directed Surveillance can now only be given by a Justice of the Peace and applications must only be made via Halton Borough Council Legal Services who should also be consulted for advice.

## 2 Directed Surveillance

### 2.1 What is meant by Surveillance?

"Surveillance" includes:

- a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communication
- b) recording anything monitored, observed or listened to in the course of surveillance; and
- c) surveillance by or with the assistance of a surveillance device.

### 2.2 When is surveillance directed?

Surveillance is 'Directed' for the purposes of the 2000 Act if it is covert, but not intrusive, and is undertaken.

- a) for the purposes of a specific investigation or a specific operation.
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or in circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance.

### 2.3 Intrusive Surveillance

2.3.1 Intrusive Surveillance becomes intrusive if the covert surveillance:

- a) is carried out in relation to anything taking place on any "residential premises" or in any "private vehicle"; and
- b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or
- c) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

2.4 Before any officer of the Council (including Authorising Officers) undertakes any surveillance of any individual or individuals they need to assess whether the activity comes within the 2000 Act. In order to do this the following key questions need to be asked.

2.4.1 Is the surveillance covert?

Covert surveillance is that carried out in a manner calculated to ensure that subjects of it are unaware it is or may be taking place. If activities are open and not hidden from the subjects of an investigation, the 2000 Act framework does not apply.

2.4.2 Is it for the purpose of a specific investigation or a specific operation?

**For example,** are Town Hall CCTV cameras which are readily visible to anyone walking around the building covered?

The answer is not if their usage is to monitor the general activities of what is happening in the car park. If that usage, however, changes, the 2000 Act may apply. For example, if the CCTV cameras are targeting a particular known individual, and are being used in monitoring his activities, this would be categorised as a specific operation and will require authorisation.

- 2.4.3 Is it in such a manner that is likely to result in the obtaining of private information about a person?

Private information" includes any information relating to a person's private or family life.

**For example**, if part of an investigation is to observe an employee's home to determine their comings and goings then that would be covered. If it is likely that observations will not result in the obtaining of private information about a person, then it is outside the 2000 Act framework. If in doubt, it is safer to get authorisation

- 2.4.4 Is it otherwise than by way of an immediate response to event or circumstances where it is not reasonably practicable to get authorisation?

The Home Office gives the example of an immediate response to something happening during the course of an observer's work, which is unforeseeable. However, if as a result of an immediate response, a specific investigation subsequently takes place that brings it within the 2000 Act framework.



**2.4.5 Is the Surveillance Intrusive?**

Directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a (high quality) surveillance device.

If the device is not on the premises or in the vehicle, it is only intrusive surveillance if it consistently produces information of the same quality as if it were. Commercial premises and vehicles are therefore excluded from intrusive surveillance. The Council is not authorised to carry out intrusive surveillance.

**3. Covert use of Human Intelligence Source**

3.1 A person is a Covert Human Intelligence Source (CHIS) if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c) as set out below.
- b) he covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) he is a member of the public giving information which he is not tasked to do so but which he covertly passes to the Council in the course of a personal or other relationship. This may include repeat information being provided by the informant about a suspect or about a family with the information being provided during the course of a family or neighborhood relationship. Any such instances should be referred to the Senior Responsible Officer for further legal advice/clarification

- 3.2 The point made at 3.1 c) above merits further explanation. A member of the public giving information, albeit not tasked to do so, may nevertheless be a CHIS if the information which he covertly passes to the authority has been obtained in the course of (or as a consequence of the existence of) a personal or other relationship. Though it may be unlikely that the Council will make a CHIS authorisation, it is important that officers be alert to the risk that such an informant would in reality be a CHIS. When an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining that information in the course of a family or neighbourhood relationship, alarm bells should begin to ring. It probably means that the informant is in reality a CHIS, to whom a duty of care is owed if the information is then used. This is an example of 'status drift' where an informant who has been treated as not being a CHIS can cross over to being a CHIS. Officers must refer any such instance for legal advice before acting on the information received from such an informant.
- 3.3 A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose.
- 3.4 The above clearly covers the use of professional witnesses and members of the public to obtain information and evidence as well as the use of Council Officers.

#### **4. Authorisations, Renewals & Duration**

- 4.1 The Requirements for obtaining Authorisation

4.1.1 *Directed Surveillance*

4.1.1.1 For Directed Surveillance no officer shall grant an authorisation for the carrying out of directed surveillance unless he believes:

- a) that an authorisation is “necessary” (as set out within the Covert surveillance and covert human intelligence sources codes of practice); and
- b) the authorised surveillance is “proportionate” to what is sought to be achieved by carrying it out such surveillance.

4.1.1.2 An authorisation is necessary if it is for the purpose of preventing or detecting crime.

4.1.1.3 The onus is therefore on the person authorising such surveillance to satisfy themselves it is:

- a) necessary for one of the grounds referred to above and;
- b) proportionate to its aim.

4.1.1.4 In order to ensure that Authorising Officers have sufficient information to make an informed decision it is important that detailed records are maintained and correct up to date forms used. It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that is authorised.

4.1.2 *Covert Use of Human Intelligence Sources*

4.1.2.1 The same principles as Directed Surveillance apply.  
(see paragraph 4.1.1.2 above)

4.1.2.2 The conduct so authorised is any conduct that:

- a) is comprised in any such activities involving the use of a covert human intelligence source, as are specified or described in the authorisation;
- b) relates to the person who is specified or described as the person to whose actions as a covert human intelligence source the authorisation relates; and
- c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

4.1.2.3 In order to ensure that Authorising Officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the forms attached are to be completed where relevant.

4.1.2.4 It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that is authorised.

4.1.2.5 There will be a need to designate a handler, controller and record keeper in any CHIS authorisation

## 4.2 Requirements of the 2000 Act

- 4.2.1 In all cases, authorisations must be in writing. Officers must direct their mind to the circumstances of the individual case with which they are dealing when completing the form. Care must be taken to avoid the use of obsolete forms. The best way to achieve this is not to stockpile forms and download them when needed from the Gov.Uk webpage. The standard forms which must be used may be found using the links to the webpage In Schedule 2 below. When completing the forms Authorising Officers must set out details of what they are authorising (applying their minds to the "5 Ws ": namely, who, what, where, when and why), and their assessments of its necessity and proportionality.
- 4.2.2 Although it is possible to combine two authorisations in one form the Council's practice is for separate forms to be completed to maintain the distinction between Directed Surveillance and the use of a CHIS.
- 4.2.3 Authorisations lapse, if not renewed:  
- 12 months - from date of last renewal if it is for the conduct or use of a CHIS; or- in all other cases (i.e. Directed Surveillance) 3 months from the date of their grant or latest renewal.
- 4.2.4 Any person entitled to grant a new authorisation can renew an existing authorisation in the same terms at any time before it ceases to have effect. But, for the conduct of a CHIS, an Authorised Officer should not renew unless a review has been carried out and that person has considered the results of the review when deciding whether to renew or not. A

review must cover what use has been made of the CHIS, the tasks given to them and information obtained

- 4.2.5 The benefits of obtaining an authorisation are described in paragraph 8 below.
- 4.2.6 Any person giving an authorisation should first satisfy him/herself that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. In this context 'necessary' includes consideration of why the use of covert surveillance is 'necessary' in the particular investigation.
- 4.2.7 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons other than the subject(s) of surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.
- 4.2.8 An application for an authorisation should include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer will take this into account, particularly when considering the proportionality of the surveillance. In this context the judgement on 'proportionality' the Authorising Officer must have regard to:
- a) whether it is proportionate to the matter being investigated;
  - b) whether it is proportionate to the degree of intrusion on the target and others; and

- c) have reasonable alternative means of acquiring evidence been considered and discounted?

4.2.9 Those carrying out the covert surveillance should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

4.2.10 Any person giving an authorisation will also need to be aware of particular sensitivities in the local community where the surveillance is taking place or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

### **Home Surveillance**

4.2.11 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance at his/her home, or where there are special sensitivities.

### **Spiritual Counselling**

4.2.12 No operations should be undertaken in circumstances where investigators believe that surveillance will lead them to intrude on spiritual counselling between a Minister and a member of his/her faith. In this respect, spiritual counselling is defined as conversations with a Minister of Religion acting in his/her official capacity where the person being counselled

is seeking or the Minister is imparting forgiveness, or absolution of conscience.

### **Confidential Material**

4.2.13 The 2000 Act does not provide any special protection for 'confidential material'. Nevertheless, such material is particularly sensitive, and is subject to additional safeguards under the relevant Home Office Code. In cases where the likely consequence of the surveillance or the conduct of a CHIS would be for any person to acquire knowledge of a confidential nature, the carrying out of the surveillance or the deployment of the source should be subject to special authorisation. In these cases, the authorising officer should be the Chief Executive or one of the Strategic Directors nominated by the Council as an Authorising Officer for the purposes of the 2000 Act.

4.2.14 In general, any application for an authorisation which is likely to result in the acquisition of confidential information should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken where the target of the investigation is likely to be involved in handling confidential material. Such applications should only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

4.2.15 The following general principles apply to confidential material acquired under authorisations:

- a) Those handling material from such operations should be alert to anything that may fall within the definition of



“confidential material”. Where there is doubt as to whether the material is confidential, advice should be sought from the Senior Responsible Officer before further dissemination takes place;

- b) Confidential material should not be retained or copied unless it is necessary for a specified purpose;
- c) Confidential material should be disseminated only where an appropriate officer (having sought advice from the Senior Responsible Officer) is satisfied that it is necessary for a specific purpose;
- d) The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil proceedings related to the information.
- e) Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specified purpose.

### **Combined authorisations**

4.2.16 A single authorisation may combine two or more different authorisations under the 2000 Act. Combined authorisations must not include intrusive surveillance activity.

4.2.17 In cases where the Council is acting on behalf of another agency (or vice versa), it is usually for the tasking agency to

obtain or provide the authorisation. For example, where surveillance is carried out by the Council on behalf of the Police, authorisations would be sought by the Police and granted by the appropriate authorising officer. Council staff must always obtain the prior approval of their relevant Chief Executive or Strategic Director before carrying out an investigation on behalf of another agency.

### **Handling and disclosure of product**

- 4.2.18 Authorising Officers are reminded of the guidance relating to the retention and destruction of confidential material as described in paragraph 4.2.15 above.
- 4.2.19 Authorising Officers are responsible for ensuring that authorisations undergo timely reviews and are cancelled promptly after directed surveillance activity is no longer necessary.
- 4.2.21 Authorising Officers must ensure that the relevant details of each authorisation are sent to the Senior Responsible Officer via the RIPA Co-ordinator as described in paragraph 6 below.
- 4.2.22 Applications and authorisations for directed surveillance or the use of a CHIS should be retained by the Authorising Officer, for a period of 3 years. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.
- 4.2.23 Authorising officers must ensure compliance with the appropriate data protection requirements and the safeguards

set out in relevant codes of practice on the handling, dissemination, copying, storage and destruction of material.

- 4.2.24 The Authorising Officers shall schedule for deletion any information obtained through surveillance and all copies, extracts and summaries which contain such material as soon as they are no longer needed for an authorised purpose and, where criminal proceedings have resulted, in accordance with the Council's Retention Policy. Such information shall be held separately in a clearly labelled folder with a known retention period and thereafter securely destroyed.
- 4.2.25 Where material is obtained by surveillance or the use of a CHIS, which is wholly unrelated to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to believe it will be relevant to future criminal proceedings, it should be destroyed immediately. Consideration of whether or not unrelated material should be destroyed is the responsibility of the Authorising Officer.
- 4.2.26 There is nothing in the 2000 Act that prevents material obtained through the proper use of the authorisation procedures from being used in other investigations. However, the use outside the Council, of any material obtained by means of Directed Surveillance or the use of a CHIS and, otherwise than in pursuance of the grounds on which it was obtained, should be authorised only in the most exceptional circumstances.

### **4.3 Special Factors relating to the Use of CHIS**

- 4.3.1 The Council will, on occasions, use an external or professional source for the purpose of obtaining information. It is also possible, though unlikely, that the role of a Council employee may be that of a CHIS.
- 4.3.2 Nothing in the 2000 Act prevents material obtained by an employee or someone else acting as a CHIS being used as evidence in court proceedings.
- 4.3.3 The Authorising Officer must consider the safety and welfare of anyone acting as a CHIS and the foreseeable consequences to others of the tasks they are being asked to carry out. A risk assessment should be carried out before authorisation is given. Consideration from the start for the safety and welfare of the CHIS, even after cancellation of the authorisation, should also be considered.
- 4.3.4 The Authorising Officer must believe that the authorised use of a CHIS is proportionate to what it seeks to achieve. Accurate and proper records should be kept about the source and tasks undertaken.
- 4.3.5 Before authorising the use of a CHIS, the Authorising Officer should believe that the conduct/use including the likely degree of intrusion into the privacy of those potentially affected is proportionate to what the use or conduct of the source seeks to achieve. He should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the operation or investigation (collateral intrusion). Measures should be

taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

4.3.6 Particular care should be taken in circumstances where people would expect a high degree of privacy or where, as a consequence of the authorisation, "confidential material" is likely to be obtained.

4.3.7 Additionally, the Authorising Officer should make an assessment of any risk to a person acting as a CHIS in carrying out the proposed authorisation.

## **5 Covert surveillance of Social Networking Sites (SNS)**

5.1 This topic is referred to as "online covert activity" in the August 2018 Code of Practice on Covert Surveillance and Property Interference (at paragraphs 3.10 to 3.17). A related but separate topic is the Investigatory Powers Act 2016 which deals with the acquisition of communications data from a telecommunications operator or a postal operator. Separate guidance is issued on that topic.

5.2 The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

5.3 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as "open source" or publicly available; the author has a reasonable expectation of privacy if access controls

are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

- 5.4 Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).
- 5.5 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.
- 5.6 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

**Social media and directed surveillance.**

- 5.7 The following procedure has been established to be compliant with OSC Guidance.

*First Visit to a social media account*

When a complaint is initially received the first visit to the social media account is to confirm whether or not criminality is taking place – at this point no data is captured.

*Second Visit to a social media account*

Simple Investigation – No Monitoring Required

If there is evidence of criminality a second visit is scheduled which will result in the capture of sufficient visual evidence to prove the criminality. The evidence captured on this occasion will be used to request a directed surveillance operation, an entry warrant at the Magistrates. N.B. The capture of data should only relate to the criminality in question.

a) Complicated Investigation – Further Monitoring Required

The evidence captured on this occasion can be used to request a directed surveillance/CHIS\* operation, an entry warrant or both. Where the investigation requires further evidence from the social media account a directed surveillance authorisation must be obtained before further monitoring (visits to the account) are made.

\* In the event a CHIS authorization is obtained it is not necessary to obtain a separate directed surveillance authorisation, as the requirements of this can be detailed in the CHIS authorisation.

## **6 Central Register of Authorisation**

6.1 The 2000 Act requires a central register of all authorisations to be maintained. The Senior Responsible Officer or a nominated

representative maintains this register. The nominated officer is the RIPA Co-ordinator.

- 6.2 Whenever an authorisation is granted the Authorising Officer must arrange for the following details to be forwarded to the RIPA Co-ordinator or nominated representative:

Whether it is for Directed Surveillance or CHIS;

The unique reference number of the investigation;

- Applicants name and Job Title;
- Department and Division;
- Applicant's address and Contact Number; - Identity of 'Target';
- Whether confidential information is likely to be obtained;
- Authorising Officer and Job Title; (in line with delegation scheme)
- Date of authorisation;
- The date the authorisation was cancelled.

- 6.3 It is each Department's responsibility to securely retain a copy of all authorisations within their departments.

The original copy of the authorisation shall be forwarded to the Senior Responsible Officer for retention within the Central Records Register.

- 6.4 A chart illustrating the authorization process can be found in Schedule 3.

## **7 Codes of Practice**

The Home Office has issued codes of practice that expand on this Guidance and copies are held by the Senior Responsible Officer for access by the public.



The codes do not have the force of statute, but are admissible in evidence in any criminal proceedings. As stated in the codes, "if any provision of the code appears relevant to a question before any Court or tribunal considering any such proceedings, or to the tribunal established under the 2000 Act, or to one of the commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account". Staff should refer to the Home Office Codes of Practice for supplementary guidance.

Further Guidance is issued by the Information Commissioner's Office (ICO).

Schedule 2 below provides links to relevant web addresses.

## **8 Benefits of Obtaining Authorisation under the 2000 Act.**

- 8.1 The 2000 Act states that if an authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it shall be "lawful for all purposes" and the benefits set out at paragraph 8.3 below will apply.
- 8.2 However, if you do not obtain the 2000 Act authorisation it does not, of itself, make any conduct unlawful (e.g. use of intrusive surveillance by local authorities). It just means you cannot take advantage of any of the special RIPA benefits incidental to any conduct that is lawful by virtue of authorisation.
- 8.3 The 2000 Act states that a person shall not be subject to any civil liability in relation to any conduct of his which –
- a) is incidental to any conduct which is lawful by virtue of authorisation; and
  - b) is not itself conduct for which an authorisation is capable of being granted under a relevant enactment and might reasonably be expected to have been sought in the case in question.

## **9 Scrutiny and Tribunal**

- 9.1 To effectively "police" the 2000 Act, Commissioners regulate conduct carried out thereunder. The Chief Surveillance Commissioner will keep under review, among others, the exercise and performance by the persons on whom are conferred or imposed, the powers and duties under the Act. This includes those authorising Directed Surveillance and the use of a CHIS.
- 9.2 A Tribunal has been established to consider and determine complaints made under the 2000 Act if it is the appropriate forum. Complaints can be made by persons aggrieved by conduct e.g. Directed Surveillance. The forum hears application on a judicial review basis. Claims should be brought within one year unless it is just and equitable to extend that. The tribunal can order, amongst other things, the quashing or cancellation of any warrant or authorisation and can order destruction of any records or information obtained by using a warrant or authorisation, and records of information held by any public authority in relation to any person. The Council is, however, under a duty to disclose or provide to the tribunal all documents they require if:
- A Council officer has granted any authorisation under the 2000 Act.
  - Council employees have engaged in any conduct as a result of such authorisation.
  - A disclosure notice requirement is given.

## **SCHEDULE 1 – AUTHORISING OFFICERS AND OTHER ROLES**

For the purposes of the Covert surveillance and covert human intelligence sources codes of practice, the person in a public authority responsible for granting an authorisation will be referred to as the “authorising officer”.

The Following officers have been designated as authorising officers for the purpose of the Regulation of Investigatory Powers Act 2000. In the Council’s Constitution these are referred to as Designated Persons.

A. Officers who may grant authorisation for the employment of juveniles or vulnerable CHIS or the acquisition of confidential information:

Chief Executive or in his absence:-

Strategic Director – Enterprise, Community and Resources

Strategic Director – People

B. Officers who may grant authorisations under the Act across all Council Departments and Divisions (except for the employment of juveniles or vulnerable CHIS or the acquisition of confidential information):-

Chief Executive

Group Solicitor (Environmental and Licensing)

Group Solicitor (Policy and Regeneration)

Group Solicitor (Social Care and Education)

The above designations are subject to the independence requirements of the ICCO Circular of 1<sup>st</sup> June 2015.

### **Senior Responsible Officer & RIPA Co-ordinator**

In addition to the above designations there are two other roles set out in the Council’s Constitution.

The **Senior Responsible Officer** is the Operational Director (Legal and Democratic Services). The **RIPA Co-ordinator** is the Practice Co-ordinator Legal Services.

The above job titles and associated duties and authorisations shall extend to posts that have succeeded the above posts as a result of internal reorganisations.

The role of the Senior Responsible Officer shall also include:-

- Training of all staff dealing with RIPA (including Authorisation Officers)
- Keeping officers up to date with practice and legal changes to RIPA legislation maintaining all documentation relating to RIPA (including the Council's RIPA Policy and this Guidance, Central Records Register, Authorisations etc);

## **SCHEDULE 2 - Useful RIPA Links**

### **Regulation of Investigatory Powers Act 2000**

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

(Note that the above link does not include all subsequent amendments)

### **RIPA Codes**

<https://www.gov.uk/search?q=ripa>

### **RIPA Forms**

<https://www.gov.uk/government/collections/ripa-forms--2>

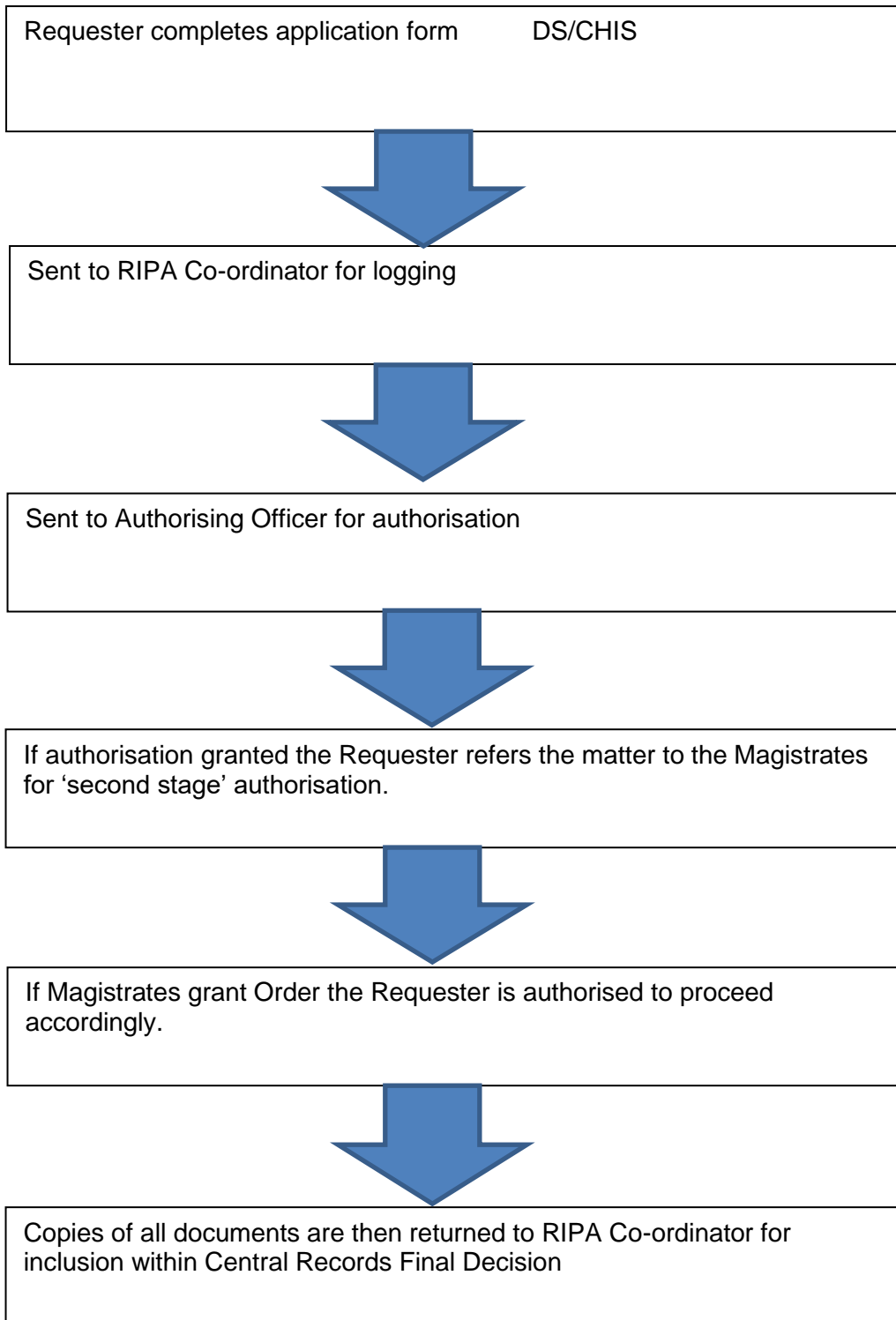
### **Home Office Guidance to Local Authorities on the 2012 Changes**

<https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

### **Investigatory Powers Commissioners Officer (IPCO)**

<https://www.ipco.org.uk/>

**SCHEDULE 3 Authorisation Process:-**



## Halton Borough Council

### Investigatory Powers Act 2016

#### Policy relating to communications data

1. The Investigatory Powers Act 2016 (“the Act”) was brought into force in early June 2019.
2. The Act sets out the extent to which certain investigatory powers (relating to the acquisition of communications data from a telecommunications operator or a postal operator) may be used to interfere with privacy.
3. In applying the Act Halton Council (“the Council”) will apply this policy where the Council is deciding to grant, approve or cancel an authorisation under Part 3 of the Act.
4. Specifically, the Council will have regard to:
  - whether what is sought to be achieved by the authorisation could reasonably be achieved by other less intrusive means,
  - whether the level of protection to be applied in relation to any obtaining of information by virtue of the authorisation is higher because of the particular sensitivity of that information,
  - the public interest in the integrity and security of telecommunication systems and postal services, and
  - any other aspects of the public interest in the protection of privacy.
  - the interests of national security or of the economic well-being of the United Kingdom,
  - the public interest in preventing or detecting serious crime,
  - other considerations which are relevant to –
    - whether the conduct authorised or required by the authorisation is proportionate, or
    - whether it is necessary to act for a purpose provided for by the Act,
  - the requirements of the Human Rights Act 1998, and
  - other requirements of public law.

5. The Council will apply all relevant Parts of the Act and also have regard to any statutory code of practice (the current code being Communications Data Code of Practice November 2018).
6. The detailed description of how the Act is used is set out in the Council's Employees' Guide to the Act.
7. This policy replaces any previous policy relating to the acquisition of communications data from a telecommunications operator or a postal operator.



**Halton Borough Council**

**Communications Data**

**Employees' Guide to the Investigatory Powers Act 2016  
(Part 3)**

**Mark Reaney**

**Senior Responsible Officer**

**Operational Director – Legal and Democratic Services**

## **Contents**

1. What the Act refers to
2. The parties referred to
3. Applications and authorisation – Procedures
4. Keeping of Records
5. Errors
6. Retention of data

## Section 1 - What the Act refers to

- The 2016 Act relates to the obtaining of communications data from a telecommunications operator and/or a postal operator.
- Communications data include the “who”, “when”, “where”, and “how” of a communication but not the content: i.e. what was said or written.
- Communications data comes in two kinds – “entity data” and “events data”.
- Employees should be familiar with the Council’s policy on the acquisition of communications data from a telecommunications operator and/or a postal operator.
- Employees should also be familiar with and have regard to the Communications Data Code of Practice (November 2018) issued by the Home Office (“the Code”).
- Principal definitions may be found at sections 261 to 265 of the Act.
- It should be kept in mind that the Regulation of Investigatory Powers Act 2000 still applies where communications data is viewed on “open access” social media sites where this amounts to covert surveillance.

## Section 2 - The Parties referred to

Applicant	means the person involved in conducting or assisting an investigation or operation who makes an application in writing or electronically for the acquisition of communications data.
Authorising Individual	means the authorising officer in the Office for Communications Data Authorisations (“OCDA”).
IPC	means the Investigatory Powers Commissioner
Made Aware Officer	see verifying officer.

NAFN	means the National Anti-Fraud Network
Senior Responsible Officer	means the person who is responsible for the matters set out at paragraph 4.10 of the Code. In addition, under paragraph 8.5 of the Code the senior responsible officer must be satisfied that the officer(s) verifying the application is (are) of an appropriate rank and must inform NAFN of such nominations.
SPoC	means the single point of contact – which means NAFN.
Verifying Officer	means the person within the Council (of at least the rank of the senior responsible officer) who is aware the application is being made before it is submitted to an authorising officer in OCDA.

### **Section 3 – Applications and authorisations – Procedure**

1. Applications are made leading to authorisations to acquire communications data
2. The Council is a relevant authority for the purpose of Part 3 of the Act (section 73)
3. However, the Council is only a relevant public authority for the purposes relating to authorisation under section 60A (section 73 (1)).
4. There are further restrictions under section 73 (3) under which authorisations may only be given under section 60A if:
  - Section 60A(1)(a) is met in relation to a purpose within section 60A(7)(b) [i.e. the applicable crime purpose],
  - The Council is party to a collaboration agreement with NAFN to act as SPoC

- The collaboration agreement is certified by SoS.
5. The route for authorisations under section 60A is via the Investigatory Powers Commissioner [which operates through the Office for Communications Data Authorisations (OCDA)] (Section 60A(1) to (3)).
  6. The process will start by the applicant (i.e. the relevant enforcement officer) generating on-line applications via NAFN which are then processed by NAFN
  7. Such applications must not be sent until unless a “made- aware” officer (analogous to a Designated Person in RIPA applications) has been made aware of the application being proposed.
  8. The **Senior responsible Officer** must inform NAFN of who these “made-aware” officers are.
  9. The powers of designated senior officers to grant authorisations elsewhere in Part 3 of the Act do not apply to local authority applications. In fact, there is no role for “designated senior officers” in local authority applications for communications data. This role is carried out by an “authorising officer in the Office for Communications Data Authorisations”.

#### **Section 4 – Keeping of Records**

- The detailed requirements regarding the keeping of records are set out at section 24 of the Code at paragraphs 24.1 to 24.9.
- The essential point is that relevant officers know who is responsible for keeping these records. The applicant will have primary responsibility for producing these records and the relevant verifying officer will have responsibility for keeping these records. The verifying officer will report annually to the senior responsible officer that proper records have been kept over the previous year.

## **Section 5 – Errors**

- The Code sets out the rules for detecting, monitoring and reporting of errors is set out at paragraphs 24.17 to 24.37 of the Code.
- The relevant verifying officer shall monitor the processes in acquiring communications data with a view to decreasing the likelihood of errors occurring and wherever possible, technical systems should incorporate functionality to minimise errors.
- The relevant verifying officer shall report all errors which come to the attention of the verifying officer to the senior responsible officer.
- It shall be the responsibility of the senior responsible officer to report any reportable errors received by the senior responsible officer to the IPC in accordance with the Code.

## **Section 6 – Retention of Data**

- Communications data should only be kept for the period during which it is necessary to hold the data.
- The Council's retention of documents policy should be used as a guide as to the appropriate retention period.

## **Section 7 – Useful Links**

<https://www.gov.uk/government/consultations/investigatory-powers-act-2016-codes-of-practice>



Investigatory Powers  
Commissioner's Office

PO Box 29105, London  
SW1V 1ZU

05 July 2023

Via email

Dear Chief Executive,

During 2023, your Council is due its usual three-yearly inspection by IPCO, regarding its compliance with RIPA/2000 and the Investigatory Powers Act 2016. Your local authority was last inspected in February 2020.

Following a review of how IPCO conducts its oversight of local authorities, we shall no longer undertake routinely an inspection as has previously been the case. Instead, the Investigatory Powers Commissioner (IPC) has agreed that each local authority should provide a written update, in the first instance, on its compliance with the legislation. This will enable us to assess whether or not a remote, or in some cases, in-person inspection is required. This approach takes cognisance of the general decline in the use of covert powers by many local authorities, and seems the right approach for now, based upon our assessment of risk and where our limited resources are best directed for the coming year.

It is, of course, the responsibility of your authority to ensure that any covert activity is conducted in accordance with the legislation. The IPC expects early notification of any Errors in the use of the powers, which will then be investigated fully. However, generally speaking, if you have not used the powers since your last inspection, and your responses to the questions below assure us of having maintained good levels of compliance, we shall probably require no further engagement. Where the powers have been used, or you are planning to use them in the near future, an appropriate discussion with an Inspector will be arranged in order to help us form a view of the approach you are taking.

In addition, we will conduct a dip sample of in-person inspections during the coming year. This might include your authority, even if you have not used the powers for some time. You will be given sufficient prior notice if this is the case.

IPCO inspector Graham Wright has been allocated your Council to inspect this year. If you wish to discuss anything with them in advance of sending me your response, please let me know so I can provide contact details.

I should be grateful if you would provide me with the following details through a return email. Please ensure that your contact details or those of your Senior Responsible Officer, through whom you might wish to respond, are provided in that reply.

The IPC expects you to have paid ongoing, due regard to the requirements of the legislation and associated Codes of Practice and seeks your written confirmation of the following:

1. Any Areas of Non-Compliance identified at your last inspection have been remedied
2. Your RIPA Policy is subject to annual review and submitted to your Elected Members for approval (please advise when this was most recently revised and shared with Members)
3. Training, both initial and ongoing for key officers, plus awareness training for all staff, is provided (please provide dates since the last inspection)
4. A Central Record that meets the requirements of the relevant Codes of Practice is in place
5. You have a named SRO in place, as well as designated Authorising Officers
6. You have policies and training that appropriately cover the potential or actual use of social media as part of investigations/enforcement activities
7. The potential (for inadvertent, unauthorised) use of such media is actively monitored by managers
8. If you own/manage a town centre CCTV system, that this is operated and appropriately managed in line with RIPA considerations, including when used by third parties such as the local police
9. You are aware of NAFN and how access to communications data is managed through OCDA
10. Your Council has recognised and adheres to the Safeguards outlined in the relevant Codes of Practice in relation to its retention, review and destruction of material obtained through the use of covert powers.

Finally, in relation to use of the covert powers available to you, can you please confirm whether you have:

- Used the powers since the last inspection, or plan to use them imminently (or can envisage doing so following the formation of a new investigative/enforcement team or strategy)
- If you have used the powers, please provide an electronic copy of the relevant applications and authorisations for the Inspector's review when you reply to this letter.

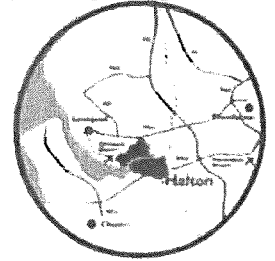
I look forward to hearing from you,

Yours faithfully,

IPCO Secretariat

020 7389 8900





Investigatory Powers Commissioner's Office  
PO Box 29105  
London  
SW1V 1ZU

By email only: [info@ipco.org.uk](mailto:info@ipco.org.uk)

Our Ref N/A  
If you  
telephone 0151 511 6006  
please ask for Mark Reaney  
Your ref Unknown  
Date 9th August 2023  
E-mail address [Mark.Reaney@halton.gov.uk](mailto:Mark.Reaney@halton.gov.uk)

Dear Sirs

### IPCO Inspection Response

We write further to your letter dated 5 July 2023 requesting a written update on our compliance with RIPA 2000 and the Investigatory Powers Act 2016. Our response to the specific questions you have asked are set out below:-

1. No areas of non-compliance were identified at our last inspection.
2. The Council's RIPA Policy and accompanying Employee Guide are kept under review. A recent review has been carried out and updates have been made. The updated RIPA Policy and Employee guide are due to be submitted to our Elected Members for approval in September 2023.
3. Training, both initial and ongoing, is provided to key officers and delivered in-house or by external companies, such as ACTNOW. The last in-house training was delivered on 10 March 2023 and open to enforcement officers and all managers so that awareness could be cascaded down. The Council is also a member of the National Anti-Fraud Network ("NAFN") and takes advantage of its training resources. Key officers have attended the following courses:-

#### 2022

12/01/22	NAFN Investigatory Powers Act 2016
18/03/22	Practical experience on the use of communications data analysis in Trading Standards Investigations

#### 2023

06/06/23	Gough Square Chambers – Powers: Test Purchase and Surveillance
24/07/23	IPA Introduction and Overview (NAFN)
25/07/23	IPA Data Sources (NAFN)
26/07/23	IPA Navigation (NAFN)

4. A Central Record is stored electronically and a hard copy is securely kept in Legal Services. The record is maintained and kept up to date by the designated RIPA Co-Ordinator in accordance with the requirements of the relevant Codes of Practice. This is detailed further in section 6 of the Employee Guide.

## It's all happening IN HALTON

### Policy & Resources

Municipal Building, Kingsway, Widnes, Cheshire WA8 7QF  
Tel: 0303 333 4300

[www.halton.gov.uk](http://www.halton.gov.uk)

5. The SRO is the Council's Operational Director (Legal and Democratic Services) and we have a number of Authorising Officers, including 3 Group Solicitors and the Chief Executive, as set out in our RIPA Policy and the Council's Constitution.
6. The Council's policy on the use of social media as part of investigations/ enforcement activities is set out in section 5 of the Employee Guide. The RIPA training delivered on 10 March 2023 also covered such use and officers were referred to the relevant sections of the Codes of Practice.
7. The training on 10 March 2023 included the use of social media and the potential for inadvertent, unauthorised use. Procedures are in place to monitor and restrict social media use. For example, in Trading Standards, there is a designated computer and officer for accessing social media and capturing evidence. Detailed records of use are maintained and reviewed by the manager of that team, where appropriate. Staff Awareness briefings are also planned to take place later this year to coincide with the implementation of our updated policy (once approved by Members). Furthermore, the Council has a wider policy on the use of ICT Equipment and Social Media.
8. The Council operates its town centre CCTV in accordance with the Council's RIPA Policy and "Code of Practice for the Operation of Public Space Closed Circuit Television". The Council also has a Joint Protocol for the use of Local Authority CCTV in Covert Policing Operations with Cheshire Constabulary.
9. The Council is a member of NAFN and is aware how access to communications data is managed through the Office for Communications Data Authorisations.
10. The Council has recognised the Safeguards outlined in the relevant Codes of Practice in relation to the retention, review and destruction of material in its Employee Guide. Material obtained as a result of previous RIPA authorisations are in the process of being reviewed and destroyed where necessary, in accordance with the Council's retention policy.
11. We have not used the powers since our last RIPA inspection. This is due to the Council's preference to use overt surveillance and the impact that the Covid Pandemic has had on the Council's enforcement operations. At the time of writing, the Council does not have any plan to use the power imminently.
12. N/A

Yours faithfully

**Mark Reaney**  
Operational Director – Legal and Democratic Services & Monitoring Officer  
**Halton Borough Council**

**REPORT TO:** Executive Board  
**DATE:** 14 September 2023  
**REPORTING OFFICER:** Chief Executive  
**PORTFOLIO:** Leader  
**SUBJECT:** Urgent Decisions  
**WARDS:** Borough Wide

### 1.0 PURPOSE OF THE REPORT

1.1 To bring to the attention of Executive Board urgent decision/s taken since the last meeting.

### 2.0 RECOMMENDATION: That the report is noted.

### 3.0 SUPPORTING INFORMATION

3.1 The Council's Constitution gives authority to the Chief Executive to take urgent decision/s which are required before the next formal meeting of Executive Board.

These must be made in consultation with the Leader of the Council where practicable, and with the Operational Director – Finance and/or Operational Director – Legal and Democratic Services, where necessary. They must also be reported for information to the next practically available meeting of the Board.

3.2 More information on each can be found on the Council's website:

<http://councillors.halton.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

3.3 The urgent decision/s taken since the last meeting of Executive Board:

Date Decision taken	Decision details
15 August 2023	<p>Pioneer Programme</p> <p>To allow the Council to accept a request from Ingeus to act as their sub-contractor to deliver a pilot employment programme known as 'the pioneer programme'.</p> <p>This requires a variation to the contract that the Council has with Ingeus to enable the Council to draw down additional funds (£130k) to recruit employment support staff.</p> <p>Ingeus have been invited to submit a rapid submission to Department of Work and Pensions (DWP) to deliver this pilot and in turn, Halton BC have been asked to confirm their participation as soon as possible</p>

#### **4.0 POLICY IMPLICATIONS**

4.1 There are none other than the constitutional requirement to report urgent decisions for information.

#### **5.0 OTHER IMPLICATIONS**

5.1 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**

7.1 The report is for information, and there are no risk issues arising from it.

#### **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None.

#### **9. CLIMATE CHANGE IMPLICATIONS**

9.1 There are no climate change implications.

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

10.1 No background papers were used in the preparation of this report. Further information on the decision/s taken is available from the link in Paragraph 3.2.

**REPORT TO:** Executive Board

**DATE:** 14 September 2023

**REPORTING OFFICER:** Operational Director – Finance

**PORTFOLIO:** Corporate

**SUBJECT:** 2023/24 Spending as at 30 June 2023

**WARD(S):** Borough-wide

## **1.0 PURPOSE OF REPORT**

1.1 To report the Council's overall revenue and capital net spending position as at 30 June 2023 together with a 2023/24 forecast outturn position.

## **2.0 RECOMMENDED: That;**

- (i) All spending continues to be limited to only absolutely essential items;**
- (ii) Executive Directors take urgent action to identify areas where spending could be reduced or suspended for the remainder of the current financial year, or additional funding secured; and**
- (iii) Council be requested to approve the 2023/24 to 2025/26 Capital Programme as set out in paragraph 3.18 and Appendix 3.**

## **3.0 SUPPORTING INFORMATION**

### **Revenue Spending**

- 3.1 Appendix 1 presents a summary of spending against the operational revenue budget up to 30 June 2023 and Appendix 2 provides detailed figures for each individual Department. In overall terms, net Council spending as at 30 June 2023 is £2.023m over budget. The outturn forecast for the year estimates that net spend will be over the approved budget by £8.415m.
- 3.2 The forecast position shows estimated overspend positions across the majority of departments. The figures reflect a prudent yet realistic view of spend and income levels through to the end of the year. The position compares unfavourable to the 2022/23 budget overspend of £5.161m
- 3.3 It is clear from the level of reserves the Council holds (see para 3.13) the forecast outturn position is unsustainable for the Council and urgent action will be needed to reduce the cost base across all departments.

- 3.4 Included within the departmental figures is the cost of the 2023/24 pay award. This has been estimated at an increase of £1,925 for all staff with the exception of senior officers where a pay award of 3.5% has already been agreed. Any increase above the £1,925 proposed award will place further strain on the Council budget.
- 3.5 One of the main contributory factors to the forecast deficit position for the year is the cost of agency staff. This is mostly evident within the Children & Families Department and the Care Homes division. Whilst work is ongoing to support recruitment and retention of staff, the impact is not yet being felt in any major reduction to agency numbers. A recruitment bonus scheme has been introduced for Children's social care workers and there is also a rolling recruitment programme in place within the four Council run care homes. However, analysis of agency costs for the first quarter of the year below, with comparative figures for 2022/23 (on a quarterly basis), shows little if any improvement.

	2023/24	2022/23				Total 2022/23 £'000
	Q1 £'000	Q1 £'000	Q2 £'000	Q3 £'000	Q4 £'000	
Adult Social Care	1,176	1,234	1,434	1,550	1,460	5,677
Chief Executives Delivery Unit	118	0	1	6	15	23
Children & Family Services	1395	1,224	1,774	1,534	1,782	6,315
Community & Greenspace	44	26	29	41	33	130
Economy, Enterprise & Property	92	83	106	131	132	452
Education, Inclusion & Provision	107	3	4	0	24	31
Finance	18	0	0	6	25	31
Legal & Democratic Services	193	68	115	143	147	473
Planning & Transportation	45	114	17	54	41	225
Public Health & Public Protection	0	89	88	56	15	249
<b>Total</b>	<b>3,188</b>	<b>2,843</b>	<b>3,566</b>	<b>3,522</b>	<b>3,674</b>	<b>13,605</b>

- 3.6 Inflation as at June 2023 is running at 7.9% for CPI and 10.7% for RPI.
- 3.7 Forward forecasts for inflation remain varied across forecasters. Year-end 2023 forecast for CPI has a range of 6.2% to 7.5% with an average of 6.8%. Longer term 2024 forecast is for inflation to drop 2.8% (average view). Longer term rates remain under review and will be reflected in the Council's medium term financial forecast.
- 3.8 The pay deal and high inflation rates continue to have a serious negative impact on the Council's financial position. As such there continues to be a real urgency for all departments to cut any non-essential spending and to implement any agreed or proposed efficiencies as soon as possible.

### Revenue - Operational Spending

- 3.9 Operational net spending for the first nine months of the year is higher than the budget to date by £2.203m Based on current forecasts it is estimated net spend will be over the approved budget for the year by £8.415m as at 31 March 2024 if no corrective action is taken.

3.10 Within the overall budget forecast position for the quarter, the key budget variances are as follows;

(i) **Children and Families Department:-**

The projected outturn forecast is for the Department to overspend by £7.879m against a net budget of £32.063m.

Staffing

Employee costs are £0.909m above budget at the end of Quarter 1. A continued heavy reliance on long term agency staff to fill Social Worker, Practice Lead and Divisional Manager vacancies is the cause of this overspend, along with a number of agency staff appointed over and above the budgeted establishment structure. Social worker recruitment is proving difficult due to an extremely competitive market and highly inflated agency payment rates. Spend on agency staff at the end of Quarter 1 is £1.395m or 55% of employee budget to date.

The final outturn for employee costs is expected to be £2.902m over the approved budget. There are various workstreams currently in place to target the difficulties in recruitment and reduce the volume of agency staff, including a new Local Offer for employees offering recruitment and retention payments for those working in children's social care. It is hoped that these will be able to reduce the spend on employees throughout the year, however a significant overspend is still to be expected.

Supplies & Services

Supplies and Services expenditure is £0.192m above budget at the end of Quarter 1 with a forecast outturn of £0.869m. Additional growth was provided of £0.314k to cover the increase in court costs and related legal spend. However, supplies and services usage is diverse and high levels of spend relating to a number of areas including nursery fees, translation costs, equipment and travel are adding pressure to this budget. Consultancy costs also contribute largely to this overspend and are expected to be £0.166m over budget at the end of the financial year. The majority of these costs relate to the continuing work undertaken in relation to the in-house fostering project which has worked to develop the in-house fostering service and increase capacity over the last few years.

Out of Borough Residential Care

Out of Borough Residential Care continues to be the main budget pressure for the Children and Families Department as the costs of residential care have continued to rise year on year. This budget was given additional growth of £4.052m for this financial year to

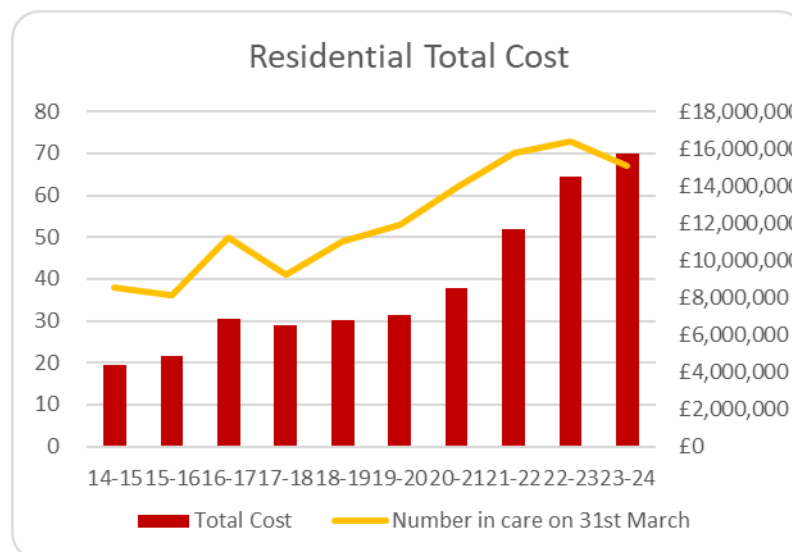
alleviate the pressure, however residential care is £0.634m overspent at the end of Quarter 1 with an anticipated outturn of £2.602m over budget at the end of the year.

Overall it is estimated spend for residential placements will be £1.290m higher than in 22/23.

The main reason for such a high increase in spend can be attributed more to the rise in costs of individual packages rather than an increase in numbers in care, for example there are currently six children in packages costing over £9k per week. The table below illustrates the trend towards numbers of children accommodated in higher cost packages with the numbers in lower priced packages reducing.

Provision	Weekly Costs	30th June 2023		31st March 2023	
		No. Placed	Estimated cost for the year	No. Placed	Estimated cost for the year
Residential	£2000 - £3000	6	876,000	6	429,036
Residential	£3001 - £4000	7	1,306,075	9	2,169,293
Residential	£4001 - £5000	9	1,942,736	12	2,809,768
Residential	£5001 - £13720	24	8,946,076	21	5,655,316
Secure	£6397 - £8137	0	0	1	379,458
Leaving Care	£443 - £8225	17	2,175,930	17	2,265,326
Parent & Child	£2000 - £5500	4	530,234	7	779,282
<b>Total:</b>		<b>67</b>	<b>15,777,052</b>	<b>73</b>	<b>14,487,478</b>

The graph below illustrates the rising costs of Residential Care, for consistency this does not include the costs of UASC as these costs were not included previous years.



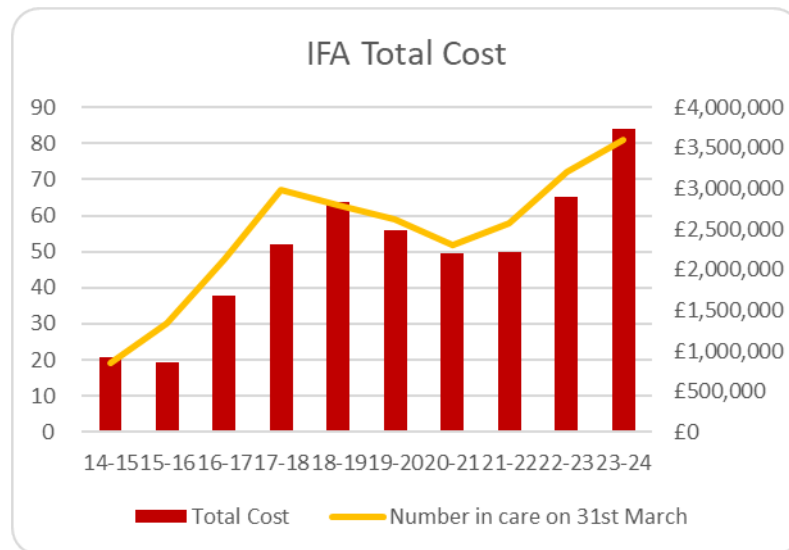
The High Costs Placements Panel is working to reduce these costs and has so far avoided additional costs of £1.141m by the

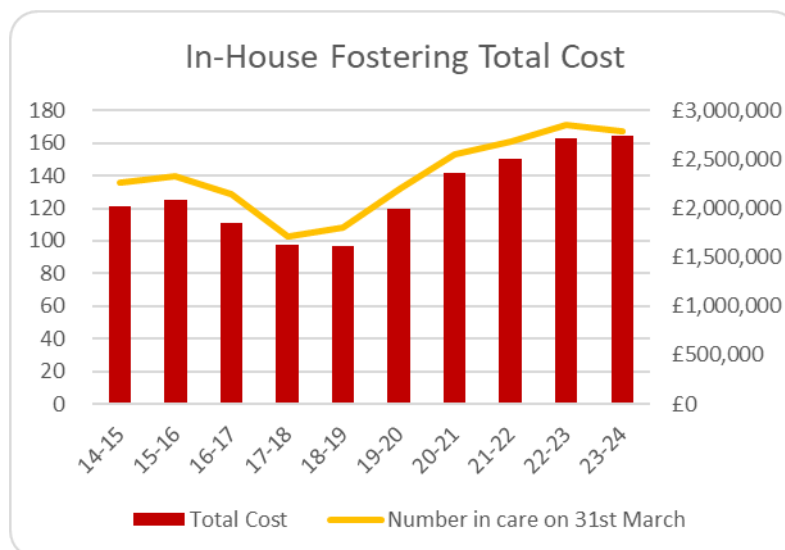


timely transfer of placements to lower priced Leaving Care packages, reducing additional support packages where possible, and reunification of young people with their families where appropriate. The High Costs Panel continues to meet regularly with the aim of reducing the costs of placements whilst still ensuring the needs of the young people placed are met. It is hoped that this continued scrutiny will bring down the current projected costs of residential placements, but the costs will remain high and continue to be a considerable pressure on the budget.

Foster Care Provision

Although in-house foster care provision has increased enabling more young people to be accommodated in house, recruitment has slowed lately which is consistent with the market in general. Increasing numbers of children in care and insufficient in-house fostering provision has meant increased reliance on Independent Fostering Agencies (IFA's). Higher numbers of children placed within IFA provision and increased IFA rates has resulted in an outturn forecast overspend of £0.681m with spend in this area expected to be around £0.840m more than 22-23.





(ii) **Adult Social Care Directorate:-**

Community Care

Community care expenditure is over budget profile at the end of Quarter 1 by £0.518m and is anticipated to be overspent against budget by £1.476m at the end of the financial year. The main reason for this is around increased uptake for Direct Payments, further details are provided below:

- Residential & Nursing Care

There are currently 477 residents in permanent residential/nursing care as at the end of June 2023 compared to 484 at the end of March 2023. This is a decrease of 1.45%. The average cost of a package of care has increased for the same period from £778 to £891, an increase of 14.52%. There are currently 73 service users with a package of care costing more than £1,000 per week, albeit some of those are jointly funded with Health. Of those 41 are placed outside the borough.

- Direct Payments

The demand for a Direct Payment continues to increase. In a lot of instances the current domiciliary provider is unable to pick up the care package so social workers have to offer a Direct Payment by default. The agencies being used charge a higher hourly rate, some as much as £28 per hour, much higher than the domiciliary provider rate of £19.61 per hour. These agencies in some cases also charge different rates for weekends and double time for Bank Holidays.

There have been 44 new referrals so far this year amounting to £0.621m and 64 referrals for increases totalling £0.480m

- Domiciliary Care & Supported Living

Currently there are 701 service users receiving a package of care at home compared to 691 at the end of March 2023, an increase of 1.45%. The average cost of a package of care has increased from £419.95 to £472.42, an increase of 12.49%.

### Care Homes

The Q1 spend across the division is over budget profile by £0.416m. The forecast for the end of 2023/24 financial year is an estimated outturn position of £1.914m over budget.

Employee related expenditure is over budget profile at the end of Q1 by £0.398m with the expected outturn position of employee related expenditure at the end of financial year 2023/24 as £1.831m over budget.

Due to pressures with recruitment and retention in the sector, heavy reliance is being placed on overtime and expensive agency staff to support the care homes. At the end of Q1 total agency spend across the care homes reached £0.807m, the cost of this has partially been offset by staff vacancies.

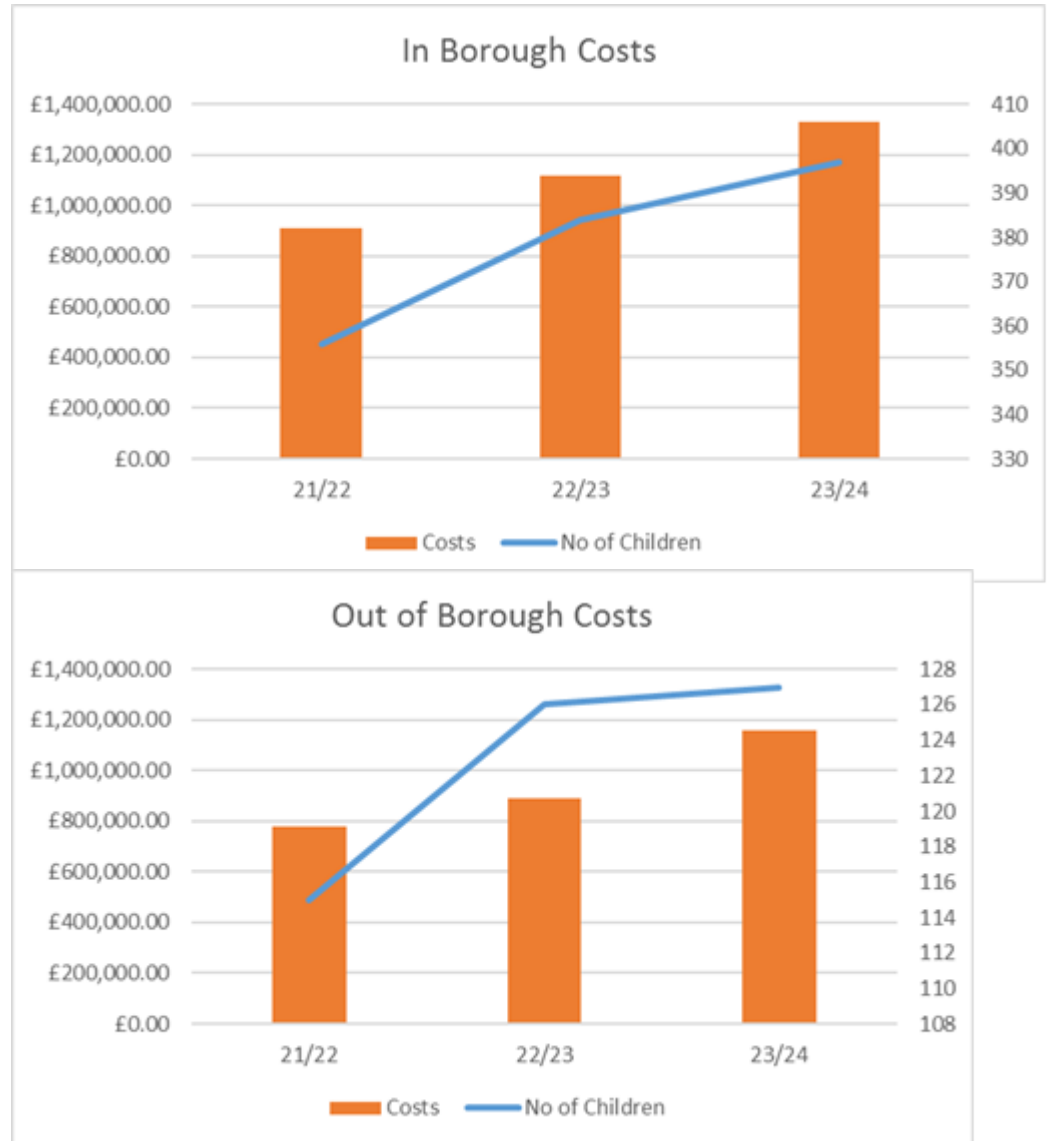
### (iii) **Education, Inclusion and Provision**

Schools Transport is the main budget pressure for Education, Inclusion and Provision. Whilst the Council has a statutory responsibility to provide Special Educational Needs (SEN) pupils with transport. The demand for the School Transport service is increasing in line with the increasing number of pupils with SEN within the Borough.

At Q1 there are currently 524 service users accessing schools transport, the majority of which attend schools within the Borough, 397 compared to 127 out of the Borough. The table below breaks down the split between the different areas, and how each areas spend compares to budget.

	2023-24 as at Q1				
Area	No. of Users	Budget £'000	Projected Spend £'000	Variance £'000	Average Cost per User £
In Borough	397	1,104	1,330	(226)	£3,350
Out of Borough	127	426	1161	(735)	£9,142
<b>Total</b>	<b>524</b>	<b>1,530</b>	<b>2,491</b>	<b>(961)</b>	

As can be seen both areas are overspending compared to budget. However, the Out of Boroughs overspend is far greater than the In Borough. The demand for the School Transport service is increasing in line with the increasing number of pupils with SEN within the Borough. The graphs below show that the number of SEN children using this service has increased year on year, which has driven the costs up.



(iv) **Community and Greenspaces**

The net department spend is £0.190m over budget at the end of Quarter 1 and the estimated outturn overspend against budget for 2023/24 is £0.740m.

The main reasons for the adverse budget variance within the department is due to a shortfall on forecast income against budget. Sales income for the year is expected to underachieve compared to the budgeted income target. Shortfalls in income in the Leisure

Centres and the Stadium plus a reduction in room hire at Community Centres and Libraries are forecast to contribute towards lower income levels. School Meals SLA income is forecast to underachieve by £0.286m over the course of the year but this may be mitigated by reduced staffing costs.

(v) **Corporate and Democracy**

To date Corporate and Democracy net spend is £0.926m under the budget to date and it is currently forecast that net spend for the year will be below the approved budget by £4.021m.

Included within the above figures are both general and specific contingency budgets. This includes a contingency for continuing budget pressures within social care services and recognises that efforts to control and reduce spending within these areas is part of a longer term plan. It is currently forecast contingency of £3.392m will help support overspending areas elsewhere within the budget but this is pending further calls on the contingency budget.

Interest rate rises by the Bank of England (5.0% - June 2023) has increased the amount of interest which the Council is able to generate from its cash investments. It is currently forecast that by year-end the Council will be able to generate an additional £0.195m in interest receipts than was forecast at budget setting. The Council has also been notified that 2022/23 growth in the Mid-Mersey Business Rates Pool (an arrangement with St Helens and Warrington Councils) has generated an additional £0.364 above that forecast.

**Collection Fund**

- 3.11 Council tax collection for the first quarter of the year is 27.41%, equal at the same point as last year. Cash collection for the year to date is £21.2m, this includes £0.8m collected in relation to previous year debt.
- 3.12 Business rates collection for the first quarter of the year is 31.76%, up by 1.58% on this point last year. Cash collected for the year to date is £18.5m, this includes £0.5m collected in relation to previous year debt.

**Review of Reserves**

- 3.13 As at 31 March 2023 the Council's General Reserve was £5.147m, which represents 3.6% of the Council's total net budget. This is considered to be a minimum balance level.
- 3.14 As at 30 June 2023, the balance of Council earmarked reserves stood at £97.071m
- 3.15 Detailed below is the balance of earmarked reserves held at 30 June 2023, categorised into the reasons for which they are held

Category	Balance 30 June 2023 £'000s
Future Revenue Commitments	2,210
Mersey Gateway	73,524
Grants	11,054
Capital	1,186
Contractual	9,097
<b>Total</b>	<b>97,071</b>

- 3.16 Mersey Gateway reserves are subject to a review (by the Department for Transport) during the current year and a decision will be made on their future use. It is currently expected that a share of the balance will be earmarked for the Council, with the remainder being returned to the DfT. The value of the Council's share is currently unknown but is expected to be in the region of £8m.
- 3.17 The current value of reserves held for future revenue commitments is a major concern. The balance of £2.210m is not sufficient to meet the forecast outturn overspend position for the year. A share of Mersey Gateway reserves will help with this, but it is clear there needs to be a significant reduction in spending by all Departments over the coming months to bring down the forecast outturn overspend.

### Capital Spending

- 3.18 Council approved the capital programme for 2023/24 on 8 March 2023. Since then new capital grant allocations have been received and slippage to capital projects for 2022/23 has been rolled forward to 2023/24. Appendix 3 brings all the separate elements together and report on the Council's total planned capital programme expenditure over the next three years
- 3.19 Capital spending at 30 June 2023 totalled £9.604m, which represents 89.5% of the planned spending of £10.730m at this stage. This represents 17.1% of the total Capital Programme of £56.178m (which assumes a 20% slippage between years).

### Approved Savings

- 3.20 On 02 February 2023, Council approved saving measures against the budget for the three year period 01 April 2023 to 31 March 2026. Appendix 4 lists those savings together with RAG rated information on action to date to achieve the target saving.

## 4.0 CONCLUSIONS

- 4.1 As at 30 June 2023, net revenue spend is £2.203m over the budget to date.

4.2 The forecast outturn currently estimates that spending will be £8.415m over budget for the year, which would have a severe impact upon the Council's reserves.

4.3 To address day to day operational budget pressures Departments should ensure that all spending continues to be restricted and tightly controlled throughout the year, to ensure that the forecast outturn overspend is minimised as far as possible

## **5.0 POLICY AND OTHER IMPLICATIONS**

5.1 None.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 There are no direct implications, however, the revenue budget and capital programme support the delivery and achievement of all the Council's priorities.

## **7.0 RISK ANALYSIS**

7.1 There are a number of financial risks within the budget. However, the Council has internal controls and processes in place to ensure that spending remains in line with budget as far as possible.

7.2 A budget risk register of significant financial risks is maintained and has been updated

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 None

## **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1072**

10.1 There are no background papers under the meaning of the Act





Summary of Revenue Spending to 30 June 2023

APPENDIX 1

Directorate / Department	Annual Budget £'000	Budget To Date £'000	Actual To Date £'000	Variance (Overspend) £'000	Forecast Outturn (Overspend)
Adult Social Care	22,382	5,249	5,213	36	0
Care Homes	9,476	2,022	2,438	(416)	(1,914)
Community Care	20,577	4,531	5,049	(518)	(1,476)
Complex Care Pool	4,661	-1,244	-1,352	108	661
<b>Adults Directorate</b>	<b>57,096</b>	<b>10,558</b>	<b>11,348</b>	<b>(790)</b>	<b>(2,729)</b>
Finance	4,623	1,125	1,072	53	0
Legal & Democratic Services	1,911	519	550	(31)	(99)
ICT & Support Services	2,112	885	870	15	(199)
Chief Executives Delivery Unit	-1,737	-915	-959	44	42
<b>Chief Executives Directorate</b>	<b>6,909</b>	<b>1,614</b>	<b>1,533</b>	<b>81</b>	<b>(256)</b>
Children & Families	32,063	4,898	6,955	(2,057)	(7,879)
Education, Inclusion & Provision	8,614	1,933	2,053	(120)	(772)
<b>Childrens Directorate</b>	<b>40,677</b>	<b>6,831</b>	<b>9,008</b>	<b>(2,177)</b>	<b>(8,651)</b>
Community & Greenspace	26,383	5,521	5,711	(190)	(740)
Economy, Enterprise & Property	1,673	1,357	1,411	(54)	(125)
Planning & Transportation	8,272	680	727	(47)	(111)
<b>Environment &amp; Regeneration Directorate</b>	<b>36,328</b>	<b>7,558</b>	<b>7,849</b>	<b>(291)</b>	<b>(976)</b>
<b>Corporate &amp; Democracy</b>	<b>-1,603</b>	<b>17</b>	<b>-909</b>	<b>926</b>	<b>4,021</b>
<b>Public Health Directorate</b>	<b>1,473</b>	<b>632</b>	<b>584</b>	<b>48</b>	<b>176</b>
<b>Total Operational Net Spend</b>	<b>140,880</b>	<b>27,210</b>	<b>29,413</b>	<b>(2,203)</b>	<b>(8,415)</b>



## Adult Social Care

## APPENDIX 2

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	15,710	3,916	3,847	69	210
Premises	602	195	203	(8)	(30)
Supplies & Services	608	203	198	5	0
Aids & Adaptations	38	9	10	(1)	0
Transport	232	57	72	(15)	(60)
Food Provision	201	40	39	1	10
Agency	678	167	165	2	0
Supported Accommodation and Services	1,358	359	357	2	0
Emergency Duty Team	110	0	0	0	0
Transfer To Reserves	357	0	0	0	0
Capital Financing	44	0	0	0	0
Contacts & SLAs	584	282	279	3	0
<b>Housing Solutions Grant Funded Schemes</b>					
Homelessness Prevention	460	45	36	9	0
Rough Sleepers Initiative	150	23	23	0	0
<b>Total Expenditure</b>	<b>21,132</b>	<b>5,296</b>	<b>5,229</b>	<b>67</b>	<b>130</b>
<b>Income</b>					
Fees & Charges	-860	-215	-203	(12)	(20)
Sales & Rents Income	-396	-169	-174	5	10
Reimbursements & Grant Income	-1,489	-327	-338	11	0
Capital Salaries	-121	-30	-30	0	0
Housing Schemes Income	-610	-485	-485	0	0
<b>Total Income</b>	<b>-3,476</b>	<b>-1,226</b>	<b>-1,230</b>	<b>4</b>	<b>(10)</b>
<b>Net Operational Expenditure</b>	<b>17,656</b>	<b>4,070</b>	<b>3,999</b>	<b>71</b>	<b>120</b>
<b>Recharges</b>					
Premises Support	583	146	146	0	0
Transport Support	575	144	179	(35)	(120)
Central Support	3,667	917	917	0	0
Asset Rental Support	13	0	0	0	0
Recharge Income	-112	-28	-28	0	0
<b>Net Total Recharges</b>	<b>4,726</b>	<b>1,179</b>	<b>1,214</b>	<b>(35)</b>	<b>(120)</b>
<b>Net Departmental Expenditure</b>	<b>22,382</b>	<b>5,249</b>	<b>5,213</b>	<b>36</b>	<b>0</b>

## Care Homes

	Annual Budget	Budget to Date	Actual	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
<b><u>Madeline Mckenna</u></b>					
Employees	636	151	184	(33)	(163)
Other Premises	122	20	26	(6)	(14)
Supplies & Services	16	3	3	0	(6)
Food Provison	43	11	12	(1)	(1)
<b>Total Madeline Mckenna Expenditure</b>	<b>817</b>	<b>185</b>	<b>225</b>	<b>(40)</b>	<b>(184)</b>
<b><u>Millbrow</u></b>					
Employees	1,897	406	515	(109)	(418)
Other Premises	151	33	38	(5)	(16)
Supplies & Services	43	11	9	2	(12)
Food Provison	75	19	19	0	(1)
<b>Total Millbrow Expenditure</b>	<b>2,166</b>	<b>469</b>	<b>581</b>	<b>(112)</b>	<b>(447)</b>
<b><u>St Luke's</u></b>					
Employees	2,646	520	656	(136)	(521)
Other Premises	208	36	38	(2)	(11)
Supplies & Services	46	9	5	4	6
Food Provison	118	3	7	(4)	4
<b>Total St Luke's Expenditure</b>	<b>3,018</b>	<b>568</b>	<b>706</b>	<b>(138)</b>	<b>(522)</b>
<b><u>St Patrick's</u></b>					
Employees	1,669	384	514	(130)	(717)
Other Premises	191	35	37	(2)	(11)
Supplies & Services	43	9	8	1	(8)
Food Provison	112	8	13	(5)	(13)
<b>Total St Patrick's Expenditure</b>	<b>2,015</b>	<b>436</b>	<b>572</b>	<b>(136)</b>	<b>(749)</b>
<b><u>Care Homes Divison Management</u></b>					
Employees	285	71	61	10	(12)
<b>Care Home Divison Management</b>	<b>285</b>	<b>71</b>	<b>61</b>	<b>10</b>	<b>(12)</b>
<b>Net Operational Expenditure</b>	<b>8,301</b>	<b>1,729</b>	<b>2,145</b>	<b>(416)</b>	<b>(1,914)</b>
<b><u>Recharges</u></b>					
Premises Support	285	71	71	0	0
Transport Support	0	0	0	0	0
Central Support	890	222	222	0	0
Asset Rental Support	0	0	0	0	0
Recharge Income	0	0	0	0	0
<b>Net Total Recharges</b>	<b>1,175</b>	<b>293</b>	<b>293</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>9,476</b>	<b>2,022</b>	<b>2,438</b>	<b>(416)</b>	<b>(1,914)</b>

## Community Care

	<b>Annual Budget</b>	<b>Budget to Date</b>	<b>Actual Spend</b>	<b>Variance (Overspend)</b>	<b>Forecast Outturn</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Expenditure</b>					
Residential & Nursing	15,616	3,105	3,153	(48)	(158)
Domiciliary Care & Supported living	11,781	1,812	1,824	(12)	30
Direct Payments	11,609	3,394	3,795	(401)	(1,400)
Day Care	375	57	68	(11)	(97)
<b>Total Expenditure</b>	<b>39,381</b>	<b>8,368</b>	<b>8,840</b>	<b>(472)</b>	<b>(1,625)</b>
<b>Income</b>					
Residential & Nursing Income	-9,659	-1,891	-1,896	5	134
Community Care Income	-2,141	-336	-293	(43)	(37)
Direct Payments Income	-957	-147	-140	(7)	52
Income from other CCGs	-126	0	0	0	0
Market sustainability & Improvement Grant	-1,497	-374	-374	0	0
Adult Social Care Support Grant	-4,357	-1,089	-1,089	0	0
War Pension Disregard Grant	-67	0	0	0	0
<b>Total Income</b>	<b>-18,804</b>	<b>-3,837</b>	<b>-3,792</b>	<b>(46)</b>	<b>149</b>
<b>Net Operational Expenditure</b>	<b>20,577</b>	<b>4,531</b>	<b>5,049</b>	<b>(518)</b>	<b>(1,476)</b>
<b>Recharges</b>					
Premises Support	0	0	0	0	0
Transport	0	0	0	0	0
Central Support	0	0	0	0	0
Asset Rental Support	0	0	0	0	0
HBC Support Costs Income	0	0	0	0	0
<b>Net Total Recharges</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>20,577</b>	<b>4,531</b>	<b>5,049</b>	<b>(518)</b>	<b>(1,476)</b>

**Complex Care Pool**

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Intermediate Care Services	3,512	765	756	9	42
Oakmeadow	1,170	283	220	63	0
Community Home Care First	1,530	270	159	111	445
Joint Equipment Store	829	138	138	0	0
Development Fund	695	0	0	0	482
Lilycross	194	55	55	0	139
Equipment	48	0	0	0	0
HICafs	3,226	389	408	(19)	14
Discharge Schemes	1,921	480	480	0	0
Contracts & SLA's	3,320	93	68	25	84
Carers Breaks	450	105	78	27	115
Carers centre	354	177	177	0	0
Residential Care	1,246	311	311	0	0
Domiciliary Care & Supported Living	3,713	776	776	0	0
<b>Total Expenditure</b>	<b>22,208</b>	<b>3,842</b>	<b>3,626</b>	<b>216</b>	<b>1,321</b>
<b>Income</b>					
BCF	-12,762	-3,191	-3,191	0	0
CCG Contribution to Pool	-2,864	-708	-708	0	0
ASC Discharge Grant	-1,921	-1,187	-1,187	0	0
<b>Total Income</b>	<b>-17,547</b>	<b>-5,086</b>	<b>-5,086</b>	<b>0</b>	<b>0</b>
<b>Net Operational Expenditure</b>	<b>4,661</b>	<b>-1,244</b>	<b>-1,460</b>	<b>216</b>	<b>1,321</b>
<b>Recharges</b>					
Premises Support	0	0	0	0	0
Transport	0	0	0	0	0
Central Support	0	0	0	0	0
Asset Rental Support	0	0	0	0	0
HBC Support Costs Income	0	0	0	0	0
<b>Net Total Recharges</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ICB Contribution Share of Surplus</b>	<b>0</b>	<b>0</b>	<b>108</b>	<b>(108)</b>	<b>(661)</b>
<b>Net Departmental Expenditure</b>	<b>4,661</b>	<b>-1,244</b>	<b>-1,352</b>	<b>108</b>	<b>661</b>

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	6,576	1,480	1,495	(15)	(25)
Insurances	930	545	495	50	(41)
Supplies & Services	357	180	274	(94)	(101)
Rent Allowances	35,500	7,232	7,232	0	0
Concessionary Travel	1,748	360	286	74	112
Non HRA Rent Rebates	70	18	9	9	8
Discretionary Social Fund	351	66	42	24	24
Discretionary Housing Payments	300	52	52	0	0
Household Support Fund Expenditure	2,000	59	59	0	0
LCR Levy	2,241	560	560	0	0
Transfer to Reserves	17	0	0	0	17
Bad Debt Provision	77	0	0	0	0
<b>Total Expenditure</b>	<b>50,167</b>	<b>10,552</b>	<b>10,504</b>	<b>48</b>	<b>(6)</b>
<b>Income</b>					
Other Fees & Charges	-329	-90	-89	(1)	(7)
Burdens Grant	-60	-60	-88	28	28
Dedicated schools Grant	-123	0	0	0	0
Council Tax Liability Order	-541	-230	-183	(47)	(49)
Business Rates Admin Grant	-157	0	0	0	0
Schools SLAs	-295	-295	-282	(13)	(13)
LCR Reimbursement	-2,241	-560	-560	0	0
HB Overpayment Debt Recovery	-400	-30	-30	0	0
Rent Allowances	-34,800	-6,851	-6,851	0	0
Non HRA Rent Rebate	-70	-18	-25	7	8
Discretionary Housing Payment Grant	-300	-93	-93	0	0
Housing Benefits Admin Grant	-515	-130	-151	21	21
Universal Credits	-5	0	0	0	0
Council Tax Admin Grant	-204	0	0	0	0
Household Support Fund Grant	-2,000	0	0	0	0
Energy Bills Support	-245	-245	-245	0	0
Alternative Fuel	-42	-42	-42	0	0
Reimbursements & Other Grants	-142	-35	-45	10	18
CCG McMillan Reimbursement	-82	0	0	0	0
<b>Total Income</b>	<b>-42,551</b>	<b>-8,679</b>	<b>-8,684</b>	<b>5</b>	<b>6</b>
<b>Net Operational Expenditure</b>	<b>7,616</b>	<b>1,873</b>	<b>1,820</b>	<b>53</b>	<b>0</b>
<b>Recharges</b>					
Premises Support	268	67	67	0	0
Transport	0	0	0	0	0
Central Support	2,069	517	517	0	0
Asset Rental Support	0	0	0	0	0
HBC Support Costs Income	-5,330	-1,332	-1,332	0	0
<b>Net Total Recharges</b>	<b>-2,993</b>	<b>-748</b>	<b>-748</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>4,623</b>	<b>1,125</b>	<b>1,072</b>	<b>53</b>	<b>0</b>

## Legal Services

	<b>Annual Budget</b>	<b>Budget to Date</b>	<b>Actual Spend</b>	<b>Variance (Overspend)</b>	<b>Forecast Outturn</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Expenditure</b>					
Employees	1,681	470	442	28	32
Agency Costs (Locums)	0	0	186	(186)	(450)
Supplies & Services	171	128	132	(4)	(4)
Civic Catering & Functions	26	2	1	1	4
Legal Expenses	260	20	76	(56)	(144)
Transport Related Expenditure	11	3	0	3	11
<b>Total Expenditure</b>	<b>2,149</b>	<b>623</b>	<b>837</b>	<b>(214)</b>	<b>(551)</b>
<b>Income</b>					
Land Charges	-90	-10	-10	0	0
School SLA's	-92	-65	-65	0	(1)
Licence Income	-284	-50	-54	4	10
Government Grant	-42	-42	-42	0	0
Fees & Charges Income	-70	-22	-24	2	6
Transfer from Reserves	0	0	-177	177	437
<b>Total Income</b>	<b>-578</b>	<b>-189</b>	<b>-372</b>	<b>183</b>	<b>452</b>
<b>Net Operational Expenditure</b>	<b>1,571</b>	<b>434</b>	<b>465</b>	<b>(31)</b>	<b>(99)</b>
<b>Recharges</b>					
Premises Support	58	14	14	0	0
Transport	0	0	0	0	0
Central Support	282	71	71	0	0
Asset Rental Support	0	0	0	0	0
HBC Support Costs Income	0	0	0	0	0
<b>Net Total Recharges</b>	<b>340</b>	<b>85</b>	<b>85</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>1,911</b>	<b>519</b>	<b>550</b>	<b>(31)</b>	<b>(99)</b>



	<b>Annual Budget</b>	<b>Budget to Date</b>	<b>Actual Spend</b>	<b>Variance (Overspend)</b>	<b>Forecast Outturn</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Expenditure</b>					
Employee Expenditure	8,110	2,000	1,989	11	(361)
Supplies & Services Expenditure	1,012	254	220	34	65
Capital Finance	78	19	0	19	19
Computer Repairs & Software	1,318	1,122	1,148	(26)	(26)
Communication Costs	13	13	31	(18)	(18)
Premises Expenditure (HDL)	6	0	0	0	1
Transport Expenditure	3	0	0	0	0
Transfer to Reserves	15	0	0	0	0
Premises Expenditure	170	75	90	(15)	(15)
<b>Total Expenditure</b>	<b>10,725</b>	<b>3,483</b>	<b>3,478</b>	<b>5</b>	<b>(335)</b>
<b>Income</b>					
Fees & Charges	-906	-20	-20	0	181
Schools SLA Income	-610	-432	-442	10	(45)
<b>Total Income</b>	<b>-1,516</b>	<b>-452</b>	<b>-462</b>	<b>10</b>	<b>136</b>
<b>Net Operational Expenditure</b>	<b>9,209</b>	<b>3,031</b>	<b>3,016</b>	<b>15</b>	<b>(199)</b>
<b>Recharges</b>					
Premises Support	557	139	139	0	0
Transport	16	4	4	0	0
Central Support	1,787	449	449	0	0
Asset Rental Support	1,494	0	0	0	0
HBC Support Costs Income	-10,951	-2,738	-2,738	0	0
<b>Net Total Recharges</b>	<b>-7,097</b>	<b>-2,146</b>	<b>-2,146</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>2,112</b>	<b>885</b>	<b>870</b>	<b>15</b>	<b>(199)</b>

Chief Executives Delivery Unit

	Annual Budget £'000	Budget to Date £'000	Actual Spend £'000	Variance (Overspend) £'000	Forecast Outturn £'000
<b>Expenditure</b>					
Employees	2,678	650	572	78	229
Employees Training	117	25	23	2	6
Apprenticeship Levy	300	20	43	(23)	(143)
Supplies & Services	296	50	39	11	26
<b>Total Expenditure</b>	<b>3,391</b>	<b>745</b>	<b>677</b>	<b>68</b>	<b>118</b>
<b>Income</b>					
Fees & Charges	-211	-45	-44	(1)	1
Schools SLA	-533	-440	-417	(23)	(77)
Transfer from Reserves	-87	-87	-87	0	0
<b>Total Income</b>	<b>-831</b>	<b>-572</b>	<b>-548</b>	<b>(24)</b>	<b>(76)</b>
<b>Net Operational Expenditure</b>	<b>2,560</b>	<b>173</b>	<b>129</b>	<b>44</b>	<b>42</b>
<b>Recharges</b>					
Premises Support	117	29	29	0	0
Transport	972	243	243	0	0
Central Support	53	0	0	0	0
Asset Rental Support	-5,491	-1,373	-1,373	0	0
HBC Support Costs Income	52	13	13	0	0
<b>Net Total Recharges</b>	<b>-4,297</b>	<b>-1,088</b>	<b>-1,088</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>-1,737</b>	<b>-915</b>	<b>-959</b>	<b>44</b>	<b>42</b>

**Children & Families**

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	11,460	2,495	3,404	(909)	(2,902)
Other Premises	476	124	108	16	58
Supplies & Services	1,084	214	406	(192)	(869)
Transport	113	8	47	(39)	(195)
Direct Payments	1,016	246	243	3	11
Commissioned services to Vol Orgs	224	56	52	4	15
Residential Care	13,505	1,402	2,036	(634)	(2,602)
Out of Borough Adoption	30	8	0	8	30
Out of Borough Fostering	3,050	298	460	(162)	(681)
In House Adoption	461	25	27	(2)	(11)
Special Guardianship Order	2,221	513	554	(41)	(193)
In House Foster Carer Placements	2,670	611	639	(28)	(73)
Lavender House	230	36	36	0	0
Home Support & Respite	340	85	81	4	25
Care Leavers	256	60	65	(5)	(22)
Family Support	53	13	7	6	31
Contracted services	3	1	1	0	0
Early Years	275	117	145	(28)	(97)
Emergency Duty	124	0	0	0	(60)
Youth Offending Services	255	0	0	0	(85)
<b>Total Expenditure</b>	<b>37,846</b>	<b>6,312</b>	<b>8,311</b>	<b>(1,999)</b>	<b>(7,620)</b>
<b>Income</b>					
Fees & Charges	-31	-1	0	(1)	(4)
Sales Income	-4	-1	-1	0	(3)
Rents	-76	-16	-15	(1)	(4)
Reimbursement & other Grant Income	-539	-97	-41	(56)	(248)
Transfer from reserve	-47	-47	-47	0	0
Dedicated Schools Grant	-50	0	0	0	0
Government Grants	-7,556	-1,881	-1,881	0	0
<b>Total Income</b>	<b>-8,303</b>	<b>-2,043</b>	<b>-1,985</b>	<b>(58)</b>	<b>(259)</b>
<b>Net Operational Expenditure</b>	<b>29,543</b>	<b>4,269</b>	<b>6,326</b>	<b>(2,057)</b>	<b>(7,879)</b>
<b>Recharges</b>					
Premises Support	339	85	85	0	0
Transport Support	15	3	3	0	0
Central Support	3,290	822	822	0	0
Asset Rental Support	0	0	0	0	0
Recharge Income	-1,124	-281	-281	0	0
<b>Net Total Recharges</b>	<b>2,520</b>	<b>629</b>	<b>629</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>32,063</b>	<b>4,898</b>	<b>6,955</b>	<b>(2,057)</b>	<b>(7,879)</b>

**Education, Inclusion & Provision**

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	7,414	1,906	1,851	55	280
Premises	130	36	36	0	0
Supplies & Services	1,297	928	938	(10)	(87)
Transport	6	1	0	1	0
Schools Transport	1,588	157	364	(207)	(961)
Commissioned Services	1,654	44	44	0	0
Grants to Voluntary Organisations	10	0	0	0	(65)
Independent School Fees	6,728	1,642	1,642	0	0
Inter Authority Special Needs	604	131	131	0	0
Pupil Premium Grant	220	21	21	0	0
Nursery Education Payments	7,467	1,726	1,726	0	0
Capital Financing	1	0	0	0	0
<b>Total Expenditure</b>	<b>27,119</b>	<b>6,592</b>	<b>6,753</b>	<b>(161)</b>	<b>(833)</b>
<b>Income</b>					
Fees & Charges Income	-207	-60	-61	1	21
Government Grant Income	-856	-214	-214	0	0
Schools SLA Income	-445	-146	-146	0	0
Reimbursements & Other Grant Income	0	0	-40	40	40
Transfers from Reserves	-134	-25	-25	0	0
Dedicated Schools Grant	-18,731	-4,683	-4,683	0	0
Inter Authority Income	-483	-113	-113	0	0
<b>Total Income</b>	<b>-20,856</b>	<b>-5,241</b>	<b>-5,282</b>	<b>41</b>	<b>61</b>
<b>Net Operational Expenditure</b>	<b>6,263</b>	<b>1,351</b>	<b>1,471</b>	<b>(120)</b>	<b>(772)</b>
<b>Recharges</b>					
Premises Support	281	70	70	0	0
Transport Support	441	108	108	0	0
Central Support	1,612	404	404	0	0
Asset Rental Support	17	0	0	0	0
Recharge Income	0	0	0	0	0
<b>Net Total Recharges</b>	<b>2,351</b>	<b>582</b>	<b>582</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>8,614</b>	<b>1,933</b>	<b>2,053</b>	<b>(120)</b>	<b>(772)</b>

## Community & Greenspaces

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	17,061	3,700	3,667	33	(50)
Premises	3,685	1,017	1,033	(16)	(63)
Supplies & Services	1,598	553	526	27	108
Hired & Contracted Services	527	128	151	(23)	(93)
Book Fund	140	62	62	0	0
Food Provisions	371	54	87	(33)	(72)
School Meals Food	1,965	526	500	26	50
Miscellaneous Transport Costs	117	35	38	(3)	(8)
Other Agency Costs	601	159	140	19	16
Waste Disposal Contracts	6,865	1,810	1,804	6	34
Grants to Voluntary Organisations	67	38	38	0	8
Grant to Norton Priory	172	87	87	0	0
Capital Financing	201	0	0	0	0
<b>Total Expenditure</b>	<b>33,370</b>	<b>8,169</b>	<b>8,133</b>	<b>36</b>	<b>(70)</b>
<b>Income</b>					
Sales Income	-3,974	-922	-795	(127)	(308)
Fees & Charges Income	-5,741	-1,800	-1,800	0	0
Rental Income	-221	-72	-73	1	5
Government Grant Income	-595	-595	-595	0	0
Reimbursements & Other Grant Income	-685	-389	-389	(0)	0
SLA Income	-2,391	-627	-543	(85)	(286)
Internal Fees Income	-592	-83	-72	(11)	(52)
Capital Salaries	-173	-25	-26	0	(9)
Transfers From Reserves	0	71	71	0	0
<b>Total Income</b>	<b>-14,373</b>	<b>-4,442</b>	<b>-4,221</b>	<b>(221)</b>	<b>(650)</b>
<b>Net Operational Expenditure</b>	<b>18,997</b>	<b>3,727</b>	<b>3,912</b>	<b>(185)</b>	<b>(720)</b>
<b>Recharges</b>					
Premises Support	1,825	456	456	0	0
Transport	2,046	512	517	(5)	(20)
Central Support	3,856	966	966	0	0
Asset Rental Support	199	0	0	0	0
HBC Support Costs Income	-540	-140	-140	0	0
<b>Net Total Recharges</b>	<b>7,386</b>	<b>1,794</b>	<b>1,799</b>	<b>(5)</b>	<b>(20)</b>
<b>Net Departmental Expenditure</b>	<b>26,383</b>	<b>5,521</b>	<b>5,711</b>	<b>(190)</b>	<b>(740)</b>

**Economy, Enterprise & Property**

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	5,155	1,319	1,309	10	39
Repairs & Maintenance	1,930	587	589	(2)	(2)
Premises	104	91	91	0	(3)
Energy & Water Costs	1,765	302	247	55	222
NNDR	793	683	676	7	7
Rents	165	77	77	0	0
Economic Regeneration Activities	37	3	3	0	0
Security	509	77	86	(9)	(30)
Supplies & Services	297	128	139	(11)	(45)
Supplies & Services - Grant	535	110	110	0	0
Grants to Voluntary Organisations	85	25	25	0	0
<b>Total Expenditure</b>	<b>11,375</b>	<b>3,402</b>	<b>3,352</b>	<b>50</b>	<b>188</b>
<b>Income</b>					
Fees & Charges Income	-803	-72	-62	(10)	(41)
Rent - Commercial Properties	-974	-186	-146	(40)	(158)
Rent - Investment Properties	-44	-13	-11	(2)	(6)
Rent - Markets	-853	-211	-191	(20)	(78)
Government Grant	-1,058	-130	-130	0	0
Reimbursements & Other Grant Income	-1,084	0	-4	4	6
Schools SLA Income	-294	-205	-169	(36)	(36)
Recharges to Capital	-232	-15	-15	0	0
Transfer from Reserves	-375	-217	-217	0	0
<b>Total Income</b>	<b>-5,717</b>	<b>-1,049</b>	<b>-945</b>	<b>(104)</b>	<b>(313)</b>
<b>Net Operational Expenditure</b>	<b>5,658</b>	<b>2,353</b>	<b>2,407</b>	<b>(54)</b>	<b>(125)</b>
<b>Recharges</b>					
Premises Support	2,006	502	502	0	0
Transport	23	6	6	0	0
Central Support	1,710	428	428	0	0
Asset Rental Support	4	0	0	0	0
HBC Support Costs Income	-7,728	-1,932	-1,932	0	0
<b>Net Total Recharges</b>	<b>-3,985</b>	<b>-996</b>	<b>-996</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>1,673</b>	<b>1,357</b>	<b>1,411</b>	<b>(54)</b>	<b>(125)</b>

**Planning & Transportation Department**

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	5,149	1,157	1,181	(24)	(94)
Efficiency Savings	-100	0	0	0	0
Premises	211	74	63	11	45
Hired & Contracted Services	115	34	48	(14)	(54)
Supplies & Services	113	65	107	(42)	(168)
Street Lighting	1,766	126	67	59	236
Highways Maintenance - Routine & Reactive	1,583	203	213	(10)	(38)
Highways Maintenance - Programmed Work	1,567	203	212	(9)	(38)
Fleet Transport	1,410	296	334	(38)	(151)
Bus Support - Halton Hopper Tickets	52	16	9	7	29
Bus Support	458	63	73	(10)	(40)
Grants to Voluntary Organisations	31	30	30	0	0
NRA Levy	73	72	72	0	0
LCR Levy	882	220	220	0	0
Contribution to Reserves	359	0	0	0	0
<b>Total Expenditure</b>	<b>13,669</b>	<b>2,559</b>	<b>2,629</b>	<b>(70)</b>	<b>(273)</b>
<b>Income</b>					
Sales & Rents Income	-101	-18	-14	(4)	(16)
Planning Fees	-738	-129	-111	(18)	0
Building Control Fees	-242	-38	-30	(8)	(31)
Other Fees & Charges	-932	-261	-248	(13)	(52)
Grants & Reimbursements	-179	-148	-148	0	0
Government Grant Income	-32	-32	-32	0	0
Halton Hopper Income	-54	-4	-1	(3)	(13)
Recharge to Capital	-317	-50	-8	(42)	(168)
LCR Levy Reimbursement	-882	-220	-220	0	0
Contribution from Reserves	-489	-489	-489	0	0
<b>Total Income</b>	<b>-3,966</b>	<b>-1,389</b>	<b>-1,301</b>	<b>(88)</b>	<b>(280)</b>
<b>Net Operational Expenditure</b>	<b>9,703</b>	<b>1,170</b>	<b>1,328</b>	<b>(158)</b>	<b>(553)</b>
<b>Recharges</b>					
Premises Support	509	127	127	0	0
Transport	591	126	162	(36)	(146)
Central Support	1,432	358	358	0	0
Asset Rental Support	686	0	0	0	0
HBC Support Costs Income	-885	-221	-221	0	0
Transport Recharge Income	-3,764	-880	-1,027	147	588
<b>Net Total Recharges</b>	<b>-1,431</b>	<b>-490</b>	<b>-601</b>	<b>111</b>	<b>442</b>
<b>Net Departmental Expenditure</b>	<b>8,272</b>	<b>680</b>	<b>727</b>	<b>(47)</b>	<b>(111)</b>

	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	361	90	90	0	0
Contracted Services	39	10	5	5	0
Supplies & Services	131	52	48	4	0
Premises Expenditure	5	5	7	(2)	0
Transport Costs	1	0	6	(6)	(6)
Members Allowances	946	236	224	12	0
Interest Payable - Treasury Management	1,099	275	275	0	0
Interest Payable - Other	271	68	28	40	157
Bank Charges	144	36	65	(29)	(100)
Audit Fees	342	85	85	0	0
Contingency	3,392	848	0	848	3,392
Capital Financing	2,259	0	0	0	0
Contribution to Reserves	4,332	0	0	0	0
Debt Management Expenses	20	5	6	(1)	(1)
Precepts & Levies	221	0	0	0	0
<b>Total Expenditure</b>	<b>13,563</b>	<b>1,710</b>	<b>839</b>	<b>871</b>	<b>3,442</b>
<b>Income</b>					
Interest Receivable - Treasury Management	-4,194	-1,021	-1,070	49	195
Interest Receivable - Other	0	0	-5	5	20
Other Fees & Charges	-153	-38	-39	1	0
Grants & Reimbursements	-255	8	8	0	364
Government Grant Income	-1,469	-367	-367	0	0
Transfer from Reserves	-7,156	0	0	0	0
<b>Total Income</b>	<b>-13,227</b>	<b>-1,418</b>	<b>-1,473</b>	<b>55</b>	<b>579</b>
<b>Net Operational Expenditure</b>	<b>336</b>	<b>292</b>	<b>-634</b>	<b>926</b>	<b>4,021</b>
<b>Recharges</b>					
Premises Support	8	2	2	0	0
Transport Support	0	0	0	0	0
Central Support	870	230	230	0	0
Asset Rental Support	0	0	0	0	0
Recharge Income	-2,817	-507	-507	0	0
<b>Net Total Recharges</b>	<b>-1,939</b>	<b>-275</b>	<b>-275</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>-1,603</b>	<b>17</b>	<b>-909</b>	<b>926</b>	<b>4,021</b>

Public Health



	Annual Budget	Budget to Date	Actual Spend	Variance (Overspend)	Forecast Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Expenditure</b>					
Employees	4,629	955	947	8	28
Premises	6	0	0	0	0
Supplies & Services	255	72	44	27	108
Contracts & SLA's	7,006	898	892	6	20
Aids & Adaptations	0	0	0	0	0
Transport	4	1	0	1	0
Other Agency	23	23	23	0	0
Food Provision	0	0	0	0	0
<b>Total Expenditure</b>	<b>11,923</b>	<b>1,949</b>	<b>1,906</b>	<b>43</b>	<b>156</b>
<b>Income</b>					
Fees & Charges	-71	-15	-20	5	20
Sales & Rents Income	0	0	0	0	0
Reimbursements & Grant Income	-44	-32	-32	0	0
Transfer from Reserves	-1,242	0	0	0	0
Government Grant Income	-11,117	-1,776	-1,776	0	0
<b>Total Income</b>	<b>-12,474</b>	<b>-1,823</b>	<b>-1,828</b>	<b>5</b>	<b>20</b>
<b>Net Operational Expenditure</b>	<b>-551</b>	<b>126</b>	<b>78</b>	<b>48</b>	<b>176</b>
<b>Recharges</b>					
Premises Support	156	39	39	0	0
Transport	20	5	5	0	0
Central Support	2,330	582	582	0	0
Asset Rental Support	0	0	0	0	0
HBC Support Costs Income	-482	-120	-120	0	0
<b>Net Total Recharges</b>	<b>2,024</b>	<b>506</b>	<b>506</b>	<b>0</b>	<b>0</b>
<b>Net Departmental Expenditure</b>	<b>1,473</b>	<b>632</b>	<b>584</b>	<b>48</b>	<b>176</b>



## Capital Programme as at 30 June 2023

## Appendix 3

Directorate/Department	2023/24 Capital Allocation	Allocation to Date	Actual Spend to 30 June 2023	Total Allocation Remaining	2024/25 Capital Allocation	2025/26 Capital Allocation
	£'000	£'000	£'000	£'000	£'000	£'000
<b>CHILDRENS DIRECTORATE</b>						
Asset Management Data	12	0	0	12	0	0
Capital Repairs	904	78	67	837	0	0
Asbestos Management	12	0	0	12	0	0
Schools Access Initiative	30	0	0	30	0	0
Basic Needs Project	279	1	0	279	0	0
Fairfield Primary School	283	1	0	283	20	0
Cavendish School	23	6	0	23	0	0
SEMH Free School	232	1	0	232	0	0
SEND capital allocation	3,200	80	73	3,127	0	0
SCA unallocated	84	0	0	84	0	0
Family Hubs	56	0	0	56	47	0
<b>TOTAL CHILDRENS DIRECTORATE</b>	<b>5,115</b>	<b>167</b>	<b>140</b>	<b>4,975</b>	<b>67</b>	<b>0</b>
<b>ADULT DIRECTORATE</b>						
Disabled Facilities Grant	650	170	162	488	600	600
Stair lifts (Adaptations Initiative)	200	50	41	159	270	270
RSL Adaptations (Joint Funding)	300	50	15	285	270	270
Telehealthcare Digital Switchover	300	0	0	300	0	0
Millbrow Refurbishment	200	40	31	169	0	0
Madeline McKenna Refurb.	1,000	140	138	862	0	0
St Luke's Care Home	100	25	18	82	0	0
St Patrick's Care Home	100	0	0	100	1,200	0
<b>TOTAL ADULTS DIRECTORATE</b>	<b>2,850</b>	<b>475</b>	<b>405</b>	<b>2,445</b>	<b>2,340</b>	<b>1,140</b>
<b>ENVIRONMENT and REGENERATION DIRECTORATE</b>						
Total Bridge & Highway Maintenance	3,133	75	75	3,058	0	0
Integrated Transport	549	0	0	549	0	0
CRSTS	7,140	617	617	6,523	0	0
SJB – Decoupling	0	0	0	0	0	0
Runcorn Busway	239	25	25	214	0	0
East Runcorn Connectivity (ERC)	1,577	785	785	792	0	0
A56 Reconstruction	947	0	0	947	0	0
Dukesfield ATL (Waterloo Bridge)	0	902	902	-902	0	0
LCWIP Phase 2 Daresbury	5,783	122	122	5,661	0	0
ATF3 Murdishaw to Whitehouse	3,000	0	0	3,000	0	0
ATF4 Widnes Town Centre Accessibility	122	0	0	122	0	0
SUD Green Cycle	0	2	2	-2	0	0
Street Lighting	876	7	7	869	200	200
Lighting Upgrades	1,269	85	85	1,184	0	0
Silver Jubilee Bridge - Lighting	531	0	0	531	0	0
Risk Management	578	1	1	577	120	120
Fleet Vehicles	6,280	49	49	6,231	1,147	1,423
SUD Green Cycle	0	0	0	0	0	0
Widnes Loops	0	0	0	0	0	0
Stadium Minor Works	34	2	0	34	30	30
Brookvale Pitch Refurbishment	28	1	13	15	0	0

## Capital Programme as at 30 June 2023...continued

Directorate/Department	2023/24 Capital Allocation	Allocation to Date	Actual Spend to 30 June 2023	Total Allocation Remaining	2024/25 Capital Allocation	2025/26 Capital Allocation
	£'000	£'000	£'000	£'000	£'000	£'000
Halton Leisure Centre	15,056	5,096	5,096	9,960	15,285	0
Open Spaces Schemes	851	82	45	806	600	600
Children's Playground Equipment	105	10	6	99	65	65
Upton Improvements	13	0	0	13	0	0
Crow Wood Park Play Area	12	0	1	11	0	0
Landfill Tax Credit Schemes	340	26	0	340	340	340
Runcorn Town Park	284	79	91	193	310	280
Spike Island / Wigg Island	1,023	241	4	1,019	964	0
Pickerings Pasture Café	520	125	0	520	0	0
Litter Bins	20	1	0	20	20	20
3MG	138	12	12	126	0	0
Murdishaw	29	0	0	29	0	0
Equality Act Improvement Works	352	56	56	296	300	300
Solar Farm Extension	8	0	0	8	0	0
Foundry Lane Residential Area	2,634	77	77	2,557	0	0
Kingsway Learning Centre Improved Facilities	35	0	0	35	0	0
Roof Top Garden	35	0	0	35	0	0
Property Improvements	224	16	16	208	200	200
Runcorn Station Building Development	514	30	30	484	0	0
Waterloo Building	93	0	0	93	0	0
UK Shared Prosperity Fund	17	0	0	17	126	0
Town Deal				0		
- Unlock Runcorn	176	10	10	166	2,829	250
- Brindley Theatre Enhancement	359	42	42	317	2,594	1,498
- Creative & Digital Skills Facility	845	69	69	776	2,064	443
- Town Centre New Homes - Rutland Street	282	0	0	282	0	0
- Health & Education Hub	44	12	12	32	0	0
- High Street Connectivity	201	6	6	195	1,055	1,463
- Enterprise Hub	62	0	0	62	0	0
- Programme Management	200	0	0	200	0	0
<b>TOTAL ENVIRONMENT and REGENERATION DIRECTORATE</b>	<b>56,558</b>	<b>8,663</b>	<b>8,256</b>	<b>48,302</b>	<b>28,249</b>	<b>7,232</b>
<b>CHIEF EXECUTIVE DIRECTORATE</b>						
ICT Rolling Capital Project	700	175	49	651	700	700
Transformation Programme	5,000	1,250	754	4,246	1,000	1,000
<b>TOTAL CHIEF EXECUTIVE DIRECTORATE</b>	<b>5,700</b>	<b>1,425</b>	<b>803</b>	<b>4,897</b>	<b>1,700</b>	<b>1,700</b>
<b>TOTAL CAPITAL PROGRAMME</b>	<b>70,223</b>	<b>10,730</b>	<b>9,604</b>	<b>60,619</b>	<b>32,356</b>	<b>10,072</b>
Slippage (20%) Carried Forward	-14,045				-6,471	-2,014
Slippage Brought Forward					14,045	6,471
<b>TOTAL</b>	<b>56,178</b>	<b>10,730</b>	<b>9,604</b>	<b>46,574</b>	<b>39,929</b>	<b>14,529</b>

## Progress Against Agreed Savings

## APPENDIX 4

### Adult Social Care

	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
ASC1	Housing Solutions	474	Remodel the current service based on good practice evidence from other areas.	0	0	125	✓	Expected to be achieved in 2025/26 budget year
ASC2	Telehealthcare	680	Explore alternative funding streams such as Health funding or Disabled Facilities Grants.	0	170	0	✓	Expected to be achieved in 2024/25 budget year
			Increase charges / review income.	0	170	0		
			Cease the key safe installation service.	0	15	0		
ASC11	Dorset Gardens Care Services	471	Cease onsite support and transfer to the domiciliary care contract.	275	0	0	U	To be achieved in current year, although full-year savings not realised
ASC17/18	Quality Assurance Team	395	Review the activities of the Quality Assurance Team, given there are fewer providers for domiciliary care and the transfer of four care homes into the Council.	35	0	0	✓	Current year savings achieved, and 2024/25 savings on target
			Merge the service with the	0	50	0		




			Safeguarding Unit.					
ASC12	Meals on Wheels	33	Increase charges to ensure full cost recovery. A procurement exercise will also be completed for the provision of food.	33	0	0	<input checked="" type="checkbox"/>	Charge increase implemented
ASC16	Shared Lives (Adult Placement Service)	115	Engage with an external agency currently operating Shared Lives to take over the running of this service. It is anticipated that this would provide an improved service.	0	58	0	<input checked="" type="checkbox"/>	Expected to be achieved in 2024/25 budget year
ASC19	Voluntary Sector Support	N/A	Review the support provided by Adult Social Care and all other Council Departments, to voluntary sector organisations. This would include assisting them to secure alternative funding in order to reduce their dependence upon Council funding. A target saving phased over two years has been estimated.	0	200	100	<input checked="" type="checkbox"/>	Expected to be achieved in the relevant budget years







ASC4	Positive Behaviour Support Service	349	Increase income generated in order to ensure full cost recovery, through increased service contract charges to other councils.  Review the Integrated Care Board contribution for Adults, to ensure the full recovery of related costs.	0  0	100  150	0  0	<input checked="" type="checkbox"/>  <input type="checkbox"/>	Expected to be achieved in 2024/25 budget year
ASC6	Bridge Builders	250	Restructure and incorporate within the Care Management front door service, introducing the services currently offered by Bridge Builders to all new referrals.	120	0	0	<input type="checkbox"/>	To be achieved in current year, although full-year savings not realised
ASC5	Mental Health Outreach Team	376	Streamline the service and focus on higher needs requiring joint funding from the Integrated Care Board.	140	0	0	<input type="checkbox"/>	Currently under review, full-year savings will not be realised
ASC21	Mental Health Team Carers Officer	38	Commission the Carers Centre to complete all Carers assessments or undertake the function through the Initial Assessment Team.	38	0	0	<input type="checkbox"/>	To be achieved in current year, although full-year savings not realised

ASC15	Learning Disability Nursing Team	424	Cease provision of this service. The service is a Health related function rather than Adult Social Care, but this is a historical arrangement. The Integrated Care Board would need to consider how they want to provide this function.	0	424	0	<input checked="" type="checkbox"/>	Expected to be achieved in 2024/25 budget year
ASC14	Care Management Community Care Budget	18,982	Attract £500k investment from the pooled budget (BCF) from 2024/25. Undertake work in years 1 and 2 to reduce reliance upon contracted services from 2025/26. Services are currently in the process of being redesigned on a “Strengths Based Approach” ie. focused upon prevention.	0	500	1,000	<input checked="" type="checkbox"/>	Expected to be achieved in the relevant budget years
<b>Total Adult Social Care Department</b>				<b>641</b>	<b>1,837</b>	<b>1,225</b>		



## Finance Department

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
F1	Client Finance	109	Increase by £3 per week the charge to clients for the Appointeeships Service to ensure full cost recovery.	45	0	0		Implemented in April 2023 and income budget increased accordingly
F6	Income Control	118	Removal of payment kiosks which are now significantly under-utilised and in need of replacement. The ceasing of annual rental and licence costs will provide a saving. Residents can instead make payments for council tax etc. via the numerous Paypoint outlets across the Borough.	20	0	0		Implemented April 2023 and expenditure budgets reduced accordingly
F8	Insurance	1,043	Reduction in the insurance budgets, following a review of claims history over recent years with advice from the Council's insurance broker. The majority of claims are provided for via self-insurance, with external policies providing cover for exceptional or potentially high cost claims.	135	0	0		Implemented April 2023 and expenditure budgets reduced accordingly

F9	Internal Audit	300	Restructure in light of potential retirements over the next two years within the Internal Audit Team.	0	0	50		Planned restructure to take place during 2024/25 and to be implemented 1 April 2025
F11	Purchase to Pay	27	Increase in the target income budgets for the Early Payment Scheme (£15k) and the Corporate Card Programme rebate (£15k)	30	0	0		Implemented 2023/24 income budgets increased accordingly
F12	Benefits Processing & Administration	216	Deletion of a 1.0fte vacant Housing Benefit Officer Post and a 0.5fte vacant Visiting Officer Post.	55	0	0		These two vacant posts accepted for a saving in 2023/24 and can be deleted from the structure.
F13	Discretionary Support Scheme	221	Review the roles, procedures and structure of the team.	0	25	0		A review of the DSS structure will be undertaken in 2024/25.
F15	Business Rates	-26	Increase the charge to Halton Chamber of Commerce for providing billing and collection of Business Improvement District (BID) income.	2	0	0		2023/24 operating agreement between the Council and Halton Chamber of Commerce still to be agreed.
F16	Concessionary Travel	1,892	Due to a decrease in passenger numbers following Covid, it is considered that the budget for concessionary travel costs can be reduced. The budget was underspent by £421k (20%) in 2021/22. A reduction in this	150	0	0		On Target

			budget will not prevent any eligible concessionary passenger from still being able to travel.					
F17	Council Tax	84	Increase the charges applied when a court summons is issued by 30% (£23), to achieve full cost recovery over the three year period.	40	40	40	<input checked="" type="checkbox"/>	On target, summons cost increased for 2023/24
F17 Cont.	Council Tax	N/A	Establish a new post dedicated to reviewing council tax exemptions. It is considered at least a 3% reduction in Single Person Discount awards could be achieved, generating approximately £150k of additional council tax income, less the cost of the new post.	116	0	0	<input checked="" type="checkbox"/>	Post appointed to and review of exemptions to commence over the next quarter.
F18	Financial Management - Treasury Management	1,152	Closer management of medium- to long-term cash balances will give greater opportunity to invest in higher interest bearing accounts due to increasing interest rates.	300	0	0	<input checked="" type="checkbox"/>	Interest payable on target to achieve increased target.
<b>Total Finance Department</b>				<b>893</b>	<b>65</b>	<b>90</b>		



## LEGAL AND DEMOCRATIC SERVICES DEPARTMENT

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
L4	Marketing, Design and Communications	45	Review the frequency of production of Inside Halton, as part of the wider consideration of the Council's communications strategy required for the Transformation Programme	0	15	0	U	The marketing and communications team has now moved within the Chief executives Delivery Unit so that they can review the frequency of production.
L5	Mayoral Services	102	Review the various budgets comprising the Mayoral function, with a target to achieve a 20% savings across these.	20	0	0	U	Looking at alternative ways to run the events and bring operations in line with other local authorities who have more independent/self-funded events. The savings should be on track to be met by the end of the year.
<b>Total Legal Services Department</b>				<b>20</b>	<b>15</b>	<b>0</b>		

## ICT AND SUPPORT SERVICES DEPARTMENT

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
ICT3	External Clients	N/A	Recharge the Youth Offending Services for the full cost of ICT services which are hosted by Halton, but have not thus far been recharged. This approach has been agreed by the Cheshire and Warrington partner councils.	232	0	0	U	Final figure still to be agreed with partner councils.
<b>Total ICT and Admin Department</b>				<b>232</b>	<b>0</b>	<b>0</b>		

## CHIEF EXECUTIVES' DELIVERY UNIT

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
PPPE1	Apprenticeships	198	Reduce the budget which provides for apprenticeship salaries by 50%. More apprenticeships will therefore be attached to vacant posts which are already budgeted for. This may particularly help to fill vacancies in areas where recruitment is difficult.	99	0	0		Reflected within the 2022/23 budget.
PPPE4	Organisational Development & Performance	383	Explore whether Organisational Development / Learning and Development activities could be rationalised and restructured to reduce cost, given there is currently a vacant post within the team.	65	0	0		Restructures to the team are currently being considered to help develop and change the way Organisational Development/Learning is carried out.
<b>Total CXDU Department</b>				<b>164</b>	<b>0</b>	<b>0</b>		

## CHILDREN AND FAMILIES DEPARTMENT



Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
C1	Ditton and Warrington Road Daycare Centres	52	Closure of Ditton and Warrington Road daycare centres, given the significant on-going net losses at both centres. Sufficient alternative provision exists nearby, as well as in the adjoining nursery schools.	26	26	0	<input checked="" type="checkbox"/>	The daycare centres will be closing in August 23. The centres will continue to be overspent in 23-24, however the savings should be realised in 24/25.
C2	Children's Centres	1,293	Reduce the opening hours of Children's Centres.	12	0	0	<input type="checkbox"/>	Initial indicators suggest saving unlikely to be made, but awaiting further clarification from Divisional Manager
			Review the operation of Windmill Hill Children's Centre, where there is the potential to save on premises and staffing costs.	0	0	22	<input type="checkbox"/>	Initial indicators suggest saving unlikely to be made, but awaiting further clarification from Divisional Manager
			Target to generate at least 5% additional income by increasing a range of charges at Children's Centres.	20	0	0	<input type="checkbox"/>	Initial indicators suggest saving likely to be made, but awaiting further clarification from Divisional Manager

C3	Children with Disabilities and Inglefield	858	Explore the potential for selling Inglefield and then purchase two bungalows within the community to provide a more appropriate setting.	0	112	0	U	Initial indicators suggest saving unlikely to be made, but awaiting further clarification from Divisional Manager
<b>Total Children &amp; Families Department</b>				<b>58</b>	<b>138</b>	<b>22</b>		



**EDUCATION, INCLUSION AND PROVISION DEPARTMENT**



Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
EIP1	Education Psychology Service	339	There is excess demand from schools for the Education Psychology Service. The service is valued and there is opportunity to expand our offer and generate additional income.	0	52	0	U	To be reviewed
EIP2	SEN Assessment Team	82	Consideration will be given to funding the full service costs from the High Needs Block of the Dedicated Schools Grant.	0	80	0	U	To be reviewed
EIP5	Commissioning	148	Review with Health colleagues how the Emotional Health and Wellbeing Service for Children in Care, Care Leavers and Carers could instead be provided by Child and Adolescent Mental Health Services (CAMHS) as they are commissioned by the Integrated Care Board.	0	148	0	U	To be reviewed

EIP5	Commissioning	291	Additional funding for Youth Grants has been confirmed for three years from the DfE Holiday Activity and Food Programme grant, therefore core budget can be released.	40	0	0		On target to be achieved
EIP9	Education Welfare Service	396	There has been increased buy-back of this service from schools and as a result the income budget can be increased.	60	0	0		On target to be achieved
<b>Total Education, Inclusion and Provision Department</b>				<b>100</b>	<b>280</b>	<b>0</b>		





## COMMUNITY & GREENSPACE DEPARTMENT

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
COMM1	The Brindley Theatre	64	Reduce Box Office opening hours from 10am-5pm Monday-Friday to 10am-2pm. Currently 80% of tickets are purchased online or by telephone and this is increasing each year.	10	0	0		Box Office core opening hours were reduced to 5 hours (Mon – Fri) 10am – 3pm. They will be realigned to 4 hours daily 11am – 3.00pm (Mon – Fri) from 1 September onwards.
			Replace all non-LED lighting in the building. This is estimated to reduce on-stage energy costs by 75%.	10	0	0		No LED lighting has yet been installed but is planned for later in the financial year.
COMM3	Sport & Recreation	471	Restructuring the roles and responsibilities of the Sports Development Team	0	36	0		On track to meet savings identified for 2024/25.
COMM4	Stadium & Catering Services	751	Franchise the concourse only catering services to an external operator.	50	0	0		
			An organisational restructure is currently being implemented for Stadium & Catering Services to	40	0	0		

			reflect recent service changes.					
COMM6	Area Forums	170	Reduce the base budget provision to £50k temporarily for one year, with all unspent monies in 2022/23 (currently £120k) being carried forward to be spent by the relevant Area Forums in 2023/24. The base budget position will then be reviewed for 2024/25.	120	-120	0	<input checked="" type="checkbox"/>	Implemented in 2023/24 budget setting.
COMM5	Stadium & Catering Services – School Meals	12	Cease to deliver the school meals service, which has made significant losses of over £200,000 for a number of years and is forecast to make a similar loss by year-end. Work would be undertaken with schools over the next two years to support them to secure an alternative means of delivery, whether in-house or via an external provider.	0	0	12	<input checked="" type="checkbox"/>	Work underway in school meals being delivered through alternative means
<b>Total Community &amp; Environment Department</b>				<b>230</b>	<b>-84</b>	<b>12</b>		






**ECONOMY, ENTERPRISE AND PROPERTY DEPARTMENT**

**APPENDIX A**

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
EEP1	Capital Works Team	N/A	Increase the level of fee income by increasing the percentage charged or charging by time, including those works not currently charged for.	10	0	0		On target.
EEP4	Cleaning Services – Council Buildings	580	Review cleaning arrangements, with a focus on only emptying bins and cleaning toilets daily.	0	100	0		Until the accommodation review is complete, only limited savings will be made in 2024/25
EEP2	Caretaking & Security Services	641	A review and restructuring of caretaking arrangements.	0	52	0		Restructure will take place in 24/25. It is anticipated the full saving will not be met in year.
			Reduce security cover at Halton Lea to provide opening/closing and then static guarding 7.00am to 7.30pm Monday to Friday, and 9.30am to 3.00pm on Saturdays to cover the opening hours of Halton Direct Link.	35	0	0		Cannot achieve savings for security due to anti-social behaviour in Halton Lea. Police have advised security is kept on site until this is resolved.

EEP5	Corporate Buildings	927	Generate additional rental income by providing additional office space for external organisations at Rutland House, by letting out the remaining three floors.	120	0	0	<input checked="" type="checkbox"/>	Reflected in 2023/24 budget.
EEP6	Facilities Management	165	Restructure the team in light of an expression of interest for retirement.	44	0	0	<input checked="" type="checkbox"/>	Reflected in 2023/24 budget.
EEP8	Technical Support & Market Team	392	Restructuring of the team	98	0	0	<input checked="" type="checkbox"/>	Reflected in 2023/24 budget.
<b>Total Economy, Enterprise &amp; Property Department</b>				<b>307</b>	<b>152</b>	<b>0</b>		

**POLICY, PLANNING AND TRANSPORTATION DEPARTMENT**

Ref.	Service Area	Net Budget £'000	Description of Saving Proposal	Savings Value			Current Progress	Comments
				23/24 £'000	24/25 £'000	25/26 £'000		
PPT1	Fleet Management & Maintenance	400	Reduction in the annual contribution to the Fleet Replacement Reserve.	40	0	0		Budget has already been removed and saving will be met in full
PPT2	Transport Coordination	484	Reduction in the provision of subsidised bus grants. Currently, 14 bus services are subsidised through contracts where there are no commercial services. Passenger utilisation of routes would be assessed to see where reductions can be applied with the least impact upon services.	50	0	0		Budget has already been removed but the expenditure is expected to see a significant rise as mentioned in the Q1 report. Therefore it is unlikely that the budget will see the saving.
PPT4	Schemes and Maintenance	1,056	Reduction of 6% in the programmed road maintenance budget.	60	0	0		Budget has already been removed and saving will be met in full
PPT5	School Crossings	70	Approach the Schools Forum to seek a contribution of at least 50% towards funding the school crossing patrol service, which is a non-statutory service.	35	0	0		Still waiting to take a report to Schools Forum to discuss further action
PPT6	Traffic	N/A	Consider introducing civil traffic enforcement for traffic violations. Employ private sector civil enforcement officers to issue fines and	0	150	0		This is a complex piece of work to take forward, it requires DfT to grant powers to Halton. The project also needs

			generate income. It would take 12 months to apply for powers from the DFT and put the scheme in place. The Environment & Urban Renewal Policy & Performance Board will consider this via a Topic Group.					resourcing, and the department is still awaiting capacity from the Accelerated Growth project.
<b>Total Policy, Planning &amp; Transportation Department</b>				<b>185</b>	<b>150</b>	<b>0</b>		





<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 <sup>th</sup> September 2023
<b>REPORTING OFFICER:</b>	Corporate Director: Chief Executive's Delivery Unit
<b>PORTFOLIO:</b>	Corporate Services
<b>SUBJECT:</b>	Transformation Programme Update
<b>WARDS:</b>	Borough wide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide an update on progress made within the Council's Transformation Programme.

### **2.0 RECOMMENDATION: That**

- 2.1 Executive Board note the contents of the update.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 The report to Executive Board on 13<sup>th</sup> July 2023 set out the steps taken in the infancy of the programme to develop the scope of the initial projects and embed programme methodology.
- 3.2 Work continues to develop these projects and to define the scope of additional projects within the programme. The schedule of projects in Appendix A has been updated to reflect this.
- 3.3 Early benefits have been realised within the 'A clear, affordable and appropriate SEND offer' project with cost avoidance of in excess of £300,000 identified.
- 3.4 Avoidance of these costs has been achieved through a combination of improved processes, decision making and rigour, staff training and improving data.
- 3.5 In addition, the realignment of Administrative Support services, which forms part of the 'Simplifying the Customer Journey' project is expected to realise savings in Quarter 3.
- 3.6 There has been a refocusing of programme support provided to Children's Social Care, which is coinciding with the Council's appointment of a permanent Director of Children's Social Services, and will provide robust direction for the focus of the work in this area.

#### **4.0 POLICY IMPLICATIONS**

At this stage no requirement for new or amended policies has been identified.

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 The estimated savings for the programme are outlined in Appendix B. This is a replication of the table in the report in June 2023, but will be replicated on a monthly basis as this must remain the Council's primary focus in the current financial climate.

5.2 The purpose of the Transformation Programme is to achieve these savings and progress against these targets. As savings start to be tracked and realised, they will be included in this monthly Board report.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

The Transformation Programme is designed to deliver activity to support the effectiveness of the Council that will cut across all priorities.

##### **6.2 Employment, Learning and Skills in Halton**

The Transformation Programme is designed to deliver activity to support the effectiveness of the Council that will cut across all priorities.

##### **6.3 A Healthy Halton**

The Transformation Programme is designed to deliver activity to support the effectiveness of the Council that will cut across all priorities.

##### **6.4 A Safer Halton**

The Transformation Programme is designed to deliver activity to support the effectiveness of the Council that will cut across all priorities.

##### **6.5 Halton's Urban Renewal**

The Transformation Programme is designed to deliver activity to support the effectiveness of the Council that will cut across all priorities.

#### **7.0 RISK ANALYSIS**

Governance arrangements will include a detailed risk register. These will be closely monitored throughout the course of each project and measures put in place to mitigate any risks arising. Any significant risks requiring action outside of the programme will be escalated accordingly.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

Equality Impact Assessments to be undertaken for each of the projects or components of projects where specifically required.

## **9.0 CLIMATE CHANGE**

Impacts on climate change will be considered for each of the projects where required. There are no identifiable impacts on climate change at this stage.

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

None under the meaning of the Act.

**APPENDIX A****TRANSFORMATION PROJECTS**

<b>Adults Directorate</b>	<p>Enabling greater independence and flexibility for adults <i>Areas of work now in progress include:</i></p> <ul style="list-style-type: none"> <li>- Supported Living - Review of service delivery model and accommodation provision for ALD</li> <li>- Supported Living - Pilot with PossAbilities to explore Individual Service Funds (ISFs)</li> <li>- Supported Living - Pilot with CIC to explore models of care which Support Independence Through Technology (SITT)</li> <li>- Review the suitability of Nursing care provision for ALD</li> </ul>
<b>Chief Executive's Directorate:</b>	<p>Maximising digital technology innovations across Adult Social Care</p> <p>Becoming an employer of choice <i>Areas of work now in progress include:</i></p> <ul style="list-style-type: none"> <li>- Developing a Values and Behaviours Framework</li> <li>- Developing an Employee Review Process</li> <li>- Creating an Employer Brand for Halton</li> <li>- Developing a new approach to engaging and managing Casual workers</li> <li>- Developing a suite of Workforce Reports to enable corporate oversight</li> <li>- Creating a programme of Reward Benchmarking</li> <li>- Reduction of Agency Spend – Care Homes</li> <li>- Reduction of Agency Spend – exploring new options for a managed service</li> <li>- Developing an Employer Value Proposition for Halton</li> </ul> <p>Simplifying the customer journey <i>Areas of work now in progress include:</i></p> <ul style="list-style-type: none"> <li>- Realignment of Administrative Support services</li> <li>- Simplifying the Customer Journey</li> <li>- Supporting the Council's Digital Journey</li> </ul>
<b>Children's Directorate</b>	<p>A stable, sustainable service that is improving outcomes for children, young people and families <i>Areas of work currently being scoped in response to the refocusing of resources.</i></p> <p>-</p> <p>A clear, affordable and appropriate SEND offer</p> <ul style="list-style-type: none"> <li>- Review of service operations (process, decision making, policy and use of data)</li> <li>- SEND Transportation</li> </ul>
<b>Environment &amp;</b>	<p>Maximising outcomes and opportunities <i>Areas of work now in progress include:</i></p>

<b>Regeneration Directorate</b>	<ul style="list-style-type: none"> <li>- Developing the Leisure offer - Brookvale Recreation centre feasibility study</li> <li>- Developing the Leisure offer – (Sub-projects to be identified)</li> <li>- Stadium - Commission a commercial review</li> <li>- Reducing the Cost of Waste - Increase recycling and reduce contamination</li> <li>- Reducing the Cost of Waste - Optimising Waste Operations</li> <li>- Reducing the Cost of Waste - The development of an enforcement strategy</li> </ul>
<i>Accelerating growth – sub projects in development</i>	

**APPENDIX B****ESTIMATED SAVINGS**

	<b>2023/24 (£)</b>	<b>2024/25 (£)</b>	<b>2025/26 (£)</b>
Adults / Adults with Learning Difficulties	1,034,802	4,139,208	5,174,010
Children's Services	301,959	1,207,835	1,509,793
Special Educational Needs	100,000	400,000	500,000
Accelerating Development & Growth Income & Asset Realisation	100,000	400,000	500,000
Optimised Services	463,239	1,852,957	2,316,197
<b>Totals</b>	<b>2,000,000</b>	<b>8,000,000</b>	<b>10,000,00</b>

**REPORT TO:** Executive Board

**DATE:** 14 September 2023

**REPORTING OFFICER:** Executive Director, Adult Services

**PORTFOLIO:** Adult Social Care

**SUBJECT:** Halton Borough Council and NHS Cheshire & Merseyside: Joint Working Agreement (Better Care (Pooled) Fund) – Key Decision

**WARD(S):** Borough-wide

## 1.0 PURPOSE OF THE REPORT

1.1 To present, for approval, the updated two year Joint Working Agreement (JWA) between Halton Borough Council (HBC) and NHS Cheshire & Merseyside (CM), taking effect from 1st April 2023 to 31st March 2025, and which replaces the previous one year JWA which was approved by Executive Board on 16<sup>th</sup> March 2023; updated JWA can be found at *Appendix 1*.

## 2.0 RECOMMENDATION: That the Board:

- i) **note the contents of the report and associated Appendix; and**
- ii) **approve the Agreement, with delegated authority to the Portfolio Holder for Adult Social Care and the Executive Director, Adult Services to finalise the new JWA.**

## 3.0 SUPPORTING INFORMATION

3.1 HBC and NHS CM (previously NHS Halton Clinical Commissioning Group) have had a JWA, including a pooled budget, in place for the commissioning of services for people with Complex Care needs since April 2013.

3.2 Since it's original development, the JWA and associated Pooled Budget has gone through a number of changes including the inclusion of the Better Care Fund in 2015 and the separating out of the Continuing Healthcare and Community Care budget elements in 2020.

3.3 Both HBC and NHS CM remain committed to developing our integrated approach to service delivery and transformation to improve the Health and Wellbeing of Halton residents.

3.4 With this in mind, in March 2023, we sought agreement from Executive Board to extend the current JWA for 12 months to allow time for a fuller review of the agreement to take place.

- 3.5 However, it was acknowledged by both parties that although the current agreement would need to be extended for 12 months, it did need to be amended/updated to reflect changes in organisational structure, governance arrangements associated with the JWA, Pooled Budget and One Halton Partnership governance arrangements.
- 3.6 Following approval in March 2023, national guidance was issued in respect to the requirements regarding the Better Care Fund Plan and that is was intended to be a two year plan (2023/25). Also further discussions took place between HBC and NHS CM regarding the governance arrangements in respect to the pooled budget arrangements which resulted in agreement to formally remove management of the Pooled Budget etc. from the One Halton Partnership governance arrangements.
- 3.7 In the main, this change has resulted in the establishment of a Joint Senior Leadership Team (JSLT) between HBC Adult Social Care and NHS CM.
- 3.8 The JSLT is responsible for the direction, oversight, monitoring of the BCF Plan and associated Pooled Budget. The JSLT is supported in this duty via the Better Care Commissioning Advisory Group (BCCAG). The BCCAG reviews in detail information pertaining to BCF Plan, impact of the Pool Budget, quality, performance, activity and finances, and make recommendations to the JSLT on remedial action plans or future use of the Pool as appropriate.
- 3.9 The new governance arrangements along with links to the two year Better Care Fund Plan has been reflected in the new JWA.
- 3.10 At the time of writing this report, the JWA is currently being taken through NHS CM's associated governance channels, at Place and at main Board level, for approval.
- 3.11 As such, in case any issues are encountered, the Executive Board are asked to give delegated authority to the Portfolio Holder for Adult Social Care and the Executive Director, Adult Social Services to finalise the new JWA, following approval by NHS CM.

#### 4.0 **POLICY IMPLICATIONS**

- 4.1 None identified.

#### 5.0 **OTHER/FINANCIAL IMPLICATIONS**

- 5.1 The Better Care (Pooled) Fund budget for 2023/24 is circa. £30m.

- 5.2 With effect from 1<sup>st</sup> April 2023, the pooled budget will include:-

- Better Care Fund and Improved Better Care Fund (iBCF)
  - Includes spend in areas such as Intermediate Care Services, Carers, Equipment Services, Care Homes, Domiciliary Care, Telecare, Supported Discharge, Community Respiratory and Rehabilitation Services



- Hospital Discharge Funding
- Disabled Facility Grant

## 6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### 6.1 **Children & Young People in Halton**

None identified

### 6.2 **Employment, Learning & Skills in Halton**

None identified.

### 6.3 **A Healthy Halton**

Those people who are in receipt of long term care whether that is funding from Health or Social Care are those people in our communities with some of the most clinically complex and severe on going needs, so it is essential we have effective mechanisms in place to ensure that people we provide services to receive appropriate outcomes.

The integrated system and pooled budget arrangements will continue to ensure that the resources available to both Health and Social Care are effectively used in the delivery of personalised, responsive and holistic care to those who are most in need.

### 6.4 **A Safer Halton**

None identified

### 6.5 **Halton's Urban Renewal**

None identified

## 7.0 **RISK ANALYSIS**

7.1 The JWA complies with the financial standing orders of HBC and NHS CM and the regulatory and monitoring arrangements contained within.

## 8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 None associated with this report.

## 9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 There are no environmental or climate implications as a direct result of this report.

## 10.0 **REASON(S) FOR DECISION**

10.1 Approval of the Agreement will continue to support both HBC and NHS CM in developing our integrated approach to service delivery and transformation to improve the Health and Wellbeing of Halton residents.

## 11.0 **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11.1 1. Allow the JWA to cease.

**12.0 IMPLEMENTATION DATE**

12.1 The two year JWA takes effect from 1<sup>st</sup> April 2023.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Joint Working Agreement between HBC and NHS Cheshire & Merseyside 1.4.23 – 31.3.24	Copy available via Email	Sue Wallace Bonner <a href="mailto:Susan.Wallace-Bonner@halton.gov.uk">Susan.Wallace-Bonner@halton.gov.uk</a> Tel: 0151 511 8825

**HALTON BOROUGH COUNCIL**

**AND**

**NHS CHESHIRE AND MERSEYSIDE  
INTEGRATED CARE BOARD**

**JOINT WORKING AGREEMENT  
Pursuant to S.75 of the National  
Health Service Act 2006**

**1<sup>st</sup> APRIL 2023 – 31<sup>st</sup> MARCH 2025**

**Relating to**

**Better Care (Pooled) Fund**

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Draft (a5.7.23)

**THIS AGREEMENT** dated 1st day of April 2023

MADE BETWEEN the following parties:-

- (1) **HALTON BOROUGH COUNCIL (HBC)**, Municipal Building, Kingsway, Widnes. WA8 7QF
- (2) **NHS CHESHIRE AND MERSEYSIDE INTEGRATED CARE BOARD (ICB)**, No 1, 920 Lakeside Dr, Centre Park Square, Warrington. WA1 1QY

**1. Definitions**

- 1.1 **“2006 Act”** means the National Health Service Act 2006
- 1.2 **“2022 Act”** means the Health and Care Act 2022
- 1.3 **“Budget Manager”** means any manager in HBC or the ICB with responsibility for a budget (not Pooled Fund) relating to the Services
- 1.4 **“Better Care Fund”** means the Better Care Fund as described in NHS England Publications Gateway Ref. No.00314 and NHS England Publications Gateway Ref. No.00535 as relevant to the Partners
- 1.5 **“Better Care Fund Plan”** means the plan agreed by the Parties and which is to be reviewed by the Parties and NHS England setting out the Parties plan for the use of the Better Care Fund
- 1.6 **“Capital Assets”** means (but not by way of limitation) the purchase, construction or replacement of a tangible asset which has a life of more than 12 months and a value exceeding £5,000)
- 1.7 **“Capital Expenditure”** means such sum exceeding Five Thousand Pounds (£5,000) expended from the Pooled Fund upon the purchase, construction or replacement of the Capital Assets
- 1.8 **“Client/Clients”** means a person or persons who satisfies the requirements of the Eligibility Criteria and is/are a member of the Client group.
- 1.9 **“Client Group”** means any person (adults) registered with a Halton GP and/or is a Halton resident, with care being provided for a disability or illness due to a physical, mental health or learning disability and satisfies the requirements of the Eligibility Criteria.
- 1.10 **“Eligibility Criteria”** means the Criteria agreed between the Parties as to the conditions to be satisfied for a Client to be a member of the Client Group.

- 1.11 **“Exempt Information”** means “such information which the Parties resolve that the remainder of their meetings be held in private because publicity would be prejudicial to the public interest or the effective conduct of public affairs etc...” as set out in Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960 and may include such matters as mentioned in Appendix 1
- 1.12 **“Financial Year”** means a year commencing on 1st April and ending on the following 31st March
- 1.13 **“Force Majeure Event”** means one or more of the following:
- (a) war, civil war (whether declared or undeclared), riot or armed conflict;
  - (b) acts of terrorism;
  - (c) acts of God;
  - (d) fire or flood;
  - (e) industrial action;
  - (f) prevention from or hindrance in obtaining raw materials, energy or other supplies;
  - (g) any form of contamination or virus outbreak; and any other event,
- in each case where such event is beyond the reasonable control of the Party claiming relief
- 1.14 **“HBC”** means Halton Borough Council
- 1.15 **“Health Related Functions”** means such of the functions of HBC as are prescribed in Regulation 6 of the Regulations as far as they relate to the Client Group
- 1.16 **“Host Party”** means the organisation responsible for the accounts and audit of the Pooled Fund Arrangements as prescribed in Regulation 7 of the Regulations
- 1.17 **“HWB”** means the Health and Wellbeing Board established by the Council pursuant to Section 194 of the Health and Social Care Act 2012
- 1.18 **“Integrated Commissioning”** means arrangements by which both Partners commission Services on behalf of each other in the exercise of both the NHS Functions and Council Health Related Functions through integrated structures
- 1.19 **“ICB”** means NHS Cheshire and Merseyside Integrated Care Board
- 1.20 **“ICB Statutory Duties”** means the Duties of the ICB pursuant to Sections 21 to 25 2022 Act
- 1.21 **“Joint Commissioning”** means a mechanism by which the Partners jointly commission a Service.

- 1.22 **“Joint Senior Leadership Team (JSLT)”** Means the Team whose role, function and rules are set out in Schedule 1 of this agreement
- 1.23 **“Lead Commissioner”** means the Partner responsible for commissioning the Services
- 1.24 **“Lead Commissioning”** means the arrangements by which one Partner commissions Services on behalf of the other Partner in exercise of both the NHS Functions and the Council Health Related Functions
- 1.25 **“NHS Functions”** means such of the functions of the ICB as prescribed in Regulation 5 of the Regulations as far as they relate to the Client Group
- 1.26 **“Better Care Commissioning Advisory Group (BCCAG)”** means the Group whose role, functions and rules of procedure are set out in Schedule 2 of this agreement
- 1.27 **“Parties”** means HBC and the ICB (and “Party” means either one of the Parties)
- 1.28 **“Pooled Fund”** means the Better Care Fund, including the minimum contribution from the ICB, iBCF and Disabled Facilities Grant, in accordance with the terms hereinafter appearing and in pursuance of the Pooled Fund Arrangements and which is pursuant to Regulation 7 of the Regulations
- 1.29 **“Pooled Fund Arrangements”** means the arrangements agreed by the Parties for pooling their resources and to be expended upon the costs of the Services and to be maintained in accordance with the requirements of clause 6 hereof
- 1.30 **“Pool Manager”** means the officer appointed by the Parties for the purposes of managing the Pooled Fund and authorising payments in accordance with the Scheme of Delegation from the Pooled Fund in respect of the costs of the Services. The Pool Manager is the Operational Director – Commissioning & Provision for HBC.
- 1.31 **“Provider”** Means a provider or providers of any of the Services commissioned under the arrangements set out in this agreement.
- 1.32 **“Regulations”** means the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 S.I. No.617 and any amendments and subsequent re-enactments



- 1.33 **“Revenue Budget”** means the annual budget agreed by the Parties made up of the Revenue Payments
- 1.34 **“Revenue Payments”** means such sums as contributed and paid by the Parties into the Pooled Fund at the commencement of the Term and thereafter on the 1<sup>st</sup> April of each subsequent year (if applicable) in accordance with the terms of Schedule 3 in respect of the costs incurred or to be incurred in paying for the Services
- 1.35 **“Scheme of Delegation”** means the delegated limits which apply to such members of the Parties authorised to take decisions for and on behalf of the Parties and to the Pool Manager for incurring expenditure out of the Pooled Fund as more particularly set out in Schedule 4
- 1.36 **“Service Contracts”** means the Contracts entered into by either one or all of the Parties for the purposes of commissioning the Services provided that such contracts may be in the form of service level agreements and entered into with voluntary, independent and public sectors
- 1.37 **“Services”** means the services of care and support provided for a disability or illness due to physical, mental health or learning disability provided such clients satisfy the Eligibility Criteria and which shall be provided in accordance with the Service Contracts including inter alia the aims and objectives set out in clause 4 hereto
- 1.38 **“Section 151 Officer”** means an Officer as required under Section 151 of the Local Government Act 1972. This requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer to have responsibility for those arrangements.
- 1.39 **“Term”** means the period beginning 1st April 2023 and ending 31st March 2025, subject to review as hereinafter set out

## **2. Recitals**

- 2.1 Pursuant to Section 75 of the 2006 Act the Parties have agreed to establish a Pooled Fund which may subsequently also include either Joint Commissioning, Integrated Commissioning or Lead Commissioning arrangements for the purposes of commissioning the Services in the exercise of the Health Related Functions or NHS Functions.
- 2.2 The objectives of the commissioning arrangements mentioned in clause 2.1 and the Pooled Fund Arrangements are to improve the services for Clients through closer working between the ICB and HBC and which is pursuant to the obligations upon the Parties to co-operate with each other as referred to in the Section 75 of the 2006 Act.

- 2.3 The commissioning arrangements mentioned in clause 2.1 and the Pooled Fund Arrangements proposed by this Agreement are intended to fulfill the objectives set out in the Better Care Fund Plan.
- 2.5 The provisions of this Agreement shall take effect on the 1<sup>st</sup> April 2023.

### **3. Governance**

- 3.1 Each Party will retain (notwithstanding the terms of this Agreement) the statutory responsibility for their respective functions carried out under the Pooled Fund Arrangements and the activity of their employees in the undertaking of NHS and/or social care duties.
- 3.2 The Parties have established a Joint Senior Leadership Team (JSLT), as a joint committee within the meaning of Regulation 10 (2) of the Regulations, for the purpose of monitoring and discharging their duties in relation to the strategic commissioning and provision of Services. The powers of the JSLT to undertake this role are derived from the JSLT's membership of Executive Members who have been given delegated authority from the Parties. The JSLT is not an autonomous body and does not therefore have legal status.
- 3.3 Governance arrangements exist within the Parties to address the issues of clinical governance, public accountability and probity as well as satisfy HBC and the ICB Standing Orders and prime financial policies and the ICB's Statutory Duties and HBC's Statutory Duties. The JSLT will monitor these partnership arrangements for the purposes of discharging these duties and governance arrangements when acting on behalf of the Parties and report to the Boards of the respective Parties as outlined in Schedule 1.
- 3.4 The Parties have established the Better Care Commissioning Advisory Group (BCCAG). The BCCAG will report directly to the JSLT. The BCCAG is not an autonomous body and does not have legal status and is responsible for implementing the strategic commissioning of the Services as advised by the JSLT and reporting to the JSLT upon the progress of the meeting those strategic objectives. Members of the BCCAG may, if authorised by the Parties within their respective scheme of delegation, authorise the commitment of expenditure and the entering into any contracts for the provision of the Services.
- 3.5 Decisions of the BCCAG and/or the Pool Manager, which are or are intended to be beyond their respective delegated authority limits or are inconsistent with the terms of this agreement, will require the prior approval and/or ratification as required by the respective schemes of delegation of the Parties organisations.

### **4. Joint Senior Leadership Team (JSLT)**

- 4.1 The JSLT is responsible for the direction, oversight, monitoring and use of the Pooled Budget. The JSLT will be supported in this duty via the BCCAG. The BCCAG will review in detail information pertaining to Pool impact, quality, performance, activity and finances, and make recommendations to the JSLT on remedial action plans or future use of the Pool as appropriate. The JSLT will receive a summary report from BCCAG meetings, setting out key issues and recommendations for decision as required.

### **5. Pooled Fund**

- 5.1 The Revenue Payments to be contributed by the Parties for the Financial Year

beginning 1<sup>st</sup> April 2023 are set out in Schedule 3.

- 5.2 The Pooled Fund will cover the expenditure on both staffing and Service Contracts by the Parties during the Term of this Agreement, the costs of which will be agreed by the Parties prior to each Financial Year.
- 5.3 The Parties may contribute additional amounts to the Pooled Fund during the term of this agreement whereupon the proportionate contribution of the Parties to the Pooled Fund will be adjusted accordingly for the purposes of dividing the Pooled Fund at the termination of the agreement as outlined in 11.3.1.
- 5.4 The management of and administration of the Pooled Fund shall be carried out in accordance with clause 6 and the terms and conditions set out in Schedule 3 and within the delegation limits set out in Schedule 4.
- 5.5 Parties may agree to establish other Pooled Fund arrangements in the event that other partnership arrangements are entered into for other services, in which event, details of those arrangements including the Host Party and the pooled fund manager will be agreed by the Parties.

## **6. Management of the Pooled Fund**

- 6.1 The Host Party for the purposes of this Agreement and of Regulation 7(4)<sup>1</sup> of the Regulations shall be HBC or such other Party as the Parties may from time to time unanimously agree.
- 6.2 The Parties will appoint an officer from time to time to be the Pool Manager for the purposes of Regulation 7(4) of the Regulations<sup>2</sup> who may delegate some or all of their functions as hereinafter set out. The Pool Manager shall be the Operational Director – Commissioning & Provision, HBC.
- 6.3 The Pool Manager shall ensure that the standard budgetary controls, standing orders, financial contract regulations and monitoring arrangements of the Host Party are complied with and all actions are taken within the Scheme of Delegation.
- 6.4 The Pool Manager shall manage the Pooled Fund within the Revenue Payments and shall submit monthly financial reports to the BCCAG and quarterly reports to the JSLT and Parties. The Pool Manager will ensure an end of year memorandum of accounts and balance sheet extract are prepared relating to the income and expenditure from the Pooled Fund and other information, which the Parties may reasonably require so that the Parties may monitor the effectiveness of the Pooled Fund arrangements. Financial reporting will comply with the audit requirements of both HBC and the ICB.

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<sup>1</sup> NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. S.I. 617

<sup>2</sup> NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. S.I. 617

- 6.5 The Revenue Budget for the Pooled Fund shall be agreed annually by the Parties and expenditure incurred shall be in accordance with the Scheme of Delegation. Revisions to the Revenue Budget must be jointly agreed by the Parties and reflected in the monthly financial reports presented to the BCCAG. The BCF Plan will be approved by the Health & Wellbeing Board.
- 6.6 The Pool Manager will provide, to the BCCAG and JSLT, all relevant information concerning specific grants and other funding initiatives so that development bids can be coordinated against the relevant funding.
- 6.7 Where the Pooled Fund is administered by HBC, it will arrange for the accounts of the Pooled Fund to be audited annually and shall request Grant Thornton or such other appointed Auditors agreed by the Parties to make arrangements to certify an annual return of those accounts under Section 28(1) (d) of the Audit Commission Act 1998.

## **7. Charges**

- 7.1 Charges do not apply to Clients eligible for Intermediate Care and Equipment Services in line with current national and local guidance.

## **8. Pooled Fund Audit and Monitoring Arrangements**

- 8.1 Grant Thornton or such other accountants agreed by the Parties will act as external auditors and will assume responsibility for auditing the Pooled Budget. HBC Internal Audit will also provide an independent review of the systems associated with the management of the Pooled Budget, in line with their Audit Plan.
- 8.2 Where the Pooled Fund is administered by HBC, the Section 151 Officer of HBC will ensure the Pool Manager receives a retrospective monthly Pooled Budget statement not more than one month after the end of the previous month. This will form the basis of the monthly finance report referred to in 6.4.
- 8.3 The Pool Manager will monitor and scrutinise the Pooled Budget statement and investigate discrepancies and report such discrepancies to the BCCAG.
- 8.4 Where the Pooled Fund is administered by the HBC procurement of, and payment for, all services and goods from the Pooled Budget will be undertaken using HBC's robust financial management system.
- 8.5 The Pool Manager will ensure that detailed financial reports are presented to the BCCAG and JSLT and they reflect the latest financial position.
- 8.6 Where the Pooled Fund is administered by HBC, it will prepare an end of year financial memorandum of accounts and extract balance sheet. Once the memorandum has been certified by Grant Thornton (or such other appointed Auditors), they will be presented to the BCCAG, JSLT and the Parties, by the Pool Manager.

## **9. Staff and Accommodation Relating to the Pooled Fund**

- 9.1 The Pool Manager shall for the purposes of this agreement be an employee of HBC or such other person as agreed by the Parties.
- 9.2 The Chair of the BCCAG shall lead within the BCCAG on implementing the commissioning priorities to achieve the required outcomes of this Agreement and the Pooled Fund Arrangements.
- 9.3 The Chair of the BCCAG will make recommendations to the JSLT and the Parties upon the type and level of staff and support required to ensure the successful operation of the Pooled Fund in consultation with the Pool Manager.
- 9.4 HBC and the ICB, following the recommendations of the BCCAG and JSLT, will provide the necessary staff accommodation and support services required in connection with the administration of the Pooled Fund Arrangements. This includes HBC Finance, HBC Administration support for meetings and HBC and ICB Commissioning.

## **10. Commissioning and Contracting Arrangements**

- 10.1 The BCCAG shall be responsible for overseeing the commissioning and contracting management of all the Services and prepare reports for the JSLT on the same.
- 10.2 In developing new commissioning proposals, the BCCAG will need to determine the appropriate contractual route for the provision of any of the Services. This may be the use of the NHS Standard Contract, a joint contract developed between the parties or a HBC contract. The JSLT shall review commissioning and contracting proposals, determine the appropriateness or otherwise of the proposals, report to the Parties, and obtain approval to the implementation of the proposals. Services approved by the Parties and commissioned through contracts and / or service level agreements shall be authorised on behalf of the Parties by the Chair of the BCCAG or such members of the BCCAG acting within their respective Schemes of Delegation.

## **11. Duration and Termination of this Agreement**

- 11.1 This agreement will commence on 1<sup>st</sup> April 2023 and terminate on 31<sup>st</sup> March 2025 provided that the Parties may agree to renew this Agreement at the expiration of the Term. Annual reviews of the viability of the agreement during the Term will be conducted by the BCCAG with recommendations to be made to the Parties by 1<sup>st</sup> March before the next relevant financial year.
- 11.2 Any of the Parties may terminate this agreement during the Term by the giving at least six months prior written notice to the other.
- 11.3 Upon the termination:-
  - 11.3.1 Each of the Parties shall in respect of any unspent Revenue Payments held by the Pooled Fund on behalf of the Parties, be entitled to be repaid from the Pooled Fund the contributions they shall have made to it in the same proportion as the contribution made at the beginning of the Financial Year, with any additional contributions made during the year taken into the proportioning.

11.3.2 None of the Parties will be obliged to make any further Revenue Payments to the Pooled Fund other than to discharge the reasonable costs, liabilities and expenses incurred by the Pooled Fund prior to the date of termination. HBC shall use its best endeavors to mitigate such costs, liabilities and expenses.

11.3.3 Upon the date of termination such of the Capital Assets purchased with monies provided from the Pooled Fund will be disposed of with the proceeds reverting to the Pooled Fund after taking into account the reasonable cost of disposal and the proceeds shall be discharged in accordance with the proportions set out in paragraph 11.3.1 above. Alternatively, with the agreement of the Parties ownership of a Capital Asset may transfer to one of the Parties on receipt of funds to the Pooled Fund by the acquiring Party equivalent to the value of the said asset on the date of termination.

## **12. Review**

12.1 The JSLT will, in addition to the BCCAG, review this agreement during the Term and report and make recommendations as to its viability and on progress to the Parties by the 1<sup>st</sup> Mach before the next relevant financial year.

## **13. Complaints**

13.1 Complaints and compliments relating to Services jointly commissioned by HBC and the ICB serving the Client Group will be dealt with in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

13.2 Any other complaints relating to the Services, which are the statutory responsibility of either Party to commission, shall be dealt with in accordance with their respective complaints policies.

## **14. Disputes**

14.1 The Parties will act together in good faith to resolve any dispute that may arise under this agreement. If the parties are unable to resolve a dispute then this will be escalated to the respective Party's Management Team for consideration. If at this point the dispute cannot be resolved then either party may require the matter to be referred to arbitration by either NHS England Regional Office or the Regional Government Office who will either adjudicate on the point at issue or will direct the parties as to the method of dispute resolution.

## **15. Contract (Rights of Third Parties) Act 1999**

15.1 Unless the right of enforcement is expressly provided, it is not intended that a third party should have the right to enforce a provision of this agreement pursuant to the Contract (Rights of Third Parties) Act 1999.

15.2 The parties may, by agreement, rescind or vary this agreement without the consent of a third party to which the right of enforcement of any of its terms has been expressly provided.

**16. Risk Management**

- 16.1 Each of the Parties shall assume responsibility (subject as set out below) for the liability for all claims which are related to their statutory functions and duties and arising from this agreement including clinical negligence, Professional indemnity, Employers and Public Liability, income tax, national Insurance, VAT or other taxation liabilities however arising. This assumption of liability also applies to existing contracts operated by the Parties and any liability arising therefrom. The Parties hereby each individually indemnify each other from any liability arising from this agreement. All new contracts awarded by HBC or the ICB on behalf of the Parties will require that the contractor (private or voluntary organisation) will provide their own indemnity insurance. Neither Party will accept any claims from the other Party, which relates to the period prior to the commencement of this agreement.
- 16.2 Subject to Clause 16.3, and 16.4, if a Party ("First Party") incurs a Loss arising out of or in connection with this Agreement or the Services Contract as a consequence of any act or omission of another Party ("Other Party") which constitutes negligence, fraud or a breach of contract in relation to this Agreement or the Services Contract then the Other Party shall be liable to the First Party for that Loss and shall indemnify the First Party accordingly.
- 16.3 Clause 16.2 shall only apply to the extent that the acts or omissions of the Other Party contributed to the relevant loss. Furthermore, it shall not apply if such act or omission occurred as a consequence of the Other Party acting in accordance with the instructions or requests of the First Party or the BCCAG.
- 16.4 If any third party makes a claim or intimates an intention to make a claim against either Party, which may reasonably be considered as likely to give rise to liability under this Clause 16. the Party that may claim against the other indemnifying Party will:-
- 16.4.1 as soon as reasonably practicable give written notice of that matter to the Other Party specifying in reasonable detail the nature of the relevant claim
- 16.4.2 not make any admission of liability, agreement or compromise in relation to the relevant claim without the prior written consent of the Other Party (such consent not to be unreasonably conditioned, withheld or delayed);
- 16.4.3 give the Other Party and its professional advisers reasonable access to its premises and personnel and to any relevant assets, accounts, documents and records within its power or control so as to enable the Indemnifying Party and its professional advisers to examine such premises, assets, accounts, documents and records and to take copies at their own expense for the purpose of assessing the merits of, and if necessary defending, the relevant claim
- 16.5 Each Party shall ensure that they maintain policies of insurance (or equivalent arrangements through schemes such as those operated by the National Health Service Litigation Authority) in respect of all potential liabilities arising from this Agreement.

- 16.6 Each Party shall at all times take all reasonable steps to minimise and mitigate any loss for which one party is entitled to bring a claim against the other pursuant to this Agreement

**17. Data Protection**

- 17.1 The Parties acknowledge their respective obligations under the General Data Protection Regulation (Regulation (EU) 2016/679) and/or UK GDPR Data Protection, Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 17.2 The Parties agree that each will facilitate the performance by the other of their obligations under the Acts, the Regulations and under any other legislation that requires disclosure of information.
- 17.3 The Parties will agree an Information Sharing Protocol for the sharing of the Client Group information if the need arises.

**18. Conflict of Interest**

- 18.1 The Partners shall comply with their respective policies for identifying and managing conflicts of interest.

**19. Force Majeure**

- 19.1 Neither Party shall be entitled to bring a claim for a breach of obligations under this Agreement by the other Party or incur any liability to the other Partner for any losses or damages incurred by that Party to the extent that a Force Majeure Event occurs and it is prevented from carrying out its obligations by that Force Majeure Event.
- 19.2 On the occurrence of a Force Majeure Event, the affected Party shall notify the other Partner as soon as practicable. Such notification shall include details of the Force Majeure Event, including evidence of its effect on the obligations of the affected Party and any action proposed to mitigate its effect.
- 19.3 As soon as practicable, following notification as detailed in Clause 19.2, the Party shall consult with each other in good faith and use all best endeavours to agree appropriate terms to mitigate the effects of the Force Majeure Event and, subject to Clause 20.4, facilitate the continued performance of the Agreement.
- 19.4 If the Force Majeure Event continues for a period of more than [sixty (60) days], either Partner shall have the right to terminate the Agreement by giving [fourteen (14) days] written notice of termination to the other Partner. For the avoidance of doubt, no compensation shall be payable by either Partner as a direct consequence of this Agreement being terminated in accordance with this Clause 19.



**20. Notices**

20.1 Any notice to be given under this Agreement shall either be delivered personally or sent by first class post or electronic mail. The address for service of each Party shall be as set out in Clause 20.3 or such other address as each Partner may previously have notified to the other Partner in writing. A notice shall be deemed to have been served if:-

20.1.1 personally delivered, at the time of delivery;

20.1.2 posted, at the expiration of forty eight (48) hours after the envelope containing the same was delivered into the custody of the postal authorities; and

20.1.3 if sent by electronic mail, at the time of transmission and a telephone call must be made to the recipient warning the recipient that an electronic mail message has been sent (as evidenced by a contemporaneous note of the Partner sending the notice) and a hard copy of such notice is also sent by first class recorded delivery post (airmail if overseas) on the same day as that on which the electronic mail is sent.

Draft (a5.1.2)

20.2 In proving such service, it shall be sufficient to prove that personal delivery was made, or that the envelope containing such notice was properly addressed and delivered into the custody of the postal authority as prepaid first class or airmail letter (as appropriate), or that the electronic mail was properly addressed and no message was received informing the sender that it had not been received by the recipient (as the case may be).

20.3 The address for service of notices as referred to in clause 20.1 shall be as follows unless otherwise notified to the other Partner in writing:-

20.3.1 if to the Council, addressed to the

Executive Director for Adults  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF  
Tel: 0151 511 8825

and

20.3.2 if to the ICB, addressed to the

Place Director for Halton, c/o NHS Cheshire and Merseyside Integrated Care Board  
No 1, 920 Lakeside Dr,  
Centre Park Square  
Warrington.  
WA1 1QY  
Tel: 07798 534553

## **21. Variation**

21.1 No variations to this Agreement will be valid unless they are recorded in writing and signed for and on behalf of each of the Partners.

## **22. Change in Law**

22.1 The parties shall ascertain, observe, perform and comply with all relevant Laws, and shall do and execute or cause to be done and executed all acts required to be done under or by virtue of any Laws.

22.2 On the occurrence of any Change in Law, the Partners shall agree in good faith any amendment required to this Agreement as a result of the Change in Law subject to the Partners using all reasonable endeavours to mitigate the adverse effects of such Change in Law and taking all reasonable steps to minimise any increase in costs arising from such Change in Law.

**23. Waiver**

23.1 No failure or delay by any Partner to exercise any right, power or remedy will operate as a waiver of it nor will any partial exercise preclude any further exercise of the same or of some other right to remedy.

**24. Severance**

24.1 If any provision of this Agreement, not being of a fundamental nature, shall be held to be illegal or unenforceable, the enforceability of the remainder of this Agreement shall not thereby be affected.

**25. Assignment and Sub Contracting**

25.1 A Party shall not sub contract, assign or transfer the whole or any part of this Agreement other than to a statutory successor of all or part of a Party's statutory functions.

**26. Exclusion of Partnership and Agency**

26.1 Nothing in this Agreement shall create or be deemed to create a partnership under the Partnership Act 1890 or the Limited Partnership Act 1907, a joint venture or the relationship of employer and employee between the Partners or render either Partner directly liable to any third party for the debts, liabilities or obligations of the other.

26.2 Except as expressly provided otherwise in this Agreement or where the context or any statutory provision otherwise necessarily requires, neither Partner will have authority to, or hold itself out as having authority to:-

26.2.1 act as an agent of the other;

26.2.2 make any representations or give any warranties to third parties on behalf of or in respect of the other; or

26.2.3 bind the other in any way

**27. Governing Law and Jurisdiction**

27.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of England.

27.2 Subject to Clause 14 (Dispute), the Partners irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to hear and settle any action, suit, proceedings, dispute or claim, which may arise out of, or in connection with, this Agreement, its subject matter or formation (including non-contractual disputes or claims).

**28. Partnership Flexibilities**

- 28.1 The Partners may during the Term of this agreement establish one or more of the following in the commissioning and contracting of the Services:
- 28.1.1 Integrated Commissioning
  - 28.1.2 Joint Commissioning
  - 28.1.3 Lead Commissioning
- 28.2 The process where decisions will be made in respect to which arrangements would apply will be made in line with the process as outlined in Clause 10 of this Agreement.
- 28.3 In developing these arrangements, the Council may delegate to the ICB and the ICB agrees to exercise, on the Council's behalf, the Health Related Functions to the extent necessary for the purpose of performing its obligations under this Agreement in conjunction with the NHS and Council Health Related Functions.
- 28.4 In developing these arrangements, the ICB may delegate to the Council and the Council agrees to exercise on the ICB's behalf the NHS Functions to the extent necessary for the purpose of performing its obligations under this Agreement in conjunction with the Council Health Related Functions.
- 28.5 Where the powers of a Party to delegate any of its statutory powers or functions are restricted, such limitations will automatically be deemed to apply to the relevant Service and the Parties shall agree arrangements designed to achieve the greatest degree of delegation to the other Party necessary for the purposes of this Agreement which is consistent with the statutory constraints.

**29. Commissioning Arrangements**

The following shall apply to Integrated Commissioning:-

- 29.1 Where there are Integrated Commissioning arrangements in respect to the commissioning of a Service, both Parties shall work in cooperation and shall endeavor to ensure that the NHS Functions and Council Health Related Functions are commissioned with all due skill, care and attention.
- 29.2 Both Parties shall be responsible for compliance with and making payments of all sums due to a Provider pursuant to the terms of each Service Contract.
- 29.3 Both Partners shall work in cooperation and endeavor to ensure that the relevant Services are commissioned within each Parties financial contribution in respect of that particular Service in each Financial Year.

**30. Appointment of a Lead Commissioner**

- 30.1 Where the Parties agree that there are to be Lead Commissioning Arrangements the Lead Commissioner shall:-
- 30.1.1 exercise the NHS Functions in conjunction with the Council Health Related Functions
  - 30.1.2 endeavour to ensure that the NHS Functions and Council Health Related Functions are funded within the parameters of the financial contributions of each Party in relation to each particular Service in each Financial Year
- 30.2 Commission Services for individuals who meet the respective Eligibility Criteria.
- 30.3 Contract with a Provider(s) for the provision of the Services on terms agreed with the other Party.
- 30.4 Comply with all relevant legal duties and guidance of both Parties in relation to the Services being commissioned.
- 30.5 Where Services are commissioned using the NHS Standard Form Contract, perform the obligations of the “Commissioner” and “Co-ordinating Commissioner” with all due skill, care and attention and where Services are commissioned using any other form of contract to perform its obligations with all due skill and attention.
- 30.6 Undertake performance management, quality surveillance and contract monitoring of all Service Contracts.
- 30.7 Make payment of all sums due to a Provider pursuant to the terms of any Services Contract.
- 30.8 Via the BCCAG, keep the other Party regularly informed of the effectiveness of the arrangements including the Better Care Fund and any overspend or underspend in a Pooled Fund.

## SIGNATURES SHEET

**SIGNED on behalf of**

**HALTON BOROUGH COUNCIL**

**XXXXXX**

**(signature)**

**SUE WALLACE-BONNER**

**(print name)**

**EXECUTIVE DIRECTOR FOR ADULTS**

**(position)**

**(duly authorised in that behalf)**

**SIGNED on behalf of**

**NHS CHESHIRE AND MERSEYSIDE INTEGRATED CARE BOARD**

**XXXXXX**

**(signature)**

**GRAHAM URWIN**

**(print name)**

**CHIEF EXECUTIVE**

**(position)**

**(duly authorised in that behalf)**

## **Schedule 1: Role, Function and Rules of the Joint Senior Leadership Team (JSLT)**

- S1.1 In this Schedule, “member” or “members” shall be defined by reference to the bodies (as amended from time to time as hereinafter set out) as set out in this Schedule 1
- S1.2 There will be regular reviews of the composition of the JSLT in order to reflect any changes in the Parties and members or in national guidance or legislation.
- S1.3 Any of the Parties may from time to time replace or fill a vacancy of one or more of its appointees to serve on the JSLT.
- S1.4 Each of the Parties shall appoint named persons as substitute members who shall attend meetings of the JSLT in the absence of the member for whom they are a substitute member.
- S1.5 The JSLT may co-opt persons to sit on the JSLT for a fixed period or to assist with specific matters.
- S1.6 The JSLT is chaired jointly, on a 6 monthly rotational basis, by the Executive Director for Adults, Halton Borough Council and the Halton Place Director, Cheshire & Merseyside Integrated Care Board.
- S1.7 The Chair shall preside over the JSLT meetings. If the Chair is not present then the Vice-Chairperson shall preside. If neither the Chair nor the Vice-Chairperson is present, the members of the JSLT present shall select a Chair for the meeting from the members who are present at the meeting. The Sub-Committee will elect a Vice-Chair from within its membership, but like the Chair, will also rotate on a 6 monthly basis.
- S1.8 The JSLT shall meet on a quarterly basis. The timing of the meeting may change in exceptional circumstances with the agreement of the Parties and the Chair. Reports and agendas shall be circulated, wherever possible, to the members at least five working days in advance of the said meeting. The agenda papers shall be sent to the members of the JSLT and to such other persons and agencies who would normally receive the papers had the Parties been reporting to their own respective boards in respect of funding arrangements. Any items or matters, which are deemed to be exempt from discussion in public or before the press must be properly and clearly marked and endorsed with the reason thereof. For Exempt Information see definition 1.11 on Page 5 and for further information Appendix 1.
- S1.9 The minutes of all meetings of the JSLT shall be sent to members of the the JSLT within 7 working days of the said meeting.
- S1.10 Extraordinary meetings of the JSLT may be called at any time upon a request by at least one third of the members and giving at least 5 working days prior written notice.
- S1.11 The members of the JSLT may be authorised by the Parties within the Service of Delegation (which is received through their respective organisation’s own financial scheme of delegation) to agree Lead Commissioning, Integrated Commissioning or Joint Commissioning Arrangements for the purposes of the provision of the Services.

S1.12 Members of the JSLT must disclose an interest when a meeting will be considering an item in which they have a personal interest and are likely to benefit. Members must disclose an interest to the Chair in advance of the meeting should withdraw from the meeting until the item has been discussed. This should be noted within the minutes.

S1.13 The role of the JSLT is to provide direction, oversight, monitoring and use of the Pooled Budget. The JSLT will be supported in this duty via the Better Care Commissioning Advisory Group (BCCAG). The BCCAG will review in detail information pertaining to Pool impact, quality, performance, activity and finances, and make recommendations to the JSLT on remedial action plans or future use of the Pool as appropriate. The JSLT will receive a summary report from BCCAG meetings, setting out key issues and recommendations for decision as required.

S1.14 The JSLT will encourage the full use of the Health Act Flexibilities as defined within the 2022 Act.

S1.15 As part of the JSLT's responsibility for the overseeing, monitoring and use of the Pooled Fund Arrangements for the Services, they will receive reports and information on the operation of the same from the Pool Manager and the BCCAG.

#### S1.16 **Membership**

Membership of the JSLT will consist of the following representatives:-

##### ***NHS Cheshire & Merseyside***

- Place Director (Halton Place)
- Associate Director of Transformation & Partnerships
- Associate Director of Quality & Safety Improvement
- Associate Director of Finance & Performance

##### ***Halton Borough Council***

- Executive Director for Adults
- Operational Director, Commissioning & Provision
- Operational Director, Care Management & Safeguarding & Adults  
Principal Social Worker

S1.17 The JSLT has the right to co-opt non-voting members and invite non-voting individuals to attend for specific issues.

S1.18 Any of the Parties may from time to time replace one or more of its representatives to serve on the JSLT.

S1.19 Any member of the JSLT wishing to resign shall give written notice to the Chair who shall report the matter to the JSLT. Members from HBC and the ICB shall cease to be members of the Board where their employment with or elected membership of HBC and the ICB ceases.

S1.20 The JSLT will be accountable to the respective Parties Boards.

S1.21 The minutes of all meetings shall be sent to the BCCAG within 7 working days of the said meeting.



S1.22 The JSLT shall adhere to the role, function and constitution as laid out in Schedule 1.

S1.23 Any decisions of the JSLT must have the approval of the respective Parties Boards, unless otherwise delegated to the members of the JSLT as set out in their respective Schemes of Delegation.

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## **Schedule 2: Role, Function and Rules of the Better Care Commissioning Advisory Group (BCCAG)**

- S2.1 In supporting an aim of ensuring the optimum and best use of place based resources in Halton, key responsibilities of the BCCAG include:-
- S2.2 To monitor performance of the Better Care Fund plan, including achievement of the Plan's aims and ambitions, and overall plan and service performance, quality, activity and finance measures.
- S2.3 To develop and prepare the performance management framework, incorporating, BCF mandated measures alongside Place-specific outcome, performance quality, activity and financial measures, identifying and recommending remedial actions to address under performance.
- S2.4 To identify, develop and make recommendations to the JSLT on the alignment of budgets, focusing on the overall aim of improving the local health and care system to deliver better outcomes for Adults in Halton
- S2.5 To be responsible for overseeing the management, monitoring and use of agreed Aligned Budgets and the Better Care (Pooled) Fund, through monthly reports, for onward reporting to the JSLT.
- S2.6 To be responsible for monitoring contractual relationships with Providers financed by the Better Care (Pooled) Fund and agreed Aligned Budgets, through the implementation of a performance management framework (performance, activity, finance and quality), ensuring that over or under performance is quantified in financial terms as well as activity and quality terms, for onward reporting to the JSLT.
- S2.7 Based on financial and performance information available, develop and make recommendations to the JSLT, impacting on the strategic, commissioning and operational direction of Adult Services in Halton.
- S2.8 Develop and monitor a Risk Register, as it pertains to the Better Care (Pooled) Fund and Aligned Budgets and associated activities, and make recommendations to the JSLT, as required, on any associated financial recovery proposals/plans necessary.
- S2.9 Ensure that robust Joint Working Agreements/Section 75's associated with agreed Place Based Budgets/Pooled Budgets are developed, effectively implemented and reviewed as necessary.
- S2.10 To be responsible for implementation of the decisions of the JSLT as they relate to the Better Care (Pooled) Fund and agreed Aligned Budgets.
- S2.11 To analyse government policies, local and national research and audit and national information relating to care and support services and present such information to the JSLT as they pertain to Adult Care and Support Services in Halton, funded via the Better Care (Pooled) Fund and Aligned Budgets.
- S2.12 Meetings of the BCCAG shall be held monthly. Draft minutes will be issued to Group members within 7 days of its meeting.

S2.13 The BCCAG will be accountable to the Parties via attendees at the Group and via formal reporting through to the JSLT. A finance report will be presented to the JSLT following consideration by the BCCAG.

S2.14 The members of the BCCAG may be authorised by the Parties within the Scheme of Delegation (which is received through their respective organisations own financial scheme of delegation) to authorise expenditure from the Pooled Fund where it is not within the delegated limits of the Pooled Fund Manager and the entering into Service Contracts with a Provider.

**S2.15 Membership**

The BCCAG is chaired, jointly, on a rotational basis, by HBC Operational Director, Commissioning & Provision and the Associate Director of Transformation and Partnerships (Halton Place), NHS Cheshire and Merseyside. Membership of the Sub Group will consist of the following representatives:-

- Operational Director, Commissioning & Provision, HBC (Joint Chair)
- Finance Manager, HBC
- Commissioning & Development Manager, HBC
- Associate Director of Transformation and Partnerships (Halton Place), NHS Cheshire and Merseyside (Joint Chair)
- Head of Programmes – UEC & Aging Well (Halton Place), NHS Cheshire and Merseyside
- Head of Finance (Halton Place), NHS Cheshire and Merseyside

S2.16 The rotation of the joint chair will occur every 6 months. The Chair for the initial 6-month period will be the HBC Operational Director, Commissioning & Provision. In line with the rotation of the Chair, administrative support for the BCCAG will also rotate as necessary.

S2.17 The BCCAG may co-opt members for the purposes of providing expertise to the BCCAG in relevant matters.

S2.18 Members of the BCCAG have collective responsibility and accountability for its decisions that further the aim of parties in improving the outcomes of local residents. Due to this approach, the BCCAG will not require a quorum in respect of specific numbers of representatives from HBC or NHS Cheshire and Merseyside.

## **Schedule 3: Finance**

### **S3.1 Contributions – Financial Year 2023/24**

S3.1.1 For the purposes of Paragraph 5, the Better Care (Pooled) Fund for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 is set out below (subject to variation as agreed between the Parties):-

Better Care (Pooled) Fund: £29,891,440

Breakdown of the above budget is outlined in Appendix 2.

S3.2.1 The contributions will be determined by the respective Parties and agreed by 1<sup>st</sup> March.

### **S3.2 Additional Funds**

S3.2.1 If any additional funding related specifically to the Better Care Fund becomes available to any of the Parties during the Financial Year the Pool Manager should be advised of such circumstances and the funds shall be transferred to HBC or the ICB dependent on who is the host party, for inclusion in the Pooled Fund.

### **S3.3 Variations of Contributions**

S3.3.1 If in exceptional circumstances any of the Parties should wish to reduce their contributions to the Pooled Fund during the Term of this agreement by a sum which would exceed 5% of their annual contribution, then such party shall serve six months previous notice in writing upon the other.

### **S3.4 Overspends**

S3.4.1 The Pooled Fund shall be managed by the Pool Manager with the intention of producing a balanced budget at the end of the financial Year.

S3.4.2 In the event that the Pool Manager identifies (at any period during the financial year) that there will be insufficient budgetary provision to meet the likely expenditure for the Financial Year then this shall be reported to the BCCAG. That report shall clearly set out a validated finance and activity position and a clear rationale for why expenditure is expected to exceed the budget. Any party may request an audit of that report to assure the BCCAG of the actual position and to support the development of a remedial action plan. The report shall also articulate any risks associated as a consequence of insufficient funds being available. At such point, the lead commissioner for the service will be consulted and remedial action considered against that party to support the collective management of the pooled budget.

S3.4.3 In the event referred to in paragraph S3.4.2 the following procedure will take effect:-

S3.4.3.1 The BCCAG will be convened within 2 weeks of the report by the Pool Manager to produce a financial plan to address the budget insufficiencies within the existing Pool Fund allocation.

S3.4.3.2 The financial plan will be presented to the Parties for discussion and agreement within 4 weeks of the report by the Pool Manager.

S3.4.3.3 Where the Pool Fund is unlikely to be able to meet the agreed contractual duties of this Agreement then the Pool Manager may make proposals, supported by the respective commissioning lead, to the BCCAG including a reduction in service activity, and seek further action of the Parties as special conditions for the temporary support of the budget. In the event of any agreed reduction in service an Equality Impact Assessment and Quality Impact Assessment will be required in advance of any reductions in service being actioned.

S3.4.3.4 Prior to the implementation of the financial plan referred to above at S3.4.3.2 any conditions which the Pool Manager shall seek to impose including amendments to this Agreement shall first be agreed with the Parties.

Where emerging pressures are identified to be supported by the BCCAG, through integrated commissioning arrangements, an appropriate risk share agreement will be established to support such responses.

S3.4.4 In the event that there is an overspend on the Pooled Fund at the end of the relevant financial year, then the Pool Manager shall seek agreement through the BCCAG to either:-

S3.5.4.1 Carry forward the overspend into the next financial year; or

S3.5.4.2 To offset the overspend, seek additional funding from the parties.

### **S3.5 Termination of this Agreement**

S3.5.1 At the expiration of the Term or at any other date of termination as hereinbefore referred to, any surplus of monies held in the Pool Fund shall be repaid to the Parties in such proportion, as is equal to their respective contributions made during the Term of this agreement, subject to Audit approval.

S3.5.2 If the parties agree to renew this Agreement at the expiration of the Term and there is a surplus of monies, representing an underspend, held in the Pool Fund, then it shall be rolled over into the next successive Financial Year, unless otherwise agreed by the parties.

### **S3.6 S.151 Officer / Chief Finance Officer for the ICB**

S3.6.1 The Pool Manager will be accountable for managing the Pooled Fund and reporting to the HBC's Operational Director (Finance), who is the officer appointed by HBC for the purposes of S.151 of the Local Government Act 1972 and S.114 of the Local Government Finance Act 1988 or to the ICB's Chief Finance Officer where the ICB is the Host Party.

### **S3.7 ICB's and HBC's Financial Standing Orders and Finance Regulations**

S3.7.1 The ICB's and HBC's Financial Standing Orders will apply to the operation of the Pooled Fund.

S3.7.2 All Service Contracts and conditions of either of the Parties existing at the commencement of this agreement will be honoured until the date of their expiry. Any new Service Contracts entered into by either Party will be made in accordance with paragraph 3.7.1.

### **S3.8 Monitoring and Reporting Arrangements**

S3.8.1 The ICB or HBC (depending upon who is the Host Party) will provide the Pool Manager with monthly budget reports on the Pooled Fund and any expenditure incurred from the same. Where expenditure is incurred on behalf of the Pooled Fund by the Parties or those it commissions to carry out such work then those agencies will be required to record the detailed transactions within their accounting systems and provide monthly reports (in a format to be agreed by the Parties) to either the ICB or the HBC for inclusion within the monthly Pooled Fund reports to the BCCAG.

### **S3.9 VAT**

S3.9.1 The Parties shall agree the treatment of the Pooled Fund for VAT purposes in accordance with any relevant Guidance from HM Customs and Excise.

### **S3.10 Expenses**

S3.10.1 Any expenses as agreed by the JSLT incurred by service users and carers in attending meetings of the BCCAG or JSLT may be paid from the Pooled Fund in accordance with the ICB or the HBC subsistence and travel rules and the expenses of any other members of the BCCAG or JSLT shall be met by their employers or respective body.

### **S3.11 Payment Arrangements**

- S3.11.1 In the event of the ICB making its Revenue Payment to the Pooled Fund hosted by HBC such payment shall be by monthly installments within 5 working days of the start of each quarter month commencing on 1<sup>st</sup> April 2023 on production of an invoice from HBC with any relevant supporting documentation provided that such payment to the HBC will be dependent upon receipt of the Revenue Payments made into the Pooled Fund by the HBC.
- S3.11.2 In the event of the HBC making its Revenue Payment to the Pooled Fund hosted by the ICB such payments will be made in 12 equal monthly installments on receipt of an appropriate invoice and where necessary, with supporting documentation on 15<sup>th</sup> of each month commencing from 15<sup>th</sup> April 2023 provided that such payment to the ICB will be dependent upon receipt of the Revenue Payments made into the Pooled Fund by the ICB.

### **S3.12 Efficiency Savings**

- S3.12.1 The Pooled Fund will have to demonstrate that it is achieving the required efficiency targets set by the Parties.

### **S3.13 Capital Expenditure**

- S3.13.1 Capital expenditure for the purchase of Capital Assets cannot be incurred without the prior written approval of the BCCAG and Section. 151 officer and the ICB's Chief Finance Officer.
- S3.13.2 In the event of approval being given as in clause S3.13.1 the Parties shall decide which of them shall purchase and own the Capital Assets on behalf of the Parties and thereafter be responsible for the maintenance, repair, renewal and insurance costs of the Capital Assets on behalf of the Parties.
- S3.13.3 The Pool Manager shall be responsible for producing and thereafter maintaining a register of Capital Assets purchased from the Pooled Fund.
- S3.13.4 On the disposal or sale of any of the Capital Assets, either during the Term of this agreement or upon termination of the same (for whatever reason) the net proceeds from such disposal or sale shall be returned by the Pooled Fund.
- S3.13.5 If the proposed cost of any of the Capital Assets shall exceed £5,000 (other than those purchased through the Disabled Facilities Grant) then such cost shall not be funded from the Pooled Fund but shall require the submission and preparation by a manager of an initial Business Case to be made to the BCCAG which shall, if it accepts the validity of the Business Case, then refer such request for making a formal bid or request whether by submission of a formal Business Case for approval or otherwise to the appropriate statutory funder for such monies and if approved such Party shall retain legal ownership of the Capital Assets.

S3.13.6 In the event of either Party receiving Capital Expenditure grant from the Government or other public department a protocol will be agreed by the BCCAG, taking advice from the S.151 officer of the HBC and the Chief Finance Officer of the ICB as to how such monies may be returned to the relevant party on termination of this Agreement howsoever accruing.

### **S3.14 Specific Grants**

S3.14.1 It is recognised by the Parties that the contribution to the Pooled Fund made by HBC and the ICB will not initially include specific grant monies from the Department of Health & Social Care. In the event that specific grant monies become available for the Client Group the process described at S3.2.1 is to be followed, if the parties wish for the monies to be included in the Pooled Fund.

S3.14.2 In the event that such grants monies are withdrawn none of the Parties shall be required to fund such shortfall from its own resources and the Parties shall inform the JSLT and the Pool Manager of such event arising as soon as reasonably practicable.

S3.14.3 The Parties shall apply such information detail and audit evidence relating to the expenditure incurred by the Pooled Fund as may be required by the Parties and their auditors to satisfy any of the conditions which may have been imposed upon the Parties by the relevant funding body on receipt of such grant monies including evidence of the activities upon which such expenditure was incurred

### **S3.15 Budget Timetable**

S3.15.1 The annual HBC Budget for the whole Council will be set in accordance with the HBC's Corporate Budget Setting Process, identified below and which shall include those monies to be contributed by HBC to the Pooled Budget.

S3.15.2 Subject to which party is holding the Pooled Fund either the Chief Finance Officer for the ICB or the Chief Accountant for the HBC will contact the budget managers for the relevant Services, including the Pooled Manager, to request any information required and arrange meetings with Budget / Pool Manager during September and October, in preparation of setting the budget for the forthcoming year. It is essential that the information be provided promptly so that the overall deadlines for budget preparation are to be achieved.



S3.15.3 The indicative budget timetable for HBC is as follows:

- The current year budget will be revised continuously, as soon as virements are approved in accordance with standing orders.
- The current year budget will be reviewed each year in September & October, in conjunction with Budget Managers.
- The forthcoming year's base budget (i.e. before growth and savings) will be prepared by Mid-December.
- The Provisional Local Government Finance settlement from Central Government is expected by mid-December.
- Management Team and Executive Board will then consider the forthcoming base budget in the light of the provisional settlement.
- Management Team and Executive Board will consider growth and savings options during January and once approved these will be built into the forthcoming budget
- The budget will be approved and published in the Adults Directorate's electronic Budget book. This will be available to all Budget Managers by the end of March.
- Executive Board will consider the levels of fees and charges proposed for the forthcoming year during March.

S3.15.4 The indicative budget timetable for the ICB is as follows:-

- System financial planning process commences December to January with review of spend and expected outturn including identification of subsequent year's financial pressures
- National planning instructions (i.e. NHS Operational Planning Guidance, NHS Finance and Contracting Guidance, indicative allocations and associated information) issued to NHS organisations in December
- Draft System Finance Plan, which includes the ICB's Annual Budget, presented to ICB Board during February
- January to February budget meetings convene across the ICB to inform the spend priorities and commitments and commissioning plans/intentions to facilitate delivery of the ICB's and the System's required financial objectives
- Final System Finance Plan (in conjunction and correlation with the System's Workforce and Operational Activity Plans) presented for ICB Board approval ahead of formal submission to NHS England by 31<sup>st</sup> March
- Regular reviews of budgetary performance within ICB (at both corporate- and place-levels) undertaken with respective oversight for the financial performance of the pooled health and care fund
- ICB Place budget formally assigned to the ICB at Halton leadership team prior to the commencement of financial year

- S3.15.5 The ICB's Chief Finance Officer will confirm the ICB's minimum contribution to the Better Care Fund, to the HBC Finance Manager, by the end of March each year.
- S3.15.6 The Parties shall agree the budgets and their respective contributions to the Pooled Fund by the 1<sup>st</sup> April for the financial year beginning on 1<sup>st</sup> April. This will be subject to the national timetables for issuing guidance to support the Better Care Fund development for the period.
- S3.15.7 Partners of the Pool Fund need to ensure a realistic and sustainable budget is set and approved by Senior Management at the start of the financial year. This should include identifying significant cashable efficiency gains and should protect front line services and vulnerable members of the community as far as possible. It should deliver improved procurement and ensure value for money. The council's budget will be set in accordance with the Medium Term Financial Strategy which provides the context and assumptions upon which the following year's budget will be prepared. Both partners must ensure budgets include appropriate uplifts for pay and price inflation in respect Salary Budgets at the very minimum, to ensure a balanced budget at year end and to prevent exposing the pool to financial risk.

Draft (a5.1.15)

## Schedule 4: Delegation Limits

### S4.1 Delegated Authority

As stated in Clause 3 (Governance), neither the JSLT nor the BCCAG is an autonomous body and does not therefore have legal status. Any decisions of the BCCAG and/or the Pool Manager which are beyond their respective delegated authority/limits (as set out below) or are inconsistent with the terms of this agreement would require the prior approval and/or the ratification of the governing bodies of the Parties organisations in accordance with both Parties Standing Orders, Prime financial policies and Schemes of Delegation.

S4.1.1 As stated in Schedule 3, paragraph 3.7 the Pooled Fund will (subject who is the Host Party) be operated under either the ICB's or the Council's Constitution, Standing Orders and Finance Regulations. Within paragraph 3.4 of the Council's Standing Orders relating to Finance there is provision for Delegated Authority to be granted to Officers of the Council for the certification of financial and personnel documents with the approval of the Executive Director for Adults and Head of Internal Audit.

S4.1.2 Delegated powers to authorise expenditure from the Pooled Fund and enter into Services Contracts with Providers for the respective Parties together with the limits of their authorisation, including the Pool Fund Manager, will be in line with each respective organisation's schedule of delegated financial limits.

S4.1.3 Authorised Certifying Officers shall be responsible for all financial arrangements delegated as per their organisation's schedule of delegation list and shall maintain a sufficient record of all transactions to account to the Pool Manager for the Pooled Funds.

S4.1.4 The Pool Manager should ensure that certifying officers are familiar with the procedures and requirements set out in the Standing Orders Relating to Finance and Procurement and be satisfied that officers are aware of and comply with the correct procedures.

S4.1.5 Authorised Certifying Officers have a responsibility to assist the Internal Auditors acting on behalf of the Council when reviewing any internal or financial control system for which they are responsible.

S4.1.6 Delegated powers are restricted to individual areas of management control as stated within this Agreement. In particular the certification of financial documents requires responsibility for ensuring adequate budgetary provision is available and documents are processed strictly in accordance within the specific authorisation limits as detailed in the list.

S4.1.7 Any changes to the officers included in the list can only be authorised jointly by the Executive Director for Adults, ICB Chief Finance Officer, and the Head of Internal Audit.

S4.1.8 Specimen signatures have been obtained for all the certifying officers and copies provided to the relevant sections within the Adults Directorate and the Chief Executive's Directorate.

## Appendix 1: Exempt Information

1. The JSLT may choose to discuss in private certain information which includes or is likely to involve discussion of Exempt Information for the purposes of Schedule 12A Local Government Act 1972. The categories of Exempt Information applicable as at 29 September 2004 are listed for illustrative purposes only below and references in Schedule 12A aforesaid to 'the authority' shall in the context of this Agreement be taken to refer to the BCCAG
2. The JSLT shall discuss in private any item of business which includes or is likely to involve discussion of confidential information.
3. In the context of this Clause the expression 'Confidential Information' shall typically, though not exhaustively, mean:-
  - a) information furnished to the J S L T of any member of the BCCAG or to the Council or to the ICB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; or
  - b) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court.

Draft (a5.1.23)

## Appendix 2: Finance

Breakdown of Better Care (Pooled) Fund Budget 2023/24:-

- Minimum ICB Contribution (Better Care Fund) £12,762,141
- iBCF £6,982,074
- Disabilities Facilities Grant £1,994,703
- ICB Contribution to Pool £2,874,824
- HBC Contribution to Pool £3,356,750
- HBC Discharge Funding £978,876
- ICB Discharge Funding £942,072

Draft (@5.7.23)

<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Health and Wellbeing
<b>SUBJECT:</b>	Cheshire and Merseyside Health and Care Partnership
<b>WARD(S)</b>	All

### 1.0 **PURPOSE OF THE REPORT**

1.1 This report requests authority for the Council to become a member of the new statutory Integrated Care Partnership for Cheshire & Merseyside, to be known as the Cheshire & Merseyside Health and Care Partnership (C&M HCP).

### 2.0 **RECOMMENDATION: That it be recommended to Council that**

- 1) **the Council become a member of the Cheshire & Merseyside Health & Care Partnership;**
- 2) **the terms of reference of the Cheshire & Merseyside Health & Care Partnership, set out at Appendix 1, be adopted and that the Operational Director- Legal & Democratic in consultation with the Portfolio Holder – Health and Wellbeing be authorised to make minor changes to the final version if necessary;**
- 3) **the Portfolio Holder – Health and Wellbeing be nominated to be the Council’s representative on the Cheshire & Merseyside Health & Care Partnership; and**
- 4) **authority be delegated to the Chief Executive to nominate an Executive Director/Director of Public Health to be a member of the Committee if considered appropriate.**

### 3.0 **SUPPORTING INFORMATION**

3.1 The Cheshire & Merseyside Integrated Care Partnership is a statutory joint committee and forms part of the overall structure of the new Integrated Care System set out in the Health & Care Act 2022. It will be known as the Cheshire & Merseyside Health & Care Partnership.

3.2 The C&M Health & Care Partnership has statutory functions to

deliver an Integrated Care Strategy across the C&M area, and to hold others to account for their delivery of the Strategy. In order to undertake this effectively it needs the support and input from all partners across the C&M region, to ensure that local needs and requirements are fully reflected in the Strategy.

### 3.3 **Background**

The Government reforms of the NHS under the Health and Care Act 2022 created new Integrated Care Systems with responsibility across wider geographical footprints. The Integrated Care System (ICS) for our area covers the footprint of the nine local authority areas in Cheshire and Merseyside. Finances are directed to the Cheshire & Merseyside area and can then be devolved down to local areas (known as 'Place'). Our 'Place' operates through a partnership which is comprised of partners from across the health services in Halton.

As part of the statutory governance arrangements, the ICS is required to set up an Integrated Care Partnership for Cheshire & Merseyside, with local authority membership from each Place.

### 3.4 **Role of the Integrated Care Partnership**

The Integrated Care Partnership (ICP) will drive the strategic direction and plans across the C&M area, and this work needs to be aligned with other strategies and the work of the local Health and Wellbeing Boards. The ICP allows organisations to work together more closely to collectively improve the health of residents across C&M. In particular, it has responsibility for agreeing an Integrated Care Strategy across C&M to address the broad health and social care needs of the population across the C&M region, including the wider determinants of health, such as employment, environment and housing. Integrated Care Boards and local authorities will be required to have regard to the ICP strategy when making decisions, commissioning and delivering services.

The ICP will comprise of health and care partners from across the C&M area, including one councillor representative from each local authority, as well as two Directors of Adult Social Care and two Directors of Public Health from across C&M. The Partnership will have representation from across the broader sector, including the Ambulance Service, Fire & Rescue, Police, Housing, Voluntary Sector, Carers, Primary Care, Social Care Providers, University Sector and Provider Collaboratives. This will ensure a wide range of views are heard.

A copy of the terms of reference to be agreed are set out at Appendix 1.

**4.0 POLICY IMPLICATIONS**

4.1 Membership of the Integrated Care Partnership will help to ensure that the Health & Wellbeing Board and the Council are able to provide the necessary leadership to achieve their role of leading on integration, reducing health inequalities and supporting the delivery of the Joint Local Health and Wellbeing Strategy.

**5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications or changes required to the Medium Term Financial Strategy, as this report is seeking to approve a statutory committee and the appointment of a member of the Council to it. In the event that officers are appointed to the Committee, then this will have a financial implication in terms of time only, which would be managed within existing budgets.

Any decisions to be made by the Joint Committee which would involve budgetary implications for the Council will need to be brought back to Board/Council in line with our constitutional arrangements.

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

**6.1 Children & Young People in Halton**

There are no direct implications for children and young people.

**6.2 Employment, Learning & Skills in Halton**

No direct implications.

**6.3 A Healthy Halton**

As set out in the report, membership of the statutory partnership will ensure that Halton's voice is heard in the development of significant health issues.

**6.4 A Safer Halton**

No direct implications.

**6.5 Halton's Urban Renewal**

No direct implications.



7.0 **RISK ANALYSIS**

7.1 There are no direct risk management implications in this report. However, decisions of the Integrated Care Partnership may carry risk, and these should be considered as appropriate by the board member.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equalities implications.

9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 There are no climate change implications.

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

‘None under the meaning of the Act.’

# Cheshire and Merseyside Health and Care Partnership

## Terms of Reference

### Background

Integrated care systems (ICSs) are statutory partnerships that bring together NHS organisations, local authorities and others to take collective responsibility for planning services, improving health and reducing inequalities across geographical areas.

ICSs comprise two key components:

- **integrated care boards (ICBs):** statutory bodies that are responsible for planning and funding most NHS services in the area
- **integrated care partnerships (ICPs):** statutory committees that bring together a broad set of system partners (including local government, the voluntary, community, faith and social enterprise sector (VCFSE), NHS organisations and others) to develop a health and care strategy for the area.

This dual structure was designed to support ICSs to act both as bodies responsible for NHS money and performance at the same time as acting as a wider system partnership.

ICPs are established in legislation by the insertion of a new Section 116ZA to the Local Government and Public Involvement in Health Act 2007. Section 116ZA of the 2007 Act imposes an express obligation on an ICB and all relevant local authorities whose area coincides with or falls wholly or partly within the ICBs area to establish an ICP as a joint committee.

In the Cheshire and Merseyside Integrated Care System, the ICP is named as the Cheshire and Merseyside Health and Care Partnership (HCP).

These Terms of Reference set out the membership, remit, responsibilities, and reporting arrangements of the joint committee.

### Role and Purpose

The Cheshire and Merseyside HCP is a broad alliance of organisations and representatives concerned with improving the care, health and wellbeing of the population, jointly convened by local authorities and the NHS as equal partners in order to facilitate joint action to improve health and care outcomes and experiences, influence the wider determinants of health, and plan and deliver improved integrated health and care.

Its primary purpose will be to act in the best interests of residents across Cheshire & Merseyside, rather than representing the interests of any individual organisation.

The role and purpose of the HCP does not duplicate that of the nine Cheshire and Merseyside Health and Wellbeing Boards. The HCP will work in conjunction where appropriate to help achieve common objectives and aims to benefit local populations.

The HCP provides the opportunity for a Cheshire & Merseyside forum to support and enhance work programmes to improve population health outcomes and reduce health inequalities by addressing complex, long term issues which need an integrated approach across Cheshire & Merseyside.

The HCP, as an Integrated Care Partnership, has a statutory responsibility to prepare, approve and publish an Integrated Care Strategy for the Cheshire and Merseyside ICS, setting out how the assessed needs in relation to Cheshire & Merseyside are to be met by the exercise of functions of:

- the Integrated Care Board
- NHS England
- the nine local authorities whose areas coincide with the ICB area

In preparing this strategy the HCP must involve:

- the Local Healthwatch organisations whose areas coincide with or fall wholly or partly within its area
- the people who live and work in Cheshire & Merseyside

The strategy will have due regard to and respond to the Health and Wellbeing Strategies and Joint Strategic Needs Assessments of each of the nine local authority areas.

## **Membership and Attendees**

### **Members**

Membership of the HCP (as an Integrated Care Partnership) is set out in legislation and must have as a minimum:

- one member appointed by the ICB
- one member appointed by each of the nine local authorities.

Legislation also allows for members to be appointed by the HCP itself.

In all cases, HCP membership will be renewable on an annual basis. Each participant organisation or body will be expected to have formally nominated or confirmed their nominated member by 1st August of each year. Changes in membership during the year are allowed and must be notified to the HCP promptly and before attendance at the next meeting.

Where members are not available to attend meetings, a substitute nominated by organisation may attend on their behalf.

The Chair of the HCP will discuss attendance with any member who fails to attend three consecutive HCP Meetings. The Chair of the HCP will refer any ongoing concerns regarding non-attendance of a member to their organisation with a

recommendation that consideration be given to whether it is appropriate for the individual to continue as a member of the HCP.

The full membership of the Cheshire and Merseyside HCP is:

<b>Organisation / Area</b>	<b>Position</b>
<b>NHS Cheshire and Merseyside ICB</b>	ICB Chair
	Chief Executive
	Assistant Chief Executive
	Executive Director of Finance
	Executive Medical Director
<b>Cheshire East Council</b>	x1 Councillor
<b>Cheshire West and Chester Council</b>	x1 Councillor
<b>Halton Council</b>	x1 Councillor
<b>Knowsley Council</b>	x1 Councillor
<b>Liverpool City Council</b>	x1 Councillor
<b>Sefton Council</b>	x1 Councillor
<b>St Helens Borough Council</b>	x1 Councillor
<b>Warrington Borough Council</b>	x1 Councillor
<b>Wirral Council</b>	x1 Councillor
<b>Other Local Authority Representatives</b>	x2 Directors of Adult Social Care? – drawn from across the 9 responsible Local Authorities.
	x2 Directors of Public Health - drawn from across the 9 responsible Local Authorities
<b>North West Ambulance Service</b>	x1 Representative
<b>Cheshire Police</b>	x1 Representative
<b>Merseyside Police</b>	x1 Representative
<b>Cheshire Fire and Rescue</b>	x1 Representative
<b>Merseyside Fire and Rescue</b>	x1 Representative
<b>Voluntary, Community, Faith and Social Enterprise Sector</b>	x2 Representatives
<b>Liverpool City Region Local Enterprise Partnership</b>	x1 Representative
<b>Cheshire and Warrington Local Enterprise Partnership</b>	x1 Representative
<b>Primary Care</b>	x2 Representatives
<b>CMAST Provider Collaborative</b>	x1 Representative
<b>MHLD Provider Collaborative</b>	x1 Representative
<b>Carer</b>	x1 Representative
<b>Housing</b>	x1 Representative
<b>Healthwatch</b>	x2 Representatives
<b>Higher Education / University</b>	x2 Representatives

The Other Local Authority Representatives will be notified to the HCP by the nine local authorities.

Members are expected to adopt a partnership approach to working together, as well as listening to the voices of citizens, patients and the public of Cheshire and Merseyside.

Members will commit to working collaboratively, openly and supporting the development and role of the HCP.

### **Attendees**

Only members of the HCP, or their nominated substitute, can participate in HCP meetings, but the Chair may invite relevant organisations to send a representative to an HCP meeting as necessary in accordance with the business of the HCP.

### **Chair Arrangements**

The Chair of the HCP will be drawn from one of the nominated HCP members from the nine local authorities.

The Chair will be appointed on an annual basis at the first meeting of the year (in September) by the local authority members of the HCP present at the meeting. Individuals wanting to be considered for the Chair role will need to be nominated and seconded by one other local authority member of the Board and agreed by way of a majority vote.

The HCP will also have two Joint Vice Chairs – one being the Cheshire and Merseyside ICB Chair and the other being an appointed representative of the VCFSE sector. In the absence of the Chair at a meeting of the HCP, it will be agreed in advance which of the two Vice Chairs will Chair the meeting on that occasion.

### **Quoracy**

The meeting will be quorate if at least 50% of the members are present. If the quorum has not been reached, then the meeting may proceed if those attending agree, but no decisions requiring agreement by the ICB or local authorities may be taken unless at least 50% of the Committee members drawn from these two bodies are present.

If any member of the HCP has been disqualified from participating in the discussion and/or decision-making for an item on the agenda, by reason of a declaration of a conflict of interest, then that member shall no longer count towards the quorum.

### **Decision making and authority**

As far as is possible the HCP will make its decisions by consensus of the members present at the meetings of the HCP.

The HCP has been established as a Joint Committee under S116ZA Health & Social Care Act 2022.

It has not been established under S65Z6 or S75 arrangements between the NHS and Local Authority member organisations of the HCP, and as such does not have the authority as a Committee to exercise joint functions or hold or make decisions on a pooled budget arrangements.

The HCP is authorised to create any relevant sub-groups in order to take forward specific programmes of work considered necessary by the membership.

### **Meeting arrangements**

The HCP will meet up to six times each year. Additional meetings may take place as required.

The HCP Chair, in consultation with and with the agreement of both Vice Chairs, may convene further meetings to discuss particular issues of relevance to the HCP and which cannot wait until the next meeting.

The HCP may meet virtually or in hybrid format when necessary and members attending using electronic means will be counted towards the quorum.

Meetings of the HCP will be held in public. Where meetings are held virtually, arrangements will be made to ensure members of the public can attend and be able to observe the meeting.

The HCP may convene development sessions, which will be held in private and which will not be formal meetings of the HCP.

A copy of the agenda and related reports for each HCP meeting will be sent to each HCP Member at least five clear days before the date of that meeting. Agendas and papers for meetings held in public will be published on the website of NHS Cheshire and Merseyside Integrated Care Board

The HCP shall be supported with a secretariat function. In addition to publication of agendas and supporting papers the secretariat will prepare and circulate minutes of meetings within 10 working days and maintain an action and decision log, as well as a register of interests of HCP members.

As a Joint Committee of the ICB and Councils, local authority members will be bound by their Council's Code of Conduct for the meeting and should declare any interests under that Code.

The Agenda for meetings of the HCP will be agreed by the Chair and Vice Chairs. Members of the Committee can request items to be considered at meetings of the HCP by contacting the Chair two weeks prior to the publication date of papers for the relevant meeting.

### **Reporting and Accountability**

The HCP will receive reports from the Cheshire and Merseyside Health and Wellbeing Boards, which will inform its own priorities and strategy. and the HCP will also provide reports to the Health and Wellbeing Boards on matters concerning delivery of the Integrated Care System priorities and outcomes framework.

The HCP will also provide reports to the ICB, providing a summary of any specific programmes of work undertaken, including the issues considered and recommended

actions, and any key outputs (in particular the Integrated Care Partnership Strategy) from its meetings.

## **Behaviours and Conduct**

The HCP shall conduct its business in accordance with any national guidance. The seven Nolan Principles of Public Life shall underpin the committee and its members.

HCP members should:

- Inform the Chair of any interests they hold which relate to the business of the HCP.
- Inform the Chair of any previously agreed treatment of the potential conflict / conflict of interest.
- Abide by the Chair's ruling on the treatment of conflicts / potential conflicts of interest in relation to ongoing involvement in the work of the HCP.
- Inform the Chair of any conflicts / potential conflicts of interest in any item of business to be discussed at a meeting. This should be done in advance of the meeting wherever possible.
- Declare conflicts / potential conflicts of interest in any item of business to be discussed at a meeting under the standing "declaration of interest" item.
- Abide by the Chair's decision on appropriate treatment of a conflicts / potential conflict of interest in any business to be discussed at a meeting.
- Abide by their own respective organisation's Code of Conduct

As well as complying with requirements around declaring and managing potential conflicts of interest, HCP members should:

- Attend meetings, having read all papers beforehand
- Arrange for their substitute to attend on their behalf, if necessary
- Act as 'champions', disseminating information and good practice as appropriate
- Comply with the HCP administrative arrangements including identifying agenda items for discussion, the submission of reports etc.
- Consider the equality, diversity and inclusion implications of the discussions they undertake at HCP meetings

## **Review**

The HCP will review its effectiveness, including these terms of reference, on an annual basis and earlier if required.

<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Director of Public Health
<b>PORTFOLIO:</b>	Environment and Urban Renewal
<b>SUBJECT:</b>	Houses in Multiple Occupation (HMO) Licensing requirements and Amenity Standards
<b>WARD(S)</b>	Borough wide

## 1.0 PURPOSE OF THE REPORT

- 1.1 To seek Executive Board's approval to adopt the Houses in Multiple Occupation (HMO) Licensing requirements and Amenity Standards policy. (see separate document attached)

## 2.0 RECOMMENDATION: That

**Executive Board approve the adoption of the Houses in Multiple Occupation (HMO) Licensing Requirements and Amenity Standards policy.**

## 3.0 SUPPORTING INFORMATION

- 3.1 A HMO is defined as a property occupied by 3 or more people who do not form a single household and share facilities such as a bathroom or kitchen.

A large HMO is defined as a property occupied by 5 or more people who do not form a single household and share facilities such as a bathroom or Kitchen.

- 3.2 Since 2018 any large HMO occupied by 5 or more people who do not form a single household and share facilities such as a kitchen or bathroom must be licensed by the local authority.

- 3.3 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO for 3-6 occupants (Class C4) without the need to apply to the council for planning permission. Properties with 7 or more unrelated occupants still require planning permission.

Therefore smaller HMO's with 3-4 beds require neither a license or planning permission.



- 3.4 There are currently 121 licensed HMO's in Halton. (i.e. properties with 5 or more tenants). The number of smaller unlicensed HMO's is unknown. This position is not unique to Halton because there is no requirement to seek a license or planning permission there is no reason for the landlord to notify the council.
- 3.5 Over the last 12 months some members have expressed concerns about the proliferation and standards of HMO properties in certain parts of the borough. This prompted a report to the Environment and Urban Renewal PPB on 21<sup>st</sup> September 2022 setting out the current controls over HMO's including licensing, property standards and options for additional controls. It was resolved that a working party be established of members and officers to agree a set of HMO amenity standards and explore options for additional control of HMO's.
- 3.6 The working party met on a number of occasions and developed an action plan which was endorsed by the PPB in February 2023. This action plan included;
- Implementation of an Article 4 Direction in areas where there are concentrations of existing HMOs. This would have the effect of removing 'Permitted Development Rights' for automatic changes of use from a single dwelling into a small HMO. Such changes of use would then require the grant of planning permission.
  - Adopting a Supplementary Planning Document (SPD) on HMOs to introduce explicit planning controls on: concentration of HMOs; restricting sandwiching of properties by HMOs; restricting three or more adjacent HMOs; explicitly incorporate property standards; introduce explicit criteria to protect the amenity of neighbours.
  - Investigate options for selective licencing or additional licencing requirements for smaller unlicensed HMOs and other private rental properties.
  - Adopting a Halton Council 'Property Standards for HMOs' policy.
- 3.7 On the 21<sup>st</sup> June 2023 the PPB received a report on progress made to date on the action plan. Some of the additional controls set out in the first 3 points above require a robust evidence base and in some cases approval by the secretary of state. Work is ongoing to develop this evidence base. The HMO property standards policy has now been finalised. The board endorsed progress made against the action plan so far including the proposal to submit the HMO property standards policy to Executive Board for adoption.

**4.0 POLICY IMPLICATIONS**

4.1 The Houses in Multiple Occupation Licensing Requirements and Amenity Standards policy is attached to this report as a separate document. It sets out the standards and mandatory license conditions that all licensed HMO's must meet. The majority of these requirements are set nationally by law. If a property does not meet these standards it cannot be licensed as a HMO.

These standards include;

- Room size and space standards
- Toilet and Bathroom provision
- Kitchen facilities
- Fire Safety
- Electrical Safety
- Gas Safety and Carbon monoxide
- Heating
- Waste Management

4.2 The policy provides HMO landlords and tenants with a consolidated and concise source of information on the standards required in Licensed HMO's in Halton. Most of these requirements can also be applied by law independent of this policy.

4.3 Should in the future the council determine that it is appropriate to introduce additional licensing to smaller HMO's this policy would then also apply to those properties.

4.4 Once adopted the Houses in Multiple Occupation Licensing Requirements and Amenity Standards policy can be a material consideration when determining future planning applications for HMO's.

4.4 Any further policy options set out in 3.6 above will be considered by the Environment and Urban Renewal PPB before being presented to Executive Board at the appropriate time.

**5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications associated with this proposal

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

**6.1 Children & Young People in Halton**

None

**6.2 Employment, Learning & Skills in Halton**

None

**6.3 A Healthy Halton**

The objective of the licensing requirements for HMO's is to ensure properties provide a safe and healthy environment for residents to live.

**6.4 A Safer Halton**

The objective of the licensing requirements for HMO's is to ensure properties provide a safe and healthy environment for residents to live.

**6.5 Halton's Urban Renewal**

Adoption of the policy enables the HMO licensing requirements and amenity standards to be a material consideration when determining future planning applications for HMO's.

**7.0 RISK ANALYSIS**

7.1 The majority of the requirements set out in the policy can be applied by housing law independent of this policy. However by formally adopting the policy these requirements and standards can become a material consideration when determining future planning applications for HMO's.

There are no significant risks associated with the policy.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None

**9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 All private rental properties must by law meet a minimum energy efficient rating of E. This is set out in the Licensing Requirements and Amenity Standards Policy and so will be a consideration when determining all HMO licensee applications.

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

None under the meaning of the Act.

# Halton Borough Council Housing Act 2004



## Houses In Multiple Occupation Licensing Requirements And Amenity Standards

## **1.0 Introduction**

This document is for the owners and managers of Houses in Multiple Occupation (HMO's) and sets out the licensing requirements and property amenity standards for Houses in Multiple Occupation (HMOs) in Halton.

### **1.1 Definitions**

A HMO is defined as a property occupied by 3 or more people who do not form a single household and share facilities such as a bathroom or kitchen.

A large HMO is defined as a property occupied by 5 or more people who do not form a single household and share facilities such as a bathroom or Kitchen.

### **1.2 Mandatory Licensing**

Since 2018 any HMO occupied by 5 or more people who do not form a single household and share facilities such as a kitchen or bathroom must be licensed by the local authority.

### **1.3 Selective and Additional Licensing**

The Housing act 2004 provides powers to local authorities to extend licensing to further private rental properties and smaller 3-4 bed HMO's across the borough as a whole or within particular areas. This policy requires consultation and evidence to support the scheme. To date Halton has not introduced selective or additional licensing for private rental properties or smaller HMO's.



## **2.0 Licensing process**

### **2.1 Initial advice and engagement**

In determining an application for a HMO licence the local authority must be satisfied the property is suitable for the maximum number of tenants specified in the application. Alternatively the local authority may determine the maximum number of people that can be accommodated at the property. Licences will specify the maximum number of tenants who can occupy the property. This will be determined on a case by case basis. It is therefore important for potential applicants to engage with the council informally at the earliest opportunity to discuss plans and ensure the property reaches the required standards for the proposed number of tenants. To discuss a proposed HMO email [environmental.protection@halton.gov.uk](mailto:environmental.protection@halton.gov.uk)

### **2.2 Planning and Building Control.**

Planning Permission may be required to convert a property to a HMO. Any HMO intended for 7 or more tenants requires planning permission. Developers should contact the planning department at an early stage in their plans to determine if planning permission is required for their development.

<https://www3.halton.gov.uk/Pages/planning/Get-Planning-Advice.aspx>

In addition any work to develop or alter a building into a HMO or work on an existing HMO is likely to require building control approval to ensure compliance with building regulations. The building control department should be contacted to discuss if building control approval is required.

<https://www3.halton.gov.uk/Pages/planning/BuildingRegulations.aspx>

### **2.3 Formal application process:**

The Environmental Health Department will not formally consider a HMO application until it is confirmed that planning permission or building control approval have been obtained or that such consent is not required for that particular development.

Formal applications and payment must be made at;

<https://www3.halton.gov.uk/Pages/business/EnvironmentalHealth/PrivateHousing.aspx>

All applications must be accompanied by the appropriate fee. Licences will not be issued until the appropriate fee is received. A licence must be issued prior to occupation of the property.

Inspections will be made to assess all applications. The inspecting officer may require certain documents in order to assess compliance with the licensee conditions and prescribed standards (for example gas safety and electrical safety certificates or fire risk assessments).

### **3.0 License conditions**

The Housing Act 2004 Schedule 4 (as amended) sets out a number of mandatory conditions that must be included on all HMO licences. In addition the local authority can impose additional conditions to ensure the property is suitable for occupation by the number of tenants specified on the licence and to regulate the management, use and occupation of the house concerned and its condition and contents.

## **4 HMO property standards.**

### **4.1 Housing Health and Safety Rating Scheme**

Landlords and letting agents have a general duty to ensure the properties they let are fit for habitation and do not have an adverse effect on the health, safety and welfare of their tenants.

All houses must provide a healthy and safe environment for their residents. To identify and address potential harms all properties in the private rented sector are assessed against 29 specified hazards set out in the Housing Health and Safety Rating Scheme.

The 29 specified potential hazards are;

- 1 Damp and mould growth
- 2 Excess cold
- 3 Excess heat
- 4 Asbestos and mineral fibres
- 5 Biocides
- 6 Carbon monoxide and fuel combustion products
- 7 Lead
- 8 Radiation
- 9 Un-combusted fuel and gas
- 10 Volatile Organic Compound (VOC's)
- 11 Crowding and Space
- 12 Entry by intruders
- 13 Lighting
- 14 Noise
- 15 Domestic Hygiene, pests and refuse
- 16 Food Safety
- 17 Personal hygiene sanitation and drainage
- 18 Water supply for domestic purposes
- 19 Falls associated with baths and showers
- 20 Falls on the level
- 21 Falls associated with stairs or steps
- 22 Falls between levels
- 23 Electrical Hazards
- 24 Fire
- 25 Hot surfaces and materials

- 26 Collision and entrapment
- 27 Explosions
- 28 Ergonomics
- 29 Structural collapse and falling elements.

When considering a licence application and the suitability of a HMO for the number of occupants the property will be assessed against these specified hazards.

The HHSRS scheme is set out in operational guidance available at:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

## 4.2 Prescribed standards and Mandatory Conditions

In addition to the general duty on landlords and the provisions of HHSRS The Housing Act 2004 and associated regulations set out prescribed standards for all licensed HMO's. These regulations are set nationally by Government. Prescribed standards are set out below.

### 4.2.1 Space Standards

#### Sleeping accommodation

Rooms must comply with the minimum legal space standards set out below;

One person over 10 years of age	6.51 m <sup>2</sup>
Two person over 10 years of age	10.22 m <sup>2</sup>

However if no other private or communal living areas are provided the minimum sleeping room sizes that HMO's in Halton must comply with are;

One person over 10 years of age	10 m <sup>2</sup>
Two person over 10 years of age	15 m <sup>2</sup>

#### Communal areas

Where communal areas are provided in addition to the rooms used for sleeping the space standards for communal areas are 17.5m<sup>2</sup> based on a 5 bed HMO.

For each additional tenant an additional 1 m<sup>2</sup> of space must be provided.

If this cannot be provided in a single room an additional communal room of a minimum 13m<sup>2</sup> must be provided. The overall size of the additional room must take into account the total number of occupants but as a guide an additional 1m<sup>2</sup> of space per tenant must be provided.

#### Space calculation and room design

Any area of the room with a ceiling height of less than 1.5m must not be counted in the calculation for space standards.



The shape and layout of bedrooms must be capable of accommodating a single bed for single occupancy rooms or a double bed or two singles for a double occupancy room. The rooms must also be capable of accommodating basic bedroom furniture such as a wardrobe and dressing table.

#### **4.2.2 Kitchens and kitchen facilities**

It is recommended that applicants discuss the design and layout of kitchens with the Council prior to installation particularly for properties with more than 5 occupants.

##### **Kitchen size**

Where kitchen facilities are shared the kitchen must have a minimum total floor area of 7m<sup>2</sup> based on 5 people sharing. Ideally, more than 5 people should not share the same kitchen. If this is not practicable then an additional 1m<sup>2</sup> of kitchen space must be provided for each occupant up to 10 persons.

##### **Additional Kitchens ratio**

If the additional kitchen space cannot be provided within the same room an additional kitchen must be provided i.e

6-10 persons            2 Kitchens

11-15 persons         3 Kitchens

To ensure the safe movement of people a single room must not contain more than 2 sets of kitchen facilities.

##### **Kitchen facilities**

Where shared kitchens are provided they must contain the following facilities:

For up to 5 persons:

- A suitable fixed worktop, not including the draining board, no less than 2m by 0.6m
- Four cooking rings an oven and a grill (whether integrated into one appliance or separates).
- Four twin 13amp power socket outlets above the work surface height in addition to any sockets serving major electrical appliances. They must be adjacent to the work surface and at a suitable safe distance of minimum 1 metre, from any sink/wash basin.
- A standard 1m sink unit and integral draining board fixed within a base unit, together with an adequate supply of constant hot water and wholesome cold drinking water, and tiled splash back. The sink unit must be properly plumbed into the water supply and drainage systems.
- A suitable storage cupboard with a minimum capacity equivalent to a 500mm wall unit **per person**.
- A refrigerator of not less than 5 cu ft capacity (0.15m<sup>3</sup>).

Additional facilities for 6-10 persons sharing a single kitchen must include the following:

- A suitable fixed worktop, not including the draining board, of no less than 3m by 0.6m, instead of the 2m worktop for a single set of kitchen facilities.
- Fridge/freezer capacity to approximately 9 cu ft capacity 0.27m<sup>3</sup>, instead of 5 cu ft as above.

Facilities for more than 10 residents must be provided on a pro rata basis and agreed with the council.

### **Hygienic and safe and design**

The wall area behind sinks and food preparation areas must be tiled or provided with a splash back to enable the wall to be effectively cleaned. Food preparation surfaces and the surfaces of appliances and equipment must be impervious and easy to clean.

The floor area must be of a suitable material that can be effectively cleaned whilst avoiding the risk of slips and falls.

It is recommended that applicants discuss the design and layout of kitchens with the council prior to installation particularly for properties with more than 5 occupants.

The layout of the kitchen must enable the safe movement of people and avoid the risk of burns, scalds, slips and trips. For example cooking appliances must not be situated adjacent to doors or next to sinks.

### **4.2.3 Toilet and bathroom facilities**

It is recommended that applicants discuss the design and layout of bathrooms and toilet facilities with the council prior to installation particularly for properties with more than 5 occupants.

#### **Bathroom**

All baths and wash hand basins must be equipped with taps providing an adequate supply of potable cold water and a constant supply of hot water and be properly connected to the drainage system.

All bathrooms must be situated in a proper room, must be suitably and adequately heated and ventilated and must be of an adequate size and layout.

Adequate electric lighting must be provided and walls and floors must have a non-porous and easily-cleanable finish.

Suitable locking mechanisms must be fitted to the access doors of bathrooms and W/Cs to ensure privacy.

#### **W/Cs**

Toilet compartments must be located within 30 metres of the furthest occupant who will be using it, preferably on the same floor. Where this is not possible, the WC must be no more than one floor and no more than 30m distance from the users.

The room must be provided with adequate ventilation and electric lighting and a suitable locking mechanism must be fitted to the access door to ensure privacy.

All foul waste within the building must be adequately connected to the drainage system, with provision of rodding eye and inspection chamber.

A separate w/c compartment must contain:

- A fixed w/c with water supply to the cistern, and foul drainage to the external foul drainage system.
- A fixed wash hand basin with constant hot and cold running water, properly connected to the drainage system.

### **Wash hand basins**

A wash hand basin (WHB) with a tiled splash back and satisfactory supply of cold and constant hot water properly connected to the drainage system must be situated in a bathroom or shower room containing a w/c.

A wash hand basin as described above must also be provided in a separate w/c compartment.

### **Shared Bathroom and toilet facilities**

In bedsit type accommodation or shared houses, the bathroom and W.C. facilities may be shared between the occupants. There must be an adequate number of bathrooms and W.C.s provided for the number of persons occupying the dwelling.

The table below shows the permitted sharing ratios these are based on nationally prescribed standards.

<b>up to 5 persons</b>	1 bath / shower room with 1 WC and 1 wash basin.
<b>6 – 10 persons</b>	2 bath/shower and 2 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).
<b>11 – 15 persons</b>	3 bath/shower and 3 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).

#### **4.2.4 Space Heating**

##### **Heating provision and minimum temperate**

Where the house is not provided with central heating to the whole of the dwelling, it must be adequately and efficiently heated with the provision of permanent, fixed heating appliances or space heaters. Any heating system must be appropriate to the design, layout and construction of the building and provide adequate heat output to efficiently heat the whole of the property.

Any heating system must be economical and capable of achieving a healthy indoor temperature of 21°C for each habitable letting room, and 18°C in all other rooms and common areas.

Any form of heating must be controllable by the occupier and safely and properly installed and maintained.

In properties where the heating is centrally controlled, such systems must be operated to ensure that occupants are not exposed to extreme indoor temperatures, and must be provided with controls to allow the occupants to regulate the temperature within their own private rooms.

Coin-operated heating and/or hot water systems in are not acceptable.

#### **4.2.5 Energy Efficiency**

To make homes as energy efficient as possible adequate insulation must be provided to cavity walls and loft areas.

It is now unlawful to rent a property that does not meet a minimum energy efficient rating of E as part of the licensing and inspection process energy rating certificates may be requested. A HMO license will not be issued to properties that do not achieve the minimum energy efficiency rating.

#### **4.2.6 Gas and Electrical Safety**

##### **Gas and Solid Fuel Installations**

All gas supplies, distribution pipe-work and gas fired appliances must comply with the relevant gas safety regulations.

All gas appliances must have an annual gas safety check undertaken by a GAS SAFE registered gas installer. A copy of the gas safety record must be made available to the occupier in accordance with the regulations. A copy must be made available to Halton Council on request and will be considered as part of the license and inspection process.

All gas appliances must be serviced and maintained regularly in accordance with regulations and manufacturers instructions (usually every 12 months).

The property manager **MUST** keep the previous two years gas safety records available for inspection upon request.

All work to any gas appliances must be carried out by a suitably qualified GAS SAFE registered engineer.

Where occupants need to operate controls for gas fired central heating or hot water systems, simple and precise instructions for their safe and efficient use must be available.

An emergency control valve must be provided within 500mm of the gas meter that all occupants can easily access.

### **Electrical Installation**

It is a legal requirement that all landlords must arrange for the electrical installation at their property to be inspected and tested every 5 years by a qualified electrician. Landlords are also required to carry out any urgent remedial works identified by the inspection report to ensure the installation is safe. A copy of the inspection report and details of any remedial work undertaken must be provided to the local authority on request and will be required as part of the application process. In practice this will involve obtaining an Electrical Installation Condition Report.

#### **4.2.7 Carbon Monoxide**

It is a legal requirement that a carbon monoxide alarm is installed in all habitable rooms that contain a fuel combustion appliance such as a gas fire, gas boiler or wood burner. The alarm must be maintained in working order. Habitable rooms will include bedrooms, kitchens, bathrooms and communal areas.

#### **4.2.8 Fire Safety and Precautions**

##### **Building Regulations**

Where internal works or changes to the use of a premises require Building Regulation approval these requirements must be complied with as they will determine the appropriate fire precautions required by Building Regulations for that building at that time.

##### **Fire risk Assessment**

This is a specialist area and applicants may need to consider obtaining their own professional advice.

The Regulatory Reform (Fire Safety) Order 2005 requires the person responsible for a property to undertake a fire risk assessment. A fire risk assessment must be undertaken for the entire HMO property with the aim to identify potential hazards and reduce the risk of those hazards by deciding what fire precautions need to be installed.

Further detailed guidance on conducting a fire risk assessment and appropriate precautions in relation to sleeping accommodation for certain types of existing housing is available at: <https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>

A fire risk assessment must be completed for all HMO properties and will be requested as part of the license application process.

### **Smoke detection**

In addition to implementing the precautions identified during the fire risk assessment the prescribed standards set by the Housing Act 2004 require a smoke detector to be installed on each floor of the living accommodation

### **Fire Safety Enforcement**

The responsibility for the enforcement of fire safety requirements in private rented accommodation is shared between Halton Council and Cheshire Fire and Rescue Service. A memorandum of understanding has been signed by both organisations relating to enforcement of the requirement and joint inspections of properties in relation to fire safety will be undertaken as required.

## **4.2.9 Lighting**

### **Natural light**

All habitable rooms must have sufficient natural light to enable normal domestic tasks to be carried out during daylight hours. Windows must be of adequate size, and of appropriate shape and position to allow for reasonable daylight penetration into rooms. Basement and sub-ground level rooms can pose particular problems, and there must be sufficient adequate open space outside the window to allow for adequate light penetration.

### **Artificial lighting**

Artificial lighting must be positioned to provide sufficient light to enable domestic and recreational activities to be carried out without eyestrain and without creating glare or shadows. Artificial light is particularly important where domestic tasks require adequate light, for example in the kitchen over worktops, sinks and cookers.

Staircases must have artificial lighting that sufficiently illuminates their full length to avoid shadows and dark corners where users cannot clearly see where they are going. There must be switches or controls for the artificial lighting at both the top and foot of stairs. Any lighting provision to staircases and common areas must be in addition to any required emergency lighting.

## **4.2.10 Security**

The HMO as a whole and individual private rooms within, must be capable of being secured to deter against unauthorised entry. Windows and doors must be robust and fitted with adequate security. Sheds or outbuildings must be maintained in good order and made secure. However, security measures must not compromise the means of emergency escape in the event of a fire.

#### **4.2.11 Waste Disposal**

Adequate facilities must be made available for the storage of waste. Communal bins must be stored in a secure external area within the private curtilage of the property. It will not be acceptable for communal bins to be stored unsecured on public land. The owner or manager of the HMO must ensure adequate bins have been provided to enable the tenants to comply with the councils waste collection and recycling service. Information must be made available to tenants to ensure they are aware of collection days and when to present waste for collection and recycling. Once collected tenants must be instructed to return bins to the property. The owner must periodically monitor the arrangement to ensure the number and types of bins available are adequate and tenants are correctly following the councils waste and recycling scheme. A condition will be attached to all licenses requiring owners and managers take steps to ensure this requirement is complied with.





<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Executive Director - Environment & Regeneration
<b>PORTFOLIO:</b>	Environment and Urban Renewal
<b>SUBJECT:</b>	Preliminary Procurement Notification – Port Weston, Surface Access Improvements
<b>WARD(S)</b>	Mersey & Weston

### 1.0 **PURPOSE OF THE REPORT**

- 1.1 To provide a Preliminary Estimate Report – Contracts exceeding £1,000,000.00 in value, in accordance with Standing Order 1.3.5. To notify Executive Board that the Executive Director Environment & Regeneration intends to undertake a procurement exercise to appoint a specialist multi-disciplinary team to prepare pre-development design and feasibility work for surface access improvements to Port Weston, Runcorn.
- 1.2 This contract is to be funded through the Liverpool City-Region Freeport Seed Investment Fund, with appointment subject to drawdown of necessary funding via a Grant Funding Agreement with the Combined Authority.

#### **RECOMMENDED: That**

- 1) Members note the intention to undertake a procurement exercise via the SCAPE Public Sector National Consultancy Framework. With the purpose of securing a specialist multi-disciplinary team to undertake design and feasibility work for surface access improvements to Port Weston; and**
- 2) Delegated Authority is provided to Executive Director Environment and Regeneration to enter into a Grant Funding Agreement(s) with the Combined Authority to access the Liverpool City Region Freeport Seed Investment Fund.**

### 3.0 **SUPPORTING INFORMATION**

- 3.1 At its meeting on 14 April 2022, Executive Board approved Halton to become part of the Liverpool City Region (LCR) Freeport. In

doing so, approval was given for the Council to enter into a Memorandum of Understanding. It was noted in the accompanying report that Halton had been provisionally allocated £6.5m capital grant from the Freeport Seed Investment Fund within the Business Case to national government.

3.2 LCR Freeport Business Case was approved by national government in January 2023. With the Council now in a position to sign the Memorandum of Understanding. This enables the Council to drawdown allocated funds, in accordance with Combined Authority assurance processes.

3.3 The purpose of the £6.5m seed capital being to provide much needed enabling infrastructure works to open up Port Weston by creating a new commercial access. Port Weston being identified as a proposed new Custom site within the LCR Freeport Business Case with potential to deliver 220,000sqft of development floorspace and leveraging in £28.1m of private investment.

3.4 It is intended that seed capital funding will be drawn down in two tranches. Firstly a 'pre-development' phase, followed by 'infrastructure delivery' phase. Each phase being subject to a separate Grant Funding Agreement (GFA) with the Combined Authority.

3.5 Pre-development phase will allow the Council to undertake the necessary technical design and feasibility to develop a costed and deliverable surface access improvement scheme. This will include securing any 3rd party agreements and consents to enable the project to be delivered. It will significantly de-risk the infrastructure delivery phase.

3.6 In accordance with Standing Order 1.3.5, the following information is provided:

#### Budget

3.7 Based upon early contract engagement the pre-development phase is anticipated to have a cost of between £1.35m and £1.47m, with this budget being met through the Seed Investment Fund and subject to signing a pre-development GFA. The project being administered from a Regeneration Cost Centre.

#### Whole Project Costs

3.8 This is pre-development design and feasibility study with no immediate revenue implications for the Council. An outcome of the project will be to develop a costed scheme for delivery.

#### Contract Term

- 3.9 It is anticipated that the pre-development contract will run for a period of up to 18 months, with an aspiration to commence in October 2023. Subject to the pre-development phase setting out a clear strategy and rationale for surface access delivery, the contract may be extended for up to a further 2 years to include the infrastructure delivery phase. Any contract extension would be subject to securing a 2<sup>nd</sup> tranche of drawdown from the Seed Investment Fund.

#### Supplier Selection

- 3.10 The supplier is to be selected via the SCAPE Public Sector National Consultancy Framework in accordance with Procurement Standing Order 1.4.1 (Framework Agreements). This procurement approach enables delivery at pace, as well a flexible approach to drawn down of services. The multi-disciplinary team is anticipated to comprise four separate consultancy leads:
- Project Management and Risk Management
  - Infrastructure Designer, including feasibility and technical surveys
  - Cost Management and Business Case
  - Commercial Surveyor and Stakeholder Management

#### Project Risks and Controls

- 3.11 The project specification will include a requirement for the appointed contractor to produce a risk register and mitigation plan, which will be reviewed and updated by the project team through the project life. In addition, project monitoring and reporting will be via the Council's Programmes Office in accordance with Combined Authority assurance processes.

#### Business Case

- 3.12 National Government has approved the Full Business Case for the LCR Freeport, including need for public investment from the Seed Investment Fund to address severe market failures and help unlock Port Weston future customs site. Seed funding allocated for the purpose of providing enabling infrastructure and reducing a range of viability challenges which have meant the site has remained undeveloped for decades.

### 4.0 **POLICY IMPLICATIONS**

- 4.1 Port Weston has been a long-standing economic regeneration priority for the Council and is identified in both the Local Plan and Regeneration Strategy as an important under-utilised brownfield

employment site. The Local Plan also identifying Port Weston as a freight and logistics hub within Halton's transport network.

- 4.2 LCR Freeport Seed Investment Fund presents an opportunity to accelerate delivery of growth and regeneration in Halton. By bringing forward necessary improvements to support the redevelopment of a strategic location capable of road, rail and port access supporting key sectors within the Liverpool City Region including hydrogen fuels and advanced multi-modal logistics. This site is anticipated to lever in £28.1m of private investment and generate future business rates.

## 5.0 **FINANCIAL IMPLICATIONS**

- 5.1 This project is subject to securing external funding, via a GFA with the Combined Authority. No direct financial contribution is required by the Council to the pre-development phase. Negotiations on the terms of the 'pre-development' GFA are on-going. The Council will not enter into a GFA on basis of exposure to any significant financial clawback on this phase of funding, should the scheme not progress to the infrastructure delivery phase.

- 5.2 Pre-development contract will be managed by the Council's Regeneration Team, with monitoring and reporting by the Council's Programmes Office. A key stage in the project will require engagement with the Highways Authority and Planning Authority.

## 6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### 6.1 **Children & Young People in Halton**

Support creation of local employment opportunities and a more prosperous place for future generations.

### 6.2 **Employment, Learning & Skills in Halton**

The development of the site will create training and employment opportunities in key growth sectors for people in Halton.

### 6.3 **A Healthy Halton**

This scheme will support local prosperity by growing the economy, helping tackle poverty and other wider determinants of health and wellbeing benefits.

### 6.4 **A Safer Halton**

None.

## 6.5 Halton's Urban Renewal

This project aims to accelerate the regeneration of Port Weston - a key brownfield employment renewal site, siting within the wider West Runcorn Employment Growth Area.

## 7.0 RISK ANALYSIS

7.1 The delivery of surface access improvements to Port Weston is a going to be a complex and challenging project which has potential to deliver significant economic and regeneration rewards for the Borough.

7.2 The project specification will include a requirement for the appointed contractor to produce a risk register and mitigation plan, which will be reviewed and updated by the project team through the project life.

## 8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Not Applicable.

## 9.0 CLIMATE CHANGE IMPLICATIONS

9.1 Port Weston can contribute to realising LCR Freeport ambitions to deliver a sustainable and net zero freight future. The site offering potential access to the West Coast Mainline, as well an existing maritime access to Manchester Ship Canal, Weaver Navigation and River Mersey. Sitting within West Runcorn, Port Weston is also well positioned for expanding on the area's hydrogen capability and existing bio manufacturing assets nearby. Presenting the opportunity for a low carbon and 'hydrogen ready' multi-modal freight and logistics hub.

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

Document	Place of Inspection	Contact Officer
Report to Executive Board: Liverpool City Region Freeport  <a href="#">Freeport Exec Board Report 14th April 2022.pdf (halton.gov.uk)</a>	Municipal Building	Paul Corner

**REPORT TO:** Executive Board

**DATE:** 14 September 2023

**REPORTING OFFICER:** Executive Director Environment & Regeneration

**PORTFOLIO:** Environment and Urban Renewal

**SUBJECT:** Preliminary Estimates for Liquid Road Fuel Contracts – Supply of Diesel, Kerosene, HVO and Ad Blue.

**WARD(S)** Borough-Wide

1.0 **PURPOSE OF THE REPORT**

1.1 To seek approval for the Council to be included in a national procurement exercise in order to award Contracts for the supply of Liquid Road Fuels to Council sites.

2.0 **RECOMMENDATION That the Board approves the use of Procurement Standing Order 1.4.1 to allow the Council to use a Framework Agreement procured by a Central Purchasing Body (Crown Commercial Services) in compliance with the Public Contracts Regulation 2015.**

3.0 **SUPPORTING INFORMATION**

3.1 The Council currently has a Liquid Road Fuel contract and a contract for the provision of Ad Blue in place with a total expenditure in the region of £733,000 per annum. These contracts supply Council sites with diesel and Ad Blue.

3.2 Both Contracts were awarded under a national Framework Agreement procured by Crown Commercial Services (an executive agency sponsored by the Cabinet Office that provides commercial services, including buying services, for the public sector.) in compliance with the Public Contracts Regulations 2015. The Contracts expire on 31st March 2024.

3.3 Crown Commercial Services are commencing a new procurement exercise to award new call off Contracts under the Framework for the provision of Liquid Road Fuels including Hydrotreated Vegetable Oil (HVO). By joining this procurement exercise, the Council will be able to award new Contracts for its fuel requirements for the period 1st April 2024 to 31st March 2026 (24 months).

3.4 The budget identified for these Contracts is £737,171 per annum (cost centre 4070). A 24 month contract has been estimated at £1,474,340.

3.5 The position under the Public Contracts Regulations 2015:- The

Liquid Road Fuels Framework has been tendered by Crown Commercial Services (CCS) in line with EU Regulations. The Framework has been structured in such a way that call off contracts for public organisations can be awarded through a bulk competition run by CCS based on 100% price. The qualitative elements have already been evaluated by CCS when the framework was set up.

3.6 Value for Money – The use of a national central purchasing body with increased purchasing power will offer economies of scale for the Council. The procurement exercise will also save Council resources as CCS manage the majority of the procurement process.

3.7 Transparency - Contracts will be recorded in the Council's Contract Register accessible via the internet together with the publication of all spend in excess of £500.00. Award details will also be published on the Contracts Finder website.

4.0 **POLICY IMPLICATIONS**

No direct impact

5.0 **FINANCIAL IMPLICATIONS**

No direct impact

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

6.1 **Children & Young People in Halton**

No direct impact

6.2 **Employment, Learning & Skills in Halton**

No direct impact

6.3 **A Healthy Halton**

No direct impact

6.4 **A Safer Halton**

No direct impact

6.5 **Halton's Urban Renewal**

No direct impact

7.0 **RISK ANALYSIS**

There are no risks anticipated with acceptance of this Procurement Strategy

8.0 **EQUALITY AND DIVERSITY ISSUES**

There are no direct equality and diversity issues arising from this report.

9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 The Council had made significant progress over many years to reduce its Carbon Footprint and emissions have reduced significantly from a 2008 baseline. As part of the Action Plan the Council is developing plans to transition its fleet from petrol/diesel to lower emission vehicles. This work will take some years to complete and in the meantime to ensure ongoing service delivery this fuel supply contract is required.

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

There are no background papers under the meaning of the Act



<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Director of Public Health
<b>PORTFOLIO:</b>	Environment and Urban Renewal Health and Wellbeing
<b>SUBJECT:</b>	Revocation of Air Quality Management Areas in Widnes Town Centre
<b>WARD(S)</b>	Appleton Central and West Bank

### 1.0 **PURPOSE OF THE REPORT**

1.1 To seek Executive Board approval for the revocation of Halton's Air Quality Management Areas in Widnes Town Centre.

2.0 **RECOMMENDATION: That Executive Board approve the revocation of:**

- 1) **The Halton Borough Council Air Quality Management (Widnes No.1) Order 2011; and**
- 2) **The Halton Borough Council Air Quality Management (Widnes No.2) Order 2011."**

### 3.0 **SUPPORTING INFORMATION**

3.1 In February 2023 the Environment and Urban Renewal PPB received a report setting out the rationale for revoking the air quality management areas in Widnes Town Centre and the proposal for a public consultation. The board noted the report and endorsed the proposal for a public consultation.

3.2 In June 2023 the Environment and Urban Renewal PPB received a further report setting out the outcome of the public consultation and further observations from officers confirming the rationale for revoking the air quality management areas. The Board endorsed the proposal to revoke the air quality management areas and recommended that a report be submitted to Executive Board seeking approval for the revocation.

3.3 By way of background; the areas were declared by order of the council in 2011 when traffic congestion in Widnes town centre caused high levels of Nitrogen Dioxide. Levels of Nitrogen dioxide were measured at 49 µg/m<sup>3</sup> against a UK legal limit of 40 µg/m<sup>3</sup>

The principal source of Nitrogen Dioxide is the burning of fossil fuels with road traffic accounting for the majority of emissions. Short-term exposure to concentrations of NO<sub>2</sub> can cause inflammation of the airways and increase susceptibility to respiratory infections and to allergens. NO<sub>2</sub> can exacerbate the symptoms of those already suffering from lung or heart conditions.

The Air Quality Standards Regulations 2010 require that the annual mean concentration of NO<sub>2</sub> must not exceed 40 µg/m<sup>3</sup>. Where monitoring indicates that levels are in excess of the legal limit the local authority is under a legal duty to declare an Air Quality Management Area and implement an action plan to reduce emissions to within legal limits. Annual reports are submitted to DEFRA to monitor progress.

The action plan that was implemented, alongside a number of other developments, have resulted in a significant improvement in air quality in those areas. These developments include improvements in vehicle emission technology and the opening of the Mersey Gateway Bridge in 2017 which resulted in reduced traffic congestion in Widnes town centre.

Levels of Nitrogen dioxide in those areas are now consistently below the UK legal limit.

Table 1 below sets out the monitoring data for the last 6 years including the latest available data for 2022.

**Table 1. Diffusion tube monitoring data last 6 years – updated to include 2022 data.**

Diffusion Tube ID	X OS Grid Ref (Easting)	Site Type	2017	2018	2019	2020	2021	2022
4	Milton Road	Roadside	37.0	35.0	31.3	25.1	30.1	30.4
5	Milton Road	Roadside	38.0	35.0	32.5	26.2	32.5	32.2
6	Milton Road	Roadside	32.0	32.0	26.4	23.7	29.5	27.3
9	Peel House Lane	Roadside	33.0	33.0	30.0	23.8	26.2	25.2
10	Peel House Lane	Kerbside	39.0	38.0	37.5	30.9	34.8	34.3
12	Deacon Road	Roadside	32.0	30.0	27.2	21.2	23.8	23.4
13	Deacon Road	Roadside	33.0	28.0	28.1	22.0	24.8	22.5

**Limit = 40 µg/m<sup>3</sup>**

- 3.4 There are currently 2 Air Quality Management Areas which include the Deacon Road, Albert Road and Peelhouse Lane area and the area around Milton Road and Simms Cross. These are shown on the maps that form appendix 1 to this report.

#### 4.0 **POLICY IMPLICATIONS**

- 4.1 Given the improvements in air quality it is proposed to revoke the Air Quality Management Areas as there are no further outstanding actions required to reduce emissions to within legal limits in those areas. Consequently, the orders no longer have any material affect.

- 4.2 Monitoring in those areas will however continue. Furthermore, from 2023 the Government will require local authorities to produce an air quality strategy to set out how they will proactively monitor and improve air quality in their area. These measures will mitigate the risks of revoking the air quality management areas.

- 4.3 There is no formal statutory consultation process required to revoke the Air Quality Management Areas. However, government guidance suggests public consultation is good practice. This consultation has now taken place and the responses considered by the Environment and Urban Renewal PPB alongside the observations and advice of officers. The Environment and Urban Renewal PPB have endorsed the proposal to revoke the Air Quality Management Areas.

- 4.3 The original decision to declare the Air Quality Management Areas was taken by Executive Board and therefore the decision to revoke the Air Quality Management Areas must be made by Executive Board. Each of the two separate Air Quality Management Areas were declared by way of separate council orders and therefore both these orders need to be revoked. If Executive Board agree to revoke the air quality management areas this decision will be given effect by way of an Order of the council under the Environment Act 1995 signed by an authorised signatory in accordance with the council's constitution. A copy of the draft revocation order is attached as appendix 2 for reference.

Once the areas are revoked DEFRA will be informed via the online local air quality portal and the areas will be removed from the list of active air quality management areas.

#### 5.0 **FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications associated with this report

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

**6.1 Children & Young People in Halton**

None

**6.2 Employment, Learning & Skills in Halton**

None

**6.3 A Healthy Halton**

Air quality within the Air Quality Management Areas has improved and is now within UK legal limits

**6.4 A Safer Halton**

None

**6.5 Halton's Urban Renewal**

None

**7.0 RISK ANALYSIS**

7.1 Although it is proposed to revoke the air quality management areas monitoring of air quality will continue in those areas to ensure air quality remains within legal limits. Furthermore, should the air quality management area be revoked there will be a requirement for the council to produce an air quality strategy setting out how the council will proactively monitor and improve air quality. There are therefore no significant risks from this proposal.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None

**9.0 CLIMATE CHANGE IMPLICATIONS**

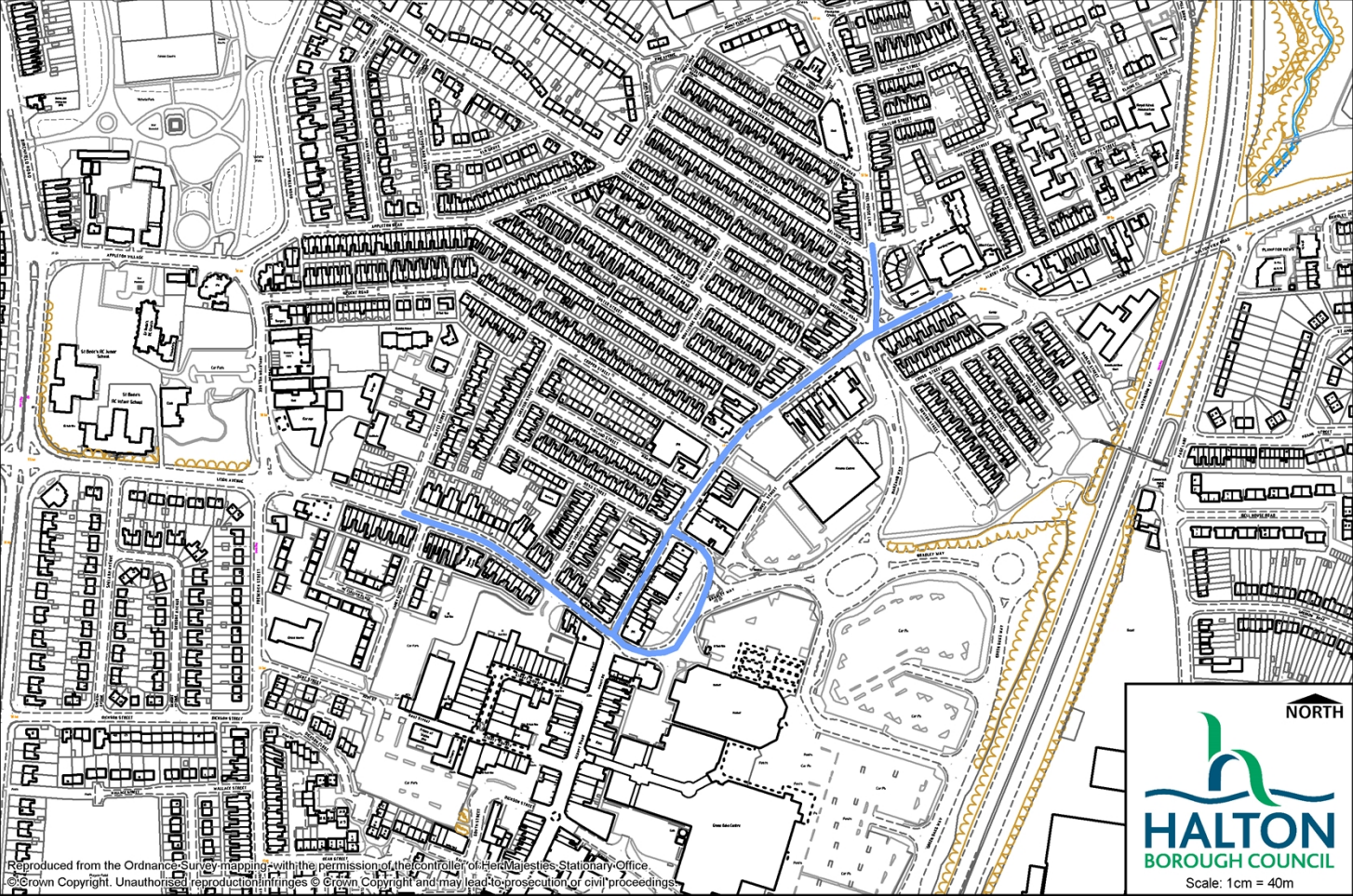
9.1 Although there are no direct climate change implications from this proposal there is an established link between fossil fuel emissions and climate change. The improvements in air quality within the Air Quality Management Areas can be attributed to reduced vehicle emissions in these areas.

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

None under the meaning of the Act.

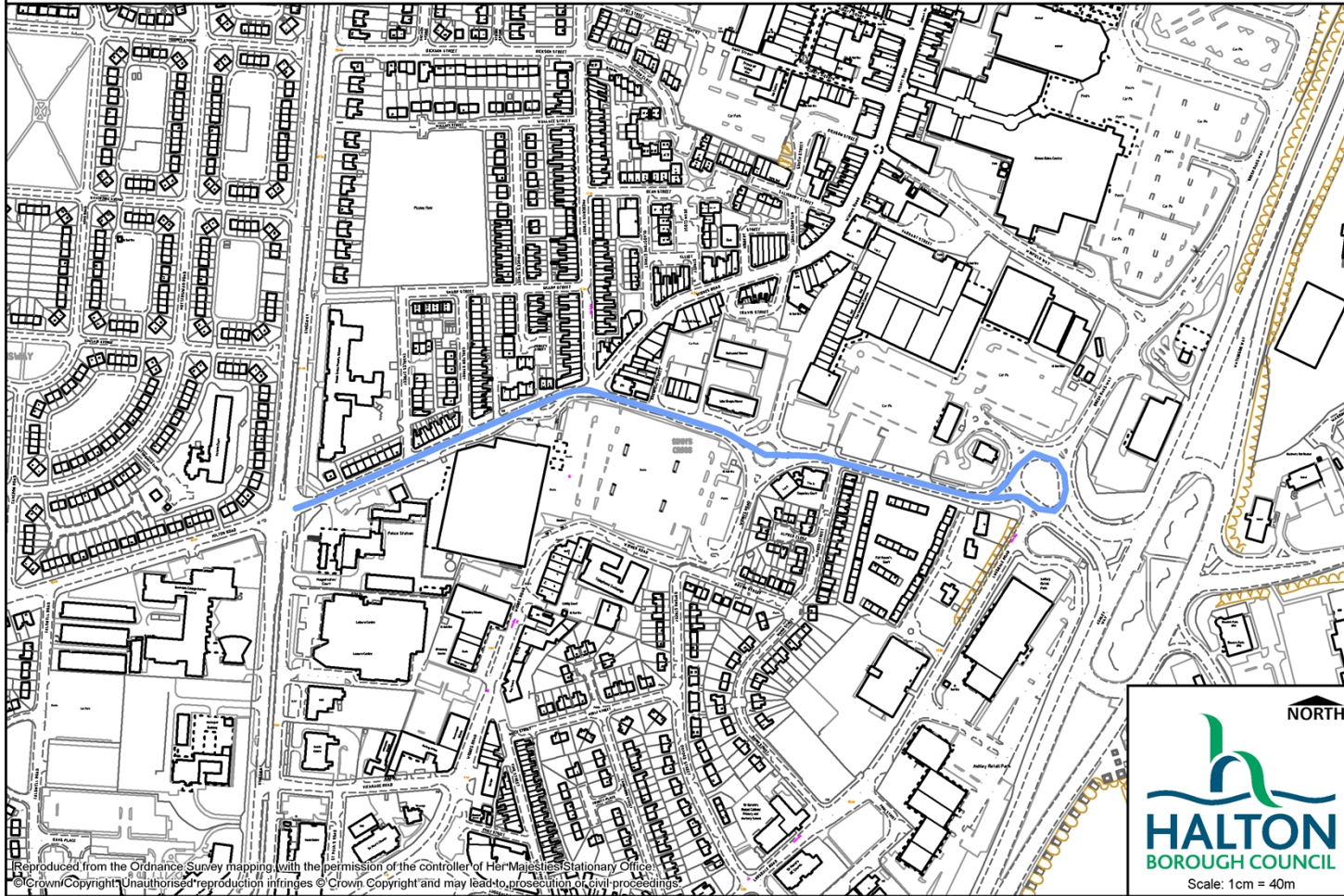
**Appendix 1**  
**Maps of Air Quality Management Areas**

# Air Quality Management Area 1





## Air Quality Management Area 2





**Appendix 2**

**Draft Revocation Order**

**HALTON BOROUGH COUNCIL  
AIR QUALITY MANAGEMENT AREA 1 AND AIR QUALITY MANAGEMENT  
AREA 2 REVOCATION ORDER 2023  
ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)**

Halton Borough Council, in exercise of the powers conferred upon it by section 83(2)(b) of the Environment Act 1995, hereby makes the following Order:-

1. The Halton Borough Council Air Quality Management Area (Widnes No.1) Order 2011 and the Halton Borough Council Air Quality Management Area (Widnes No.2) Order 2011 shall be revoked.
2. The effect of this order is that those areas known as Air Quality Management Area 1 and Air Quality Management Area 2 and shown in blue on the maps appended to this order, including the roads listed in Schedule 1, are no longer designated as air quality management areas for nitrogen dioxide.
3. This Order shall come into force on [            ] September 2023

**EXECUTED as a Deed** by hereunto

affixing **THE COMMON Seal of**

**HALTON BOROUGH COUNCIL**

In the presence of:

Authorised Signatory

<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 September 2023
<b>REPORTING OFFICER:</b>	Executive Director – Environment and Regeneration
<b>PORTFOLIO:</b>	Employment, Learning and Skills, and Community
<b>SUBJECT:</b>	Library Strategy 2023-2028
<b>WARD(S)</b>	Borough-wide

## 1.0 **PURPOSE OF THE REPORT**

- 1.1 To provide members with a report on the Council's draft Library Strategy for 2023-2028 and to update members on the good work which has taken place in 2022/23.

This matter was discussed in detail at the Employment, Learning and Skills, and Community Policy and Performance Board (ELS & C PPB), on 19th June 2023. Members requested additional references to online resources and employment. PPB Members agreed to submit the report to the Executive Board.

## 2.0 **RECOMMENDATION: That the Library Strategy be adopted.**

## 3.0 **SUPPORTING INFORMATION**

- 3.1 The current Library Strategy expires in 2023. The new Library Strategy attached to the report has been produced in house by the libraries team and all the library staff have been given the opportunity to comment and input. It provides useful information for the customer on what the library service offers and sets objectives for the next 5 years, to improve the service and ensure it moves forward and widens the customer base. The Strategy will be published on websites and will be available within the libraries.
- 3.2 Copies of the draft Library Strategy will be available at the meeting for members to consider. Once members have considered the draft strategy, the aim would be to take it to Executive Board for adoption.
- 3.3 Below are figures for the Library Services for 22/23. Going forward we will be able to present these figures as a comparison from one year to another, to show any increases for the services.

<b>Widnes &amp; Ditton</b>	Total attendance figures
Rhyme time – Widnes & Ditton	2047
Saturday Stories	813
Lego Club – Widnes & Ditton	1311
Science Club - Widnes	177
Class visits – Widnes & Ditton	1818
Warm welcome winter coffee mornings (Stay Warm, Stay Well)	124
Public PC's usage- Widnes & Ditton	9,099
<b>Halton Lea &amp; Runcorn</b>	Total attendance figures
Rhyme time – Halton lea & Runcorn	3, 611
Saturday Stories	1,097
Lego Club - Halton lea & Runcorn	1257
Halton Home Education monthly meet up	271
Class visits - Halton lea & Runcorn	2,191
Public Pc's usage- Halton lea & Runcorn	17,193
Warm welcome winter coffee mornings (Stay Warm, Stay Well)	202
<b>New Service offers launched and one off feature events :</b>	<ul style="list-style-type: none"> <li>• Brilliant Builds!</li> <li>• A Good Yarn</li> <li>• Scrabble Club</li> <li>• You Can Do I.T!</li> <li>• Family History monthly helpdesk</li> <li>• Additional Lego Clubs</li> <li>• Home Ed monthly meet up</li> <li>• Monthly Coding Clubs in partnership with Mako Create and Daresbury Tech</li> <li>• Plus 1000 visitors to MakeFest at Widnes Library in March</li> <li>• Over 2,500 people attended our one off and school holiday events across sites.</li> </ul>

<b>Social media</b>	Total site visits
Facebook views	198,037
Twitter site views	125,666
Library website	50,328
<b>Outreach Services</b>	
Home Library Service	109 customers 10,152 books delivered
Deposit Collections in 6 sites	840 books supplied
Reading Groups	5 internal groups / 5 external / 900 books supplied
Memory Box Delivery	Supplied monthly to 12 care homes 144 memory boxes delivered
Adult Outreach events	302 people reached at 24 events
<b>Library User Statistics</b>	
Active borrowers (KOHA)	15,585
Active borrowers (BORROWBOX)	9,070
Active users (PRESSREADER)	24,562
Book issues (all 4 sites)	203,595
Ebook issues (BORROWBOX)	15,571
Eaudiobook issues (BORROWBOX)	21,163
Articles read (PRESSREADER)	1,313,385
People visiting HBC Libraries (All 4 sites)	320,600

#### 4.0 **POLICY IMPLICATIONS**

4.1 The Library Service is a statutory service and supports the Council's priorities.

#### 5.0 **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications.

#### 6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### 6.1 **Children & Young People in Halton**

The current programme provides ample opportunity for children and

young people to engage with the library offer, in person and online. Rhyme Time, science and Lego clubs, along with school visits and much more. The staff try and make the library inviting to all ages and have designated areas for children and young people.

## 6.2 **Employment, Learning & Skills in Halton**

The library provides a valuable learning opportunity for customers of all ages, the loan of up to 20 free books, online magazines and newspapers, computers and a warm friendly welcoming environment. The Work Club which ran pre-Covid, has moved online and is now targeted at particular housing estates. However, the IT Club and library staff will help customers to get online to complete job applications and assist with the scanning and printing of documents, which customers need for job applications.

## 6.3 **A Healthy Halton**

The varied library offer is across all four libraries and online, providing flexibility to customers. The libraries act as a social gathering place and can help reduce loneliness. Stay Warm Stay Well was a national campaign which we participated in and one that we will look to roll out during winter 2023, as this was a valuable service during the energy crisis. We also promote bring a picnic, so customers can come into the libraries and stay for longer. The libraries have quiet spaces for work or reading and free Wi-Fi and PC access. Reading Well is a National campaign which promotes a list of books on topical health issues such as anxiety, depression etc, which users can borrow as self-help guides. There is a Reading Well list for adults and one aimed at teenagers.

## 6.4 **A Safer Halton**

Halton Lea Library opening times now reflect Shopping City opening times, which means it is now safer for staff and customers to visit the library.

## 6.5 **Halton's Urban Renewal**

The Old Town Library is part of the key flagship project within the Reconnecting Runcorn programme, promoting a cultural hub offer.

## 7.0 **RISK ANALYSIS**

7.1 The risks are associated with the failure to deliver the objectives over the next 5 years. We have been ambitious, yet realistic at designing the objectives and feel confident we can deliver them as set out.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 The Libraries are open and fully accessible. New Changing Places facilities are being installed as part of the Brindley extension and at Halton Lea Library.

9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 There are no direct climate change implications as part of this report.

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

‘None under the meaning of the Act.’

Halton Libraries

# LIBRARIES STRATEGY

2023 - 2028



[www.halton.gov.uk/libraries](http://www.halton.gov.uk/libraries)



## **Halton Libraries Strategy – 2023/2028**

### **Introduction**

Halton Libraries' aim is to provide an energetic, diverse service with an inclusive offer across all of our communities. This strategy provides a framework for the future of the service, so that Halton Libraries can continue to meet the needs of local communities and support the aims and objectives of the Council.

### **Background**

Halton Library Service is delivered through four public libraries and as an outreach service across the Borough, this includes the Community Library Service our bespoke offer to care and residential homes, and the Home Library Service, to provide services to those unable to access our buildings.

The Service is an early adopter of new technologies including open source software solutions, embracing innovation to improve customer experiences and financial efficiency.

The library service is a key resource for our community, providing access to books, learning opportunities, cultural activity, and information. The buildings are important meeting spaces which offer a welcoming, neutral environment and host a range of events and opportunities for the whole community.



## Halton Libraries' offer

*It is free to join and use Halton Libraries*

- **Books**

Halton Libraries have over 136,000 books in stock with collections for both children and adults. There is a huge variety of topics ranging from astrology to zoo keeping with titles available in a number of formats including audiobooks. Library users can take out 20 books at a time.

- **E-books and e-audiobooks**

Halton Libraries' users have access to over 40,000 e-book and e-audiobook titles via Borrowbox including the latest fiction and non-fiction bestsellers. Library users can loan 6 e-books and 6 e-audiobooks at a time.

- **Dual language and dyslexia friendly collections**

Halton Libraries have a selection of books which are suitable for users with dyslexia and other conditions. There are also a wide range of dual language books covering languages such as Polish, Ukrainian, Farsi and Spanish.

- **Digital newspapers and magazines**

There are over 27,000 digital newspapers and magazines available on the libraries' Press Reader site. The site is free to access and content can be translated into over 250 languages.

- **PCs and printing**

There are more than 40 public use PCs across the four Halton Libraries. These are free to use and there are also printing and photocopying facilities available.

- **Local history**

The local history collections at Halton Lea Library and Widnes Library contain a wide range of materials covering the history of Runcorn, Widnes and the surrounding areas. There is also a collection of local history photographs covering events in and around the Halton Borough dating from the 19<sup>th</sup> century. Library users also have free access to Cheshire Record Office and Archives.

- **Meeting room hire**

There are 7 meeting rooms at Halton Lea Library that can be hired by both corporate and private groups with additional rooms for hire in Runcorn Library. There is also display and exhibition space for hire at both Halton Lea Library and Widnes Library for local individuals and community groups.

- **Rhyme time and Saturday sessions**

Rhyme Time sessions for pre-school children take place all year round across each library location on a weekly basis. Stories and songs are enjoyed and provide a fun and enjoyable introduction to books, reading and libraries for young children.

- **Library clubs**

There are a number of free clubs which are run by Halton Libraries on a regular basis which include:

Good Yarn group

Lego club

Halton memories

Reading Friends phone group

Science club

Brilliant Builds

You can do I.T.

- **Games and jigsaws**

There is a wide range of both adult and junior games and jigsaws, which are free to use and are available during library opening hours.

- **Community Library Service**

Halton Libraries provides a valuable service to the community. This includes lending collections of books to care homes and sheltered housing, delivering memory boxes to care homes and giving talks and information to community groups and organisations. We are also working in partnership with other organisations to provide specific books and services to all parts of the community.

- **Home Library Service**

This service ensures that people who cannot get to the library for reasons such as mobility, illness and caring responsibilities, are still able to access books, delivered to their home once a month.

## Key facts about Halton Libraries 2022



4 libraries serving a population of 128,500



**351,317**

Visits to Halton's libraries



**2,297**

Adults and children attended 68 class visits



**15,552**

E-book downloads



**16,585**

e-audio downloads



**199,050**

Books loaned



**4,784**

Children and parents attended Rhyme Time sessions

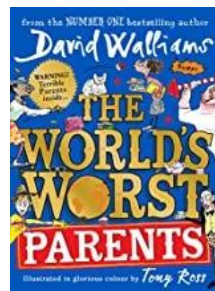
## Most popular adults and children's books



Highest loaning adult fiction book



Highest loaning adult non-fiction book



Highest loaning children's fiction book



Highest loaning children's non-fiction book

## UNIVERSAL OFFERS

### National Context

The National Universal Library Offer Framework -

[www.librariesconnected.org.uk/page/universal-library-offers](http://www.librariesconnected.org.uk/page/universal-library-offers) has been developed by Libraries Connected to represent core services which our customers and stakeholders see as being integral to a 21<sup>st</sup> century public library service.



The Universal Offers are delivered in Halton and are tailored to meet local needs.

## **Halton Libraries' Vision**

*An energetic library service, inspiring learning, embracing change and contributing to a thriving, diverse Halton*

### **How will we deliver our vision?**

#### **1. Energetic library service**

Maximise the potential of the space within library buildings:  
Extend the junior areas and move the teenage sections to more prominent positions in Halton Lea and Widnes Libraries.

- Refresh the layout of Halton's libraries to improve customer service, interaction and accessibility.

Expand our offer to school aged children across the borough:

- Engage with primary schools to increase the membership for reception class intake.
- Increase the class visit offer and develop a new booking system for class visits.

Improve, strengthen and ensure consistency of customer service:

- Extend the corporate personal development for Halton Libraries' staff.

Improve the links with internal and external partners.

Expand our Home Library Service offer:

- Increase our customer base to reach more people within the borough

Improve information provision by introducing information hubs in all Halton Libraries.

## **2. Inspire learning**

Introduce IT help sessions in all libraries and other community settings.

Expand the number of rhyme time sessions and extend the offer to specific groups.

Develop our partnerships with the local secondary schools through promotion and activities.

## **3. Embracing change**

Maintain connections with Runcorn Old Town during the transition of Runcorn Library to the Brindley.

Extend the community library service:

- Introduce pop-up library services in community centres.
- Develop partnerships with local health services.

Implement Hublets at Halton Lea Library and introduce Wi-Fi printing in all Halton Libraries.

Expand our social media offer to reach more members of the community.

#### **4. Contributing to a thriving, diverse Halton**

Expand the opportunities to work with other agencies across Halton:

- Continue to develop our partnerships with business resources services.
- Expand the partnerships that offer onsite services to users.
- Further develop partnerships across the Halton community.

Develop the local history collection by promoting the archives service at the Cheshire Record Office and digitising the local history photograph collection.

Expand Halton Libraries' support to asylum seekers and refugee residents within the borough.

Explore financial efficiencies.

Investigate new income streams to increase library revenue.

Implement the winter campaign every winter from 2023 to 2028.

Provide help and advice with getting 'online' to all our customers, via the IT Club and library staff, and assist job seekers with the scanning and printing of online job applications.



## **Home Library Service customer comments.....**

***"It has been brilliant during lockdown, Covid and various self-isolation for operations. I have never been missed - organisation is great those that are delivering are smiling and courteous. A brilliant service. Thank you."***

***"I look forward to the next date every time. Sometimes it can't come quick enough as I have read all my books and eagerly look forward to the Tuesday delivery. Congratulations to all staff and the drivers who always have a smile" 10/10 .***

***"Superb service, even throughout lockdown, It's made such a difference to know library books would still be delivered. I find it excellent!" 10/10.***

***"10/10 scores. The selection of books is excellent. Nothing is too much trouble for the staff."***

***"To all Outreach staff, thanking you for a 1st Class service which is greatly appreciated."***

***"To you all for a lovely service this year - 2022".***

***"Your service and staff have been lifesavers for me over the last 2 years. Thank you all drivers and staff." 10/10.***

***"Delighted with the service it helps me enormously. Thank you"***

***"Really happy with the service and the book selections have been fabulous. Enjoying trying new authors. Thank you!"***

## **Strategic plan**

### **12 month strategic plan – 2023/2024**

- Extend the junior areas and provision in Halton Lea and Widnes Libraries.
- Extend the Home Library Service provision.
- Increase the class visit offer and develop a new booking system.
- Improve information provision by introducing community information notice boards.
- Maintain a service provision with Runcorn Old Town during the transition of Runcorn Library to the new extension at the Brindley.
- Provide display and exhibition areas at Halton Lea Library and Widnes Library.
- Develop social media channels.
- Improve the IT access for customers, adopting greater use of virtual storage and user friendly search engines.
- Review the library service opening and closing times, to provide the customer with greater consistency, without a detriment to the quality of the service.

- Continue to promote Borrowbox and all our online services, by all effective means, to ensure we reach the widest audience possible.

### **3 year strategic plan – 2023/2026**

- Introduce IT help sessions in all libraries and community settings.
- Increase the number of rhyme time sessions and expand the rhyme time offer to specific groups.
- Develop our partnerships with the local secondary schools through promotion and activities.
- Continue to develop our partnerships with business resources services.
- Implement Hublets at Halton Lea Library and introduce Wi-Fi printing to all libraries.
- Investigate new income streams to increase library revenue.

**5 year strategic plan – 2023/2028**


- Refresh the layout of Halton’s libraries to improve customer service, interaction and accessibility.
- Engage with primary schools to increase membership for the reception class intake.
- Improve, strengthen and ensure the consistency of the libraries’ customer service policy.
- Extend corporate personal development for Halton Libraries’ staff.
- Improve the links with Halton Libraries’ internal and external partners.
- Extend the community library service with pop-up library services in the community centres and partnerships with local health services.
- Expand partnerships that offer onsite services to users.
- Further develop partnerships across the Halton community.
- Explore financial efficiencies within the library service.
- Expand the support to asylum seekers and refugee residents within the borough.
- Implement a winter campaign every winter from 2023/2028.

- Promote the archives service at Cheshire Record Office and develop the local history collection.
- Explore options for digitising the local history photograph collections within the service and make them accessible to all.

**WIDNES LIBRARY**

Comments.....


THIS LIBRARY IS ONE OF MY FAVOURITE PLACES AND IT IS EVERYTHING A LIBRARY SHOULD BE. IN A TIME OF LIBRARIES CLOSING THIS ONE HAS EXCELLENT OPENING HOURS + THE STAFF ARE MOST WELCOMING + EFFICIENT.

 FIVE STARS!!!

**RUNCORN LIBRARY**

Comments.....


Always friendly and helpful. A nice warm place to come and enjoy the books. I may come to the Craft Group on Mondays. Thank you for providing this activity. I especially enjoyed the author events last year. Great!

 26/1/2026

**DITTON LIBRARY**

Comments.....


My grandson Jacob loves lego club and also loves all the books. ITS a warm friendly space and the staff are always welcoming.



**HALTON LEA LIBRARY**

Comments.....

My children love Saturday stories! The staff are so lovely and have great relationships with the children.




We welcome your comments on Halton Lea Library

**RUNCORN LIBRARY**

Comments.....


We love the library, we come every thursday to lego club to build and get creative. The staff are always helpful, kind and engaging meaning we always feel welcomed in. It is easy to find and the selection of books is great my little boy always manages to find something he hasn't seen or read before!

 26/1/2023

**HALTON LEA LIBRARY**

Comments.....

Just want to say thank you for the wonderful home library service, my 80 year old mother struggled with her eyesight & she was lost without her books but now she gets 10 'Talking' books delivered every month & it makes her day! Brilliant service.




We welcome your comments on Halton Lea Library

**WIDNES LIBRARY**

Comments.....


Wonderful library  
The one place I really missed during lockdown  
attentive and knowledgeable staff



**WIDNES LIBRARY**

Comments.....

I like Widnes Library because it has fun games and good books to read!



**Halton Lea Library, Halton Lea,  
Runcorn, WA72PF**



**Contact details**

Tel: 0151 511 7744

Email:  
haltonlea.library@halton.gov.uk

**Widnes Library, Victoria Square,  
Widnes, WA8 7QY**



**Contact details**

Tel: 0151 907 8383

Email:  
widnes.library@halton.gov.uk

**Runcorn Library, Granville Street,  
Runcorn, WA7 1NE**



**Contact details**

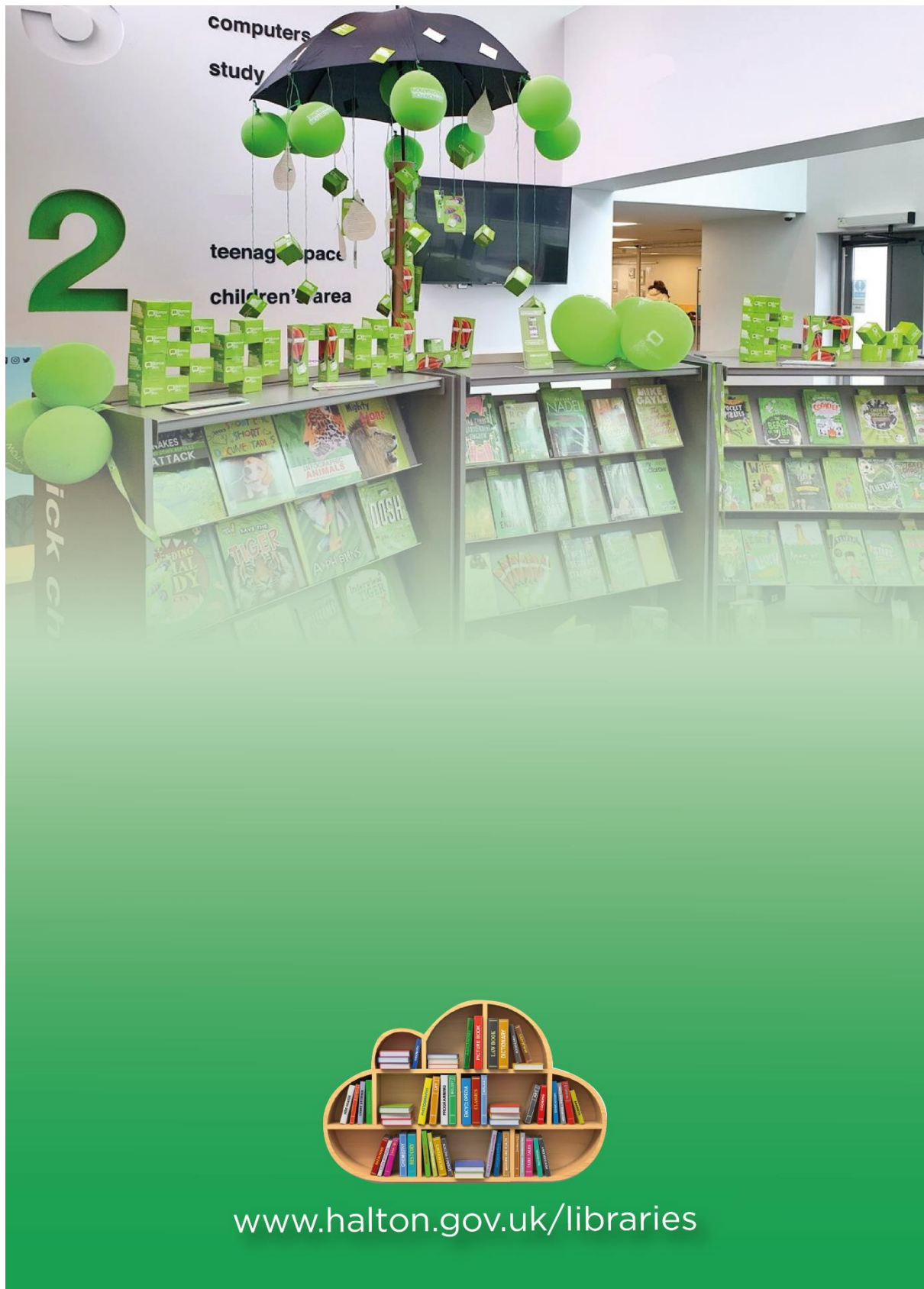
Tel: 0151 511 7666

**Ditton Library, Queens Avenue,  
Widnes, WA8 8HR**



**Contact details**

Tel: 0151 424 2459



[www.halton.gov.uk/libraries](http://www.halton.gov.uk/libraries)



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