

EXECUTIVE BOARD SUB COMMITTEE

*At a meeting of the Executive Board Sub Committee on Thursday, 13 December 2007
in the Marketing Suite, Municipal Building*

Present: Councillors Wharton (Chairman), Harris and Nelson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: M. Reaney, G. Ferguson, I. Leivesley, M. Noone, P. Searing, L. Smallthwaite, D. Tregea and A. Williamson

Also in attendance: N/A

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE SUB-COMMITTEE

		<i>Action</i>
ES57	MINUTES The Minutes of the meetings held on 15 th and 29 th November were taken as read and signed as a correct record.	
	COMMUNITY PORTFOLIO	
ES58	ENFORCEMENT OF PART III OF THE CONSUMER CREDIT ACT - LEGAL AUTHORISATIONS The Sub-Committee was advised that the primary legislation governing the Consumer Credit Industry was the Consumer Credit Act 1974 and this was enforced, in each local authority area, by the Trading Standards (Consumer Protection) Service. The Act was based upon a licensing system and all consumer credit and consumer hire businesses operating in the UK (with certain exemptions) must possess an appropriate licence issued by the Office of Fair Trading (OFT). The OFT must be satisfied that an applicant for a consumer credit licence was a fit and proper person before issuing that person with a licence to trade.	

The Sub Committee was advised that the Birmingham Illegal Money Lending Team had been established as a pilot project, one of only two in Great Britain, the other pilot area being Glasgow. The remit of the team was to investigate illegal money lending, activity and establish if a problem existed and, if so, bring to justice those persons carrying out this activity.

In September 2007, the Business Secretary, John Hutton announced that a localised pilot would be extended to every region of the country, including the North West, up to 31st March 2009. Given the timescale of the bidding process, Trading Standards North West approached the Birmingham Team to request that they submit a bid to undertake the work in the North West. The bid had proved to be successful.

The report sought approval for a scheme of delegation to authorise Birmingham City Council and officers of the Illegal Money Lending Team (IMLT) to investigate and institute proceedings against illegal money lenders operating within the Halton Borough Council area. All associated legal processes and costs thereof would be delegated to Birmingham City Council. The draft protocol had been previously circulated to Members and contained all the required conditions and consents to enable Birmingham City Council officers to undertake investigations and legal procedures. This proposal, would supplement Halton's Consumer Protection resources (at no extra cost to Halton Borough Council) and would enable the Consumer Protection Officers to have access to a team of highly trained experts from the IMLT.

RESOLVED: That

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

(2) the protocol for illegal money lending team investigations be agreed and authority be delegated to the

Strategic Director
Environment

Operational Director, Health and Partnerships, in consultation with the Executive Board Member for Community, to enter into the agreement on behalf of Halton Borough Council and approve minor alterations if required.

HEALTH AND SOCIAL CARE PORTFOLIO

ES59 INTEGRATION OF ADULTS WITH LEARNING DISABILITY SERVICES

The Sub-Committee was advised that Adults with Learning Disabilities (ALD) Services were guided by "Valuing People" the Government National Guidance published in 2001 which set out the priorities for the delivery of services for adult with learning disabilities.

This guidance recognised the need to work in partnership both across agencies and with the service users and carers. In Halton the importance of close working arrangements had long been recognised to ensure that the needs of people with learning disabilities were met and that the spirit of the guidance was adhered to. The Primary Care Trust (PCT) and the Council had worked closely together; this had been achieved by:

- the establishment of a pooled budget since 2002, managed by HBC. The budget stands at £12.2m 2007/2008 and included most ALD Services and the Community Care Budget; and
- co-ordination of the PCT's Health Team and HBC's Care Management Team for ALD at the Bridges, Crow Wood Lane, Widnes. This was a Primary Care Trust Building and currently separate management arrangements were in existence for the two teams located there.

It was proposed that the partnership between the PCT and the Council could be further strengthened to offer a fully integrated service. The PCT was seeking to transfer up to 15 relevant staff to the Council and place them under the management of HBC. The staff in question would be mainly nurses who had developed an expertise in learning disabilities. This transfer would take place at the earliest at the beginning of the next financial year. There were a number of advantages for this proposal which were set out below:

- (i) the service would improve; as people with learning disabilities would only have one point of access and assessment, currently there were two systems for service

users and carers to navigate;

(ii) nurses and social workers would have one management system, thus avoiding duplication and inefficiencies; and

(iii) the person centred planning approach would be strengthened in line with national guidance "Valuing People 2001".

The proposal to transfer NHS staff into Halton Council would be subject to widespread consultation with staff and would be undertaken in partnership between the Council and the PCT. The integration of services for people with learning disabilities offered the Council the opportunity to be more efficient in its delivery of services. There would be an increased ability to be flexible and a decrease in duplication improving the experience of people with learning disabilities assessed to be in need of services.

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

The transfer of NHS staff would be subject to TUPE protection in the case of employees and a contract between the PCT and the Council that would cover all financial implications. Given the budgetary pressures on the service and the ALD pooled budget, there could not be any additional cost to the Council with this proposal.

RESOLVED: That

(1) the proposals to further integrate Health and Care Management Services be agreed; and

(2) authority be delegated to the Strategic Director, Health and Community to agree a contract between Halton Council and Halton and St. Helens Primary Care Trust to transfer up to 15 staff to the Council under the Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE), subject to there being no additional cost to the Council; and

(3) a further report be brought back to the Sub-Committee before a contract is entered into.

Strategic Director,
Health and
Community

PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO

ES60 REPORT AND ACCEPTANCE OF TENDERS – A56 / A558 JUNCTION IMPROVEMENT SCHEME, DARESBUY

The Sub-Committee was advised on four tenders that had been received for the highway improvement scheme at the A56/A558 Junction, Daresbury.

The tenders had been assessed for both quality and price under assessment criteria described in the Instructions for Tendering.

Following assessment, the submission from NMS Civil Engineering Limited presented the most economically advantageous tender on the basis of quality, execution and price and was recommended for acceptance.

RESOLVED: That the tender received from NMS Civil Engineering Limited in the sum of £1,256,936.07 be accepted.

ES61 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Sub Committee considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Committee during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and 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 outweighs the public interest in disclosing the information,

members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO

ES62 EXTENSION OF THE MERSEY GATEWAY PROJECT DIRECTOR'S CONTRACT

The Sub-Committee considered a report which sought authority to extend the Mersey Gateway Project Director's Contract for three years from 1st May 2008 to 30th April 2011 on the same general terms, (subject to inflation) as agreed in 2006. As the formal outcome of the public inquiry should be known in mid-2009, it was proposed that it would be prudent to have a formal review of the contract at that point should there be the unlikely conclusion from the inquiry that the project should not proceed.

RESOLVED: That

(1) Steve Nicholson's contract as Mersey Gateway Project Director be extended to 30th April 2011 with a formal review when the outcome of the public inquiry is known; and

(2) the Chief Executive agree detailed terms and contractual arrangements for that contract extension.

Chief Executive

CORPORATE SERVICES PORTFOLIO

ES63 HALTON VILLAGE YOUTH CLUB FACILITIES, CAMELOT WAY, RUNCORN

The Sub-Committee considered a report which set out the circumstances that had arisen around a building on Camelot Way, Runcorn for which the Council held the freehold and where a dispute had developed between two third parties.

RESOLVED: That having given careful consideration to the issues raised and before making any decision, the Sub-Committee wish to look more widely at the future use of this building. A further report be brought back to the Sub-

Strategic Director
Corporate and
Policy

Committee at the meeting on 21st February 2008.

MINUTES ISSUED: 20th December 2007

CALL IN: 31st December 2007

**Any matter decided by the Executive Board Sub Committee may
be called in no later than 31st December 2007**

Meeting ended at 11.50 a.m.