

COUNCIL

At a meeting of the Council on Wednesday, 22 January 2020 in the Council Chamber, Runcorn Town Hall

Present: Councillors Horabin, Abbott, Baker, J. Bradshaw, M. Bradshaw, D. Cargill, E. Cargill, Carlin, Cassidy, Dennett, Dourley, Fry, Gilligan, Harris, P. Hignett, R. Hignett, Howard, Jones, Leck, M. Lloyd Jones, P. Lloyd Jones, C. Loftus, K. Loftus, Logan, A. Lowe, J. Lowe, MacManus, McDermott, Morley, Philbin, Polhill, Ratcliffe, Joe Roberts, June Roberts, Rowe, Sinnott, G. Stockton, J. Stockton, Teeling, Thompson, Wainwright, Wallace, Wharton, Whitley, Woolfall, Wright and Zygadlo

Apologies for Absence: Councillors S. Hill, V. Hill, A. McInerney, T. McInerney, Nelson, Nolan, C. Plumpton Walsh, N. Plumpton Walsh and Wall

Absence declared on Council business: None

Officers present: D. Parr, I. Leivesley, M. Reaney and G. Ferguson

Also in attendance: None

Action

COU57 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Council 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 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 outweighed the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item 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, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

(N.B. The following Councillors declared a Disclosable Pecuniary Interest in the following item of business as they were Directors of Halton Borough Transport Limited; Councillors MacManus, Morley, Wharton and Zygadlo. They all left the room before the vote on the resolution(s) were taken.)

COU58 TRANSPORT PROVISION WITHIN THE BOROUGH

Council considered a Part II report on transport provision within the Borough.

Chief Executive

In accordance with Standing Order 16 (3), a recorded vote was taken.

The following Members voted FOR the motion:

Councillors J. Abbott, S. Baker, J. Bradshaw, M. Bradshaw, D. Cargill, E. Cargill, Carlin, Cassidy, Dennett, Dourley, Fry, Gilligan, Harris, P. Hignett, R. Hignett, Horabin, Howard, Jones, Leck, M. Lloyd Jones, P.Lloyd Jones, C.Loftus, K.Loftus, Logan, A.Lowe, J.Lowe, McDermott, Philbin, Polhill, Ratcliffe, Joe Roberts, June Roberts, Rowe, Sinnott, G. Stockton, J. Stockton, Teeling, Thompson, Wainwright, Wallace, Whitley, Woolfall and Wright.

There were no votes against the motion.

There were no abstentions.

RESOLVED: That

- I. The actions taken by the Council to provide financial

and operational support to Halton Borough Transport Limited, as set out in the report, be noted;

- II. The continuing severe financial and operational difficulties being experienced by Halton Borough Transport Limited, as set out in the report, be noted;
- III. The Company's liabilities are greater than its assets and it is likely that the Company will become unable to pay its debts as they fall due and given the ongoing trading losses and exceptional costs the position cannot continue beyond the immediate short term without a significant injection of funds, be noted;
- IV. It would be an inappropriate use of limited public resources for the Council to provide any further financial support to Halton Borough Transport Limited;
- V. As the Company's major shareholder
 - a. to support the decision taken by the Board of Halton Borough Transport Limited on the 20th December 2019 to place the company into a formal insolvency procedure by means of a Liquidation
 - b. that, the Operational Director (Legal & Democratic Services) be authorised to act as set out in Appendix 1,
- VI. to take all reasonably practicable steps, within the financial limitations of the Council, to support public transport in Halton.

APPENDIX 1

(1) For good governance and practicality, and subject to any subsequent express revocation, change or supplemental resolution, direction, instruction or approval from the Council, the Operational Director (Legal & Democratic Services) from time to time of the Council be and is authorised to act and be treated as a representative of the Council in respect of the Council's statutory, contractual or other rights and/or powers to:

- a) receive notice of (alongside full legible copies of the applicable meeting agenda and related documentation), attend, participate, make submissions/representations, vote and pass resolutions at any general meeting of any kind of

Halton Borough Transport Limited (to include, but not limited to, any general meeting to consider a resolution to: (i) sell or otherwise transfer/dispose of the shares in the share capital of Halton Borough Transport Limited, (ii) sell or otherwise transfer/dispose of the business and assets of Halton Borough Transport Limited, or (iii) put Halton Borough Transport Limited into any formal insolvency, winding up, strike off or dissolution process);

- b) receive a copy of, sign and date any written resolution containing any special resolution(s) and/or ordinary resolution(s) of any kind (to include, but not limited to, any resolution mentioned in paragraph a) above;
- c) have prepared, settled, signed, dated, registered, filed and implemented (and, if required or desired, certified and/or notarised), by himself or any other senior employee or officer of the Council, any affidavit, statement, petition, declaration, application, form, agreement, letter, email or other document or missive whatsoever concerning Halton Borough Transport Limited; or do any combination of the above.

(2) For good governance and practicality, without prejudice to resolution V, and subject to any subsequent express revocation, change or supplemental resolution, direction, instruction or approval from the Council, the Operational Director (Legal & Democratic Services) from time to time of the Council be and is authorised to have prepared, settled, signed, dated, registered, filed and implemented (and, if required or desired, certified and/or notarised), by himself or any other senior employee or officer of the Council, any affidavit, statement, petition, declaration, application, form, agreement, letter, email or other document or missive whatsoever necessary and/or reasonably desirable to effectively transfer the share(s) held by Colin Stafford in the share capital of Halton Borough Transport Limited to any person nominated by the Operational Director (Legal & Democratic Services) PROVIDED such person enters into a trust declaration in favour of the Council on effectively the same terms as under Colin Stafford's declaration from 2012 (or under terms that are more favourable to the Council).

Meeting ended at 6.45 p.m.