

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 5 June 2008 in the Marketing Suite, Municipal Building, Kingsway, Widnes*

Present: Councillors McDermott (Chairman), D. Cargill, Gerrard, Harris, McInerney, Polhill, Swain and Wharton

Apologies for Absence: Councillors Nelson and Wright

Absence declared on Council business: None

Officers present: M. Reaney, G. Cook, C. Halpin, I. Leivesley, D. Parr, D. Tregoe, A. McIntyre, P. McWade and L. Cox

Also in attendance: Mr J. Farmer (for Minute EXB6)

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

*Action*

#### EXB5 MINUTES

The Minutes of the meetings of 14<sup>th</sup> and 19<sup>th</sup> May 2008 were taken as read and signed as correct record.

#### EXB6 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - URGENT BUSINESS

The Board was advised that a matter had arisen which required immediate attention by the Board because a decision was required before the date of the next meeting (Minute EXB16 refers), therefore pursuant to Section 100 B (4) and 100 E Local Government Act 1972, the Chairman ruled that the items be considered as a matter of urgency.

### CORPORATE SERVICES PORTFOLIO

#### EXB7 ANNUAL AUDIT AND INSPECTION LETTER

The Board considered a report of the Strategic Director – Corporate and Policy regarding the Annual Audit and Inspection letter prepared by the Council's Audit Commission Relationship Manager and the District Auditor,

Julian Farmer.

The letter provided an overall summary of the Audit Commission's assessment of the Council, drawing on the findings and conclusions from the Audit of the Council and inspections that had been undertaken in the last year. It also drew from wider analysis of the Council's performance and its improvement over the last year as measured through the Comprehensive Performance Assessment (CPA) Framework.

Mr. Farmer attended the meeting and addressed the Board on the overall summary of the Audit Commission's assessment of the Council, focusing on the key messages set out in the letter, as detailed below:

- the Council had continued to maintain its strong performance and had maintained its 4 star rating under the Audit Commissions CPA process with the Direction of Travel assessed as improving well during 2007;
- the assessment identified some areas where further work was needed to bring the Council's performance up to the standard of the best performing councils;
- on the Council's accounts for 2006/7 an unqualified audit opinion was issued along with an unqualified value for money conclusion; and
- the Council continued to manage its use of resources effectively and as such was assessed as a level 3 organisation – performing well. Further scope to strengthen arrangements in several areas, particularly financial management, asset management and value for money had been noted.

Members commented on the excellent report stating that this was a credit to everyone at the Council.

The Board thanked Mr Farmer for his co-operation and hard work in his role of District auditor and wished him well in the future.

Mr Farmer extended his thanks to the Board and officers of the Council for their support.

RESOLVED: That

- (1) the annual audit and inspection letter be received;

and

- (2) the annual audit and inspection letter be distributed to all Members of the Council.

#### EXB8 QUEENS HALL STUDIO, LACEY STREET, WIDNES

The Board received a report of the Strategic Director, Corporate and Policy which sought approval for the entering into legal commitments on the Queen's Hall Studio including disposal of the freehold at nil consideration to Loose Music.

At its meeting of 22 June 2006 the Executive Board Sub Committee granted an exclusivity agreement to Loose Music to enable them to put together a package to develop a music and arts education and entertainment project at Queen's Hall Studio (Minute ES9/2006 refers).

It was noted that the studio was quite distinct from the Queen's Hall. Originally two separate buildings were latterly joined by a link extension. The report related solely to the Studio and did not include either the link or the Queen's Hall itself. The Studio was considered as a stand alone facility.

In July 2007 the District Valuer (DV) was asked to consider the Capital Value of a long lease on the property. The DV's opinion was that, had the building been in good order, its value would have been £238, 000 but in view of the capital investment required to put the building in good order of in excess £600, 000 it clearly had a negative value. The DV therefore recommended that the Council could consider disposing of the property for a nominal amount.

In order to progress and secure the offer of Community Asset Grant funding, it was necessary to enter into an agreement with Loose Music by 25 April 2008 regarding the acquisition of the building. It was not possible to report this to a meeting of the Executive Board within the time available. The Chief Executive therefore, under power delegated to him under article 17.01(c) of the Constitution, and having consulted the Leader and Deputy Leader, amended the Articles of the Constitution on this occasion and in relation only to the proposal by Loose Music or any entity emerging from Loose Music to refurbish the Queen's Hall Studio as a music studio.

This amendment was to add to 'Article 14 - Decision Making' a delegated power (as Article 14.10) which empowered him on behalf of the Council to authorise any Council officer to enter into legal commitments including

disposal of freehold at nil consideration to Loose Music or any entity emerging from Loose Music in relation to Loose Music's proposal to refurbish the Queen's Hall Studio as a music studio. He thereby authorised the Strategic Director, Corporate and Policy and the Strategic Director, Environment and their subordinate officers to enter into legal commitments including disposal of the freehold of the Queen's Hall Studio at nil consideration to Loose Music or any entity emerging from Loose Music in relation to Loose Music's proposal to refurbish the Queen's Hall Studio as a music studio ('the Proposal'). Such disposal was to be subject to claw-back provisions in the event that the land was used for purposes other than as a music studio.

The amendment to the Constitution (new 14.10) was made and this additional delegated power exercised by the Chief Executive having regard to:-

- the urgency of the situation namely the pressing need for a decision on the Council's legal commitment to the Proposal;
- the social, environmental and economic benefits for Halton of the Proposal;
- the extent to which the Proposal furthers the Aims and Objectives and Vision of the Council;
- the extent to which the Proposal furthers the Council's key priority areas;
- the need for an early decision if critical external funding from the Big Lottery Fund was not to be jeopardised;
- an assessment of the benefits, risks and the management of those risks in relation to the Council's legal duties and the Council's and the community's interests in the Proposal;
- the Council's legal duties in respect of its assets; and
- the existing partnering agreement between the Council and Loose Music in relation to the Proposal.

RESOLVED: That the actions of the Chief Executive in consultation with the Leader and Deputy Leader be noted.

#### EXB9 CHANGING THE NAME OF A WARD

The Board received a report of the Chief Executive which informed Members of a request to change the name of Castlefields Ward to Castle Ward.

A request had been received from the Leader and

Labour Ward Councillors for the Castlefields Ward, to change the name of the Ward to 'Castle Ward'.

Under the Local Government and Public Involvement in the Health Act 2007 there was a provision for a Local Authority to change the name of an electoral area.

The Council would need to pass a resolution following consultation with such persons as it considers appropriate on the proposed name. It was suggested that leaflets be sent to households in the Ward on the proposed name change and information on the issue be posted on the Council's website.

On completion of exercise a report would be prepared for submission to a Member Working Party, which would make a recommendation to Full Council in October 2008 who would make the final decision.

RESOLVED: That

- (1) That Council be recommended to consult electors in the Castlefields Ward on the proposed change of name; and
- (2) A Working Party of Elected representatives be nominated to consider any representations received following the consultation.

## **CHILDREN AND YOUNG PEOPLE PORTFOLIO**

### **EXB10 ADOPTION INSPECTION - KEY DECISION**

The Board received a report of the Strategic Director, Children and young People on the outcome of the recent Ofsted inspection of Adoption Services.

In August 2006, CSCI carried out an inspection of Halton's Adoption Service. Prior to this it had been acknowledged that there were issues for the service to address and progress had already commenced on recruiting a suitable staff team, adding management capacity and developing practice.

Whilst this progress and the plans for the future were accepted as appropriate by the Inspectors, the outcome of the Inspection was that the service provided **Poor** outcomes.

As a result, the inspectors imposed 11 statutory

requirements and made 31 recommendations. All statutory requirements were achieved within the timescales that were given and all the recommendations were worked on over the following months.

On 3<sup>rd</sup> March 2008, prior to the Joint Area Review, Inspectors returned to Halton for a Random Inspection of the Adoption Service. The outcome of the inspection was that the overall quality rating of the service was **Good**. The inspection report noted that the agency had made considerable efforts to address previous issues and “the work undertaken by the agency had resulted in an improved service being provided to adopters, children, their birth parents and family”.

As a result of the inspection, there was 1 statutory requirement and 6 recommendations. The statutory requirement related to information held on the adoption service’s personnel and this was now being addressed. It was asked that the Officers be thanked for all their hard work in this field. The recommendations would be addressed over coming months.

RESOLVED: That

- (1) the contents of the report be noted; and
- (2) the Ofsted Inspection report be endorsed.

#### EXB11 PRIMARY CAPITAL PROGRAMME - KEY DECISION

The Board received a report of the Strategic Director, Children and Young People which provided an outline of the draft Primary Strategy for Change that had been developed as part of the Primary Capital Programme.

The capital investment programme required approval by Council, however as the DCSF deadline required schools projects which would be undertaken within the first two years to be named by 16<sup>th</sup> June 2008 the Board was asked to approve the schools programme for the purposes of the DCSF submission. Full Council would then be asked to ratify the projects at their July meeting.

The aim of the Primary Capital Programme was to ensure primary schools play a lead role in the heart of their communities, through offering local services, providing a 21<sup>st</sup> century learning environment particularly in ICT, development of world class standards and promoting personalisation, flexibility, diversity and choice.

The Primary Strategy for Change for Halton had been developed following consultation with primary schools, Diocesan colleagues and a range of other partners. Three dedicated sessions on had been held with Primary Headteachers and an Extended Services Working Group had met to consider opportunities for local and extended services to be offered through primary schools. Chairs of Governors and Halton Association of Governors had been consulted along with colleagues from other Departments across the Council such as Environment and Health and Community.

A draft of the Primary Strategy for Change had been circulated to the headteachers of all nursery, infant, junior and primary schools including the primary special schools. It had also been sent out to all secondary headteachers and secondary special headteachers. Chairs of Primary Governors had been sent copies and the draft had also been placed on the pages of the Governors Website. Copies had also been sent to the Diocese of Shrewsbury, Diocese of Chester, Liverpool Diocese and Liverpool Archdiocese for final comments. The document had been placed on both the intranet and internet and sent to Departments across the Council for their information and comment. In addition, each member of the Alliance Board had been sent a draft copy. The draft Primary Strategy for Change had now been reviewed and revised in light of the comments received following the consultation. It had been re-issued and had the endorsement of each Diocesan Authority and the schools.

RESOLVED: That

- (1) the Primary Strategy for Change be approved; and
- (2) the building projects prioritised for 2009/2010 and 2010/2011 be approved for the purpose of the submission to the DCSF and that Full Council be requested to ratify the projects at its next meeting in July 2008.

*(NB: Councillor Swain declared a personal interest in the following item due to being a Council nominated Board Member of Halton Housing Trust).*

## **COMMUNITY PORTFOLIO**

EXB12 PARTNERSHIP AGREEMENT WITH REGISTERED SOCIAL LANDLORDS – HOUSING ADAPTATIONS FOR DISABLED PEOPLE

The Board received a report of the Strategic Director, Health and Community which sought approval to a joint funding agreement between Halton Borough Council and the Registered Social Landlords (RSL's) operating within Halton for the provision of housing adaptations in the homes of disabled people.

In February 2008 the Board agreed in principle to the development of a joint funding agreement between Halton Borough Council and the Registered Social Landlords for the provision of housing adaptations. This was in recognition of a number of factors, which were outlined within the report.

The Board also agreed that up to £295,000 unspent Disabled Facilities Grant resources for 2007/2008 be used to support Registered Social Landlords to deal with the backlog of housing adaptations.

In the Capital allocations for 2008 a further £200,000 was agreed by the Council for partnership working with the Registered Social Landlords. The actual under spend on Disabled Facilities Grants in 2007/2008 was £ 267,000 providing a total of £ 467,000 to fund partnership working with the Registered Social Landlords.

Currently the outstanding adaptation work for the Registered Social Landlord's properties was valued at an estimated £1.5m. The Council's investment, when matched equally under this agreement by the Registered Social Landlords, would represent a total investment of £934,000 and should make a significant impact on the backlog of outstanding work. In the interim RSLs would continue to invest in adaptations work and Halton Housing Trust were committed to investing the same amount of funding as agreed in the transfer document.

An alternative to the development of a partnership agreement would have been to expand the housing adaptation service provided by HBC to manage the backlog of outstanding RSL adaptation work. This option would not, however, have the advantage of the RSLs providing match funding for the work to be undertaken.

The report detailed three options for the allocation of this partnership funding between the Registered Social Landlords. **Option 3** was the preferred option. On the basis of this option funding would be allocated as follows:



<b>RSL</b>	<b>STOCK NOs</b>	<b>% OF TOTAL STOCK</b>	<b>ALLOCATION OF FUNDING</b>
Arena	712	5.2	24,308
CDS	728	5.3	24,775
Cosmopolitan	419	3.0	14,024
HHT	6189	44.7	208,956
LHT	2392	17.3	89,871
Riverside	2344	17.0	79,469
William Sutton	444	3.2	14,959
Others	592	4.3	20,100
<b>TOTALS</b>	<b>13820</b>	<b>100</b>	<b>467,462</b>

Since February 2008 work had been undertaken to develop an Agreement in partnership with a small number of the Registered Social Landlords who own the majority of the RSL housing stock in Halton. A separate agreement would be established with each individual RSL. A draft copy of the Agreement was attached to the report as Appendix 1.

Once Partnership funding had been allocated to the Registered Social Landlords the Agreement required the RSL's to matchfund all adaptation work on a 50/50 basis. Furthermore, the Agreement included:

- Underlying principles for adaptation work;
- Criteria for adaptations;
- A process for the use of the Partnership funding including details of roles and responsibilities, monitoring and decision making arrangements;
- Expenditure monitoring arrangements that will be subject to HBC auditing processes;
- A statement of expectation once the allocation of funding has been committed that RSLs continue to invest in adaptations;
- Service user feedback requirements;
- A complaints/arbitration process; and
- An expectation that Registered Social Landlords encourage their tenants to use the Partnership route for the completion of adaptation work.

RESOLVED: That in respect of the provision of housing adaptations in the homes of disabled people in Halton the Executive Board approve the:

- (1) proposed joint agreement;
- (2) system for the allocation of funding to the Registered Social Landlords;
- (3) approve the authorisation of the Strategic Director, Health & Community in conjunction with the Portfolio Holder to enter into the first joint agreement for the period from the first day of April 2008 until thirty first of March 2009 and that in light of the exceptional circumstances, mainly the unique match funding arrangements applying to RSLs and in accordance with Procurement Standing Order 8.6 the tendering requirements of those Standing Orders the waive on this occasion in view of the fact that match funding is only available where the Council enters into joint agreements with RSLs; and
- (4) authorisation of the Strategic Director, Health & Community in conjunction with the Portfolio Holder to enter into further joint agreements with the RSLs after the expiry of the first joint agreement and to take such other action as may be necessary to give effect to the above recommendations.

#### **LEADERS PORTFOLIO**

#### **EXB13 LOCAL AREA AGREEMENT (LAA): FINAL ENDORSEMENT - KEY DECISION**

The Board received a report of the Strategic Director, Corporate and Policy which provided the latest draft of Halton's new Local Area Agreement for endorsement and sign off on behalf of Halton Borough Council.

A Local Area Agreement was a 3-year protocol that set out the priorities for a local area. This must be agreed between central government and the area itself, as represented by the lead local authority and other key partners through Local Strategic Partnership. Halton had had in place an Agreement since April 2007. However, part of the new Local Government Act, Communities and Local Government (CLG) announced that the current framework of Local Area Agreements would be replaced with new Local Area Agreements from 2008. The timetable dictated that Ministers must sign off the final version by June 2008.

At the Executive Board meeting on 10<sup>th</sup> April 2008, members were provided with a report on the LAA, outlining

the structure and process for development. Partners in Halton had been working in recent months to produce a new LAA document in line with Government requirements. The "Story of place" and initial draft outcomes framework was agreed by Executive Board in April. Since then, a series of negotiation meetings have been held with the Government.

At the core of the LAA was the outcomes framework. This had been the focus of the negotiation process with GONW. At annex A was the current draft. It was noted that the list of designated indicators stands at 32 in total, plus the 16 mandatory children and young people indicators. This was the final list which had been agreed with government.

In addition it was noted that the emerging LAA was founded on Halton's current Community Strategy, and clearly follows the reasoning and rationale adopted in our current LAA. At its core was the need to agree an outcomes framework that describes local aspirations and would act as a framework for future action.

The Board noted that the Government Office had asked for targets in respect of recycling which were higher than those which, on advice from consultants, had been objectively set in the Council's Waste Strategy.

RESOLVED: That

- (1) endorse the LAA on behalf of Halton Borough Council (Annex A) and approve it for sign off by Ministers; and
- (2) Delegate authority to the Strategic Director Corporate and Policy, to make any final amendments following continuing dialogue with GONW.

EXB14 LIVERPOOL CITY COUNCIL CORE STRATEGY  
PREFERRED OPTIONS REPORT

The Board received a report of the Strategic Director, Environment, which presented the responses submitted by Halton to the publication of Liverpool City Council's Core Strategy Preferred Options (CSPO) Report.

A proportion of the policy content of the CSPO Report had a direct bearing on Halton, while other sections had indirect implications. Some of this policy content required a detailed response from Halton. A copy of the responses submitted by Halton BC to Liverpool City Council on 9<sup>th</sup> May 2008 was included with the report.

It was noted that on 28<sup>th</sup> March 2008, Liverpool City Council published their CSPO Report for public consultation. The publication of this document followed informal consultation on the Issues and Options stage of Core Strategy production. Halton BC did not participate in that stage of consultation.

The Preferred Options stage of the Core Strategy set out Liverpool City Council's preferred planning options for its overarching spatial strategy, and represented the first formal stage of consultation on the content of the Core Strategy Development Plan Document. The period for consultation on Liverpool's CSPO ran for six weeks, starting on 28<sup>th</sup> March and ending on 9<sup>th</sup> May 2008.

RESOLVED: That

- (1) the content of this report be noted;
- (2) the officers' responses already submitted to Liverpool City Council be endorsed by Executive Board as appropriate; and
- (3) the Strategic Director for Environment be authorised to send any further amendments and/or comments made by Executive Board, to Liverpool City Council.

*(NB: Councillor McDermott declared a personal interest in the following item due to being a Board Member of Widnes Regeneration Limited).*

EXB15 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 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 item 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.

**EXB16 VENTURE FIELDS: PROPOSED COMMERCIAL LEISURE DEVELOPMENT**

The Board received a report of the Chief Executive which detailed the actions of the Chief Executive in entering into legal commitments on "The Hive" at Venture Fields.

RESOLVED: That the actions of the Chief Executive in consultation with the Leader and Deputy Leader be noted.

*Meeting ended at 3.10 p.m.*

**MINUTES ISSUED: 11 June 2008**

**CALL IN: 19 June 2008**

**Any matter decided by the Executive Board may be called in no later than 19<sup>th</sup> June 2008**