

## **CABINET**

**Decision Notices and Minutes of a meeting of the Cabinet held on Monday, 9<sup>th</sup> March 2009 at 5.00 p.m. at the Civic Offices, Telford**

**PUBLISHED ON FRIDAY, 13<sup>th</sup> MARCH, 2009**

**(DEADLINE FOR CALL-IN WEDNESDAY, 18<sup>th</sup> MARCH, 2009)**

**PRESENT:** Councillors A.J. Eade (Chairman), J.M. Seymour, S. Bentley, S.P. Burrell, E.J. Carter, M.B. Hosken and A. Lawrence

**ALSO PRESENT:** Councillors R.K. Austin, W.L. Tomlinson and V. Tonks (Opposition Group Leaders)

### **CB-156      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Cabinet held on 23<sup>rd</sup> February, 2009 be confirmed and signed by the Chairman.

### **CB-157      APOLOGIES FOR ABSENCE**

Councillor G.M. Green,

### **CB-158      DECLARATIONS OF INTEREST**

Councillor S.Bentley declared a prejudicial interest in the next item, and withdrew from the meeting room during its consideration and determination.

### **CB-159      HIGH ERCALL CONSERVATION AREA MANAGEMENT PLAN AND PROPOSED BOUNDARY EXTENSION.**

#### **Non-Key decision**

Councillor M.B.Hosken, Cabinet Member for Environment, presented the report of the Head of Planning & Environment, which sought approval to adopt the High Ercall Conservation Area Management Plan to provide a sound basis for considering planning applications and for developing initiatives to improve the area; together with approval to amend the boundary of High Ercall Conservation Area.

Members were informed that the Council was required to formulate management plans for all Conservation Areas within its boundary. The development of management plans was also in line with English Heritage's best practice guidelines. The intention was that a clear and concise Management Plan for each Conservation Area would provide a sound basis for its future management.

Approval was also sought for the adoption of a revised boundary to the High Ercall Conservation Area as during the preparation of the recent Conservation

Area Appraisal for High Ercall in 2007, it became apparent that there was an opportunity to amend the boundary which had not been amended or reviewed since its designation in 1981.

As part of the adoption processes both the management plan and the proposed boundary extension had been subject to full public consultation between November 2008 and January 2009. The consultations resulted in a number of comments, most of which were encouragingly positive and supportive of the changes and, where appropriate, suggested revisions that had now been incorporated into the final draft document.

It was expected that the management plan and any subsequent amendments to the High Ercall Conservation Area boundary would rationalise the boundary to ensure that the overall character identified in the Appraisal of 2007 was preserved and enhanced.

Members wholeheartedly supported the report as a positive step to protect the High Ercall area for future generations of residents and visitors.

**RESOLVED –**

- (a) **that the adoption of the High Ercall Conservation Area Management Plan to provide a sound basis for considering planning applications and for developing initiatives to improve the area be approved;**
- (b) **that the proposed revised boundary to the High Ercall Conservation Area, as shown in Appendix 2 of the report, be approved**

Note: Councillor S Bentley returned to the meeting room.

**CB-160      EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED - that the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**CB-161      TELFORD RAILFREIGHT TERMINAL UPDATE.**

**Key Decision** identified as **Telford Railfreight Terminal** in the Forward Plan published on 12<sup>th</sup> February 2009.

The Cabinet Member for Environment and the Cabinet Member for Regeneration jointly presented the report of the Acting Head of Mobility & Development Services that provided an update on the implementation of the Railfreight Terminal project.

Since the Cabinet Report of 28<sup>th</sup> April 2008, works on the Telford Railfreight Terminal had progressed significantly with the project now substantially complete. The report updated Members on developments and sought endorsement for some amendments to the delivery model. Key points were summarised in the report.

All trackwork & terminal infrastructure had been installed, except for the office building and installation of services which were due to be complete in early May 2009.

During the contract period, an additional ERDF grant was secured that had facilitated the installation of a higher specification of terminal than was originally anticipated.

The marketing of the adjacent site was detailed within the report before Members together with the operator lease details and financial appraisal of the complete project.

Members commended the scheme that would provide a Flag Ship enterprise for the Borough.

#### **RESOLVED –**

- (a) that the amendments to the Lease and the movement to a profit share arrangement with John G Russell (Transport) Ltd be endorsed;**
- (b) that the changes to short term revenue costs associated with borrowings as well as medium to long term revenue costs associated with asset management and the Lease and arising during the operational phase of the project be approved.**

#### **CB-162      INTERIM WASTE TREATMENT & DISPOSAL CONTRACT**

**Key Decision** identified as **Interim Waste Treatment & Disposal Contract** in the Forward Plan published on 12<sup>th</sup> February 2009.

Councillor M.B. Hosken, Cabinet Member for Environment, presented the report of the Head of Planning & Environment that advised Members of the outcome of an investigation into the options for an interim solution for a waste treatment and/or disposal contract.

The report also sought approval to commence the procurement of the service, including the allocation of identified funds from the waste disposal budget for the procurement costs; and approval to amend the recycling services in line with the proposals contained within the report.

In December 2008 approval was given to cease the procurement of a long term facility for the treatment and/or disposal of waste. That created a need to

look at interim solutions in order to allow the council sufficient time to undertake the procurement of a new medium to long term treatment and/or disposal service. The objective was to find the Best Value solution for the disposal and/or treatment of waste, and the approach to recycling initiatives programmed for the next 2 years.

Options for the interim solution had been considered and the features of each were summarised in an appendix to the report.

Members, during an extensive debate, considered that Option 3 as contained in the report was the most appropriate way forward for the Borough.

**RESOLVED –**

- (a) **that the procurement of an interim landfill contract effective from 1<sup>st</sup> April 2010 until 31st March 2013 with an optional 2 year extension period (subject to this providing improved value for money) be approved.**
- (b) **that delegated authority be given to the Corporate Director: Environment and Regeneration and Corporate Director: Resources to enter into a contract for the service.**
- (c) **that the acquisition of Landfill Allowances (LATS) from other Authorities to meet the required deficit in allowances in each year to 2015 be approved.**
- (d) **that the funded improvements to the recycling services as detailed in the report be approved.**

**CB-1632 PROPOSALS FOR A POOLED BUDGET – ADULTS WITH LEARNING DISABILITIES SERVICES: INCLUDING TRANSFER OF FUNDING**

**Key Decision** identified as **Pooled Budget – Adults with Learning Disability Services (including Transfer of Funding)** in the Forward Plan published on 12<sup>th</sup> February 2009.

Councillor J.M.Seymour, Cabinet Member for Adult & Consumer Care, presented the joint report of the PCT Chief Executive and the Corporate Director : Adult & Consumer Care that outlined proposals for the transfer of NHS funding to the Council and the establishment of a pooled budget agreement between Telford and Wrekin PCT (PCT) and Telford and Wrekin Council (T&WC) for Adult Learning Disability Services, including proposed principles and protocols to underpin the agreement.

The proposals were in response to the national Government requirement for NHS responsibilities for some learning disability services to transfer from PCTs to Councils by 1 April 2009.

In August 2008 the Department of Health (DH) published guidance to support the transfer of funding from the PCT to the LA for non-health related services and activities. After detailed discussion between officers of the two authorities it is proposed that the establishment of a Pooled Budget arrangement would be the most appropriate means of ensuring transparency in the transfer of resources and continuing partnership. This paper outlines initial proposals to support this outcome. A further paper will be submitted to PCT Board and Council Cabinet in early summer. The proposed commencement date for the Pooled Budget is 1 April 2009, to be formally ratified by both authorities by 1 July 2009.

Members were reminded that in the 1980/90s steps were taken to move people with learning disabilities out of long stay hospitals into residential, community based accommodation. Many people re-settled in the area near to the original hospital, and others returned to the original area of residence. Telford and Wrekin did not have a long stay hospital and instead, some people were placed in accommodation 'out of area'. As 'long stay hospitals' closed, some people remained in residential services run by the NHS, often called 'campus' accommodation. The Government had now made a commitment to end all campus provision by April 2010. For information, T&W have two people living in campus accommodation in North Staffs and arrangements were in hand to ensure that that was no longer the case before March 2010.

**RESOLVED** – that the Corporate Director: Adult & Consumer Care be granted delegated authority, following consultation with the Cabinet Member:

- (a) To approve the proposal to establish a pooled budget arrangement between Telford and Wrekin PCT (PCT) and Telford and Wrekin Council (LA) to commission and deliver services for adults with learning disabilities, the terms of the agreement to be approved by the Head of Legal Services and authority to be given for the Council's seal to be affixed to such agreement, as appropriate, under Article 14.06 of the Council's Constitution.
- (b) To approve the proposed transfer of funding from the PCT to the LA, as required by the Department of Health (DH), and set within the overall context of a Memorandum of Understanding, which will be drafted prior to final approval being sought from the PCT Board and Cabinet before 1 July 2009.
- (c) To approve the draft Principles, Protocols and Action Plan linked to the Pooled Budget.

| CB-1634 **URGENT ITEM – PART 4, SECTION 5 OF THE CONSTITUTION.**

With the agreement of the Chairman of the Scrutiny Leadership Board, in accordance with paragraph 16 (a) and (b) of Section 5 of Part 4 (Rules of Procedure) of the Constitution, Non-application of Call-In and urgency; the Chairman of the meeting made the following statement:

"I am of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any delay that would seriously prejudice the Council's interests".

#### **CB-1645    TELFORD TOWN CENTRE**

**Key Decision** identified as **Telford Town Centre** in the Forward Plan published on 12<sup>th</sup> February 2009.

The Head of Asset & Property Management presented a report that sought approval to select, and enter into a conditional sale contract with, a preferred bidder for the Civic Offices Site.

The bids were evaluated on the basis of the strength of the financial offer and the overall receipts that may be realised from the whole of the available site. On the basis of the evaluation, the preferred bidder's offer was the most economically advantageous to the Council.

Members were also informed that once a preferred option for new Civic Offices had been established, approval for that funding would be included in the proposed investment programme for 2010/11 as part of the Service and Financial Planning strategy for future years.

Members were informed that by giving approval for the sale of the Civic Offices site they were giving priority to the provision of alternative Civic accommodation in line with the dates as detailed in the report.

#### **RESOLVED –**

- (a) That delegated authority be given to the Head of Asset & Property Management (A&PM) to negotiate and enter into a conditional contract with the preferred bidder for the sale of the Civic Offices Site, following consultation with the Cabinet Member for Regeneration;**
- (b) That delegated authority be given to the Head of A&PM to negotiate and agree any documents required by the Homes and Communities Agency (HCA) and others as necessary to provide clean title in the sale and the Head of Legal Services be authorised to execute all legal documentation necessary to give effect to such agreement(s);**
- (c) That a Planning Application for the existing Civic Offices site will be made by the preferred bidder in the coming months be noted;**

- (d) That an outline planning application for Southwater Core area will be submitted in the coming months be noted;
- (e) That resources be allocated to commence a project appraisal for new Civic Offices, with a report and recommendations to be brought back to Cabinet during 2009.

The meeting ended at 5.53 p.m.

**Signed for the purposes of the Decision Notices**

**Ken Clarke**  
**Head of Audit & Democracy**  
**Date: 13<sup>th</sup> March 2009**

**Signed: .....**

**Date: .....**

## TELFORD & WREKIN COUNCIL

CABINET - 23 MARCH 2009

### 'EFFICIENT, EFFECTIVE COUNCIL PRIORITY PLAN

### REPORT OF THE CORPORATE DIRECTOR: RESOURCES

#### 1. PURPOSE

- 1.1 The purpose of this report is to present the draft 'Efficient, Effective Council' Priority Plan.

#### 2. RECOMMENDATIONS

- 2.1 That Cabinet approve the 'Efficient, Effective Council' Priority Plan and endorses the "next steps" shown at paragraph 4 of the report.

#### 3. BACKGROUND

- 3.1 Effective service planning is essential if the Council is to be clear about what it is seeking to deliver and resource. In recognition of this, the Council has developed 'Priority Plans' to drive the delivery of its Community Priorities.
- 3.2 The 'Efficient, Effective Council' Priority Plan sets out how we are going to deliver our priority to be an 'Efficient, Effective and Customer-Focused Council that delivers Value-for-Money for the Community' over the next two years (2009/10 – 2010/11).
- 3.3 This plan is our organisational strategy and drives improvement across 6 Sub-Priorities:
1. Ensuring our **customers** are put at the centre of all that we do and that we listen and engage effectively with local people;
  2. Sound **partnership working** arrangements that ensure that we are maximising the capacity, expertise, creativity, energy and resources that are available locally to achieve our Community Priorities;
  3. A strong commitment to **equality and diversity** and providing opportunities for under-represented groups;
  4. **Effective service, financial and performance planning and management** to deliver our priorities and provide value-for-money for the community;
  5. Robust corporate management arrangements that are based on the principles of good **corporate governance**;
  6. Developing a skilled and responsive well led **workforce**.
- 3.4 Appendix 1 sets out an overview of the Priority Plan, including a summary of our strategy and a schedule of key targets for the next two years. The targets and actions within this Plan currently span across 2009/10 and 2010/11. When the Plan is updated in September 2009, it will align with the other Priority Plan timelines, running on a rolling three year period.



## **4 NEXT STEPS**

- 4.1 Subject to approval by Cabinet, the 'Efficient, Effective Council' Priority Plan will take effect from 1 April 2009. The full Plan and an accessible/summarised version will be published on the Council's website and Intranet alongside the Council Plan and other refreshed Priority Plans at the end of June 2009.
- 4.2 In advance of publication, a key priority will be to raise awareness across the Council and partner organisations of what we plan to achieve over the next two years. Actively communicating and promoting our plans to employees, Members and partners is a vital first step in ensuring that the Priority Plan has real meaning and impact. In particular, we will work with the Senior Management Team to identify the contribution of each Portfolio to delivering key targets.
- 4.3 Moving forward, the development of the Priority Plan needs to be a 'living' process, rather than a one-off or even once a year exercise. If the Plan is to be successfully delivered, we need to build it into our performance and planning frameworks and organise around it. It is therefore recommended that:
  - Key targets and actions are included within the corporate performance management framework and are monitored and reported four times a year;
  - The Priority Plan is reviewed and refreshed at least annually.

## **5. OTHER IMPLICATIONS**

### **5.1 Equality & Diversity**

The Priority Plan, in particular Sub-Priority 3 and 6, details the Council's commitment and specific initiatives/actions to promoting and delivering equality and diversity.

### **5.2 Environmental Impact**

No specific environmental impact

### **5.3 Links with Corporate Priorities**

The Plan sets out the strategy for delivering the Council's priority to be 'An Efficient, Effective and Customer-Focused Council that Delivers Value-for-Money for the Community'.

### **5.4 Financial and Legal Comments**

Over the next two years (2009/10 – 2010/11), costs of the initiatives and actions within the Plan:

- Will be met using existing resources;
- Have been identified as an agreed investment priority, or;
- Will be resourced by external funding.

The Plan forms part of the policy planning and budgetary framework.

All proposals are covered by the legislative framework within which the Council operates.

## **5.5 Ward Implications**

Borough implications / or proposals affect all wards in the Borough.

## **5.6 Background Papers**

Priority Plan: An Efficient, Effective Council that Delivers Value-for-Money for the Community

**Report prepared by Debbie New, Performance & Planning Officer Telephone:  
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## **APPENDIX 1 – OVERVIEW**

### **1. Introduction**

This overview summarises the key elements of the 'Efficient, Effective Council' Priority Plan, which covers the following 6 Sub-Priorities:

<b>No</b>	<b>Sub-Priority</b>	<b>Areas covered:</b>
1	Ensuring our <b>customers</b> are put at the centre of all that we do and that we listen and engage effectively with local people	<ul style="list-style-type: none"><li>➤ Consulting and engaging with all our customers effectively</li><li>➤ Improving the customer experience</li><li>➤ Providing 24/7 access to the Council via a variety of channels</li><li>➤ Keeping people well informed about the work of the Council</li></ul>
2	Sound <b>partnership working</b> arrangements that ensure that we are maximising the capacity, expertise, creativity, energy and resources that are available locally to achieve our Community Priorities	<ul style="list-style-type: none"><li>➤ Improving the effectiveness of the Local Strategic Partnership &amp; thematic partnerships</li><li>➤ Telling people how the work of partnerships is making a difference in their local area</li><li>➤ Delivering our Community Priorities through our LAA and Priority Plan key targets</li></ul>
3	A strong commitment to <b>equality and diversity</b> and providing opportunities for under-represented groups	<ul style="list-style-type: none"><li>➤ Embedding Equalities &amp; Diversity Council-wide &amp; achieving the Equality Framework</li><li>➤ Having a workforce that is fully reflective of the diverse communities we serve</li></ul>
4	<b>Effective service, financial and performance planning and management</b> to deliver our priorities and provide value-for-money for the community	<ul style="list-style-type: none"><li>➤ Aligning resources to our highest priorities</li><li>➤ Managing our finances effectively</li><li>➤ Maximising external investment and income</li><li>➤ Improving performance/outcomes</li><li>➤ Managing our assets proactively</li><li>➤ Delivering savings and efficiencies</li></ul>
5	Robust corporate management arrangements that are based on the principles of good <b>corporate governance</b>	<ul style="list-style-type: none"><li>➤ Ensuring robust democratic and corporate governance arrangements</li><li>➤ Identifying and managing risks effectively</li><li>➤ Improving project management</li><li>➤ Supporting effective and accountable decision-making</li><li>➤ Developing members</li></ul>
6	Developing a skilled and responsive well led <b>workforce</b>	<ul style="list-style-type: none"><li>➤ Improving recruitment and retention</li><li>➤ Developing leaders</li><li>➤ Developing the workforce</li><li>➤ Promoting health, safety and well-being at work</li></ul>

Section 2 highlights the major focuses and priorities for improvement within our strategy for the next two years, whilst Section 3 details a schedule of the Priority Plan key targets.

## 2. **Our Strategy**

The way that we manage our own organisation and work with partners is the foundation that underpins the delivery of all of our other Community Priorities.

This Priority Plan sets out key targets and actions for each Sub-Priority, which illustrate in detail what we plan to achieve, in conjunction with our key partners, over the next two years. This overview aims to summarise our overall approach by highlighting some key focuses and priorities for improvement.

A fundamental element of being an 'Effective, Efficient Council' is to be customer-focused, understanding and responding to the needs of the community. Through the development of a new Community Engagement Strategy, we will improve how we consult, communicate and involve the community in decision-making, particularly under-represented groups. Our plans include a 'Get Involved' campaign which aims to almost double the size of the Community Panel to 2,000 people, borough-wide 'Your Community Matters' events and a range of activities aimed at young people, such as the use of social networking sites.

Understanding customers' needs will enable us to re-design our services to ensure that customers have the best possible experience when contacting the Council. A key priority, underpinned by improving our ICT infrastructure, will be to continue to develop our corporate Contact Centre, reducing waiting times and adding new services, such as a number of environmental services and an anti-social behaviour hot-line. We also plan to re-design our website, offering enhanced content, a range of on-line 'transactional' services and digital media to attract younger visitors.

We will also ensure that the views of the community inform our Budget and future plans, including developing our approach to Participatory Budgeting. Being clear about what we are seeking to deliver and resource is paramount in the current economic climate and will maintain our focus on delivering value-for-money for the community.

Our Value-for-Money Strategy aims to strike a balance between economy, efficiency and effectiveness. In terms of economy and efficiency, our key priority will be to deliver a major programme of savings and efficiencies over the next two years. This includes an organisational restructure, which will significantly reduce management costs, a series of business efficiency reviews, a review of income and charging and use of Invest to Save funding to pump-prime initiatives that will generate significant savings. We also plan to use procurement and asset and property management to drive operational efficiency by reviewing and delivering improvements on major corporate contracts, increasing the use of e-procurement and rationalising our assets and properties.

We are equally committed to improving our effectiveness, a key part of which is our organisational performance and the outcomes achieved with partners. With the introduction of the new national performance framework and an emphasis on the performance of partnerships through the Local Area Agreement (LAA), we will focus on improving the way we monitor, review and manage performance, in particular greater involvement of Members in order to drive continuous performance improvement across services.

We will also improve our effectiveness by embedding equality and diversity further into everything we do. Our approach to equality and diversity, both as a service provider and an employer, is set out in the Equality and Diversity Scheme, which by

2011 will be expanded to cover age, sexual orientation and religion/belief. Over the next year, we will deliver the 'Driving Change through Diversity' project, which will help managers to build a workforce that is reflective of the community, establish support networks for employees from under-represented groups and enhance the knowledge and skills of employees, managers and Members in relation to equality and diversity.

Making our workforce more representative of the community we serve is an important element of our wider goal of recruiting and retaining skilled employees council-wide. A major focus will be achieving a Single Status settlement with a new pay and grading structure and set of harmonised terms and conditions of employment for all employees.

To better equip employees and Members to deliver our priorities, we will particularly focus on workforce and Member development. For managers, our plans are to develop the Senior Leadership programme with a strong emphasis on the skills needed to manage change. We will also raise qualification and skills levels by delivering the Skills Pledge programme and raising the number of apprentices and work placements across the workforce.

For Members, our aim is to achieve the West Midlands Local Government Association Member Development Charter by improving the provision and uptake of development opportunities and information for Members. This will support the implementation of new Scrutiny arrangements that will see all Members, excluding Cabinet members and assistants and the Mayor, undertaking Scrutiny activity each year.

In addition to the new Scrutiny arrangements, other ways in which we will enhance our democratic and corporate governance arrangements and decision-making include increasing opportunities for local people to take part in elections, building on our strong track record of risk management and putting in place capacity and support to improve project management council-wide.

Finally, cutting across all aspects of this Priority is the increasing importance we will place on partnership working to share intelligence, improve value-for-money and coordinate and improve service delivery. We will work together to increase the effectiveness of the Local Strategic Partnership and Thematic Partnerships and develop a Partnership Intelligence Framework that will ensure all partners are able to make decisions based on the best and most up to date information. As 'Team Telford', we are committed to delivering "Vision 2026" and our Community Strategy. Over the next two years, our overarching priority will be to implement the Local Area Agreement Delivery Plan and our Priority Plans to improve outcomes for local people.

### 3. Schedule of Key Targets

Some of the targets outlined below are reliant on further data being available before annual target figures can be established. Many of these targets are new National Indicators or are measured using the new Place Survey results. Where this is the case 'by when' target setting dates have been identified.

Objective	Target	2009/10 Target	2010/11 Target
<b>Sub-Priority 1: Ensuring our customers are put at the centre of all that we do and that we listen and engage effectively with local people and respond to their needs</b>			
OT	Overall satisfaction with the way the Council runs things (The Place Survey)	65%	70%
OT	NI 014 Avoidable contact – proportion of customer contact that is of low or of no value. <b>(Baseline and targets to be established June 2009)</b>	TBC	TBC
1	1.1 Increase % of people who feel fairly/well informed about how to get involved in local decision making (Place Survey). <b>(Baseline and targets to be established June 2009)</b>	TBC	TBC
1	1.2 NI 004 – Achieving the target % of people who feel they can influence decision affecting their local area (Place Survey). <b>(Baseline and targets to be established June 2009)</b>	TBC	TBC
1	1.3 Increase % of people satisfied with opportunities to get involved (Citizen's Survey)	33%	36%
1	1.4 Increase % of people who agree that the Council listens to the views of local people (Citizen's Survey)	33%	40%
1	1.5 NI003 - % of people who take part in a civic activity in the local area (The Place Survey) <b>(Baseline and target to be established June 2009)</b>	TBC	TBC
2	2.1 LCC15 - Reduce % of abandoned calls in our Contact Centres	9% or below	7% or below
2	2.2 LCC16 - Average answer delay in Contact Centres to be less than 1 minute	80%	82%
2	2.3 LCC23 - Increase % of local people who are satisfied with complaint handling	50%	53%
2	2.4 Deploy Customer Relation Management (CRM) solution in accordance with CRM Project Plan	TBC	TBC
3	3.1 LCC33 - Increase the number of on-line transactions per annum	40,000	55,000
3	3.2 LCC19 - Increase user satisfaction with the corporate website	86%	89%
3	3.3 LCC32 - Achieve 'Transactional' status under SOCITM Better Connected Survey for the Council website	Transactional	
3	3.4 Increase satisfaction levels with the corporate Contact Centre. <b>(Baseline and target to be established in April 2010)</b>	-	TBC
4	4.1 % local people that feel informed about the services and benefits the Council provides (Citizen's Survey)	72%	75%
<b>Sub-Priority 2: Sound Partnership working arrangements that ensure that we are maximising the capacity, expertise, creativity, energy and resources that are available locally to achieve our Community Priorities</b>			
1	1.1 NI 005 - % of people satisfied with their area as a place to live (The Place Survey). <b>(Baseline and target to be established June 2009)</b>	TBC	TBC
1	1.2 % of people who believe that the area is getting better as a place to live (Citizen's Survey). <b>(Baseline and target to be established June 2009)</b>	-	TBC

Objective	Target	2009/10 Target	2010/11 Target
	<b>be established in March 2010)</b>		
1	1.3 % of Local Area Agreement indicators on target. <b>(Baseline and target to be established in June 2009)</b>	TBC	TBC
1	1.4 % of Priority Plan key targets achieved <b>(Targets to be established in June 2009)</b>	TBC	TBC
1	1.5 Reduce Local Strategic Partnership (LSP) Strategic Risk Register total residual risk score by 5% against September 2009 baseline to reflect improved effectiveness of mitigating actions <b>(Baseline and target to be established September 2009)</b>	TBC	TBC
<b>Sub-Priority 3: Sub-Priority 3 - A strong commitment to equality and diversity and providing opportunities for under-represented groups</b>			
OT	Gain 'Excellent' status of the Equality Framework for Local Government	-	Excellent
OT	Overall satisfaction with the way the Council runs things (The Place Survey)	65%	70%
OT	Increase the satisfaction of employees on 'Key Questions' ratings from under-represented groups to within +/-10% of all employees in successive Employee Surveys	+/- 10%	+/- 10%
1	1.1 Achievement of 'Achieving' in the Equality Framework through external assessment by the IDeA		Achieving
1	1.2 100% of Equality Impact Assessments (EIA's) completed on time (as per the EIA schedule)	100%	100%
2	For details of targets to deliver objective 2, see Sub Priority 1, targets 1.2 and 4.1	-	-
3	For details of targets to deliver objective 3, see Sub Priority 6, target 1.4	-	-
<b>Sub-Priority 4: Effective service, financial and performance planning and management to deliver our priorities and provide value- for-money for the community</b>			
OT	Increase % of local residents who agree that the Council provides value-for-money (Place Survey & Citizen's Survey)	50%	52%
OT	NI179 – Total net value of on-going cash releasing VFM (value-for-money) gains that have impacted since the start of the 2008/09 financial year	£4.7m	£4.9m
1	1.1 Maintain % of local residents who think the Council's future Budget Strategy will benefit the community (Community Panel Survey)	90%+	90%+
1	1.2 Increase % of local residents who agree that investments over the last year have benefited the community (Community Panel survey) <b>(Baseline to be established in November 2009)</b>	TBC	TBC
2	2.1 Outturn within specified range of the net budget	+/- 1%	+/- 1%
2	2.2 By March each year, set a balanced budget including maintaining Band D Council Tax levels below the average for unitary authorities	Achieved	Achieved
2	2.3 Agree a sound, sustainable medium-term Financial Strategy	Agreed	Agreed
2	2.4 Achieve:		
	➤ BV9 - Council Tax targets	98.1%	97.2%
	➤ BV10 - NNDR targets	99%	99%
	➤ Sundry debtor targets	TBC	TBC
	➤ A&CC debtor targets	TBC	TBC
2	2.5 Upgrade cash management system <b>(Targets to be established in April 2009)</b>	TBC	TBC

Objective	Target	2009/10 Target	2010/11 Target
2	2.6 Receive an unqualified opinion for the Statement of Accounts	Achieved	Achieved
3	3.1 Income target to be confirmed following completion of income and charging review	TBC	TBC
3	3.2 External funding targets to be established following a review of external funding opportunities and arrangements	TBC	TBC
4	Increase % of performance indicators improving from previous year (LAA, NIS, local priority PIs)	69%	70%
4	Increase target % of performance indicators improving over three years	79%	80%
4	4.3 Increase % of performance indicators achieving target. <b>(Baseline and target to be established 2010/11)</b>	-	TBC
4	4.4 Increase % of performance indicators in 'Best' Quartile. <b>(Baseline to be established in December 2009)</b>	TBC	TBC
	Reduce % of performance indicators in 'Worst' Quartile. <b>(Baseline to be established in December 2009)</b>	TBC	TBC
4	4.3 Number of performance indicators which are given a reservation by external auditors	None	None
4	4.4 Achieve target % internal audit compliance regarding data quality	63%	68%
5	5.1 Operational Property Rationalisation to deliver a reduction in office accommodation	-	3%
5	5.2 Improve quality of Operational Properties by reducing the percentage of floor area defined as Category D (life expired)	1%	1%
5	5.3 Improve the quality of Operational Properties by reducing the percentage of required maintenance cost for Priority 1 (urgent works)	1%	1%
5	5.4 Increase access to public areas within operational buildings	76%	78%
6	6.1 LAPM1 - Deliver £6.25m income per annum from 2011/12 income projections	£6m	£6.15m
7	7.1 Increase spend against pre-established contracts as a % of total non-pay spend. <b>(Baseline and targets to be established in March 2009)</b>	TBC	TBC
7	7.2 Review and deliver a minimum of 3 Corporate Contracts per annum. <b>(New targets to be established in March 2010)</b>	3+	3+
7	7.3 Demonstrate quarter-on-quarter increase in % of goods and services spend using e-procurement <b>(Baseline and targets to be established in March 2009)</b>	TBC	TBC
7	7.4 Increase the use of Delta e-tendering to cover 15 contracts per annum	15+	15+
7	7.5 Pay 95% of invoices received within 20 days	95%	95%
8	8.1 Complete Service Efficiency Reviews. <b>(Targets to be established September 2009)</b>	4	1
<b>Sub-Priority 5: Robust corporate management arrangements that are based on the principles of good corporate governance</b>			
1	1.1 Meet Electoral Commission Performance Standards	Met	Met
1	1.2 Increase the turnout at elections:		
	➤ Borough	-	40%+
	➤ Parish/Town Council	-	37.5%+
1	1.3 No adverse comments received in Annual Audit Letter	None	None
1	1.3 Deliver 90% of agreed annual Internal Audit Plan	90%	90%



Objective	Target	2009/10 Target	2010/11 Target
1	1.4 LCSS2 - Achieve 75%+ satisfaction levels for Audit Services (Corporate Services Survey)	75%+	75%+
1	1.6 LCSS6 - Achieve 75%+ satisfaction levels for Democratic Services (Corporate Services Survey)	75%+	75%+
1	1.7 LCSS7 - Improve % satisfaction levels for Legal Services (Corporate Services Survey)	70%	74%
2	2.1 LCSS12 - Achieve 75%+ satisfaction levels for Risk Management Services (Corporate Services Survey)	75%+	75%+
3	3.1 Achieve 100% of Members excluding Cabinet Members, Cabinet Assistants and The Mayor, undertaking at least one Scrutiny activity each year	100%	100%
3	3.2 Target to be confirmed following review of project management arrangements ( <b>September 2009</b> )	TBC	TBC
4	4.1 Achieve the West Midlands Local Government Association Member Development Charter	Primary level	
4	4.2 Achieve 25% uptake of Individual Development Discussions and Learning Logs following implementation in 2009 and 50% increase annually thereafter	50%	75%
4	4.3 Increase attendance at Code of Conduct training during any one term of office	90%	95%
4	4.4 Achieve improved average attendance at Members' Information Seminars	65%	TBC
<b>Sub-Priority 6: Developing a skilled and responsive well led workforce</b>			
1	1.1 Achieve Single Status settlement	Achieved	Achieved
1	1.2 Maintain employee turnover between 8 to 12%	8-12%	8-12%
1	1.3 Ensure that over 90% of people recruited to permanent posts are still in post after 12 months of service	90%+	90%+
1	1.4 Ensure workforce composition fully relates to local community profile and/or above median national benchmark:		
	➤ BV17a - % of minority ethnic community employees	4.25%	5.00%
	➤ BV16a - % of staff with a disability (includes schools)	4.80%	5.30%
	➤ BV11a - % of top paid 5% earners that are women	51.00%	52.00%
	➤ BV11b - % of top paid 5% earners that are from ethnic minorities	4.50%	4.75%
	➤ BV11c - % of top paid 5% of staff who have a disability	4.50%	4.75%
1	1.5 Improve VFM in the recruitment process through:		
	➤ reduced costs per recruitment ( <b>Baseline to be established</b> )	TBC	TBC
	➤ Higher net satisfaction levels with recruitment policy and process as per Corporate Services Survey (cumulative 10% improvement in 2009 and 2010) (baseline +16%)	+21% net	+25% net
2	2.1 Improve average score on all scales of leadership and management with improvement rates of 5 to 10% in successive Employee Surveys ('Key Questions' – senior management and line manager questions – see Appendix 2) (baseline 60% - 2008)	63.0% - 66.0%	69.30% - 72.60%
2	2.2 Reduce the range between different Portfolios on leadership and management scales within successive Employee Surveys. ('Key Questions' – senior management and line manager questions – see Appendix 2)	TBC	TBC
2	2.3 Raise employee satisfaction levels relating to perceptions that 'poor performance is identified and dealt with by managers' by 5% in successive Employee Surveys (baseline 65% - 2008)	68.25%	71.66%

Objective	Target	2009/10 Target	2010/11 Target
2	2.4 Raise employee satisfaction levels relating to perceptions that 'good performance is recognised' by 5% in successive Employee Surveys (baseline 52% - 2008)	54.60%	57.33%
2	2.5 Raise ratings of senior managers within their 360° Appraisal (Transformational Leadership Questionnaire) (baseline 4.8 out of max 6.0)	4.9	5.0
3	3.1 Achieve 100% PPDD coverage of eligible employees with electronic tracking system (Yourself) in place	100%	100%
3	3.2 Achieve 80% of employees satisfied with their PPDD (Employee Survey)	80%	82%
3	3.3 Raise qualification levels within the workforce through GO Award. <b>(Baseline to be established in March 2009)</b>	TBC	TBC
3	3.4 Achieve Investors in People re-accreditation	Accreditation	
4	4.1 Council and Portfolio Workforce Development Plans in place together with Corporate Learning & Development programme	Achieved	Achieved
4	4.2 Reduce cost of agency staff as a % of total pay bill by 1% to 2.5% (baseline 3.5%)	3.0%	2.5%
4	4.3 Raise the number of apprentices and work placements within the workforce by a minimum of 10% per annum:		
	Increase the number of apprentices recruited each year within the Council (baseline 25)	35	40
	Increase the number of work placements undertaken each year within the Council (baseline 230)	250	TBC
5	5.1 Achieve improved 'Key Question' ratings for at least 80% of questions in successive Employee Surveys (see Appendix 2)	80%	80%
5	5.2 Achieve at least 90% of Employee Survey 'Key Question' ratings which are above the local government benchmark (see Appendix 2) (baseline 88%)	90%	90%
5	5.3 Increase the satisfaction of all employees on 'Key Question' ratings from under-represented groups to within +/- 10% of all employees in successive Employee Surveys	+/- 10%	+/- 10%
5	5.4 BV12 – Reduce sickness absence levels to average 8 days per employee (baseline 9.4%)	8.5 or below	8 or below
5	5.5 Reduce the number of accidents/incidents leading to employee absence of more than three days, to less than the rolling average of the last three years	Below 12	TBC
5	5.6 Reduce incidence of bullying by managers, work colleagues and Elected Members reported in successive Employee Surveys to within 0 to 5% range	0% - 5%	0% - 5%

## **TELFORD & WREKIN COUNCIL**

**CABINET - 23 MARCH 2009**

### **PCT FUNDING FOR TELFORD SPORTS, LEARNING & ENTERPRISE COMMUNITY (TSLEC)**

#### **REPORT OF THE SPECIAL PROGRAMMES & EXTERNAL FUNDING MANAGER**

#### **1.0 Purpose**

- 1.1 To inform members of the offer by the PCT of combined capital and revenue funding totalling £586,000 for works associated with the extension of the Learning Centre and the TSLEC Men's Health & Vascular Screening Project.

#### **2.0 RECOMMENDATIONS**

- 2.1 That Cabinet **RECOMMENDS** to full Council that the offer of capital and revenue funding from the PCT ("the Funds") is accepted subject to a) future approval of the business case for TSLEC and b) approval of the grant conditions
- 2.2 that the Funds are held by the Council in trust for the PCT pending consideration and approval of the business case for TSLEC and approval of the grant conditions
- 2.3 that Cabinet **RECOMMENDS** to full Council that subject to approval of the business case and grant conditions the Special Programmes & External Funding Manager is granted delegated authority to enter into funding agreements for the Funds in consultation with the Head of Legal Services, and that the Head of Legal Services be granted authority to execute the funding agreements and/or affix the Council seal if necessary.

#### **3.0 Summary**

- 3.1 This report summarises the offer of funding by Telford & Wrekin Primary Care Trust to support the Men's Health & Vascular Screening Project along with funding towards the proposed extension to the AFC Telford United Learning Centre.

#### **4.0 Previous Minutes**

- 4.1 Cabinet 10<sup>th</sup> December 2007 (Borough Sports & Leisure Facility Strategic Framework 2007-27)
- 4.2 Council – 6<sup>th</sup> March 2008 (Service & Financial Planning 2008/09 – 2010/11: Capital Programme)

#### **5.0 Information**

- 5.1 TSLEC is the development, delivery and management of a sports, learning and enterprise hub to address multiple social, physical and economic needs across Telford. TSLEC would meet regional and national targets for the development of community and performance sport using a self sustainable model. TSLEC is being considered by Sport England as a national pilot for their “Sustainable Community Sport Hub” strategy.
- 5.2 TSLEC is proposed to be a unique collaboration of four neighbouring sites and nine sports including Tennis, Football, Basketball, Cricket, Netball, Dance, Gymnastics, Rugby Union and Rugby League. The sites are: AFC Telford United; Telford College of Arts and Technology (TCAT); Hadley Learning Community (HLC) and Wrekin College. It is identified in the Council’s Community Strategy as a project which supports the Council’s Community Priority of Transforming Telford & Wrekin. It is anticipated that TSLEC will contribute directly and substantially to all of the Council’s Community Priorities.
- 5.3 A key component of TSLEC covers health initiatives, two of which are proposed to be funded or part funded through two PCT grants, namely:

**TSLEC Men’s Health & Vascular Screening Project.**

The development of a programme of health screening and physical activity/sports activities across all TSLEC sites using the existing NHS Fit for men model which links with primary care. We will strategically promote the programme with men across Telford and Wrekin, linking with workplaces to engage with men at risk of cardio-vascular disease

**Extension of the Learning Centre:** This proposed extension will allow the additional provision of various health programmes such as a screening/drop-in centre for men’s health, screening/drop-in centre for families and children, and a one stop shop for health promotion- focusing on families and children. The promotion of sport has proved to be a very powerful tool, encouraging people to attend health sessions that they would not normally be inclined to take part in.

**6.0 Equal Opportunities**

- 6.1 As proposals develop a wide ranging consultation with all groups will be carried out. An Equality Impact Assessment will be carried out and a resulting action plan embedded as the programme develops.

**7.0 Environmental Impact**

- 7.1 Central Government policy is promoting that sustainability be at the top of the agenda for all those involved in construction/development. Sustainable construction is increasingly becoming important and will be considered throughout all TSLEC’s developments.

**8.0 Legal Comment**

- 8.1 The Council has powers to undertake the work described in this report pursuant to Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 2 of the Local Government Act 2000 (power to promote the economic, environmental and social well being of the area).

## **9.0 Links with Corporate Priorities**

9.1 This project supports all corporate priorities.

## **10.0 Opportunities and Risks**

10.1 The Council's risk management strategy, which has been endorsed by Cabinet, is embedded throughout the TSLEC project. Its function is to help the authority achieve its corporate objectives, and to protect the assets and resources of Telford & Wrekin against risk in the most efficient way.

## **11.0 Financial Implications**

11.1 A capital funding allocation of £1.5m to support the development of the TSLEC project is included within the 2008/09 -2010/11 Capital Programme.

11.2 A business case for the TSLEC project is currently being prepared by consultants funded by Sport England (Sportoptima) with the support of officers from the Council. The business case will include a full financial and commercial viability appraisal. Upon finalisation of the business case the financial implications, both revenue and capital, of the project will be assessed and presented in a future report. Any final decisions on the project and additional funding requirements identified will be subject to Member approval through the Service and Financial Planning framework.

11.3 The Authority have received notification from the Primary Care Trust that they are willing to allocate £300,000 of capital funding in 2008/09 to the TSLEC Project to fund building works associated with the extension of the Learning Centre. This funding must be accepted by T&W by the 31<sup>st</sup> March 2009, in order to comply with conditions set by the PCT. Should T&W not meet the grant conditions set by the PCT it is likely that this capital funding will have to be refunded.

11.4 The PCT have also allocated £286,000 of revenue funding over a three year period, subject to the appropriate legal agreements. The funding will be used to develop a health and vascular screening project for men, and T&W are required to demonstrate outputs and delivery within the conditions of the grant. Any revenue funding not used for the delivery of these outputs within the three year period will be repayable to the PCT.

11.5 The PCT funding available to support these projects is through a non-recurrent funding stream which is only available to be offered to the Council prior to the end of the 2008/9 financial year. This funding has not previously been included in the budget strategy 2009/10 – 2011/12. The funding offered by the PCT is ring-fenced for the specific projects

## **12.0 WARD IMPLICATIONS**

12.1 All wards.

***Report prepared by Sophie Griffiths, Principal Officer of Special Programmes and TSLEC Project Lead Tel: 01952 383098***

## **TELFORD & WREKIN COUNCIL**

**CABINET – 23<sup>RD</sup> MARCH 2009**

### **PRIMARY CARE TRUST CAPITAL FUNDING CONTRIBUTIONS TO CAMPUS TELFORD & WREKIN AND MALINSLEE DEVELOPMENT**

#### **REPORT OF HEAD OF BSF, RESOURCES AND SOCIAL REGENERATION**

## **1. PURPOSE**

- 1.1 The purpose of this report is to seek approval to enter into legal agreements with the Primary Care Trust (PCT) enabling a transfer of capital funds from the PCT to the Council. These funds will contribute towards the delivery of community facilities as part of Campus Telford & Wrekin and furnishing an existing capital scheme under the Malinslee Development with specialist equipment.

## **2. RECOMMENDATIONS**

- 2.1.1 That delegated authority be given to the Corporate Director for Children and Young People to enter into Section 256 National Health Services (NHS) Act 2006 funding transfer agreements between the Primary Care Trust and the Council to support the Campus Telford & Wrekin and Malinslee Development projects, subject to such terms and conditions recommended by the Head of Legal and Democratic Services.
- 2.1.2 Cabinet **RECOMMENDS** that full Council approves the capital allocations and funding detailed in section 5.7 of this report.
- 2.1.3 That authority be given for the Council's seal to be affixed to such agreements as appropriate under article 14.06 of the Council's Constitution.

## **3. SUMMARY**

- 3.1 In support of the Council's Priority, Campus Telford & Wrekin, the Telford and Wrekin PCT have agreed to contribute two separate capital funds towards consulting rooms and whole life health and fitness suites. In order to transfer these funds to the Council the PCT are required to undertake a Section 256 NHS Act 2006 funding transfer agreement. The Section 256 agreement will impose certain conditions on the Council upon which the funds will be transferred.
- 3.2 The existing capital scheme to regenerate Malinslee includes the provision of PCT facilities located on the Old Park Primary School site.

These facilities need to be furnished with specialist equipment to support children with disabilities.

#### **4. PREVIOUS MINUTES**

- 4.1 Cabinet 24/11/2008 – Planning of School Places: Campus Telford & Wrekin
- 4.2 Cabinet 17/12/2007 – Telford Children's Development Centre – Old Park School Site

#### **5. INFORMATION**

##### **5.1 Background**

##### **Telford & Wrekin BSF Programme**

- 5.1.1 Our Children's Plan 2008-2011 endorsed by our partners' through the Children's Trust identifies Campus Telford & Wrekin as a strategic development priority. As we work towards our Local Strategic Partnership's (LSP) vision for 2026 – Transforming Telford - the goal is to create a modern city and learning community. In particular our investment will secure our future by "giving children and young people the best possible start in life". We will do this through strong universal services; creating learning communities across the Borough as part of our Campus Telford & Wrekin Programme; bringing schools, children's centres, colleges, community facilities and multi disciplinary support services together to remove barriers to learning, raise aspirations and attainment and create integrated facilities for all.
- 5.1.2 The Building Schools for the Future (BSF) programme will act as a major catalyst for regeneration across Telford and Wrekin and provide significant capacity for raising achievement and transforming learning. It is bringing together strategies for children and learners, extended schools, childcare and family support and leisure facilities.
- 5.1.3 The BSF Outline Business Case, agreed by Cabinet on 24<sup>th</sup> November 2008, detailed our intention to work in partnership with the PCT to provide community facilities and Whole Life Health and Fitness Suites subject to obtaining the necessary approvals from both the Council and the PCT.
- 5.1.4 Telford & Wrekin PCT has since approved capital funding to contribute towards providing these facilities from their 2008/09 financial year grant allocations. £1.8m capital funding has been committed to fully fund consulting rooms at 9 Learning Communities across the Borough. Leisure and Community Services secured a further £1.1m capital funding from the PCT which has been allocated to establishing Whole Life Health and Fitness suites at 4 Learning Communities across the Borough. The concept behind the suites is to incorporate adult gym

provision, Aspirations, with junior gym provision, nRGIZE, encouraging participation of families to get fit and healthy together.

- 5.1.5 In order for capital funds to be transferred between the PCT and the Council both parties must enter into a Section 256 NHS Act 2006 Funding Transfer Agreement. PCT Officers are currently drafting two separate Section 256 agreements, one for each capital sum.

### **Malinslee Development – PCT Buildings**

- 5.1.6 The Council Capital Programme includes the provision of PCT facilities on the Old Park Primary School site, as part of the Malinslee regeneration. The PCT have committed an additional £200k to furnish these facilities with specialist equipment to support children with disabilities. The construction programme is currently managed by the Council and the PCT believe that it would be more effective and efficient for the Council to manage the procurement of this equipment as part of the whole scheme. In order for these funds to be transferred between the two parties a Section 256 Agreement will be required.

## **5.2 Equality & Diversity**

- 5.2.1 An initial Equalities Impact Assessment has been carried out for the BSF programme. The assessment falls under “Option A – no further work required”.

## **5.3 Environmental Impact**

- 5.3.1 BSF schools and learning community will be required to achieve a BREEAM rating of very good. Full details can be found at section 3.3.59 of Telford & Wrekin Council’s BSF Outline Business Case.

## **5.4 Legal Comment**

- 5.4.1 The Primary care Trust is empowered to make payments to the Council towards expenditure on community services pursuant to Section 256 of the National Health Services Act 2006 and subsection (6) provides that the Secretary of State may by direction prescribe conditions relating to payments made under this section.
- 5.4.2 The Capital Grant Agreement under section 256 of the NHS Act 2006 relating to the provision of health related facilities as part of the Building Schools for the Future Project within the Borough of Telford and Wrekin requires the Council to grant to the PCT a Licence to enter and provide health services from the properties for a period of 35 years.
- 5.4.3 The Agreement further provides that PCT will require the Council to enter into a Legal Charge should there be any breach of the terms and conditions of Clause 7.1: Repayment of Grant provisions of this Agreement.



## **5.5 Links with Corporate Priorities**

- 5.5.1 Our proposals for Campus Telford & Wrekin are a key element in the delivery of each of the six priorities of the Local Strategic Partnership. Further details can be found in Section 1.1.9 of Telford & Wrekin Council's BSF Outline Business Case.

## **5.6 Opportunities and Risks**

- 5.6.1 Telford & Wrekin has a well embedded risk management process which has actively supported the BSF project from the beginning. The project is monitored at a strategic level and at a project level on the Authority's strategic risk register.
- 5.6.2 The risk register is reviewed regularly and key risks (residual score of 7 or higher) reported to BSF Project Board. Full details can be found at 5.7 of Telford & Wrekin Council's BSF Outline Business Case.

## **5.7 Financial Implications**

### **Capital**

- 5.7.1 Included in the Campus Telford & Wrekin affordability assessment was a £1.8m capital commitment from the PCT. The funding is to be used to fund the proposals for consulting rooms included within Learning Communities. An extract from the affordability assessment is summarised below.

	£m
Construction cost for proposed facilities (provided by BSF external technical consultants)	1.8
PCT committed funding	(1.8)
<b>Affordability Gap</b>	<b>0.0</b>

- 5.7.3 If the recommendation to enter into the Section 256 agreement is not approved the Council is exposed to an additional £1.8m funding shortfall on the Campus Telford and Wrekin Project. Alternatively the project scope will be downsized to remove the consulting rooms from the Learning Communities thus affecting the outcomes attached to the provision.
- 5.7.4 Based on the concepts of and the aims and objectives for the Whole Life Health and Fitness Suites the PCT have agreed to commit £1.1m additional capital funding to help build or remodel and provide new equipment for existing Council facilities.

- 5.7.5 There will be no financial implications relating to the equipment needs of the PCT facilities at Malinslee. The PCT will transfer £200k capital funding via a Section 256 agreement and under the terms of the agreement the Council will have a responsibility to spend £200k or return to the PCT any unspent grant.

### **Revenue**

- 5.7.6 Whilst there are some existing revenue budgets currently in place, the impact on these budgets will not be known until the completion of the ongoing review of Facilities Management, as part of the BSF Programme. The outcomes from this review, along with the funding methodologies, will be incorporated in to the BSF Final Business Case at Financial Close.

## **6. WARD IMPLICATIONS**

- 6.1 All wards across the Council are affected by these proposals.

## **7. BACKGROUND PAPERS**

- 7.1 NHS Act 2006.  
Planning of School Places: Campus Telford & Wrekin report to Cabinet 24<sup>th</sup> November 2008.  
Telford & Wrekin Council Building Schools for the Future Outline Business Case.  
Telford Children's Development Centre – Old Park School Site report to Cabinet 17<sup>th</sup> December 2007.  
Draft Capital Grant Agreement under Section 256 of the NHS Act 2006 relating to the provision of health related facilities as part of the Building Schools for the Future Project within the Borough of Telford and Wrekin.

**Report prepared by:** Ed Rushton, BSF Senior Accountant, 01952 383750

## Appendix 1: - PCT – Sustainable Travel Projects Outline

Project Title	Dept receiving funding	Lead Officer	Description of Project	Total Cost	No of adults/children the project will reach								
Project 1 – Active Travel for Life Programme	Mobility and Streetscene	Stuart Freeman / Helen Hill	The project will incorporate a range of activities to promote sustainable and active travel with a focus on adults who need support in considering walking or cycling to work or taking up cycling after a long period of not riding a bike. There are three key elements to the project which are: -										
	Network Management & Policy / Transport Services		<p><b>Element 1 - Cycling infrastructure</b></p> <p>Improvement of cycle/walking infrastructure into each of the 3 key industrial estates linking key areas of employment to residential areas suffering high levels of health/employment deprivation.</p> <table><tr><td><u>Industrial estate</u></td><td><u>Residential areas</u></td></tr><tr><td>Halesfield &amp; Tweedale</td><td>Woodside/Madeley/Cuckoo Oak/ Brookside</td></tr><tr><td>Stafford Park</td><td>Malinslee</td></tr><tr><td>Hortonwood</td><td>Donnington/Hadley &amp; Leegomery</td></tr></table> <p>The improvements will include a range of physical measures to remove/ reduce safety barriers e.g. lighting, crossing points. The works will complement other improvements the Council will deliver to the cycling and walking network through the Local</p>	<u>Industrial estate</u>	<u>Residential areas</u>	Halesfield & Tweedale	Woodside/Madeley/Cuckoo Oak/ Brookside	Stafford Park	Malinslee	Hortonwood	Donnington/Hadley & Leegomery	£100,000	<p>27,125 total working age population of the 6 residential areas (source 2001 census).</p> <p>The projects' effectiveness will be reviewed by before and after surveys, of levels of walking/ cycling along links provided.</p>
<u>Industrial estate</u>	<u>Residential areas</u>												
Halesfield & Tweedale	Woodside/Madeley/Cuckoo Oak/ Brookside												
Stafford Park	Malinslee												
Hortonwood	Donnington/Hadley & Leegomery												

			<p>Transport Plan.</p> <p>Developing better links into industrial estates will encourage local employees to cycle and walk more to work thus improving their own health through increased sustainable travel reducing the risk of obesity and coronary diseases.</p>		
	Network Management & Policy / Transport Services	Stuart Freeman / Helen Hill	<p><b>Element 2 - Adult Cycle Training</b></p> <p>Adult cycle training program with the aim of increasing sustainable healthy travel/activity choices for work, leisure and utility purposes. The target will be to train 500 adults over the period of the project and will be focused on:</p> <ol style="list-style-type: none"> <li>1) Industrial estates (Halesfield, Hortonwood &amp; Stafford Park)</li> <li>2) Educational establishments (university &amp; secondary schools)</li> <li>3) BME groups</li> </ol> <p>The course will consist of approximately 4.5 hours of training on a 1 to 1 or 1 to 2 basis and will be delivered by 4 trained instructors coordinated by the Council. Although, the focus will be on the groups below the courses will be provided to the general population if the demand is there.</p> <p>15 pool bikes will be purchased and managed by the Council as part of the project. Purchasing bikes for the scheme will have a number of benefits including:</p> <ul style="list-style-type: none"> <li>• Ensuring learners are trained on safe well maintained bikes, without the need to purchase a bike before undertaking the course</li> <li>• Allow trainers to demonstrate how bikes should</li> </ul>	£45,000	500 trained adults

			<p>be maintained correctly</p> <ul style="list-style-type: none"> <li>Address an equalities issue as some learners will not have bikes</li> </ul> <p>To meet the target of training 500 adults a strong marketing element will be built into the project allowing for additional health messages to be delivered alongside the road safety focus with the added benefit of encouraging wider behavioral change.</p> <p>The Council is actively investigating the introduction of a salary sacrifice scheme/ cycle loan for the purchase of bicycles. Should the bid for adult cycle training be successful this would be offered as part of a package when adults sign up to the bicycle purchase scheme. The Council will also be targeting industrial estates as part of the travel planning strategy and will be promoting the bicycle purchase scheme/adult cycle training package as part of a range of sustainable/healthy travel initiatives open to employers. The intention is that employers will support employees who wish to purchase a bike through introducing the salary sacrifice scheme as part of the travel plans that are developed with employers.</p>		
	Network Management & Policy / Transport Services	Stuart Freeman / Helen Hill	<p><b>Element 3 – Sustainable Travel Grants</b></p> <p>Sustainable travel grants aimed at companies located on Telford's 3 key industrial estates (Halesfield, Stafford Park &amp; Hortonwood).</p> <p>The grant scheme will complement the training and off-site infrastructure improvements, by providing</p>	£80k (£40k each year for 2 years to support work with up to 8 companies)	<p>Minimum of 6 projects over two years.</p> <p>Total workforce of companies engaged – 1200</p>

			<p>funding of up to £10k to implement on site sustainable/ active travel measures such as showers/ lockers for people who walk/ cycle to work, cycle parking/ storage. The companies who bid for funding will be required to have an approved travel plan and it will be desirable for a funding contribution to be made from the company.</p> <p>This scheme builds on a very successful similar scheme in schools where schools have been able to bid for £5k - £10k to provide capital measures to support their travel plan.</p>		Before/ after levels of walking/ cycling will be tracked through the travel plan with participating companies.
<b>Project 2 - Child Pedestrian Project</b>	Network Management & Policy / Transport Services	Stuart Freeman / Amanda Roberts	<p><b>Development and implementation of: -</b></p> <ol style="list-style-type: none"> <li><b>1. 22 walking buses over 2 years</b></li> <li><b>2. Practical child pedestrian training courses for pupils in years 3 and 4 in at least 50 schools over two years.</b></li> <li><b>3. Promotional activity with all pupils at schools taking part in the project</b></li> </ol> <p>The project is aimed at addressing parental concerns over child safety when walking to/from school. The project aims to equip children with the right road safety skills as pedestrians to reduce/remove some of the key barriers to children/ parents taking up sustainable active travel to school.</p> <p>To be achieved through:</p> <ol style="list-style-type: none"> <li>1. Provision of a child pedestrian coordinator to work closely with local primary schools to implement the project</li> </ol>	£175k	10,500 Pupils and 250 adults at 50 primary schools across the borough over two years

			<p>2. Minor Infrastructure improvements to enable walking buses to be introduced. Minor signing and lining, cutting back of shrubs, improvements to footpath links etc and will be decided on a school by school basis</p> <p>3. Provision of resources for the introduction and operation of 30 walking buses</p> <p>Physical resources: Training resources for volunteers, resource packs for pupils, promotional items and high visibility equipment.</p> <p>Human resources: Ten schools have currently indicated an intention to set up walking buses but have been unable to do so due to funding constraints and an inability to find volunteers to manage the operation of the buses. Through this project the role of classroom assistants would be expanded to include walking bus duties.</p> <p>4. Resources for the delivery of child pedestrian training to 20 schools in year one and 30 schools in year 2</p> <p>This will include production of resource packs, promotional resources and high visibility clothing for use during training.</p>		
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			5. The programme will also allow for an expansion of the SmartCatz sustainable travel incentive scheme to provide rewards for children who regularly walk/ cycle to school.		
SmartCatz – Secondary School Programme	Network Management & Policy / Transport Services	Stuart Freeman / Helen Hill	<p><b>Project to actively encourage walking and cycling to school by pupils at the point of their transition to secondary school</b></p> <p>To be achieved through:</p> <ol style="list-style-type: none"> <li>1. Provision of a project officer to work specifically within secondary schools and their feeder primary schools to encourage active travel.  This would include running classroom sessions addressing route planning and preparing for the journey to secondary school.</li> <li>2. Free level three national standards training for cycling within secondary schools and promotion of this scheme during year 6 (primary school)</li> <li>3. Development and implementation of an incentive scheme providing rewards for active travel. These rewards would themselves encourage increased physical activity (eg free ice skating, free swimming etc).</li> </ol>	£115k	3800 pupils moving to 13 secondary schools over the two year period
			<b>Total Funding:</b>	<b>£515k</b>	



## **TELFORD & WREKIN COUNCIL**

**CABINET - 23rd MARCH 2009**

### **PCT FUNDING FOR SUSTAINABLE TRAVEL PROJECTS**

#### **REPORT OF CORPORATE DIRECTOR: ENVIRONMENT & REGENERATION**

## **1.0 PURPOSE**

To inform members of the offer of £515k of PCT funding to support sustainable travel projects in the borough over the next two financial years and to approve delegated authority for the Corporate Director for Environment and Regeneration to authorise the funding agreements on behalf of the Council

## **2.0 RECOMMENDATIONS**

**That Cabinet:**

- 2.1 notes the offer of funding from the PCT and RECOMMENDS its acceptance to full Council to support three sustainable travel projects in the Borough;**
- 2.2 notes the payment of £6,500 from the Department for Transport to support walking initiatives at seven schools in the Borough;**
- 2.3 grants delegated authority to the Corporate Director for Environment and Regeneration to enter into funding agreements between the PCT and the Council in consultation with the Head of Legal Services; and**
- 2.4 grants authority to the Head of legal Services to affix the Council's seal to such funding agreements as appropriate under Article 14.06 of the Council's Constitution.**

## **3.0 SUMMARY**

This report summarises the offer of one off funding by Telford and Wrekin Primary Care Trust (PCT) to support three sustainable travel projects in the borough during 2009/10 and 2010/11. The report seeks delegated approval to the Corporate Director for Environment and Regeneration to sign the agreements on behalf of the Council to secure the funding.

## **4.0 PREVIOUS MINUTES**

None.

## **5.0 INFORMATION**

In summer 2009 the Council and the PCT jointly worked on a bid for central government funding to become a Healthy Town; as part of this work a number of sustainable travel projects were identified that both support encouraging active and healthy lifestyles and managing the growth of road traffic. Unfortunately, the Healthy Towns funding bid was unsuccessful but the PCT have identified an amount of one-off funding that they would like to award to the Council to support three specific sustainable travel projects.

The detail of the three projects is included in Appendix 1 for information, but in outline they are: -

### ***Project 1 – Active Travel for Life***

This project aims to provide £225k of support over the next two years to promote walking and cycling routes between three of the borough's industrial areas and nearby residential areas with higher than normal levels of unemployment and health inequality.

### ***Project 2 – Child Pedestrian Training***

This project aims to provide training in road safety and pedestrian skills to pupils in years 3 and 4 at up to 50 schools in the borough. The aim is also to establish more than 20 walking buses (supervised walking groups) to schools which will both promote healthy and active lifestyles for children and also support joint work the Council is leading to tackle issues of school gate congestion. The project budget will be £175k over the next two years to March 2011.

### ***Project 3 – SmartCatz Sustainable School Travel Programme***

This project aims to roll out the existing SmartCatz reward scheme that the Council operates, to all secondary schools in the borough. The scheme operates in a similar way to national schemes offered by retailers providing rewards for loyalty. The SmartCatz project will be targeted at Year 7 pupils as they start their new schools and the respective feeder primary schools. The aim of the project is to promote and encourage sustainable travel to and from schools, but to influence travel behaviour at a key time, which is the transition from primary to secondary school. The scheme will complement existing work that the Council is doing through the Safer Routes to School Programme and many of the recommendations of the recent School Travel Scrutiny Review.

The PCT funding available to support these projects is through a non-recurrent funding stream which is only available to be offered to the Council prior to the end of the 2008/9 financial year. An evaluation framework will be established for each project to assess their success and to consider how the

services provided could be continued beyond the end of the funding in March 2011. It is proposed that the projects will be managed and reported through the Physical Activity and Sports Board.

In addition to the offer of PCT funding the Department for Transport will also be paying a total of £6,500 in financial year 2009/10, as a specific grant to support existing walking initiatives in seven schools in the borough. The funding is part of a national programme and will be paid to the following schools: -

- Church Aston Primary School (£1000)
- Holmer Lake Primary School (£1000)
- Priorslee Primary School (£1000)
- Redhill Primary School (£1000)
- St Peter's Primary School (£1000)
- St Patrick's Catholic Primary School (£1000)
- Moorfield Foundation Primary School (£1000)

The funding is available to schools who have met specific targets in implementing a walking initiative, such as a Walking Bus for their school, and reducing the number of car trips to the school site.

## **6.0 EQUAL OPPORTUNITIES**

The projects are aimed at promoting active and healthy lifestyles to children and adults living and working in areas with levels of high unemployment and health inequality. The scheme seeks to address issues, such as childhood obesity, that can more significantly affect less advantaged sectors of the community. The access of services will be monitored and reviewed for all three projects as part of a wider project evaluation framework. Progress and evaluation of the project will be reported through the recently established Physical Activity and Sports Board. Each project will be subject to an Equalities Impact Assessment as they are developed and implemented.

## **7.0 ENVIRONMENTAL IMPACT**

The projects will significantly contribute to the work that the Council is doing to promote sustainability and manage the impacts of climate change. Carbon Dioxide (CO<sub>2</sub>) emissions from transport make up a significant proportion of overall (CO<sub>2</sub>) emissions. In addition by targeting schools with two of the projects the aim is to promote both healthy and sustainable behaviour which children will retain as they move into adulthood. The project will also contribute to the localised environmental impact of school gate congestion, by providing significant support for schools to introduce sustainable travel alternatives such as walking buses.

## **8.0 RISK MANAGEMENT**

The projects are considered to be relatively low risk. The funding available is ring-fenced for the specific projects and is the maximum funding available; as such projects will have to be managed within budget limits. All projects will be reported to the Physical Activity and Sports Board, which will receive regular updates on project progress. Project finances will be monitored monthly and regular progress meetings will also be held with colleagues from the PCT who will be supporting delivery of all three projects. Specific risks such as the safety of children using walking buses or pedestrian crossings will be managed through the existing Risk Assessment and Road Safety Audits. All staff working in schools with children or with vulnerable adults will be required to have a Criminal Records Bureau (CRB) check before undertaking any work.

## **9.0 LEGAL COMMENT**

The Primary Care Trust offers this funding pursuant to its powers under the national health Services Act 2006 and legal Services will advise on the Funding Agreements. The agreements will not be executed until the approval of full Council has been obtained.

## **10.0 FINANCIAL COMMENT**

The PCT are offering total project funding of £515k which will be formalised through a Section 256 funding transfer agreement. The scheme will be fully funded through the PCT and no match funding is required. This funding has not previously been included in the budget strategy 2009/10 – 2011/12. The funding offered by the PCT is ring-fenced for the specific projects and the projects will be providing services that are additional to those currently offered by the Council.

The project finances will be monitored on a monthly basis, in the same manner as expenditure on Council revenue and capital budgets is monitored. The funding and project period is limited to two years or until the funding is fully expended. If there is an intention to continue the projects beyond March 2011 consideration of how they will be funded will need to be included as part of the budget strategy process for March 2011 and beyond.

The DfT funding of £6,500 will be paid under Section 31 of the Local Government Act (2003) and will be paid as a specific 'Walking to Schools Initiative Grant' which should then be passed on to the respective schools.

## **11.0 WARD IMPLICATIONS**

The services provided through the three projects will be available to residents and school pupils across the borough, but will be targeted where appropriate to wards with higher levels of unemployment or health deprivation.

## **12.0 LINKS WITH CORPORATE PRIORITIES**

The implementation of the recommendations will contribute to the Environment and Economy Priority Plans.

## **13.0 BACKGROUND PAPERS**

Appendix 1 – Project Outlines.

*Report prepared by Stuart Freeman, Business Manager, Network Management and Policy*

## **TELFORD & WREKIN COUNCIL**

**CABINET - 23<sup>RD</sup> MARCH 2009**

### **EQUALITY AND DIVERSITY SCHEME 2008-2011**

#### **REPORT OF INTERIM CORPORATE DIRECTOR OF COMMUNITY SERVICES**

## **1. PURPOSE**

The purpose of this report is to present to Cabinet the Council's revised Equality and Diversity Scheme 2008-2011 for approval.

## **2. RECOMMENDATIONS**

- 2.1 Cabinet members are required to approve the Equality and Diversity Scheme 2008-2011 and action plan.**

## **3. SUMMARY**

Public bodies are required by law to produce equality schemes that cover race equality, disability equality and gender equality. Other groups of people have protection from discrimination by law, but we are not required to publish schemes to cover these groups. Within Telford and Wrekin Council it has previously been agreed that an inclusive approach would be adopted, by having an over-arching equality and diversity scheme that addresses issues for a wide range of people and promotes equality and diversity in the widest sense.

## **4. PREVIOUS MINUTES**

The 2005-08 Equality and Diversity Scheme was approved by Cabinet on 28 November 2005 - minute CB-122.

## **5. THE EQUALITY AND DIVERSITY SCHEME**

- 5.1 The Council takes very seriously the challenge of making a positive difference to local people's lives by eliminating discrimination and promoting equality in society. Our equality aim is for the Council is "to be an inclusive organisation, ensuring that best practice in equality and diversity is embedded into all Council policies, strategies, plans, practices, service delivery and also into the role we play in leading others".**

This scheme sets out how the Council intends to continue to work towards this aim over the next three years. It defines objectives under the themes of:

- Leadership
- Building equality and diversity into everything we do
- Equality and Diversity at Work
- Service Delivery and Customer Care
- Dealing with Harassment
- Consultation and Involvement
- Partnership Working
- Procurement

Actions to deliver against these objectives have been identified in the attached Equality and Diversity Action Plan (Appendix A). These actions are high level actions that link to more detailed action plans for delivery of a range of work that contributes to broad agenda. Delivery against the action plan will be monitored at senior management level by the Equalities Board, at member level by Scrutiny Panel 4 and an annual progress report to Cabinet.

Extensive consultation on the contents has been undertaken over a number of months by ensuring that all employees, elected members, key partners and community groups have had opportunities to comment on the draft scheme. A list of consultees is attached (Appendix B). All comments received have been taken into account in the schemes development.

## **5.2 Equality and Diversity**

Because of the nature of this document the equality impact assessment has been integral to its development. The assessment identified that a much broader action plan was needed to be developed to address issues that have arisen from recent legislation and to keep up with changes in best practice. This has been addressed within the action plan.

## **5.3 Environmental Impact**

Some of the actions within the plan will have environmental implications, for example, the production and distribution of documents and the requirements of people to travel to meetings and events. Where possible electronic distribution of materials will be used to minimise print runs and journey-share will be encouraged. All actions should be implemented with the least possible adverse environmental impact.

#### **5.4 Legal Comment**

As a public body we have legal duties in respect of equalities which are set out in numerous strands of legislation and as such we are required to produce equality schemes that cover race, disability and gender. We are also required to extensively consult with members of the public, stakeholders and employees in relation to the contents of the scheme.

By producing an over-arching equality and diversity scheme we are embracing further groups who are not covered by this requirement therefore addressing equality further than our legal obligations stipulate.

This report, and the achievements within the scheme, provides the evidence of our fulfilment and commitment to our statutory obligations as a local authority.

#### **5.5 Links with Corporate Priorities**

The contents of the Equality and Diversity Scheme relate to all corporate priorities and particularly to:

- Giving Children and Young People the Best Possible Start in their Lives
- Creating a Safe, Strong and Cohesive Community
- Promoting Healthy Communities and Improving the Quality of Life of Vulnerable and Older People
- Strengthening the Local Economy & the Skills of Local People

#### **5.6 Opportunities and Risks**

In proposing this action the Corporate Risk Management methodology will be complied with. The main areas of risk to the Council relate to the possibility of legal action by an individual or organisation that feels we have not met our public duties to eliminate discriminate and promote equality or that we have breached equality law in some other way. Publication of this scheme and implementation of its actions will minimise this risk. Failure to implement the actions could leave the Council open to legal challenge.

#### **5.7 Financial Implications**

The majority of costs associated with supporting and delivering the Equality and Diversity scheme is in the form of officer time which is funded through existing budgets. The compulsory Equality Awareness course is currently provided free of charge to all employees with costs being met from Human Resources budgets. Any costs associated with printing literature outlined in the Equality and Diversity action plan will be met from within existing resources.



## **6.0. WARD IMPLICATIONS**

This report has implications for all wards.

## **7.0 BACKGROUND PAPERS**

The 2005-08 Equality and Diversity Scheme was approved by Cabinet on 28 November 2005 - minute CB-122.

**Report prepared by Hilda Bertie, Equality and Diversity Manager and Richard Taylor-Murison Equality and Diversity Support Officer, Ext 82104**

# Telford & Wrekin Council

## Equality & Diversity Scheme

2008-2011

## Executive Summary



Telford & Wrekin  
C O U N C I L

# **The Equality and Diversity Scheme 2008-2011 – Executive Summary**

## **1 Introduction**

This is the Executive Summary for the Telford & Wrekin Council Equality & Diversity Scheme for the period 2008 – 2011.

The purpose of this document is to set out for all employees, partner agencies, the voluntary sector and local people the Council's plans for promoting Equality and Diversity and for meeting its legal and moral duties in relation to Equality and Diversity during this three year period.

This is a summary report and it is recommended that if you require further details, then the full in-depth version of the Equality and Diversity Scheme can be found at [www.telford.gov.uk/equality](http://www.telford.gov.uk/equality) or a hard copy is available on request.

### **General and Specific Duties**

Our duties fall into two parts - a General Duty and a Specific Duty. The General Duty applies to all public organisations that provide employment, services and goods. The Specific Duty requires us to show what we are planning to do to meet the General Duty. The Specific Duty also includes a number of commitments we need to make. At present these duties only apply to race, disability and gender. Age, religion or belief and sexual orientation are only covered by employment regulations; however since 2007 legislation has been extended to cover discrimination on the grounds of goods and services for sexual orientation and religion or belief. In Telford & Wrekin we will extend to the age, religion or belief and sexual orientation strand the same activities that we use to meet the Specific Duties under ethnicity, gender and disability.

Each year we will publish an Equality and Diversity Annual report which will show what action we have taken to address equality for each of the six strands.

It is envisaged that with the emerging new Equality Bill all strands of Equality and Diversity will be covered by one public duty.

## **2 Why is this a high priority for the Council?**

There are many reasons why the Council is making this work a high priority, and here are some of the key reasons:

**Moral obligation**– We all want to live in a society where everyone has the opportunity to reach their potential and be judged on what we do rather than for being different.

**Legal obligation** - Under a range of legal legislations we have a duty as a Council to demonstrate how we are taking steps to eliminate discrimination and promote equality of opportunity in our services and employment.

**To be an inclusive organisation** – The Scheme sets out one of the Council's key objectives to becoming an inclusive organisation by working with and supporting the safer and stronger communities agenda.

### **3 Who are we doing this for?**

Equality and Diversity issues affect everyone's life, therefore this Scheme is for everyone who lives, works and visits the Borough.

### **4 How are we managing this work?**

The Council manages Equality and Diversity through a number of systems which include member responsibility, officer groups, partnership arrangements and service user forums.

There are a range of objectives for Equality and Diversity that are divided into the following themes:-

Leadership	Harassment
Mainstreaming Equality and Diversity	Consultation, Engagement & Involvement
Equality and Diversity at work	Partnership working
Service delivery and customer care	Procurement

The Equality and Diversity Scheme action plan is organised under each of these themes and a copy of the full action plan can be accessed via [www.telford.gov.uk/equality](http://www.telford.gov.uk/equality).

### **5 Borough Profile**

There is a great deal of information regarding the population of the borough that helps us identify areas of improvement and development. Some of the key points are:

- 2005 figures showed slightly more men than women under 25 in the borough, with over 25's showing more females than males
- In the older age range of the population, 30% of the 85+ are males.
- In the 2001 census 5.2% of the local population identified themselves as coming from a Black and Minority Ethnic (BME) background, since the census the Council acknowledges that the BME population is likely to have increase in line with national trends.
- 2001 census showed that 15% of the local population said they did not have a religion compared to 14.8% for England and Wales. Christianity accounts for 74.3% of the local population which is slightly higher than 71.7% nationally.
- Telford will continue to grow significantly and has been designated a 'New Growth Point' by central government.
- The average age within the borough will increase as life-expectancy and health and well-being improves.
- No monitoring information is available regarding sexual orientation for the residents of the borough.

## **6 Council Workforce**

As a major local employer it is important that the Council monitors its workforce to ensure it represents the make up of the community it serves.

- There are 6195 Council employees (February 2008).
- BME working population of the borough is 4.83% compared to. 2.9% of employees.
- Across the borough 15.89% of residents have indicated they are disabled compared to. 3.8% of employees.
- 80.7% of employees are female but women only represent 48.84% of the top 5% of earners within the Council.
- No information is collected with regard to religion or belief and sexual orientation.

## **7 National Performance Management**

The current Equality Standard recognises the importance of fair and equal treatment in local government services and employment. The Council is currently rated at Level 3 at self assessment, but will undergo external assessment to attain and confirm its Level 3 status at the end of this financial year. With the implementation of the Comprehensive Area Agreement and the new Equality Bill a new Performance Framework is to be introduced from 1<sup>st</sup> April 2009. This new Equality Framework will be constructed around 5 areas of change management. The framework will have 3 levels and Council's achieving these levels will be given an award in recognition of their work.

## **8 Equality Impact Assessment**

The Race Relations (Amendment) Act 2000, The Disability Equality Act 2005 and the Equalities Act 2006 (Gender Equality) require public authorities to identify and screen all of their functions, policies and procedures for relevance to the above legislation.

The Council has chosen to go further and incorporate all 6 equality strands. A rolling programme has been completed and a new 3 year plan has been adopted based on priority screening. A detailed programme of all Equality Impact Assessments can be found in the full version of the Equality & Diversity Scheme which is accessible by the Council's website [www.telford.gov.uk/equality](http://www.telford.gov.uk/equality).

## **9 Equality and Diversity Scheme Action Plan**

This action plan provides the strategic direction for achieving short and long term aims of the Council. By completing the actions within the plan the Council will progress to meet its employment, service delivery and legal requirements. This in turn will help delivery of the thematically based objectives. The actions within the plan are all assigned to business units that are responsible for meeting the targets.

The plan is monitored by the Equalities Board and reports will be regularly received by Equalities Board and elected members at appropriate times.

## **10 Supporting Equality and Diversity Action plans**

Along with the Equality and Diversity Scheme action plan, the Council has strand specific and supporting action plans for meeting targets laid out in the overall Scheme. These cascade information into the appropriate service area business plans.

Plans to develop action plans for all of the remaining strands have been placed within the Scheme. Monitoring of plans will be carried out within the existing Portfolio Equality and Diversity management structure.

## **11 Monitoring and Evaluation**

The Scheme and action plan will undergo rigorous monitoring and reviewing in line with the Council's Performance Monitoring Framework, The action plan will be reviewed on an annual basis and the Scheme on a 3 yearly basis. All reviews will be reported through to Equalities Board and Cabinet.

## **12 Publication**

Copies of the Scheme (full or summary version) will be available at locations throughout the borough and will be available by request in community languages or in accessible formats.

Appendix A  
Equality and Diversity Scheme 2008-2011  
Action Plan

Theme 1: Leadership

<b>We will provide vision, strong leadership and make positive use of planning and funding to build stronger, inclusive and cohesive communities.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
1.1	To achieve Excellent status in the Equality Framework for Local Government.	Develop and monitor an Equality Framework action plan.  Secure resources to deliver a corporate equality and diversity project to address outcomes of previous reviews and reports.	Annual review and progress report.  Evaluation report of the Driving Change through Diversity Project reported to Equalities Board.	December 2009  December 2009	Equality and Diversity Manager  Equality and Diversity Manager
1.2	To inform all existing employees of the new Equality & Diversity policy.  All new employees to receive the Equality and Diversity Leaflet.	Develop an Equality and Diversity policy for the Council that is fit for purpose.  Incorporate into new employee welcome pack.	Policy approved and disseminated across the Council.  Human Resources Record and quarterly report to Equalities Board.	May 2009  September 2009	Equality and Diversity Manager  Head of Human Resources

**We will work with partner organisations, through the local strategic partnership, to develop a borough-wide approach to equality and diversity**

	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
1.3	To fully integrate equality and diversity into the Local Strategic Partnership structures, meeting all legislative requirements.	<p>Nominate a representative of the LSP Agenda Group to raise and champion equality and diversity.</p> <p>Work with the Champion to formulate a statement of intent on equality and diversity.</p> <p>Establish a Stronger Communities Joint Agency Group.</p>	<p>E&amp;D Champion established.</p> <p>Equality and Diversity Statement of Intent adopted by LSP.</p> <p>Group in place with clear Terms of Reference.</p>	<p>December 2008</p> <p>September 2009</p> <p>January 2009</p>	<p>Strategic Partnership Manager</p> <p>Equality and Diversity Champion supported by the Strategic Partnership Manager/Equality and Diversity Manager</p> <p>Safer Communities Team</p>
1.4	To increase awareness of equality and diversity issues for elected members.	Produce annual report on the progress of the E&D scheme action plan.	Report and evaluation of action plan to Cabinet.	March 2010	Equality and Diversity Manager



	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
		<p>Implement new arrangements for improving Cabinet member involvement in EIA process.</p> <p>Incorporate EIAs into scrutiny work programme.</p> <p>Deliver equality and diversity training for elected members as part of the Driving Change through Diversity Project.</p>	<p>Report and Discussion at Cabinet.</p> <p>Adoption by Scrutiny.</p> <p>All members completed training.</p>	<p>March 2009</p> <p>March 2009</p> <p>September 2009</p>	<p>Corporate Directors</p> <p>Equality and Diversity Manager</p> <p>Democratic Services Manager/Learning and Development Manager</p>
1.5	To develop a strategic and co-ordinated approach to addressing community cohesion across the Borough.	Develop a borough wide Community Cohesion Strategy and action plan.	Strategy agreed and published.	March 2010	Stronger Communities Joint Action Group

## Theme 2: Mainstreaming Equality & Diversity

<b>We will mainstream and embed equality and diversity in all aspects of Telford and Wrekin's business planning, policy, development and service delivery.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
2.1	To ensure all key Council strategies and action plans take into account equality and diversity issues.	<p>To demonstrate that an EIA has been undertaken prior to approval by Directors.</p> <p>To undertake annual audit of business plans.</p>	<p>Quarterly report to Equalities Board.</p> <p>Annual report to Equalities Board.</p>	<p>April 2009</p> <p>September 2008</p>	<p>Equality and Diversity Manager and Chief Executive's Office</p> <p>Audit and Scrutiny Team and Policy Team</p>
2.2	To eliminate direct or indirect discrimination within all Council services.	Deliver the 3 year rolling programme of equality impact assessments.	Annual report to Equality Board and PEGS.	June 2009	Corporate Directors
2.3	To improve decision making processes by making use of high quality equality and diversity data.	Produce corporate guidance on best practice in the collection and use of equality and diversity data.	Guidance produced and approved by Equalities Board.	March 2009	Equality and Diversity Manager
2.4	To have in place five well resourced Portfolio Equality Groups.	Monitor and review PEGs workload and needs.	Annual report to Equalities Board.	September 2009	Equality & Diversity Manager

	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
2.5	Up to date schemes and action plans to cover all equality strands in place.	<p>Develop and refresh all outstanding action plans.</p> <p>Conduct annual review of all equality action plans and report progress.</p>	<p>Action plans completed and agreed at Equalities Board.</p> <p>Annual reviews of progress reported to Equalities Board.</p>	<p>March 2009</p> <p>June 2009</p>	<p>Equality and Diversity Manager</p> <p>Equality and Diversity Manager</p>
2.6	Have a range of appropriate and measurable equality and diversity performance indicators in place that are used to inform the decision making process.	<p>Establish Equality and Diversity Basket of indicators from across all portfolios.</p> <p>Review current basket of indicators and expand the list to include indicators that reflect all equality strands.</p>	<p>List of indicators established and reported to Equalities Board.</p> <p>Comprehensive list established and published.</p>	<p>June 2009</p> <p>March 2010</p>	<p>Policy, Performance and Partnership Team</p> <p>Policy, Performance and Partnership Team</p>

**We will improve our performance in respect of equality and diversity issues in line with national standards and frameworks.**

	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
2.7	Confirmation of Level 3 of the Equality Standard for Local Government.	Prepare the organisation for external assessment.	Peer review completed and result reported.	April 2009	Equality and Diversity Manager
2.8	Working towards the highest level of the new National Framework for Equality in Local Government.	Communicate the new Equality Framework for Local Government to all employees.	Delivery of communication plan.	July 2009	Equality & Diversity Manager
		Develop implementation plan to migrate the standard to the framework.	Implementation plan in place.	September 2009	Equality & Diversity Manager

### Theme 3: Equality and Diversity at Work

<b>We will work towards creating a workforce that is fully reflective of the diverse communities within the Borough.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
3.1	Increase the % of under-represented employee's across the Council year on year.	Develop systems to collect equality and diversity employment monitoring data.	Publish annual report on employment data.	June 2009	Head of Human Resources
		Develop and implement Positive Action Toolkit.	Dissemination of Positive Action Toolkit to recruiting officers.	September 2009	Head of Human Resources
3.2	Foster a climate of fair and consistent recruitment and selection practices.	Ensure that all recruiting officers have undertaken the Council's recruitment and selection training.	Annual report to Equalities Board.	March 2010	Learning & Development Manager
<b>We will work to ensure that disadvantaged groups within the community have access to skills development and employment opportunities.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
3.3	Increase the number of adult learners accessing provision year on year subject to external funding.	Bid for additional funding when opportunities arise.	Annual report to Equalities board.	December 2009	Lifelong Learning Manager
		Seek new partnerships with relevant local and regional organisations.	Annual Ofsted self-assessment report.	December 2009	

**We will ensure that internal learning and development programmes reflect and communicate the Council's commitment to equality and diversity, whilst enhancing and developing knowledge and skills.**

	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
3.4	All new employees to have attended equality and diversity induction training within six months of appointment.	Ensure all new employees attend the Council's equality and diversity training.	Quarterly report to Equalities Board.	March 2009	Learning and Development Manager / Responsibility of Heads of Service / Business Managers
3.5	100% of managers to achieve managing diversity standard within Managerial Competencies version 5.	To assess level of attainment by the annual PPD interview.	Report to Equalities Board.	March 2010	Director of Resources with support from Equalities Board and Human Resources Teams
3.6	Create a working environment that is free from harassment and bullying.	Develop improved Dignity at Work monitoring system.	Guidance and monitoring system in place.	Sept 2009	Head of Human Resources

We will support the development and implementation of existing and future employee support groups.					
	Target	Actions	Measured by	Timescale	Responsibility
3.7	To have in place sustainable, well established employee networks and forums by 2011.	Develop a range of new employee networks and forums, where need has been identified.  Review existing employee support networks and forum.	Networks and forums in place with robust terms of reference.  Review completed.	March 2011  September 2009	Head of Human Resources and Equality and Diversity Manager  Head of Human Resources and Equality and Diversity Manager

#### Theme 4: Service Delivery and Customer Care

<b>We will create a customer focus which ensures that service users and potential service users are confident that the Council will deliver services that are fair and appropriate to their needs.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
4.1	To have high quality customer information to ensure equitable treatment.	Create a corporate standard for the collection and collation of equality and diversity customer data and satisfaction information.	Publication of Best Practice Guidance on Equality Monitoring.	March 2009	Equality and Diversity Manager
4.2	To reduce barriers to access to services.	To deliver the corporate Customer Service Strategy EIAs.	Report to Directors.	March 2010	Head of Customer Services and Business Transformation
<b>We will create a customer focus which ensures that service users and potential service users are confident that the Council will deliver services that are fair and appropriate to their needs.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
4.3	All information is accessible to groups who face communication barriers.	Develop corporate publication standards compatible with both paper and electronic formats.	Standards published and disseminated.	September 2010	Corporate Communications Manager
		Implement the Translation and Interpretation Review.	New system in place.	June 2009	Equality and Diversity Manager



## Theme 5: Harassment

<b>We will provide a safe living environment free from harassment and hate crimes/incidents.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
5.1	All hate incidents to be actioned appropriately within the given timescales.	Implement hate incident reporting and management procedures.	Dissemination and launch of new procedures.  Quarterly reports to Corporate Directors and Equalities Board.	March 2009  June 2009	Equality and Diversity Team and Customer Services Manager  Equality and Diversity Team and Customer Services Manager
5.2	To improve public confidence in reporting, recording and resolution of hate crime and harassment.	Delivery of Hate Crime and Harassment Strategy and action plan in-conjunction with Partners Against Hate Crime and Harassment Group.	Approved strategy and action plan in place.  Quarterly reports to Safer Communities Board.	March 2009  June 2009	Safer Communities Manager  Safer Communities Manager

## Theme 6: Consultation, Engagement and Involvement

<b>We will ensure that all under-represented and hard-to-reach groups are effectively informed and involved in the decision-making processes of the Council and other related issues that affect communities.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
6.1	Establish and embed locality management infrastructure across the five cluster areas.	Implement the new infrastructure.	Operational structure in place.	April 2010	Head of Neighbourhood and Community
	To have accurate socio-demographic information, regarding individual communities.	Production of Place Shaping Audits.	Place Shaping Audits in place and published.	September 2010	Head of Neighbourhood and Community
	Improve capacity levels of the third sector in the decision making process.	Undertake analysis of third sector capacity across cluster areas.	Directory of Third Sector organisations published.	April 2011	Head of Neighbourhood and Community
		Provide capacity building programmes.	Training programmes disseminated.	March 2009	Head of Neighbourhood and Community
6.2	Increase % of under represented groups involved in the consultation and engagement process.	Develop and implement a Community Engagement Strategy.	Strategy agreed and published.	March 2009	Head of Policy, Performance and Partnerships

	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
6.3	To have a fully functional forum with appropriate and effective arrangements in place to support the ongoing operation of the Connecting Communities Group and the Disability Forum.	Review existing arrangements.	Arrangements reviewed and actions implemented.	March 2010	Equality and Diversity Team

## Theme 7: Partnership Working

<b>We will work together with relevant and appropriate partners/stakeholders (including local communities) in the development, management and delivery of our services, and for those partners/stakeholders to have a full participative role regardless of their scale across all voluntary, statutory and private sector organisations.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
7.1	To broaden the remit of the Telford Race Equality and Diversity Partnership (TREDP) to include all 6 strands of diversity.	The TREDP board to agree a process for amending the terms of reference for the partnership to reflect all of the diversity strands.	Action plan in place to identify the changes required to amend the aims and objectives of the partnership and development of terms of reference.	March 2010	Head of Community & Neighbourhoods/ TREDP board
7.2	To ensure that service level agreements reflect our Equality and Diversity objectives are in place with each of the funded voluntary sector bodies e.g. CAB, CVS and TREDP.	Review existing SLAs and amend to reflect equality and diversity outcomes.	All SLAs reach equality and diversity requirements.	June 2009	Head of Community & Neighbourhoods

## Theme 8: Procurement

<b>We will ensure that all contracts are delivered in a way which is non-discriminatory and promotes equality of opportunity.</b>					
	<b>Target</b>	<b>Actions</b>	<b>Measured by</b>	<b>Timescale</b>	<b>Responsibility</b>
8.1	All suppliers that provide goods, works or services to the council to meet, or exceed, the Council's equality and diversity requirements as specified within contracts.	Produce and implement corporate guidance.  Develop and implement an internal communication plan.	Guidance published and disseminated.  Annual Report to Equalities Board.  Plan fully implemented.	March 2009  June 2010  April 2009	Procurement Manager  Procurement Manager and Equality and Diversity Manager  Procurement Manager and Equality and Diversity Manager
8.2	To have in place service level agreements that incorporate equality and diversity principles.	Review service level agreement template and guidance.	Report outcomes of review to Equalities Board	December 2009	Audit and Scrutiny Manager

## Appendix B

### Scheme Consultees

The Scheme has had an extensive consultation period taking into consideration the feedback from a variety of council employees and stakeholders. These include;

Elected Members  
Corporate Board Directors  
Equalities Board  
Portfolio Management Teams  
Portfolio Equality Groups  
Employee Disability Forum  
Customer Strategy Group  
Telford Race Equality and Diversity Partnership  
Local Strategic Partnership  
Connecting Communities  
Disability Forum  
Council for Voluntary Services  
Parish and Town Councils  
Council employees

In addition to the listed consultees, the scheme has been available for comments and feedback from the public via the council website and was advertised using the local media and newsletters. Council employees were consulted using a number of internal communication channels.

## **TELFORD & WREKIN COUNCIL**

**CABINET - 23<sup>rd</sup> MARCH 2009**

### **LOCAL AREA AGREEMENT ROUND 2 (LAA2) - REFRESH**

#### **REPORT OF THE HEAD OF POLICY, PERFORMANCE & PARTNERSHIP**

#### **1. PURPOSE**

To seek endorsement of the refreshed LAA2 for sign off by Government.

#### **2. RECOMMENDATION**

**That the refreshed LAA2 (attached Annex A) is endorsed for submission to Government, subject to final agreement on outstanding Safer & Stronger Communities targets, and that delegated authority be granted to the Chief Executive, following consultation with the Leader, (in their roles of chairs of the Local Strategic Partnership (LSP) Executive and LSP respectively) to finalise negotiations and agree targets with the Government Office West Midlands (GOWM).**

#### **3. INFORMATION**

- 3.1 The LAA Round 2 was signed off with Government in June 2008. The Agreement comprises of 27 indicators with stretch targets, reflecting the Council and the LSP's key short term priorities, which are to be delivered over the period 2008-11. These key targets are reflected in the Community Priority Plans, which are currently being refreshed, and will be monitored by both the Government Office and by the Audit Commission as part of the new Comprehensive Area Assessment (CAA) from April 2009.
- 3.2 There is a requirement by Government to annually review performance and to refresh and potentially renegotiate targets, based on both annual performance and any changes in local/national priorities and circumstances.
- 3.3 However, in this first year the focus is very much on completing 'unfinished business' (essentially around 7 targets) – setting outstanding targets where baseline data were not available or only one year targets were set, adjusting targets where new baseline information has been made available or indicator definitions have changed. In essence the refresh is therefore very much 'light touch' this year.
- 3.4 Whilst Government have recognised the likely impact on many of the targets as a result of the severe economic recession and downturn in the housing market, particularly on economic, employment and housing growth targets, it is not looking to refresh these targets this year,

preferring to take stock in the next review/refresh in 2009/10. In addition, in light of the negotiation of a Multi-Area Agreement (MAA) now to be signed off in June/July, and the impact this is likely to have on individual LAA economic/worklessness and skills targets, GOWM have confirmed that the renegotiation of these targets will be deferred until 2010.

- 3.5 We have taken a view that whilst new housing starts are obviously lower than forecast because of the downturn in the housing market, as a New Growth Area and our proposals to develop a new pilot partnership with the Homes & Communities Agency (HCA) to deliver additional homes, we would not at this stage challenge the approach being taken by Government.
- 3.6 Whilst the LAA brings no pump-priming grant to help deliver our targets, the pooling of current external grant funding through the Area Based Grant (currently worth some £9m) does offer some limited flexibility in the use of this funding to support priorities, and ultimately a potential £1m in Performance Reward Grant should all targets be achieved, payable over the 2 years 2011-13.
- 3.7 Discussions have taken place with the (Chair of) Local Community Policing Board (Police Authority) around the Safer & Stronger Communities new targets, and they will be endorsing the proposed targets.

#### **4. CHANGES TO THE LAA**

- 4.1 The new or adjusted targets of note are (see Annex A):

##### ***Safer & Stronger Communities***

- Perception of community cohesion (NI 1) – 4.1% points increase
- Satisfaction with the local area (NI 5) – 3.3% point increase
- Perception of anti-social behaviour (NI 17) – looking to reduce by between 3-5%.

*These targets are based on the 'minimum statistically significant improvement' targets required by Government to be achieved by the next national Place Survey in 2010, and have yet to be finally agreed.*

- Assault with injury crime rate (NI 20) – revised targets due to change in methodology; 3% decrease on 2008/9 baseline proposed.
- Re-offending rate of Prolific & Priority Offenders (NI 30) – 19% target set by Home Office.
- Repeat incidents of domestic violence (NI 32) – targets based on maintaining level at regional average as local Multi-Agency Risk Assessment Conference (MARAC) data currently provides insufficient baseline (as based on 1 year rather than 2 year data).
- Alcohol-related hospital admission rates (NI 39) – more challenging targets, although still representing an annual increase, have been



agreed by the PCT following a decline in alcohol-related hospital admissions in 2007/8 (a rise had been forecast).

### ***Children & Young People***

- 6 indicators/targets (NIs 74, 83, 95-98) have been deleted from the DCSF mandatory list, following the abandonment of KS3 testing nationally.
- The remainder of the DCSF mandatory targets for 2009/10 have yet to be agreed (September 2009).
- First time entrants to the Youth Justice System (NI 111) – the targets (-2% p.a.) have been set by the Youth Justice Board nationally.

### ***Healthier Communities & Older People***

- The level of the stretch targets set for the mortality rate from circulatory diseases in people aged under-75 (NI 121) has been revised down following the acceptance of the PCT's case by the Health Authority.
- Percentage of eligible people receiving community support who are able to direct their own care through a personal budget or by means of a direct payment (NI 130) – following a definitional change, an end date (2010/11) target of 30% has been agreed.

### ***Sustainable Communities***

- Indicators/targets included within the proposed Multi Area Agreement (Working age people on out of work benefits (NI 152) and Level 2 skills (NI 163)) – these will be renegotiated in the next refresh in March 2010.
- % of small businesses showing employment growth (NI 172) – it is proposed, following discussions with Transforming Telford Ltd, that we should set a target which seeks to equate with the West Midlands regional average (i.e. a relative rather than absolute measure, in recognition of the unpredictable impact of the economic recession, particularly on manufacturing). This has now been agreed by GOWM.

### Telford & Wrekin LAA Improvement Targets (Refresh March 2009)

<b>NI No.</b> <i>* Designated</i>	<b>Indicators</b> <i>(Mandatory in italics)</i>	<b>Baseline</b>	<b>2008/09</b> <b>(# Academic Year)</b>	<b>2009/10</b>	<b>2010/11</b>	<b>Lead* Partners</b>
<b>PRIORITY - SAFER &amp; STRONGER COMMUNITIES</b>						
<b>NI 1*</b>	<b>Percentage of people who believe people from different backgrounds get on well together in their local area</b>	73.5% (2008)			77.6% <i>TBC</i> (2010)	S&SCP*
<b>NI 5*</b>	<b>Overall/general satisfaction with local area</b>	78.3% (2008)			81.6% <i>TBC</i> (2010)	S&SCP*
<b>NI 8*</b>	<b>Adult participation in sport</b>	20.8% (2005/6)		24%		Physical Activity & Sport Board (T&WC*)
<b>NI 17*</b>	<b>People's perception of anti-social behaviour as a problem</b>	21% (2008)			16-18% <i>TBC</i> (2010)	S&SCP*
<b>NI 20*</b>	<b>No of 'Assaults with (less serious) injury' offences per 1000 population</b>	7.7 (4/08-1/09)		-1.5% on baseline	-3% on baseline	Police; S&SCP*
<b>NI 30*</b>	<b>Re-offending rate (% reduction) of Prolific and Priority Offenders (PPOs)</b>	-16%	-19%	-18%	TBA (in 2010)	S&SCP*
<b>NI 32*</b>	<b>Repeat incidents of domestic violence</b>			19.45%	19.45%	S&SCP*
<b>NI 39*</b>	<b>Rates of hospital admission for alcohol-related harm per 100,000 population</b>	1568 (2006/07)	1784	1890	1972	PCT*; S&SCP/DAAT; Children's Trust; Adult Health & Well-being Partnership

### Telford & Wrekin LAA Improvement Targets (Refresh March 2009)

NI No. * Designated	Indicators <i>(Mandatory in italics)</i>	Baseline	2008/09 (# Academic Year)	2009/10	2010/11	Lead* Partners
<b>PRIORITY - CHILDREN &amp; YOUNG PEOPLE</b>						
NI 56*	Obesity among primary school age children in Year 6	19% (2006/7)	18.5%	18.2%	17.7%	PCT*; T&WC; Schools
NI 72*	<i>Achievement of at least 78 points across the Early Years Foundation Stage with at least 6 in each of the scales in PSE Development and Communication, Language and Literacy</i>		44%#	N/A	TBC	T&WC*, Pre-school Learning Alliance, National Childminders Association, PCT
NI 73*	<i>Achievement at level 4 or above in both English and Maths at Key Stage 2 (Threshold)</i>	N/A	80%#	N/A	TBC	T&WC*; Schools; National Strategies
NI 75*	<i>Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths (Threshold)</i>	N/A	47%#	N/A	TBC	T&WC*; Schools; National Strategies
NI 79*	Achievement of a Level 2 qualification by age 19	68% (2006/07)	74%	76%	77.9%	T&WC*; Schools
NI 80*	Achievement of a Level 3 qualification by age 19	41% (2006/07)	47.2%	48.7%	50.2%	T&WC*; Schools
NI 87*	<i>Secondary school persistent absence rate</i>	N/A	6.3%#	N/A		T&WC*; Schools; National Strategies
NI 92*	<i>Narrowing the gap between the lowest achieving 20% in the Early Years Foundation Stage Profile and the rest</i>	N/A	31.1%#	N/A		T&WC*; Schools; National Strategies
NI 93*	<i>Progression by 2 levels in English between Key Stage 1 and Key Stage 2</i>	N/A	90%#	N/A		T&WC*; Schools; National Strategies
NI 94*	<i>Progression by 2 levels in Maths between Key Stage 1 and Key Stage 2</i>	N/A	86%#	N/A		T&WC*; Schools; National Strategies

### Telford & Wrekin LAA Improvement Targets (Refresh March 2009)

NI No. * Designated	Indicators <i>(Mandatory in italics)</i>	Baseline	2008/09 (# Academic Year)	2009/10	2010/11	Lead* Partners
NI 99*	<i>Children in care reaching level 4 in English at Key Stage 2</i>	N/A	57%#	N/A		T&WC*; Schools; National Strategies
NI 100*	<i>Children in care reaching level 4 in Maths at Key Stage 2</i>	N/A	57%#	N/A		T&WC*; Schools; National Strategies
NI 101*	<i>Children in care achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 (including English and Maths)</i>	N/A	7.7%#	N/A		T&WC*; Schools
NI 111*	<b>First time entrants to the Youth Justice System aged 10 – 17</b>	TBA		-2% of baseline	-4% of baseline (cumulative)	YOS; Police; T&WC; S&SCP*
NI 112*	Under-18 conception rate	54.7% (2006)	42.4% (2008)	35.6% (2009)	28.9% (2010)	PCT*; T&WC; Schools
NI 117 *	16 to 18 year olds who are not in education, training or employment (NEET)	5.8% (10/04)	7.5%	6.5%	5%	T&WC*; Schools; LSC; YOS; colleges; private sector; voluntary sector
<b>PRIORITY - HEALTHIER COMMUNITIES &amp; OLDER PEOPLE</b>						
NI 121*	<b>Mortality rate from all circulatory diseases at ages under 75</b>	88.1 (2007)	86.0 (2008)	85.0 (2009)	84.0 (2010)	PCT*; T&WC; GPs; Voluntary sector
NI 130*	<b>Percentage of eligible people receiving community support who are able to direct their own care through a personal budget or by means of a direct payment</b>	140.6 (per 100,000 popn. 18+) (2007/8)		20%	30%	T&WC*
NI 135*	Proportion of carers receiving needs assessment or review and a specific carer's service, or advice and information	14% (2006/7)	16%	19%	23%	T&WC*; PCT; Voluntary sector
NI 142*	Proportion of vulnerable people who are supported to establish and maintain independent living	98.69%	98.7%	98.7%	98.7%	T&WC*; PCT; Probation; RSLs; Voluntary Sector

### Telford & Wrekin LAA Improvement Targets (Refresh March 2009)

NI No. * Designated	Indicators <i>(Mandatory in italics)</i>	Baseline	2008/09 (# Academic Year)	2009/10	2010/11	Lead* Partners
<b>PRIORITY - SUSTAINABLE COMMUNITIES</b>						
NI 152* <sup>@</sup>	Working age people on out of work benefits	13% (5/2007)	12.7%	12.5%	12.2%	Worklessness Group (JC+*; LSC; T&WC; Voluntary Sector)
NI 154*	Net additional homes provided	491 (2006/07)	570	700	850	T&WC*; Transforming Telford; Homes & Communities Agency
NI 156*	Number of households living in Temporary Accommodation	101 (12/04)	90	70	50 (12/10)	T&WC*; RSLs; private sector landlords
NI 159*	Supply of ready to develop housing sites	114.6%	120%	120%	120% (4,578 houses)	T&WC*; local developers
NI 163* <sup>@</sup>	Working age population qualified to at least Level 2 or higher	65.3% (2006)	67.3%	70.3%	74.8%	LSC*; JC+; T&WC; Employers
NI 165*	Working age population qualified to at least Level 4 or higher	22.3% (2006)	24.7% (2009)	25.5% (2010)	26.3% (2011)	University of Wolverhampton*; LSC; T&WC; Employers
<b>NI 172*</b>	<b>Percentage of small businesses showing employment growth</b>	1.21% Regional Average 2002-07	At the regional average	At the regional average	1% above the regional average	Transforming Telford*; Business Link; AWM
NI 186*	Per capita CO2 emissions in the Local Authority area (cumulative percentage reduction, local & national measures)	7.9 tonnes per person (2005 DEFRA baseline)	-4.1% Local 1.7% National 2.4%	- 8.2% Local 3.3% National 4.9%	-12.3% Local 5% National 7.3%	T&WC*; LSP partners; private sector
NI 191*	Residual household waste per head (kg per household)	1046 2000/1	837.55	829.17	820.89	T&WC*

<sup>@</sup> To be renegotiated in 2010 if the Multi Area Agreement (MAA) is approved.

**Amendments to the Council's Scheme of Delegation  
(including officer authorisations)**

**Table 1 – Amendments to the Scheme of Delegations - New Delegations**

	<b>Functions</b>	<b>Decision making body</b>	<b>Delegation of functions</b>
	<b>Civil Contingencies</b>		
New delegation	Civil Contingencies Act 2004 - all matters relating thereto	Cabinet	Chief Executive Corporate Director: Adult & Consumer Care Head of Prevention & Protection Regulation & Resilience Manager
	<b>Adult Social Services (Miscellaneous and General)</b>		
Amended delegation	All powers and duties of the Council relating to Social Services Functions under Section 1A and Schedule 1 of the Local Authority Social Services Act 1970 ("the 1970 Act") and such other functions as the Secretary of State may designate as appropriate under Section 1A(b) of the 1970 Act from time to time (together with guidance issued under Section 7 of the 1970 Act) as the responsibility of the Director of Adult Social Services appointed under Section 6[A1] of the 1970 Act ,other than those for which the authority's Director of Children's Services is responsible under Section 18 Children Act 2004.	Cabinet	Corporate Director: Adult & Consumer Care; Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards; Corporate Director: Children & Young People; Head of Safeguarding & Corporate Parenting; Head of BSF, Resources, & Social Regeneration; Head of Locality Services for Children & Families; Head of Commissioning, Performance &

			Partnerships; Head of Learning & Achievement.
	<b>Animal Welfare</b>		
New delegation	Animal Welfare Act 2006 - all matters relating thereto, except authorisation to prosecute	Cabinet	Principal Licensing Officer Licensing Officer
New delegation	Animal Welfare Act 2006 - authorisation to prosecute	Cabinet	Head of Prevention & Protection
	<b>Closure Notices</b>		
New delegation	Section 19 of the Criminal Justice & Police Act 2001 – authority to issue and cancel closure notices relating to the unlicensed sale of intoxicating liquor	Cabinet	Licensing Officers, Licensing Enforcement <b>Miscellaneous and General</b> Officers, Environmental Health Officers, EH Enforcement Officers, Trading Standards Officers, TS Enforcement Officers
	<b>Ruinous &amp; Dilapidated Buildings</b>		
New delegation	Section 79 of the Building Act 1984 – Ruinous & dilapidated buildings and neglected sites (relating to empty domestic dwellings)	Cabinet	Business Manager: Housing Quality & Renewal Team Manager – Housing Enforcement Environmental Health Officers

**Trading Standards – The Schedule**

Accommodation Agencies Act 1953  
Administration of Justice Acts 1970 and 1985  
Agricultural Produce (Grading and Marking) Acts 1928 and 1931  
Agriculture (Miscellaneous Provisions) Acts 1954, 1968 and 1978  
Agriculture Act 1970  
Animal Health Acts 1981 and 2002  
Animal Health and Welfare Acts 1984  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003

Business Names Act 1985  
Cancer Act 1939  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933

Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Companies Act 2006

Construction Products Regulations 1991  
Consumer Credit Act 1974  
Consumer Credit Act 2006  
Consumer, Estate Agents and Redress Act 2007  
Consumer Protection Acts 1961 - 1987  
Consumer Safety (Amendment) Act 1986  
Control of Pollution Act 1974  
Copyright etc. and Trade marks (Offences and Enforcement) Act 2002  
Copyright, Designs and Patents Act 1988  
Courts and Legal Services Act 1990

Malicious Communications Act 1988  
Markets and Fairs (Weighing of Cattle) Acts 1887 to 1926  
Medicines Act 1961, 1968 and 1971

Motorcycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children ) Act 1991

National Lottery Act 1993  
Offensive Weapons Act 1996  
Olympic Symbol etc. (Protection ) Act 1995  
Performing Animals (Regulations) Act 1925  
Petroleum (Consolidation) Act 1928

Petroleum (Transfer of Licenses ) Act 1936  
Plant Health Act 1967  
Poisons Act 1972

Prices Act 1974  
Property Misdescriptions Act 1991

Protection against Cruel Tethering Act 1988  
Protection of Animals (Amendment) Act 1954  
Protection of Animals Act 1911  
Protection of Children (Tobacco) Act 1986  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988



Criminal Attempts Act 1981  
Criminal Justice Act 1988  
Criminal Justice and Public Order Act 1994  
Criminal Justice and Police Act 2001  
Criminal Law Act 1977  
Crossbows Act 1987

Development of Tourism Act 1969  
Dogs Act 1906

Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environmental Protection Act 1990  
Estate Agents Act 1979  
Explosives Acts 1875, 1923 and 1976  
Explosives (Age of Purchase) Act 1976  
European Communities Act 1972 and Treaties and Legislation given effect thereunder.

Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Firearms Act 1968  
Fireworks Act 2003  
Food Act 1984 - Part III

Food and Environment Protection Act 1985

Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Hallmarking Act 1973

Road Traffic Act 1991

Road Traffic (Offenders) Act 1988

Road Traffic Regulation Act 1984  
Road Vehicles (Construction and Use) Regulations 1986  
Solicitors Act 1974  
Telecommunications Act 1984  
Theft Acts 1968  
Timeshare Act 1992  
Tourism (Sleeping Accommodation Price Display) Orders 1977  
Trade Descriptions Act 1968  
Trade Marks Acts 1938 and 1994  
Trading Representations (Disabled Persons) Acts 1958 - 72  
Tobacco Advertising and Promotion Act 2002

Transport Act 1978

Unsolicited Goods and Services Acts 1971 – 75  
Unsolicited Goods and Services (Amendment) Act 1975  
Video Recordings Acts 1984 and 1993

Weights and Measures Act 1985  
Vehicle Crime Act 2001  
Violent Crime Reduction Act 2006

Health and Safety at Work etc. Act 1974  
Health Act 2006  
Housing Act 2004  
Insurance Brokers (Registration) Act 1977  
Insurance Companies Act 1982  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997

Law of Property (Miscellaneous Provisions) Act 1989  
Licensing (Young Persons) Act 2000

## **TELFORD & WREKIN COUNCIL**

**CABINET – 23<sup>RD</sup> MARCH 2009**

### **PROPOSED AMENDMENTS TO THE SCHEME OF DELEGATION**

#### **REPORT OF THE CORPORATE DIRECTOR ADULT & CONSUMER CARE**

## **1. PURPOSE**

- 1.1 The purpose of this report is to seek Cabinet approval to amend the scheme of delegation as set out in Appendices 1 and 2.

## **2. RECOMMENDATION**

- 2.1 That Cabinet approves amendments to the scheme of delegation as set out in Appendices 1 and 2 to this report**

## **3. SUMMARY**

- 3.1. The scheme of delegation is intended to help the Council carry out its business in an efficient and effective way whilst also ensuring openness and accountability.
- 3.2 Key decisions affecting policy and significant financial expenditure, and many decisions relating to the Council's statutory roles (of planning or licensing for example), are reserved to Council, Cabinet and boards / committees.
- 3.3 However, a large majority of decisions relating to the Council's day to day operations are delegated to officers. This is essential both for the efficiency of service delivery and to keep costs associated with decision making proportionate to the impact of those decisions.
- 3.4 This report requests that Cabinet amends the scheme of delegation to include provisions relating to new legislation and to tidy up a small number of anomalies within existing legislation and within the existing scheme of delegation. These are set out in Appendix 1 to the report.

## **4. PREVIOUS MINUTES**

- 4.1 Reference the following:-

- Council Constitution Committee – 8 September 2005 (CCC-03)
- Council – 28 September 2005 (Minute No. 40)
- Council Constitution Committee – 14 September 2006 (CCC-18)
- Council – 21 September 2006 (Minute No. 36)

## **5. INFORMATION**

### **5.1 Background**

5.1.1 The Council's scheme of delegation (referred to as the 100(g)2 list) is periodically reviewed to ensure that it remains up to date and valid. All amendments and new delegations listed in the scheme must be approved by Council, Cabinet or the relevant board / committee.

5.1.2 Proposals set out in this report refer to provisions set out in three relatively new acts, revisions to delegations relating to existing legislation (Appendix 1), and amendment of a schedule to the scheme of legislation that is regulated by the Trading Standards Service on behalf of the Council (Appendix 2).

### **5.2 Equal Opportunities**

There are no equalities and diversity issues arising from proposals set out in this report.

### **5.3 Environmental Impact**

There are no environmental impacts arising from proposals set out in this report.

### **5.4 Legal Comment**

The Council has the power pursuant to Section 101 Local Government Act 1972 to delegate the functions listed in this report to officers as described in this report. There are no other legal implications arising directly from this report.

### **5.5 Links with Corporate Priorities**

Proposals set out in this report have no direct implications for the Council's corporate priorities however they are an important part of the framework that enables those priorities to be achieved.

### **5.6 Opportunities and Risks**

The opportunities and risks associated with this report have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

### **5.7 Financial Implications**

The Council's scheme of delegation enables decisions to be made about operational matters that might otherwise have to be reported through a board / committee, Cabinet or Council. Therefore, approval

to the delegations proposed will help to streamline those decision making processes with consequent savings in Member and officer time.

## **6. WARD IMPLICATIONS**

- 6.1 Whilst decisions made under delegated powers may affect any or all wards the proposals set out in this report do not have direct Ward implications.

## **7. BACKGROUND PAPERS**

- 7.1 Relevant background papers include:-
- (a) statutory instruments referred to in this report; and
  - (b) the Council's scheme of delegation, also referred to as the 100(g)2 list

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## **TELFORD & WREKIN COUNCIL**

**CABINET - 23<sup>RD</sup> MARCH 2009**

### **DESIGNATED PUBLIC PLACE ORDER (DPPO) - DAWLEY**

#### **REPORT OF INTERIM CORPORATE DIRECTOR – COMMUNITY SERVICES**

## **1.0 PURPOSE**

- 1.1 For members to consider whether or not to instigate the process for the making of an order identifying Dawley as a designated public place for the purposes of police powers in relation to alcohol consumption. Also to identify the specific area to be included within the draft order for consultation purposes.

## **2.0 RECOMMENDATIONS**

- 2.1 **To take account of the legal process to be followed prior to the implementation of any DPPO.**
- 2.2 **To consider the merits of introducing a Designated Public Places Order in the area identified within the Dawley Magna ward (see appendix A) and to agree next steps.**

## **3.0 SUMMARY**

- 3.1 Members have been asked to consider a new approach to tackle alcohol-related anti-social behaviour in Dawley that builds on the positive work that has been done through partnership work and additional Police presence in the area. This involves examining the merits of introducing a Designated Public Places Order in the area identified within the Dawley Magna ward (Appendix A).

## **4.0 INFORMATION**

- 4.1 The request to consider the implementation of a Designated Public Places Order was reviewed by Council Officers and West Mercia Constabulary on the 6<sup>th</sup> March 2009. Before any area can be designated a DPPO there must be evidence to meet the following tests:
- Is there a current problem with street drinking?
  - Would the powers (DPPO) assist in dealing with the problem, or are existing Police powers sufficient?
- 4.2 In considering these tests, the Home Office has previously indicated that crime statistics should be available and examined for the previous 6 months, and that this should show the extent of the problem and that it is greater than for other areas. The assessment should also state positively that the powers of a DPPO can deal with the problems identified, where existing powers cannot.

4.3 The process is circumscribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

4.4 **A request for a DPPO**

4.5 A request has been received for the Council to consider whether or not to instigate the process for making an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption in the Dawley Magna ward.

4.6 **The process**

4.7 The process to make such an order is detailed in Home Office Guidance – Guidance on Designated Public Place Orders for local Authorities in England and Wales. A copy of this guidance is included at Appendix B.

The main steps are:-

4.8 ***Is there a problem?***

4.9 Councillors report having received complaints about drinking in the subject area and there have been meetings with the Police to canvass their views on the nature of the problem. The view of the Police is that the crime statistics do not show that there is an alcohol related nuisance or annoyance to the public in the Dawley Magna area. However, Members do have the option to embark on a formal consultation process once the area to be covered by a potential DPPO has been outlined, to seek the views of all key stakeholders including the Police as described below.

4.10 ***Consultation Process***

4.11 The Council is required to consult with the Police for two reasons, firstly to canvass their views on the nature of the problem and the appropriateness of adopting the DPPO powers and secondly on enforceability.

4.12 The guidance recommends that the Council should also consult the following:-

- Great Dawley Parish Council.
- Neighbouring parish councils of Dawley Hamlets; Lawley & Overdale; Madeley & Stirchley and Brookside.
- Any premises licence holder or club premises certificate holder or premises user in the designated area.
- The owners or occupiers of land that is proposed to be designated within the Design Public Places Order where reasonably possible.

4.13 Once the proposed area for consultation purposes is approved details of this must be published in the local newspaper inviting representations as to whether or not an order should be made.

There is a 28 day consultation period.

#### **4.14 Decision-making**

- 4.15 At Telford & Wrekin Council this decision is one for Council; it is not an Executive decision and no other Council committee currently has delegated powers to take this decision.
- 4.16 When deciding whether or not to make the Order the Council has to consider all written representations that have been received. There must be evidence available to support a conclusion that there is an alcohol related nuisance or annoyance to the public in the proposed area and that it is likely that the nuisance or annoyance will continue unless such an order is made.

#### **5.0 Background**

- 5.1 The Council are committed to crime reduction, addressing anti social behaviour (ASB) and ensuring the safety of all residents in the borough - Priority 4 Creating a safe, strong and cohesive community. The Safer and Stronger Communities Partnership, its statutory (and Voluntary Sector) partners and Council Officers continue to deliver on this priority. The Community Plan (Vision 2026) Community Safety Priority Plan and the Alcohol Strategy (Safe, Sensible and Social 2008- 2011) substantially inform the partnership approach to crime and disorder.
- 5.2 Members formally raised the prospect of DPPO legislation as a response to street drinking and associated anti social behaviour in Dawley High Street in September 2007. A process of review had commenced at that time.
- 5.3 In April 2008 a meeting was held with elected members for Dawley where concerns about increases in ASB were raised. Whilst analysis identified Dawley as an area with the highest volume of ASB during that period, it was also noted that this was not significantly out of step with seasonal trends, indeed there was a slight decrease on the previous year. Nonetheless, perceptions of ASB remained high. This information led to the instigation of 'Operation Band Stand' which increased Police presence in the area. The range of sanctions and powers were reviewed and utilized. In addition a multi agency task group met to look at other measures that could be taken to work with young people, particularly the 'hard core' of individuals who were seen to be at the centre of the problems. The range of actions included short term and long term measures, and these integrated with local Police plans.
- 5.4 Since that time this approach, involving the Police and Safer Communities, led to a number of positive actions taking place. The partnership based work in the High Street area engaged young people, led to significant reductions in crime and ASB reports and these have been maintained to the present time. Within the past 6 months the frequency of recorded anti social behaviour in Dawley High Street has been at its lowest level, there is no current evidence that this is associated with street drinking.

#### **6.0 Equality and Diversity**

- 6.1 The robust consultation process will ensure that any areas of concern around equality and diversity are raised in advance of any order being raised.



## **7.0 Environmental Impact**

- 7.1 Consideration should be given, prior to the imposition of a Designated Public Places Order to the possible implications on Dawley regeneration schemes.

## **8.0 Legal Comment**

- 8.1 Section 13 of the Criminal Justice and Police Act gives local authorities the power to designate public areas as a designated public place. This enables local authorities to place restrictions on public drinking in an area to address nuisance or annoyance associated with the consumption of alcohol in a public place. The order gives police officers the discretion to require an individual to stop drinking anywhere in the designated area. These powers however are not intended to disrupt peaceful activities for example, families having a picnic in the park with a glass of wine.
- 8.2 There is specific guidance that details the process for justifying such an order, including, for example the consultation processes and the evidence required.

## **9.0 Links with Corporate Priorities**

- 9.1 Tackling Crime & Disorder, including anti-social behaviour and substance misuse has a direct and indirect impact on all the Council's Community Priorities.

## **10.0 Opportunities and Risks**

- 10.1 The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

## **11.0 Financial Implications**

- 11.1 Costs associated with the implementation of Designated Public Places Orders arise mainly from installation of signage, public notices, bins and officer time. It is estimated that the cost of introducing the DPPO in Dawley will not be greater than £5k. This will be met from the dedicated budget (Alcohol and ASB) as part of a Section 75 Financial Agreement between the Council and the Primary Care Trust. There are no additional costs to Telford and Wrekin Council at this stage.

## **12.0 WARD IMPLICATIONS**

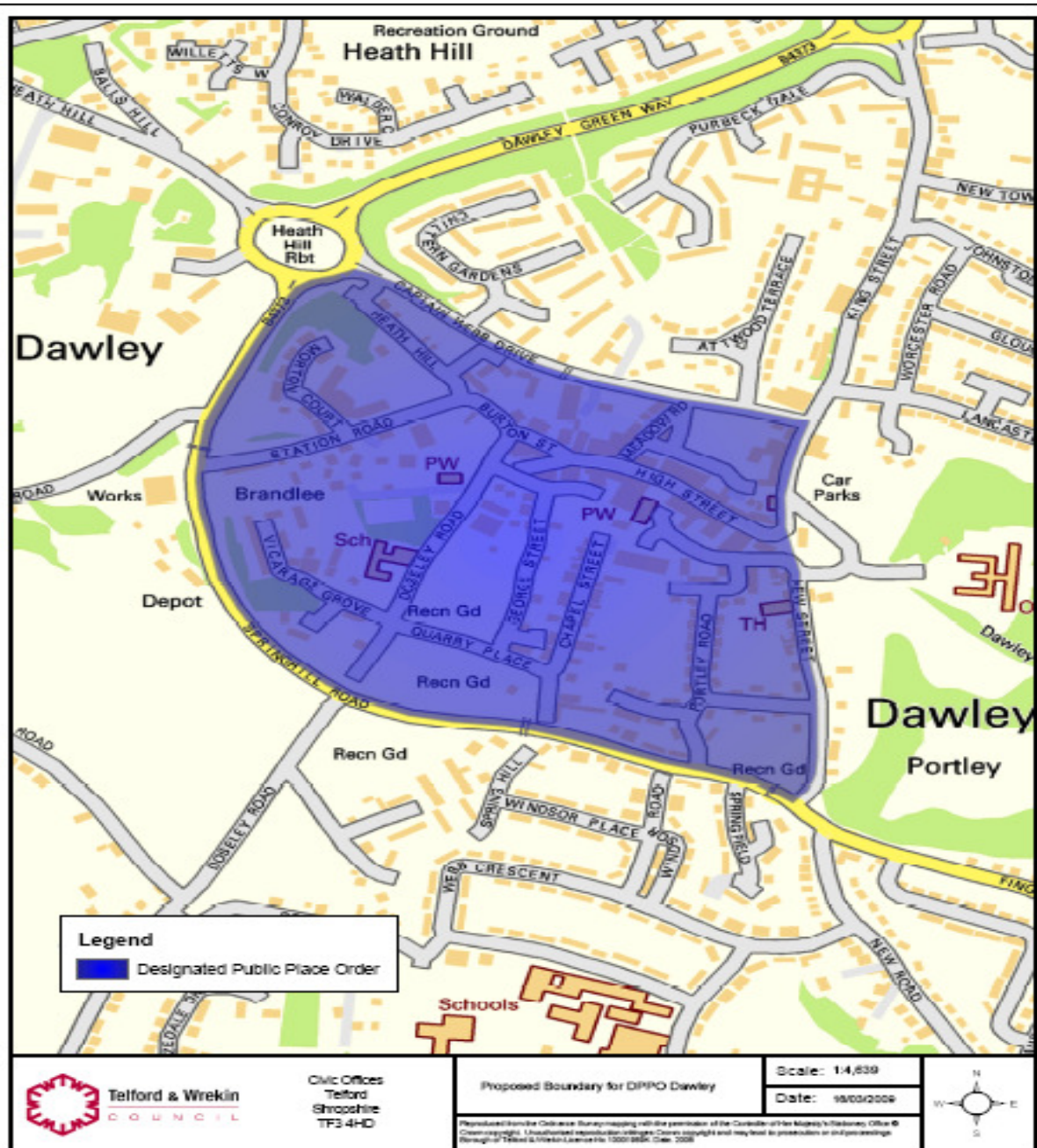
- 12.1 Dawley Regeneration Board is currently working with the Council and other parties to redevelop Paddock Mount and Dawley High Street under plans for regeneration with a spend in excess of £2 million. Some consideration will need to be given, prior to the imposition of a Designated Public Places Order to the possible implications on this development.

## **13.0 BACKGROUND PAPERS**

- 13.1 None

***Report prepared by Tom Currie, Safer Communities Strategic Manager  
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## Appendix A



# **GUIDANCE ON DESIGNATED PUBLIC PLACE ORDERS (DPPOs): FOR LOCAL AUTHORITIES IN ENGLAND AND WALES**



**Home Office**

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## Introduction

This guide explains the powers given to local authorities in England and Wales to introduce Designated Public Place Orders (DPPOs). The provisions are contained in section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Reduction Act 2006.

The purpose of this guide is to help you get the best out of DPPOs. If your local area has found its own effective system for using this power, then there is no need to consider making changes. Our aim is to ensure good practice from practitioners. The examples we give are merely suggestions that you may wish to try in your local area, particularly if DPPOs are new to you. We are not looking to replace existing local protocols.

This guidance is therefore not compulsory. It merely sets out examples of good practice which you may wish to follow in your local area. Legislative obligations mentioned here are, naturally, compulsory, and we have highlighted all references for your convenience.

## Purpose of the powers

On 1 September 2001, sections 12–16 of the Criminal Justice and Police Act 2001 came into force. DPPO powers enable local authorities to designate places where restrictions on public drinking apply. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance.

These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park or on the beach with a glass of wine. While police officers have the discretion to require an individual to refrain from drinking regardless of behaviour, our advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. Bodies responsible for introducing and enforcing DPPOs must keep in mind section 13 of the Criminal Justice and Police Act 2001 which makes it clear that this power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.

It is important to note that these powers **do not** make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to **refrain from drinking**. Those enforcing these powers must take care that they do not state (either verbally or via signage) that the consumption of alcohol in a designated area, in itself, constitutes a criminal offence.

## Byelaws

By virtue of section 15 of the Criminal Justice and Police Act 2001, existing public drinking byelaws cease to have effect once an area is designated in accordance with section 13 of the 2001 Act. Any relevant local authority byelaw which was not replaced by a section 13 Designation Order has therefore lapsed by virtue of section 15 of the 2001 Act. Drinking byelaws that were not replaced by a DPPO ceased to have effect on 31 August 2006.



## The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

Section 13 of the Criminal Justice and Police Act 2001 enabled local authorities to introduce Designated Public Place Orders (DPPO). The 2001 Act also ensured that pubs and clubs that have a premises licence to sell and supply alcohol under the Licensing Act 2003 could not be designated by a DPPO.

The Licensing Act 2003 brought the licensing arrangements for a range of activities under the same regime. So premises licensed for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshments hold the same, single authorisation. The Licensing Act 2003 Statutory Guidance also encourages local authorities to seek premises licences for public spaces in order to allow local community events such as open-air festivals, concerts and carnivals to take place without the need for each individual event organiser having to apply for a separate licence. This allows these various events to operate within the terms of licence.

An unintended consequence of this was that, where local authorities were granted a premises licence in respect of public spaces in order to hold regulated entertainment (and in some cases allow the sale of alcohol at certain times) these places could not be designated with a DPPO. This conflicted with local authority wishes to promote community events by licensing public spaces, while also intending to make use of DPPOs in tackling anti-social behaviour drinking.

This unintended problem was rectified by section 26 of the Violent Crime Reduction Act 2006, which came into force on 6 April 2007 amending the 2001 Act, to ensure that premises used by local authorities in this way will only be excluded from a DPPO in which they are located at times when alcohol is actually being sold/supplied and for 30 minutes thereafter. The 2006 Act also ensures that a premises for which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPPO in which it is located for 30 minutes following the supply of alcohol, rather than 20 minutes as was previously the case.

## Which authority has the power to make a DPPO?

The local authorities with the power to make a designation order under section 13 are:

- in England, unitary authorities and district councils so far as they are not unitary authorities; and
- in Wales, county councils or county borough councils.

In this context unitary authorities are defined as county councils (so far as they are councils for an area for which there are no district councils), district councils (in areas for which there are no county councils), London borough councils, the common council of the City of London (in its capacity as a local authority) and the council of the Isles of Scilly.

## Partnership working

As with any decision to introduce a particular power to tackle anti-social behaviour in a local area, it is essential that you work with the relevant agencies within the Crime & Disorder Reduction Partnership (CDRP) – such as the police – from the start of the DPPO process. In particular, this is to ensure that when the order comes into force, the DPPO is monitored and the police have the resources to be able to enforce it.

# The DPPO process

## 1. Evidence

The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behaviour or disorder.

Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.

## 2. Consultation

Before making an order you should consult with the chief officer of police overseeing the area in question. This is to seek the police's views on the nature of the problem and the appropriateness of adopting the powers. It is also in recognition that it will be the police who will have the responsibility for enforcing the resulting restrictions on public drinking.

You should also consult the following:

- the parish or community council covering all or part of the public place to be designated;
- the neighbouring police and local authorities, parish or community councils in cases where a designation order covers an area on the boundaries with that neighbouring authority. This is in order to assess the consequences of the designation order on the neighbouring authority (such as the possible displacement of anti-social public drinking problems) before the designation order is made; and
- any premises licence holder, club premises certificate holder or premises user (as appropriate), in relation to each premises in that place which may be affected by the designation. These are premises where:
  - (i) a premises licence granted under part 3 of the 2003 Act has effect;
  - (ii) a club premises certificate granted under part 4 of the 2003 Act has effect; or
  - (iii) a temporary event notice has been given so that premises may be used for a permitted temporary activity by virtue of part 5 of the 2003 Act.

You should also take reasonable steps to consult the owners or occupiers of the land proposed to be designated. Where residential areas are proposed to be included in the DPPO area, you should endeavour to consult with residents of those areas. Some councils have notified the local residents by means of a leaflet drop. You may also wish to consider holding residents' meetings. Some have carried out surveys of their residents and businesses to gauge their opinion on the proposal to introduce a DPPO and to identify any experience of alcohol-related anti-social behaviour or disorder. These data can add to the evidence base required before a DPPO is introduced.



When you consult any of the parties above, you should describe in writing the effect the order will have at particular times in relation to each category of premises (set out in section 3 (3) (b) of the 2007 Regulations) listed below:

- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol (section 14(1)(a) of the Criminal Justice and Police Act 2001 (“the 2001 Act”) but where section 14(1)(b) of that Act does not apply). This provision covers licensed premises at all times of the day.
- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol but only at times when it is being used for the sale or supply of alcohol or at times falling within 30 minutes after the end of a period during which it has been so used (section 14(1)(a) of the 2001 Act where section 14(1)(b) of that Act does apply). This provision covers licensed premises during the times of operation of the licence and 30 minutes thereafter – so for example they are not covered at times that they are not licensed to sell or supply alcohol.
- Premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol (section 14(1)(aa) of the 2001 Act). This provision covers clubs that have club premises certificates.
- A place within the curtilage of licensed premises or club premises (section 14(1)(b) of the 2001 Act). This provision covers any place within the enclosed area of licensed premises or club premises.
- Premises which by virtue of Part 5 of the Licensing Act 2005 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes (section 14(1)(c) of the 2001 Act). This provision covers any premises for which there is a valid temporary event notice in force and for 30 minutes thereafter.
- A place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (section 14(1)(e) of the 2001 Act). This covers places in which the council has given permission for alcohol to be sold pursuant to section 115E of the Highways Act 1980.

### **3. Publicity**

Before making an order, you should publish a notice in the local newspaper:

- identifying specifically or by description the place in question; setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1) (b) of the Act applies at the time the notice is published; and
- inviting representations as to whether or not an order should be made.

No order should be made until at least 28 days after the publication of the notice. Some local authorities have published the notice in a council publication that is delivered to all residences and businesses within the local authority boundaries. We believe this is an example of good practice as such a newsletter will most likely cover a larger proportion of the population. However, any publications in newsletters of this sort must be in addition to the notice in a local newspaper as this is a legal requirement.

## 4. Once an order is made

After making an order and before it takes effect, you should publish a further notice in the same local newspaper:

- identifying the place to which the order refers;
- setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1) (b) of the Act applies at the time the order takes effect; and
- indicating the date on which the order will take effect.

You should send a copy of the DPPO as soon as possible after the order is made to the following address:

Joanne French  
Home Office  
Alcohol Strategy Unit  
4th Floor  
Peel Building  
2 Marsham Street  
London  
SW1P 4DF

Telephone number: 020 7035 0066

The Home Office will send you an acknowledgement to confirm receipt of the DPPO order. If you don't receive an acknowledgement within two weeks of sending your paperwork to the Home Office you should contact the Alcohol Strategy Unit to confirm whether or not it has been received.

## Timescales

In respect of the length of time allowed for the consultation process, it is for you to decide what constitutes a reasonable consultation period. This might depend on how many premises licence holders and neighbouring local authorities may be affected by the proposed DPPO area. However, our advice is that a period of 4 to 6 weeks gives residents and others a fair opportunity to make representations.

The only statutory requirement in the regulations is that no order can be made until at least 28 days after the notice has been circulated in the local press. There are no other statutory timescales. However, you must consider what, in your view, is both fair and reasonable in terms of timescales for all other aspects of the DPPO process.

## Time lapses

If you find that a significant amount of time has elapsed since you first consulted about introducing a DPPO, we would advise you to go back to the initial results of the consultation and review whether there is likely to have been any changes in your local area which might have had an effect on your decision to implement a DPPO.

You will need to:

- look at why the DPPO was not implemented at the time (was it due to resource issues or were there any valid objections?);

- assess whether any circumstances are different now, compared to when the consultation took place;
- revisit the evidence to see if the DPPO is still justified; and
- consider whether any objections are more valid now as compared to when the consultation took place.

## Displacement

The creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this purpose. So, prior to designating an area, you should make an assessment of all the areas to where you reasonably believe that the nuisance or disorder could be displaced, ensuring that all those affected by the designation and possible displacement are appropriately consulted. It might be appropriate for you to designate a public area beyond that which is experiencing the immediate problems caused by anti-social drinking if the evidence suggests that the existing problem is likely to be displaced once the DPPO is in place.

## Extending a DPPO area

In order to extend the area of a DPPO, a new order has to be produced. This is to ensure that the extended area is just and reasonable. The consultation and publicity processes will need to be re-visited for the new area.

## Borough-wide DPPOs

Borough-wide DPPOs are not specifically prohibited in the legislation; however, we would advise caution, as, in order for the DPPO to be proportionate, you need to ensure that there is evidence of alcohol-related anti-social behaviour in each and every part of the borough. Any local authority considering a borough-wide DPPO will need to satisfy themselves that they can justify their decision by pointing to evidence of alcohol-related nuisance or annoyance in each and every part of their borough.

## Managing objections

Any objections to a DPPO should be properly considered. Questions that you might wish to consider include:

- does the person/people making an objection have a valid reason?
- does further evidence of alcohol-related anti-social behaviour need to be obtained?

Objections to a DPPO will not necessarily result in its rejection. However, all objections should be thoroughly considered. It would be good practice for you to send a letter to the person objecting, explaining why their objection has been accepted/rejected. In cases where there have been a number of objections on the same or similar points, you may wish to explain more publicly the reasons for continuing with the DPPO. This could be through residents' meetings or an article in a council newsletter.

## Evaluating DPPOs

There is no statutory requirement to review a DPPO. However, we would advise that they should be evaluated and reviewed as a matter of good practice. How often a DPPO should be evaluated is a decision for you to make. It would be good practice to review the DPPO at least every two years. The aim of an evaluation is to find out whether the DPPO has stopped/helped to reduce alcohol-related anti-social behaviour/disorder. If it has, is the DPPO still required? Does the area covered by the DPPO need to be reviewed?

The evaluation need not be a lengthy bureaucratic exercise. The policy leads responsible for implementing the DPPO would be advised to review the data on alcohol-related anti-social behaviour before the DPPO was in force, and compare it with more recent data, along with information from the police as to how often the DPPO has been enforced. A judgement can then be made as to the effectiveness of the DPPO in dealing with alcohol-related anti-social behaviour.

As part of the consultation with the police when a DPPO is originally being proposed, it is advisable that local authorities should make their own local agreement with the police about how data will be collected and/or disseminated on how often the DPPO powers are used. This will enable you to have the relevant information available when reviewing the effectiveness of the DPPO.

If it is judged that the DPPO has not proved effective at reducing alcohol-related anti-social behaviour, you will need to identify the reasons behind this before deciding on the next steps. It might be that the problems have been displaced, in which case you may wish to think about extending the area of the DPPO. Alternatively, it might be that the DPPO is not being enforced, in which case you will need to discuss with the police what steps can be taken to address this issue.

## Revocation of a DPPO

Under section 13 (3) of the Criminal Justice and Police Act 2001, local authorities have the power to revoke a DPPO. However, the same processes of consultation and publicity will need to be observed when any revocation is being considered. Any local authority which revokes a DPPO must send a notice to the Home Office (at the address above) informing them that a DPPO has been revoked.

### Portsmouth – an example of good practice

When Portsmouth Council decided to introduce a DPPO, they agreed a protocol with the police to provide guidance for both the public and the police as to how the DPPO would be enforced. The police and the local authority agreed that individuals with alcohol would not be approached and asked to stop drinking unless 1) they were engaged in anti-social behaviour or disorder; 2) the police were of the view that there was likely to be anti-social behaviour or disorder; or 3) complaints had been received from other members of the public. This approach allowed Portsmouth to target those individuals causing nuisance related to the consumption of alcohol while leaving undisturbed those who were not causing a nuisance.

The guidance from Portsmouth highlighted the importance of not alienating the public by challenging individuals not engaged in anti-social behaviour, and that the use of the power was a discretionary one on behalf of the police, and not a duty to challenge any individual with alcohol. The guidance produced by Portsmouth Council can be found at Annex E and is also available on the Crime Reduction website.

## Enforcement

Section 12 of the Criminal Justice and Police Act 2001 provides the police with powers to deal with anti-social drinking in areas that have been designated for this purpose by the relevant local authority under section 13 of the Act. The police (and other accredited persons, under sections 41 and 42 and schedule 5 to the Police Reform Act) have the power to require a person in a DPPO area not to drink alcohol in that area where an officer reasonably believes that the person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.

As Police Community Support Officers (PCSOs) and other accredited persons do not have the power of arrest in these circumstances, a police officer will need to be called if someone fails to comply with the request to refrain from drinking. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or the surrender of alcohol without reasonable excuse is an arrestable offence.

Penalties for this offence include:

- penalty Notice for Disorder (PND) £50; or
- arrest and prosecution for a level 2 fine, maximum of £500.

Bail conditions can be used to stop the individual from drinking in the public place pending prosecution for the offence.

Accreditation of PCSOs and others is at the discretion of the Chief Constable of the police force concerned.

## Breaches

There is no power to arrest someone who regularly consumes alcohol in a designated public place **unless** they fail to comply with an officer's request to stop when asked under section 12 of the Criminal Justice and Police Act 2001. However, the police can use a whole range of other powers to deal with regular public/street drinkers either by giving them a PND for being drunk or disorderly or by using Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs). Directions to Leave under Section 27 of the Violent Crime Reduction Act 2006 could also be used for up to 48 hours if appropriate.

## Signs

It is for you to decide on how many signs are required to draw the public's attention to the effect of an order in a particular place. You may also wish to consider any specific local requirements when producing the signs such as having the wording of the sign in other languages. This will obviously be dependent on budgetary constraints.

Signs should not conflict with or obscure traffic signs – you should consult with the local highway authority. They should be placed at the approaches to designated areas and repeated within them.

We suggest avoiding the use of diagonal lines through bottles or glasses on signs as they may suggest some sort of prohibition or ban on alcohol itself. Signs should not suggest that the consumption of alcohol is a criminal offence.

Each sign erected should also indicate the effect the order will have at particular times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations:

- premises falling under section 14 (1) (a) of the 2001 Act (places which are not designated public places) to which section 14 (1) (b) of the 2001 Act does not apply;
- premises falling under section 14 (1) (a) of the 2001 Act to which section 14 (1) (b) of the 2001 Act does apply;
- premises falling under section 14 (1) (aa) of the 2001 Act;
- premises falling under section 14 (1) (b) of the 2001 Act;

- premises falling under section 14 (1) (c) of the 2001 Act; and
- premises falling under section 14 (1) (e) of the 2001 Act.

A model sign can be found at Annex A.

## Replacement signs – wording

If you are considering replacing a sign erected under the 2001 regulations, the wording **does not** need to reflect the amendments made in the 2007 Regulations.

## Wording of a DPPO

The legal title is a Designated Public Place Order (DPPO). DPPOs are sometimes misleadingly referred to as Alcohol Free Zones, Drinking Control Areas and Drinking/Alcohol Ban Areas. This can be confusing to members of the public as the purpose of the legislation is not to ban alcohol in a public area, but to give police the powers to deal with anti-social drinking. You will need to take this into account when producing signs/literature for your DPPO. An example of good practice is a leaflet produced by Ipswich Borough Council (on the Crime Reduction website and reproduced at Annex F).

## Other alcohol powers

There are a number of other powers that are available to deal with alcohol-related issues including the confiscation powers available under the Confiscation of Alcohol (Young Persons) Act 1997, Alcohol Disorder Zones, Directions to Leave and Dispersal Orders.

As there are a large number of powers available, you must consider which is the best suited to address any specific issues in your area. A guidance document is available which lists all of the alcohol powers: *A Practical Guide for Dealing with Alcohol Related Problems; What you need to know*. This document can be downloaded from the Crime Reduction website, or a hard copy is available from the address previously on p.7.

## Future legislative changes

On 4 March 2008 the Culture Secretary announced that the maximum fine for breach of a DPPO would be increased to £2,500. No timescale for this has yet been announced.

There will also be further provisions relating to alcohol powers in the forthcoming Policing and Crime Bill. Information on the new provisions will be available on the Crime Reduction website in due course.

## FAQs

**Q** Can local authorities introduce blanket restrictions on alcohol consumption or create Alcohol Free Zones?

**A** There are no provisions in the Criminal Justice and Police Act 2001 which allow the creation of Alcohol Free Zones or blanket restrictions of drinking in public. Before an area is proposed for designation, you must obtain some evidence that the area has alcohol-related anti-social behaviour or disorder associated with it. Any proposals for a comprehensive ban on public drinking would be considered disproportionate to the intended measures in the 2001 Act.



**Q** Does a DPPO lead to a universal ban on drinking in the open?

**A** No. Section 13 of the Criminal Justice and Police Act 2001 allows local authorities to designate public areas for the purposes of section 12 of the Act where they are satisfied that nuisance, annoyance or disorder have been associated with public drinking in that area. A universal ban on drinking in public would be considered disproportionate, and a DPPO should not be introduced for this purpose.

**Q** Can DPPOs be used for non-alcohol-related anti-social behaviour or disorder?

**A** No. DPPOs should only be used to tackle alcohol-related anti-social behaviour or disorder. Local agencies should consider using other anti-social tools and powers provided, for example Dispersal Orders, ASBOs and ABCs to tackle non-alcohol-related anti-social behaviour or disorder.

**Q** Are DPPOs indefinite?

**A** No. Like section 30 Dispersal Orders they can be reviewed while the order is in place. DPPOs can and should be revoked if they are no longer required.

## List of DPPO areas

An alphabetical list of DPPO areas can be found on the Crime Reduction website:  
[www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm](http://www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm)

## Contact details for local authorities in relation to DPPOs

### Home Office contacts

Joanne French

Tel: 020 7035 0066

E-mail: [Joanne.French@homeoffice.gsi.gov.uk](mailto:Joanne.French@homeoffice.gsi.gov.uk)

Emma Lawrence

Tel: 020 7035 4671

E-mail: [Emma.Lawrence8@homeoffice.gsi.gov.uk](mailto:Emma.Lawrence8@homeoffice.gsi.gov.uk)

## Legislative provisions

### **Premises that are not designated as public places – Section 14 of the Criminal Justice and Police Act 2001, as amended by the Violent Crime Reduction Act 2006**

- (1) A place is not a designated public place or a part of such a place if it is –
  - (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
  - (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
  - (b) a place within the curtilage of premises within paragraph (a) or (aa);
  - (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol which, by virtue of that Part, could have been so used within the last [30] minutes;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of permission granted under section 115E of the Highways Act 1980 (c66) (highway related uses).
- (1A) Subsection (1B) applies to premises falling within subsection (1) (a) if –
  - (a) the premises is held by a local authority in whose area the premises or part of the premises is situated; or
  - (b) the premises license is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.
- (1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of a designated place only –
  - (a) at times when it is being used for the sale or supply of alcohol; and
  - (b) at times falling within 30 minutes after the end of a period during which it has been so used.
- (1C) “Premises Licence” and “Club Premises Certificate” have the same meaning as in the Licensing Act 2003.



## Annex A

### Model sign

**This area has been designated under the  
Local Authorities (Alcohol Consumption in Designated Public Places)  
Regulations 2007**



If you continue to drink alcohol in this area designated under section 13 of the Criminal Justice and Police Act 2001 when asked not to do so by a police officer or any other person designated to carry out this task under sections 41 and 42 of the Police Reform Act 2002, or fail to surrender any alcohol to a police officer in this area, you may be arrested and would be liable on conviction to a

**Maximum fine of £500**

- Each sign erected should also indicate the effect the order will have at particular times in relation to each category of premises specified in section 3 (3) (b) of the 2007 Regulations – please see Section 2 (Consultation).

# Annex B

## **NOTICE TO PRESS – PROPOSED AREA TO BE IDENTIFIED (PRE MAKING AN ORDER)**

**Name of Local Authority**

**Local Authorities (Alcohol Consumption in Designated Public Places)**

**Regulations 2007**

NOTICE IS HEREBY GIVEN THAT (**Name of Local Authority**) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an order identifying the places detailed in the schedule below.

The Order allows a constable and other accredited persons under section 41, section 42 and schedule 5 to the Police Reform Act to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. Any person who fails without reasonable excuse to comply with a constable's request under this provision may commit an offence and be liable to prosecution.

**[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]**

If you wish to make representations about the proposed Order you should send them in writing to the undersigned by **(enclose date)**

### **SCHEDULE**

#### **LAND DESIGNATED BY DESCRIPTION**

**[Insert Details of the place to be identified]**

**[Insert Name]**

**[Insert Name and Address of Local Authority]**

**[Insert Date]**

## Annex C

### **NOTICE TO PRESS – AREA IDENTIFIED IN THE ORDER**

#### **Name of Local Authority**

#### **Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007**

NOTICE IS HEREBY GIVEN THAT (**Name of Local Authority**) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 has made an order which shall come into effect on the (**insert date**) identifying places detailed in the schedule below as designated public places pursuant to the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006).

The Order allows a police officer, police community support officer (where accredited under section 41, section 42 and schedule 5 to the Police Reform Act) and people accredited through a community safety accreditation scheme to control the consumption of alcohol within designated public places. If they believe that someone is consuming alcohol or intends to consume alcohol they can require them to stop or they can confiscate the alcohol.

Any person who fails without reasonable excuse to comply with an officer's request under this provision may commit an offence and may be issued with a penalty notice for disorder or may be liable to prosecution.

**[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]**

#### **SCHEDULE**

#### **LAND DESIGNATED BY DESCRIPTION**

**[Insert Details of the place which has been identified in the Order]**

**[Insert Name]**

**[Insert Name and Address of Local Authority]**

**[Insert Date]**

# Annex D

## SAMPLE – DESIGNATED PUBLIC PLACES ORDER

[Insert name of Council]

### CRIMINAL JUSTICE AND POLICE ACT 2001

#### ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES [Insert name and number of Order]

The Council of [Insert name] (in this Order called “the Council”) hereby makes the following Order under Section 13(2) of the above Act:

1. The land described in the Schedule below and or shown on the map attached to this Order, being a public place in the area of the Council which is a public space in which the consumption of alcohol has been associated with disorder, nuisance or annoyance to member of the public or a section of the public, is hereby designated for the purposes of section 13 (2) of the above Act
2. This Order may be cited as Alcohol Consumption in Designated Public Places for the area of.....Order (No....) 2008 and shall come in to force on (*insert date*)

## SCHEDULE

### List of roads/areas etc

Dated this .....day of .....2008

The Common seal of the ..... **Council**  
was hereunto fixed in the presence of (seal)

## Annex E

### EXAMPLE OF GOOD PRACTICE GUIDANCE TO POLICE AND OTHERS ENFORCING THE DPPO

**Hampshire Constabulary**  
**Portsmouth Basic Command Unit**  
**Designated Public Places Order**  
**Enforcement Guidance**

#### 1. About this Guidance

Hampshire Constabulary is committed to working in partnership with Portsmouth City Council in supporting the Safer Portsmouth Partnership to deliver the Crime and Disorder Strategy. Key areas of the strategy are to reduce alcohol-related violent crime, disorder and anti-social behaviour and in doing so create a safer Portsmouth where residents and visitors feel reassured.

This guidance is primarily aimed at all operational police staff and other personnel within Portsmouth City boundary who are, or who may be in the future, authorised to stop members of the public consuming alcohol in public places.

It explains how Portsmouth BCU will approach the enforcement of legislation which governs Alcohol Consumption in Designated Public Places. The whole of Portsmouth City has, from 15 August 2005, been designated.

#### 2. General Principles

##### Discretion

Discretion will be used in the exercise of the new powers which will be carefully monitored to ensure that they are being used appropriately.

Circumstances likely to warrant the use of these powers are where:

- There is current anti social behaviour or disorder
- There is a high likelihood of anti social behaviour or disorder
- Complaints have been received from members of the public concerning an on going or developing problem which may lead to the above

Anti-social behaviour is defined as any behaviour which causes or is likely to cause harassment, alarm or distress.

##### Street Drinkers

It has been agreed by partners that 'street drinkers' are informed about the new law by outreach workers. They are also being provided with information on treatment services. Officers should use sound judgement when dealing with individuals who are thought to be alcoholics or who may have mental health issues. They should deal with any person in this category in line with Force policy and base any use of the power on the above criteria.

### Legislation

The legislation that governs the consumption of alcohol in public places, is provided by, Section 12 of the Criminal Justice and Police Act 2001 as amended by section 199 and schedule 7 of the Licensing Act 2003. (PNLD Ref H3882 and D9612/3/4)

The order covers all public places within Portsmouth City. **It does not cover private enclosed shopping precincts such as Cascades but does cover Gunwharf. It does not apply to licensed premises including outside drinking areas which form part of a licensed premises.**

Section 12(1) states that if a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

Section 12(2) The constable **MAY** require the person, not to consume within that place and surrender anything in his possession that the constable reasonably believes to be intoxicating liquor or a container for such liquor.

Section 12(3) A constable may dispose of anything surrendered to him under (2) above in a manner that he considers appropriate. The containers can be either sealed or unsealed, although it is anticipated that it would be rare to seize sealed containers from a compliant person.

**Section 12(4) If a person fails to comply with the above requirement, they commit an offence.**

Section 12(5) A constable who imposes a requirement under (2) above will inform the person that failure to comply, without reasonable excuse, with the requirement is an offence.

**If an individual fails to comply with the request then they can be arrested, it is an arrestable offence.**

EXAMPLE OF REQUEST TO STOP DRINKING:

“This is a designated public place in which I have reason to believe that you are/have been drinking intoxicating liquor. I require you to stop drinking and give me the container from which you are/have been drinking and any other containers (sealed or unsealed). I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested.”

**IT IS NOT AN OFFENCE TO CONSUME ALCOHOL IN A PUBLIC PLACE UNLESS A PERSON HAS BEEN PROPERLY DIRECTED TO STOP.**

### Fixed Penalty

Where an offence has been committed it can be dealt with by way of a Penalty Notice for Disorder (PND) with the relevant fine being £50. It is important to remember that this PND can only be issued to offenders 16 years and over, the PND can also be issued on the street.

## 3. Implementation

**Portsmouth City Council has erected signs which promote responsible drinking and inform the public that the area is subject to drinking control. The signs will be clearly visible on the approaches to the City and in areas likely to be most affected by alcohol-related incidents.**

As stated above, the object of this order and policy is to prevent crime and disorder and the powers available can be used at the officer's **discretion**. It is **important not to alienate the public**. **For example, it would be inappropriate to challenge individuals consuming alcohol whilst enjoying a quiet picnic on the beach or in one of the city parks.**

This legislation does not affect the placing of tables and chairs outside licensed premises to allow consumption within that seating area, provided that they are properly licensed. Any incidents arising from the consumption of alcohol in these circumstances should be dealt with under the Licensing Act. If non urgent, such matters should be referred to the Licensing Departments of Portsmouth BCU and/or Portsmouth City Council. In urgent cases the advice of the Duty Inspector should be sought.

This order does not affect the power of the Police to seize and retain alcohol from young persons under the Confiscation of Alcohol (young persons) Act 1997.

### **Disposal of Alcohol**

Officers should dispose of alcoholic drinks according to the existing procedures followed in respect of the Confiscation of Alcohol (Young Persons) Act 1997. A compliant adult would normally be asked to pour the alcoholic contents from any open container in their possession. Any debris should be disposed of by placing in the nearest bin. It would be rare to take possession of sealed containers from an adult in these circumstances unless there was a reasonable belief that the person will continue to drink in a public place.

Where a person is non-compliant an officer may find it necessary to seize the alcohol from a person and pour it away. An offence would have been committed in these circumstances and consideration should be given at that point to what penalty measures should be taken. In the event of an arrest being made, where practicable, unopened containers should be retained and shown to the custody officer and then discarded. No receipt will be given but a brief description of what has been seized will be recorded on the C12.

Officers should continue to exercise discretion in the finalising of such a case. Final disposal of the matter could result in no further action/informal warning, PND on the street, arrest with PND or summons/charge disposal. In any case **a C12 stop and account form MUST be completed**. The ASB and seizure of alcohol boxes should be ticked and blue copy forwarded to CSU at KF.

## **4. Impact of this Guidance**

### **Consultation**

Prior to the drinking control order being made, extensive public consultation took place. Portsmouth City Council members, community groups, licensees and trade bodies all supported its introduction.

### **Equality**

The use of these powers by the police in these circumstances has been assessed to have a risk of affecting race or other community relations. This will be under continual review and based upon public feedback and the monitoring of stop and account records.

### **Monitoring**

Along with our partners the Constabulary will continue to seek feedback from all sections of the community to ensure that these powers are being used appropriately. Police Officers and PCSOs are required to fill in a C12 stop and account form when exercising this power.

# designated public place



**Drink responsibly  
or the police could use  
their powers to take  
away your alcohol  
and fine you**

Ipswich Borough Council is promoting responsible drinking to people who live, work or visit the town. As part of this campaign, the Council has introduced a Designated Public Places Order which will be effective from 1st December 2007.

## What is responsible drinking?

Over 90% of the adult population drink and the majority do so without any problems, the majority of the time. Drinking alcohol is widely associated with socialising, relaxing and pleasure. Drinking within the recommended levels can even provide some health benefits.

The Government's Recommended Sensible Drinking levels are:

- a maximum intake of 2-3 units per day for women and 3-4 for men, with two alcohol-free days after heavy drinking, continued alcohol consumption at the upper level is not advised;
- that intake of up to two units a day can have a moderate protective effect against heart disease for men over 40 and post-menopausal women; and some groups such as pregnant women and those engaging in potentially dangerous activities (such as operating heavy machinery) should drink less or nothing at all.

Continued heavy drinking or binge drinking can cause problems for an individual's health. Where drinking is associated with criminally or anti-social behaviour, it has an impact on the individual, their family and the whole community.

## What is a Designated Public Places Order?

The Criminal Justice and Police Act 2001 introduced the power for local authorities to designate public places in which it will become an offence to drink alcohol after being requested not to do so by a police officer. The police will have the power to require the surrender of alcohol and containers in these circumstances and those who fail to comply will be liable to arrest. The mechanism for such a ban is a 'Designated Public Places Order'.

## Why has this been introduced?

The key aims for Ipswich are to:

- provide additional powers to police to deal with persistent street drinking and alcohol related anti-social behaviour;
- reduce disturbances in public places which are alcohol related;
- reduce drunkenness in public places;
- contribute to the range of actions which are being delivered to reduce alcohol misuse;



- reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services.

### How will this affect me?

This means that from December 2007 a Police Officer or a Police Community Support Officer may ask you to stop drinking in a public place if:

- you are creating disorder or behaving in an anti-social manner (while drinking alcohol or under the influence of alcohol);
- there is a likelihood of anti-social behaviour or disorder (while drinking or under the influence of alcohol);
- complaints have been received from the public concerning an ongoing or developing problem.

**This order will not affect you if you are drinking responsibly in a public place**

## Helpful numbers

### National Alcohol Helpline

**0800 917 8282**

Confidential advice and information on all aspects of alcohol. Calls are free.

### Alcoholics Anonymous National Helpline

**0845 769 7555**

Calls charged at local rate.

### NORCAS

**01473 259382**

Open access drug and alcohol service.

### Anti-Social Behaviour

**0800 138 6570**

Free phone – reporting anti-social behaviour.

### Suffolk Domestic Violence & Abuse 24hr Helpline

**0800 783 5121**

### National Domestic Violence Helpline

**0808 2000247**

### 4YP

**0845 310 8450**

Information and support for young people.

### Crime Stoppers

**0800 555 111**

Call anonymously with information about a crime.

### Samaritans

**0845 790 90 90**

Confidential non-judgemental emotional support.



### What will happen if I do not stop drinking alcohol?

If you continue to drink when asked not to your alcohol may be confiscated and disposed of by the officer.

### What if I surrender my alcohol?

If you surrender your alcohol and do not continue to behave in an anti-social manner there will be no further action.

### What will happen if I do not hand over my alcohol?

You may be arrested and convicted to a maximum fine of £500 or issued with a fixed penalty notice.

### What will happen if I hand over my alcohol but continue to behave in an anti-social manner?

You may be arrested and convicted of a Public Order offence.

Our aim is to ensure that residents, businesses and visitors are able to enjoy the benefits of the vibrant Ipswich community. This should be without risk or fear of any nuisance or disorder caused by the behaviour of a few people intoxicated by alcohol in public.

