



Safer Halton Policy and Performance Board

**Tuesday, 20 June 2006 6.30 p.m.
Council Chamber, Town Hall, Runcorn**

A handwritten signature in black ink that reads 'David W R'.

Chief Executive

BOARD MEMBERSHIP

Councillor Shaun Osborne	Labour
Councillor John Stockton (Vice-Chairman)	Labour
Councillor Susan Edge	Labour
Councillor Martha Lloyd Jones	Labour
Councillor Keith Morley	Labour
Councillor Ernest Ratcliffe	Liberal Democrat
Councillor Linda Redhead	Liberal Democrat
Councillor Colin Rowan	Conservative
Councillor Geoffrey Swift	Conservative
Councillor Dave Thompson	Labour
Councillor Pamela Wallace	Labour

Please contact Michelle Simpson on 0151 424 2061 Ext. 1126 for further information.

The next meeting of the Board is on Tuesday, 19 September 2006

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

Part I

Item	Page No
1. DECLARATION OF INTERESTS (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20th June 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Public Question Time

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To consider any questions submitted by the Public in accordance with Standing Order 33 (5).

1.2 Details of any questions received will be circulated at the meeting.

2.0 RECOMMENDED: That any questions received be dealt with.

3.0 SUPPORTING INFORMATION

3.1 Standing Order 34(11) states that Public Questions shall be dealt with as follows: -

- (i) A total of 30 minutes will be allocated for members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be submitted by 4.00 pm on the day prior to the meeting. At any meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous, offensive, abusive or racist;
 - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - Requires the disclosure of confidential or exempt information.

- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter, which is not dealt with in the public part of a meeting.
- (vii) The Chairperson will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak: -

- Please keep questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note that public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 RISK ANALYSIS

None.

7.0 EQUALITY AND DIVERSITY ISSUES

None.

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

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

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20 June 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Executive Board Minutes

WARD(s): Boroughwide

1.0 PURPOSE OF REPORT

- 1.1 The Minutes relating to the Safer Halton Policy and Performance Board which have been considered by the Executive Board and Executive Board Sub since the last meeting are attached at Appendix 1 for information.
- 1.2 The Minutes are submitted to inform the Policy and Performance Board of decisions taken in their area.

2.0 RECOMMENDATION: That the Minutes be noted.

3.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 RISK ANALYSIS

None.

7.0 EQUALITY AND DIVERSITY ISSUES

None.

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

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

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APPENDIX 1

Extract of Executive Board Sub Committee Minutes Relevant to the Safer Halton Policy and Performance Board

EXECUTIVE BOARD 30TH MARCH 2006

EXB189 CORPORATE RISK REGISTER

The Board considered a report of the Strategic Director – Corporate and Policy setting out a revised Corporate Risk Register for review.

It was noted that the Council's Strategic Risk Management Framework required the Board to review the Register on a regular basis. It had therefore been considered by Management Team and the revised register attached to the report contained the comments of the responsible officers. There was no proposal to add any new risks to the register at the present time.

The Board noted that the figures relating to employee well-being, risk number 10 on the register, had been transposed under the column "Assessment of Residual Risk with Control Measures Implemented" and should in fact read 3 and 2 respectively.

RESOLVED: That the revised Corporate Risks Register, with the amendment outlined above, be approved.

Strategic
Director –
Corporate
and Policy

EXECUTIVE BOARD SUB COMMITTEE 22ND MAY 2006

ES4 WIDNES CREMATORIUM – CREMATIONS AND MERCURY ABATEMENT

The Board considered a report on the issue of cremations and mercury abatement and how the Council proposed to contribute to the national requirement for the abatement of 50% of cremations nationally by 2013.

By 1st June 2006 the Council must notify the individual regulator (the local environmental health service) as to how

Halton intends to implement the mercury abatement requirements. These requirements may be implemented by installing the necessary mercury abatement equipment by 31st December 2012, or by agreeing to cost share post-2012. Alternatively, the Council could decide to close the crematorium operation. Whilst this last alternative was not thought to be an option that the Council would wish to pursue, it was included in the report for completeness.

Full details of the four main options the Council may consider with regard to the existing crematorium were as follows:

- (i) install the necessary mercury abatement equipment to one of the existing cremators;
- (ii) install the necessary mercury abatement equipment together with a new cremator;
- (iii) continue to operate the crematorium without installing the necessary mercury abatement equipment via an industry-wide cost sharing scheme; and
- (iv) close the cremation operation.

Option 3, joining a cost sharing scheme would provide the most sustainable solution to maintaining a crematorium operation in the Borough, to serve families that had used the facility since it opened in 1959. It had been recognised that smaller crematoria with relatively low throughput, such as Widnes Crematorium, could well find it financially prohibitive to install the expensive mercury abatement equipment.

Although the Board's decision would inform the Council's policy on the medium to longer term operation of the Widnes Crematorium, the decision would not commit the Council to a particular course of action. It was an indication of the Council's plans for 2013 given the information available.

RESOLVED: That

- (1) the Council notifies the individual regulator (the local environmental health service) that it plans to contribute to a national cremation burden sharing (i.e. cost sharing) scheme from 1st January 2013 and has no immediate plans to install mercury abatement equipment, though this position remains under review; and

Strategic
Director
Health &

- (2) an agenda item along the lines of this item be submitted to the next meeting of the Safer Halton PPB so that the policy issues may be given on-going consideration.

Community

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REPORT TO: Safer Halton Policy and Performance Board

DATE: 20th June 2006

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Terms of Reference

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To inform Members of the Terms of Reference of the newly formed Safer Halton Policy and Performance Board.

2.0 RECOMMENDED: That the Terms of Reference be noted.

3.0 SUPPORTING INFORMATION

3.1 As part of the recent revision of the Council's Constitution at Annual Council on 19th May 2006, a number of changes have been made to the Council's decision-making structure to be implemented in the 2006/07 municipal year.

3.2 The changes have been made in order to bring the Policy and Performance Boards into line with the Council's Strategic Priorities as contained within the Corporate and Community Plans.

3.3 An extract from the Council Constitution setting out the Terms of Reference relevant to the Safer Halton Policy and Performance Board is attached at Appendix 1.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 RISK ANALYSIS

Not applicable.

7.0 EQUALITY AND DIVERSITY ISSUES

None.

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

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

APPENDIX 1

POWERS AND DUTIES OF THE SAFER HALTON POLICY AND PERFORMANCE BOARD

Strategic Priority - To develop and monitor performance in relation to the Council's objectives for a safer Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

Corporate Policies/Responsibilities

- Crime and Disorder
- Alcohol Reduction Strategy
- Drugs Strategy
- Emergency and Contingency Planning
- Domestic Violence Strategy
- Safer and Stronger aspects of the Local Area Agreement
- Waste Strategy

Functions

- To carry out, on behalf of the Council, the scrutiny of the policies and activities of the following services so far as they have an impact on the residents of the area:
 - Police
 - Fire
 - Probation/Community Punishment Service
 - Criminal Justice System
- Community Safety Team
- Drug and Alcohol Action Team
- Registration Service
- Consumer Protection (including employees in the workplace) and Trading Standards
- Risk and Emergency Planning
- Cemeteries and Crematoria
- Environmental and Regulatory Services
- Road Safety

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
- (ii) monitor and comment on performance;
- (iii) review and make recommendations on existing policies;
- (iv) promote public confidence in the Council's services;
- (v) hold Executive Board Members and senior officers to account;
- (vi) monitor Executive Board compliance with agreed policies;
- (vii) ensure adherence to the priorities in the Council's Corporate Plan.

- (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
 3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
 4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
 5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
 6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
 7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
 8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
 9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
 10. To consult with the Executive on any plan or strategy including strategic policy.
 11. To monitor the citizens' charter and complaints procedure and make recommendations to the Executive Board.
 12. To receive an annual report on CCTV issues.
 13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.
 14. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20 June 2006

REPORTING OFFICER: Strategic Director Health and Community

SUBJECT: Policy Performance Board Work Programme 2006/07

WARDS: Boroughwide

1.0 PURPOSE OF REPORT:

1.1 To recommend topics for 2006/07 work programme.

2.0 RECOMMENDED: That Members suggest areas they would wish to see included and confirm the work programme for 2006/07.

3.0 SUPPORTING INFORMATION

3.1 As part of the scrutiny programme, members are asked to identify between 3-5 areas of work for possible topics for scrutiny throughout the year.

3.2 Potential areas previously identified from the Safe and Attractive PPB include the following:

- Anti-social behaviour, including links to alcohol harm reduction
- Bereavement services/cemeteries

3.3 Other areas that immediately suggest themselves are:

- Emergency and Contingency Planning, including the requirement to promote business continuity, not just for HBC but for the business and voluntary sector.
- Issues relating to the Waste Strategy.

3.4 The Board is asked to consider if these areas are appropriate, or if others should be included.

3.5 The Board is asked to consider how it would wish to scrutinise, for example, by a series of special meetings or by setting up a number of 'standing working groups'.

4.0 POLICY IMPLICATIONS

4.1 None at this stage.

5.0 OTHER IMPLICATIONS

5.1 None at this stage.

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

6.1 There are no background papers under the meaning of the Act.

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20 June 2006

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Draft Enforcement Policy - Consumer Protection Service

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek members' support for the Consumer Protection Service Enforcement Policy following public and business consultation.

2.0 RECOMMENDATION: That

- (1) the report be noted,**
- (2) comments and suggestions from Members be noted; and**
- (3) the Executive Board be requested to agree to the adoption and publication of the revised Consumer Protection enforcement policy.**

3.0 SUPPORTING INFORMATION

- 3.1 Apart from being best practice for any enforcement body to have a documented enforcement policy, the adoption, publication and adherence etc. to such a policy counts for 10% of the Council's sole Trading Standards Best Value Performance Indicator (BVPI) score.
- 3.2 The purpose of the enforcement policy, a copy of which is attached to this agenda item as Appendix 1, is to set out the Consumer Protection Service general approach to enforcement. The policy is based around the general principles of good enforcement, the Enforcement Concordat and the Code for Crown Prosecutors, and has been updated following relevant case law. The Council adopted the original policy in 2002.
- 3.3 An important part of the revision process has been consultation with business, other enforcing agencies and none users of the Service as required by BVPI. Whilst there has been a low response rate to the consultation, the Police and the Drugs and Alcohol Action Team have been positive about the policy. In addition, the revision has been informed by case law and other experience of legal arguments raised over enforcement policies in recent years.

4.0 POLICY IMPLICATIONS

- 4.1 If adopted, the attached document will become Council policy for Consumer Protection enforcement activities and will provide guidance on day-to-day activities/decisions for both field officers and managers.

5.0 OTHER IMPLICATIONS

- 5.1 There are no additional financial implications associated with this item. Enforcement best practise for both Environmental Health and Trading Standards Service's is measured via a best value performance indicator (BVPI 166). The Authority has to report on its performance against a checklist of enforcement best practise as it stands on 31 March every year. Revising this enforcement policy is aimed at addressing outstanding issues to ensure that the Consumer Protection Service continues to embrace best practise in service delivery.

6.0 RISK ANALYSIS

- 6.1 The main risks for the Council would flow from not having such a policy or from having a policy that might jeopardise, rather than support, for example, prosecutions. These latter risks have been minimised by having regard to case law and other experience of legal arguments raised over enforcement policies in recent years, and by consulting with Legal Services over the revision of the policy.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 The issues of equality and diversity are addressed positively via the provision of a consistent approach to enforcement as outlined in the policy document.

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

- 8.1 There are no background papers under the meaning of the Act.

ENFORCEMENT POLICY

Halton Borough Council's Consumer Protection Service enforces a wide range of public protection legislation. We recognise that most businesses want to comply with the law and we will seek to help business and others meet their legal obligations without unnecessary expense, but take firm action against those who flout the law or act irresponsibly. In our enforcement activities we will follow relevant and appropriate codes of practice, protocols and guidance, including the Police and Criminal Evidence Act 1984, Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000 etc.

The Consumer Protection Service has adopted the **Enforcement Concordat**, which sets out what business and others being regulated can expect from Enforcement Officers. It commits us to good enforcement policies and procedures, and carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

ENFORCEMENT CONCORDAT

Principles of Good Enforcement - Policy

Standards: In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to business and others who are regulated.

Openness: We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

Helpfulness: We believe in working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service. We will provide a contact point and telephone number for further dealings with us. Applications for licenses, registrations etc. will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

Complaints About Services: We will provide complaint procedures that are easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time scales involved.

Halton Borough Council's Consumer Protection Service, invites dissatisfied service users to take complaints to the officer involved or their senior officer. If the complaint remains unresolved it is referred to: -

The Consumer Protection Service Manager

Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW

Telephone: 0151 906 4864

Fax: 0151 471 7516

If the complainant remains dissatisfied, the complaint is investigated in accordance with the Council's complaints procedure.

Proportionality: The enforcement action taken by the Service will be proportionate to the risk posed and to the seriousness of any breach of the law. Where possible we will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As the law allows, we will take account of the circumstances of the case when taking action.

Consistency: We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies. We support the **Home Authority Principle**, operated by the Local Authorities Co-ordinators of Regulatory Services (LACORS) by placing special emphasis on goods and services originating within our area, and providing businesses with a source of guidance and advice.

Principles of Good Enforcement - Procedures

Advice from an officer will be put clearly and simply and will on request be confirmed in writing, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of differences, unless immediate action is required. Where immediate action is considered necessary an explanation of why such action is required will be given at the time and confirmed in writing, in most cases, within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

TRADING STANDARDS POLICIES

Dealing With Infringements

On occasions officers have to deal with problems, which constitute criminal offences for which legal proceedings may be taken against an individual or a company. The nature of infringements varies considerably but will be courteously and thoroughly investigated to establish all the facts.

Minor Matters

Minor matters will normally be dealt with by the officer at the time of the visit, and involve the officer drawing the matter to attention and giving advice where necessary. On occasions, a verbal or written warning may follow up the officer's explanation. Rarely will a minor infringement result in more formal action being taken. However, if repeated previous advice has been ignored, an officer may choose to deal with the incident in a formal way.

More Serious Breaches

More serious breaches may result in a written warning, a fixed penalty notice, a simple or conditional caution or prosecution. In certain instances officers will serve a statutory 'notice of powers' which sets out the officer's powers under the legislation and your rights, and may use their powers to take samples, inspect records or seize goods and documents.

In more serious cases the officer will prepare a report for the Consumer Protection Manager. The report will contain a full and balanced account of the facts of the case and

will be used in considering whether to prosecute. Traders are always given the opportunity to give an explanation of the circumstances surrounding the commission of an offence and any 'due diligence' precautions that may have been taken to prevent such an incident occurring. Officers must record this explanation at a formal interview, which takes the form of questions and answers. The interview is always written down or tape-recorded. Traders are invited to seek legal advice prior to these interviews taking place and can be accompanied by a legal representative at the interview itself. Interviews are conducted strictly in accordance with the Codes of Practice under the Police and Criminal Evidence Act 1984 and questions are therefore asked under caution.

Cautions

When deciding whether a case should be prosecuted in the courts, the Consumer Protection Service may consider the alternatives to prosecution. This will include cautioning. The Home Office guidelines will be applied.

PROSECUTION

The **Code for Crown Prosecutors** is used in considering prosecutions as follows: -

The decision to prosecute a person/business is a serious step and Halton Borough Council follows the principles of the Code for Crown Prosecutors issued by the Director of Public Prosecutions and Halton B.C Corporate Prosecution Policy, so that it can make fair and consistent decisions about prosecutions. The Code contains information that is important to those who work in the criminal justice system and to the general public.

General Principles

Halton Borough Council has a power to institute proceedings under section 222 of the Local Government Act 1972 where it considers it expedient for the promotion of the interests of the inhabitants of its area. Each case is unique and must be considered on its own facts and merits. However, there are general Code principles that apply to the way in which every case is approached, namely: -

1. That the case must be reviewed fairly, independently and objectively and those reviewing it must not let any personal views about ethnic or national origin, sex, religious beliefs, political views or the sexual orientation of the suspect, victim or witness influence decisions, and must not be affected by improper or undue pressure from any source. It is a duty to make sure that the right person is prosecuted for the right offence. In doing so Halton Borough Council must always act in the interests of justice and not solely for the purpose of obtaining a conviction.
2. Halton Borough Council and The Consumer Protection Service has the duty to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with, in accordance with the principles set out in the Code.
3. Halton Borough Council is a public authority for the purposes of the Human Rights Act 1998.

Case Review

Each case received from investigating officers is reviewed to make sure it meets the evidential and public interest tests set out in the Code. Review is a continuing process and the Consumer Protection Manager must take account of any change in circumstances.

Code Tests

There are two stages in the decision to prosecute. The first stage is **the evidential test**. If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case does meet the evidential test, the Consumer Protection Manager must decide if a prosecution is needed in the public interest.

This second stage is **the public interest test**. A prosecution will only be commenced when the case has passed both tests.

The Evidential Test

The Consumer Protection Manager must be satisfied that there is enough evidence to provide a '**realistic prospect of conviction**' against each defendant on each charge and consider what the defence case may be, and how that is likely to affect the prosecution case. A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates' court should only convict if satisfied so that it is sure of a defendant's guilt.

When deciding whether there is enough evidence to prosecute, the Consumer Protection Manager must consider whether the evidence is '**admissible and is reliable**' and if the defendant has made out any '**statutory defence**'.

The Public Interest Test

The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution, that clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed.

The Consumer Protection Manager must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence and the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

The following lists of some common public interest factors, both for and against prosecution, are not exhaustive. The factors that apply will depend on the facts in each case.

Some common public interest factors in favour of prosecution.

The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if:

- a conviction is likely to result in a significant sentence;
- a conviction is likely to result in confiscation or any other order;

- the offence was committed against a person serving the public;
- the defendant was in a position of authority or trust;
- the evidence shows that the defendant was the organiser of the offence;
- there is evidence that the offence was premeditated;
- the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;
- the offence was committed in the presence of, or in close proximity to, a child
- the offence was motivated by any form of discrimination against the victim
- the defendant's previous convictions or cautions are relevant to the present offence;
- the defendant is alleged to have committed the offence whilst under an order of the court;
- there are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct; or
- the offence, although not serious in itself, is widespread in the area where it was committed.
- a prosecution would have a significant positive impact on maintaining community confidence

Some common public interest factors against prosecution

A prosecution is less likely to be needed if:

- the court is likely to impose a nominal penalty;
- the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution or the defendant withdraws consent to have an offence taken into consideration during sentencing;
- the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- there has been a long delay between the offence taking place and the date of the trial, unless:
 - the offence is serious;
 - the delay has been caused in part by the defendant;
 - the offence has only recently come to light; or
 - the complexity of the offence has meant that there has been a long investigation;
- a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;
- the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated. The Consumer Protection Manager, where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders, and must balance the desirability of prosecuting a person who is suffering from significant mental or physical ill health with the need to safeguard the general public;
- the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution solely because they pay compensation); or
- details may be made public that could harm sources of information, international relations or national security;

Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The Consumer Protection Manager must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

The relationship between the victim and the public interest

Halton Borough Council prosecutes cases on behalf of the public at large and not just in the interests of any particular individual. However, when considering the public interest test the Consumer Protection Manager should always take into account the consequences for the victim or the victim's family.

It is important that a victim is told about a decision, which makes a significant difference to the case in which he or she is involved. The Consumer Protection Manager should ensure that any agreed procedures are followed.

Youths

The Consumer Protection Service Manager must consider the interests of a youth when deciding whether it is in the public interest to prosecute. However, the Consumer Protection Service Manager should not avoid prosecuting simply because of the defendant's age. The seriousness of the offence or the youth's past behaviour is very important.

The Consumer Protection Service Manager will only consider cases involving youths for prosecution if the youth has previously received a written warning or a simple or conditional caution, unless the offence is serious or the youth does not admit committing the offence. Written warnings and cautions are intended to prevent re-offending and the fact that a further offence has occurred indicates that attempts to divert the youth from the court system have not been effective. So the public interest will usually require a prosecution in such cases, unless there are clear public interest factors against prosecution.

Consumer Protection Service Policy

Within the overall code guidelines the Consumer Protection Service may consider a prosecution where:

- (i) an offence is detected which is prevalent, or could become so, and prosecution of that offence could encourage compliance by all potential offenders.
- (ii) an offence is committed by a defendant whose past record indicates a lack of regard for the law
- (iii) repeated minor offences of the same or a similar nature are committed and the offender refuses to improve.
- (iv) advice about the likelihood of an offence arising had been given, and that advice had been rejected
- (v) an offence is detected and advice or a caution is administered and the same or subsequent offence is committed.
- (vi) the investigation reveals a course of conduct, which is reckless or negligent, or there is a high risk to public safety.
- (vii) an investigation reveals an element of fraud or dishonesty.
- (viii) where a defendant fails to co-operate.

Partnership Working

The Service may share its enforcement role with other enforcement agencies as appropriate, including joint action on investigations and legal proceedings.

Legislation Enforced

The legislation enforced by the Service is listed in the following Schedule of Statutes and is subject to amendment or addition as appropriate.

Schedule of Acts Enforced

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Const/May 2005 262
Agricultural Produce (Grading and Marking) Act 1928
Agricultural Produce (Grading and Marking) (Amendment) Act 1931
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Anti-Social Behaviour Act 2003
Bankers Books Evidence Act 1879
Business Names Act 1985
Cancer Act 1939
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Chiropractors Act 1994
Clean Air Act 1993
Companies Act 1985
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987
Copyright Designs & Patents Act 1988
Criminal Attempts Act 1981
Criminal Justice Act 1993
Criminal Law Act 1977 (common-law conspiracy to defraud)
Crossbows Act 1987
Customs and Excise Management Act 1979
Development of Tourism Act 1988
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Explosives Act 1923
Explosives (Age of Purchase) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Act 1951
Fireworks Act 1964
Fireworks Act 2003
Forgery and Counterfeiting Act 1981
Hallmarking Act 1973
Health and Safety at Work Etc. Act 1974
Insurance Brokers (Registration) Act 1977
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 1964
Licensing (Young Persons) Act 2000

Lotteries and Amusements Act 1976
Malicious Communications Act 1988
Medicines Act 1968
Const/May 2005 263
Mock Auctions Act 1961
Motor Cycles Noises Act 1987
National Lotteries Act 1993
Nurses Agencies Act 1957
Offensive Weapons Act 1996
Olympic symbol etc. (Protection) Act 1995
Opticians Act 1989 S27
Osteopaths Act 1993
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1933
Poisons Act 1972
Police and Criminal Justice Act 2001
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdemeanors Act 1991
Protection from Harassment Act 1997
Registered Designs Act 1949
Road Traffic Act 1972
Road Traffic Act 1974
Road Traffic Act 1988
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Act 1991
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Regulation Act 1984
Road Traffic Offenders Act 1988
Scotch Whisky Act 1988
Solicitors Act 1974
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968
Theft Act 1978
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Trade Representations Act 1972
Trading Representations (Disabled Persons) Act 1958
Trading Schemes Act 1996
Trading Stamps Act 1964
Unsolicited Goods and Services Act 1971
Unsolicited Goods and Services (Amendment) Act 1975
Vehicles (Crime) Act 2001 (Part 2)
Video Recordings Act 1984
Video Recordings Act 1993
Weights and Measures Act 1976
Weights and Measures Act 1985

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REPORT TO: Safer Halton Policy & Performance Board

DATE: 20 June 2006

REPORTING OFFICER: Strategic Director, Health & Community

SUBJECT: Widnes Crematorium – Cremations and Mercury Abatement

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To update members of the Board on the issue of cremations and mercury abatement.

2.0 RECOMMENDATION: That the Board maintains a watching brief on this subject and receives update reports as appropriate to inform ongoing policy development.

3.0 SUPPORTING INFORMATION

- 3.1 There has been growing concern over the damaging health effects of mercury absorption on the human body over the past decade with mercury emissions being linked to birth defects, kidney disease, multiple-sclerosis, brain damage and fertility problems.
- 3.2 Mercury has been used in dentistry for the past 150 years (it accounts for 50% of an amalgam filling). Demographically, due to the rise of “the fluoride generation” (who need less fillings) and cosmetic dentistry (which promotes the use of the more aesthetically pleasing “white filling”), the use of mercury fillings peaked between 1960 and 1980 and is therefore most prevalent in the 45-65 age category.
- 3.3 Consequently, with the average life expectancy of men and women in the UK being 75 and 79 respectively, if unabated, mercury emissions from crematoria (as a result of filling vaporisation) is certain to increase over the next 20-30 years as the “heavy metal generation” (adults with high quantities of amalgam fillings) begin to pass away in greater numbers.
- 3.4 It is unsurprising therefore that mercury emissions controls are to be introduced. We now know that at least 50% of all cremations carried out in the UK after 31 December 2012 must satisfy mercury emissions controls.
- 3.5 It is the view of Defra (the Department for the Environment, Food and Rural Affairs) that the environmental impact from mercury emitted from

crematoria is through long-range transportation, possibly twice around the globe before being deposited in the North East Atlantic. Thus, the focus is not on local environmental protection and it is for this reason that Defra has set a national reduction figure rather than limits for each individual crematoria.

- 3.6 The four main options that the Council may consider with regard to the existing crematorium, in the light of the above, are explored below. Other options could include selling the cremation operation to a private concern or entering into a partnership arrangement with a private sector partner, or looking at building a completely new facility (with or without public or private sector partners) but such options may prove to be rather over-optimistic, given the costings involved and the relatively low usage of Widnes crematorium.

Option 1 – Install the necessary mercury abatement equipment to one of the existing cremators

- 3.7 Installation will require the permanent removal of one of the two cremators in Widnes Crematorium to accommodate the new equipment. The equipment will be installed via the rear wall of the building and the building work involved is costly as the crematorium is a Grade 2 listed building. The main financial costs associated with this option amount to £454,000. Under this option, the only operational impact upon Service users would be a relatively short shutdown of the facility for a period of about 4 weeks, for the installation of the new equipment. If this option were pursued, the costs could be mitigated over time through membership of an industry-wide cost-sharing scheme (see below).

Option 2 – Install the necessary mercury abatement equipment together with a new cremator

- 3.8 The installation work associated with this option would be similar for that Option 1 above except that both existing cremators would be removed and a single, new cremator would be installed with the new filtration equipment. The main financial costs associated with this option amount to a little over £546,000, though these could be reduced to a little under £499,000 by installing the basic specification cremator without the automated ancillary equipment. Under this option, the only operational impact upon Service users would be a relatively short shutdown of the facility for a period of about 4 weeks, for the installation of the new equipment. Again, if this option were pursued, the costs could be mitigated over time through membership of an industry-wide cost-sharing scheme (see below).

Option 3 – Continue to operate the crematorium without installing the necessary mercury abatement equipment

- 3.9 This option would be feasible via an industry-wide cost-sharing scheme (see below). Under this option there would be no operational impact on

Service users, as the operation of the facility will not be affected in any way.

Option 4 – Close the cremation operation

3.10 Although this option is included for completeness there is no good reason why the issue of mercury abatement should in itself trigger the closure of the Council's crematorium. Presently, the budget book shows an annual surplus of £76,740 from the operation of the crematorium. Moreover, given the downtime that neighbouring crematoria may well experience at some time in the next five years whilst they install the necessary abatement equipment (and possibly new cremators) and the present threat of a flu pandemic, closing the crematorium operation in the foreseeable future could compromise the cremation capacity in this area at certain times between now and 2013.

Proposed industry wide Cost-Sharing scheme

3.11 It has been calculated that presently, the cost to the industry of mercury abating 50% of cremations amounts to £27.50 for every cremation carried out in the UK, based on 2005 calculations. The theory of the cost-sharing scheme is that all crematoria pay £27.50 into the scheme for each cremation completed. This money is then re-distributed at the rate of £55 per cremation to crematoria that have had the mercury abatement equipment installed. (The £27.50 would probably simply be added to the cost of a cremation met by the customer.)

3.12 The above calculation is rather over simplistic. There will inevitably be a cost to administer such a scheme. Moreover if the numbers of cremations abated is more than 50% nationally, then the £55 referred to above will have to be reduced, unless of course the £27.50 referred to above (the figure to be passed on to our customers) is increased. However, the calculations are sufficient to explain the principles that will apply to a national cost-sharing scheme.

3.13 The concept of a cost-sharing scheme is being developed because it has been recognised that smaller crematoria with relatively low throughput, such as the Widnes crematorium, could well find it financially prohibitive to install the expensive mercury abatement equipment.

Notifying the individual regulator of the Council's intentions

3.14 What the Council was required to do by 1 June 2006 was to notify the individual regulator (the local Environmental Health Service) as to how Halton intends to implement the mercury abatement requirements. Given the timescale, an agenda item was considered by the Executive Board Sub-Committee on 22 May 2006, when it was decided to notify the regulator that the Council "plans to contribute to a national cremation burden-sharing (i.e. cost-sharing) scheme from 1 January 2013, and has no immediate plans to install mercury abatement equipment, though this

position remains under review". The Sub-Committee also resolved that "an agenda item along the lines of the item before the Sub-Committee be submitted to the next meeting of the Safer Halton PPB so that the policy issues may be given ongoing consideration".

4.0 POLICY IMPLICATIONS

- 4.1 Any decisions made by the Board will inform the Council's policy on the medium to longer-term operation of the Widnes crematorium.

5.0 OTHER IMPLICATIONS

- 5.1 Joining a cost-sharing scheme would provide the most sustainable solution to maintaining a crematorium operation in the Borough, to serve families that have used the facility since it was opened in 1959. The operation of the facility has a significant positive impact on the costs of the overall Bereavement Services operation.

6.0 RISK ANALYSIS

- 6.1 There would be financial risk associated with the installation of mercury abatement equipment bearing in mind the cost of approximately half a million pounds. Additionally, there could well be capacity risks at key times over the next five years, if the crematorium operation were to be closed.
- 6.2 Defra have already stated that once they know the intentions of Cremation Authorities, if evidence shows that the 50% target of abated cremations will not be met, they will revert to the more conventional approach of requiring all crematoria above a certain size to fit mercury abatement. We are advised that this will affect 30% of crematoria, so it is unlikely that Defra would require Widnes Crematorium to fit the additional equipment.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no equality or diversity issues flowing from this report.

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

- 8.1 There are no background papers under the meaning of the Act.

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20 June 2006

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Approved Motor Trader Scheme

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To seek members' support for the operation of the Warrington Borough Council Trading Standards Approved Motor Trader Scheme in Halton.

2.0 RECOMMENDATION: That

- (1) the report be noted,**
- (2) comments and suggestions from Members be noted; and**
- (3) The Executive Board be requested to agree to the operation of the Warrington Borough Council Trading Standards Approved Motor Trader Scheme in Halton.**

3.0 SUPPORTING INFORMATION

- 3.1 Warrington Trading Standards Service operates an Approved Motor Trader Scheme for car retailers and repairers in Warrington. A car dealer from Runcorn has approached the Consumer Protection Service requesting that a similar scheme is established in Halton. The dealer concerned receives a significant proportion of his business from Warrington residents and feels that he is at a competitive disadvantage, as he cannot claim that he is 'Trading Standards Approved'.
- 3.2 In 2002, following research with consumers and traders, Halton's Consumer Protection Service attempted to introduce its own Trusted Trader Scheme; unfortunately it was not supported by the trade and was abandoned.
- 3.3 An agreement in principle with Warrington Trading Standards has been reached that their scheme could be extended to allow Halton businesses to join. Halton would support the scheme to the extent of:
- The production and distribution of flyers to potential members (cost of postage and printing of approx 100 flyers)
 - Promotion of the scheme during officers' routine visits (negligible additional time required)

- Liaising with Warrington prior to their annual inspection of members (probably one hour of officer time per member)
- 3.4 Warrington Trading Standards would retain responsibility for the operation of the scheme, including any mediation required between consumers and members, in return for the trader's annual membership fee.
- 3.5 Membership fees are currently being revised by Warrington Trading Standards to ensure cost recovery for the operation of the scheme.
- 3.6 The Scheme is currently badged 'Trading Standards APPROVED MOTOR TRADER SCHEME' and bears no reference to Warrington Borough Council. This will allow for the extension of the scheme to Halton without the cost of re-printing the scheme materials; if it were necessary, the cost of re-printing would make the extension uneconomic.
- 3.7 To launch the scheme in Halton a minimum of three local members would be required; it is anticipated that this could quite easily be achieved.
- 3.8 The extension of the Warrington scheme will allow Halton traders to benefit without the associated costs to Halton of operating such a scheme itself.

4.0 POLICY IMPLICATIONS

- 4.1 The arrangement outlined above is in line with the Best Value principles of maximising cross-border partnership opportunities to the benefit of both the Council and the people we serve.

5.0 OTHER IMPLICATIONS

- 5.1 The financial and labour costs are minimal as outlined above. Because of the comparatively low numbers of motor traders in Halton, it would not be viable for Halton's Consumer Protection Service to design and operate its own Approved Motor Trader Scheme. Legal Services have been consulted and have no issues with such a cross-border arrangement.

6.0 RISK ANALYSIS

- 6.1 Warrington Trading Standards will retain all the risks of managing and administering the scheme. Such a scheme has been in operation for over ten years within areas of Cheshire and no problems have arisen for the administering authorities.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no general equality and diversity issues flowing from this report, but on a positive note, supporting the recommendation will enable Halton motor traders to compete on a level playing field with their Warrington counterparts.

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

8.1 There are no background papers under the meaning of the Act.

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REPORT TO: Safer Halton Policy and Performance Board

DATE: 20th June 2006

REPORTING OFFICER: Strategic Director Health and Community

SUBJECT: Green Lane, Widnes. Resident's petition for closure of access point to playing fields and Resident's petition for alleygating at the r/o No's 2-20 Green Lane.

WARDS: Broadheath

PURPOSE OF THE REPORT

To inform the PPB of the respective considerations relating to the closure and alleygating request.

RECOMMENDATION: That

- (1) The closure request (footpath to playing fields) be declined
- (2) The alleygating (originally commenced in 2001) be completed by replacing the lock and erecting a side panel to deny access.

SUPPORTING INFORMATION

In November 2005 a petition with 45 signatures was received by HBC from residents in Green Lane, Widnes. The petition was a request for closure of a footpath leading from Green Lane to St. George's Playing Fields. The nature of the complaint was that the location attracted antisocial young people who caused nuisance criminal damage and general disorder in the area to the annoyance of residents.

In February 2006 a separate petition with 15 signatures was received by HBC from residents occupying property No's. 2-20 Green Lane. The petition was a request for closure / alleygating of the rear of these properties where it adjoined the cul-de-sac St. Thomas's Court (LHT Housing property). The nature of the complaint was that the open alleyway attracted young people who engaged in under-age drinking and general antisocial behaviour including the scattering of rubbish and interference and criminal damage to rubbish bins.

Following the November 05 petition I visited the location and spoke with a number of residents. They confirmed that there is youth nuisance in the area, particularly at weekends and that the path provided a conduit for these youths onto and from the playing fields. The person who had sent in the petition, Mr. Mullarkey, No. 25 was not at home on that occasion but I later spoke with his wife. I acknowledged receipt of the petition and told her that the matter was under investigation and that when I had more information I would be in contact.

I then made enquiries as to the status of the footpath and the potential for closure. I found that it is a Strategic Route within the Greenways Project linking with the Borough's footpath network.

I contacted Sgt. Neil Yates, Widnes Police whose Community Action Team (CAT) patrol this area. The location is not one that is regarded as an anti-social behaviour or crime 'hotspot', however Sgt. Yates agreed to give the location attention. On 13.04.06 I again spoke with Mrs. Mullarkey whose husband had forwarded the petition. She said the police 'have been brilliant' and that the situation is much improved although there are still sporadic nuisance issues.

I have relayed this feedback to Sgt. Yates and requested continued attention.

Insofar as the second petition relating to the alleyway at the rear of No's. 2-20 is concerned, I visited this location with Simon Walker, Environmental Enforcement Officer. We saw that the alleyway backs onto St.Thomas's Court. There is a partial fence and an alleygate with a broken lock separating the alley from St. Thomas's Court. The alleyway was untidy and there was refuse scattered around. The indication was that the open nature of the location caused by the incomplete fence and damaged alleygate led to a negative perception of ownership.

I have established that the fence is the property of LHT Housing. LHT have commissioned the work to complete the fence and this is scheduled for 26.04.06.

I have liaised with Janice Weston over the need to replace the lock and side panel on the alleygate. This restoration work on the alleygate will be put to the next Area Panel.

POLICY IMPLICATIONS

The footwalk leading to the playing fields being a Strategic Route within the Greenways Project linking with the Borough's footpath network precludes closure.

OTHER IMPLICATIONS

RISK ANALYSIS

The key risks/opportunities associated with the proposed action and an outline of the key control measures proposed in relation to these risks should be included.

EQUALITY AND DIVERSITY ISSUES

Any Equality and Diversity implications arising as a result of the proposed action should be included.

REASON(S) FOR DECISION

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

IMPLEMENTATION DATE

(NB 8.0, 9.0 AND 10.0 ONLY IF KEY DECISION)

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

Document

Place of Inspection

Contact Officer

Alan Carr
Anti-social Behaviour Coordinator
18.04.06

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REPORT TO: Safer Halton PPB

DATE: 20 June, 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Performance Management Reports for 2005/06

WARDS: Boroughwide

1. PURPOSE OF REPORT

1.1 To consider and raise any questions or points of clarification in respect of the 4th quarter year-end performance management reports on progress against service plan objectives and performance targets, performance trends/comparisons, factors affecting the services etc. for:

- Consumer Protection
- Waste Management
- Planning & Environmental Health
- Culture & Leisure

2. RECOMMENDED: That the Policy and Performance Board

- 1) Receive the 4th quarter year-end performance management reports;**
- 2) Consider the progress and performance information and raise any questions or points for clarification; and**
- 3) Highlight any areas of interest and/or concern where further information is to be reported at a future meeting of the Policy and Performance Board.**

3. SUPPORTING INFORMATION

3.1 The departmental service plans provide a clear statement on what the services are planning to achieve and to show how they contribute to the Council's strategic priorities. The service plans are central to the Council's performance management arrangements and the Policy and Performance Board has a key role in monitoring performance and strengthening accountability.

3.2 The quarterly reports are on the Information Bulletin to reduce the amount of paperwork sent out with the agendas and to allow Members access to the reports as soon as they have become available.
It also provides Members with an opportunity to give advance notice of any questions, points or requests for further information that will be raised to ensure the appropriate Officers are available at the PPB meeting.

4. POLICY AND OTHER IMPLICATIONS

4.1 There are no policy implications associated with this report.

5. RISK ANALYSIS

5.1 Not applicable.

6. EQUALITY AND DIVERSITY ISSUES

6.1 Not applicable.

7. LIST OF BACKGROUND PAPERS UNDER SECTIONS 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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QUARTERLY MONITORING REPORT

DIRECTORATE: Health & Community
SERVICE: Culture and Leisure Services
PERIOD: Quarter 4 2005/06

1.0 INTRODUCTION

This monitoring report covers the Culture and Leisure Services Department fourth quarter period up to 31 March 2006. It describes key developments and progress against all objectives and performance indicators for the service.

Given that there are a considerable number of year-end transactions still to take place a Financial Statement for the period has not been included within this report in order to avoid providing information that would be subject to further change and amendment.

The way in which traffic lights symbols have been used to reflect progress to date is explained within Appendix 5

2.0 KEY DEVELOPMENTS

The Sports Conference was held on 20 March 2006. This coincided with the review and re-launch of the Halton Sports Strategy that directs activity until 2009.

The two new artificial turf pitches at the Heath and Bankfield Schools were opened in January/February respectively.

The new youth/leisure facility at Phoenix Park is complete and operative, although the official launch is not until 4 June. Significant amounts of external funding have been attracted to make the project a success.

Work to complete the Heritage Lottery Funded refurbishment of Victoria Park is almost complete.

A promotions drive to attract more members/users of Halton's Libraries was launched in February/March. In excess of 2,500 new members were enlisted. Over the year there were an extra 55,000 visits to our libraries.

The LEARN Partnership Scheme for libraries was launched in Halton. This sees public, academic and special libraries across Cheshire co-operating to make their collections available to everybody.

Allocation of voluntary sector grant funding was confirmed for 2006/07.

Revised allocations of responsibilities re. Community Safety/DAT see the Council leading on Drugs, Domestic Violence and Alcohol Harm, and the Police in Anti-Social Behaviour, Repeat Offenders and the Liveability agenda.

3.0 EMERGING ISSUES

Plans to deliver Day Care Services for Adults with Learning Difficulties through Community Centres are being developed.

A bid has been submitted to the Big Lottery Fund Reaching Communities Programme for £390,000 to develop Community Meals provision. There will be a number of partners involved in delivering the scheme over 5 years. Our outline bid has been approved and we are on to the second stage.

A national review of Community Legal Service Partnerships is currently being undertaken.

Halton's First Literature Festival, promoted by the Arts Service and Libraries Services will take place from 22nd – 27th May 2006.




The refurbishment of Catalyst Museum to create a regional science educational centre is almost complete.

A new Merseyside Community Games will take place August 2006. Halton will be full participants.

Sport and Physical Activity Alliance (SPAA)
Halton has been allocated £236,000 as part of Sport Englands Investment Strategy, (1st April 2006 to 31st March 2009); this has to be matched 2:1 and links to the formation of a local Sport and Physical Activity Alliance (SPAA) and the production of an Action Plan.




The primary terms of reference for SPAA's is to work in partnership and strong local cooperation to directly impact on increasing participation levels and widening access to sport and physical activity for ALL residents.

4.0 PROGRESS AGAINST KEY OBJECTIVES / MILESTONES

Total	3		2		N/a		1
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For further details, see Appendix 1

4.1 PROGRESS AGAINST OTHER OBJECTIVES / MILESTONES

Total	7		7		N/a		0
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For further details, see Appendix 2

5.0 SERVICE REVIEW

Proposed new PI's for Culture and Leisure are currently out to consultation, with a reply date of 31st May 2006.




Work has begun on a self-assessment model (Towards an Excellent Service) approved by the Department of Culture, Media and Sport. This will be completed by September 2006. We are hopeful that the IDEA will validate this self-assessment.

6.0 PROGRESS AGAINST KEY PERFORMANCE INDICATORS

Total	7		4		N/a		3
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For further details, see Appendix 3

6.1 PROGRESS AGAINST OTHER PERFORMANCE INDICATORS




Total	16		8		N/a		4
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One indicator is not reported - LI 11, Fear of crime opinion survey, this survey has not yet been carried out. Traffic lights have not been assigned to any part of BVPI 226. The targets for 05/06 were set in accordance with inconsistent guidance issued by the Office of the Deputy Prime Minister. A Traffic light has not been assigned to BVPI 220 as data is still being compiled.

For further details, please see Appendix 4.


7.0 APPENDICES

Appendix 1- Progress against Key Objectives/ Milestones Appendix 2- Progress against Other Objectives/ Milestones Appendix 3- Progress against Key Performance Indicators Appendix 4- Progress against Other Performance Indicators Appendix 5- Financial Statement Appendix 6- Explanation of traffic light symbols

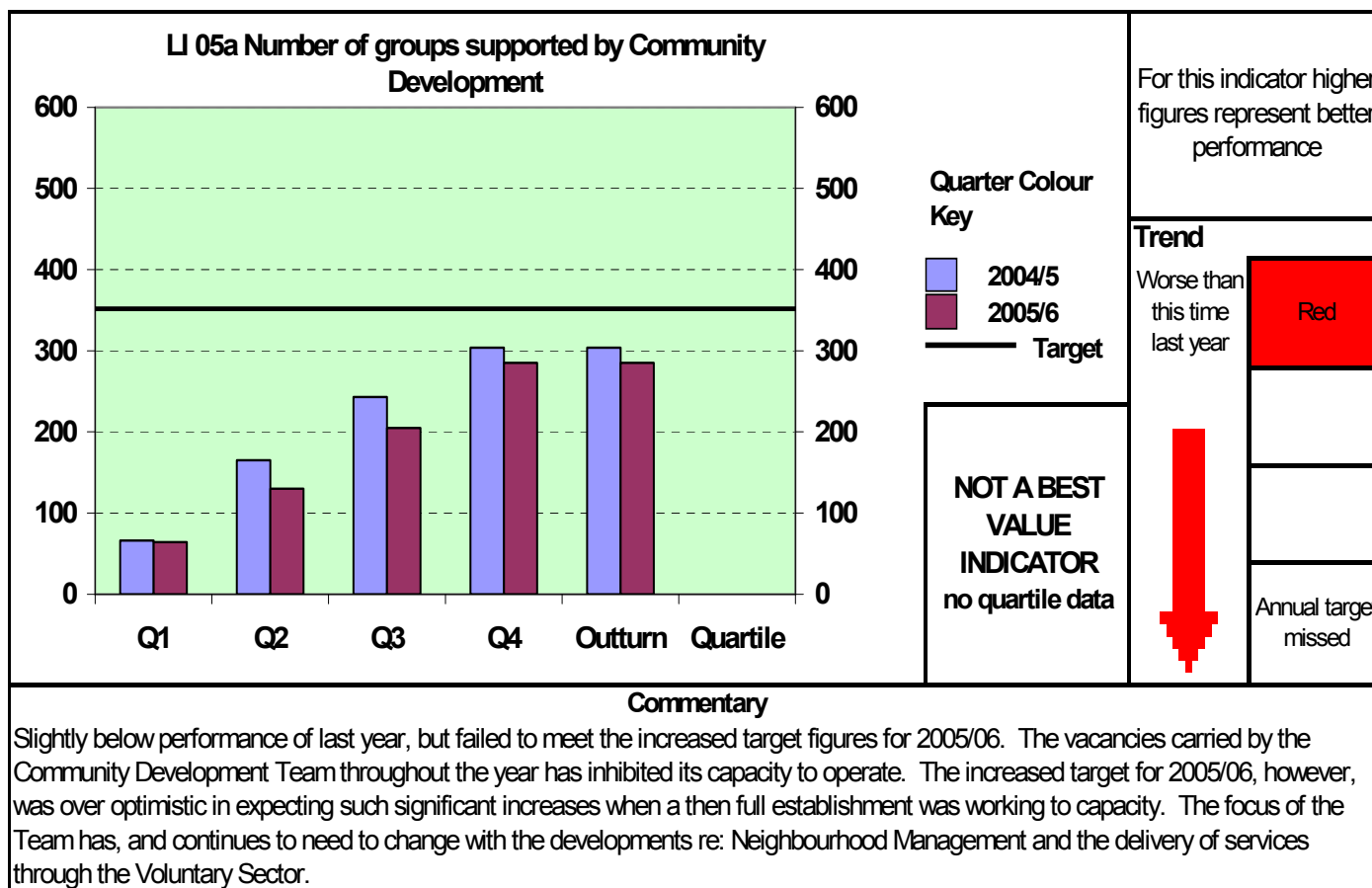
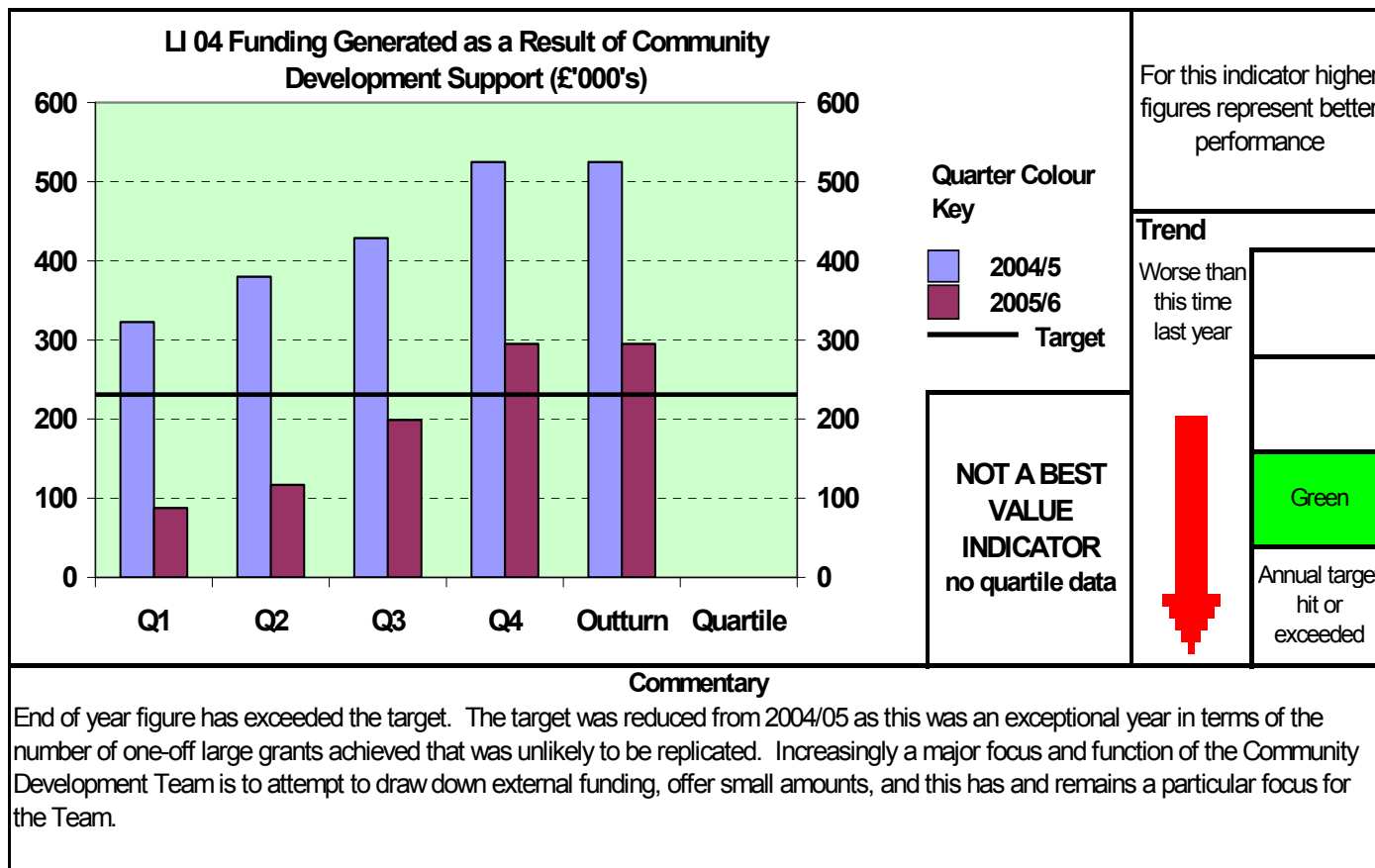
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
02	Establish Kingsway Family Learning Centre to offer lifelong learning opportunities to all ages.	Management structure in place Dec 2005. Develop business plan by March 2006.		Centre exceeding targets.
03	Establish The Brindley enhancing cultural opportunities to all ages.	Audience targets met. Sept – review of first year of operation.		All targets met and exceeded. New marketing strategy in place.
05	Implement New Opportunities Fund (NOF) proposals to enhance community sports facilities.	3 major schemes start on site – by Mar 06.		2 ATP's opened in Jan/Feb 2006. St Chad's scheme outstanding due to Schools/Diocese uncertainties re. overall development.

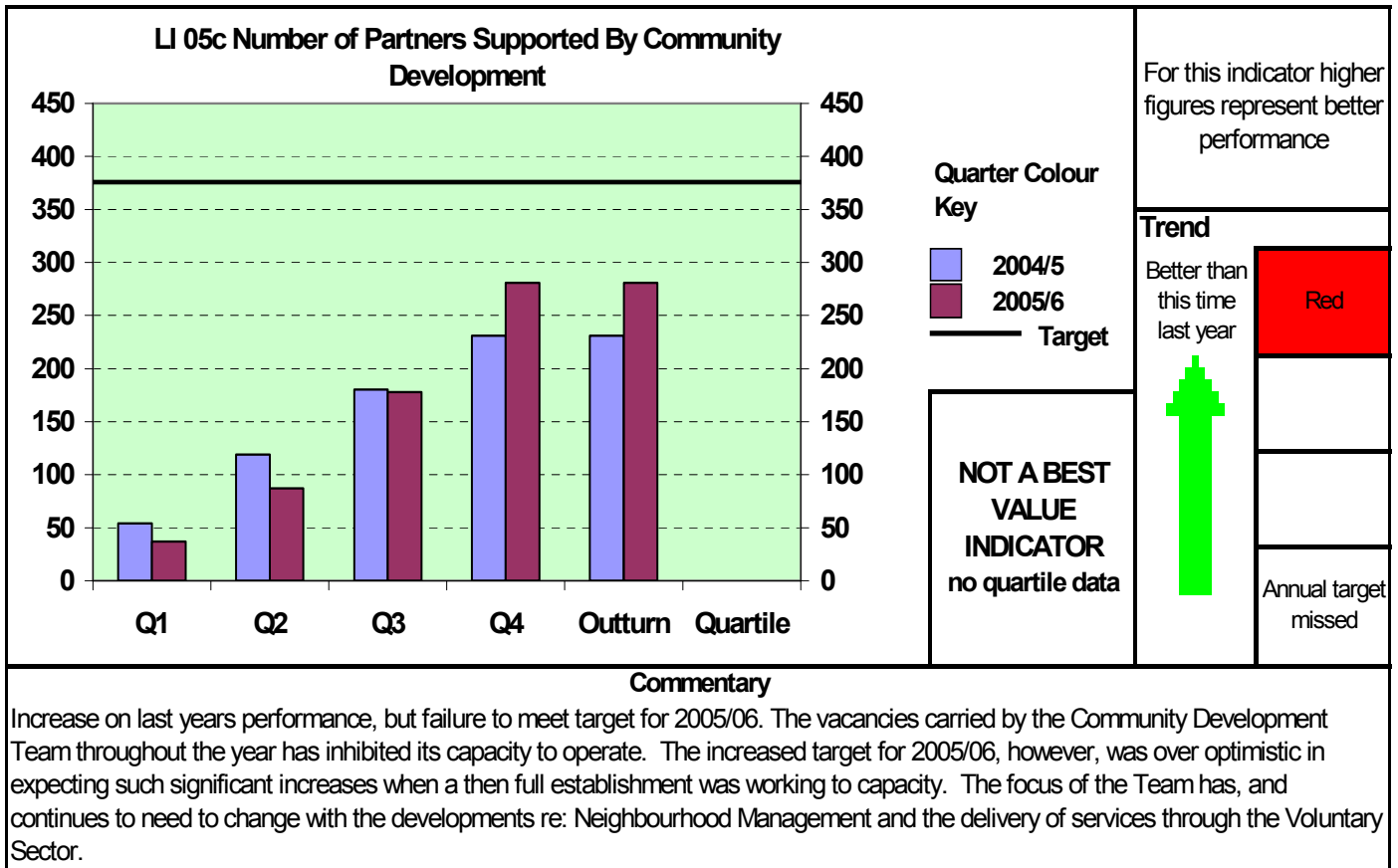
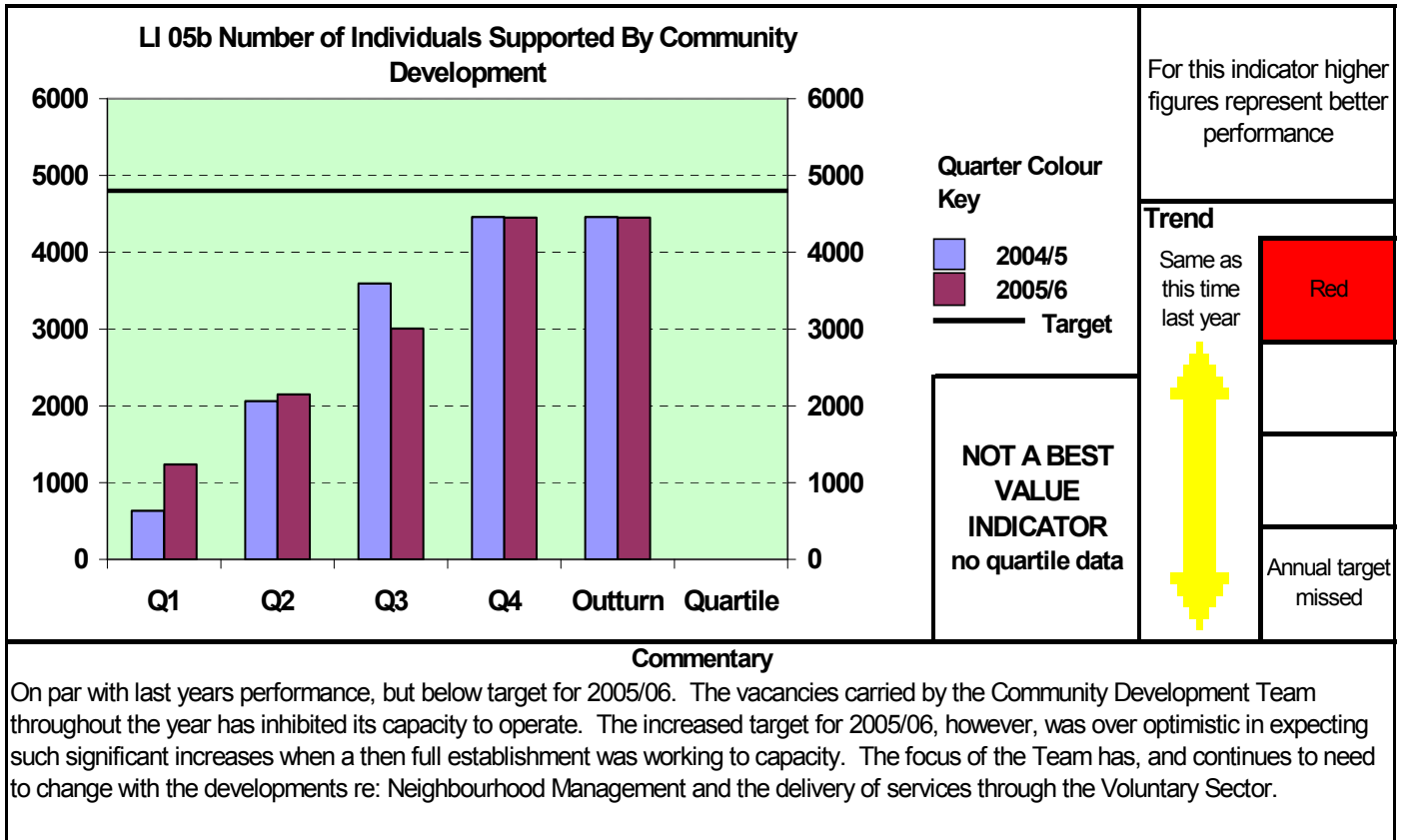
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
01	Establish a Cultural Partnership to represent cultural activity in the Borough and at the HSP.	Partnership established.		Meeting 5 June 2006 to confirm details.
04	Implement Best Value review of Community Centres to improve efficiency of the service.	Monitor new structure.		New structure in place. Savings achieved. Usage increased.
06	Develop and implement with contractor, capital schemes for leisure centres to enhance sports facilities.	Proposal due by 01/05. Agree Kingsway Scheme – Apr 05.		All investment complete.
07	Develop and implement community and leisure opportunities as part of Castlefields Regeneration.	Scheme agreed and completed by Dec 05.		Phoenix Park operative.
08	Contribute to Halton's Health Improvement by increasing participation in sport and related cultural activities.	Establish P.I.'s with Sport England by July 05.		Participation rates agreed, but this could still be subject final consultation.
09	Review Halton's Sports Strategy & Sports Compact in conjunction with Halton Sports Partnership.	Review complete Dec 2005.		Strategy launched March 2006.

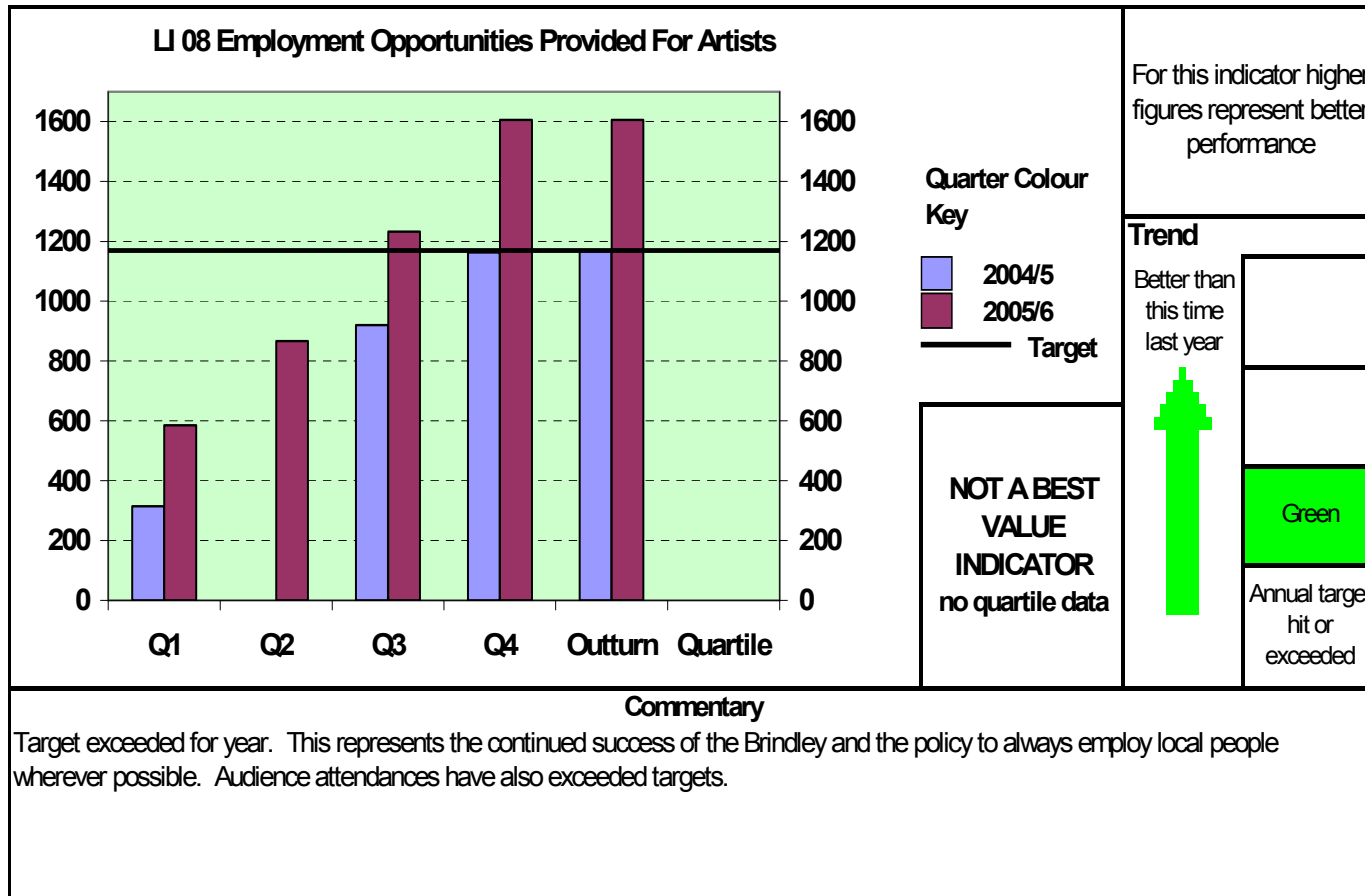
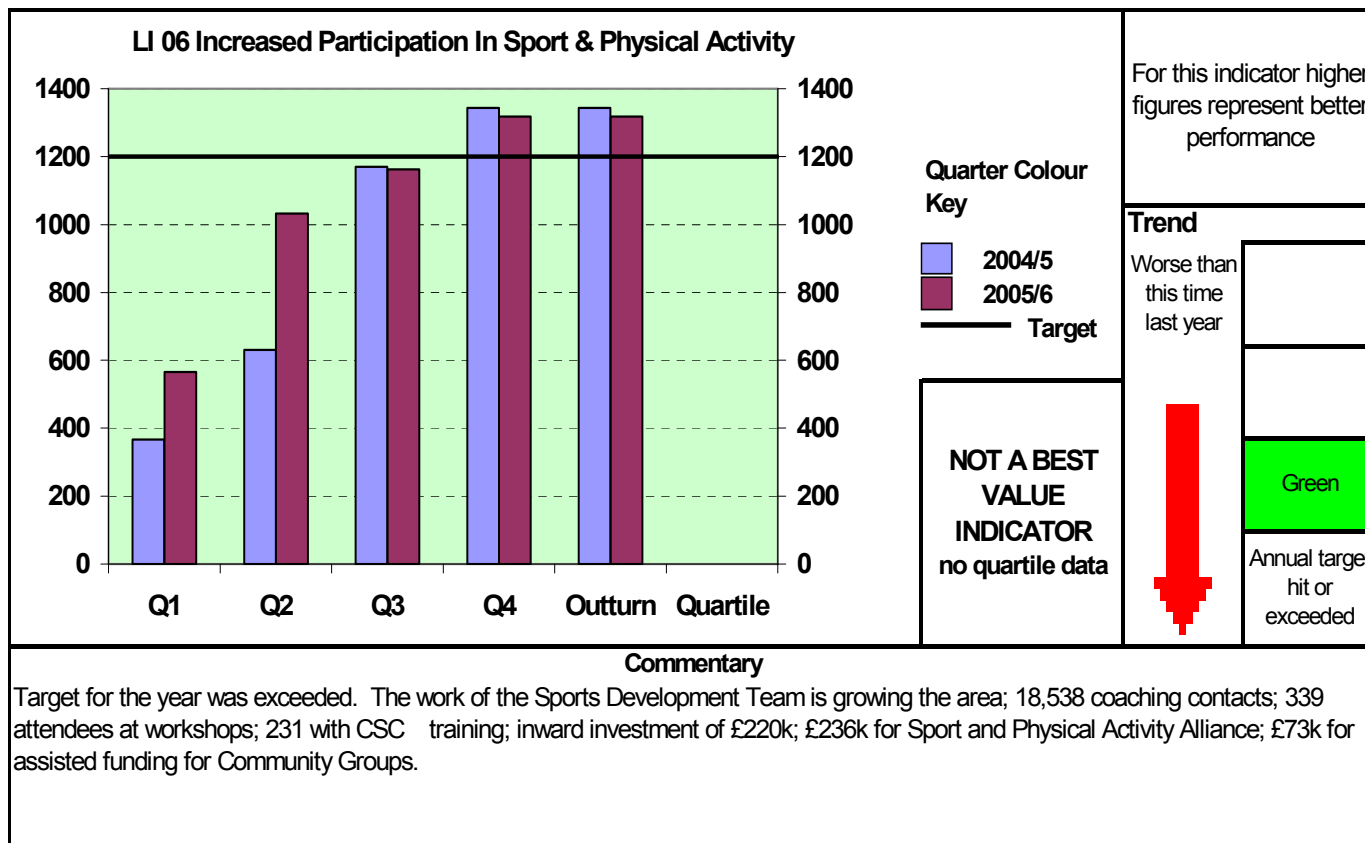
**APPENDIX TWO – PROGRESS AGAINST OTHER OBJECTIVES/ MILESTONES
Culture and Leisure Services**

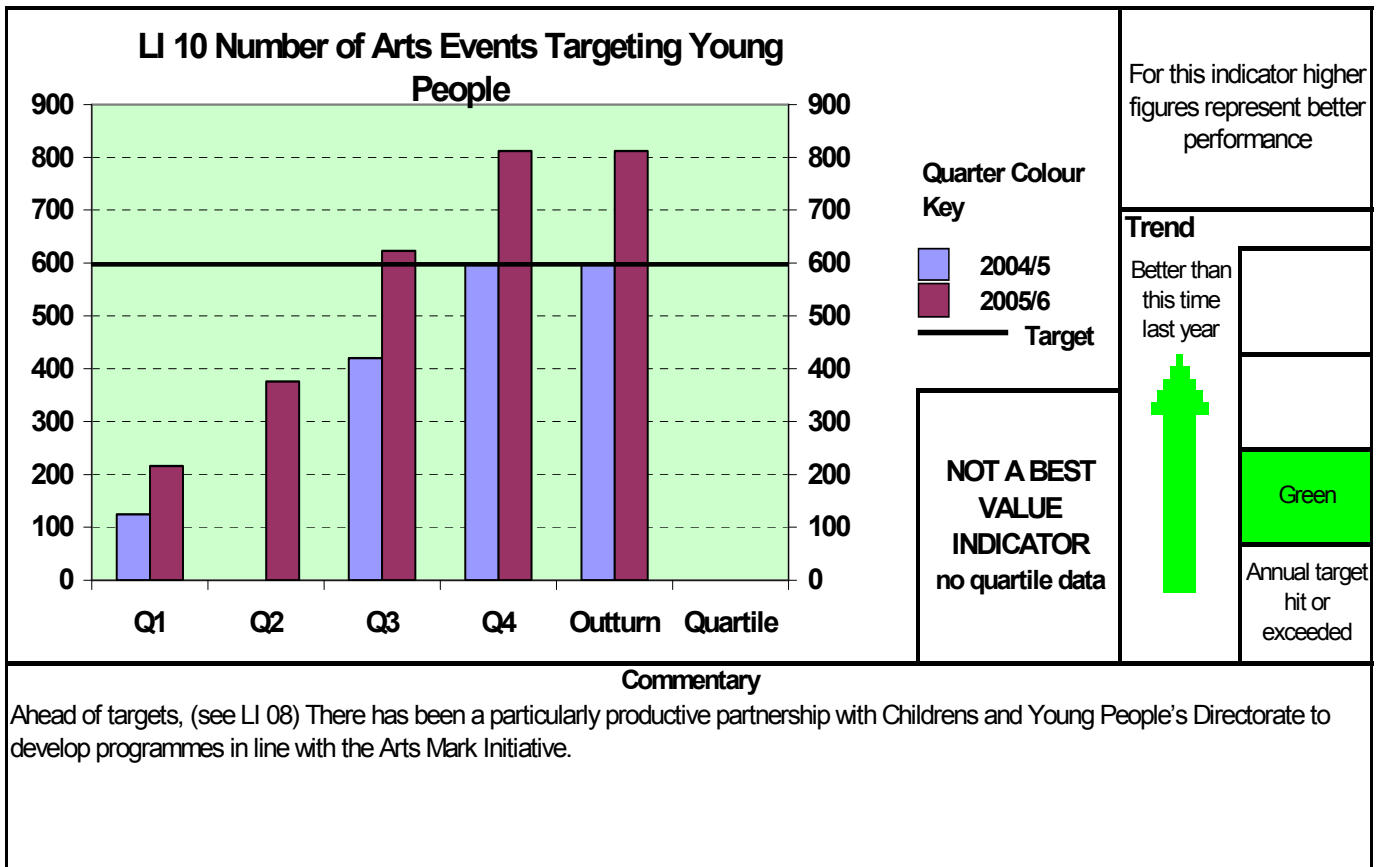
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
10	Undertake Marketing and Media Review of Cultural & Leisure Services.	Review complete Dec 2005.		Completed internally. New strategies in place.

**APPENDIX TWO – PROGRESS AGAINST OTHER OBJECTIVES/ MILESTONES
Culture and Leisure Services**


















Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 170	a) No. of visits to/usages of museums per 1,000 population.	2063	2080	2202		In person visits affected by building work related to the re-furbishment of Catalyst Museum.
	b) No. of those visits that were in person per 1,000 population.	267	273	246		
	c) No. of pupils visiting museums in organised groups.	20957	20970	21187		
BVPI 220	Compliance against the Public Library Service Standards (PLSS) (new pi)	N/a	N/a		Refer to comment	New indicator for 2005/06. Progress has been towards achieving compliance with more of the standards. Data is currently being compiled.
LI 01	Library Service aggregate opening hours per 1,000 population.	87	92	N/a	N/a	Deleted, now part of BVPI 220, Compliance against the Public Library Service Standards (PLSS).
LI 02	Reduction in Youth nuisance calls as a result of SPLASH.	+ 11%	- 1%	6.5%		730 calls included related to snow-balling incidents. Remove these and there would be a reduction of 6%.
LI 03	Attendance at SPLASH events.	64,000	34,000	36,000		Target reduced to focus on particular target audiences and times.

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 126	Domestic burglaries per 1,000 households.	10.00	9.6	14.43		(696 crimes) (48,217 households) Increase due principally to travelling criminals coming into the borough mainly from Merseyside. Increase particularly in car and key thefts (ie breaking into a house to steal the car keys) in the Widnes area. A dedicated operation against this form of travelling criminal is now underway, using Level 2 resources.
BVPI 128	Vehicle crimes per 1,000 population.	17.60	16.1	15.95		(1885 crimes) (118,156 population) Reduction due to concerted action by Neighbourhood Teams and dedicated Proactive Policing Teams – however, may also be an element of displacement from the category above.

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 127	a. Violent crimes per 1,000 population	25.4	24.1	26.15		(3090 crimes) There is currently a national rise which is affecting all forces. The increase is also due to the change in the way violent crime is being recorded. The partnership has run joint operations (within and supplementary to AMEC against alcohol related violence). The area is also a Special Domestic Violence Court Area and is engaged on the DVEC enforcement campaigns.
	b. Robberies per 1,000 population (new)	N/a	N/a	1.12		(132 crimes) There has been a recent increase in the number of Robberies which intelligence suggest is due to travelling criminals from Merseyside. A dedicated robbery team has been implemented and progress is being seen against this target. 5 offenders have been arrested for a series of robberies of Bookmakers.
BVPI 174	No. of racial incidents recorded by Authority per 100,000 population.	9.29	N/a	22.37		(315 incidents including hate related and Gypsy type) (90 incidents not including Gypsy type) The increase is believed to be due to confidence in reporting being increased amongst the travelling community.
BVPI 175	% of racial incidents that resulted in further action.	100	100	100		Every reported incident is investigated.

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 226 (amended BVPI 177)	Advice and guidance services, a) amount spent on provision by external organisations. b) % spent on organisations holding CLS Quality Mark c) amount spent on housing, welfare benefits and consumer matters provided by the LA directly to the public	a) N/a b) N/a c) N/a	a) £1108k b) 44.6% c) £963k	a) 403k b) 81.4% c) 5790k	Refer to comment	Whilst it appears that the variances between the targets and outturns for this indicator are significant, this results from inconsistencies in the indicator guidance issued by ODPM. During the compilation of the outturns further clarification was sought from the Audit Commission. This has ensured that the final figures are correct. Subsequent years targets have now been revised to reflect the correct interpretation of the indicator guidance.
BVPI 198	Number of drug users in treatment per 1,000 population aged 15 – 44.	12.33	12.96	13.6		Target exceeded. Robust commissioning in place.
LI 11	Fear of crime as measured by public opinion survey	N/A	5% reduction			Survey still to be carried out.

Application of Traffic Light Symbols

	<u>Objective</u>	<u>Performance Indicator</u>
<u>Green</u>	 <p>Indicates that the <u>objective</u> <u>has been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has been achieved</u> or exceeded
<u>Red</u>	 <p>Indicates that that the <u>objective</u> <u>has not been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has not been achieved</u> .

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QUARTERLY MONITORING REPORT

DIRECTORATE: Health & Community
SERVICE: Consumer Protection
PERIOD: Quarter 4 2005/06

1.0 INTRODUCTION

This monitoring report covers the Consumer Protection Division's fourth quarter period up to 31 March 2006. It describes key developments and progress against all objectives and performance indicators for the service.

Given that there are a considerable number of year-end transactions still to take place a Financial Statement for the period has not been included within this report in order to avoid providing information that would be subject to further change and amendment.

The way in which traffic lights symbols have been used to reflect progress to date is explained within Appendix 5.

2.0 KEY DEVELOPMENTS

Officers of the Bereavement and Registration Services have attended meetings with Members, colleagues from Risk Management, the local Clergy and the local Funeral Directors in order that all possible preparations for a flu pandemic, in terms of its effect and consequences for this network of services and the people they serve, might be identified and put into place.

Since the 2nd of February all initial telephone enquiries from Halton's Consumers have been handled by the North West Consumer Direct Contact Centre, which is operated by Cumbria County Council. Halton's advisors now receive the more complex referrals from Consumer Direct that require local investigation/intervention, and are able to provide an enhanced service locally that focuses on the hard-to-reach members of the community.

A national web-based system, RON (Registration on Line), for use with all aspects of civil partnership registration was introduced by the General Register Office on 6 March 2006. All such registrations are therefore stored on a national database.

3.0 EMERGING ISSUES

Complaints received by the Ombudsmen regarding the headstone safety regimes of some Councils, have highlighted inappropriate actions that have been taken to ensure the implementation of related legislation. The advice contained in the report produced by the Ombudsmen on the subject, will be used to inform any necessary amendments to this Council's policy for safe headstones.

Initial feedback from the local Clergy on proposals to review the working arrangements of the Council's crematorium is positive.

Registration of births will be made using the General Register Office's national web-based system, RON (Registration on Line), at the end of 2006. Eventually, marriage registrations and death registrations will also be added to the national database via RON.

4.0 PROGRESS AGAINST KEY OBJECTIVES / MILESTONES

Total	4		2		N/a		2
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(Appendix 1)
Improve access to the (Consumer Protection) Service for the socially excluded

This objective comprised four key milestones, three of which have been achieved on schedule. The fourth related to the production of an action plan, informed by research undertaken during the year. The Action Plan was not produced before the end of the financial year due to the sickness absence of the project lead officer.

Transfer of statutory (Registration) officers to local authority employment
 Legislation to regularise the employment position of registration staff and transfer them to local authority employment did not progress through this session of Parliament. This objective will need to be deferred until the required change to primary legislation comes in to force. All preparatory work has been completed in readiness for the legislative change.

4.1 PROGRESS AGAINST OTHER OBJECTIVES / MILESTONES

Total	1		1		N/a		0
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(Appendix 2)
 All other objectives / milestones were achieved over the course of the year.

5.0 SERVICE REVIEW

The Registration Service was the subject of an internal audit in December 2005. The auditor concluded that the control environment was adequately designed and that established controls were consistently applied. Five recommendations were made, three of which were of low priority and two medium priority. Work has begun to address the recommendations.

6.0 PROGRESS AGAINST KEY PERFORMANCE INDICATORS

Total	8		8		N/a		0
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(Appendix 3)
All key performance indicator targets were met over the course of the year.


6.1 PROGRESS AGAINST OTHER PERFORMANCE INDICATORS

Total	9		9		N/a		0
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(Appendix 4)
All other performance indicator targets were met over the course of the year.

7.0 APPENDICES



- Appendix 1- Progress against Key Objectives/ Milestones
- Appendix 2- Progress against Other Objectives/ Milestones
- Appendix 3- Progress against Key Performance Indicators
- Appendix 4- Progress against Other Performance Indicators
- Appendix 5- Explanation of traffic light symbols


Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
Consumer Protection				
08	Develop initiatives to tackle the problem of under-age sales in Halton	<p>Undertake at least 2 test purchasing exercises by end March 06 to detect illegal sales of age-restricted products</p> <p>Conduct research with Halton pupils by end Jan 06 to identify how such youngsters obtain age restricted products</p> <p>Educate at least 50% of traders selling age-restricted products on their legal obligations by March 06</p> <p>Conduct research with local traders to identify ways to assist them to comply with legislation governing age-restricted products by end Oct 05</p> <p>Review ongoing need for Validate and offer to year</p>		<p>Completed</p> <p>Completed - analysis due 06/07</p> <p>Completed</p> <p>Completed - analysis due 06/07</p> <p>Review found 66% take up from yr 11 and 13% take up from 6th form therefore we should not continue to</p>

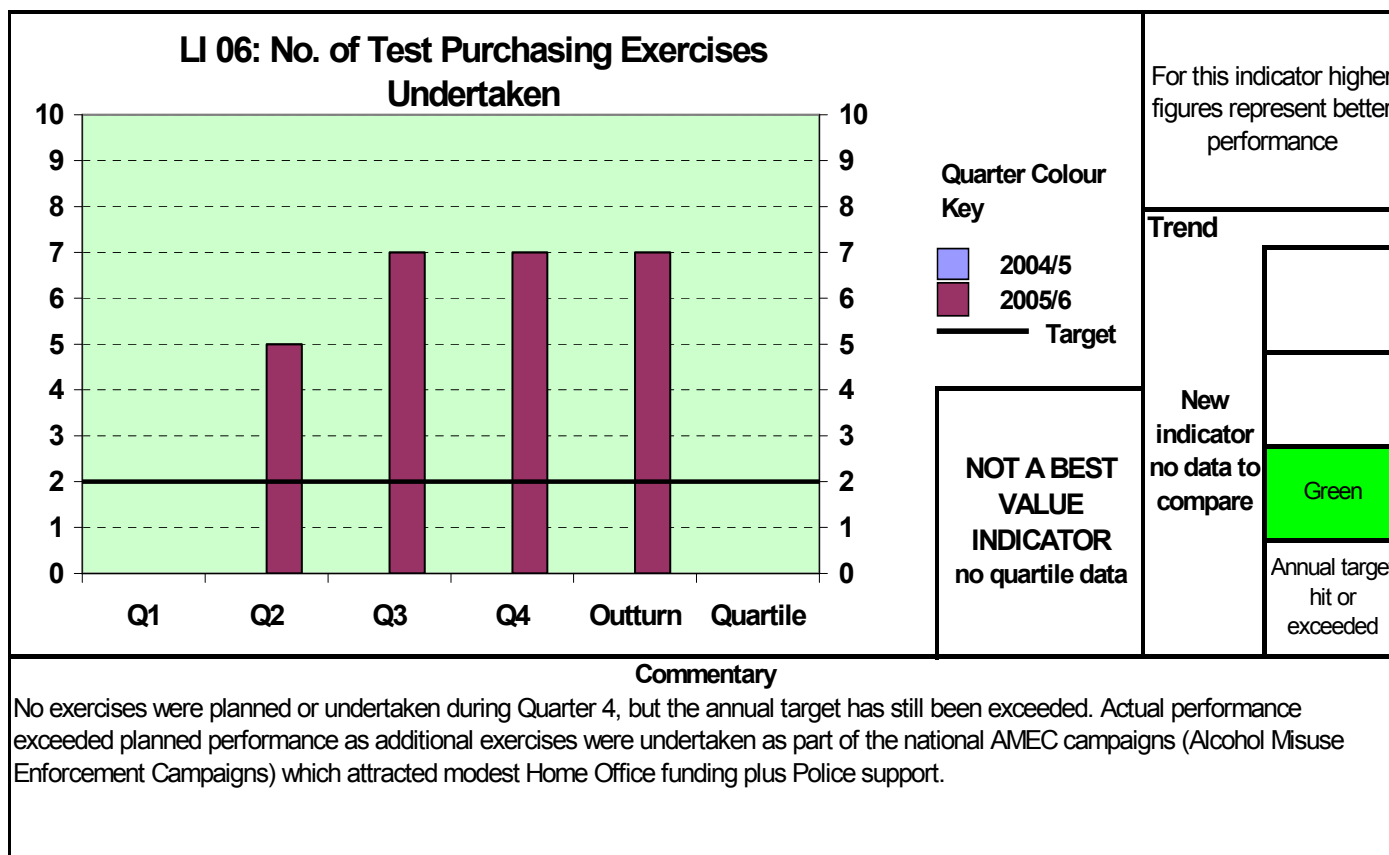
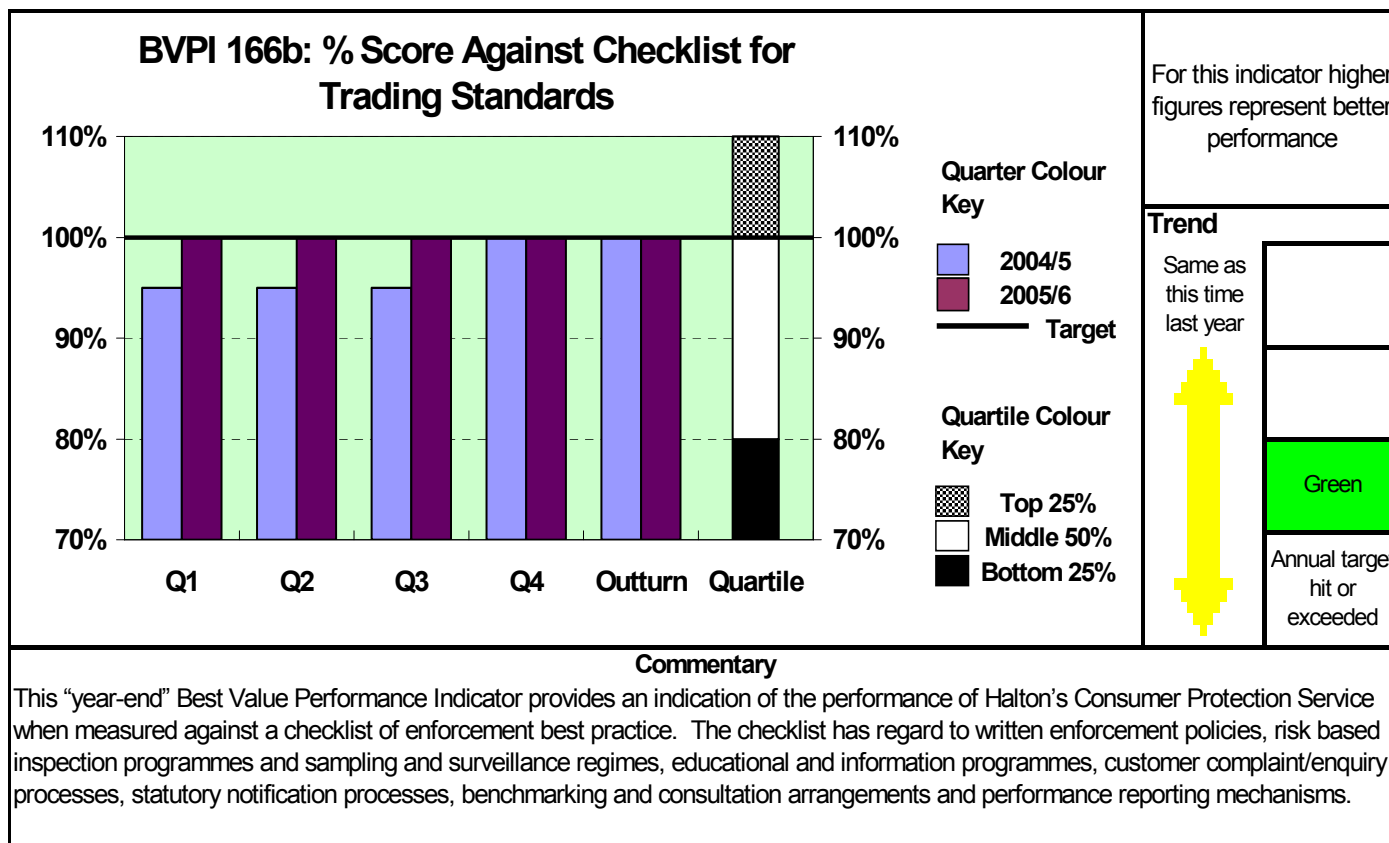
**APPENDIX ONE – PROGRESS AGAINST KEY OBJECTIVES/ MILESTONES
Consumer Protection Department**

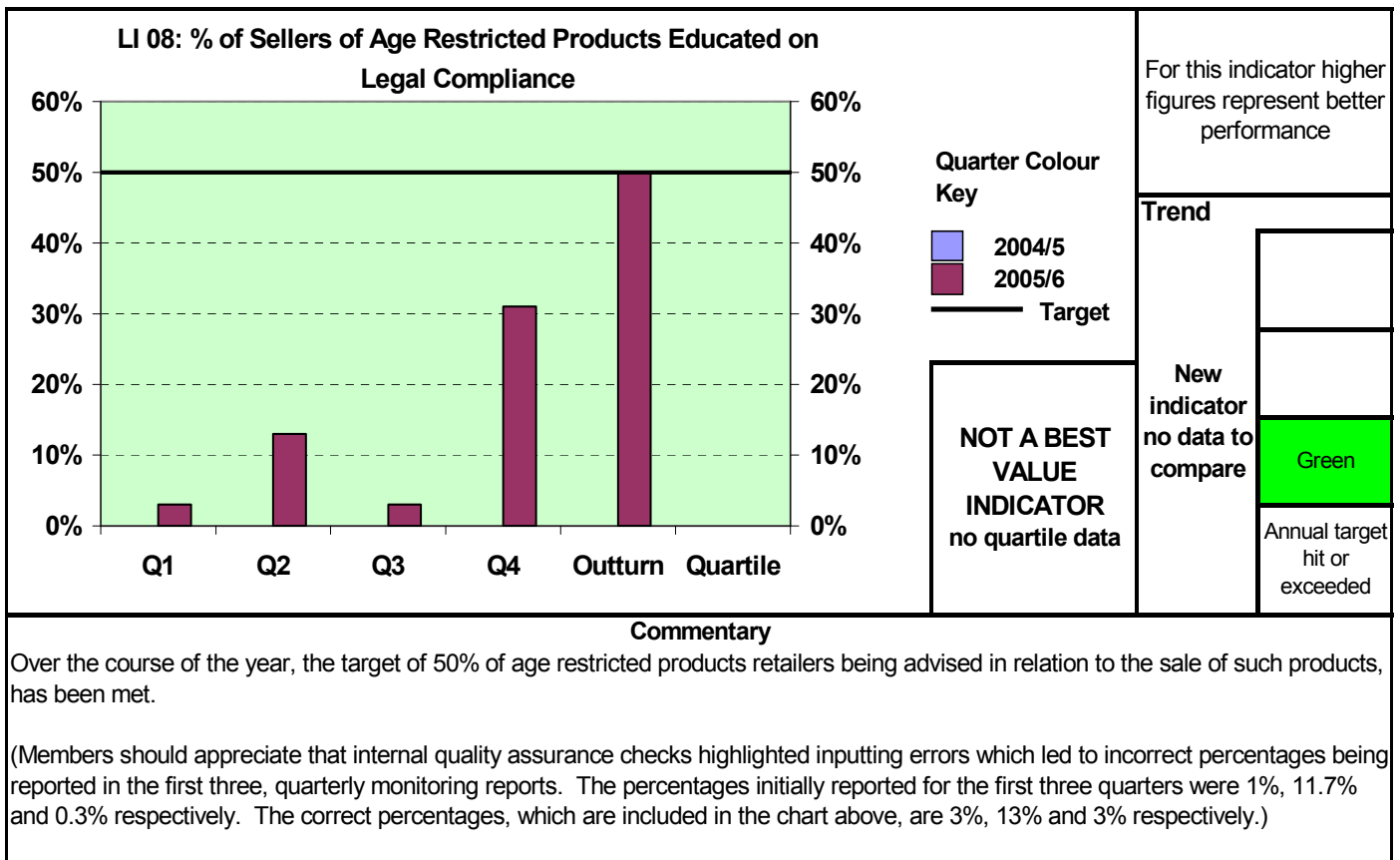
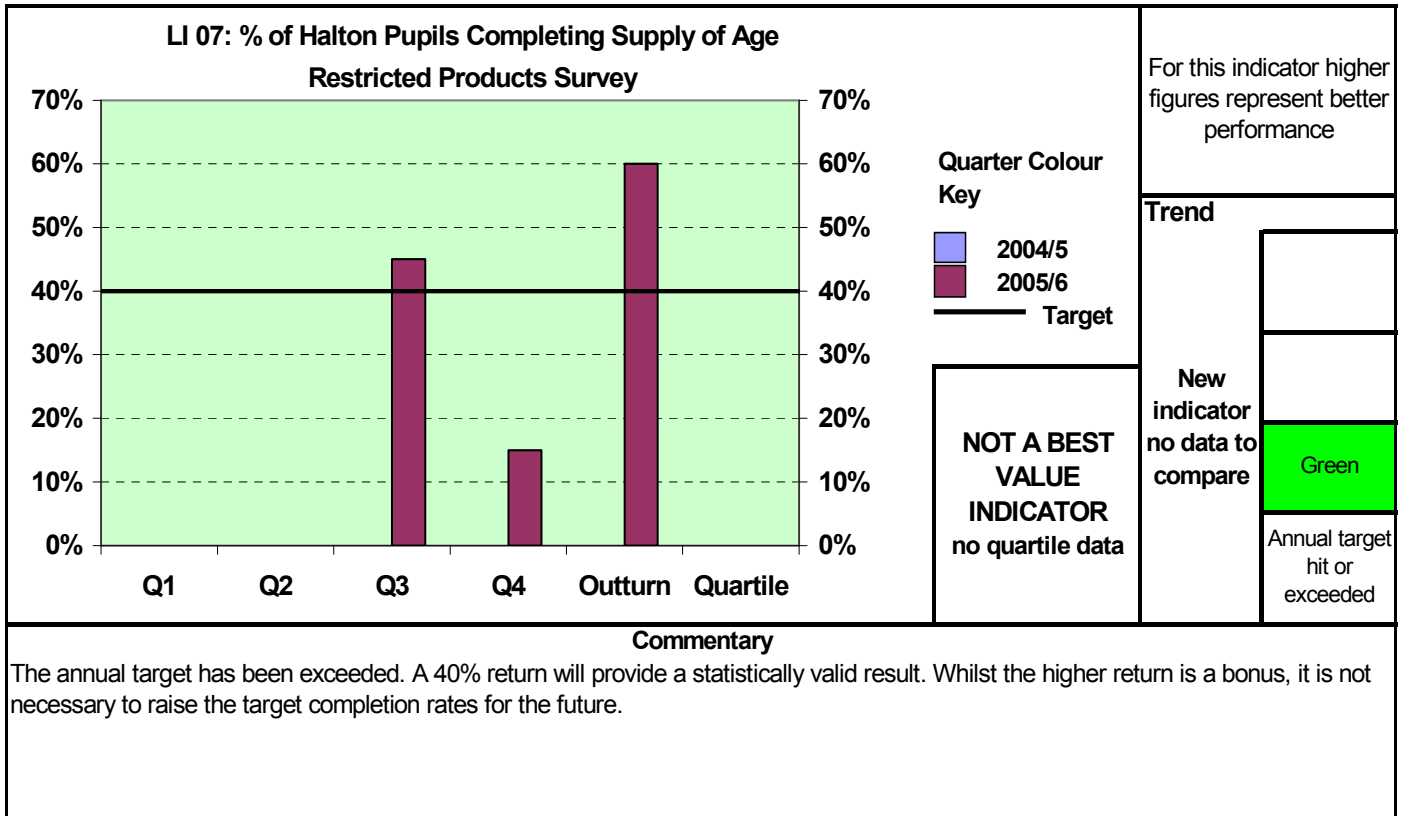
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
		11 pupils and V1th form by end Dec 05		offer to 6 th form pupils – they can get paperwork at HDL
09	Improve access to the Service for the Socially excluded	<p>Provide advice surgeries to 1 of the most deprived wards for a trial period of 3 months beginning April 05</p> <p>Undertake research with representatives from the 5 most deprived wards to identify how access can be improved by end Aug 05</p> <p>Produce an action plan using research with the 5 most deprived wards by end Sept 05</p> <p>Raise the profile of the Service within the 5 most deprived wards by end March 06</p>		<p>An advice service has been provided on an approximately fortnightly basis in Windmill Hill via the Benefits Bus. The take-up of the service was low despite posters being supplied to local shops, leaflets being supplied to local school children and posters being supplied to the relevant housing association. The surgeries have been discontinued.</p> <p>A series of events in the deprived wards were attended in May and June and a very simple postal questionnaire was sent to all households in the target wards, with a final return date of the end of October.</p> <p>Although the Action Plan was produced by mid-April 06, this milestone was not achieved on target and this failing alone has resulted in a red traffic light for this Objective.</p> <p>In addition to the advice surgeries referred to above the Service has attended a Pamper Day in Castlefields and events at both Halton College sites, where</p>

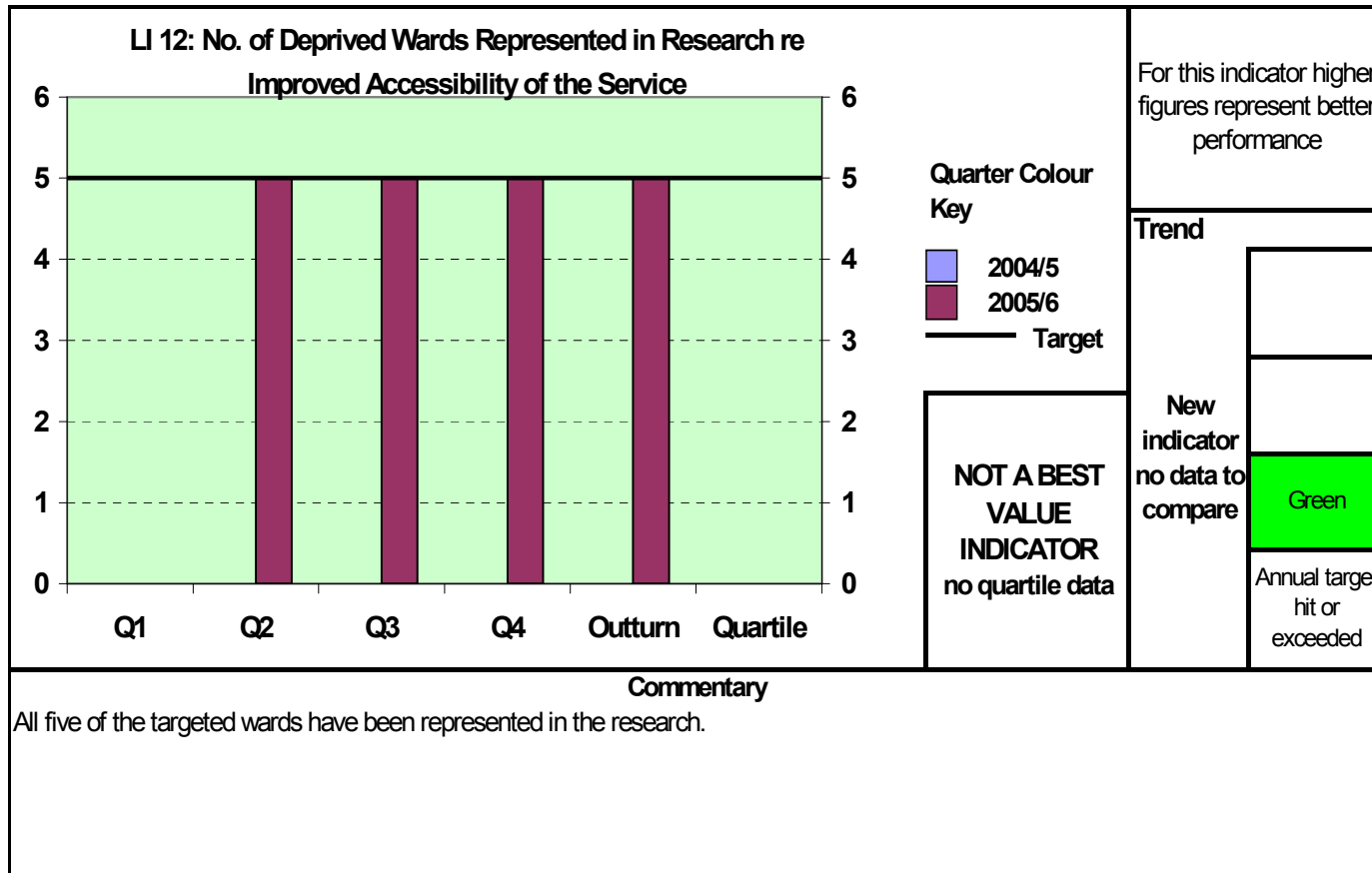
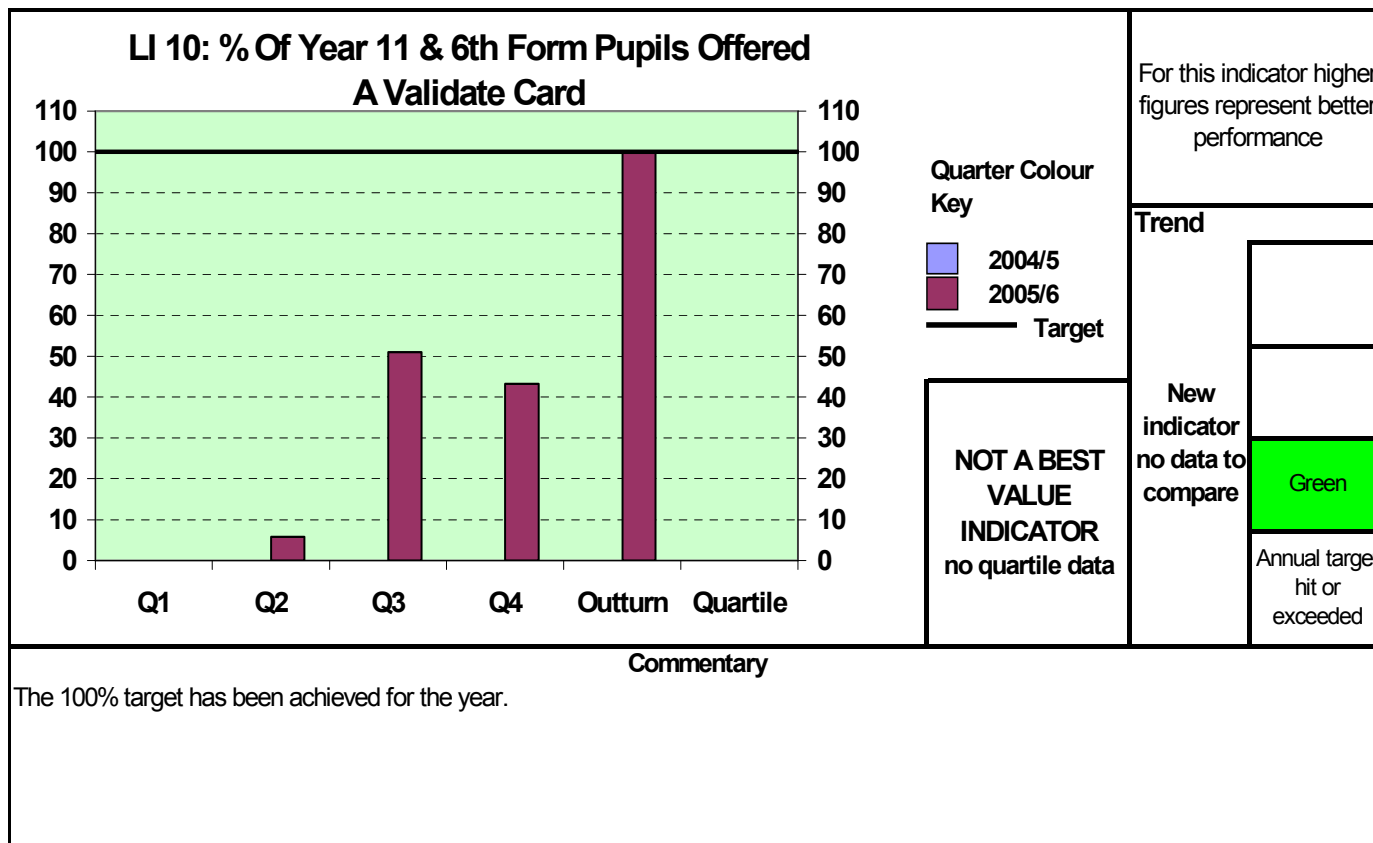
**APPENDIX ONE – PROGRESS AGAINST KEY OBJECTIVES/ MILESTONES
Consumer Protection Department**

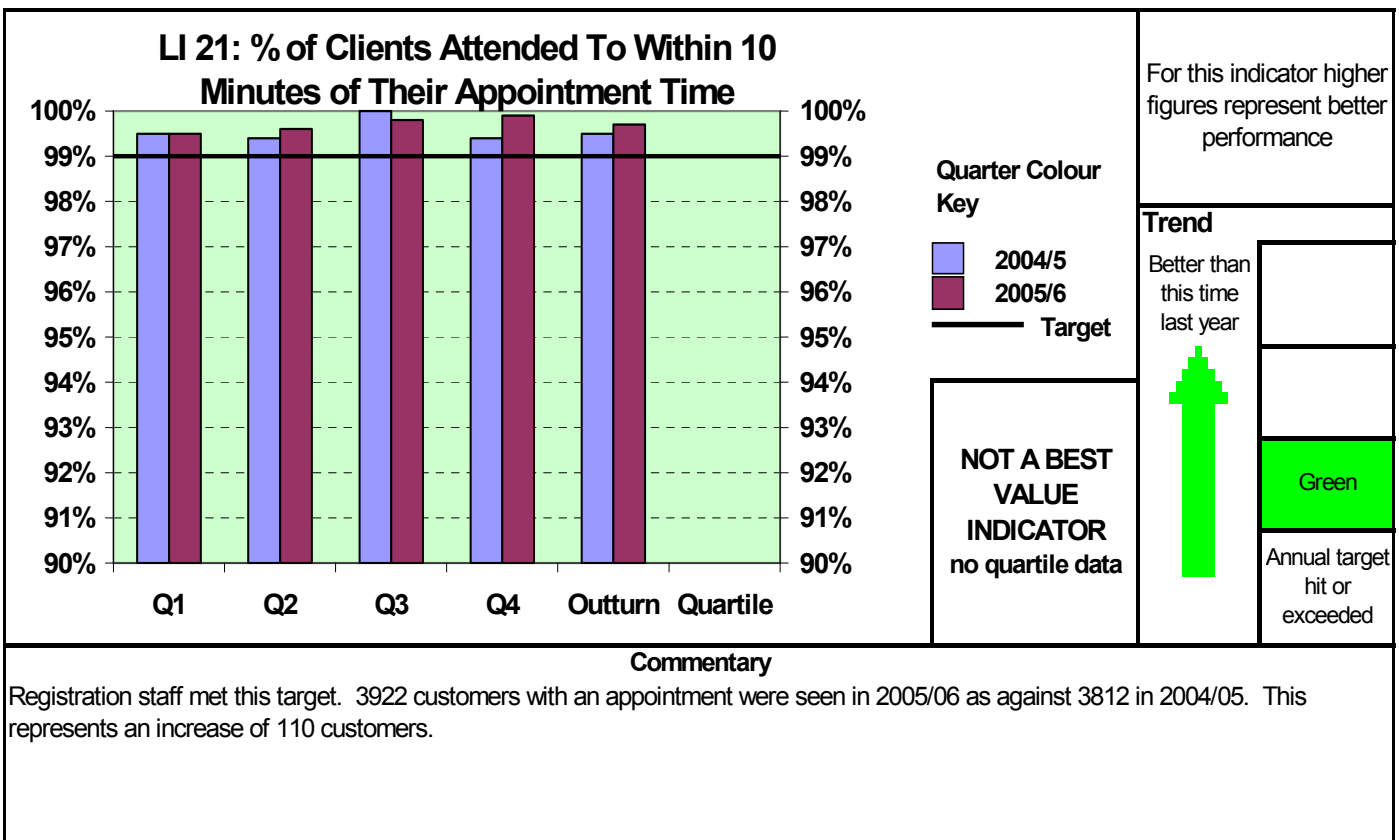
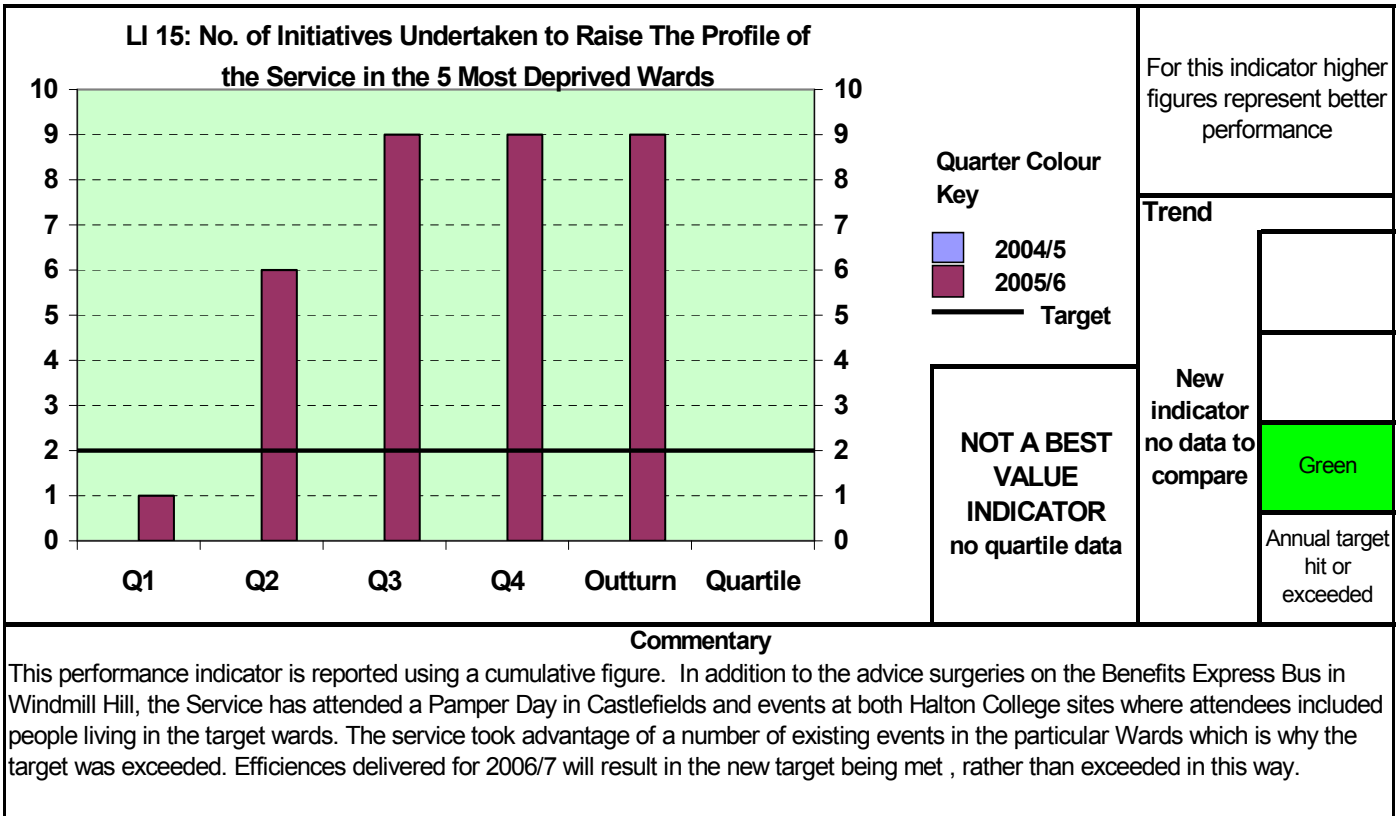
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
				attendees included people living in the target wards.
Registration Service				
11	Provision of Civil Partnership registration	Legislation in place by end 2005		Five civil partnerships have been registered.
12	Transfer of statutory officers to local authority employment	Job descriptions prepared and jobs graded by July 2005. New contracts signed Sept 2005		Job descriptions have been prepared. However no further progress can be made until primary legislation is agreed by Parliament.








Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
Registration Service				
10	To survey our customers each year to ascertain their views on the quality and scope of services provided	<p>Survey all customers visiting the office a particular week in February 2006</p> <p>Survey all couples marrying during August 2005</p> <p>Analyse results by 31.12.2005</p> <p>Implement any service improvements from previous year's surveys by end 2005</p>		<p>Both surveys were completed on schedule and results analysed.</p> <p>Customers highlighted the need for better information on the location of the Town Hall and signage. This has been improved.</p>













Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
Consumer Protection Service						
LI 09	a) % of traders who sold during test purchase exercises surveyed on what assistance they require to improve compliance (new pi)	N/a	100 (of sellers)	100		Work completed by end of quarter 3. No further exercises were planned or undertaken in quarter 4.
	b) % of traders who didn't sell during TP exercises surveyed on what assistance they require to improve compliance (new pi)	N/a	20	20		As above
LI 11	No. of deprived wards receiving advice surgeries (new pi)	N/a	1 (3 month trial)	1		Advice surgery was provided at Windmill Hill but due to a lack of demand the service has been discontinued.
LI 16	% of Improving Access Action Plan implemented (resources permitting) (new pi)	N/a	0	0		Due to the sickness absence of the project lead officer, the Action Plan was not completed by year-end, hence there was nothing to implement. However, since there was a 0% target for 05 / 06 there has been no failure to deliver the PI.
Bereavement Services						
LI 17	Carry out all cremations within 24 hours of receipt of written instructions.	100%	100%	100%		Target achieved.
LI 18	Carry out all interments within 48 hours of receipt of written instructions.	100%	100%	100%		Target achieved.
Registration Service						
LI 19	We will process applications for current certificates on the day of receipt.	98%	98%	98.3%		The target for quarter 4 was not met due to the increased workload of the civil partnership act. However, the annual target was still achieved.

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
LI 20	We will process applications for historical certificates within 3 working days.	92%	90%	96.5%		Target achieved.
LI 23	Clients without an appointment will be offered an appointment or will be attended to, as soon as possible. We aim to attend to such clients within 10 minutes of arrival.	96%	97%	100%		Target achieved.

Application of Traffic Light Symbols

	<u>Objective</u>	<u>Performance Indicator</u>
<u>Green</u>	 <p>Indicates that the <u>objective</u> <u>has been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has been achieved</u> or exceeded
<u>Red</u>	 <p>Indicates that that the <u>objective</u> <u>has not been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has not been achieved</u> .

QUARTERLY MONITORING REPORT

DIRECTORATE: Environment
SERVICE: Waste Management
PERIOD: Quarter 4 to year-end 31 March 2006

1.0 INTRODUCTION

This monitoring report covers the Waste Management Division fourth quarter period up to 31 March 2006. It describes key developments and progress against all objectives and performance indicators for the service.

Given that there are a considerable number of year-end transactions still to take place a Financial Statement for the period has not been included within this report in order to avoid providing information that would be subject to further change and amendment.

The way in which traffic lights symbols have been used to reflect progress to date is explained within Appendix 4

2.0 KEY DEVELOPMENTS

Joint Working – Waste Management Procurement

Joint partnership arrangements between Halton and Warrington Borough Councils continues with the identification of a Project Team consisting of key officers from both authorities, and approval to issue an external advertisement for a joint Project Manager to lead the procurement exercise over the next 3 years. The appointment of a project Manager is expected by summer 2006.

The next steps will include appointment of external advisers for legal financial and technical matters, and further development and consultation work is now required with regard to joint strategy, strategic environmental assessments (SEA), and the identification of suitable sites for the potential development of future waste management facilities, These tasks are necessary in the lead up to formal procurement for the joint waste disposal and treatment contract(s).

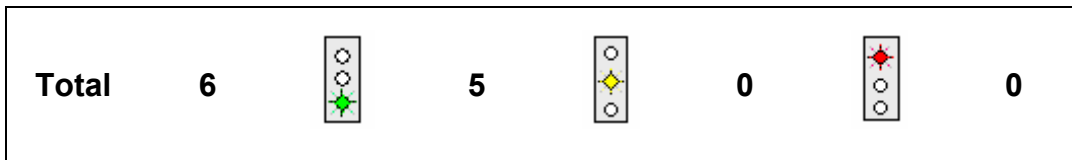
3.0 EMERGING ISSUES

Future consultancy support

Defra has previously announced that the Waste Implementation Programme's direct consultancy support scheme will continue for a further 2 years (for 2006/07 and 2007/08).

Halton have now jointly applied with Warrington for further funding to support the partnership's joint waste procurement project. If successful the outline project will cover joint strategy development, strategic environmental assessment (SEA) and consultation, following new guidelines on strategy issued late 2005, and to be followed by further guidance in July 2006. An initial decision on the allocation of funding is expected late April 2006.

4.0 PROGRESS AGAINST KEY OBJECTIVES / MILESTONES

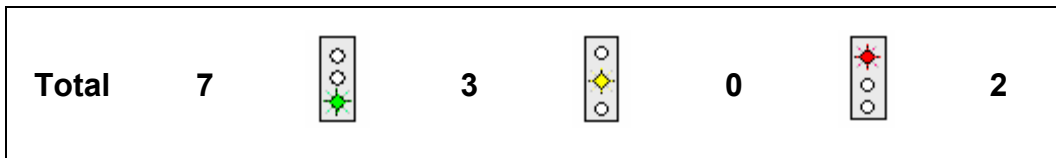


Five of the six key objectives for the service have been achieved. Objective NS22 has not been completely achieved due to other factors. For further details please see Appendix 1.

5.0 SERVICE REVIEW




Nothing to report for Q4

6.0 PROGRESS AGAINST KEY PERFORMANCE INDICATORS



Of the seven key performance indicators for the service, three have exceeded target and two have narrowly missed the target for the year. Two are not being assigned traffic lights (LPI 14 & LPI 15) as they have been measured for the purposes of setting a baseline. Please see Appendix 2 for further details.

6.1 PROGRESS AGAINST OTHER PERFORMANCE INDICATORS






Total	12		4		0		3
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Of the twelve other performance indicators for the service, four have exceeded target and three have missed the target for the year. Of the remaining five indicators, BVPI 82c (parts i and ii) are not measured, as Halton does not dispose of any waste via the method defined by the indicator. BVPI 86 & 87 are cost indicators, however the relevant financial data is not yet available (see note in section 1.0 on the front page of this report). A commentary is provided to explain why LPI 13 is not being measured. Please see Appendix 3 for further details.

7.0 APPENDICES

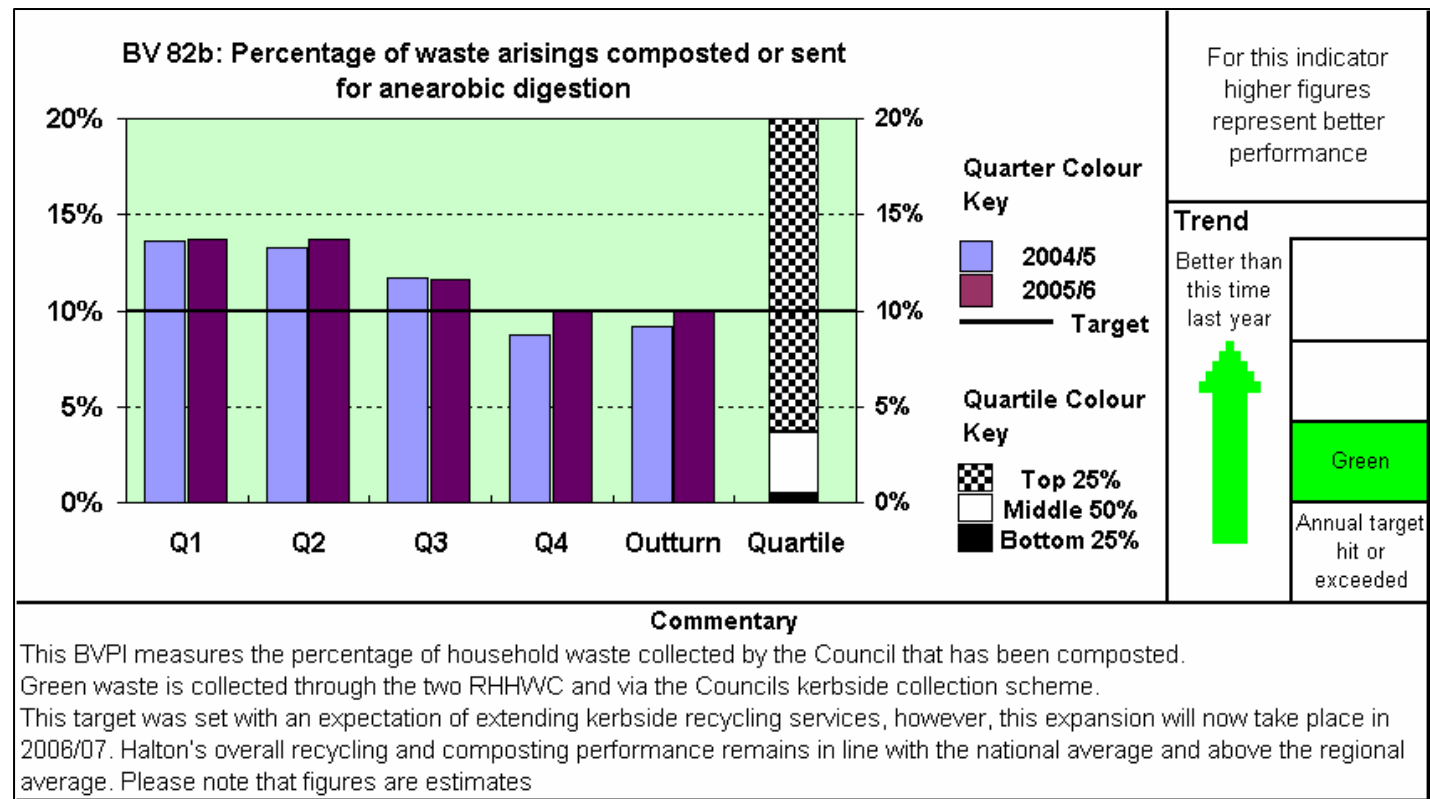
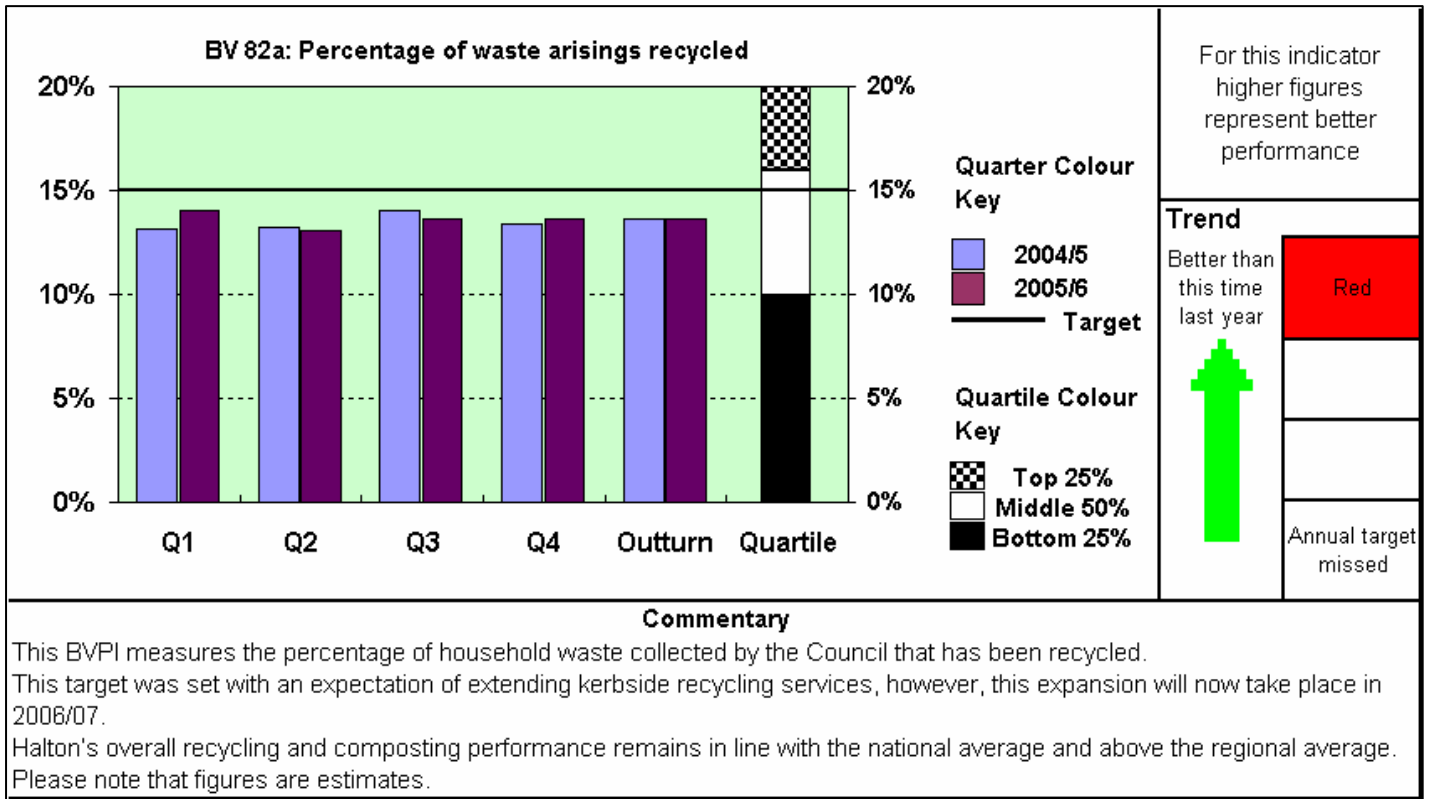
Appendix 1 - Progress against Key Objectives/Milestones
 Appendix 2 - Progress against Key Performance Indicators
 Appendix 3 - Progress against other Performance Indicators
 Appendix 4 - Explanation of Traffic Lights

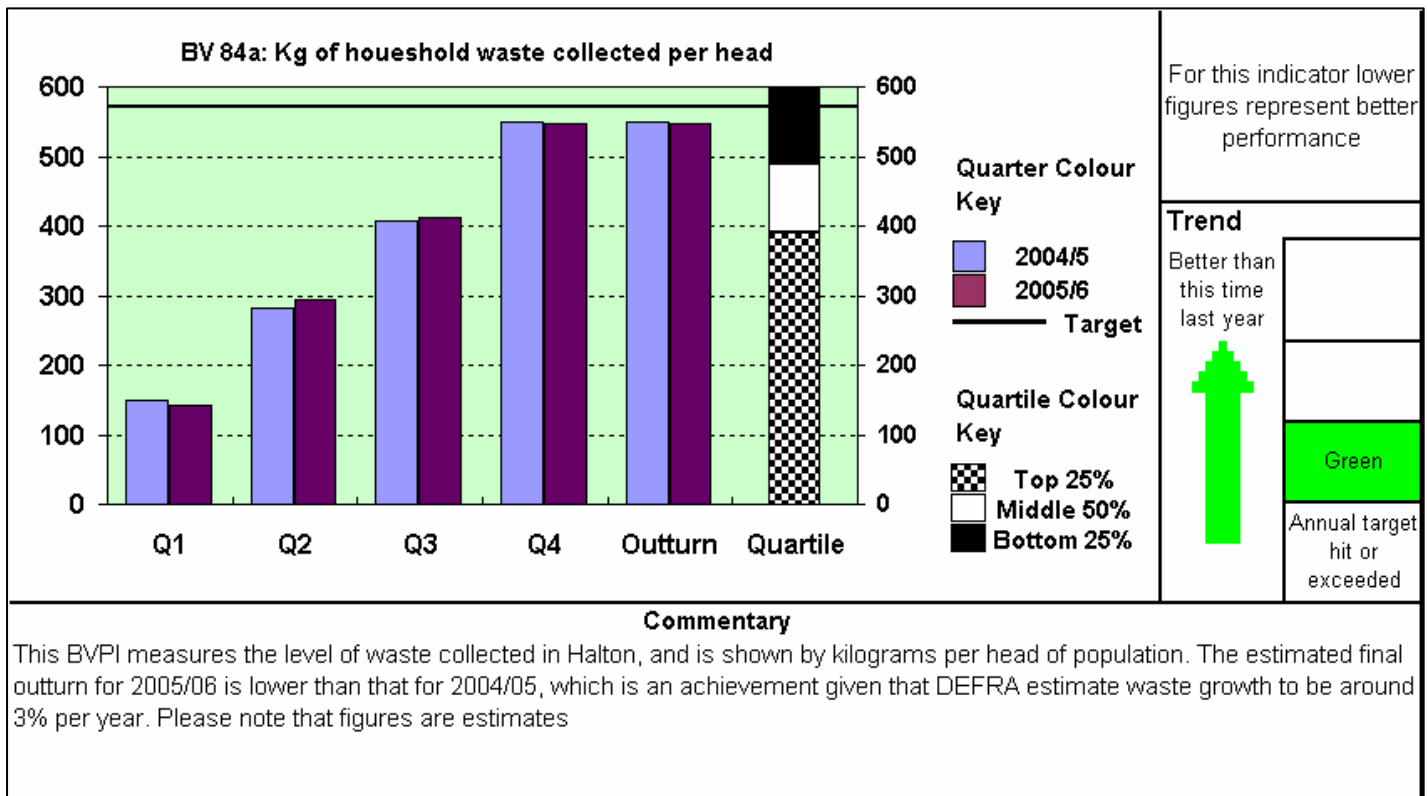
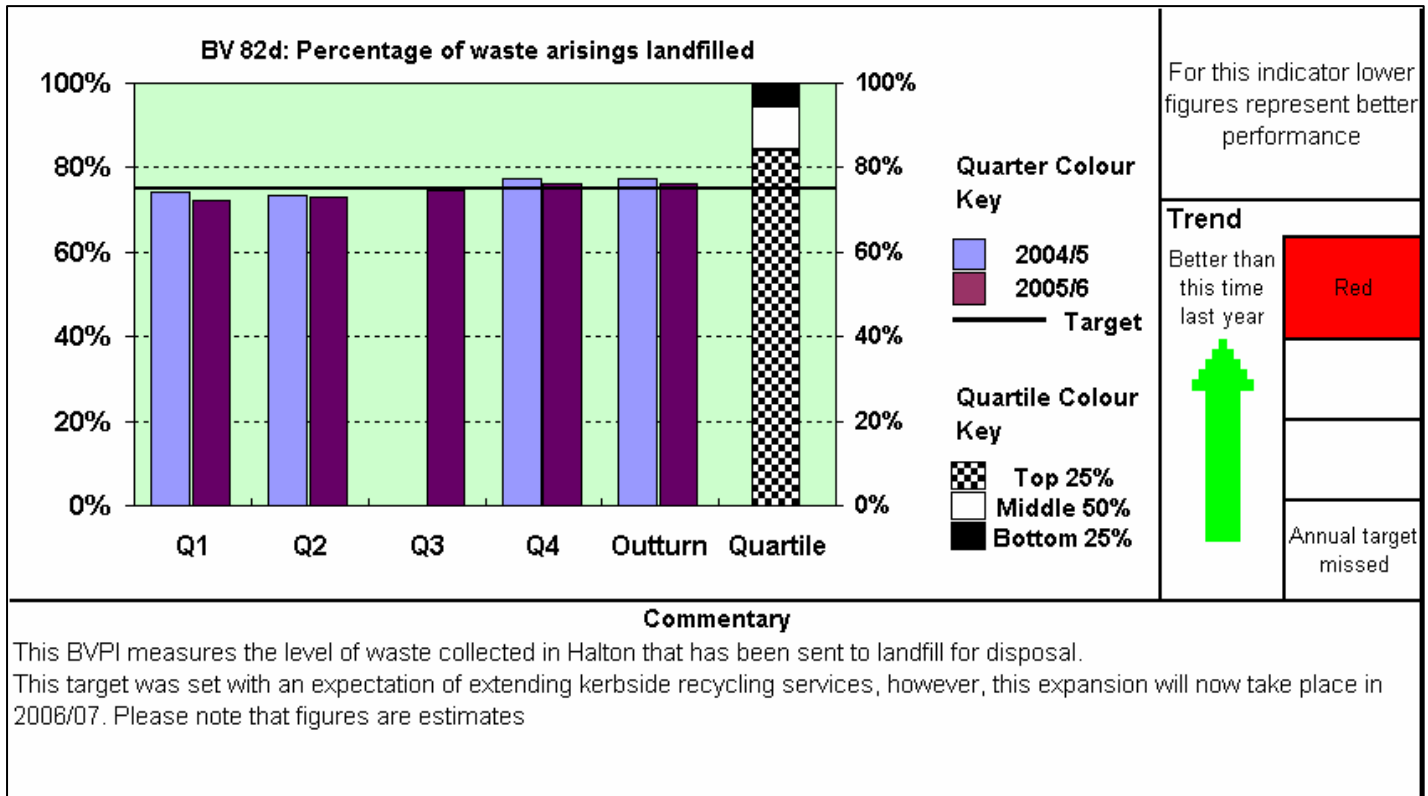
Progress against Key Objectives within Service Plan

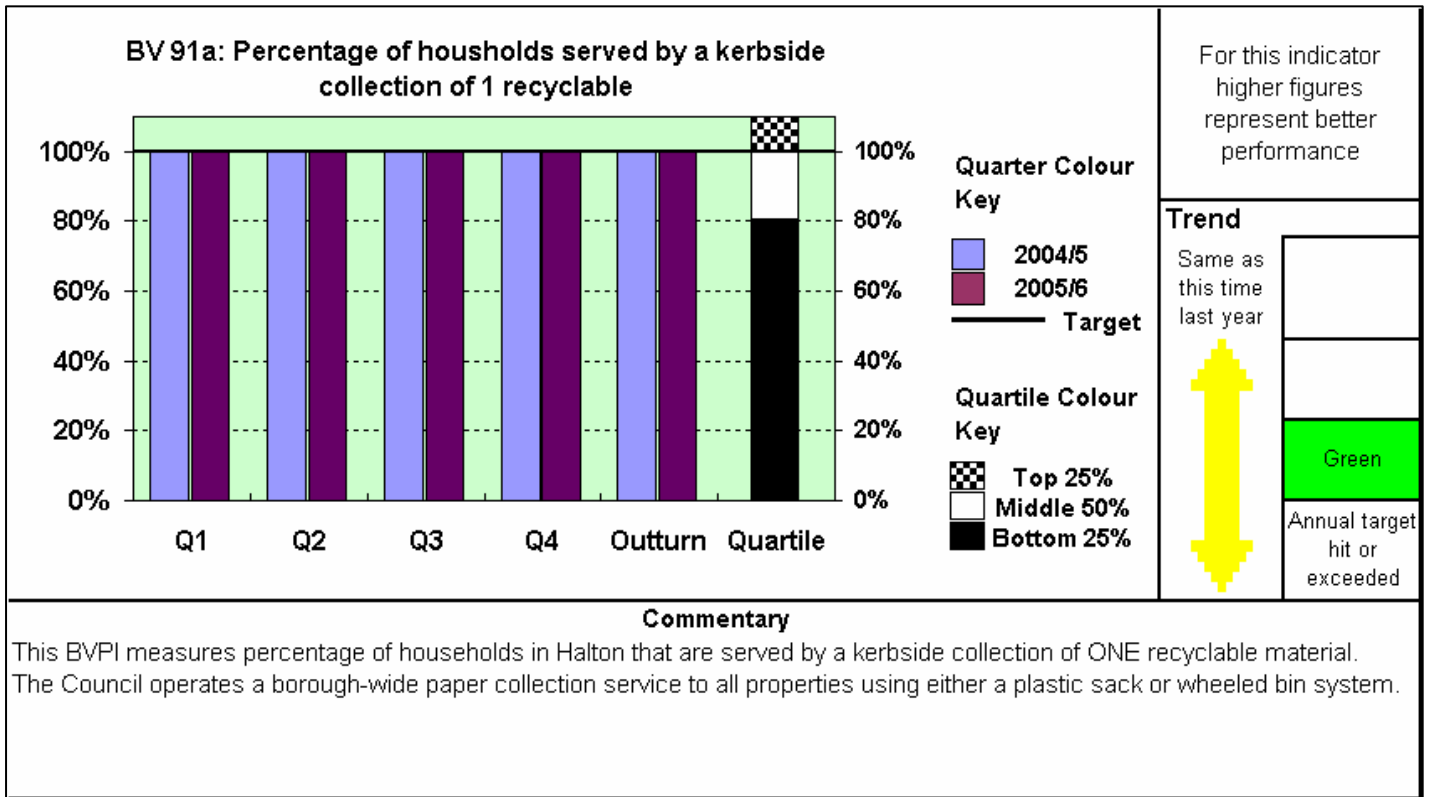
Service Plan Ref.	Objective	Key Milestone	Progress to date	Commentary
NS 21/ SA13	To implement the objectives contained within the Waste Management Strategy for Halton	Identify options and implement		The objectives contained within the Waste Management Strategy continue to be developed and implemented.
NS 22	To introduce 'recycling champions' to promote waste minimisation and recycling in all Council establishments	Champions identified and introduced	Refer to comment	Recycling Champions have been identified at the Council's main buildings, however, due to difficulties introducing some aspects of the recycling services at the relevant buildings, the activities of the individuals have been delayed.
NS 23/ SA13	To obtain external funding from all available sources including DEFRA, WRAP, GONW.	DEFRA direct support for procurement plan, using appointed consultants - to be completed 2005		See section 2.0 'Key Developments' on the front page of this report.
NS 24/ SA10	To engage communities in the delivery of area based service provision in Halton. This will include introduction of neighbourhood waste plans	Introduce new working practices		New working practices for street cleansing, as a result of the 'Street Scene', are now in place.
NS 25	To formalise joint working arrangements with other Local Authorities and the Private Sector where beneficial to the Council.	Recommendations for partnership working to be formally adopted by autumn of 2005		Agreement has now been reached with WBC to move forward with a partnership on a formal basis to jointly let a contract for waste treatment and disposal.
NS 26/ SA12	To procure integrated waste management infrastructure to meet the requirements of the Municipal Waste Management Strategy (To commence in 2008)	Procurement process commenced		As above NS 25

APPENDIX 2

Progress against Key Performance Indicators within Service Plan













The two Local Performance Indicators below are being reported for the first time in Quarter 4.


Both indicators were new for the 05-08 Service Plan. Targets were not set, as the indicators have been measured for the purposes of setting a baseline to inform future year targets.

Indicator Reference	Definition	2005/06 Outturn
LPI 14	% of incidents of offensive graffiti responded to within 24 hours of notification	100%
LPI 15	% of incidents of fly-tipping responded to within 24 hours of notification	89.39%



Progress against other Performance Indicators within Service Plan

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 82a (ii)	Total tonnage of household waste arisings sent for recycling.	8885.57	10055	8906.15		Estimated – awaiting final figures This target was set with an expectation of extending kerbside recycling services, however, this expansion will now take place in 2006/07
BVPI 82b (ii)	Total tonnage of household waste arisings composted or sent for treatment by anaerobic digestion	5957.41	6703	6589.47		Estimated – awaiting final figures This target was set with an expectation of extending kerbside recycling services, however, this expansion will now take place in 2006/07
BVPI 82c (i)	Percentage of household waste arisings used to recover heat, power and other energy sources.	0%	0%	0%	Refer to Comment	The authority does not currently have the facility to dispose of any waste via this method.
BVPI 82c (ii)	Total tonnage of household waste arisings used to recover heat, power and other energy sources.	0	0	0	Refer to Comment	The authority does not currently have the facility to dispose of any waste via this method.
BVPI 82d (ii)	Total tonnage of household waste arisings landfilled.	50,240	50,276	49,942.17		Estimated – awaiting final figures

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
BVPI 84b	Percentage change on previous year in Kg of household waste collected per head	+0.73%	+3.88%	-0.55%		Estimated – awaiting final figures
BVPI 86	Cost of waste collection per household	£26.29	£30.00	-	Refer to comment	Figure not yet available due to large number of year-end financial transactions yet to be processed.
BVPI 87	Cost of waste disposal per tonne for municipal waste.	£42.04	£45.00	-	Refer to comment	Figure not yet available due to large number of year-end financial transactions yet to be processed.
BVPI 89	% of people satisfied with the cleanliness standard in their area	N/A	N/A	N/A	Refer to comment	Triennial Survey – next due in 2006/07
BVPI 90	% of people satisfied with (a) household waste collection (b) waste recycling (c) waste disposal	N/A	N/A	N/A	Refer to comment	Triennial Survey – next due in 2006/07
BVPI 91b	% of population served by a kerbside collection of at least Two recyclables.	48.79%	50.79%	48.79%		This target was set with an expectation of extending kerbside recycling services, however, this expansion will now take place in 2006/07
BVPI 199a	Proportion of relevant land and highways assessed as having combined deposits of litter and detritus that fall below acceptable level (% age)	17%	16%	8%		Estimated Figure

Ref	Indicator	Actual 04 / 05	Target 05 / 06	Quarter 4	Progress	Commentary
LPI 13/ SA12	% of residents satisfaction with the cleansing standards in Halton (Annual PI)	57.9%	-	-	Refer to comment	For efficiency reasons, this survey has not been undertaken during 2005/06. The data will be collected as part of BVPI 89 in 2006/07 by which time StreetScene will have become established.
LPI 16/ SA12	% of dangerous, abandoned vehicles removed within 24 hours of notification	N/A	100%	100%		Target fully achieved for the year.

Explanation of Traffic Lights

	<u>Objective</u>	<u>Performance Indicator</u>
<u>Green</u>	 <p>Indicates that the <u>objective has been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has been achieved</u> or exceeded
<u>Red</u>	 <p>Indicates that that the <u>objective has not been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has not been achieved.</u>

QUARTERLY MONITORING REPORT

DIRECTORATE: Environment
SERVICE: Environmental Health and Planning
PERIOD: Quarter 4 2005/06

1.0 INTRODUCTION

This monitoring report covers the Environmental Health and Planning Department Fourth Quarter period up to 31st March 2006. It describes key developments and progress against all objectives and performance indicators for the service.

Given that there are a considerable number of year-end transactions still to take place, a Financial Statement for the period has not been included within this report in order to avoid providing information that would be subject to further change and amendment.

The way in which traffic lights symbols have been used to reflect progress to date is explained within Appendix 5.

This will be the last report with this remit, with the Environmental Health and Planning Department being integrated with the Landscape and Waste divisions of the former Neighbourhood Services Department to form the newly created Environmental and Regulatory Services Department.

2.0 KEY DEVELOPMENTS

On 10th March 2006 a Health and Safety seminar was organised for businesses in Halton at the Training Centre around 'Slips and Trips'. This was followed by a practical workshop for attendees to learn to use a new slip meter that has recently been acquired by the service that will be available for use after prior arrangement.

A second 'Safer Food Better Business' training session funded by the Food Standards Agency took place at the Halton Stadium to assist food businesses in Halton in preparing their own hazard analysis procedures.

Fixed penalty notices for dog fouling were introduced at the beginning of the year. We have now issued 15 notices resulting in one prosecution for non-payment.

A Supplementary Planning Document, which guides new Industrial

Development was adopted February 2006 and the New Local Development Scheme, which sets out which other documents will follow was adopted in March 2006.

Within the last quarter work on the Core Strategy Document has started and the Sustainability Appraisal Scoping Report has been produced in Draft. This work will result in the longer term with the replacement development plan.

The Council were accredited by the ODPM with 21 "Pendleton" points for electronic planning information on the website. This was the highest mark possible.

Electronic payment and electronic application submission for Development Control and Building Control upgrade work has now been completed. A marketing campaign to improve take up of these services is also planned.

Public accessible GIS application is now live on the Council website. This gives public access to planning application boundaries and the UDP. There has also been integration with the Council's award winning 'Planning Applications Online' system with the addition of a view map button.

3.0 EMERGING ISSUES

Following an historic vote in the House of Commons on 14th February 2006, there will be a total ban on smoking in all public places as part of the Health Bill. The ban may be introduced as early as Summer 2007 and it is now clear that Environmental Health professionals will be responsible for enforcement. The Health & Safety Executive has indicated that they will not enforce the ban on premises they currently enforce legislation. This means that the Council may have to enforce the ban in these additional premises and this could present an additional burden to existing staff.

Over the next year the Contaminated Land Strategy will have to take into account the addition of radioactively contaminated land. This will be an additional type of contamination not previously considered, which could bring further technical and communication challenges to the overall work programme.

The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of our local environment. The Act includes provisions on noise, dogs and statutory nuisances such as light and insects. The commencement date for these provisions is 6th April 2006 and therefore is likely to impact on the workload of the Environmental Protection Group and generate an additional training need for members of staff.

The Food Safety Service are currently working with IT to introduce a service to Halton residents via the Halton website called 'Scores on the Doors'. This will enable the most recent risk scores following a food safety inspection to be made accessible to the public.

4.0 PROGRESS AGAINST KEY OBJECTIVES/MILESTONES



(Appendix 1)

4.1 PROGRESS AGAINST OTHER OBJECTIVES/MILESTONES

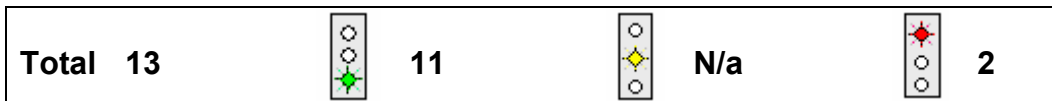


(Appendix 2)

5.0 SERVICE REVIEW

There have been no internal or external service reviews in this quarter.

6.0 PROGRESS AGAINST KEY PERFORMANCE INDICATORS



(Appendix 3)





6.1 PROGRESS AGAINST OTHER PERFORMANCE INDICATORS









(Appendix 4)

7.0 APPENDICES

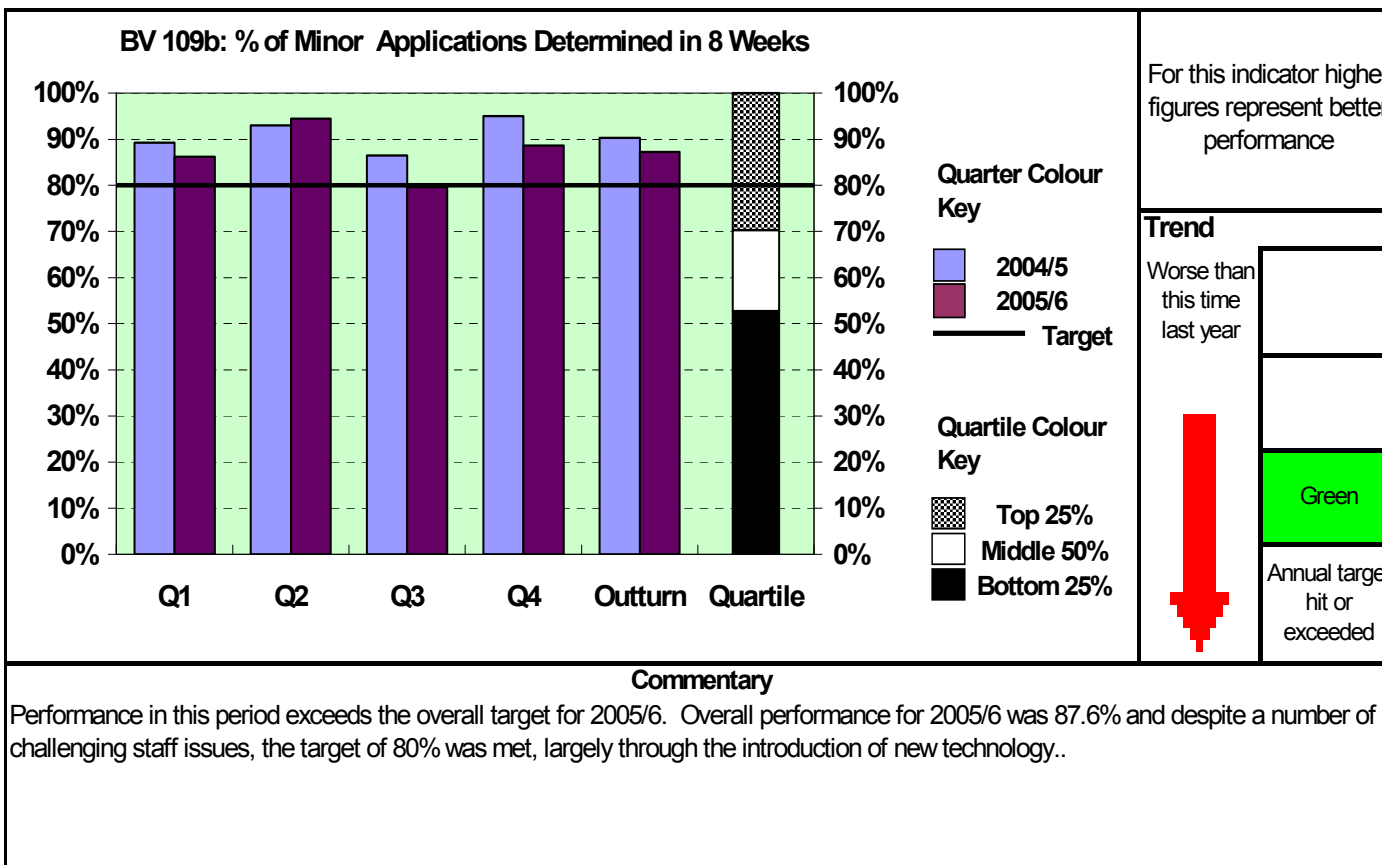
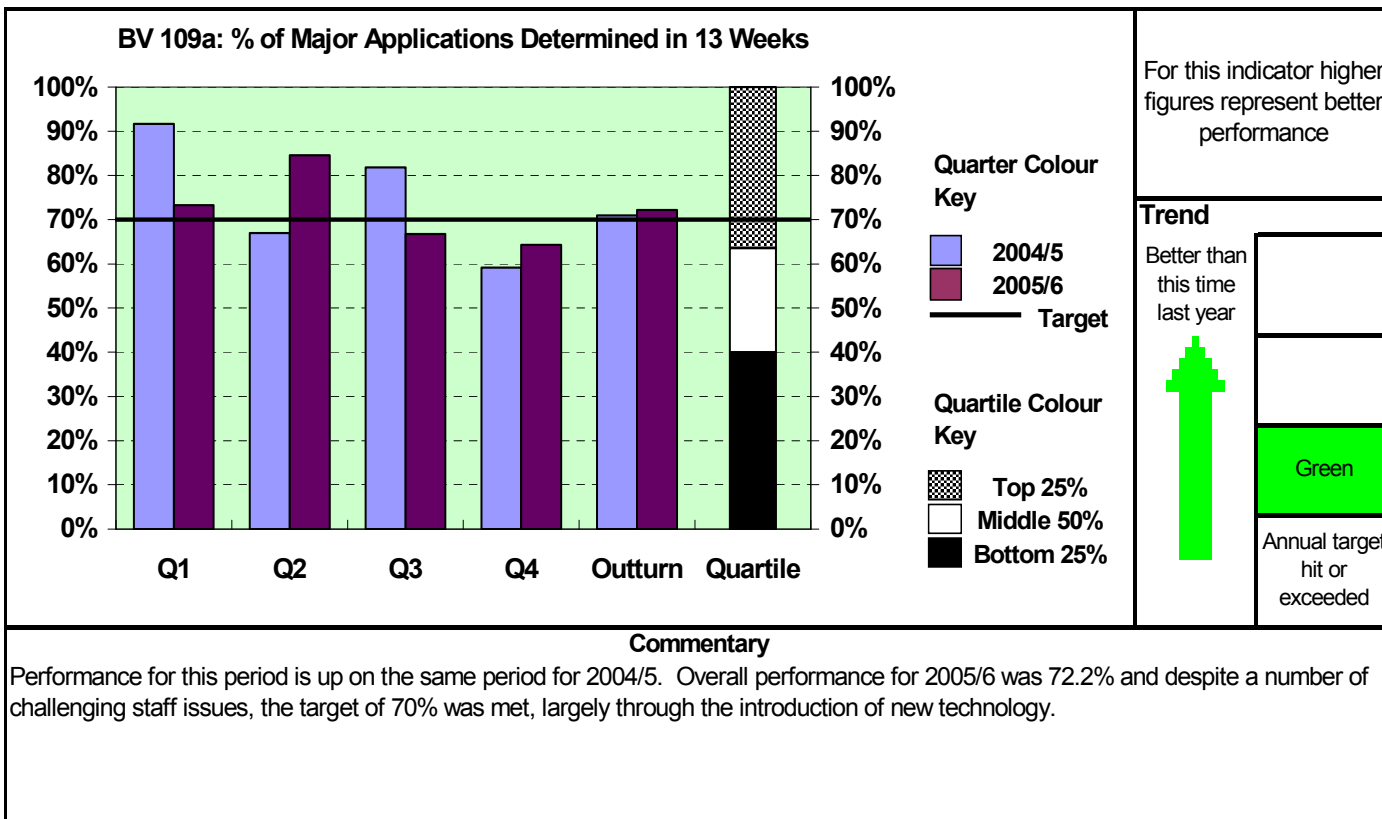
Appendix 1- Progress against Key Objectives/Milestones
Appendix 2- Progress against Other Objectives/Milestones
Appendix 3- Progress against Key Performance Indicators
Appendix 4- Progress against Other Performance Indicators
Appendix 5 - Explanation of Traffic Light Symbols

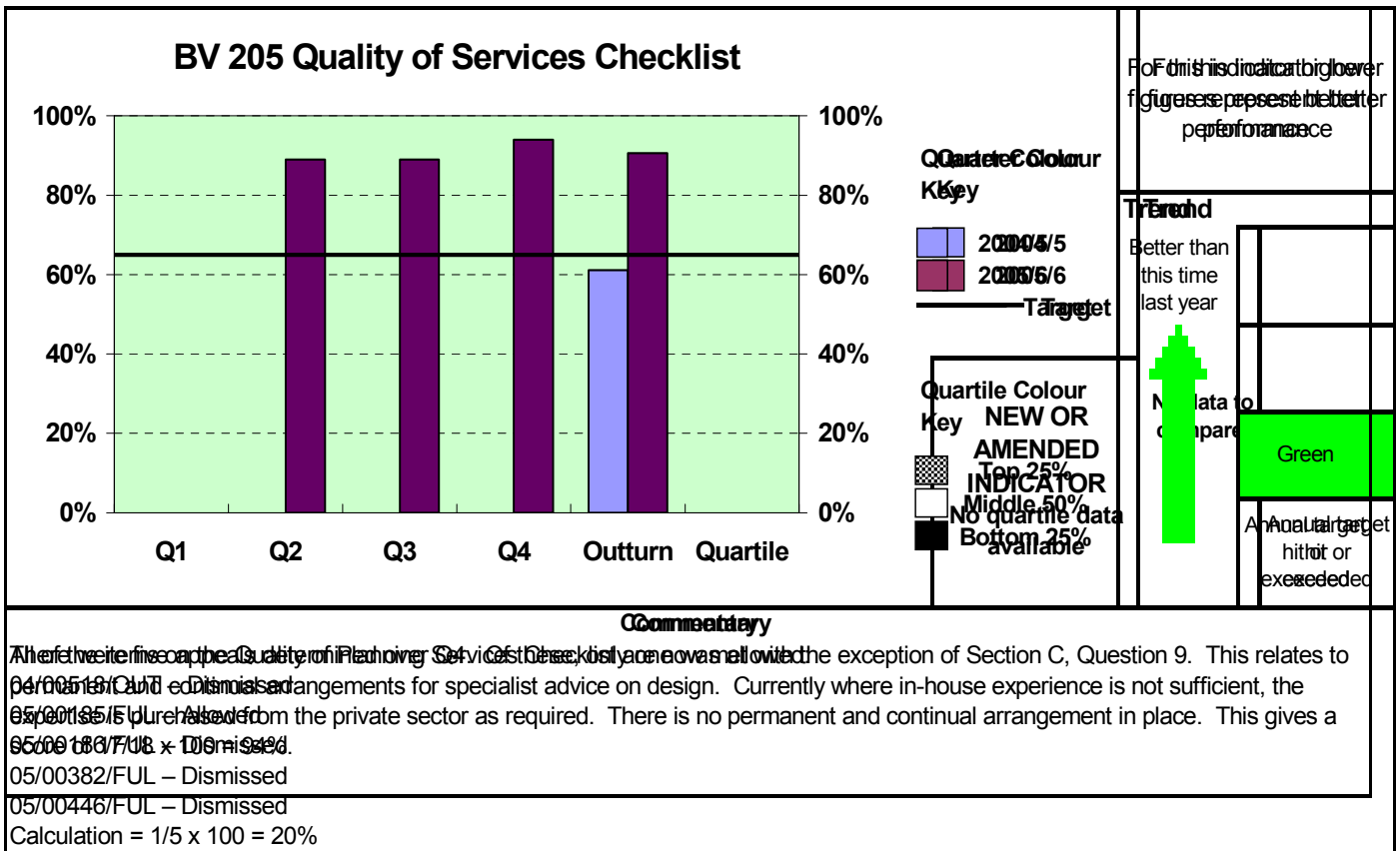
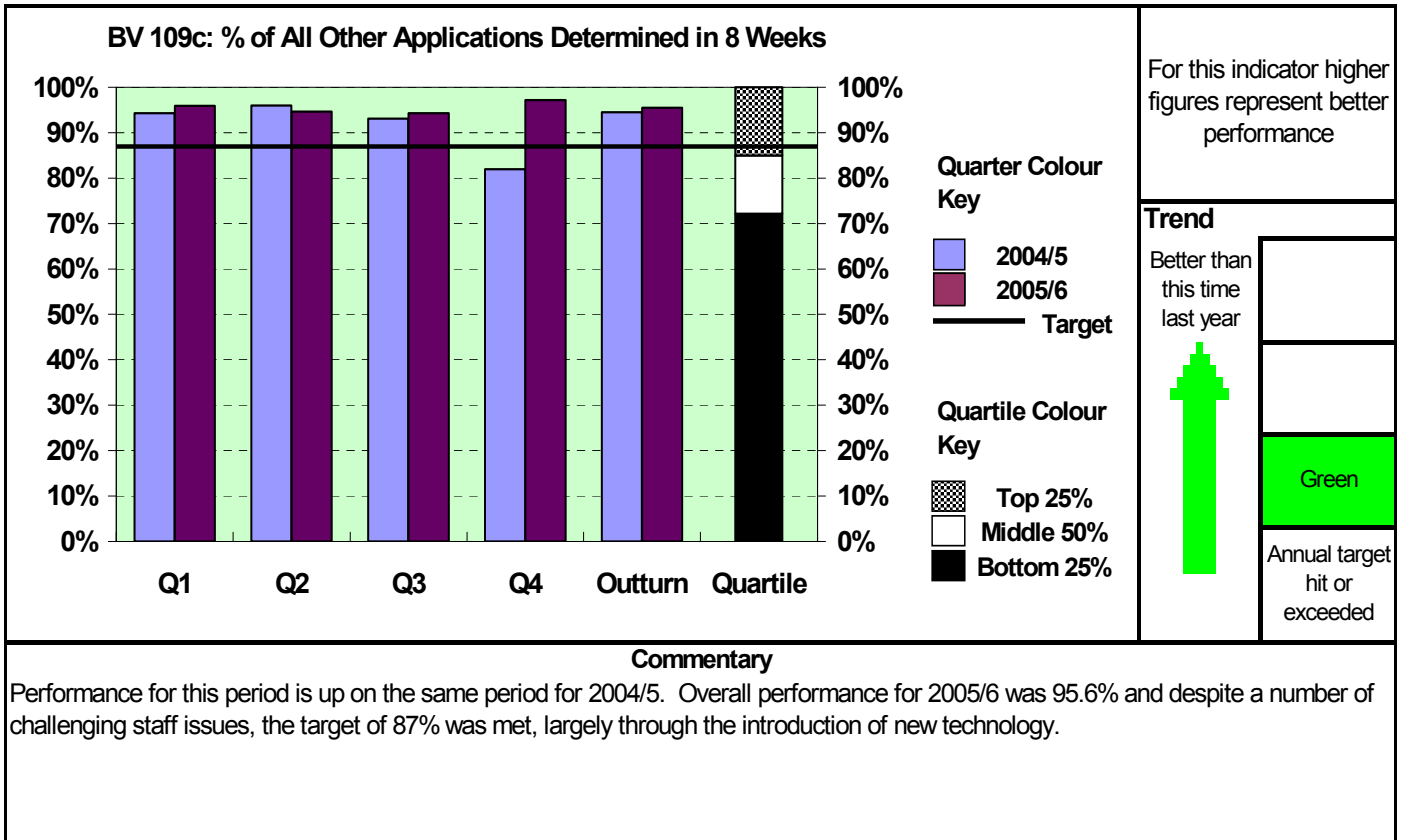
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
Planning				
PL03	Statement of Community Involvement	To be adopted by June 2006		On target. Consultation responses on draft document received and sent to Planning Inspectorate. Inspector to produce a binding report.
PL05	To achieve the timetable and milestones agreed within the Local Development Scheme in respect of the progress made towards the adoption of SPD's/Development Plan documents for Regeneration Action Areas	To achieve the 100% of targets set within the LDS		21 planning policy documents will be produced under the new LDS 2006 programme. Approved 22 nd March. Four SPD's are slightly behind timescale but are still on target for adoption in June 2006. These are the three Town Centre SPD's and the Open Space SPD. Overall scheme on target.
Environmental Health				
EH01	Complete the next annual review of the Food Service Inspection Plan	Review completed and preparations for 2007 review in place. By June 2006.		Completed
EH02	Complete the next annual review of the Health and Safety Service Plan	Annual review and 2006 update shared with members. By end of June 2006.		Completed

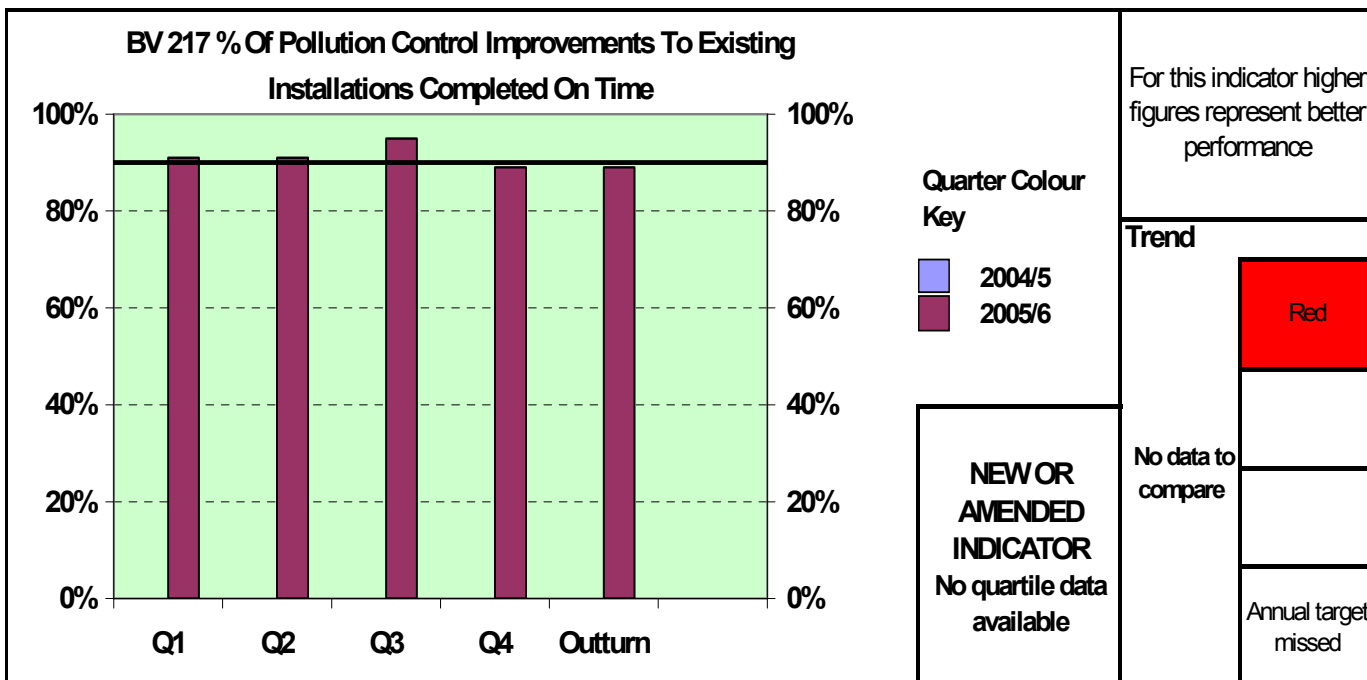
Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
EH05	Undertake annual review and assessment of air quality in line with requirements laid out in the national guidance and report findings to DEFRA	Annual review complete and returns made to DEFRA by 31 st May 2005.		Annual Review completed and review and assessment for 2005-2006 on target for submission 30 th April 2006.
EH06	Continue to implement the Strategy for Inspection of Contaminated Land and finalise the characterisation of the district and the assessments for prioritising the land packages identified as potentially contaminated	Continuation of programme of detailed inspection and quantitative risk assessment underway. Projects of remediation being drafted.		Good progress has been made in the on-going implementation of the Contaminated Land Inspection Strategy. Key work has been completed in the areas of site identification and prioritisation and steady progress has been made with the investigation and assessment of major sites.

Service Plan Ref.	Objective	2005/06 Key Milestone	Progress	Commentary
Planning				
PL04	Local Development Framework – Annual Monitoring Report.	Completed by March 2006.		Completed and submitted to GONW. Confirmed received by GONW 23 rd December 2005. Next AMR due for submission December 2006.
PL06	Annual Housing & Employment monitoring reports (new house building including “Brownfield” sites).	Completed by September 2005.		Complete. Baseline data reports for housing and employment land produced in August 2005. The next set of reports will be issued in August 2006.
Environmental Health				
EH03	To work towards application for the Charter Mark award by the Food and Health and Safety Unit with a target for application.	Preliminary application. By end of April 2006.		Draft application for end April.
EH04	To work towards the Roy Castle Clean Air Awards for businesses in Halton.	Partnership with the PCT to secure funding for co-ordinator. By end of May 2006.		In place.

**APPENDIX TWO – PROGRESS AGAINST OTHER OBJECTIVES/ MILESTONES
Planning & Environmental Health**

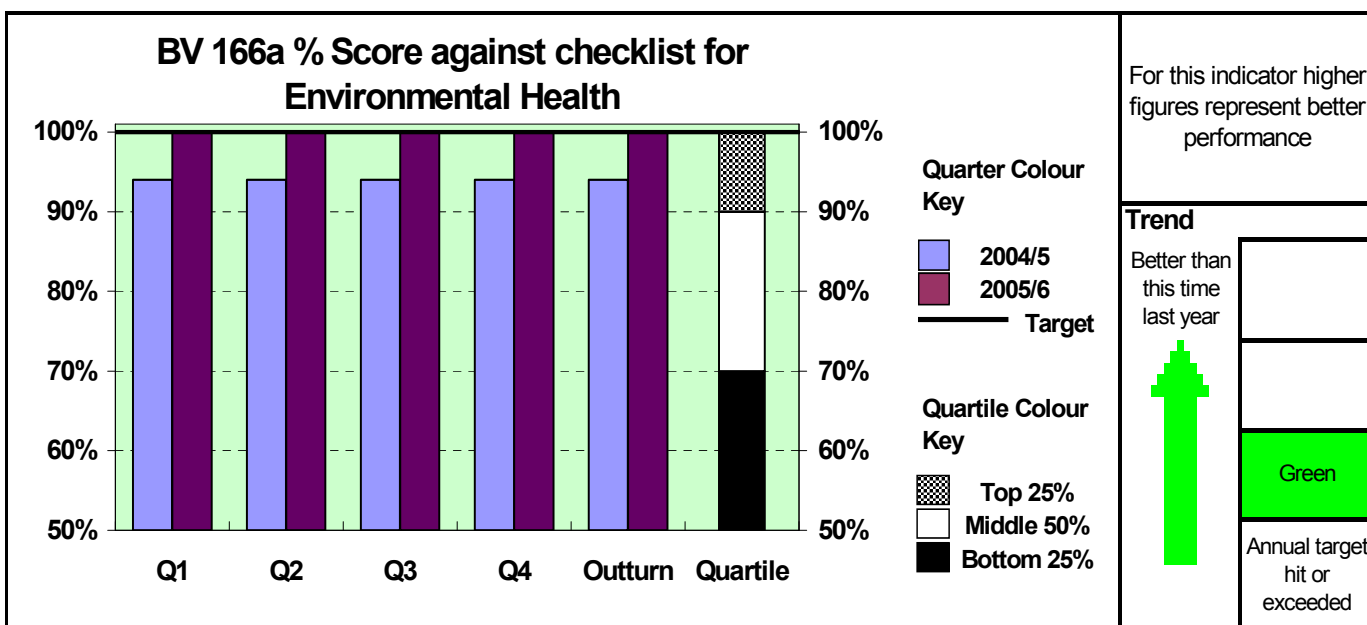






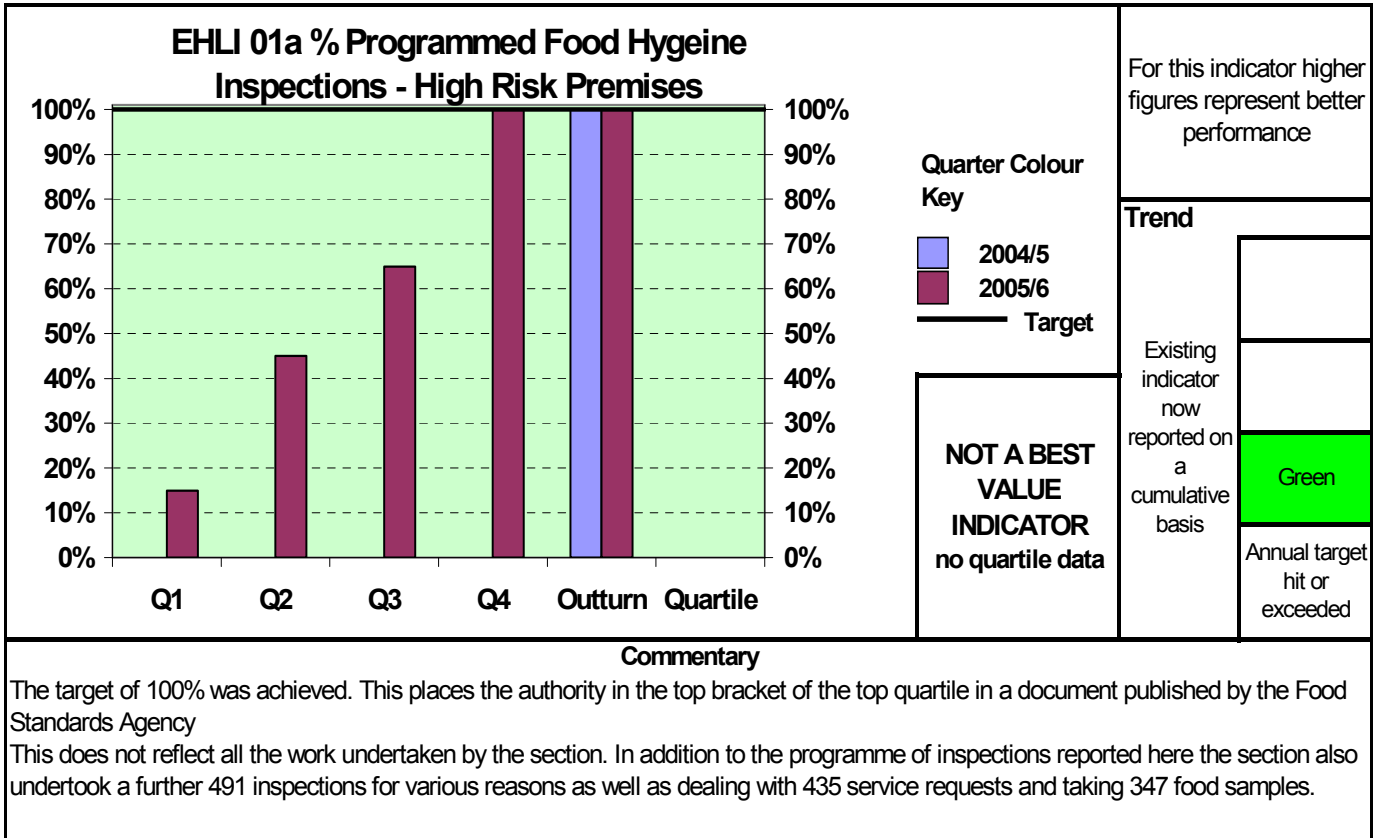
Commentary

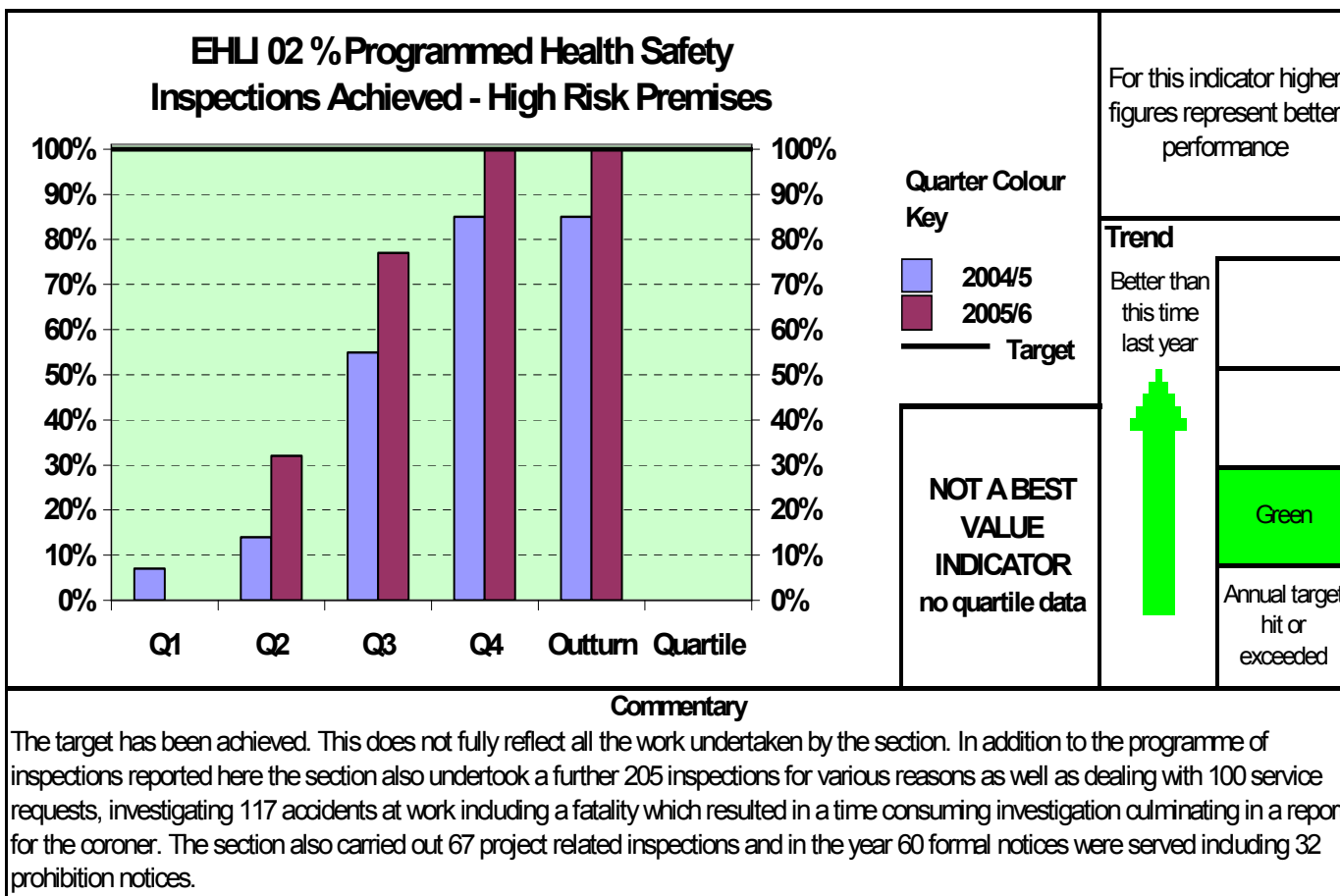
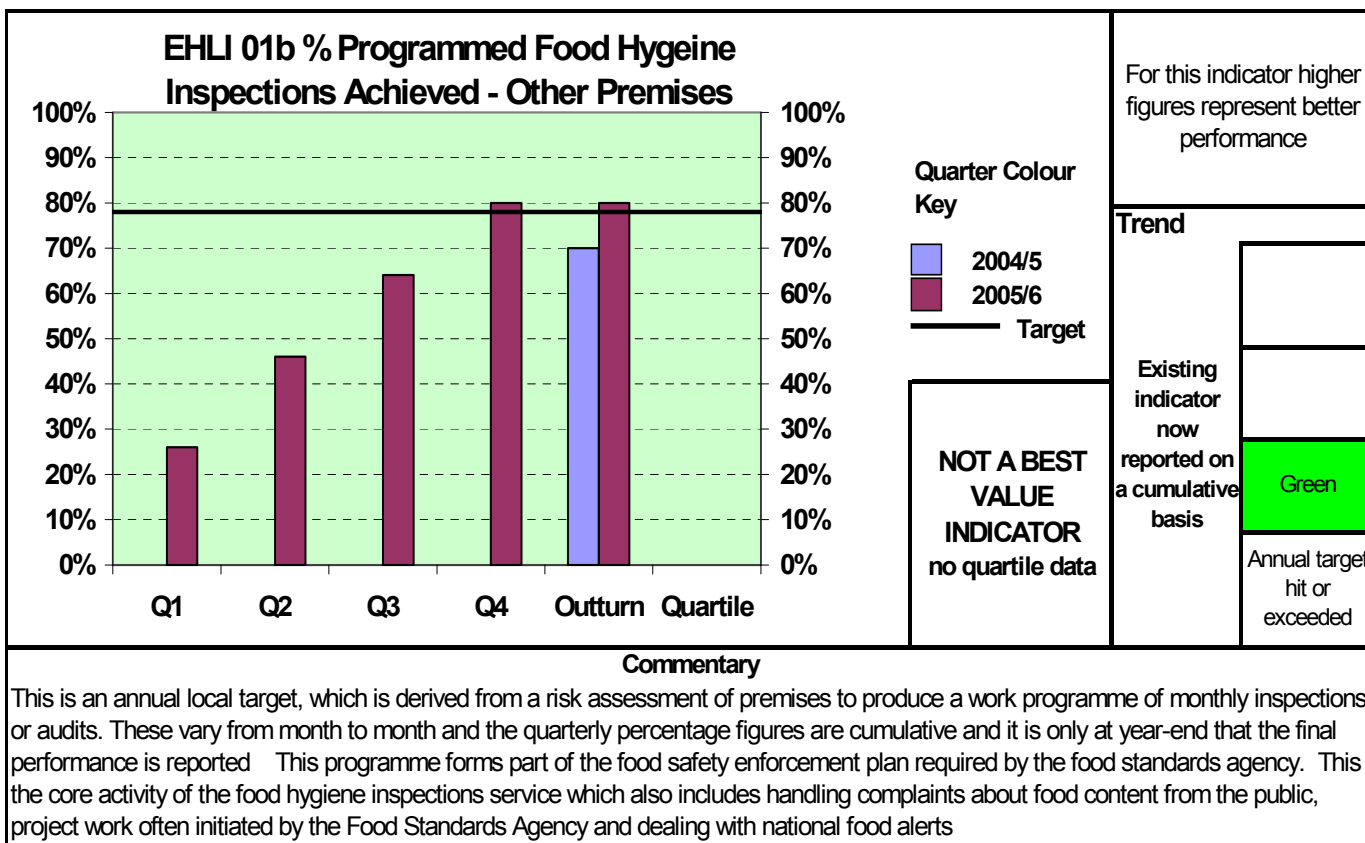
The number of improvements required throughout the year increases as they are identified during audits. The figure for compliance has fallen within the last quarter because of the staff vacancy, which has resulted in improvements not being rigorously enforced.

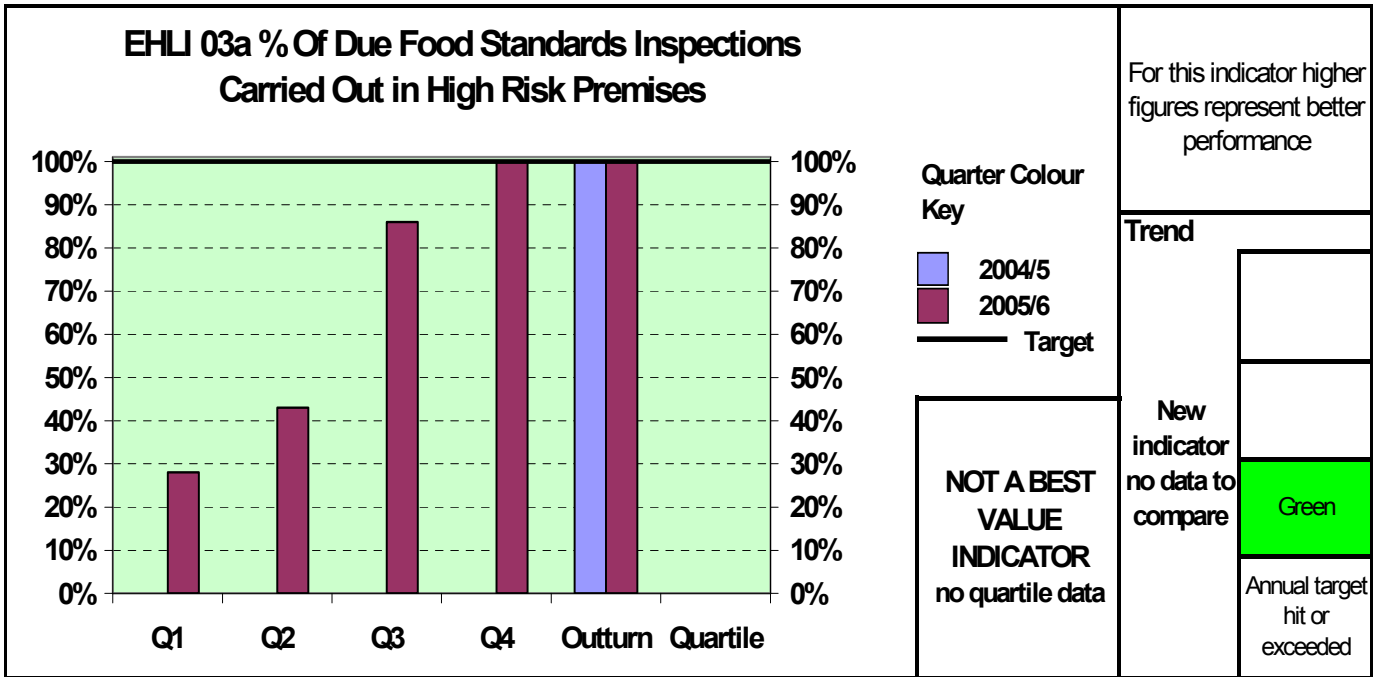


Commentary

This is a measure of how well environmental health undertakes enforcement duties against a national checklist. Local authorities providing Environmental Health services need to report one percentage against their provision of environmental health services. Points are awarded for positive answers to a series of questions. The maximum score for this BVPI is 10 points (100%). This year the section have attained 100%.

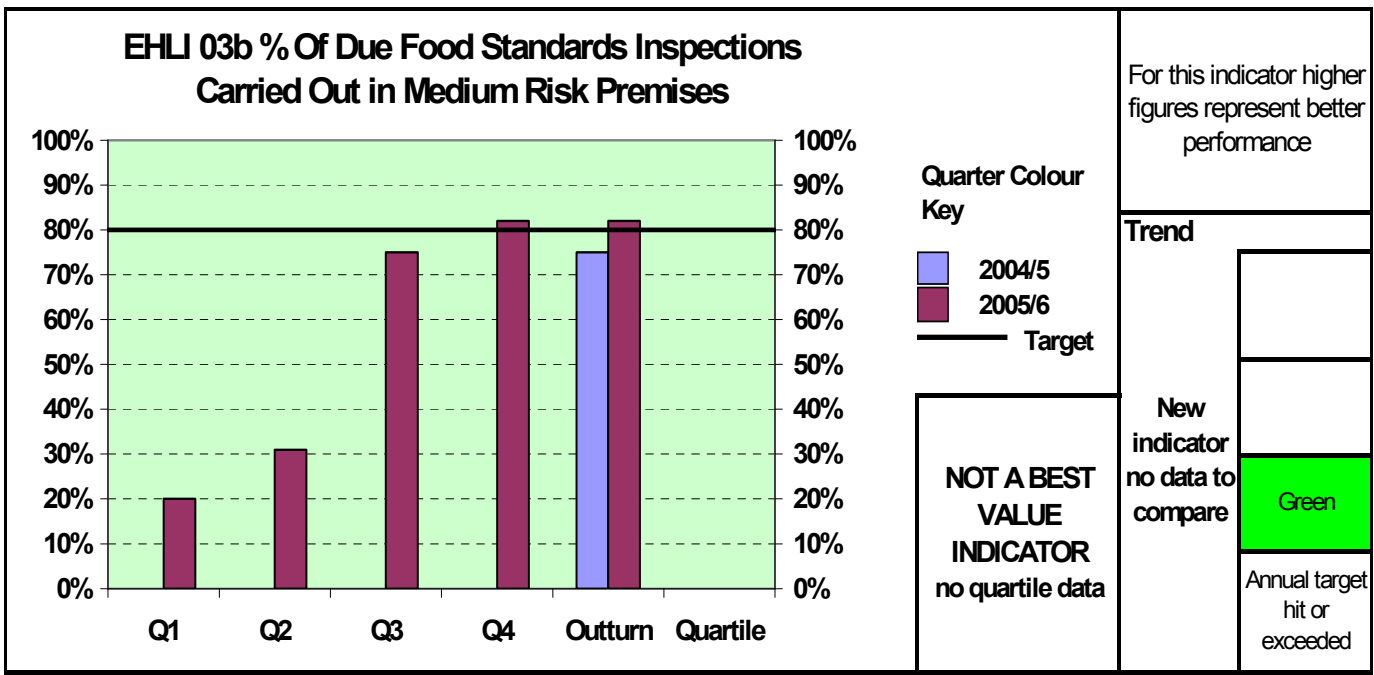






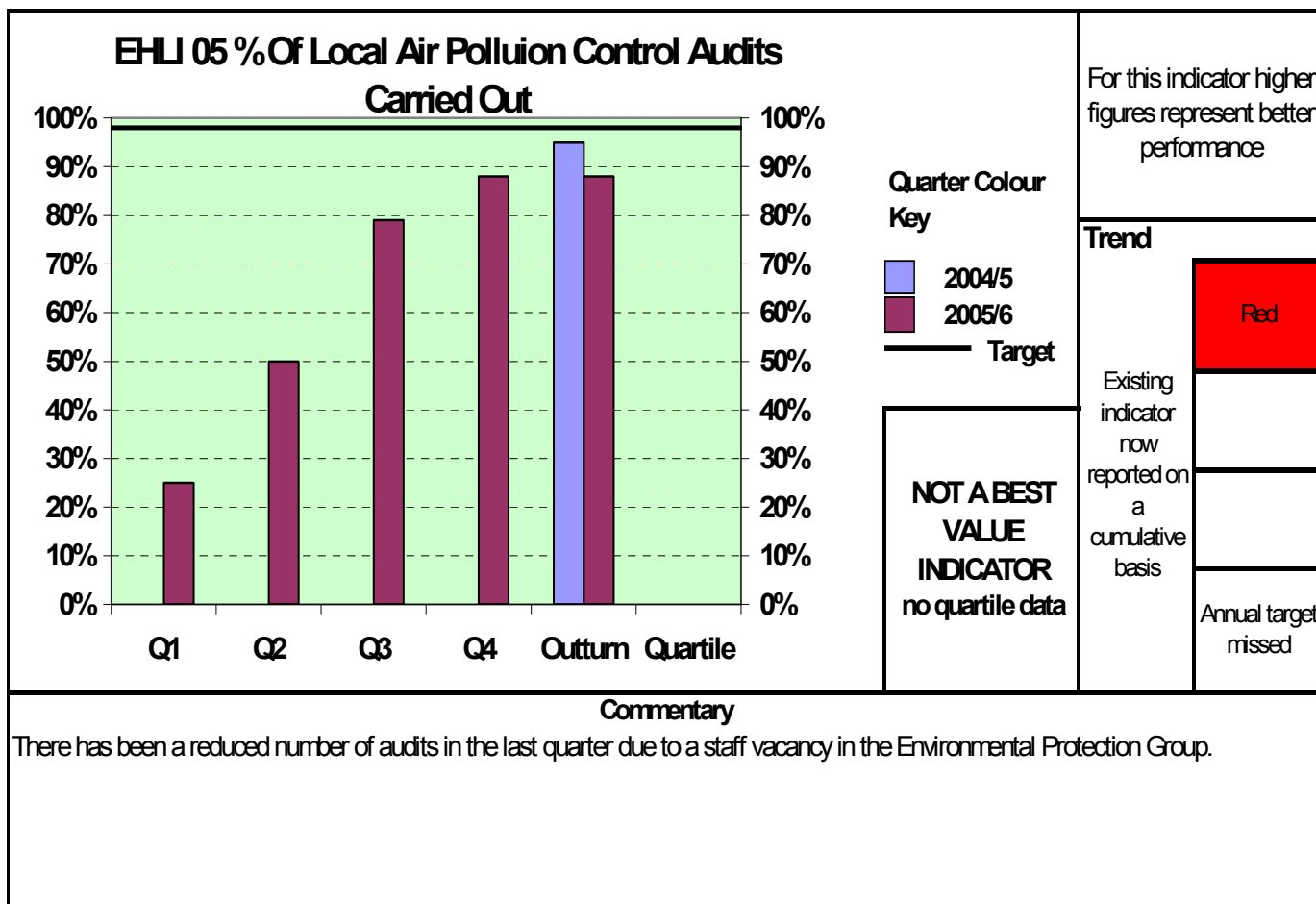
Commentary

This is an annual local target, which is derived from a risk assessment of premises to produce a work programme of monthly inspections or audits. These vary from month to month and the quarterly percentage figures are cumulative and it is only at year-end that the final performance is reported. This programme forms part of the food safety enforcement plan required by the food standards agency. This the core activity of the food hygiene inspections service which also includes handling complaints about food content from the public, project work often initiated by the Food Standards Agency and dealing with national food alerts



Commentary

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BVPI 216a and BVPI 216b (reported annually)

216a Number of sites of potential concern – 283

216b % Of sites with information available to decide if remediation is necessary - 8

Two new environmental Best Value performance indicators, came into effect on 1 April 2005. These are “Identifying contaminated land” – BV216A; and “Information on contaminated land” - BV216B.

The basic idea is simple. BV216A is a total of “sites of potential concern”, which is made up of two types, (a) and (b). Sites turn from type (a) to type (b) as progress is made each year in getting enough information to decide if a site needs remediation. Type (b) – is compared to the total, which provides the percentage required under BV 216B. So, a local authority decides how many “sites of potential concern” it has, at the start of the year. This term is defined, and in essence means sites where remediation may be needed. Type a is where sufficient detailed information is not yet available to decide whether or not remediation is needed, and type b is where there is sufficient detailed information to make this decision.






As 2005-6 is the first year of reporting the new PI this is the year when baseline data is collected .







The figures are intended to be a snapshot of the situation at the year end tracking progress over the year, BV 216a is supposed to be the number of sites of concern at the start of the year (1 April 2005), however the return is based on the figures as of

31 March 2006, as the systems were not yet in place (this issue has been acknowledged in guidance issued by ODPM).



The figures for the sites of potential concern have been identified from the Contaminated Land Inspection Strategy work and from sites brought through the Planning process. It should be noted that further sites of concern will be identified as there is additional refinement of the Inspection Strategy data to be undertaken which will enable it to be reported within the BVPI figures.

The number of sites where sufficiently detailed information has been gathered has been collated entirely from monitoring sites progressing through the planning regime after specific conditions requiring contamination assessments has been applied. A number of sites are currently progressing through the Part IIA regime but none have yet reached the stage where a definitive decision on the need for remediation can be made.

Ref	Indicator	Actual 04/05	Target 05/06	Quarter 4	Progress	Commentary
Planning						
BVPI 200	Plan-Making, a) development plan	No	Yes	Yes		a) On target.
	b) milestones	Yes	Yes	Yes		b) Some slippage on SPD's, overall scheme on target.
	c) monitoring report (new 2005/06)	N/A	Yes	Yes		c) Complete.
BVPI 106	% of new homes built on previously developed land	61%	40%	N/A		Figure is derived annually in April. Quarterly monitor will be in place from year 06/07. No suggestion at this point that target will be missed.
BVPI 219	Preserving the special character of conservation areas, a) The number of conservation areas b) Character appraisals - % of conservation areas with an up-to-date character appraisal c) Management proposals - % of conservation areas with published management proposals	New	a) N/a b) N/a c) N/a	10 0 0		A programme for targets and approach to appraisals is being developed. Of the 10 appraisals required, we will achieve two per year over a five year period.

Ref	Indicator	Actual 04/05	Target 05/06	Quarter 4	Progress	Commentary
LI 01	Maintaining new dwelling building rate in accordance with Regional Policy Guidance.	513	330	N/A		Now Regional Spatial Strategy figure is derived annually in April. Quarterly monitor will be in place from year 06/07. No suggestion at this point that target will be missed.
LI 02	Number of new homes built on previously developed land	311	135	N/A		Figure is derived annually in April. Quarterly monitor will be in place from year 06/07. No suggestion at this point that target will be missed.
LI 03	Average density of new housing developments approved (dwellings per hectare).	82	32	N/A		Figure is derived annually in April. Quarterly monitor will be in place from year 06/07. No suggestion at this point that target will be missed.
LI 04	No. of advertised departures from Statutory Plan approved by the Authority as a % of total decisions made.	0%	0.5%	0.4%		The Authority approved one departure during this period. This was application No. 05/00903/FUL approved 31 st January 2006. This involved an application for C2 use on a site allocated for B1, B2 and B8. 255 decisions were made.
LI 05	No's of private building regulation applications as a % of all applications.	7%	4.0%	9%		25 applications undertaken by NHBC out of 271 applications for the period.
Environmental Health						
LI 4	Respond to environmental protection complaints within three working days.	98%	98%	96%		The figure reported falls slightly below the target because of a staff vacancy in the group.

Application of Traffic Light Symbols

	<u>Objective</u>	<u>Performance Indicator</u>
<u>Green</u>	 <p>Indicates that the <u>objective has been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has been achieved</u> or exceeded.
<u>Red</u>	 <p>Indicates that that the <u>objective has not been achieved</u> within the appropriate timeframe.</p>	Indicates that the annual 05/06 target <u>has not been achieved</u> .