

# Public Document Pack



## Executive Board

Thursday, 19 March 2009 2.00 p.m.  
Marketing Suite, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

**Chief Executive**

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

#### **PART 1**

<b>Item</b>	<b>Page No</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
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, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. HEALTH AND SOCIAL CARE PORTFOLIO</b>	
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<b>4. LEADERS PORTFOLIO</b>	

*Please contact Caroline Halpin on 0151 471 7394 for further information.  
The next meeting of the Committee is on Thursday, 2 April 2009*

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## **PART II**

### **ITEMS CONTAINING "EXEMPT" INFORMATION FALLING WITHIN SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In this case the Board has a discretion to exclude the press and public but, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

## **8. CORPORATE SERVICES PORTFOLIO**

Item

Page No

(A) EFFICIENCY PARTNER - CONTRACT  
ARRANGEMENTS

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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:** Executive Board

**DATE:** 19 March 2009

**REPORTING OFFICER:** Strategic Director – Health & Community

**SUBJECT:** Amendments to Standing Orders relating to changes in Mental Health legislation

**WARD(S)** Borough-wide

**1.0 PURPOSE OF THE REPORT**

1.1 This Report describes changes to mental health law that require amendments to delegated powers contained within the Council's Constitution.

**2.0 RECOMMENDATION:**

**That the Executive Board:**

- i) Note and approve the contents of this Report,**
- ii) Agree the additions and amendments to the Scheme of Delegation, as proposed in paragraphs 3.1.4 and 3.2.6**

**3.0 SUPPORTING INFORMATION**

**3.1 Amendments to Mental Health Act 1983:**

3.1.1 The Mental Health Act 2007 amends a number of the provisions of the 1983 Mental Health Act, although it is this latter Act which remains the primary legislation. The amendments were effective from in November 2008.

3.1.2 Under the 1983 Mental Health Act, Local Authorities were required to appoint Approved Social Workers to fulfil their statutory functions for assessment and, where necessary, compulsory admission to hospital, of people with a mental disorder which was associated with a significant level of risk. The previous Scheme of Delegation within the Constitution reflected this.

3.1.3 The 2007 Act removes as an exclusive function for social workers and gives it instead to a wider range of mental health professionals – social workers, community nurses, mental health occupational therapists and psychologists. They are re-named as Approved Mental Health Professionals (AMHPs).

3.1.4 However, the responsibility for approving and re-approving AMHPs – even though they may be employed by another organisation – still rests with Local Authorities, who must be satisfied that they have completed a complex level of training, and are competent to act as AMHPs. In addition, Local authorities are now able to authorise AMHPs from other Authorities to fulfil duties on their behalf. There is a need for Standing Orders to be amended to address these changes

3.2 Deprivation of Liberty Safeguards (DoLS):

3.2.1 The Deprivation of Liberty Safeguards were introduced in the 2007 Mental Health Act, but act as an amendment to the 2005 Mental Capacity Act. They are implemented as from 1<sup>st</sup> April 2009.

3.2.2 The DoLS were introduced to fill a gap in the legislation, which had been highlighted by a number of significant cases, some of which went to the European Court of Human Rights. The DoLS apply to people who lack capacity to make their own decisions about their care and treatment, who are either in hospital or in residential or nursing care.

3.2.3 On occasion, there is a need to provide a level of care and protection to people which amounts to a restriction on their liberty. This might involve preventing someone who has abused them from visiting them, or providing a security system on the entrance door of an establishment which prevents people from leaving.

3.2.4 The case law decided that, if these restrictions of liberty were added together in individual cases, this might amount to an actual deprivation of their liberty, without any scope for appeal to an external authority who could oversee this. This was deemed to be against their Human Rights. This contrasts with the position of people who are detained under the 1983 Mental Health Act, who can appeal for a review of their case to a legal Tribunal.

3.2.5 A new – and very complex – legal process has been established which requires Local Authorities to consider any potential Deprivation of Liberty under these circumstances, and to issue a time-limited authorisation for this as appropriate. In addition, a new staff role is established, known as Best Interests Assessor, who is required to complete at least one of the six assessments required as part of the authorisation process.

3.2.6 These two new levels of decision-making – authorising the Deprivation of Liberty, and Best Interests Assessor – will need to be included in the Scheme of Delegation. Along with the approval of AMHPs, it is recommended that this is delegated to Operational Director level, with the expectation that the roles themselves are delegated on further as appropriate.

4.0 **POLICY IMPLICATIONS**

4.1 In amending the Scheme of Delegation as proposed, this will allow the Council to fulfil its statutory obligations under the Mental Health Act 1983 and the Mental Capacity Act 2005.

5.0 **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications associated with the proposed amendments to the Council's Constitution. The Department of Health have provided all Local Authorities with a time limited grant to introduce DoLS.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

A very small number of children and young people are subject to detention in hospital under the Mental Health Act 1983. The proposals allow the appropriate action to be taken by AMHPs under these circumstances.

The Deprivation of Liberty Safeguards only apply to people over 18.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

The proposals support the delivery of the best possible care and support for vulnerable people with complex mental health needs.

6.4 **A Safer Halton**

The proposals allow for statutory intervention under the 1983 Mental Health Act for those people with severe mental illnesses who may pose risks to themselves or other people.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 The only risk to the Authority arises if the proposals to amend the Scheme of Delegation are not approved, as the Council will not then be in a position to fulfil its statutory duties. This is not a key decision, however, and there is no need otherwise for a full risk assessment on these actions.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 Not applicable

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Mental Health Act 1983	Runcorn Town Hall	Lindsay Smith
Mental Health Act 2007	Runcorn Town Hall	
Mental Capacity Act 2005	Runcorn Town Hall	
Mental Health Act 1983 Code of Practice	Runcorn Town Hall	
Code of Practice, Deprivation of Liberty Safeguards	Runcorn Town Hall	

**REPORT TO:** Executive Board

**DATE:** 19<sup>th</sup> March 2009

**REPORTING OFFICER:** Strategic Director Corporate and Policy

**SUBJECT:** Local Area Agreement for Halton - 2009 Refresh

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

A Local Area Agreement is a 3-year protocol that sets out the priorities for a local area. This must be agreed between central government and the area itself, as represented by the lead local authority and other key partners through Local Strategic Partnership. Halton has had in place an Agreement since June 2008 covering the period 2008-2011. There is an annual review and refresh of the agreement. The purpose of this report is to consider revisions to the Halton Local Area Agreement.

## **2.0 RECOMMENDATIONS**

- (1) That the revised Local Area Agreement be adopted.**
- (2) That the Chief Executive be given delegated authority in consultation with the Leader and relevant Portfolio-holder to make final amendments to the Local Area Agreement during the course of negotiation and approval by the government.**

## **3.0 BACKGROUND**

The 2008-11 Local Area Agreement (LAA) is undergoing its first annual refresh. The focus of this refresh is to

- agree targets for those indicators for which no baseline information was available last May. This includes all those indicators measured by surveys conducted in the autumn of 2008.
- review a number of targets for which local baseline information was used and which now need to be updated in the light of new national data sets.
- Local partners have also taken the opportunity to review a number of indicators for which targets set nationally for Halton are clearly unachievable.

Government has acknowledged that the ability to meet employment related targets will be affected by the recession. It has been agreed that these will be reviewed next year.



The timetable for the finalisation of the agreement with government is:

**2 March 2009:** submit draft LAA to GONW

**9 March 2009:** GONW submits draft to central government

**9-26 March 2009:** cross-government consideration of refreshed LAAs. Negotiations completed on any outstanding issues.

**27 March:- 1 April 2009** GONW submits final LAAs to Secretary of State for Communities and Local Government.

**Early April:** Secretary of State approval of revised LAAs

Council has delegated to this Board the approval of the Local Area Agreement. Given the above timetable, and that there is not another Board meeting until April 2nd 2009, it is recommended that delegated powers be granted for any further amendments to be made as a result of feedback from government.

A copy of the revised outcomes framework is appended. Those targets which have changed since the LAA was originally approved in 2008 are shaded. At the time of writing negotiations over some targets are continuing. Any further changes will be reported to the meeting of the Board. Two indicators have been deleted from the LAA. The first, NI 124 relates to patients with a long term condition who are supported to live independently. The data for this indicator comes from a patient survey. It is not possible to disaggregate Halton's figures from St Helens, and the survey is not due until 2010, so it is of no benefit to include it in the LAA, and performance in St Helens would affect Halton's reward grant (see below). It has therefore been removed from the agreement but will remain a local priority. The second indicator removed is NI 173, people falling out of work and onto incapacity benefits. The change to the Benefit system relating to incapacity mean that there is no baseline information against which to set targets, and it is not yet clear how it will be measured. As with NI 124, this remains a priority for Halton, but there is no practical means for setting a nd agreeing a target at this stage.

It is important to read the 3 year LAA in the context of the longer term priorities and objectives of the Sustainable Community Strategy . The Sustainable Community Strategy has a longer term vision and also contains other local indicators and targets in addition to those negotiated with government through the LAA.

#### **4.0 LOCAL AREA AGREEMENT REWARD GRANT**

At the end of the Local Area Agreement period, reward grant will be available to Halton. The amount of reward will depend upon progress towards targets, averaged across all indicators in the Agreement. Thus if all targets are met, 100% of the available reward grant will be paid. If on average we have only moved three quarters of the way from current performance to our target, we will only receive 75% of the grant. The maximum available grant is expected to be £891,546. This is

significantly less than the reward grant previously available under the LPSA process which it replaces. There will be additional WNF reward grant weighted towards progress against specified economic indicators.

## **5.0 IMPLICATIONS FOR COMPREHENSIVE AREA ASSESSMENT**

Progress against the LAA targets will form a key part of the CAA assessment. Red flags may be allocated where the Audit Commission considers it unlikely that targets will be met. It is therefore important that the targets in the LAA are ambitious for our community, but realistically achievable. The CAA is an assessment of progress in Halton as a whole, and as such has implications not only for the Council, but also for other partners.

## **6.0 POLICY IMPLICATIONS**

The LAA is based around the priorities and objectives in the Sustainable Community Strategy and Corporate Plan.

## **7.0 OTHER IMPLICATIONS**

The delivery of the LAA will require the application of resources by all the partners in Halton, and consideration of impact on priorities is already part of the Council's budget setting process.

## **8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

The LAA sets out targets for Children and Young People, Employment Learning and Skills, Healthy Halton, Safer Halton and Urban Renewal in Halton.

## **6.0 RISK ANALYSIS**

The key risks to the revision of the LAA are failure to reach agreement with Government, or acquiescence to unrealistic targets.

The risks to delivery of the LAA are the same as the risks to the delivery of our key objectives which are set out in the Corporate Risk Register and Partnership Risk Register.

## **10.0 EQUALITY AND DIVERSITY ISSUES**

The Local Area Agreement is based on the same values that underpin the Community Strategy and Corporate Plan. These make explicit a commitment to equality and diversity. The Agreement reinforces this value-driven system of corporate and partnership working.

## **10.0 REASON (S) FOR DECISION**

Under the Local Government Act (2007) there is a statutory duty on all local authorities to produce a Local Area Agreement to the format and timetable set down by Government.

### **11.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

No other options were pursued. The Agreement process is a prescriptive one and Halton has followed Government guidance.

### **12.0 IMPLEMENTATION DATE**

The Local Area Agreement will come into force when the Agreement in its final form is agreed and signed by the Minister for Local Government. This is expected to take place in April 2009.

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

Halton Local Area Agreement – 2008-11 is available from:  
Rob MacKenzie *2nd floor Municipal Building*  
*Contact number 0151 471 7416.*

## Halton Local Area Agreement – Improvement Targets (Designated)

### Statutory Education & Early Years Targets

<i>Priority</i>	<i>Indicators</i>	<i>Baseline (2007/08 unless specified otherwise)</i>	<i>Targets 2008/09</i>	<i>Targets 2009/10</i>	<i>Targets 2010/11</i>	<i>Lead partner</i>
NI 72	Early Years Foundation Stage Attainment	43.9%	44.8%	48%	49%	CYPD PVI Early Years Providers
NI 73	Proportion achieving L4+ at KS2 in both English and Maths	71.7%	N/A	77%	77%	CYPD Schools

NI 74	Proportion achieving L5+ at KS3 in both English and Maths	62%	N/A	71%	74%	CYPD Schools
NI 75	Proportion achieving 5 A*-C GCSE including English and Maths	41.1%	44%	49%	49%	CYPD Schools
NI 83	Proportion achieving L5+ at KS3 in Science	68%	74%	76%	80%	CYPD Schools
NI 87	Secondary School persistent absence rate	7.2% 2006/07 school year.	9% (half days missed)	6.5%		CYPD Schools

NI 92	Achievement Gap at Early Years Foundation Stage	33.8% (LA % gap between median and bottom 20%)	31.7%	30.65%	30.25%	CYPD Schools
NI 93	Proportion progressing by two levels at KS2 in English	63.1% Calculated from matched data in CYP Database.  This data may not be 100% accurate.	N/A	89%	89%	CYPD Schools
NI 94	Proportion progressing by two levels at KS2 in Maths	61,4% Calculated from matched data in CYP Database.  This data may not be 100% accurate.	N/A	87%	87%	CYPD Schools
NI 95	Proportion progressing by two levels at KS3 in English	18% (267 out of 1479)	N/A	30%	33%	CYPD Schools

NI 96	Proportion progressing by two levels at KS3 in Maths	51% (755 out of 1491)	N/A	60%	66%	CYPD Schools
NI 97	Proportion progressing by two levels at KS4 in English	59% (KS3 to KS4 – 885 out of 1505)	N/A	64%	73%	CYPD Schools
NI 98	Proportion progressing by two levels at KS4 in Maths	26% (395 out of 1525)	N/A	30%	32%	CYPD Schools
NI 99	Proportion of CiC achieving Level 4 at KS2 in English	100% (6 out of 6)	50%	33.3%	37.5%	CYPD Schools Corporate Parents

NI 100	Proportion of CiC achieving Level 4 at KS2 in Maths	83% (5 out of 6)	50%	33.3%	37.5%	CYPD Schools Corporate Parents
NI 101	Proportion of CiC achieving 5 A*-C GCSE	12.5% (1 out of 8)	18.75%	21.4% (inc E&M)	25%	CYPD Schools Corporate Parents



## Halton Local Area Agreement – Improvement Targets (Designated)

<i>Priority</i>	<i>Indicators</i>	<i>Baseline (2007/08 unless specified otherwise)</i>	<i>Targets 2008/09</i>	<i>Targets 2009/10</i>	<i>Targets 2010/11</i>	<i>Lead partner <b>(in bold)</b> &amp; supporting partners</i>
NI 5	Overall satisfaction with the area	70% (2008)	N/A	N/A	73.4%	<b>HBC</b> HVA PCT Police RSLs
NI 7	Environment for a thriving third sector	22.2%	N/A	N/A	29.7% <b>(not yet agreed)</b>	<b>HVA</b> HBC PCT Police
A measurable improvement, calculated in accordance with published OTS guidance. Based on the results of the 2008 national survey of third sector organisations, it is estimated that the required improvement in Halton will be around 7.5 percentage points. <u>This remains an estimate</u> . The final target will be confirmed once the 2010 national survey of third sector organisations has reported".						
NI 8	Adult participation in sport	20.13% (2006)	22.13%	23.13%	24.13% <b>(not yet agreed)</b>	<b>LA</b> PCT Vol Sector
NI 16	Serious acquisitive crime rate	16.47 (per 1000 population)  1968	16.05 (per 1000 population)  1918	15.64 (per 1000 population)  1870	15.23 (per 1000 population)  1820	<b>Cheshire Constabulary &amp; CDRP Partner agencies.</b>
NI 17	Perceptions of anti-social behaviour	24.3% (08)	N/A	N/A	21.2%	<b>CDRP Partners / (Community Safety Team)</b>

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	Lead partner (in bold) & supporting partners
NI 20	Assault with Injury crime rate	1269 (rate per 1000)	1148 (rate per 1000)	1105 (rate per 1000)	1062 (rate per 1000)	<b>Cheshire Constabulary &amp; CDRP Partner agencies.</b>
NI 30	Re-offending rate of prolific and priority offenders.	19%	N/A	19%	Ratio of 1.16	<b>Cheshire Constabulary / Probation &amp; CDRP Partner Agencies / (Community Safety Team)</b>
		In year 2 (2009/10), the agreed improvement target is 19%, based on a ratio of 1.16. 1.16 will accordingly be applied to the expected level of performance for the refreshed year 3 cohort, which will be identified before the beginning of year 3, to produce the percentage year 3 improvement target.				
NI 32	Repeat incidents of domestic violence	N/A	28%	N/A	27%	Cheshire Constabulary & CDRP Partner Agencies
NI 33	Arson incidents	1277	1024 -20%	937 -27%	855 -33%	<b>Fire &amp; Rescue Service,</b> Police + PCSOs, Youth Services, HBC, Schools, Businesses
NI 39	Alcohol-harm related hospital admission rates – Rate per 100 000 admissions	2180	2313	2323	2309	<b>PCT</b> Hospital Trusts Mental Health Trusts LA DAAT Police Schools Vol sector

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	Lead partner (in bold) & supporting partners
NI 40	Drug users in effective treatment	513	518	523 <b>(not yet agreed – calculation error)</b>	528 <b>(not yet agreed – calculation error)</b>	<b>DAAT</b> CDRP
NI 53	Prevalence of breastfeeding at 6- 8 weeks from birth <b>(* Indicative figures- this data will be refreshed in 2009/10- Quarter 4 2008/9 will form baseline for 2009/10)</b>	15.5%	18%*	21%*	23%*	<b>PCT</b> Public Health CYPD
	<b>Completeness of data capture 6-8 weeks</b>	0%	85%	90%	95%	
NI 56	Obesity among primary school age children in Year 6	22.4%	21.3%	21.3%	21.3%	<b>PCT</b> Public Health Schools CYPD

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	<b>Lead partner (in bold) &amp; supporting partners</b>
Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	<b>Lead partner (in bold) &amp; supporting partners</b>
Line 6	Total number of primary school age children in Year 6 recorded as obese for their age in the past school year. *	269	260	256	251	
Line 7	Total number of primary school age children in Year 6 with height and weight recorded in the past school year.	1200	1220	1200	1180	
Line 8	Total number of primary school age children in Year 6.	1410	1430	1410	1380	
Line 9	Percentage of children in Year 6 with height and weight recorded who are obese. *	22.4	21.3	21.3	21.3	
Line 10	Percentage of children in Year 6 with height and weight recorded.	85	85	85	86	

NI 63	Stability of placements of looked after children	69%	73%	77%	81.5%	<b>CYPD</b> Carers & Residential Providers Corporate Parents
<b>Priority</b>	<b>Indicators</b>	<b>Baseline (2007/08 unless specified otherwise)</b>	<b>Targets 2008/09</b>	<b>Targets 2009/10</b>	<b>Targets 2010/11</b>	<b>Lead partner (<i>in bold</i>) &amp; supporting partners</b>
NI 80	Achievement of a Level 3 qualification by the age of 19	34% (2006/07)	38.9%	40.5%	42.22% (PSA) 54%	<b>14-19 Partnership</b> LSC Connexions CYPD Post-16 Providers Schools
NI 111	First time entrants to the Youth Justice System aged 10-17	1960 (rate per 100,000) (249)	1875 (rate per 100,000) (239)	1859 (rate per 100,000) (237)	1836 (rate per 100,000) (234)	<b>YOT</b> CYPD Schools Connexions Youth Service
NI 112	Under 18 conception rate	(rate per 1000)	Current is 179 conceptions	N/A	<b>Target is 125 – reduction of 54 but needs to be converted to %age if agreed</b>	<b>Preventative Service Board</b> CYPD PCT Public Health Schools Commissioned Services
NI 115	Substance misuse by young people	12.6%	N/A	N/A	9.8%	<b>Preventative Service Board</b> CYPD PCT Public Health Schools Commissioned Services

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	Lead partner (in bold) & supporting partners
NI 116 (To be reviewed in 2010)	Proportion of children in poverty –	27%	26%	25.2%	24.2%	HBC JCP/DWP College
NI 117 <b>WNF Reward Indicator</b> (To be reviewed in 2010)	16-18 year old not in education, training or employment	11.5%	9.9%	10.5% <b>(not yet agreed)</b>	10.1% <b>(not yet agreed)</b>	<b>14-19 Partnership</b> LSC Connexions CYPD Post-16 Providers Schools
NI 120	All-age all cause mortality	Males 906 Females 673	Males 847 Females 622	Males 812 Females 604 <b>(not yet agreed)</b>	Males 778 Females 585 <b>(not yet agreed)</b>	<b>PCT</b> LA Acute Trusts
NI 123	16+ current smoking rate prevalence	914	1038	1082	1128	<b>PCT</b> LA Acute Trusts Schools/colleges
NI 139	People over 65 who say that they receive the information, assistance and support needed to exercise choice and control to live independently.	30.4% (2008 survey)	N/A	N/A	32.8%	<b>LA</b> PCT Vol sector

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	<b>Lead partner (in bold) &amp; supporting partners</b>
NI 142	Number of vulnerable people supported to maintain independent living	98.17%	98.51%	98.69%	99.04%	<b>LA</b> PCT RSLs Cheshire Probation DAAT Commissioned Providers
NI 150	Adults in contact with secondary mental health services in employment	10.2 (Nov 2008)	N/A	N/A	11.2	<b>HBC</b> 5 Borough Partnership JCP
NI 153 <b>WNF</b> <b>Reward Indicator</b> (To be reviewed in 2010)	Working age people claiming out of work benefits in the worst performing neighbourhoods	31.5%	30.5%	29.5%	28.5%	<b>Job Centre Plus</b> HBC
NI 154 (To be reviewed in 2010)	Net additional homes provided	522	518	518	518	<b>RSLs</b> Housing Industry HBC
NI 163 <b>WNF</b> <b>Reward Indicator</b>	Working age population qualified to at least Level 2 or higher	60.1 (2006)	64.0	65.7 (yet to be confirmed by G Collins)	67.5 (yet to be confirmed by G Collins)	<b>LSC</b> HBC
NI 171	VAT registration rate	42.3%	N/A	N/A (yet to be confirmed by G Collins)	41.12% (yet to be confirmed by G Collins)	<b>HBC</b> Enterprise Board

Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	Lead partner (in bold) & supporting partners
NI 175	Access to services and facilities by public transport walking and cycling					
NI 175	LTP1A – Access to Whiston Hospital	29%	100%	100%	100%	<b>HBC</b> Transport Operators Transport partnership
NI 175	LTP1B – Access to Warrington Hospital	0%	100%	100%	100%	<b>HBC</b> Transport Operators Transport partnership
NI 175	LTP1C – Access to Runcorn College Campus	84%	87%	88%	89%	<b>HBC</b> Transport Operators Transport partnership
NI 175	LTP1D – Access to Widnes College Campus	89%	91%	92%	93%	<b>HBC</b> Transport Operators Transport partnership



Priority	Indicators	Baseline (2007/08 unless specified otherwise)	Targets 2008/09	Targets 2009/10	Targets 2010/11	Lead partner (in bold) & supporting partners
NI 186	Per capita CO2 emissions in LA area	10.1 tonnes per capita (2005)	3.76% 9.72 tonnes	7.52% 9.35 tonnes	11.1% 8.98 tonnes (Reduction of 3.6% tonnes LA initiative + 7.5% tonnes from Government initiatives)	Urban Renewal SSP Defra
NI 192	Household waste recycled and composted	25.1% (2007/08)	28%	31%	34%	Urban Renewal SSP HBC

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**REPORT TO:** Executive Board

**DATE:** 19 March 2009

**REPORTING OFFICER:** Strategic Director, Environment

**SUBJECT:** Review of Strategic Regional Sites: consultation

**WARD(S):** Borough-wide

## **1. PURPOSE OF REPORT**

1.1 To seek authority to formally respond to the North West Development Agency consultation on the Review of Strategic Regional Sites.

## **2. RECOMMENDED: That**

- (1) the designation of both 3MG (Ditton) and Daresbury be supported;**
- (2) the NWDA be requested to designate an additional site incorporating Widnes Waterfront, Widnes and Runcorn town centres and the area detailed in the Mersey Gateway Regeneration Strategy; and**
- (3) the Executive Board authorises the Strategic Director, Environment in consultation with the Portfolio Holder for Planning, Transportation, Regeneration and Renewal to formally respond to the North West Development Agency consultation on the Review of Strategic Regional Sites.**

## **3. SUPPORTING INFORMATION**

### **Background**

- 3.1 In 2005, The North West Development Agency (NWDA) designated 25 sites within the North West as Strategic Regional Sites. Sites were identified on the basis of –
- Providing a portfolio of attractive opportunities for future investment across the region
  - Encouraging the development of knowledge based industry within areas of regeneration need
  - Building on the regions existing clusters of knowledge based activity, especially close to universities and other research and knowledge clusters
  - Providing inter modal freight facilities and terminals to encourage sustainable freight distribution
  - Supporting economic growth and economic restructuring across the region

- 3.2 Designation is important in terms of site profile, development and ability to access resources to bring them to fruition. Indeed, the consultation letter specifically states that such sites will have priority, where necessary, for implementation in terms of all Agency resources and in Agency support for bids for other sources. Within Halton, two sites were identified – Ditton Widnes and Daresbury. With reference to Ditton, since the original designation this location is now known as 3MG and it will be recommended to the Agency that this is used in future.
- 3.3 The NWDA is now reviewing the list of sites and the closing date for comments is the 27<sup>th</sup> March 2009.
- 3.4 The purpose of the review is to ensure sites fit the criteria as outlined in the Regional Spatial Strategy and to reflect the changing nature of policy and the market context including the Stern (Review on the Economics of Climate Change) and Eddington (Transport) reports.
- 3.5 Of the previous 25 sites 7 are proposed for deletion and 15 are proposed for addition. Both Halton sites remain on the list. (Appendix 1 provides a full break down). The sites themselves are identified in broad terms on plans with the exact boundaries to be decided on at a later date. Each site has been identified with a primary purpose and for Halton these are:
- Ditton [3MG] is intended to create a modern inter-modal (water, rail, road) exchange, logistics and strategic rail freight facility. The regional site will:  
  
Accommodate strategic distribution development (port and rail related) in response to regional policy imperatives and need and demand:  
Accommodate businesses that will utilise the railway for the transport of freight.
  - Daresbury is intended to secure new science based investment in research and development, business services and manufacturing, building on the existing nationally important concentration of science and research, including Daresbury laboratory and the Cockcroft Institute. To support science based job growth and investment, a mix of uses will be pursued including leisure, hotel, housing, in an attractive setting close to areas of regeneration need.
- 3.6 Of particular importance is that the new designation for Daresbury has expanded the site to take in both Daresbury Park and the Daresbury Science and Innovation Campus (DSIC) which reflects the ongoing master plan work that the council is involved with in partnership with DSIC.

- 3.7 The list of proposed sites makes for interesting consideration. They are not all big traditional inward investor sites and include town/city centre and older industrial areas. As such, it is considered appropriate that this Council should seek through its consultation response to have an additional site designated. Looking at the substantial regeneration opportunities that exists within the Widnes Waterfront (the current master planning exercise could see the EDZ expand to 360 acres), the town centres of Widnes and Runcorn and the development opportunities arising from the Mersey Gateway as detailed in the Mersey Gateway Regeneration Strategy, there is clear scope to bring all these together under one designation. Such an area has significant employment opportunities, is close to areas of need, is sustainably accessible and would contribute to the ongoing economic restructuring of this part of the region through assisting in the continued diversification of the local economy. Together, these provide a scale of regeneration opportunity comparable to many defined Strategic Regional Sites.

#### **4. POLICY IMPLICATIONS**

- 4.1 The development of the three locations of Ditton, Daresbury and Mersey Gateway Regeneration Area would contribute significantly to the Community Strategy Key Objective of creating and sustaining a twenty first century business environment.

#### **5. OTHER IMPLICATIONS**

- 5.1 The designation of all three locations would be consistent with the work presently underway on the Local Development Framework.

#### **6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES.**

##### **6.1 Children and Young People in Halton.**

Development of employment opportunities in sectors that are expected to see job growth over the next decade such as logistics, science and technology is important to ensure the young people of Halton have good job opportunities in the future.

##### **6.2 Employment Learning and Skills in Halton**

The physical development of key employment sites is essential to the future of Halton's economy. The Borough needs to have more employers and to create more jobs in order to reduce worklessness.

##### **6.3 A Healthy Halton.**

No implications identified at this time.

##### **6.4 A safer Halton**

No implications identified at this time

**6.5 Halton's Urban Renewal**

There are targets within the Community Strategy for increasing the number of jobs in the borough and for the amount of land reclaimed. Securing designation as Strategic Regional Sites will assist in achieving these targets.

**7. RISK ANALYSIS**

7.1 To date the designation of the two existing sites has been of great benefit to bringing development forward. The most significant risk would be the loss of the designation and as such a positive response to the consultation is considered both necessary and appropriate.

**8. EQUALITY AND DIVERSITY ISSUES**

8.1 The proximity of key sites to areas of need is one of the key factors that the NWDA has taken into account. Brining the sites forward will involve accessible transport planning and skills development for residents to ensure those that are presently marginalised from the workforce have the opportunity to compete for employment opportunities as they arise.

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

9.1 None under the meaning of the Act.

## NWDA Strategic Regional Sites Recommendations

Sites proposed for retention	Sites proposed for deletion	New sites proposed for addition
Alderley Park, Macclesfield Ashton Moss Bailrigg, Lancaster Barton (Port Salford) Basford, Crewe Central Park, Manchester Daresbury Ditton Estuary, Liverpool Kingmoor, Carlisle Kingsway, Rochdale Liverpool University Edge Liverpool Science Park Omega, Warrington Parkside, St Helens Westlakes Science Park, West Cumbria Whitebirk, Blackburn Wirral International Business Park	Carrington, Trafford Chester Business Park Cuerden, South Ribble Davenport Green, Trafford Kings Business Park ROF Chorley Twelve Quays, Birkenhead	Birkenhead Docks Central Bolton Carlisle City Centre Central Chester Dunningsbridge, Sefton Freckleton Street Area, Blackburn Central Preston Lillyhall Business Park, near Workington Liverpool North Docks Liverpool Pall Mall Manchester Piccadilly Basin Salford Quays Salmsbury, Lancs Central Warrington Wigan South Central Area



**REPORT TO:** Executive Board

**DATE:** 19 March 2009

**REPORTING OFFICER:** Strategic Director, Environment

**SUBJECT:** Transport Capital Implementation Programme 2009/10

**WARDS:** Boroughwide

### **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of the report is to seek approval to: i) the inclusion of the 2009/10 Transport Capital Implementation Programme into the Council's 2009/10 Capital Programme; and ii) the carry over of £1,608,000 of the 2008/09 LTP Maintenance Block Borrowing Approval to 2009/10.

### **2.0 RECOMMENDATION: That the Executive Board recommends the Council to approve:**

- i) **The incorporation of the Transport Implementation Programme for 2009/10, (shown in Appendix A), in the sum of £ 10,840,200, into the Council's 2009/10 Capital Programme;**
- (2) **The carrying forward of £1,608,000 of the Local Transport Plan's Highways Maintenance Borrowing Power approvals for 2008/09 into 2009/10, to facilitate a re-profiling of works associated with the Primary Route Network Bridge Strengthening and Maintenance allocation; and**
- (3) **The authority to agree the detail of the programmes of work for: Primary Route Network Bridge Strengthening and Maintenance; Adoptions; Flood Defence; and Street Lighting, for the periods 2009/10 and 2010/11, be delegated to the Strategic Director, Environment, in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 During the period of the first Local Transport Plan (LTP), (2001/2 – 2005/6), the amount of LTP funding allocated was, in part, dependant on annual assessments on the progress that each authority had made in delivering its LTP.
- 3.2 However, the commencement of the second LTP (2006/7-2010/11), (LTP2), brought with it a much less rigorous reporting requirement, based on a collaborative approach between the DfT and the local



authorities, to enable weaknesses in progress to be jointly addressed and strengths to be built upon.

**3.3** This new approach required the de-coupling of the link between funding and performance, which resulted in the DfT, in its November 2007 Settlement Letter confirming the Integrated Transport Capital Block allocations for the period 2008/9 - 2010/11. **The Integrated Transport allocation for 2009/10 is £1,831,000.**

**3.4** Similarly, three year allocations for the Highways Capital Maintenance Block, which were based on a new formula, were also notified. These allocations were between 11 & 16% less than the indicative allocations previously announced for LTP2 maintenance programmes. The Road Maintenance element of the Highways Block allocation has been reviewed in the context of Performance Indicators for highway maintenance. **This has led to a prioritisation of non PRN footway reconstruction for the next two years, after which the position will be reassessed.** Although the condition of footways has historically remained average, in 2007/08 the indicator value doubled, dropping Halton to amongst the worst performers. This is despite positively targeting footway maintenance towards the higher use walking routes that make up the indicator data set. It is therefore felt prudent to increase the resources available for footway maintenance by diverting funding away from capital carriageway maintenance to address this issue. This, in conjunction with a similar review of priorities in the revenue road maintenance programme, will provide an overall budget, for 2009/10 and 2010/11, which will enable around a doubling in the length of footway reconstruction to be carried out each year. Carriageways, particularly those forming the PRN, are in very good condition and Halton is the best performer of all Authorities for this indicator. Over £450,000 will be available for carriageway structural maintenance, and this will continue to be supplemented by revenue funding. We do not expect performance on the principal and classified road condition indicators to fall below the top quartile as a result of re-profiling over this two year period.

**The Highways Capital Maintenance allocation for 2009/10 is £2,023,000.**

**3.5** The individual schemes for the Integrated Transport and Highway Maintenance Blocks will be drawn from the programmes included in LTP2, which are shown in Appendix A.

**3.6** It was agreed at the Executive Board meeting of 2 March 2006 that authority to agree each year's detailed implementation programme of the LTP 2006/7-2010/11 be delegated to the Strategic Director, Environment, in consultation with the Executive Board Member for Planning Transportation and Development (Minute EXB181), (now the Executive Board Member for Planning, Transportation, Regeneration and Renewal).

- 3.7 In addition to the LTP Capital Maintenance block, Halton was also allocated £14,288,000 of additional funding for use between 2008/09 and 2010/11. This was from the national Primary Route Network (PRN) Bridge Strengthening and Maintenance allocation to enable much needed maintenance and inspection work on the Silver Jubilee Bridge, (SJB), to be undertaken. This funding replaces some of that identified in the SJB Major Maintenance Scheme bid, which was submitted to Government in March 2006: a decision on which is still awaited. **The PRN Bridge Strengthening and Maintenance allocation for 2009/10 is £4,906,000.**
- 3.8 In order to increase the efficiency in the procurement and delivery of all bridge maintenance works in the Borough, a single partnering contractor approach has been pursued. Due to the timescales involved in developing this partnership, there is a need to defer £1,608,000 of the PRN Bridge Strengthening and Maintenance allocation, (Section 31 Grant), from 2008/09 to 2009/10. The DfT are happy to support the principle of this proposal, but has indicated that Section 31 Grant cannot be carried over from one year to the next. Instead, it has agreed for the Council to spend the £1,608,000 of Section 31 Grant on works normally funded through the LTP Integrated Transport & Maintenance 'Supported Borrowing' blocks. This will then enable £1,608,000 of unallocated 'Supported Borrowing Powers' to be carried over into 2009/10 to fund the 'additional' PRN Bridge Strengthening and Maintenance works and hence facilitate the revised expenditure profile. **It is therefore proposed to carry over £1,608,000 of LTP Highways Capital Maintenance 'Supported Borrowing Power' approvals from 2008/09 to 2010/11.**
- 3.9 **The total PRN Bridge Strengthening and Maintenance programme for 2009/10 is in the sum of £6,514,000** and the provisional programme of works is shown in Appendix A.
- 3.10 **During 2009/10, the Council has allocated the sum of £100,000 of capital funding to enable a programme of works to be implemented to bringing unadopted roads up to adoptable standards - the 'Adoptions Programme'**. A report will be presented to Urban Renewal Policy and Performance Board in March setting out a proposed policy and procedure for the identification and approval of schemes and how the funding arrangements for each proposal will be determined.
- 3.11 The Council's 'Flood Defence' programme comprises a range of maintenance and improvement schemes. It is proposed that the completion of de-silting work at Keckwick Brook, together with a possible contribution to a planned Environment Agency flood relief scheme for Sandymoor will form a major part of the 2009/10 programme. Work will also continue to de-silt culverts and highway /

land drainage systems at a number of known flooding 'hotspots' throughout the Borough. **The Council's capital 'Flood Defence' Programme for 2009/10 is in the sum of £100,000.**

- 3.12 **The Council's 'Street Lighting' capital programme for 2009/10 is in the sum of £200,000.** This allocation will be used for the renewal of street lighting equipment (lighting columns, lanterns, signs bollards, etc) and will address the replacement of age expired equipment and enable improvements to save energy.
- 3.13 It is proposed that the authority to agree details of the programmes of work for: PRN Bridge Strengthening and Maintenance; the Adoptions; Flood Defence; and Street Lighting, for the periods 2009/10 and 2010/11, be delegated to the Strategic Director, Environment, in consultation with the Executive Board Member for Planning Transportation, Regeneration and Renewal.
- 3.14 Halton's Road Safety Grant, which is the funding used to help support the Cheshire Safer Roads Partnership was also confirmed in the November 2007 Settlement Letter. The revenue element of this grant, (which for 2009/10 is £324,350), is incorporated into the area based grant. **The capital element of the Road Safety Grant for 2009/10, which will be paid as direct capital grant, is in the sum of £72,167.**
- 3.15 The final Transport Capital Implementation Programme for 2009/10 will be in line with the capital budget to be agreed by the Council. This programme will be included in the Highways, Transportation and Logistics Department's Service Plan.
- 3.16 Halton continues to be allocated an element of De-trunked Roads Maintenance Grant, which is used to maintain the Widnes Eastern Relief Road. The De-trunked Roads Maintenance Revenue Grant for 2009/10 is £213,830, which will also be included in the area based grant allocation.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The programmes of work are to deliver the strategies contained within the Council's second Local Transport Plan, which was approved by the Executive Board on 22 June 2006.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 **Resource Implications:-** The report describes outline programmes of work to be implemented during 2009/10, which are proposed to be the subject of detailed approval by the Strategic Director Environment, in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal.

- 5.2 **Social Inclusion & Sustainability**:-The LTP is targeted at improving transport opportunities for those without access to private cars and has therefore positive impacts on social inclusion and sustainability issues.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

The 2009/10 Transport Capital Implementation Programme will assist children and young people in accessing services in the Borough and improve road safety.

### **6.2 Employment, Learning and Skills in Halton**

Measures contained within the 2009/10 Transport Capital Implementation Programme are expected to improve access to employment, training, and learning facilities within the Borough thereby contributing to the Council's efforts to tackle unemployment, worklessness and the problems associated with the current economic downturn .

### **6.3 A Healthy Halton**

The 2009/10 Transport Capital Implementation Programme will help to encourage local communities to adopt more healthy lifestyles through the introduction of measures to increase the use of cycling and walking for local journeys and which could help address health problems such as obesity.

### **6.4 A Safer Halton**

The 2009/10 Transport Capital Implementation Programme incorporates measures to reduce road casualties in the Borough and to improve road safety.

### **6.5 Halton's Urban Renewal**

The 2009/10 Transport Capital Implementation Programme will continue to support the ongoing regeneration of Halton, although funding is not proposed to be targeted at specific regeneration initiatives, during 2009/10.

## **7.0 RISK ANALYSIS**

- 7.1 A risk associated with the report is the failure to deliver against the Transport Capital Implementation Programme. This risk will be managed through regular progress meetings with senior managers to enable early action to be taken, should the need arise.

- 7.3 In addition, there is a risk that the transport related funding that has been pooled into the area based pot will not be fully allocated for transport measures. If this is the case, then it will not be possible to undertake all of the works proposed.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 Accessibility and connectivity are essential issues for equality and diversity and every effort is made to facilitate barrier free movement around the Borough. Particular emphasis is given to improving access for people with disabilities and to education and training, employment, health, shopping and leisure facilities, which are key services impacting on quality of life.

## **9.0 REASON FOR DECISION**

- 9.1 The decision is required to include the 2009/10 Transport Capital Implementation Programme into the Council's 2009/10 Capital Programme and thereby enable the identified works to be undertaken.

## **10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED.**

- 10.1 There are no appropriate alternative options to the proposed course of action.

## **11.0 IMPLEMENTATION DATE.**

- 11.1 The 2009/10 Transport Capital Implementation Programme will commence during April 2009.

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

<b>Document</b>		<b>Place of Inspection</b>	<b>Contact Officer</b>
Letter from DfT November 2007	27	Highways, Transportation Logistics Department Rutland House, Runcorn	Phil Cornthwaite & 0151 471 7376
Correspondence PRN funding.	on	Highways Transportation Logistics Department Rutland House Runcorn	Mike Bennett & Tel No:-0151 471 7550

## Appendix A

## TRANSPORT CAPITAL IMPLEMENTATION PROGRAMME 2009/10

(£000's)

Local Transport Plan Element	£000
<b>Highways Capital Maintenance Allocation</b>	
<b>Bridge Assessment, Strengthening &amp; Maintenance</b>	
Bridge Assessment	25
Bridge Strengthening	100
Minor Bridge Works (SJB Complex)	100
Other Bridges	275
<b>Subtotal</b>	<b>500</b>
<b>Road Maintenance</b>	
Structural Maintenance of Carriageways	456
Independent Footpath Network	138
Footway Reconstruction	708
Lighting	160
Cycleways	61
<b>Subtotal</b>	<b>1523</b>
<b>Total for Bridge &amp; Highway Maintenance</b>	<b>2,023</b>
<b>LTP Integrated Transport Allocation</b>	
<b>Local Safety Schemes</b>	<b>150</b>
<b>Quality Corridors:</b>	
Walking	197
Cycling	174
Bus Route Improvements	239

<b>Subtotal</b>	<b>610</b>
<b>Interventions Outside Quality Corridors</b>	
Cycling	115
Walking	75
Bus Interchanges	299
Integrated Transport	292
Intelligent Traffic Systems	40
<b>Subtotal</b>	<b>821</b>
<b>Other Improvements</b>	
Rail Station Improvements	
❖ Hough Green;	250
❖ Beechwood (design)	0
Direct Contribution to Regeneration	0
<b>Subtotal</b>	<b>250</b>
<b>Integrated Transport Total</b>	<b>1,831</b>
<b>Halton's Capital Programme</b>	
• Adoptions	100
• Flood Defence	100
• Street Lighting	200
<b>Halton's Capital Programme Sub Total</b>	<b>400</b>
<b>Road Safety Grant – Contribution to Cheshire Safer Roads Partnership (Capital only)</b>	<b>72.2</b>
<b>PRN Bridge Strengthening &amp; Maintenance</b>	
Bridge Maintenance (on SJB Complex)	6114
Other Bridges	400
Bridge Assessment	
	<b>6,514</b>
<b>Total Capital Programme 2009/10</b>	<b>10,840.2</b>

**REPORT TO:** Executive Board

**DATE:** 19<sup>th</sup> March 2009

**REPORTING OFFICER:** Executive Director - Environment  
**SUBJECT:** Regional Consultation on Pitch Provision for Gypsies and Travellers

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 This report outlines the proposed formal response to the consultation being run by 4NW on the topic of Gypsy and Traveller accommodation needs as part of the Partial Review of Regional Spatial Strategy. This consultation closes on 27<sup>th</sup> March 2009.

## **2.0 RECOMMENDATION: That**

- (1) The content of this report be formalised as the response from this Council to the consultation being run by 4NW on Gypsy and Traveller accommodation needs.**
- (2) Halton's evidence is enhanced via research into the waiting list held for Riverview Caravan Site to see how many people are still actively seeking accommodation in Halton.**
- (3) The Council strongly objects to the proposals in RSS Interim Draft Policy L6 for Halton to provide 60 additional permanent pitches.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 4NW, formerly the North West Regional Assembly (NWRA), is the designated regional planning body for North West of England. They have been asked by the government to prepare, monitor and review the Regional Spatial Strategy (RSS) in partnership with others. The RSS is a regional plan that has to be taken into account when decisions are being made about planning applications. It provides a spatial framework for development in the region and for other regional strategies, and it promotes the sustainable development of the North West.
- 3.2 Currently a Partial Review of the RSS is underway due to the need to complete unfinished policy work within the RSS. This Partial Review covers three key subject areas of Gypsies and Travellers, Travelling Show People and Car Parking Standards. Previously in July 2008 the partial review was going to cover three additional subjects: addressing housing demand, supply and affordability; identifying the broad locations for regionally significant waste management facilities; and identifying the broad location of renewable energy generation facilities. However the



Government Office advised that these additional subjects were strategic in nature and should be dealt with in the emerging Single Regional Strategy rather than by Partial Review.

- 3.3 This consultation is open until 27<sup>th</sup> March 2009.
- 3.4 This report should be read in conjunction with the RSS Interim Draft Policy L6 and the consultation response form, provided to allow stakeholders to respond in a consistent format.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The Council currently provides 23 pitches at Riverview Residential Caravan Site in Widnes. A new local authority run site was opened in January 2009 in Warrington Road, Runcorn, next to the existing private site. This new site provides 4 permanent pitches and 10 transit pitches. There are two private sites in Runcorn at Windmill Street and Warrington Road; these two sites provide 13 pitches. In total there are 40 permanent pitches and 10 transit pitches currently provided in Halton.
- 4.2 The accommodation for Gypsies and Travellers is dealt with by Interim Draft Policy L6 – Scale and Distribution of Gypsy and Traveller Pitch Provision. It is this policy that is the subject of the consultation. This policy has a policy start date of 2007; therefore all accommodation provision since made from 2007 will be counted towards policy targets for pitch numbers.
- 4.3 Within Policy L6 is a table (table 7.2) of pitch provision to be achieved by each individual North West authority by 2016. Policy L6 indicates that Halton should provide by 2016 an additional minimum of 60 permanent pitches. The policy also indicates that a further 3% compound increase on an annual basis should be achieved to 2021 and for Halton this would be a further 15 permanent pitches. The policy therefore suggests that by 2021 Halton should provide a total of 111 permanent pitches. The policy makes a distinction between permanent and transit pitches and the policy indicates that 5 additional transit pitches should be provided by Halton by 2016. However, as Halton's new site at Warrington Road provided 10 transit pitches, Halton will already have met its allocated apportionment under the draft policy.
- 4.4 The Council must respond to the consultation using a structured and formatted response form. This consultation response form asks a series of questions with regard to Interim Draft Policy L6. The first question to deal with the issues of concern (Question 3) asks for a yes or no response to whether the Council supports policy L6. Question 4 asks for the reasoning behind the response to Question 3.
- 4.5 It is recommended that the response to Question 3 ("Do you / your organisation support the Interim Draft Policy L6 – Scale and Distribution of Gypsy and Travellers Pitch Provision?") is given as "No". This

response is justified on the basis that the policy does not adequately address the issue of distribution in the policy wording. Currently there is no acknowledgement of the fact that the last round of consultation in July 2008 concluded that provision for Gypsies and Travellers should be undertaken by way of a more balanced share of provision across districts. This approach sought to see pitch provision distributed to meet the requirements of Gypsies and Travellers. During the July 2008 consultation this approach was known as "Option 3". For the purposes of clarity and avoidance of doubt, the policy text should acknowledge that this is the basis upon which pitch provision will be made and monitored.

- 4.6 Question 5 on the consultation response form deals with the main issue of contention, notably the provisional figure for Halton to provide an additional 60 permanent pitches in the Borough. It is recommended that the response to Question 5 ("Do you/ your organisation support the pitch distribution figures in table 7.2?") be given as "No". In Question 6 we are asked to justify this response. The response to question 6 is detailed in the next paragraphs.
- 4.7 In order to understand the origins of the provision figures it is necessary to review the evidence compiled for the North West Region. All sub-regions in the North West were surveyed by the Salford Housing and Urban Studies Unit (SHUSU) of the University of Salford who prepared Gypsy and Traveller Accommodation Assessments (GTAA's). The study for the Cheshire Partnership Area was undertaken in May 2007 and covers the Cheshire Authorities that will form the two new unitary authorities of West Cheshire and East Cheshire plus Halton, Warrington and St Helens. A GTAA study for the whole North West was also published in May 2007 by SHUSU. In comparing the two studies, there is a difference in total identified need for the Cheshire Partnership area. In the Cheshire Study (table 37 page 125) total need is identified as 113 – 155. However, in the Regional Study the figure for the Cheshire Partnership area is shown as 140 – 177 (table ii, page 8 of the Executive Summary). It is not clear why the figures between the studies differ as the Regional Study indicates that figures are drawn from the Cheshire Study. For Policy L6, the figures resulting from the Cheshire Study should be used as the starting point for the RSS pitch apportionments made under Policy L6.
- 4.8 The Cheshire Partnership study concludes that the need for Halton will be 28 to 32 pitches from 2006 to 2016 (table 37 page 125). These pitch figures arise from the following sources: 3 from concealed households (adults / families living with extended family / other families), 3-6 from unauthorised encampment, 1-2 from household formation (young person approaching family age), 1 from bricks and mortar (householder wanting to move back into a caravan) and 20 from the Riverview waiting list (an issue considered in more detail in paragraph 4.9). In terms of the families in bricks and mortar in Halton, and the implied need arising from the fact that a proportion "may" want to live on a site, there are serious economic consequences to building controversial developments on the off chance

that there might be a demand. Most (although not all) Travellers go in to bricks and mortar when they are too old or ill to continue travelling. The evidence also suggests that 10 pitches will become free and can be re-let and therefore this figure of 10 has been deducted from overall needs. The figures quoted for each authority in table 7.2 of Policy L6 do not take account of estimated vacancy rates and re-lets (contributing to supply) on existing sites during the period. The Cheshire GTAA assessed this as 10 for Halton, which should be netted off any target.

4.9 Analysis of figures from the other authorities in the Cheshire Partnership area indicates that, with the exception of Congleton (with 4 on its list), only Halton put forward its waiting list for pitches. It is important to note that only local authority sites tend to have waiting lists and the only local authority sites in the Cheshire Partnership area are Halton, St Helens and Congleton. This lack of consistency with the evidence skews need artificially towards Halton. To recap, the need for Halton was 28 – 32 pitches; however 20 of these pitches arose from the use of an unmanaged waiting list. This latter point is important as more than half of the assessed need (20) for Halton arises from the waiting list for the Council's residential Traveller Site, by far the highest in the Region. This is not a waiting list in the traditional sense, but simply an un-vetted list of expressions of interest. The Riverview Site list has 40 names on it however the Cheshire Study assumes only 50% of the list is unfulfilled need so a figure of 20 is used to predict need. This is because some of these families will have permanent pitches elsewhere but want to relocate; others will feature in demand figures for other areas as well (double counting). It is important that the assessment of need is based on a realistic understanding of the demand for pitches, assuming 50% of an unmanaged list is not sound evidence of need. With regard to waiting lists in general, it is hard to believe other Councils with sites do not have similar levels of interest, and it seems perverse that the few Councils that hold a list are penalised in the assessment. It is recommended to the Executive that this waiting list be reviewed and the results of the review be submitted as evidence of need in Halton.

4.10 To understand how Halton is allocated an additional pitch provision of 60 pitches under Draft RSS Policy L6 is necessary to consult "A Technical Note on Interim Draft Policy Figures", published February 2009. Here it is explained that the RSS apportionment in Policy L6 has been derived from the GTAA evidence bases, consultation feedback and 4NW professional judgement. The starting point is to examine the evidence. The North West Regional Accommodation Assessment Executive Summary showed that the provision needed in the Cheshire Partnership area was 140-177 (a different figure to the Cheshire Study) additional permanent pitches by 2016 (table ii, page 8). However, RSS Policy L5 indicates that minimum additional provision in the Cheshire Partnership area will be 300 from 2007 – 2016. Therefore, evolution from evidence to policy has increased the Cheshire Partnership figure by between 70 - 114%. These increases are not supported by hard evidence. In a note of a meeting held with Gypsies and Travellers on 19<sup>th</sup> December 2008 it

was reported that the figures for Macclesfield, Ellesmere Port and Neston, Vale Royal, and Chester were very under-estimated. There was no mention of the current provision in Halton being a cause for concern. The meeting record adds that 4NW felt that as a result of these discussions the figures should be subject to an additional 70% uplift to take account of the hidden need identified by the meeting. This is how the figure of 300 pitches has been derived for the Cheshire Partnership area within the RSS Policy (177 plus 70%).

4.11 It is important to remember that the Cheshire Study did take account of 'hidden need' through its methodology that actively sought to identify hidden need. This RSS 70% uplift approach is not acceptable as the Cheshire Study did take account of concealed and latent demand, and should not be amended without clear evidence. Policy L6 should revert back to the Cheshire Partnership study figures and proportion these on a basis in line with the wishes of the Gypsy and Traveller community. The Cheshire Study identified that the Gypsy and Traveller community had suggested locations in Middlewich, Ellesmere Port, Winsford, Nantwich, Sandbach and the outskirts of Chester as locations of choice. Liverpool also appears to be a location of choice. At the 19<sup>th</sup> December 2008 meeting it was recorded that "many people still want to be in Liverpool but are being pushed out into Runcorn". This statement would indicate that a greater proportion of pitch provision should be in the Merseyside Partnership area (Knowsley, Liverpool, Sefton and Wirral). A key question for 4NW is why has Cheshire's assessed need been doubled? There seems to be an approach whereby Councils with little or no existing provision have been given token targets, and those with existing provision have been given substantially larger targets. Policy should follow the evidence.

4.12 The draft RSS policy figure of 300 across the Cheshire Sub-regional Partnership has then been apportioned, by no scientific method, to all those authorities in the Cheshire Partnership. This results in the following apportionments:

Table 1: Comparison of Sub-Regional Proposals with Cheshire Evidence

LA	Cheshire GTAA		RSS Proposals	
	Permanent	Transit	Permanent	Transit
Cheshire East	37-54		80	10
Cheshire West	31-45		80	10
Halton	28-32		60	5
Warrington	6-9		35	5
St Helens	11-15		45	5
<b>Total</b>	<b>113-155</b>		<b>25-37</b>	<b>300</b>

4.13 In Interim Policy L6 the Halton apportionment figure has been given as 60 pitches. This represents 20% of the sub-regional apportionment. This represents one fifth of the requirement, yet there are nine authorities in the Cheshire Partnership. Halton is the smallest of these nine partners in terms of geographical area and has little land available to accommodate

further provision. Some account should also therefore be taken of provision in the context of the geographical size of Councils, which would result in neighbouring authorities' targets being increased relative to Halton. There is little land available in Halton upon which to accommodate such large numbers of pitches. In terms of current pitch provision, only Congleton and St Helens provide more pitches than Halton. In terms of equity and choice greater provision should be made in other districts where the Gypsy and Traveller community wish to settle to ensure sustainability, but not to the extent that some Council's have to do nothing.

Table 2: Geographical Size of Cheshire Partnership Authorities

Name	Hectares
Halton	9033
Macclesfield District	52498
Chester District	44833
Crewe and Nantwich District	43041
Vale Royal District	38330
Congleton District	21099
Warrington	18237
St Helens	13638
Ellesmere Port and Neston District	10952

- 4.14 Some attempt should be made to redistribute the assessed need for pitches to ensure a more even provision between Councils, particularly to those who have little or no existing provision (Ellesmere Port and Neston, Knowsley and Wirral), and should also focus on those Councils with no Council owned sites. The "need where it is seen to arise" problem is greatest for those LAs that have sites. DCLG (Department for Communities and Local Government) advice to regional planning bodies, contained in "Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies" page 51, advises that equity considerations suggest that pitch requirements might be dispersed from Authorities with existing provision to those with little or no provision.
- 4.15 Any provision for Halton should be reduced by the numbers of pitches included in the new development in Runcorn that comprises 4 permanent pitches and 10 transit pitches (opened since the GTAA was completed). Consequently the assessed need should reduce accordingly. It is accept that this development occurred after the needs assessment that informed RSS figures. It is understood that as the Interim Draft RSS Policy L6 has a starting date of 2007 this provision will be taken into account is considering Halton's apportionment.
- 4.16 For the above reasons, Halton do not feel that the evidence produced to support Interim Draft Policy L6 substantiates the pitch provision figures for Halton. Greatest provision should be made in the areas highlighted by the Gypsy and Traveller communities and those authorities currently offering no local authority run sites.

## **5.0 OTHER IMPLICATIONS**

- 5.1 The main consideration here is what would happen if the figure of 60 additional permanent pitches became a Regional Spatial Strategy policy. If this happens, Halton will be expected to make provision to deliver this figure through the Halton Core Strategy and Land Allocation LDF (Local Development Framework) documents. 4NW have indicated that they will challenge any authority that fails to deliver the figures contained in the final policy at the public examination of their development plan documents (DPDs). This could lead to the Inspector decided that the plans were unsound, leaving that authority without a statutory planning framework.
- 5.2 There would be financial implications if the increased figure became policy as sites would have to be found to provide the pitches. There are practical considerations in terms of trying to find appropriate sites upon which to location such high numbers of pitches. The Council has just completed a site search exercise in relation to the new Runcorn site in Warrington Road. There were no alternative sites identified that would provide acceptable locations.
- 5.3 An increased pitch requirement is likely to lead to significant community unrest due to the multi-million pound investments the Council has already made in its existing network of sites for Gypsy and Traveller communities. The Halton public will perceive that very few other authorities are taking their duties to provide accommodation seriously and that Halton is being pushed into accepting a greater level of provision than is equitable or required.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

The overarching aim of the consultation is to ensure that the Gypsy and Traveller communities in each area have access to decent accommodation and the families can reach school and health care services.

### **6.2 Employment, Learning and Skills in Halton**

There are no direct implications for this priority.

### **6.3 A Healthy Halton**

Ensuring that the Gypsy and Traveller community have access to decent accommodation will contribute to the good health and welfare of this ethnic group.

### **6.4 A Safer Halton**

Addressing accommodation issues for the Gypsy and Traveller community and making proper provision will reduce the nuisance that arises from unauthorised encampments and development.

#### **6.5 Halton's Urban Renewal**

There are no direct implications for this priority.

#### **7.0 RISK ANALYSIS**

The key risk may be that 4NW do not accept our representation and interpretation of the evidence. This may lead to the 60 additional pitches figure becoming a Regional Spatial Strategy policy. If this happens, Halton will be expected to make provision to deliver this figure through the Halton Core Strategy and Land Allocation LDF (Local Development Framework) documents. 4NW have indicated that they will challenge any authority that fails to deliver the figures contained in the final policy at the public examination of their development plan documents (DPDs). This could lead to the Inspector decided that the plans were unsound, leaving that authority without a statutory planning framework.

#### **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 Since 1999 Gypsies and Irish Travellers have been recognised in English Law as ethnic groups and protected under the Race Relations Act. Recent legislation and guidance from the government has indicated a commitment to taking steps to resolve some of the long standing accommodation issues for members of the Gypsy and Traveller communities. This legislation has an overarching aim of ensuring that members of Gypsy and Traveller communities have equal access to decent and appropriate accommodation options akin to each and every other member of society. Following the Housing Act 2004, local authorities have been preparing to develop and implement strategies to respond to the accommodation needs of the Gypsy and Traveller communities.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
<b>Interim Draft Policy L6</b>	<b>Rutland House</b>	<b>Tim Gibbs</b>
<b>Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment</b>	<b>Rutland House</b>	<b>Tim Gibbs</b>
<b>North West Regional Gypsy and Traveller Accommodation and Related Services Assessment Executive Summary</b>	<b>Rutland House</b>	<b>Tim Gibbs</b>
<b>4NW Consultation Forum on draft Gypsy and Travellers and Travelling Showpeople policies. A consultation report by CAG Consultants January 2009 incorporating the Notes of meeting held on Friday 19<sup>th</sup> December 2008</b>	<b>Rutland House</b>	<b>Tim Gibbs</b>
<b>4NW Technical Note on how the Interim Draft Policy Figures for Gypsy and Travellers, and Travelling Showpeople (North West Regional Spatial Strategy Partial Review) were derived (February 2009)</b>	<b>Rutland House</b>	<b>Tim Gibbs</b>



**REPORT TO:** Executive Board

**DATE:** 19 March 2009

**REPORTING OFFICER:** Strategic Director – Health and Community

**SUBJECT:** Voluntary Sector Funding – Grant Allocation 2009/10

**WARD(S):** Borough-wide

### **1.0 PURPOSE OF REPORT**

1.1 To recommend Voluntary Sector Grant Awards for 2009/10.

### **2.0 RECOMMENDATION: That**

- (1) Members of the Executive Board approve the recommended grant allocations; and**
- (2) further applications be approved by the Strategic Director, Health and Community, in consultation with the Voluntary Sector Liaison and Development Portfolio Holder.**

### **3.0 SUPPORTING INFORMATION**

3.1 In a report to the Executive Board on 3 January 2002 the expectations for voluntary sector funding were established. It was agreed that awards be judged against agreed criteria and actual targets be negotiated prior to signing a service level agreement. Targets are now linked to both departmental and corporate priorities reflecting a more targeted approach to funding.

Applications are assessed and recommendations agreed by a Members Panel consisting of the Executive Board Member with portfolio responsibility for the Voluntary Sector and the Chair and Vice Chair of the Employment, Learning and Skills Policy and Performance Board.

#### **3.2 Monitoring Arrangements**

- 1) All grants in excess of £5k must agree a Service Level Agreement and provide quarterly monitoring reports. Grants under £5k provide mid year and end of year reports.
- 2) Review meetings are held with the organisations in receipt of core grant on a quarterly basis.
- 3) Mid-year and annual reports are presented to the Employment, Learning and Skills Policy & Performance Board and are made available in the Members Room at Municipal Building.
- 4) Voluntary sector grant performance monitoring information

contributes to corporate assessments and Commission for Social Services Inspectorate (CSCI) monitoring.

#### 4.0 APPROVAL OF GRANTS 2009/10

##### 4.1 Voluntary Sector Core Funding Grants

The recommended grants are listed below; the recommendations are in the context of the budget allocation and the panel's assessment. These recommendations are for an annual allocation for the financial year 2009/10.

The budget available is £262,150

	2008/09	2009/10
Cheshire Asbestos Victims Support	£13,300	£13,300
Cheshire Racial Equality Council	£6,000	£6,000
Cheshire Victim Support	£7,400	£7,400
Halton Citizens Advice Bureaux	£139,000	£139,000
Halton Voluntary Action *	£57,000	£55,903
Halton Talking Newspapers**	£600	£0
Rape and Sexual Abuse Centre	£3,200	£3,200
Relate	£9,200	£9,200
Runcorn & Frodsham Mencap	£2,400	£2,400
Samaritans	£4,000	£4,000
Vision Support	£8,200	£8,200
Warrington Law Centre ***	0	0
Widnes & Runcorn Cancer Support Group	£11,848	£11,848
<b>TOTAL</b>	<b>£262,148</b>	<b>£260,451</b>

**\* Organisation requested less for next financial year - 09/10 :-**

- Halton Voluntary Action requested a lesser amount in their application.

**\*\* Organisation did not apply for funding for 2009/10**

- Halton Talking Newspapers did not submit an application for funding for 2009/10

**\*\*\* Application not recommended to receive funding: -**

- Warrington Law Centre - £16,000

This organisation previously received a grant in 2007/08 and the cases being dealt with were debt and welfare rights as opposed to specialist housing advice. The panel recommended not to fund in 2008/09 and wish to uphold this recommendation for 2009/10. Warrington Law Centre continue to provide assistance at Runcorn Court through their Legal Services Commission contract and Halton residents can also be referred to Shelter for specialist housing advice.

## **5.0 POLICY IMPLICATIONS**

5.1 None at this stage.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 The recommended grants do not exceed the current budget allocations in the general grants budget.

6.2 The work of the voluntary sector organisations receiving grant impacts greatly on health improvements, social inclusion, community involvement, anti-poverty and diversity issues.

## **7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

The service delivery from organisations receiving core grant in many cases is cross cutting in the context of the Council's strategic priorities. There is significant levels of welfare rights and debt handling support provided which impacts on anti-poverty issues for the Borough.

### **7.1 Children & Young People in Halton**

The work delivered by Relate in preventing family breakdown and offering counselling to teenagers has a direct impact on those children and young people in the Borough.

The Youth Volunteer programme delivered by Halton Voluntary Action (the V Project) is targeted at young people participating in their community.

The Samaritans is open to all age ranges and does receive calls from young people in the Borough looking for support.

Widnes & Runcorn Cancer support group offer support to all members of families effected by the disease, encompassing young members of families.

### **7.2 Employment, Learning & Skills in Halton**

The voluntary sector organisations have a significant reliance on volunteer time to deliver services. The organisations provide training opportunities for volunteers to enable the delivery of service and improve their skills and employability. The CAB in particular have experienced local volunteers gaining local employment as result of the training and experience.

**7.3 Healthy Halton**

Widnes & Runcorn Cancer support have a major impact on the health and well being of our residents diagnosed and in remission from cancer through the support, advocacy and therapies they are able to offer.

Cheshire Asbestos works with sufferers and their families to support them through the illness, offering welfare support and recreational breaks for the sufferers and their families.

Vision support provide a resource centre for visually impaired and offer home visits and welfare rights support. The talking newspaper enables their clients to receive news on current affairs weekly.

**7.4 A Safer Halton**

Cheshire Victim Support provide support to victims of crime through to pre trial preparation and court attendances which can be daunting for residents left vulnerable from crimes against them.

Cheshire, Halton & Warrington Racial Equality Council work with minority groups in the Borough to contribute to a cohesive and integrated community in Halton. They offer support to individuals experiencing discrimination and will support in challenging discriminatory practice and will help people through tribunal processes.

The Rape & Sexual Abuse Centre provides support to the victims of crime. The Centre provides an assessment necessary for criminal proceedings and follow on support to the individuals.

Mencap provides a community meeting point for disabled members in Halton offering a safe environment for their clients to engage in community activity and participate in skill development and recreational activity.

**7.5 Halton's Urban Renewal**

None identified.

**8.0 RISK ANALYSIS**

8.1 The PPB will monitor how the grants are being spent and ensure that the Council and Halton people receive value for money.

**9.0 EQUALITY & DIVERSITY ISSUES**

9.1 To receive a grant, organisations have to demonstrate that acceptable equality and diversity policies are in place.

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

10.1 None under the meaning of the Act.

**REPORT TO:** Executive Board

**DATE:** 19 March 2009

**REPORTING OFFICER:** Strategic Directorate Corporate & Policy

**SUBJECT:** Policy for the transfer of assets to the Third Sector

**WARDS:** Borough Wide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek the Executive Board's approval to an Asset Transfer Policy to be applied in circumstances where the transfer of land or property to the third sector can be seen to be addressing Community Strategy priorities and makes financial sense to the authority,

### **2.0 RECOMMENDATION: That**

- (1) That the work done by the Corporate Services working party be received; and**
- (2) The Asset Transfer Policy be formally adopted.**

### **3.0 SUPPORTING INFORMATION**

#### **3.1 Introduction**

- 3.1.1 The Council has over many years supported organisations in the third sector in a variety of ways that provide support to the Council's priorities. This support has included the letting of surplus properties to such organisations. These arrangements have, however, been on an ad-hoc basis.
- 3.1.2 Following the publication of the Quirk Review (commissioned by the Government) in 2007 through which local community groups were encouraged to approach their local Councils to see if the local authority had any surplus assets capable of being used to support the delivery of their services, more requests are being made for the Council to transfer their assets to the third sector.
- 3.1.3 It was felt that in order to address such request a more formal approach was needed to deal with them. The Corporate Services Policy and Performance Board included this topic in its 2008/09 work programme and has developed such a policy for consideration by the Executive Board. The Board have recommended the attached policy for adoption.
- 3.1.4 Appendices 1 to 3 to the Strategy and Policy set out the procedures to be adopted.

Appendix 1 the applicant/groups submission justifying their needs aims and objectives together with supporting information.

Appendix 2 the Sponsors (HBC) response (in conjunction with Property Services) to the submission including a recommendation or otherwise to the proposal.

Appendix 3 Following acceptance of the transfer the monitoring regime to ensure the service put forward is meeting the specific aims and objectives set out in Appendix 1.

- 3.1.5 The first consideration in all cases will be whether the Council considers the land/building to be surplus in the first place. This would precede any further application of the policy. This will need to be undertaken by balancing the potential commercial value of the asset against any potential use always taking into account the wider financial implications of the Council. In particular the need to generate capital receipts to support the Council's Capital Programme.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 Having such a policy will ensure that thorough consideration of such proposals take place and that the risks are properly managed.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 Where transfer is considered to be the appropriate way forward the policy will help ensure the sustainability of such proposals.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 6.1 **Children and Young People in Halton** – Can supplement the services provided by C&YP in a cost effective manner.
- 6.2 **Corporate Effectiveness and Efficient Service Delivery** - Provides for services to be delivered in the most effective manner.
- 6.3 **Employment, Learning and Skills in Halton** – Provides services that might otherwise not be available at the right level.
- 6.4 **A Healthy Halton** – Encourages local communities to get involved and provides services to the people by the people.
- 6.5 **A Safer Halton** - Creating and sustaining better neighbourhoods that are well designed, built and maintained and valued by the people who use them.
- 6.6 **Halton's Urban Renewal** - To ensure that Halton buildings are used in a most effective manner and not allowed to fall into disuse.

**7.0 RISK ANALYSIS**

7.1 The policy has been framed in such a way as to minimise risk of failure were the Council may be required to rescue failing projects.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 The policy aims to support all sectors of the community.

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

8.1 Document	Place of Inspection	Contact Officer
Quirk Review	Property Services	P Searing



**Asset transfer strategy and policy statement**

**Contents**

- 1. Introduction**
- 2. Purpose of strategy**
- 3. National policy context**
- 4. Local policy context and links to other strategies**
- 5. Aims of community asset transfer**
- 6. Principles underpinning the Council's asset transfer policy**
- 7. Assessing asset transfers**
- 8. Asset transfer process**

**Appendix 1 – Halton Community Assets Framework Stage 1**

**Appendix 2 – Halton Community Assets Framework Stage 2**

**Appendix 3 – Halton Community Assets Framework Stage 3**

**Appendix 4 – Flow Diagram and Relationships**

**September 2008**



## 1. Introduction

- 1.1 This asset transfer strategy is intended to provide a framework for Halton Borough Council and their partners to address the transfer of assets to Third Sector Organisations (TSO).

## 2. Purpose of the strategy

- 2.1 The purpose of the strategy is to set a transparent, positive and proactive framework to enable asset transfer from Halton to the third sector to happen. To achieve this it is necessary to demonstrate how community asset transfer supports Council and its wider community objectives.

## 3. National policy context

- 3.1 The ownership and the management of land and assets by community organisations is currently the focus of Government attention. Community asset ownership is increasingly seen as a means to achieve a range of key objectives, from promoting civil renewal, active citizenship and improving local public services to tackling poverty and prompting economic regeneration - through developing social enterprise and supporting the growth of community anchor organisations.
- 3.2 The origins of this agenda go back to the ODPM's 2003 *Communities Plan (Sustainable Communities: Building for the future)*. This acknowledged that sustainability is only possible where local communities play a leading role in determining their own future development.
- 3.3 The 2003 *Social Enterprise Strategy* recognised that "physical assets, such as community centres, parks and redundant buildings, are of critical importance to the development of active communities and viable community-based enterprise" and committed the Government to exploring how to support asset transfer to social enterprises.
- 3.4 *Firm Foundations*, the Government's framework for community capacity building published in 2004 has as an aim the development of community anchor organisations.
- 3.5 The former ODPM's *Citizen Engagement and Public Services: Why Neighbourhoods Matter* (2005) sought to promote citizen involvement in public services and proposed a menu of options for action at the local level, from neighbourhood management to neighbourhood charters with cautious support given to 'Neighbourhood ownership' and specific mention of asset ownership by Development Trusts.

- 3.6 A Governmental Working Group was set up to look at the issue further, and its recommendations were published in *Communities Taking Control: Final Report of the Cross-sector Work Group on Community Ownership and Management of Assets* (2006).
- 3.7 The 2006 *Local Government White Paper* confirmed the Government's intention to increase opportunities for community asset ownership and management, and promoted asset transfer as part of a local authority's 'place-shaping' role. It indicated that a fund would be established to help with this, later announced as the £30 million Community Assets Fund managed by the Big Lottery Fund.
- 3.8 After the Working Group reported its findings, the then Secretary of State at DCLG Ruth Kelly MP established a review in September 2006 to look at the powers, policies and barriers relating to the transfer of public assets to community organisations, headed by Barry Quirk.
- 3.9 The Quirk Review's findings *Making Assets Work* were published in May 2007. All the Review's recommendations were accepted by the Government and published a week later as an implementation plan in *Opening the transfer window: the government's response to the Quirk Review*.
- 3.10 The Quirk Review found that a careful increase in the community's stake in an asset can bring a wide range of additional benefits for the community, the organisation receiving the asset and the local authority facilitating the transfer. The benefits of community ownership and management can outweigh risks and opportunity costs.
- 3.11 Quirk believes that there are already a sufficient range of powers and policies to enable and encourage community control of the public land and buildings. What is required is political will, managerial imagination and a more business-focussed approach by the public and voluntary sectors.
- 3.12 One of the central problems regarding the transfer of public assets has been the onus on public sector bodies to secure the best use of their assets to meet their objectives. This is usually taken to mean disposing of surplus assets on the market at best price - to meet the costs of local service provision and reduce pressure on council taxes.
- 3.13 However, local authorities have been given discretionary powers under the Local Government Act 1972 to dispose of land in any manner they wish and the government recognises that there may be circumstances where an authority considers it appropriate to dispose of land or property undervalue. The General Disposal Consent of 2003 grants local authorities the power to dispose of assets (freehold or leasehold) at less than best consideration within defined limits to secure the promotion or the improvement of the economic, social and environmental wellbeing of their area. Government advice indicates that any decision should be made by comparing the very tangible benefits of a market value disposal

with the less tangible benefits a transfer may bring to the wider community.

3.14 The Government's Empowerment Action Plan 2007 - includes actions relating to the transfer of assets and to a programme of support for community anchors, including the availability of further funding to support the development of anchors.

3.15 Guidance to local authorities on asset management has not covered the potential opportunities offered by community asset transfer. However, since the publication of the Quirk Review this has begun to change with an increasing number of local authorities setting individual transfers within strategic approach. The Framework for Local Authority Asset Management Planning published by CLG in February 2008 now includes reference to community asset transfer and indicates how Central Government guidance is now effectively bringing the community empowerment and asset management agendas together.

#### **4. Local policy context and links to other strategies**

4.1 For an asset transfer to take place the submission must demonstrate its contribution to the five aims of the Corporate Plan

- A Healthy Halton
- Halton's Urban Renewal
- Halton's Children and Young People
- Employment, Learning and Skills in Halton
- A Safer Halton

In addition it will need to demonstrate its contribution to the relevant sponsoring department, service plan and the Council's Asset Management Plan.

#### **5. Aims of Community Asset Transfer**

5.1 The Council's physical assets include land, buildings and other structures used for a variety of different social, community and public purposes. For some of these assets community management and ownership could deliver:

- benefits to the local community
- benefits to the Council and other public sector service providers
- benefits for the organisation taking ownership

- 5.2 The Council's assets are rarely used by everyone: their 'value' being locked-in to a particular use or a particular group of people. Changing ownership or management offers opportunities to extend the use of a building or piece of land, increasing its value in relation to the numbers of people that benefit and the range of opportunities it offers. Community-led ownership offers additional opportunities to secure resources within a local area and to empower local citizens and communities.
- 5.3 Assets will be transferred to community groups by the Council in order to promote the widest public value that can be achieved in relation to, for example:
- Community empowerment
  - Area-wide benefits
  - Building the capacity of the third sector and encouraging a sustainable third-sector
  - Economic development and social enterprise
  - Improvements to local services
  - Value for money

## **6. Principles of the asset transfer policy**

6.1 The Council's policy on community asset transfer is underpinned by the following principles:

- Any proposed asset transfer must support the aims and priorities of the Council as set out in adopted policy.
- The Council views its policy on community asset disposal as part of a long-term programme of support to, and partnership with, the third sector.
- The Council will take a Strategic approach to Asset Transfer through regular reviews of the asset transfer potential of its assets, and the establishment of priorities linked for example, to priority neighbourhoods, the exit-strategies from regeneration programmes, or the potential of particular high-profile cases etc;
- The Council will have a transparent corporate process for asset transfer which includes a clear point of first contact and clear stages and timescales for each party;
- The Council will adopt an agreed method of assessing the benefits of the transfer (linked to corporate priorities) which allows a comparison with market disposal;
- Any disposal at less than best consideration will be accompanied by a service level agreement (SLA) identifying the benefits and how these will be monitored and measured, together with the remedies available to both parties if the SLA is not met.
- Once the policy framework has been established within the Council, opportunities to extend the approach to other public bodies through the Local Strategic Partnership will be sought.

## **7. Assessing asset transfers**

- 7.1 The asset transfer decision is essentially a choice between:
- Doing nothing;
  - Expenditure on other services made possible as a result of a 'commercial' disposal;
  - The benefits generated by the transfer of the asset to one or other community group (if there are competing proposals).
- 7.2 In assessing proposals for asset transfer, the Council will attempt to measure the relative benefits and risks of these three options in order to justify its decision and the level or discount proposed. It will also relate these benefits to Council priorities such as objectives from the Community Strategy.
- 7.3 Critical to the success of any transfer is having a clear rationale backed by a robust business-case demonstrating the ability of the recipient to manage the asset effectively, including an assessment of the financial and organisational capacity of the organisation. A social benefit assessment framework will be applied by the Council.
- 7.4 The organisation wishing to take on an asset would also need to provide a 'business case' for transfer at the outset. The main elements of a business case are set out below:

**Elements of the business case**

- How need for proposed transfer and use of asset has been identified – what needs will the transfer meet?
- Benefits case as a result of transfer– what will be different and how it will be measured – agreed criteria to be set out
- Capacity of the TSO to acquire and manage the asset – reference to any accreditations achieved e.g. Community Matters 'visible' standards or DTA 'healthcheck'
- Business case for future uses for the asset e.g. cashflow forecasts
- Type of transfer sought and why
- Statement from sponsoring department supporting the proposal
- Terms of any Service Level Agreement
- Capacity building plan and how this will be delivered
- Details of how the proposed use of the asset will be monitored and details of 'fall back' arrangements should the transfer prove to be not sustainable

**8. The asset transfer process**

8.1 In considering the potential for asset transfer the Council will follow the process as set out in the diagram attached as appendix 4. Key milestones in this process are set out in the table below with indicative timescales.

**9. Post transfer action**

9.1 The transfer will be subject to ongoing monitoring as described in Appendix 3 to measure the success of the project and provide valuable information in considering future transfers.

Applications for Asset Transfer from community groups will be progressed through the following stages

### Asset transfer process – key stages

Stage	Who is responsible	Timescale for completion (to be added following further discussion)
Identify need in community for physical base	Council and local partners and community	
Assets for potential transfer identified	Community organisation or Council following asset review	
TSO identifies building for transfer. Complete business case for transfer & Halton Community Assets Framework Stage 1 (Appendix 1)	Community (with sponsoring department assistance)	
Complete initial assessment using Halton Community Assets Framework Stage 2 (Appendix 2) – establish level of discount (if applicable)	Sponsoring department	
Recommendation on transfer –yes refer to Members; no, provide full feedback. Identify alternative solution – e.g. allocation of % of capital receipt to group	Council cross-departmental group on assets	
Decision on transfer	Executive Board Sub Committee	
If yes, negotiate terms	Council legal and property departments and community organisation	
Agree SLA and monitoring arrangements - successfully transfer asset (Appendix 3)		
Total transfer process		

**HALTON COMMUNITY ASSETS FRAMEWORK  
(to be completed by the Applicant / Community Group)  
STAGE 1**

**PRELIMINARY BUSINESS PLAN/APPLICATION STAGE: COMMUNITY ASSET CHECKLIST:**

PROPERTY/LAND TRANSFER OPPORTUNITY:	(Enter building name/land & area location):
NAME OF APPLICANT/COMMUNITY GROUP:	Brief summary of current use:
NAME AND DIRECTORATE OF SPONSOR	Brief summary of proposed use:

**PART 1 – THE ORGANISATION**

<b>TYPE OF ORGANISATION:</b>	<b>YES/NO</b>
<b>Is the applicant:</b>	
- Project steering group with no constitution or Terms Of Reference?	
- Project steering group with a constitution or Terms Of Reference?	
- Development Trust?	
- Recognised legal vehicle .e.g. registered Company Ltd by Guarantee or Community Interest Company?	
- Registered Charity?	
- If no legal structure currently exists, has the applicant identified the appropriate legal model to be adopted & timescale to achieve status?	
- Comments if any	

<b>MANAGEMENT SKILLS &amp; EXPERIENCE:</b>	
- Describe the management and governance arrangements you have in place	
- What expertise do the group have to deliver and sustain the proposal?	
- If refurbishment or building works are required has the group sought advice and what is that advice?	
- Explain what risk assessments have been conducted and what are the proposals to mitigate these risks?	

<b>ORGANISATIONAL CAPACITY AND QUALITY ASSURANCE–</b> <i>(Assessment of group 's level of organisational robustness and quality of governance to deliver on the business case)</i>	
Describe what experience the group has developed to enable it to deliver this proposal, include any quality assurance / quality management systems there are in place. Describe any external checks that have been carried out on the organisation (DTA or similar) and how long the organisation has been operating.	

**FIRST STAGE, PART 2 – FINANCIAL ROBUSTNESS**

<b>FINANCIAL PLANNING:</b> <i>(Assessment of the stage that the organisation's business proposal has reached).</i>	
<b>At what stage is the applicant's business proposal?</b>	
- Describe the current status of the business plan covering consultation and research completed to date currently being undertaken, and further work planned.	
- Describe how the business plan supports the deliverability and sustainability of the proposal.	
- The set up and revenue costs of the proposal.	
- The capital cost including all fees and associated costs has been resourced.	
- A business plan should be submitted as a separate document.	
<b>FINANCIAL RESOURCES:</b>	
<b>Likelihood of Applicant to achieving required finance &amp; sustainability –</b> <i>(Assessment of group's progress against strategy for securing grant/loan/investment from partners/other sources to underpin business case i.e. investment achieved by investment needed )</i>	
Provide a list of value of the funding streams secured together with dates when that can be sourced. Include conditions / restrictions that might apply. Also include non secured funding streams and anticipated dates and values.	



**BENEFITS TO BE DELIVERED**

<b>Describe the benefits to the people of Halton under the following headings:</b>	
A Healthy Halton	
Halton's Urban Renewal	
Halton's Children & Young People	
Employment, Learning & Skills in Halton	
A Safer Halton	

**COMMUNITY/ORGANISATION EMPOWERMENT:**

**Value of asset being owned /managed by the community**

By transferring the asset to the group explain the benefits to the group of having and using the asset

1. Increase the status of the group.
2. Enable the group to have a greater influence in local decision making.
3. Increase confidence in the group from the community.
4. Enable increased access to further local services and / or increased usage of such services.
5. Other benefits.

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**SECOND (DETAILED BUSINESS PLAN) STAGE PART 2: PROPOSED ACTIVITIES & USES:**

<b>COMMUNITY PARTICIPATION:</b>	
Describe the activities, numbers and age groups of the targeted groups you will be engaging with (Pre School, Young People 5-11 / Young People 11-16, Young Adults 17-25, Adult Groups up to 50, Adult Groups over 50, Particular Local Groups	
<b>EMPLOYMENT &amp; ENTERPRISE</b>	
Describe any internal employment opportunities you will be creating to the delivery of the project.	

DRAFT

**HALTON COMMUNITY ASSETS FRAMEWORK  
ASSESSMENT TEMPLATE**  
(To be completed by HBC Sponsor in consultation with  
Property Services)  
**STAGE 2**

**SUMMARY PAGE****(i) Asset details**

<b>Name and address of asset</b> (including ward)
<b>UPRN</b>

<b>Current Status</b> (as indicated on the asset register)
<b>Major Use</b> (as indicated on the asset register)
<b>Scale and scope of the asset</b> <i>Include a brief description of the physical asset</i>

**(ii) Recommendations**

<b>Based on current information, it is recommended that:</b>	
The asset is not suitable for transfer.	<i>Drawing specifically on the information given in the form below, identify the reason for this assessment.</i>
The asset is potentially suitable for transfer. The detailed analysis and any remaining actions identified in this form should be taken forward as a priority, ahead of a formal Council decision.	<i>Drawing specifically on the information given in the form below, identify the additional information and any actions required in order to reach a decision.</i>  <i>Identify the timing for this work.</i>
It is not possible to determine whether the asset is suitable and further work, identified below, is needed to reach an initial assessment.	<i>Drawing specifically on the information given in the form below, identify the additional information and any actions required in order to reach a decision.</i>  <i>Identify the timing for this work.</i>

**(iii) Record of agreement and next steps**

<b>Completed by</b>	
<b>Comments from</b>	
<b>Date completed</b>	
<b>Date discussed by Asset Management Working Group</b>	
<b>Note of next steps/ actions requested by Asset Management Working Group</b>	
<b>Date discussed by Management Team</b>	
<b>Date presented to Executive Board Sub Committee</b>	

**(iv) Financial implications**

<b>Based on current information</b>	
What is the current value of the property and what is this assessment based on?	
What revenue for the Council is generated through the asset?	
What are the current levels of running costs, including utilities, planned preventative maintenance and responsive repairs?	
Are there any significant costs associated with the building in the foreseeable future?	
Are there any other financial implications that should be considered as part of an assessment to transfer the asset?	

<b>Conclusion:</b> Based on the information above what are the implications in relation to any potential transfer of this asset?	
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**(v) Current asset use and circumstances**

<b>Details of use and circumstances</b>	<b>Y</b>	<b>N</b>	<b>Specify relevant details.</b>
Is there an existing lease in place?			<i>Add details including: name and relevant information about occupants; length of time of current occupancy; any lease arrangements;</i>
Is the asset currently used?			<i>Add details including Main and any subsidiary uses, any services offered; level of use; identity of user-groups; and whether of local, borough-wide or wider significance.</i>
What is the current condition of the asset?			<i>Add details, with estimated costs of any repairs/maintenance. Identify how recent this information is.</i>
Is the asset suitable and/or sufficient for its current use?			<i>Add details, including whether the asset complies with the Disability Discrimination Act. Are there particular features that might restrict use of the asset?</i>
Are there any other organisations affected by the ownership and use of the asset?			<i>Add details including in relation to existing freehold/leasehold arrangements, other contractual arrangements or any funding associated with the asset where conditions on its use or ownership may apply.</i>
Are there any other circumstances directly relevant to potential transfer?			<i>Add details, for example housing stock transfer, existing contractual or financial obligations on the asset, covenants on the asset, whether HRA funded.</i>

<b>Conclusion:</b> Based on the information above is there any reason to conclude that this asset should not be transferred?	<i>Specify, citing the main justification for any conclusion.</i>
Are there any reasons to conclude this is a potentially suitable asset for transfer?	

**(vi) Potential future use**

<b>Details of use and circumstances</b>	<b>Y</b>	<b>N</b>	<b>Specify relevant details.</b>
Has the Council identified plans for the asset?			<i>Add details.</i>
Have any organisations expressed an interest in the asset?			<i>Add details, including name and relevant information of the organisation,</i>
If there is an organisation that has expressed an interest - have they identified what they want the asset for?			<i>Add details.</i>
If there is an organisation that has expressed an interest - do they have a business case supporting their bid?			<i>Add details, including an assessment of the viability of the business plan.</i>
If there is an organisation that has expressed an interest - do they have the capacity to undertake ownership?  If not, what support would they need to develop that capacity?			<i>Add details, including experience of facilities management and the financial viability of the organisation.</i>
Are there any other organisations that may be a suitable candidate for transfer?			<i>Add details, including name and relevant information of the organisation, what they want the asset for and any proposed terms of transfer. If more than one are these mutually exclusive?</i>
<b>Conclusion:</b> Based on any information above are there any viable proposals for community-based ownership and use?  If not, should attempts be made to encourage one?			<i>Specify, citing the main justification for any conclusion, and any further work required.</i>  <i>If there is more than one proposal for future use are these mutually exclusive, what needs to happen in order to progress these?</i>

## APPENDIX 2

**(vii) Benefits: What are the expected benefits of transferring the asset**

Mandatory benefits: All suitable candidates for transfer are expected to empower local communities and represent value for money and contribute to the Council's five priorities.

Based on current information, would transferring the asset:	Y	N	Specify relevant details.
<b>Community empowerment</b>			
Achieve one or more of the following: <ul style="list-style-type: none"> <li>• create a more direct connection between the asset and local people</li> <li>• enable the local community to respond to local issues</li> <li>• strengthen local identity</li> <li>• provide a means for local citizens and groups to access additional resources</li> </ul>			
<b>Value for money</b>			
Achieve one or more of the following: <ul style="list-style-type: none"> <li>• Present an opportunity for a 'non-operational' asset to be used</li> <li>• Represent the best use of the asset, over the medium/longterm.</li> <li>• Create efficiency savings</li> </ul>			<i>Identify any opportunity costs that would arise from using the asset in another way, including sale at market value.</i>
<b>Council's Priorities</b>			
<ul style="list-style-type: none"> <li>• A Healthy Halton</li> <li>• Halton's Urban Renewal</li> <li>• Halton's Children &amp; Young People</li> <li>• Employment, Learning &amp; Skills in Halton</li> <li>• A Safer Halton</li> </ul>			<i>Specific contribution.</i>

**APPENDIX 2**

Wider benefits: Successful projects will be assessed against expected benefits in one of the following four categories:

- Area-wide benefits
- A sustainable third-sector
- Economic development and social enterprise
- Improvements to local services

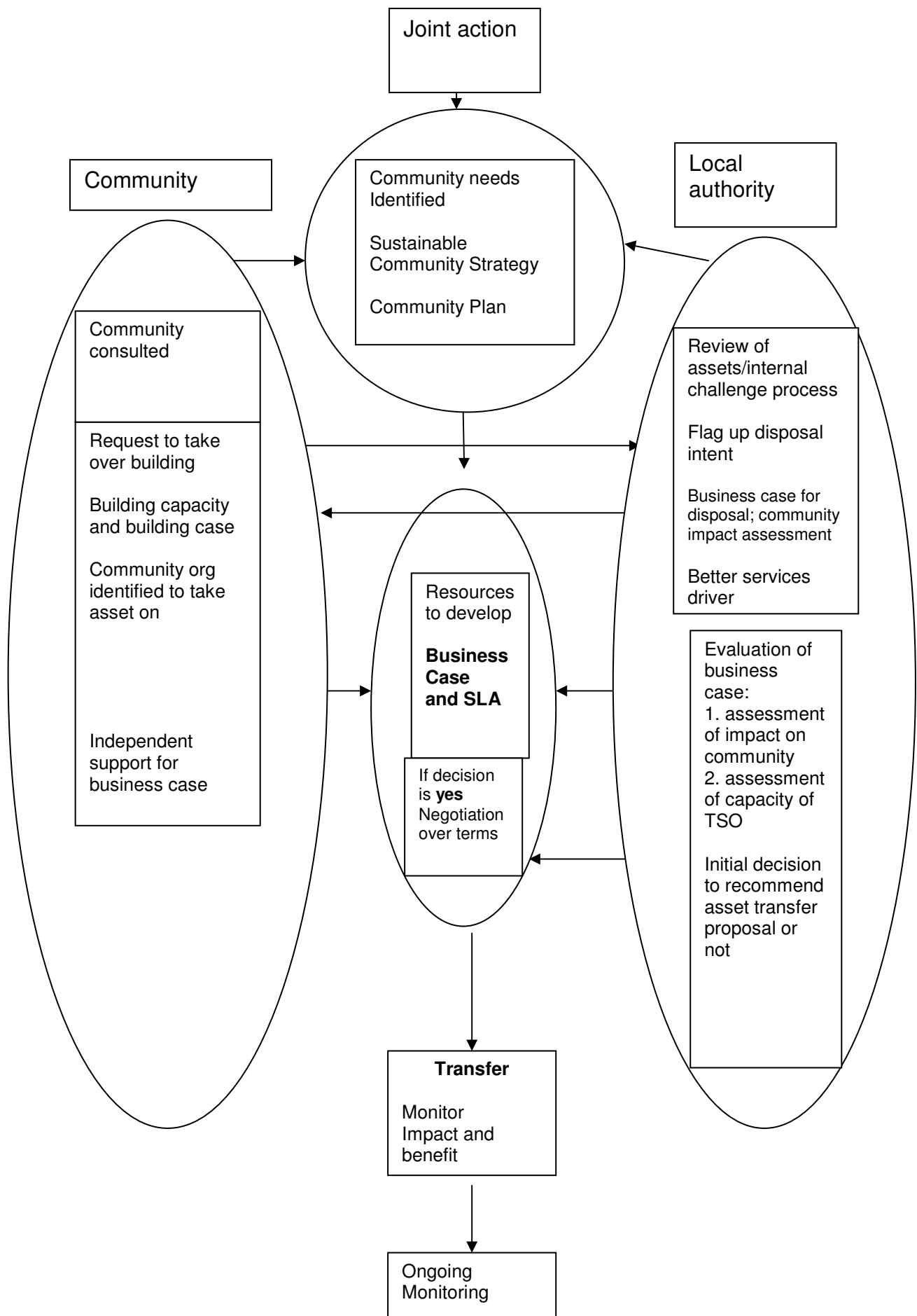
The Council will seek to achieve a balanced approach against these criteria, with an equal distribution of projects across the categories.

Based on current information, would transferring the asset:	Y	N	Specify relevant details.
<b>Area wide benefits</b>			
Achieve one or more of the following: <ul style="list-style-type: none"> <li>• Complement existing services or activity in the locality or other potential asset transfers. Potential to establish a 'hub' of activity with benefits 'greater than the sum of parts'.</li> <li>• Fill a gap in provision locally</li> </ul>			<i>Where there is a link to another potential asset transfer this should be identified and the assessment of each linked.</i>
<b>Promote a sustainable third sector</b>			
Achieve one or more of the following: <ul style="list-style-type: none"> <li>• Improve capacity/sustainability of an organisation (e.g. by being able to borrow against the asset, or create a revenue stream from the asset)</li> <li>• Add value by creating opportunities for individual organisations to work together, for example using the asset as a 'hub'.</li> </ul>			
<b>Economic development and social enterprise</b>			
<ul style="list-style-type: none"> <li>• Bring additional investment into Halton</li> <li>• Improve existing economic activity within the local area</li> <li>• Encourage social enterprise</li> </ul>			
<b>Improvements to local services</b>			
Achieve one or more of the following: <ul style="list-style-type: none"> <li>• Improve or safeguard a service that would otherwise be lost</li> <li>• Present an opportunity to deliver specific council priorities</li> </ul>			
<b>Conclusion:</b> Identify the main expected benefit of transferring the asset.  To what extent can these benefits be quantified?		<i>Insert one of 'Area-wide benefits'; 'Promoting a sustainable 3<sup>rd</sup> sector'; 'Economic development and social enterprise and 'Improvements to local services'</i>  <i>What are the benefits expected a) to the local community b) to communities of interest (including faith and ethnic groups)</i>	

## (viii) Risks

Based on current information, what are the key risks involved in transfer:	Y	N	Specify relevant details. What mitigation might address this risk? Include details of any third parties that could be involved
Potential to disadvantage particular individuals or impact negatively on the local community or communities of interest			<i>For example, what is the potential impact on current users of the asset?</i>
Potential for a negative impact on community cohesion			<i>What is the potential impact of transfer on the local community? Are there existing tensions affecting the community?</i>
Potential loss of existing community services			<i>What are the implications of the transfer of the asset in relation to current service provision and community facilities? Does the transfer create any risk to continued provision in the longer-term. Can appropriate safeguards be identified that would maintain the asset for community benefit (e.g. restricting use, modifications and/or sale of the asset)</i>
Capacity of recipient to manage asset			<i>What level of expertise in facilities management exists within the potential recipient? What is the capacity of the recipient to take on ownership and management effectively?</i>
Potential for the asset to become a financial liability for recipient			<i>Are the costs of running and maintaining the facility known, and are they understood by the potential recipient? Have they got a business plan that sets out how they plan to use the asset?</i>
Capacity of recipient to deliver promised services/outcomes			<i>Is there a robust business plan in place? Has the potential recipient got a track record in this area? Does the potential recipient have sufficient capacity to deliver what they propose?</i>
Capture of asset by unrepresentative/extremist minority			<i>Are there safeguards in place in the short, medium and long-term that will prevent the asset from being used to the detriment of the wider community?</i>
Transfer contravenes State Aid rules			<i>Is there any potential that the transfer could distort competition and affect trade between EU Member States?</i>
Conflict with other legal, regulatory constraints			<i>Is the asset a listed building? What are the implications of this? Are there any other regulatory or planning constraints that affect the asset or an area that includes the asset?</i>
Potential for ongoing Council liability			<i>What are the implications of the transfer in terms of maintenance and health and safety? Are responsibilities clear? What are the insurance arrangements?</i>
Lack of value for money			<i>Are the opportunity costs understood? Are the potential benefits clear and supported by a strong business case? Do the benefits exceed the costs?</i>
Conflict with other funders			<i>Is there any funding associated with the asset where conditions on its use or ownership may apply?</i>
<b>Conclusion:</b> Identify the key risk(s) involved and mitigation that might address this. Identify the residual risk that remains.			





## **Appendix 3**

### HALTON COMMUNITY ASSETS FRAMEWORK

#### STAGE 3

##### Transfer and subsequent Monitoring Arrangements

Upon completion of the transfer the following documents shall be in place to assist with the subsequent management and monitoring of the transfer.

##### SERVICE LEVEL AGREEMENT

The TSO shall have a SLA in place in a format that has been agreed with the sponsoring department.

The SLA will describe the service(s) to be provided together with the milestones to be achieved with timescales and ongoing targets to maintain existing provision or growth (all of which will be summarised from Appendix1). It will describe the forecast cashflow in both short and medium term.

##### BUILDING LOG BOOK

Halton Borough Council will provide a building log book containing relevant information to the building being transferred and necessary actions required by the TSO. The TSO will be responsible for updating the log book for any works they undertake before occupation and any later alterations.

The TSO will maintain within the document evidence of all statutory requirements necessary in managing the building.

##### ONGOING MONITORING

The TSO will provide an annual report to the Sponsoring Department showing achievements against the SLA and proposed improvements for the forthcoming year.

Failure to meet the targets set out in the SLA could result in the transfer being terminated.

The TSO will provide a short report on the building maintenance works that have been carried out in the previous year, the TSO is reminded that should it wish to carry out any alterations to the building then Landlords permission is required in advance.

HBC will at a time agreed with the TSO visit and inspect the building including the Building Log Book. If Statutory works have not been carried out and recorded HBC will have no option but to close the building with immediate effect and it remain closed until such time as the statutory duties have been fulfilled

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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