

# Public Document Pack



## Executive Board Sub Committee

Thursday, 17 June 2010 10.00 a.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. PHYSICAL ENVIRONMENT PORTFOLIO</b>	
<b>(A) WEED SPRAYING PROGRAMME 2010/11</b>	<b>1 - 4</b>

*Please contact Gill Ferguson on 0151 471 7395 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Thursday, 1 July 2010*

Item	Page No
(B) CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005-: INTRODUCTION OF DOG CONTROL ORDERS	5 - 29
4. HEALTH AND ADULTS PORTFOLIO	
(A) PERSONALISATION AGENDA AND USER LED ORGANISATIONS – WAIVER OF PROCUREMENT TENDERING STANDING ORDERS	30 - 35

*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.*

**AGENDA ITEM NO.**

**REPORT TO:** Executive Board Sub Committee

**DATE:** 17<sup>th</sup> June 2010

**REPORTING OFFICER:** Strategic Director Environment and Economy

**SUBJECT:** 2010/11 Weed Spraying Programme

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

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to request that retrospective approval be given to waive standing orders for the commissioning of a borough-wide weed spraying programme for 2010/11.

**2. RECOMMENDED: That:**

- 2.1 For the purposes of Contract Standing Order 1.6, retrospective approval is given on this occasion to the waiver of Standing Orders 3.1 to 3.7 and Standing Order 3.9, in light of the exceptional circumstances as detailed in paragraph 3.7 of this report.
- 2.2 Retrospective approval be given to award the contract to undertake the 2010/11 Weed Spraying Programme to Assist Managed Services.

**3. SUPPORTING INFORMATION**

- 3.1 In March 2009, a tendering exercise was carried out to procure weed-spraying services for the adopted highways and hard surfaced footpath network within the borough. Following an evaluation of four tender bids received, the contract for carrying out the works was awarded to Amenity Contract Services.
- 3.2 The contract covered a 12 month period from April 2009, however, the Tender Specification allowed for the contract to be extended to cover a further 12 month period. This extension was at the discretion of the Council.
- 3.3 Following successful completion of the works in 2009/10, and given that Amenity Contract Services had proposed to carry out the works in 2010/11 at the same cost as in 2009/10, the contract to carry out Highway Weed-Spraying Service for 2010/11 was offered to, and accepted by, Amenity Contract Services.

- 3.4 Prior to the commencement of the works however, the Managing Director of Amenity Contract Services Ltd informed the Council that the company had entered into administration. The company was therefore unable to carry out the Highway Weed-Spraying Service for 2010/11.
- 3.5 A meeting was held with the Managing Director of Amenity Contract Services where it was established that he was in negotiations with another company, Assist Managed Services, who were seeking to take over the delivery of services that were to have been undertaken by Amenity Contract Services.
- 3.6 Assist Managed Services confirmed that they could provide the weed-spraying service for the Council using the same working practises and methods that were delivered previously by Amenity Contracting and at the same cost.
- 3.7 It was considered by officers that to carry out a further tendering exercise could have resulted in the following;
  - 3.7.1 Commencement of the works could have been delayed. This would have resulted in an increase in weed growth and therefore a reduction in the overall quality and success of the weed spraying programme;
  - 3.7.2 Amenity Contract Services had orders from a number of north-west local authorities to carry out weed spraying services in 2010/11. As a result of the company entering into administration many other local authorities in the region would have been in the same position as Halton and would have required alternative contractors to carry out the works. This could have resulted in reduced market capacity and led to Halton failing to attract a suitably qualified and experienced contractor;
  - 3.7.3 Even in the event that the Council did attract a suitably qualified contractor through a new tendering exercise, it could have resulted in an increased cost compared to what was available through Assist Managed Services.
- 3.8 For the reasons detailed in paragraphs 3.7.1 – 3.7.3, a further tendering exercise was not undertaken and Assist Managed Services were subsequently awarded the contract to carry out the weed spraying service. It was felt that officers had to act quickly to secure this arrangement and that any other course of action could have jeopardised the Council's ability to deliver a high quality, cost effective weed spraying service. For these reasons, it is recommended that retrospective approval is given on this occasion to;
  - 3.8.1 The waiver of Standing Orders 3.1 to 3.7 and 3.9, and
  - 3.8.2 Award the contract to undertake the 2010/11 Weed Spraying Programme to Assist Managed Services

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The weed-spraying programme will be delivered from existing budgets and therefore there are no additional financial implications arising from this report. However, as stated in paragraph 8.1, additional costs may have been incurred if the work had not been awarded to Assist Managed Services.

#### **5. POLICY IMPLICATIONS**

- 5.1 There are no policy implications arising from this report.

#### **6. OTHER IMPLICATIONS**

- 6.1 There are no other implications arising from this report.

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

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

No direct impact

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

No direct impact

##### **7.3 A Healthy Halton**

No direct impact

##### **7.4 A Safer Halton**

No direct impact

##### **7.5 Halton's Urban Renewal**

This scheme will maintain weed control on the Council's adopted highways and hard surfaced footpath network and contribute towards making the borough a more attractive location for investment.

#### **8. RISK ANALYSIS**

- 8.1 There was a significant risk that the Council may have failed to deliver an effective weed spraying programme, or may have incurred additional costs, if it had failed to secure the contractual arrangements with Assist Managed Services as detailed within the report.

#### **9.0 EQUALITY AND DIVERSITY ISSUES**

- 9.1 There are no equality and diversity issues arising from this report

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

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

**REPORT TO:** Executive Board Sub-committee

**DATE:** 17<sup>th</sup> June 2010

**REPORTING OFFICER** Strategic Director, Environment & Economy

**SUBJECT:** Clean Neighbourhoods and Environment Act 2005 –: introduction of dog control orders

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

1.1 The Clean Neighbourhoods and Environment Act 2005 brought in new powers for local authorities to be able to deal with problems associated with irresponsible dog ownership. Dog Control Orders replace the previous system of byelaws for the control of dogs as well as the Dogs (Fouling of Land) Act 1996, the powers of which are repealed upon adoption of dog control orders.

1.2 These powers enable local authorities to deal with the minority of irresponsible dog owners.

1.3 To advise the Board of progress in the process of declaring Dog Control Orders within the Borough and the findings of the public consultation.

1.4 To advise the board of comments from the Safer Halton Policy & Performance Board.

1.5 This report was previously considered at the meeting of the Executive Board Sub Committee on 27<sup>th</sup> May when it was deferred for clarification and further information.

## **2.0 RECOMMENDATION:**

**2.1 That, in the light of the consultation exercise, the Board approves the following dog control orders:-**

- (i) The Fouling of Land by Dogs Order (appendix 1)
- (ii) The Dogs Exclusion Order (appendix 2)
- (iii) The Dogs on Leads Order (appendix 3)
- (iv) The Dogs on Leads by Direction Order (appendix 4)

2.2 The Operational Director E&RS in consultation with the Operational Director Legal and Democratic Services and the Portfolio Holder for Environmental Sustainability be authorised to complete the implementation.

2.3 That in consultation with the Portfolio Holder for Environmental

Sustainability, an immediate review of the Dog Control Orders be commenced.

2.4 That in consultation with the Portfolio Holder for Environmental Sustainability a communication strategy and public information campaign be established to advise the public of the implications of the new Dog Control Orders.

### **3.0 SUPPORTING INFORMATION**

3.1. The Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) introduced new powers and fixed penalties for local authorities to counter and reduce environmental crime across the public realm. Local authorities are required to carry out statutory public consultation when proposing the making of a Dog Control Order as outlined in The Dog Control Orders (Procedures) Regulations 2006.

3.2 Statutory consultation was carried out by Legal Services on 22<sup>nd</sup> October 2009 and finished on 23<sup>rd</sup> November 2009, in accordance with the regulations. The consultation procedure involved consultation with any other primary or secondary authority within the area in which the Order is being made. Authorities consulted included Parish Councils, Cheshire Local Access Forum, English Nature, Knowsley Borough Council (rights of way) and Registrar of registered common land. One response was received from English Nature stating no objection to the orders.

3.3 A copy of the draft Order was posted in local newspapers on the 22<sup>nd</sup> October 2009, inviting representations. No responses were received. A copy of the draft Order was also displayed on the Halton Borough Council website throughout the consultation period. Copies of the proposed Orders were left at all the Halton Direct Links. No responses were received.

3.4 The making of this Order is a statutory procedure that is necessary under Section 55 of the Clean Neighbourhood and Environment Act 2005 and which requires that a formal decision is made following consultation.

3.5 The regulations also state that, before it can make a Dog Control Order, an authority must at the end of the notice period, consider representations and give a 14 day notice period before the Order comes into force. Once the Order has been made, the Authority must publish another notice in a local newspaper giving 7 days' notice that it will be coming into force. This should state:

- a) That the Order has been made
- b) Where the Order may be inspected and copies obtained.
- c) A copy must be put on the authority's website.

3.6 Anyone who commits an offence under any of the provisions of the Dog Control Orders may be liable to conviction in the Magistrates Court to a fine up to £1000. A fixed penalty notice may be offered for offences: this would be £75. Anyone who fails to pay a fixed penalty fine may be liable for a fine up to £1,000.



3.7 The Safer Halton Policy and Performance Board was advised of the outcome of the consultation and the next steps in the procedure. The Board supported the move towards implementation of the orders

3.8 During consideration of the matter at the PPB certain questions arose about the Orders consulted on and included:

- It was suggested that the allotments could be better addressed via the tenancy agreement rather than via a Dog Control Order. It was pointed out that the allotment holders and allotment manager had suggested this be included in the Order to give the most effective means of control.
- It was highlighted that one of the greatest risks for young people was from dog faeces on playing fields and that dogs should be excluded from these areas and that this be included in the schedule. Whilst this fact is accepted many playing fields are not sufficiently fenced to allow exclusion to be a practicality but all playing fields will be subject to the dog fouling order.
- It was highlighted that the report listed all children's playgrounds etc, and that not all playing fields in the Borough were designated play areas and some were not fenced off. It was suggested that consideration be given to excluding dogs from these areas. This current list shown in the appendices was produced following consultation with Open Space Services and Parks and Countryside Services but will be reviewed in the light of practical experience and to take account of changes which have occurred since the consultation exercise was commenced.
- It was reported that there were areas such as Palacefields Ball Park that were on one schedule (Dog on a lead) and not on another and it was highlighted that a ball park was a children's leisure facility and it was hoped that dogs would be excluded from such areas. It was requested that the legal department look at the risk particularly to young people from dog faeces and adjust some of the schedules accordingly. This issue will be included in the proposed review.

3.8 It was also suggested that a charge for dog licences should be re-introduced. This is a national issue outside the remit of this procedure or within the power of local authorities.

3.9 Legal advice was sought to ascertain if any modifications could be made to the schedules without repeating the statutory consultation process, again. For example if more playgrounds were to be added to the list where dogs are to be excluded. The response was that any changes to the schedules would have to be supported by a repeat of the whole statutory consultation procedure. However the Board was advised that all comments would be considered and retained for the necessary review.

3.10 If the Dog Control Orders are accepted by the Council it is the intention to raise an awareness of the implications of the Orders by means of a Borough wide campaign encouraging responsible dog ownership. The Orders must be shown to be an important tool in focusing community support to ensure a clean and safe environment for children and families.

3.11 The four schedules attached as appendices to this report have the effect of designating specific areas of public open space where particular dog control orders will apply. The areas have been selected for inclusion in the appropriate schedule following consultation. In general, the Orders have the following implications:-

Appendix 1 – the Fouling of Land by Dogs Order. The effect of this Order is to make it an offence (with minor exceptions for those registered as blind or with certain disabilities (see paragraph 8.1)) to allow a dog to defecate on any public open space in the Borough without removing the faeces from the land.

Appendix 2 – the Dogs Exclusion Order defines those area of land (mainly fenced play areas) where dogs are specifically excluded and it would be an offence for anybody in charge of a dog to allow it to enter or remain.

Appendix 3 – the Dogs on Leads Order defines those area of land where dogs are permitted but a person in charge of a dog must keep the dog on a lead (not exceeding 6 feet in length) at all times. This applies to a number of parks and allotments.

Appendix 4 – the Dogs on Leads, by Direction Order applies to all public open space in the Borough and enables an authorised officer of the Council to require that a dog be put on and kept on a lead. This is to allow the control of dogs running free in areas of open space and whose owners can not or do not keep them under reasonable control such that they are causing annoyance or fear to other members of the public or to wildlife.

#### **4.0 POLICY IMPLICATIONS**

4.1 Enforcement will be undertaken in accordance with existing enforcement policies and good enforcement practice.

4.2 Fixed penalties for offences under dog control orders may be issued by authorised officers under section 59(1) and (2). Section 59(11) defines who are 'authorised officers' including employees of primary and secondary authorities who are authorised for this purpose. In Accordance with the Constitution and the delegated powers afforded to the Operational Director E&RS, a number of officers within E&RS with suitable and sufficient training and competency will be authorised to enforce the control orders.

#### **5.0 OTHER IMPLICATIONS**

5.1 Enforcement can be accommodated from existing resources.

5.2 There is currently no additional budget allocation for these costs. Existing resources – financial and time- will need to be reallocated to meet these additional requirements. In order to minimise the impact on core services, signs and other costs will be kept to a minimum and enforcement action taken in accordance with the Division’s Enforcement Policy. There will be a financial cost of updating and replacing all existing signage. It is anticipated that any additional cost will be accommodated within existing budgets. Receipts from the fixed penalty notices issued may also help offset any costs.

5.3 If additional dog exclusion areas are to be created in recreation areas there will be a new financial cost of fencing, gating and maintaining these. The cost can only be estimated when the overview is complete and the extent of these areas agreed. This matter was subject to discussion in the internal consultations.

5.4 Regulations provide that the receipts from the issue of Fixed Penalty Notices are to be used by the Authority for certain specified functions. However, authorities that are “excellent” or “good” under Comprehensive Performance Assessment (CPA) can use the receipts for any functions.

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

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

Children are particularly susceptible to Toxicara Canis and implementation of the Orders recommended in this report should help reduce the risk of catching this infection.

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

**None as a direct result of this report**

### **6.3 A Healthy Halton**

The main purpose of the law requiring people to pick up dog faeces are because it is unhygienic and a health hazard. The Orders recommended in this report provide a clear framework for the enforcement of appropriate dog control orders and should help reduce the relevant health hazards.

### **6.4 A Safer Halton**

The approval of the Dog Control Order will assist with the Council’s regulatory practices and better assist Council officers to carry out their duties more effectively in relation to irresponsible dog ownership and associated anti-social activity. There have also been complaints about the inability of some dog walkers to control their dogs. The Orders will allow authorized officers to insist that such dogs are kept on a lead

### **6.5 Halton’s Urban Renewal**

Dog fouling is an environmental concern that is a result of irresponsible dog owners and has a negative impact on the image of the borough. The

enforcement of these powers when needed will contribute to the maintenance and improvement of town centres and other parts of the Borough.

## **7.0 RISK ANALYSIS**

6.1 This is an opportunity to clarify and consolidate into a single unified enforcement power the various regulatory powers around responsible dog ownership. Any risk of widespread public disapproval has not materialised and with sensible and proportionate enforcement this should remain the case. There are potentially serious health issues associated with Toxicara Canis including damage or loss of eyesight and other potentially serious health problems.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 Dog control is a key concern of many local residents, particularly with respect to dog fouling. Dog fouling has a particular impact on wheelchair users, participants in sports and small children, because they are more likely to come into direct contact with dog faeces.

Exemption for the disabled is inherent within the CNEA 2005. The offence of failing to remove dog faeces does not apply to a person who is registered as a blind person or to a person who has a disability, which affects their mobility, manual dexterity or physical co-ordination. Authorized officers will use discretion when dealing with enforcement in all groups.

## **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>
DEFRA Guidance – Sections 55-67 CN&E Act 2005	Environmental Health Division Rutland House Halton Lea, Runcorn WA7 2GW (Further information can be found on the DEFRA website <a href="http://www.defra.gov.uk">www.defra.gov.uk</a> )	Mrs W.K. Salisbury Environmental Protection Manager

**THE FOULING OF LAND BY DOGS**  
**(THE BOROUGH OF HALTON) ORDER 2009**

**Date of Making Order:**

**Date of Order Coming into Force:**

**Halton Borough Council**  
**Corporate & Policy**  
**Municipal Building**  
**Kingsway**  
**Widnes**  
**Cheshire**  
**WA8 7QF**

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I.2006/1059)**

The Fouling of Land by Dogs  
(The Borough Council of Halton) Order 2009

The Borough Council of Halton hereby makes the following Order:

1. This Order comes into force on .....
2. This Order applies to the land specified in the Schedule.

**Offence**

3. – (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) Nothing in this article applies to a person who—

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes of this article —

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) each of the following is a "prescribed charity"—
  - (i) Dogs for the Disabled (registered charity number 700454);
  - (ii) Support Dogs (registered charity number 1088281);
  - (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this ..... day of ..... 20.....

**EXECUTED as a DEED** by hereunto  
affixing the **COMMON SEAL** of  
**THE BOROUGH COUNCIL OF HALTON**  
in the presence of:-

Authorised Signatory

SCHEDULE

1. Any land within the administrative area of The Borough Council of Halton, which is open to the air, including covered land which is open to the air on at

least one side, and to which the public are entitled or permitted to have access with or without payment. (shown delineated in black on the Fouling of Land by Dogs Order plan).

2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.



**Appendix 2**

**THE DOGS EXCLUSION (THE BOROUGH OF HALTON)**  
**ORDER 2009**

**Date of Making Order:**  
**Date of Order Coming into Force:**

**Halton Borough Council**  
**Corporate & Policy**  
**Municipal Building**  
**Kingsway**  
**Widnes**  
**Cheshire**  
**WA8 7QF**

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I.2006/1059)**

**The Dogs Exclusion (The Borough Council of Halton) Order 2009**

The Borough Council of Halton hereby makes the following Order:

1. This Order comes into force on .....
2. This Order applies to the land specified in the Schedule.

**Offence**

3. — (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless —

- (a) he has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) Nothing in this article applies to a person who—

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes of this article—

(a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and

(b) each of the following is a "prescribed charity"—

- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this ..... day of ..... 20....

**EXECUTED as a DEED** by hereunto  
affixing the **COMMON SEAL** of  
**THE BOROUGH COUNCIL OF HALTON**  
in the presence of:-

Authorised Signatory

SCHEDULE

**1. Cemeteries**

Runcorn Cemetery, Greenway Road Runcorn  
Halton Cemetery, East Lane, Halton Lea, Runcorn.

Widnes Cemetery Birchfield Road Widnes

## **2. Formal Gardens**

Chinese Friendship Garden Town Hall Runcorn, Heath Road Runcorn.

## **3. All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) Children's Play Areas, Multi – Sport Areas listed below;**

### **Widnes Playgrounds**

Caldwell Road, Caldwell Road, Widnes, WA8 7EA

Crow Wood Park, Bancroft Road, Widnes, Cheshire, WA8 3LL

Hale Park Play Area, Hale Park, Town Lane, Hale Village, Liverpool L24

Halebank Recreation Ground, Blackburne Avenue, Widnes

Hough Green Park , Royal Avenue, Widnes, Cheshire WA8 8HL

King Georges Park, Dundalk Road, Widnes

Plumbley Gardens, off Liverpool Road, Widnes

Stewards Avenue, Widnes

St. Marie's Community Park, Ann Street, West Widnes

Upton Playground, Bechers, Upton, Widnes

Upton Rocks Park (Junior), Queensbury Way, Upton Rocks, Widnes

Upton Rocks Park (Toddler), Queensbury Way, Upton Rocks, Widnes

Victoria Park (Toddler), North End of Victoria Park, Near Lockett Road, Widnes.

Victoria Park (Junior), North End of Victoria Park, Near Lockett Road, Widnes.

West Bank Promenade St Mary's Road West Bank Widnes

### **Widnes Multi-Use Games Areas**

Crow Wood Park Bancroft Road Widnes Cheshire WA8 3LL

Derwent Road - Royal Avenue Widnes

Grizedale Ball Play Grizedale Widnes

Halebank Recreation Ground, Clapgate Crescent, Widnes

Hale Park Town Lane Hale Village Liverpool L24

Hough Green Park (Tennis) Royal Avenue Widnes Cheshire WA8 8HL

Kingsway Wavertree Avenue and Squires Avenue Widnes  
King Georges Park Games Area Dundalk Road Widnes  
St. Marie's Community Park Ann Street West Widnes  
Upton Rocks Park Queensbury Way Upton Rocks Widnes  
Victoria Park Wheel Play Birchfield Avenue Widnes Cheshire WA8 6PX  
Victoria Park Basketball Birchfield Avenue Widnes Cheshire WA8 6PX  
Victoria Park Tennis Birchfield Avenue Widnes Cheshire WA8 6PX  
Victoria Park Interactive Water Feature North End of Victoria Park Near Lockett Road Widnes.

### **Runcorn Playgrounds**

Castle Rise Playground, off Halton Road, Runcorn  
Castner Avenue, Weston Point, Runcorn  
Cavendish Street, Cavendish Street, Runcorn  
Coronation Road, Preston Brook, Runcorn  
Hale View – Beaconsfield, Hale View, Runcorn  
Leinster Gardens, Runcorn, WA7 1EG  
Murdishaw Play Centre (1 - Old), Barnfield Avenue, Runcorn  
Murdishaw Play Centre (2 - New), Barnfield Avenue, Runcorn  
Newmoore Lane, Sandymoor, Runcorn  
Norton Cross, Broadfields, Runcorn  
Park Road, Runcorn  
Phoenix Park Play Area, Castlefields Avenue East, Castlefields, Runcorn.  
Pitts Heath Lane, Sandymoor, Runcorn  
Rock Park Play Area, Union Street, Runcorn, WA7 5SX  
Six Acre Lane, Moore  
Town Hall Grounds, Heath Road, Widnes  
Trinity Park, Parker Street, Runcorn  
Walsingham Drive, Sandymoor, Runcorn  
Weaver Road, Weston Village, Runcorn  
Woodlands Play Centre, Castlefields Runcorn

### **Runcorn Multi-Use Games Areas**

Castle Rise Youth Activity Park off Halton Road Runcorn

Egerton Street Ball Play Egerton Street Runcorn

Phoenix Park, Youth Activity Park (T), Castlefields Avenue East, Castlefields  
Runcorn.

Rock Park Ball Play Rock Park Union Street Runcorn Cheshire WA7 5SX

Russell Road Wheel Play Russell Road Runcorn WA7 4BG

**Appendix 3**

**THE DOGS ON LEADS (THE BOROUGH OF HALTON)**  
**ORDER 2009**

**Date of Making Order:**  
**Date of Order Coming into Force:**

**Halton Borough Council**  
**Corporate & Policy**  
**Municipal Building**  
**Kingsway**  
**Widnes**  
**Cheshire**  
**WA8 7QF**

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I.2006/1059)**

**The Dogs on Leads (The Borough Council of Halton) Order 2009**

The Borough Council of Halton hereby makes the following Order:

1. This Order comes into force on .....
2. This Order applies to the land specified in the Schedule.

**Offence**

3. – (1) A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies, he does not keep the dog on a lead of not more than 6 feet in length, unless —

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this ..... day of ..... 20....



**EXECUTED as a DEED** by hereunto  
affixing the **COMMON SEAL** of  
**THE BOROUGH COUNCIL OF HALTON**  
in the presence of:-

Authorised Signatory

SCHEDULE

This order applies to all land which is within the administrative area of Halton Borough Council and which are the parks listed below;

**Parks**

Crow Wood Park Bancroft Road Widnes Cheshire WA8 3LL.

Hough Green Park Royal Avenue Widnes Cheshire WA8 8HL.

Palacefields Ball Play, Palacefields Avenue, Runcorn.

Victoria Park Victoria Park Birchfield Avenue Widnes Cheshire WA8 6PX  
except in the fenced dog exercise area.

**Gardens**

Birchfield Gardens, Birchfield Road, Widnes.

West Bank Promenade St Mary's Road West Bank Widnes

**Runcorn Allotments**

Clifton Road, Beechwood, Avenue, Runcorn WA7 4SB

Dukesfield, Leinster Road, Runcorn WA7 1ER

Haddocks Wood Off Warrington Road, Runcorn WA7 1RE

Heath Road, Runcorn WA7 5TA

Oak Drive, Runcorn WA7 5HE

Weston Road, Runcorn WA7 4JU

**Widnes Allotments**

Avondale, alongside 4 Birtley Court, Widnes WA8 7WA

Rear of 5 Cunningham Road, Widnes WA8 8EE

Deansway, Between 128-130 Hale Road, Widnes WA8 8SY

Derby Road, Rear of 12 Factory Lane, Widnes WA8 9FW

Dykin Road, at the side of garage at 36 Hilary Close, Widnes WA8 3HT

Hale Bank, at the side of 31 Halebank Road, Widnes WA8 8NA

Hale Road, to rear of 253 – 269 Hale Road, Widnes WA8 8QB

Halton View, at the side of 1 Halton View Road, Widnes WA8 OTS

Lancaster Road, at the side of 2 Lancaster Road, Widnes WA8 9TY

Side of 14 Laurel Bank, Widnes WA8 6QB

**Appendix 4**

**THE DOGS ON LEADS BY DIRECTION**  
**(THE BOROUGH OF HALTON) ORDER 2009**

**Date of Making Order:**  
**Date of Order Coming into Force:**

**Halton Borough Council**  
**Corporate & Policy**  
**Municipal Building**  
**Kingsway**  
**Widnes**  
**Cheshire**  
**WA8 7QF**

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I.2006/1059)**

**The Dogs on Leads by Direction  
(The Borough Council of Halton) Order 2009**

The Borough Council of Halton (in this Order called "the Authority") hereby makes the following Order:

1. This Order comes into force on .....
- .
2. This Order applies to the land specified in the Schedule.
3. In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

**Offence** 4. – (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 6 feet in length, unless —

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article—

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

**Penalty** 5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this ..... day of ..... 20.....

**EXECUTED as a DEED** by hereunto  
affixing the **COMMON SEAL** of  
**THE BOROUGH COUNCIL OF HALTON**  
in the presence of:-

Authorised Signatory

*SCHEDULE*

Any land within the administrative area of Halton Borough Council, which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment (shown delineated in black on the Dogs on Lead by Direction Order plan).

**REPORT TO:** Executive Board Sub Committee

**DATE:** 17<sup>th</sup> June 2010

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

**SUBJECT:** Personalisation Agenda and User Led Organisations – Waiver of Procurement Tendering Standing Orders

**WARD(S)** Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To request the waiving of Procurement Standing Orders 3.1 - 3.7 which places a requirement on the Council to tender for contracts set up with external providers of services.

2.0 **RECOMMENDATION: That:**

- i) **Procurement Standing Orders 3.1-3.7 be waived in accordance with Standing Order 1.6 and the Operational Director Health & Partnerships be authorised to award the contract for the User Led Organisation Development Programme to Get Heard Consultancy, for the sum of £34,650 in light of the exceptional circumstances outlined in this report.**

3.0 **SUPPORTING INFORMATION**

3.1 Improving the Life Chances of Disabled People (PSU, 2005) included the recommendation that 'By 2010, each locality (defined as that area covered by a Council with social services responsibilities) should have a user-led organisation modelled on existing Centres for Independent Living (CILs).' User-led organisations (ULOs) were described as 'local organisations, run and controlled by disabled people'.

3.2 The recommendation was taken forward as an objective in the Independent Living Strategy (DH, 2008) and the key importance of developing user-led organisations as a central element of the personalisation agenda was recognised in Putting People First (HMG, 2007) and the Transformation of Social Care (TASC) circular (DH/LAC, 2009.) The recently agreed milestones for the delivery of the TASC agenda include the progress measure 'that every council area has at least one user-led organisation who are directly contributing to the transformation to personal budgets' by December 2010.



- 3.3 The Department of Health established a ULO Project in 2006 which led to the publication of the User-Led Organisations Project Policy, which set out design criteria to guide local authorities work on ULO initiatives. The Policy also stressed the need for authorities to adopt a 'co-production' approach to ULO development and emphasised the fact that the structure and organisation of each ULO would vary according to local circumstances.
- 3.4 The DH then funded 25 pilot sites for ULO development initiatives through the Project and established a regional support network. Locally support has been provided through the North West Joint Improvement Partnership for Adult Social Care (NWJIP) which has hosted regional workshops and meetings. Good practice products from the first wave pilot sites have been made available through the National Centre for Independent Living (NCIL) website as a resource for others.
- 3.5 The DH has recently published 'Sharing the Learning – user-led organisations action and learning sites 2008-2010' (DH, 2010) which summarises key areas of learning from the pilot sites. This includes a section on the main models that have emerged from the pilots which suggests that all ULO developments can be grouped under one of 3 models:
- **Hub and Spoke:** A federation of existing organisations operating through an organisational hub which they manage.
  - **Centre for Independent Living:** A new or existing building-based organisation which would, in essence, be the CIL, delivering services with partner organisations in the area.
  - **A Virtual ULO:** operating via a website with portals for the various partner organisations and their services. The DH then funded 25 pilot sites for ULO development initiatives through the Project and established a regional support network. Locally support has been provided through the North West Joint Improvement Partnership for Adult Social Care (NWJIP) which has hosted regional workshops and meetings. Good practice products from the first wave pilot sites have been made available through the National Centre for Independent Living (NCIL) website as a resource for others.
- 3.6 The guidance is clear that ULOs should support all disabled groups, carers and people who user support which would include:
- People with learning difficulties
  - People with mental health needs
  - People with physical and/or sensory disabilities
  - Older people with disabilities
  - People with disabling long-term conditions

- Young disabled people
- Parents of disabled children
- Carers
- Personal Assistance users

3.7 The functions that a ULO may be expected to deliver may include:

- Advice and information
- Advocacy and self-advocacy support
- Support with Direct Payments and personal budgets
- Support with PA's
- Access audits
- Support for the Disability Equality Duty
- Disability equality training
- Consultation and involvement
- Peer support and counselling

3.8 To help to progress local work on the development of a ULO an experienced independent consultancy was engaged to help to draw up an approach for the development of a ULO in Halton. The main strands of the project have involved:

- Establishing the national strategy context to ensure that a local ULO is consistent with current guidance
- Linking up with the regional network and the JIP NW lead, attending workshops and studying in detail a number of ULO development initiatives in the region
- Establishing the local context in relation to the development of user-led organisations and the potential for linking future ULO development with the Transformation of Social Care agenda
- Fostering co-production of the strategy through meetings/interviews with representatives of local third sector organisations for disabled people.

3.9 The learning from these different strands of the strategy development project has been used to inform an options appraisal exercise which has led to the recommendation that a hub and spoke model based on the DH design criteria is adopted. This is consistent with the preferences expressed by all of the local organisations for disabled people that were interviewed.

Discussions with the Directorates' lead commissioner for advocacy services and with the manager of the Direct Payments and personal budgets service give encouragement to the view that there may be significant potential benefits from establishing close links with these services and the ULO design programme.

3.10 **Business Case for Waiver of Procurement Tendering Standing Orders**

**Value for Money and Competition**

The proposed provider, Get Heard Consultancy have been working closely with Halton Disability Partnership and other local third sector groups in order to progress Halton Disability Partnership seeking to develop as a "user-led organisation" with its own funding and a formal charity structure to provide a stronger voice for people with disabilities in the Borough.

Given that Get Heard Consultancy has previously been commissioned and been working with key stakeholders it would seem a poor use of resources for Halton Borough Council to instigate a further formal tendering process which would require additional resources to progress it. They have identified costs of 334,650.

With our knowledge of the market, we are satisfied that the price of £34,650 is a fair price.

3.11 **Transparency**

Transparency will be achieved by ensuring a clear audit trail for the procurement of all goods and services.

The contract will be placed on the Halton Borough Council Procurement website. The contract is also subject to the Freedom of Information Act and audit processes.

3.12 **Propriety and Security**

Integrity clauses will be built into the contract documents and only Officers with a need to know will have information about the contract.

3.13 **Accountability**

Accountability would remain with Operational Director Prevention and Commissioning awarding the contract and a rigorous evaluation and performance-monitoring framework will form part of the contract with Get Heard Consultancy.

This service is exempt from the tendering requirement of the Public

Contract Regulations 2006 because the development is ancillary to Health and Community Service's which falls into Part B category, Procurement Regulations 2006.

4.0 **POLICY IMPLICATIONS**

4.1 National Indicator 130 has a target requiring 30% of service users and carers in receipt of community services to be purchasing them using an Individual budget or direct payments by April 1<sup>st</sup> 2011. The figure will be calculated per 100,000 population aged 18 or over. The establishment of a ULO will support this.

4.2 Over the next 5 years, Personalisation is likely to substantially affect the way in which people receive services, information and support. The Local Authority will need to progress this national agenda.

5.0 **OTHER IMPLICATIONS**

5.1 **Financial**

The cost of this contract will be funded by the Social Care Reform Grant. This will be reviewed in March 2011 and further investment will be considered against the Councils available budget. Alternative funding streams or self funding will be considered as part of this process.

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

6.1 Failure to develop a ULO in Halton by 2010 will mean that the Life Chances recommendation will not be achieved in the Borough within the nationally set timeframe.

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

This decision supports the planned development of employees, service users, contracted provider services and carers to ensure they have the correct skills and knowledge to carry out their duties in a safe and competent manner.

6.3 **A Healthy Halton**

Once the ULO has been established it will be in a position to apply for grants and other funding, in the same as other independent third sector organisations, and may be commissioned by the local authority and the PCT to provide various services that support independent living and promote personalisation.

The Government anticipates that the use of Individual Budgets will lead to further health gains. Further work with Health will take place to ensure health gains are maximized.

6.4 **A Safer Halton**

Staff will be trained to provide advice, support and guidance to enable service users to manage how their own care needs are met.

6.5 **Halton's Urban Renewal**

None identified

7.0 **RISK ANALYSIS**

7.1 There are 3 primary risks.

- Failure to develop a ULO in Halton by 2010 will mean that the Life Chances recommendation will not be achieved in the borough within the nationally set timeframe.
- The progression of the personalisation agenda without an adequate understanding of the full implications and the impact this may have on care service provision.
- Giving insufficient priority to the work so that the Council falls behind other Councils and Government expectations and does not meet its NI 130 target by April 2011.

8.0 **EQUALITY AND DIVERSITY ISSUES**

The role of a ULO may include the delivery of disability equality training, and it may play an important role in supporting the fulfillment of the Council's Disability Equality Duty.

Application of the design criteria will ensure that a local user-led organisation is 'non-discriminatory and recognises and works with diversity in terms of race, religion and belief, gender, sexual orientation, disability and age'

8.1 Following approval of the request to waive Standing Orders a full equality impact assessment on any proposals will be undertaken by the Directorate Equalities Group.

8.2 The personalisation agenda promotes equality, diversity and greater well-being to the residents of Halton.

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

**N/A**