



## Tourism, Communities, Culture & Leisure Committee

<b>Date:</b>	<b>Thursday, 7 March 2024</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Mike Jones  
**Tel:** 0151 691 8363  
**e-mail:** michaeljones1@wirral.gov.uk  
**Website:** www.wirral.gov.uk

Please note public seating is limited therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

#### **4. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 25 January 2024.

#### **5. PUBLIC AND MEMBER QUESTIONS**

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question/statement by the deadline for submission.

##### **5.1 Public Questions**

Notice of question to be given in writing or by email by 12 noon, Monday 4 March 2024 to the Council's Monitoring Officer via this link: [Public Question Form](#) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link: [Document Data Protection Protocol for Public Speakers at Committees | Wirral Council](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission.

##### **5.2 Statements and Petitions**

Notice of representations to be given in writing or by email by 12 noon, Monday 4 March 2024 to the Council's Monitoring Officer ([committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Committee. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk) in advance of the meeting.

##### **5.3 Questions by Members**

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

#### **SECTION A - KEY AND OTHER DECISIONS**

#### **6. RNLI WIRRAL LIFEGUARD SERVICES ANNUAL REPORT 2023 (Pages 5 - 28)**

The PDF file may not be suitable to view for people with disabilities, users of assistive technology, or mobile phone devices. Please contact [carolineiaing@wirral.gov.uk](mailto:carolineiaing@wirral.gov.uk) if you would like this document in an accessible format.

7. **FLORAL FUTURE OPERATIONAL MODEL (Pages 29 - 38)**
8. **WIRRAL SMOKE CONTROL AREA CONSOLIDATION AND EXPANSION (Pages 39 - 64)**

## **SECTION B - BUDGET AND PERFORMANCE MANAGEMENT**

## **SECTION C - WORK PROGRAMME / OVERVIEW AND SCRUTINY**

9. **WORK PROGRAMME (Pages 65 - 72)**
10. **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

**RECOMMENDATION:** That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

11. **FLORAL FUTURE OPERATIONAL MODEL EXEMPT APPENDIX (Pages 73 - 170)**

### **Terms of Reference**

The terms of reference for this committee can be found at the end of this agenda.

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## TOURISM, COMMUNITIES, CULTURE & LEISURE COMMITTEE

Thursday, 25 January 2024

Present:

Councillor H Cameron (Chair)

Councillors	P Martin	G Bennett
	P Jobson	J Johnson
	T Laing	C McDonald
	G McManus	R Molyneux
	K Stuart	M Redfern

56 **WELCOME AND INTRODUCTION**

The Chair welcomed attendees and viewers to the meeting and reminded everyone that the meeting was webcast and retained on the Council's website.

57 **APOLOGIES**

There were no apologies for absence.

58 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest. No interests were declared.

59 **MINUTES**

**Resolved – That, subject to Minute 52 paragraph 2 saying ‘could’ not ‘would’, the minutes of the meeting held on 30 November 2023 be approved and adopted as a correct record.**

60 **PUBLIC AND MEMBER QUESTIONS**

There were no questions, statements or petitions received.

61 **TCCL BUDGET REPORT**

The Director of Neighbourhood presented the report of the Director of Finance which provided an update on the budgets within the remit of the Committee in respect of forthcoming pressures and proposed savings that are being considered within the Medium Term Financial Plan. It was also for the

Committee to consider feedback and outcomes from the Budget Workshops which had been held. The Policy and Service Committees are responsible for those services being delivered under their operational headings within their annual budget envelope. The Policy and Resources Committee, in consultation with the respective Policy and Service Committees, has been charged by Council to formulate a draft Medium Term Financial Plan (MTFP) and budget to recommend to the Council. The Council was required to set a balanced budget each year and set a Medium-Term Financial Plan which considers the future pressures and savings options that will be taken forward to result in a balanced budget position. The Council faces a challenging financial outlook due to inflationary and demand pressures alongside the previous significant reductions in Government funding and uncertainty around the future financial settlements. It was noted that there were apparent pressures caused by achievement against targets for some areas of work but the targets themselves have been reconsidered ready for future budget proposals.

Members debated the implications of the proposals.

**Resolved - That:**

- 1. the indicative pressures and proposed savings detailed in Appendix 1 and 2 be noted; and**
- 2. the Budget Workshop feedback and outcomes, as detailed in exempt Appendix 3 be agreed.**

## 62 **CUSTOMER EXPERIENCE STRATEGY PROGRESS REPORT**

The Assistant Director for Leisure, Libraries and Engage introduced with the Senior Manager, Engagement, the report of the Director of Neighbourhoods which detailed the progress in the implementation of the Customer Experience Strategy.

Various graphs and narratives were presented which Members discussed and sought further detail on issues such as call waiting lengths, accessibility for people without digital access or who had alternative language needs, and the terminology.

**Resolved - That the progress made in delivering the Customer Experience Strategy be noted.**

## 63 **TOURISM, COMMUNITIES, CULTURE AND LEISURE COMMITTEE PERFORMANCE REPORT**

The Assistant Director of Neighbourhood Safety and Transport presented the report of the Director of Neighbourhood Services which provided performance information in relation to Community Safety, encompassing Community Safety delivered by the Council and partner organisations in Wirral. It was noted that

the overall performance was good and indicator arrows had been used to show progress. There had been a spike in acquisitive crimes and the Police had put a team in place to tackle that, such as encouraging locking vehicles as 40% of thefts from vehicles was from unlocked vehicles, and working with pawn brokers over stolen goods.

Members debated the format and scope of the statistics and the responses to identified issues such as the lack of identification of locations in reports. Officers noted the suggestions and queries.

**Resolved – That the content of the report be noted.**

## 64 **WORK PROGRAMME**

The Lead Consultant Lawyer introduced the report of the Director of Law and Governance Committee which presented the Work Programme for the Committee.

Members suggested additions including:

- A workshop on Community Asset Transfers
- An item on communication including consultation bias, social media, listening as well as broadcasting and audiences, as engagement was in the Committee's Terms of Reference

**Resolved – that, subject to the addition of the items noted at the meeting, the work programme be noted.**

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## TOURISM, COMMUNITIES, CULTURE & LEISURE COMMITTEE

Thursday, 7 March 2024

REPORT TITLE:	ROYAL NATIONAL LIFEBOAT INSTITUTE (RNLI) WIRRAL LIFEGUARD SERVICES - ANNUAL REPORT 2023
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

### REPORT SUMMARY

This report sets out the end of year report from the Royal National Lifeboat Institution (RNLI) regarding the service levels and provision of the RNLI Lifeguard Service in Wirral and includes a review of the Service.

The lifeguard service contributes to the following themes set out in [Wirral Working Together: A Council Plan for 2023 – 2027](#) - Working together to protect our environment, Working together to create safe, resilient and engaged communities.

The activity outlined within this report affect the wards of Leasowe & Moreton East, New Brighton, Wallasey and West Kirby & Thurstaston.

This is not a key decision.

### RECOMMENDATION

The Tourism, Communities, Culture and Leisure Committee is recommended to note and comment on the report by the Royal National Lifeboat Institution (RNLI) as attached as Appendix 1 to this report.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION**

- 1.1 The report provided by the RNLI will inform the Tourism, Communities, Culture & Leisure Committee on the performance of the Wirral Coastal Lifeguard Services during the 2023 season and highlight any key issues within the borough.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The RNLI is the sole provider of an external Lifeguard Service.

### **3.0 BACKGROUND INFORMATION**

- 3.1 This is the ninth year that the partnership work between the Council and the RNLI for Lifeguard Services has been in operation.
- 3.2 A number of Wirral Lifeguards were awarded The Alison Saunders Award (national) this season, for a specific rescue off Harrison Drive, New Brighton, in 2022.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 A new contract was agreed by the Council in January 2023 with the RNLI for 48-months (3/1/23-2/1/27) for Beach Lifeguard Services (DN652204).

### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council has a legal interest as landowner of beaches and foreshore around the Wirral Peninsula.
- 5.2 As owner of the beaches/foreshore the Council owes a duty of care to all lawful visitors attending its beaches under the Occupiers' Liability Act 1957. The Council's duty is to ensure that those visiting our land and/or premises are kept reasonably safe. To ensure we are maintaining the standard required to meet that duty, the Council needs to ensure the appropriate inspection programmes, maintenance programmes, risk assessments and reporting procedures are in place. The duty is extended in some limited circumstances to persons other than lawful visitors by virtue of the Occupiers Liability Act 1984.
- 5.3 In addition, the local authority as an employer in its provision of services to the public, is subject to the general duty of ensuring the health, safety and welfare of those at work and, additionally, the protection of those not at work exposed to the risks arising out of Council's undertakings.
- 5.4 Through the Localism Act 2011, local authorities have power to do anything that individuals generally may do. This is referred to as a "general power of competence" and allows a local authority to exercise a broad range of powers to introduce measures that are beneficial to it and/or its residents and visitors. This power can be used by coastal local authorities to introduce measures safeguarding beachgoers,

including assessing risks connected with recreational activities at the beach and providing signage and/or lifeguarding services.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 None arising from this report.

## **7.0 RELEVANT RISKS**

7.1 Wirral has seen a number of tragic water-related fatalities and non-fatal incidents around its coastline. The RNLI Lifeguard Service is a critical factor in the management of the public safety risk and reduces the rate of further incidents.

7.2 The RNLI conducts its own risk assessments, which are reviewed annually and reported to the Council.

7.3 Risks related to the relationship between the Council and RNLI, and RNLI performance against the contract, are mitigated through regular contract management meetings.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Feedback is gathered informally from stakeholders on the execution of the contract.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no equality implications arising from this report.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Predicted climate change and increased weather events add to the public safety risk on Wirral's beaches.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 The RNLI successfully recruits lifeguards locally targeting local colleges, increasing future employability and enhancing life skills.

**REPORT AUTHOR:** **Caroline Laing**  
(Strategic Manager Community Safety)  
email: [carolinelaing@wirral.gov.uk](mailto:carolinelaing@wirral.gov.uk)

## APPENDICES

Appendix 1 – RNLI Lifeguard Service Monitoring Report Wirral - 2023

### BACKGROUND PAPERS

Lifeguard Service Monitoring Report 2021 Wirral  
Wirral Lifeguard Report 2020

### SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Partnerships Committee	10 March 2022
Partnerships Committee	29 June 2021



## Lifeguard Service Monitoring Report 2023 - Wirral



## 1. Summary

This report details the service levels and provisions of the RNLI Lifeguard service in the Wirral area for the 2023 season.

In its 9th year, the RNLI has continued to provide a lifeguard service, with the management team overseeing the service on behalf of Wirral Borough Council. The management team comprised Lucy Tilston (Lead Lifeguard Supervisor Wirral & Denbighshire), Olivia Davies (Lifeguard Supervisor Wirral & Denbighshire – 8 months), Amelia Burnett (Lifeguard Supervisor Wirral & Denbighshire – 7 months), Sadie Lee (Lifeguard Supervisor Wirral & Denbighshire – 4 months), and Peter Rooney (Regional Lifeguard Lead).

This season, we adopted a collaborative approach by combining areas for the Seasonal Supervisor roles to enhance support and experience for the Wirral and Denbighshire Lifeguard Service. The success of this approach has led us to plan for its continued implementation in the future.

Beneath the management team, our Senior lifeguards are responsible for daily operations at each beach, upholding the exceptionally high standards set. The senior team comprised lifeguards:

- Richard Webster
- Cameron Jacobie
- Niamh Wylde
- Anna Underwood
- Dominic Bell

We operated our service on the below beaches:

- New Brighton
- Plateaux
- Harrison Drive
- Leasowe Bay (Peak Season)
- Moreton
- West Kirby

**It's essential to highlight that the statistics for this year are significantly lower when compared to previous years. The reason behind this discrepancy is a modification in the way the RNLI records daily statistics for 2023. In contrast to the past practice of documenting visitor numbers every two hours (six times daily), the new approach no longer includes visitor numbers but focuses on capturing a snapshot of water users or face-to-face interactions twice a day. This alteration has significantly influenced the statistics we currently collect, making them incomparable to those of previous years. It's important to note, however, that this change does not impact other data categories, such as minor first aid, casualty care, missing persons, etc.**

2023 was the fourth year of the service during the current pandemic (COVID -19). Four years on and this still brought a continuation of challenges for the RNLI and

Lifeguard service. Although recruitment has been challenging, we still successfully recruited 12 new lifeguards this year (11 of them being full-time Lifeguards). With support from the Denbighshire Lifeguards during the early season, this helped us continue to run a successful and full capacity service. To achieve this, we ran 5 lifeguard courses (NVBLQ) to fill the scheme of compliment. We will be running early season NVBLQ courses (February half term & Easter) to put us in a good position for 2024 season.

The RNLI provided comprehensive induction training for full-season lifeguards in March and April, including an additional program to accommodate the main season and a final peak season induction just before July. The training covered the RNLI Casualty Care for Lifeguards course, advanced first aid with oxygen therapy and defibrillator training approved by the British Paramedic Association, health and safety training, manual handling, familiarisation, and training with other SAR organizations (HM Coastguard, RNLI Lifeboat Stations across the Wirral), team-building exercises, and extensive local familiarization on the beaches.

Lifeguard facilities and staffing levels vary across the Wirral and are detailed below. All beaches, at a minimum, operate with rescue tubes, fins, and paddle boards.



## New Brighton

During the peak season, a five-person lifeguard team operates from Fort Perch Rock to Egremont Slip. Three team members work from a mobile unit on the promenade in front of the Floral Pavilion, equipped with an ATV, RWC, and mountain bike. At specific times of the day, dependent on the tide, lifeguards raise red and yellow flags to establish a secure bathing zone for the public. This group also monitors the back of the Fort area in collaboration with the Plateaux Lifeguard team. The remaining two lifeguards patrol from a 4x4 stationed outside the Black Pearl, conducting roving patrols down to Egremont along the promenade and keeping a watchful eye on mud and tidal cut-off areas. The RWC, visible from the water, also patrols from the Fort groyne to Egremont. A Senior lifeguard is stationed on New Brighton beach, ready to provide support to the adjacent Plateaux beach if needed. The introduction of new fast-release bridals for the RWC has enhanced its launch effectiveness, particularly during spring tides on the beach.

This year the New Brighton Lifeguards encountered a notable level of activity, albeit with slightly lower statistics compared to the previous year, 2022. Similar to all the Lifeguarded beaches across the Wirral, this decline can be linked to adverse weather conditions, the implementation of a new daily log format, and the easing of travel restrictions.

New Brighton Lifeguards have efficiently managed 71 incidents, rescuing 13 people and 2 animals, offering assistance to 14 individuals, and aiding 83 people. Notably, the New Brighton lifeguards have successfully prevented over 15,596 incidents, highlighting their dedication and competence. Over the year, New Brighton Lifeguards addressed 8 significant Casualty Care incidents and 27 minor First Aid situations. All Wirral Lifeguards consistently utilised the 111-emergency line for secure discharges. During the earlier summer heatwave, New Brighton Lifeguards exhibited exceptional diligence, remaining active and ensuring the safety of all beach users.

A continued close working relationship with New Brighton Lifeboat Station and Wirral CRT has been a great benefit to this service, as a collective we work well together which has been demonstrated in all the major incident's lifeguards have responded to this year, as well as organising effective training exercises together. We are currently planning multi-asset training exercises for 2024





## Plateaux

During Peak season Plateaux is a 3-person beach operating from Perch Rock Fort to Hole in the Wall. The unit is located on a concrete slab on top of some rocks adjacent to the Fort. This team will also keep an eye out on the back of the Fort area (Brazil Bank) in conjunction with the New Brighton Lifeguard team. At specific times of the day (tidal dependant) the lifeguards will clear public from the Sandbanks (there are 4 large sandbanks in total on this beach, from Portland slips to Brazil Bank) and will then raise the red and yellow flags to create a safe bathing zone for the public to use. The ATV was used as a roving patrol vehicle. The rescue board was then positioned as close to the tideline as possible and ready to use in an emergency if needed.

On Plateaux Beach, Lifeguards have effectively managed 67 incidents, rescuing 3 people and 2 animals, providing assistance to 4 individuals, and aiding 148 people. Notably, the Plateaux lifeguards have successfully prevented over 11,903 incidents, showcasing their dedication and competence. Throughout the year, Plateaux Lifeguards have handled 6 significant Casualty Care incidents and 31 minor First Aid situations. All Wirral Lifeguards have utilised the 111-emergency line for safe discharges. During the earlier summer heatwave, Plateaux Lifeguards demonstrated exceptional diligence, remaining busy and ensuring the safety of all beach users.

### Plateaux Statistics



### ***Harrison Drive and Leasowe Bay***

These two beaches were initially patrolled together with two lifeguards until the peak season, at which point the staffing increased to four, and the beaches were separated into distinct patrols. Two lifeguards operated from a 4x4, patrolling the Leasowe area and using the vehicle as a base to maintain a safe bathing area. The other two lifeguards operated from the Harrison lifeguard tower, keeping watch on the "North Bank", and conducting foot, bike, and ATV patrols down to the Hole in the Wall. During the peak season, a mountain bike was stationed at Harrison Drive to facilitate quick response and attendance to incidents for non-vehicle lifeguards.

One significant challenge faced by the lifeguards this year was the increased need for sandbank clearance. The beaches' ever-changing topography led to the identification of four new sandbanks at Harrison in addition to the North Bank. This posed a considerable challenge on busy days, particularly during the earlier heatwave. Lifeguards were also alerted to thick mud created from a waste pipe between the Lifeguard Tower and the Hole in the Wall, and observations were consistently maintained throughout the season.

In a notable incident during the peak season, lifeguards at Leasowe Bay successfully performed a water rescue, extracting a casualty from the water behind the groyne. A 16-year-old lifeguard bravely swam over 200m to reach the struggling casualty and safely brought them back to shore in challenging conditions. Casualty Care was administered on the scene until the arrival of the ambulance, and the individual expressed gratitude later.

The combined efforts of Harrison and Leasowe Lifeguards have adeptly managed 75 incidents, including the saving of one life, the rescue of 11 people and 11 animals, offering assistance to 18 individuals, and providing aid to 250 people. It is worth noting that the Harrison & Leasowe lifeguards have effectively thwarted over 13,292 incidents, underscoring their dedication and competence. Over the course of the year, the Lifeguards addressed 6 significant Casualty Care incidents and 12 minor First Aid situations. All Wirral Lifeguards consistently utilised the 111-emergency line for secure discharges. During the preceding summer heatwave, Harrison Lifeguards showcased exceptional diligence, remaining engaged and ensuring the safety of all beach users.

In contrast to the 2022 statistics, it's evident that Harrison and Leasowe Lifeguards have handled a higher number of incidents this year. The Northern Kite Surf School and The Leasowe Bay Chilly Dippers continue to gain popularity. The Lifeguard Service has maintained a close collaboration with the RNLI water safety team, jointly identifying high-risk periods at Leasowe Bay before the peak season. Together, we have offered safety guidance in that area.

Both Leasowe and Harrison Lifeguards have worked very close with New Brighton Lifeboat Station, Hoylake Hovercraft and Wirral CRT this year during incidents and maintained a great relationship.

## Harrison Drive Statistics

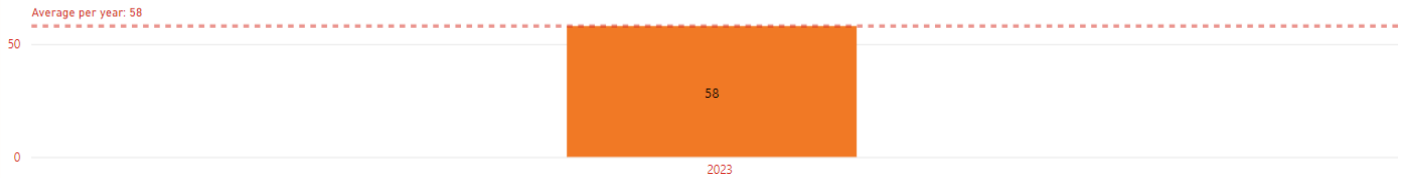


### Lifeguards Overall Since 2001

Overall Lifeguard Statistics since 2001. (These are fixed statistics and cannot be filtered)

2.0.1 Incidents	2.0.2 Lives Saved	2.0.3 People Aided	2.0.4 Preventative Actions
303,031	2,000	406,077	10,633

#### 2.0.6 Total LG Incidents by Year



#### 2.0.7 Lifeguard Incident and Incident Actions

Year	Total LG Incidents	Total Aided	Lives Saved	Rescue	Assistance	Cas care	Minor FA	Search	Missing/ Found	Non Aquatic Assist	Near Miss	False Alarm	Anti Social Behaviour	Animals	Other	Total Preventative Actions
2023	58	222	0	5	9	4	7	0	1	54	37	1	1	11	2	10,633

## Leasowe Bay Statistics



### Lifeguards Overall Since 2001

Overall Lifeguard Statistics since 2001. (These are fixed statistics and cannot be filtered)

2.0.1 Incidents	2.0.2 Lives Saved	2.0.3 People Aided	2.0.4 Preventative Actions
303,031	2,000	406,077	2,659

#### 2.0.6 Total LG Incidents by Year



#### 2.0.7 Lifeguard Incident and Incident Actions

Year	Total LG Incidents	Total Aided	Lives Saved	Rescue	Assistance	Cas care	Minor FA	Search	Missing/ Found	Non Aquatic Assist	Near Miss	False Alarm	Anti Social Behaviour	Animals	Other	Total Preventative Actions
2023	17	28	1	6	9	2	5	0	0	0	1	1	0	0	4	2,659

## West Kirby

In the peak season, West Kirby operates with a five-person team equipped with a 4x4, ATV, and an RWC. Given the challenges posed by the Island chain, a senior Lifeguard is on duty daily. A lifeguard unit is strategically placed in the car park near West Kirby marine lake, serving as an observation point for the beach and offering a reference for the public seeking tidal advice regarding the Island chain. Additionally, it provides first aid and communication services in case of emergencies. The 4x4 is positioned on Hilbre Island, functioning as a base of operations for Lifeguards working on the tideline with all necessary rescue equipment. The ATV serves as a patrol vehicle, while the RWC is positioned as close to the tideline as possible, ready for emergency launch. During an 8.5-meter tide, the RWC effectively patrols and guides individuals off the lake walk to prevent them from being stranded by the tide.

Throughout the season, there has been a rise in incidents involving mud recovery near the West Cheshire Sailing Club jetty.

West Kirby Lifeguards have efficiently managed 40 incidents, rescuing 2 people and 2 animals, offering assistance to 71 individuals, and aiding 170 people. Notably, the West Kirby lifeguards have successfully prevented over 16,006 incidents, highlighting their dedication and competence. Over the year, West Kirby Lifeguards addressed 5 significant Casualty Care incidents and 11 minor First Aid situations. All Wirral Lifeguards consistently utilised the 111-emergency line for secure discharges. During the earlier summer heatwave, West Kirby Lifeguards exhibited exceptional diligence, remaining active and ensuring the safety of all beach users.

Maintaining a strong and ongoing collaborative partnership with West Kirby, Hoylake Lifeboat Station, and Wirral CRT has proven to be highly advantageous for our service. As a collective, we exhibit excellent teamwork, evident in our effective response to major incidents throughout the year, as well as our coordinated efforts in organizing impactful training exercises. In May, West Kirby Lifeguards played a crucial role in supporting the RNLI annual duck race on the marine lake, contributing to a collective fundraising effort that successfully raised £4000 for the appeal. Looking ahead, we are currently in the process of planning multi-asset training exercises for the year 2024.

## West Kirby Statistic





## Moreton

In the height of the season, Moreton functioned as a three-person beach team, equipped with an ATV and Mountain Bike. The unit was stationed on the promenade, adjacent to Moreton Common Carpark near the Green Hut Café. Lifeguards conducted roving patrols from the Leasowe Castle promenade to Barbour’s Folly Groyne. At specific times determined by the tide, the lifeguards cleared the public from the extensive Sandbanks (comprising three large sandbanks in total) and then raised red and yellow flags, designating a secure bathing zone for public use.

The Moreton Lifeguards effectively managed 42 incidents, involving the rescue of 14 animals, assistance provided to 5 individuals, and aid given to 77 people. Notably, the Moreton lifeguards have successfully prevented over 7,927 incidents, showcasing their dedication and competence. Throughout the year, Moreton Lifeguards addressed 1 significant Casualty Care incident and 13 minor First Aid situations. All Wirral Lifeguards consistently utilised the 111-emergency line for secure discharges. During the earlier summer heatwave, Moreton Lifeguards displayed exceptional diligence, staying active and ensuring the safety of all beach users.

The Moreton Lifeguards have fostered a strong collaboration with Hoylake Lifeboat Station and Wirral CRT. Their collective synergy has been notably evident in various incidents, such as a unique occurrence when a sheep became stranded on a sandbank. Despite the unusual nature of this incident, all teams collaborated seamlessly to ensure the safe and prompt extraction of the sheep from the bank.



***Any other business:***

At the commencement of the season, all RNLI Lifeguard units reported their staffing levels, equipment details, and daily operational hours to the UK HMCG. On various occasions, the HMCG tasked the lifeguards to respond to incidents. The lifeguards collaborated closely with the Wirral HM Coastguard Rescue team, as well as the local RNLI Lifeboat and Hovercraft Stations, participating in both incident responses and training activities.

An especially valuable exercise involved the Lifeguards working with New Brighton Lifeboat, practicing the transfer of casualties from a rescue board to the boat. This exercise proved highly effective and was subsequently applied in an actual incident a week later.

**The school education initiative 'Meet the Lifeguards'** resumed this year, and the Wirral Lifeguard and Water Safety team successfully visited over 40 schools, engaging with 7,526 pupils over a four-week period in May 2023. Their diligent efforts led to Wirral Lifeguards achieving the highest number of school visits in the entire Wales & West region. The team aims to replicate this success in 2024.

**The Alison Saunders Award** was bestowed upon several of our Wirral Lifeguards this year in recognition of their exemplary rescue off Harrison Drive in April 2022 (please refer to the attached citation). Additionally, they were honoured with a Chief Executive Commendation for the exceptional efforts displayed during the same rescue.



### **Merseyside police commendations:**

In January 2023, our Senior Lifeguard Cam, along with fellow RNLI members, received commendation from the Merseyside Police Chief Constable. This recognition was in acknowledgment of their actions during an incident that took place in July 2022.

In November 2023, Cam was also invited to attend the National Police Chief's Council (NPCC) annual Police Public Bravery Awards. During the event, he was honoured with a silver medal for his commendable actions on that day.



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### 3. Performance

Carry out a Risk Assessment to identify hazards and determine a series of control measures to mitigate against the 'risk'. These control measures to include where appropriate: provision of public education; safety literature; information and warning signs; zoning; barriers; trained surveillance; first aid; lifeguards (inc. lost children service); and, appropriate equipment, as set out in Schedule 1	Not Achieved	Achieved	Exceeded
		E	
	Risk Assessment to be reviewed annually and any changes reported to Wirral MBC. Next risk assessment review to take place in Jan 2024.		
Provide a beach safety and rescue service covering a period defined in the Risk Assessment, normally from May to September but which may be reduced or extended either way by agreement with LA based on the Risk Assessment.	Not Achieved	Achieved	Exceeded
		E	
	Service provided across the area as described in services agreement.		
Provide a beach safety and rescue service on the beaches covering a series of Operational Areas (Beach, Normal and Extended) as agreed with the LA and as set out in Schedule 2.	Not Achieved	Achieved	Exceeded
		E	
	Operational areas as agreed and amended in consultation with stakeholders.		
Provide a beach safety and rescue service in accordance with the Local Operating Procedures as set out in Schedule 3.	Not Achieved	Achieved	Exceeded
		E	
	Local operating procedures created, reviewed, and updated, copies of which have been made available. Any adjustments reported through end of season report and meetings.		
Ensure the service is provided in accordance with the criteria to comply with the European Blue Flag and/or Seaside Award standards where necessary.	Not Achieved	Achieved	Exceeded
		E	
	Lifeguard service provided at agreed designated locations.		

Complete incident reports, daily logs and staffing level records on a daily basis to be made available to the LA on request and included in an annual report to the LA.	Not Achieved	Achieved	Exceeded
		E	
	Achieved. No information requested.		
Observe the provisions of the LA's Health and Safety at Work Policy and Safety Working Practices together with the best practice lifeguarding principles ("Safety on British Beaches") wherever appropriate.	Not Achieved	Achieved	Exceeded
		E	
	Achieved. Nothing to report.		
Ensure lifeguards observe high standards of courtesy and consideration towards members of the public at all times.	Not Achieved	Achieved	Exceeded
		E	
	All lifeguards employed by RNLI are required to undertake induction training and customer care.		
Inform the LA's appropriate officer responsible for environmental services regarding any beach cleaning requirements or pollution incidents.	Not Achieved	Achieved	Exceeded
		E	
	Achieved		
Ensure that so far as reasonable all public relations, incident data, publicity and media releases are agreed between the parties beforehand.	Not Achieved	Achieved	Exceeded
		E	
	Achieved.		
Recognise the Local Authority on all signs	Not Achieved	Achieved	Exceeded
		E	
	PRE and signage have been conducted by the RNLI and will be brought up at the end of season meeting with Wirral MBC to discuss future.		
Keep the lifeguarding service fully insured for public liability and employer's liability risks as appropriate to a minimum cover in each case of £20 million for any one claim.	Not Achieved	Achieved	Exceeded
		E	
	Achieved.		

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**2023 service levels**

Area	Beach Name	Equipment	Easter Cover	No LG's	Full Start	No LG's	Main Start	No LG's	Peak Start	No LG's	Late Season	No LG's	Season End
Wirral	New Brighton	4x4, ATV, Bike & RWC	Yes	4	22 <sup>nd</sup> April	4	27 <sup>th</sup> May	4	1 <sup>st</sup> July	5	3rd September	4	24 <sup>th</sup> September
	Plateaux	ATV	Yes	2	22 <sup>nd</sup> April	2	27 <sup>th</sup> May	2	1 <sup>st</sup> July	3	3rd September	2	24 <sup>th</sup> September
	Harrison Drive	4x4/ATV	Yes	2	22 <sup>nd</sup> April	2	27 <sup>th</sup> May	2	1 <sup>st</sup> July	2	3rd September	2	24 <sup>th</sup> September
	Moreton	ATV + Trailer & Bike	Yes	2	22 <sup>nd</sup> April	2	27 <sup>th</sup> May	2	1 <sup>st</sup> July	3	3rd September	2	24 <sup>th</sup> September
	West Kirby	4x4, ATV & RWC	Yes	4	22 <sup>nd</sup> April	4	27 <sup>th</sup> May	4	1 <sup>st</sup> July	5	3rd September	4	24 <sup>th</sup> September
	Leasowe Bay	4x4	No	0	NA	0	NA	0	1 <sup>st</sup> July	2	N/A	0	N/A

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**Variations in service levels and season dates**

SEASON:	Easter Cover	Full Season (wknds)	Main Season	Peak Season	Late Season (wknds)
DATE:	01/04/23-16/04/23	22/04/23-21/05/23	27/05/23-25/06/23	01/07/23 - 03/09/23	09/09/23-24/09/23
INDUCTION:	March	March/April	May		



#### **4. 201 Recommendations**

Following a successful 8<sup>th</sup> season of operations in the Wirral area, RNLI Lifeguards make the following recommendations for approval by Wirral MBC, in preparation for the 2022 season:

- **Maintain current operational manning levels (as described) for each beach in the Wirral area**
- **Continue to display temporary operational signage daily across the season**
- **Continue to monitor Lifeguard staffing and equipment levels across the coast and notify the management team of any recommended changes.**
- **Review the outcomes and recommendations of the 2023 signage audit.**

## 5. Report Appendix

### Definitions of search and rescue criteria

Rescue – where a lifeguard responds to a person at risk, and physically returns them to shore or transfers them to another craft.

Major First Aid – where a lifeguard treats a patient who is at risk due to sickness or injury and has called in external assistance.

Assistance – where a lifeguard aids a person in the sea who is at very little risk, but if left, would be at risk later.

Search – an organised search with other SAR units for a missing person either at sea or on land – includes body recovery

Near Miss – any occurrence where a person might have been injured by watercraft i.e., powered or otherwise

Life Saved – if the lifeguard had not intervened, life would have been lost.



## TOURISM, COMMUNITIES, CULTURE & LEISURE COMMITTEE

7 March 2024

REPORT TITLE:	FLORAL PAVILION – FUTURE OPERATIONAL MODEL
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

### REPORT SUMMARY

This report provides members of the Tourism, Communities, Culture & Leisure Committee with an update and information on the proposed short term and medium to long term operational proposals for the future of the Floral Pavilion Theatre & Conference Centre in New Brighton.

In 2023-24, the Floral Pavilion was identified as a potential area for significant savings as part of the Council's Medium Term Financial Plan. At the July 2023 meeting of this Committee, members expressed concern at the estimated budgeted out-turn for the Floral Pavilion of circa £1.4m. The forecasted net cost of provision for the Floral Pavilion at year end 2023/4 is estimated to be circa £803k. The operational net subsidy for the 2024/5 financial year has been set at £500k.

This report meets the following priorities in the Council Plan 2023-2027

- Safe, resilient and engaged communities

This is not a Key Decision and affects the New Brighton Ward

### EXEMPT INFORMATION

Appendix 1 to this report contains exempt information as defined in Schedule 12A of the Local Government Act 1972. It is in the public interest to exclude the press and public under Paragraph 3 'Information relating to the financial or business affairs of any particular person (including the authority holding the information).'

### RECOMMENDATION/S

The Tourism, Communities, Culture and Leisure Committee is recommended to authorise the Director of Neighbourhoods to:-

Continue to operate the Floral Pavilion as a Council asset for the 2024/5 financial year the within a net operational budget of £500,000, whilst continuing to identify and implement any efficiency or operational savings as are required to remain within this budget.

Implement the immediate efficiency measures identified in the Section 4.2 to 4.4 of this report; and

Continue with the process of market engagement to establish an alternative operating model to protect the future provision and retention of the venue including the appointment of a commercial operator or the establishment of a charitable trust.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Council's Section 151 Officer has undertaken an extensive process of realignment of service budgets. This process has addressed historic legacy savings and income targets for the Floral Pavilion to provide a true representation of the actual operational cost (subsidy) to the Council of operating the facility.
- 1.2 The forecasted net operational subsidy for the Floral Pavilion at year end 2023/4 is estimated to be circa £803k. The operational net subsidy for 2024/5 has been set at £500k. This will require the service to make in year savings in 2024/5 of £303k. A series of measures have been identified by which this can be achieved and are set out in this report. By way of comparison, the subsidy for the Floral Pavilion in 2017/8 was £961,500.
- 1.3 If the venue were to close, the estimated holding costs have been calculated to be in the region of £321k per year and for every year during which the asset remains inoperative. A breakdown of these costs is provided within Section 4.5 of this report. This excludes any redundancy costs (one off) based on 55 (46.5 FTE) employees estimated at £318.7k. It also excludes any refunds, contract termination costs, unforeseen security or costs of depreciation. These costs of the asset remaining closed could therefore significantly diminish any saving associated with a closure decision.
- 1.4 Remaining operational for the 2024/5 financial year will allow sufficient time for the Council to consider alternative operating delivery models, third party interest, or an alternative use for the asset. The venue will also remain available for the hosting of events and activities planned for the 2024 Borough of Culture year.

### **2.0 OTHER OPTIONS CONSIDERED**

#### **Partial closure whilst retaining the Theatre and Bar Only**

- 2.1 The option of partial closure whilst retaining the Theatre and Bar only and cessation of all other functions has been considered. There is however a healthy demand for the shows and performances within the theatre and audience numbers remain strong. The UK Theatre Association in its UK Theatre Association Presenting and Receiving Venues 2019 report. (2019) states the average capacity for a receiving venue with a size of 800 – 1000 seats is 61%. The Floral Pavilion comparably achieved 68% capacity proving above average attendance levels for the same

period. Cessation of many other secondary spend provisions such as catering, dining and conferencing could further reduce the overall subsidy and the conference centre could close with alternative use of the space. The removal of services such as pre-theatre dining could have a negative effect on theatre ticket sales, although the risk here is deemed low as there are numerous food and drink establishments within the immediate area. There would also be a requirement to significantly reduce the level of staffing required at the venue and some reputational risk to the Council. Whilst not recommended, this option does remain realistic and deliverable.

### **Full closure of the asset and ceasing all services**

- 2.2 The option of full closure of the asset and ceasing all services has been considered. There is no statutory obligation for the Council to provide a theatre or conferencing function. The risk of any legal challenge is therefore diminished however not eliminated as the Council would have to undertake meaningful consultation with any representative user groups associated with the venue. It is however the only large theatre provision on Wirral and previous consultations have established that residents overwhelmingly value the Floral Pavilion and its ability to host events for the borough which otherwise would be undeliverable elsewhere. The complete removal of this provision would undoubtedly cause reputational issues for the Council.

No alternative plans for the asset have been proposed, however a closure decision would not preclude, and could in fact run in parallel with a process of market engagement to establish the feasibility of an alternative operating model to determine the future provision of the venue via a transition to another operator or trust. Due to its size and prominence, closure could have an adverse impact on the streetscape along Marine Promenade. Welcoming over 300,000 visitors a year and an economic value worth millions, closure could have significant impact and reduce the attractiveness of New Brighton as a visitor destination. All associated costs for both the closure of the operation, and retention of the site need to be considered. This option is not recommended, but if it were to be pursued Section 3 Local Government Act 1999 would require the Council to consult representatives of service users and local taxpayers on the proposal before any decision were made to close the only large theatre in Wirral. This would be a major policy decision. The reasons for the proposal would have to be clearly stated, together with a summary of the reasons why other options for savings were not considered to be adequate. The consultees would have to be invited to state their views on the proposals and given a reasonable amount of time to respond (e.g., 6 weeks or more) before any decision were made by the Committee. The Committee would have to take conscientious account of the representations received before reaching a decision and would further have to take into account all relevant considerations at that time, The Committee would not however have to accept the majority opinion of consultees but would have to give reasons for rejecting it.

2.3 The Council could consider the partial redevelopment of the underutilised areas of the Floral Pavilion to adapt the asset and bring forward revenue-generating uses. This would require a remodelling of the internal space within the building to reshape the offer with a particular emphasis on the Conference Centre side of the building. This could refocus the commercial offer away from the traditional conference market, and towards weddings, live music, cabaret and a community arts hub / other community uses. This option is not recommended for the following reasons:-

- (1) It would require a substantial level of capital investment from the Council to enable these changes, and grant funding may also be required. There is no assurance that a redeveloped site may provide a future level of income necessary to sustain the venue, or to mitigate the Council's requirement to provide a subsidy. Any cost of borrowing would also need to be incorporated into any modelling. This would be both high risk and unaffordable.
- (2) There is an immediacy, in that the Council needs to find solutions that provide financial sustainability in the medium-term financial plan and beyond. Significant remodelling and redesign of the venue would likely be a three-to-five-year programme and subject to any planning requirements as are necessary. During this time, the venue would continue to attract an existing level of subsidy.

### **Redevelopment of Venue via Asset and Service Consolidation**

2.5 The Council's Asset Strategy 2022-2027 aims to secure financial stability in driving forward service improvements that maximum value for money. One of the core principles is to ensure that a primary focus is given to consolidating the Council's assets to reduce its overheads and improve service integration through co-location, putting the customer first in all service planning and reducing the carbon emissions of the estate to as low as practicable to ensure that net zero is reached by 2030. The Floral Pavilion provides an opportunity to explore the co-location of other services in the area around Wallasey and New Brighton to reduce the overall cost, footprint and extent of the Council's estate whilst providing an integrated community hub model with complementary services for the area. Such models of service co-location are becoming increasingly commonplace in local authority service delivery. This option is not recommended at this time however could provide scope for future consideration alongside the Masterplan work taking place in New Brighton.

## **3.0 BACKGROUND INFORMATION**

3.1 The venue has been in situ since 1913 and was redeveloped into a theatre and conference centre in 2008 after a complete rebuild as part of the £60m Neptune Project. It is the largest theatre on Wirral and is valued extensively by residents. It comprises an 814-seat theatre, a foyer plaza, bar, and four areas for general hire. The 2008 rebuild was funded through a combination of Council Capital and external grant funding as follows:-

European Regional Development Fund grant (ERDF)	£4.5 million
North West Development Agency grant (NWD)	£3.7 million.



Council capital funding

£2.9 million

- 3.2 Any clawback agreements relating to the NWDA grant ended in December 2018 meaning that no grant would be repayable. The ERDF grant was subject to a 20-year agreement from the date of completion (18<sup>th</sup> December 2008 – 18<sup>th</sup> December 2028). On 6 February 2024, the Council has received confirmation from the Department for Levelling Up, Housing & Communities that no ERDF grant would be repayable.
- 3.3 The Floral Pavilion attracts approximately 300,000 visitors a year and will typically host over 880 events, performances, or rehearsals in any given year. On average 78% of Floral Pavilion customers have a postcode from within the Borough, indicating that the main users of the venue are local people. The venue provides a forum for meetings, events, weddings, and conferences amongst other uses and makes a significant contribution to local economic activity within New Brighton
- 3.4 A 2017/18 consultation established that residents value the Floral Pavilion and overwhelmingly wish it to remain open and accessible to all (70.4%), remain affordable to use (57.6%) and provide services that are of a good quality (48%). Respondents were less concerned as to whether it was the Council who continued to operate the service (27.8%).
- 3.5 The Council's Local Plan identifies New Brighton as a priority area for regeneration in recognition of its potential, as a high-quality visitor destination and sustainable community. The Council has commissioned work on the production of a New Brighton Neighbourhood Framework and Marine Promenade Masterplan. The Neighbourhood Framework will provide an ambitious vision and a clear framework to drive forward and guide the sustainable economic growth and renewal of New Brighton over the next 15 years, covering the New Brighton Regeneration Area. The Marine Promenade Masterplan (Local Plan reference MPA-RA10.1) will provide more detailed guidance on design parameters for the area stretching from the Floral Pavilion to the junction of Rowson Street and Marine Promenade. The Masterplan has been subject to public consultation in Autumn 2023, and is to be adopted as a Supplementary Planning Document following the adoption of the Local Plan
- 3.6 Any decisions on the future of the Floral Pavilion future could have implications for the regeneration ambitions for New Brighton. In March 2023, the design consultants for the Marine Promenade Masterplan to explore future options for the Floral Pavilion. A copy of the final report is provided as Appendix 1 to this report. Appendix 1 contains exempt information as defined in Schedule 12A of the Local Government Act 1972. It is in the public interest to exclude the press and public under Paragraph 3 'Information relating to the financial or business affairs of any particular person (including the authority holding the information).'

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The net operational budget for 2024/5 for the Floral Pavilion has been set at £500,000. The service will undertake changes to its operating practices to achieve the net £303k savings requirement via a mixture of cost saving measures and income generation. A breakdown of the 2024/5 budget is provided in Table 1 (below) All proposed measures have been through a validation and feasibility exercise

between the service and the Council's financial assurance team. The achievement of the measures and cost control will be rigorously monitored on a month-by-month basis by both parties.

**Table 1 - Floral Pavilion Financial Profile 2024/5**

<b>Detailed draft budget</b>	<b>Theatre</b>	<b>Hospitality</b>	<b>TOTAL</b>
Employee	1,107,576	510,228	1,617,804
Agency Staff	15,000	-	15,000
Repairs & Maintenance	70,000	-	70,000
Electricity	161,300	-	161,300
Gas	58,700	-	58,700
Water Charges	25,000	-	25,000
Cleaning Materials	7,000	500	7,500
Window Cleaning	5,000	-	5,000
Security	8,000	-	8,000
Cleaning Contract	84,000	-	84,000
Insurance - Premises	9,600	-	9,600
Car Allowances	500	1,500	2,000
Office, Tools/materials	-	5,000	5,000
Catering equipment	-	15,000	15,000
Fire safety equipment	1,300	-	1,300
Computer Equipment	57,000	3,000	60,000
Provisions - Food	-	304,500	304,500
Uniform & Laundry	1,000	500	1,500
Cash Collection Fees	208	-	208
Purchase Of Paper	200	-	200
Stationery - General	200	-	200
Comms/Postage	5,000	-	5,000
Marketing/Promotion	140,000	3,000	143,000
Subsistence	800	500	1,300
Insurance	1,400	-	1,400
Performing Rights	80,000	-	80,000
Spec.Prom.& Attractns	1,746,988	-	1,746,988
Online Booking	500	-	500
Hired services	20,000	-	20,000
Bank Charges	100,000	-	100,000
<b>TOTAL EXPENDITURE</b>	<b>3,706,272</b>	<b>843,728</b>	<b>4,550,000</b>
Admission Charges	- 3,180,000		- 3,180,000
Catering	-	- 870,000	- 870,000
<b>TOTAL INCOME</b>	<b>- 3,180,000</b>	<b>- 870,000</b>	<b>- 4,050,000</b>
<b>NET BUDGET</b>	<b>526,272</b>	<b>- 26,272</b>	<b>500,000</b>

- 4.2 It is proposed that the Floral Pavilion will cease to provide an in-house catering function for event provision. Any parties wishing to hire the venue for events will be required to source external catering. A commission fee of up to 20% will be applied to external catering companies using the facilities at the venue. Savings will also come from reduced purchasing of supplies. The associated saving with this service change is estimated to be circa £140k per annum. There will be a requirement to reduce the existing workforce by 4 FTE via redeployment or voluntary / compulsory redundancy.
- 4.3 The venue is increasing its performances from 350 individual in the theatre in 2023/4 to 370 in 2024/5 resulting in a significant increase in forecasted income. In late 2023 the programming business strategy was rewritten to actively challenge the competition in Liverpool. The strategy was to decrease the amount of tribute shows and build a reputation for original music, comedy and larger touring musicals and plays. This is now bearing fruit with the award-winning musical Blood Brothers, a host of nationally acclaimed musicians, comedians and celebrities such as Jason Donovan, David Walliams and Marc Almond and West End transferred performances such as Jane Austen (a West End transfer).
- 4.4 Reductions in agency worker costs of £50k will be achieved via the remodelling of staffing structures within the building. These largely include more utilisation of volunteers and reducing opening hours of the café. Other elements such as the use of self-service ticket machines seen at cinemas and other venues will reduce box office staffing hours.
- 4.5 As identified in Section 1.3 of this report, the annual holding costs associated with any closure of the asset have been estimated as follows-

**Table 2 – Forecast Annual Holding Costs for Floral Pavilion site**

<b>Category</b>	<b>Amount</b>
Security, Repairs & Maintenance	£162K
Electricity	£50K
Gas	£25K
Water	£25K
Rates	£35K
Insurances	£11K
Capital Repayments	£13K
<b>Total</b>	<b>£321K</b>

## **5.0 LEGAL IMPLICATIONS**

- 5.1 There are no legal implications associated with the recommended option in this report.
- 5.2 Legal implications may exist if any of the other options are adopted, notably: -

- Contractual arrangements & associated penalties due to closure – predominantly associated with customer refunds and early termination of contracts and producer agreements.
- Redundancy / TUPE arrangements
- Stakeholder consultation requirements where there is a reduction or cessation of core services associated with the venue.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 The Floral Pavilion currently employs 55 staff (equivalent to 46.5 FTE). In accordance with the Council's redeployment policy, any employees affected by any closure, cessation service or cessation of part of any service would be offered suitable alternative employment within the Council where any such vacancies may exist.

## **7.0 RELEVANT RISKS**

- 7.1 Any operation of a commercial nature will always carry a risk of under achievement of income, or increases in costs, sometimes because of macroeconomic factors. The financial position of the venue will be closely monitored on a month-by-month basis by the service in partnership with the Council's Financial Assurance Team and interventions designed to remedy any overspend will be implemented as required. All income forecasts assume 84% achievement (as opposed to a 100% full achievement). Achievement of income and control of costs will be rigorously monitored on a month-by-month basis by both the Director of Neighbourhood Services and the Council's Financial Assurance team. In the event of any variance from budget, appropriate and proportionate interventions will be used to address any adverse position.
- 7.2 There is a risk that the market engagement process will not return an interested party willing to assume operation and future development of the venue. Likewise, any interested party may seek a level of annual subsidy, and / or up-front investment from the Council for assuming control of the asset. A comprehensive evaluation and assessment process will be developed to manage any process. It is expected that a period of negotiations between any potential provider and the Council will be required with any subsequent proposition being reported to this Committee for approval.
- 7.3 If outsourcing were to be considered the principle would need to be put out to public consultation in accordance with the requirements of Section 3 of the Local Government Act 1999 as explained above in relation to closure. This would occur at a point when it became clear that outsourcing would be a feasible proposal but before any detailed negotiations were entered into pursuant to a formal procurement.
- 7.4 The building is significant in size and located in a prominent beachfront position within a tourist destination. There is no identified plan as to what the Council would do with the asset in the event of a closure decision, whereby the asset could remain unoccupied for a significant period of time creating a reputational risk.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 An informal workshop of members of this Committee met on 11<sup>th</sup> October 2023 with 4 options presented to determine the future of the Floral Pavilion Theatre and Conference Centre. Members requested the 4 options to be considered to identify risks, opportunities, review previous recommendations and to present a report back for a formal decision.
- 8.2 Consultation with trade unions and the affected staff would be required if it were proposed to terminate the employment of those working in the Floral Pavilion, on the grounds of redundancy.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 There are no equality implications associated with the recommended option in this report. An equality impact assessment may be required for the adoption of any of the other options considered. Any associated actions from the recommended option may need an Equality Impact Assessment and this will be done at the earliest stage of development.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 There are no significant environment or climate implications associated with the recommended option within this report. Due regard will be given as appropriate in respect of procurement and expenditure decision-making processes that contribute to the outturn position.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

- 11.1 The Floral Pavilion makes a number of significant contributions to the Community Wealth Building agenda, including the employment of apprentices and care leavers, a resident choir, thriving volunteer programme (170 regular volunteers) and the hosting of many community focussed activities within the New Brighton area. Any future operating model should be designed to sustain and build on this foundation to provide new opportunities for community wealth building. The local focus of activity within New Brighton has the potential to complement the existing offer and create new economic opportunities for local groups. The Social Value calculation for the choir and volunteers is estimated at c. £370k.
- 11.2 The Floral Pavilion also delivers social projects with diverse resident and community benefits such as its beach wheelchair project allowing those who require the use of a wheelchair access to the local beaches.
- 11.3 According to the Society of London Theatre and UK Theatre in the document Priorities for an Incoming Government October 2023 it is stated that theatre audiences contribute to additional spending in local economies. When visiting a performance. For every £1 spent on a theatre ticket, an additional spend of £1.40 is

generated in local economies, adding up to £1.94bn per annum of extra value added to local economies by theatre audiences.

**REPORT AUTHOR: Andy McCartan, Assistant Director, Leisure, Libraries & Customer engagement**  
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## **APPENDICES**

### **Appendix 1 – Consultant Report - Options for Floral Pavilion, New Brighton, March 2023**

Appendix 1 contains exempt information as defined in Schedule 12A of the Local Government Act 1972. It is in the public interest to exclude the press and public under Paragraph 3 'Information relating to the financial or business affairs of any particular person (including the authority holding the information).'

## **BACKGROUND DOCUMENTS**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>



## **TOURISM COMMUNITIES, CULTURE AND LEISURE COMMITTEE 07/03/2024**

<b>REPORT TITLE:</b>	<b>REVOCATION AND UPDATE OF SMOKE CONTROL AREAS</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF NEIGHBOURHOOD SERVICES JASON GOODING</b>

### **REPORT SUMMARY**

The aim of this report is to request approval to revoke all existing Smoke Control Orders (SCOs) and replace them with one consolidated order that covers the whole of the Local Authority area.

As only two additional areas of the borough will be newly covered by the new SCO, consolidating the existing areas has minimal risks, as the main outcome would be to clarify the existing areas.

The proposals within this report are consistent with national guidelines and will assist the Council to achieve its objective of improving the air quality within Wirral to help to better the environment and the health and well-being of all residents and visitors to the area.

The report supports the Council Plan: Wirral Working Together 2023-27, specifically the 'Protecting our Environment' theme.

This is a Key Decision. The proposed consolidation will affect the whole of the borough but in particular Clatterbridge and Bebington Wards.

### **RECOMMENDATION/S**

The Tourism Communities, Culture and Leisure Committee is recommended to approve:

1. the revocation of the existing Smoke Control Orders which affect the Council's administrative area, subject to such revocations (listed in schedule 1 of the draft order) being subject to formal consultation and confirmation by the Secretary of State; and
2. the making of a single Smoke Control Order for the whole of the Council's administrative area in accordance with the draft order set out in Appendix 1 to this report, and also approve that such order be subject to formal consultation and confirmation by the Secretary of State;

3. that any objections to the orders referred to in recommendations 1 and 2 be referred to a future meeting of this Committee.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The existing smoke control orders which are extant within the Borough were individually enacted between 1957 and 1992 and do not provide coverage of the whole of the Borough. Some orders contain 'exemptions' that allow certain buildings or fireplaces to burn solid fuel in a non-approved manner. It is not generally clear why the exemptions were given, and due to the time that has elapsed since the orders were made, many of the buildings or fireplaces no longer exist.
- 1.2 Wood-burning takes place in just 8% of UK homes, and yet is the second highest cause of particle pollution in the UK It has grown by 35% in the last 10 years as more people install wood-burning stoves. Poor local air quality affects the health of those living and working in Wirral. The highest impacts on human health come from particulate matter but evidence for the effects of arsenic is growing as shown in the Chief Medical Officers Annual Report on Air Quality 2022.
- 1.3 Deaths in England linked to air pollution are estimated to be between 26,000 and 38,000 each year. Although air pollution can be harmful to everyone, the most susceptible to the effects of air pollution are typically the young, the old, and those with pre-existing health conditions. It particularly affects people living in more densely populated and polluted areas, which are often areas of higher deprivation, which can widen health inequalities.
- 1.4 Short-term exposure to air pollution can exacerbate respiratory conditions such as asthma and chronic obstructive pulmonary disease. Long-term exposure can cause respiratory and cardiovascular disease, cancer, depression, dementia, diabetes, and can affect foetal development.
- 1.5 The current smoke control regime can be confusing to officers, other users and the public, as it is not always clear which properties are exempt, or if they should remain listed as exempt.

Consolidating existing Smoke Control Orders into a single Order covering the whole of the Borough will simplify the enforcement and control of pollution from smoke. Currently, an Enforcement Officer would have to search the records to identify if there is a Smoke Control Order which applies to the area, and if so whether the property in question is included in that order, which takes time. Also, in some cases due to their age and the fact many of the existing orders were made by legacy authorities, records may be incomplete which makes taking enforcement action difficult or impossible.

- 1.6 The recommendations will assist in achieving three of the priority areas outlined in the Wirral Air Quality Strategy 2024-2028 - Priority Area 2- Improve indoor air quality, - Priority Area 4- Reduce domestic, commercial, industrial and agricultural emissions



and Priority Area 5- Raise public awareness and encourage behaviour change. The recommendations will also align with local and regional actions being taken to address the crisis faced, by helping to cut climate-damaging air pollution locally, in line with the Wirral Air Quality Strategy 2024-2028 and global targets.

## **2.0 OTHER OPTIONS CONSIDERED**

### **2.1 Agree to revoke the 30 existing Smoke Control Orders and enact a single Smoke Control Order covering the existing areas.**

This would provide an opportunity to review all exemptions and enable clearer responses to be provided to any requests for information and enforcement of domestic burning legislation whilst creating an opportunity to raise awareness to the issues associated with solid fuel combustion- linking in with the Department for Environment Food and Rural Affairs funded Domestic Burning Project and aligning with objectives set in the Wirral Council Air Quality Strategy and would not have an impact on the additional two wards that are not now covered by existing smoke control orders.

### **2.2 Do nothing. The existing smoke control areas have achieved their initial goals, and still offer some controls on solid fuel combustion, however, trends have changed, and there is the potential for levels of pollutants outside of the initial aim of the legislation to increase if the situation remains the same. There is also a lack of documents surrounding the original orders that could lead to difficulties in enforcing the legislation.**

## **3.0 BACKGROUND INFORMATION**

### **3.1 DEFRA's National Air Quality Strategy and Air Quality Action Plans set out how Government will improve and protect ambient air quality, as part of the creation of a sustainable environment.**

### **3.2 The World Health Organisation has updated its health-based air quality guideline concentrations, due to a much stronger body of evidence showing how air pollution affects health at lower concentrations. The Government has set legal limits, known as air quality objectives, for air pollution, in line with European Directives. In addition, new lower objective levels have recently been introduced for particulate matter. Councils in England have duties regarding local air quality management and must regularly review and assess air quality to determine whether objectives are likely to be achieved.**

### **3.3 Although the air quality in Wirral does not exceed legal limits, no safe level of exposure to air pollution has been identified, below which there are no negative health effects. In Wirral, 4.9% of deaths are attributed to Air Pollution. The North west average is 5.3% and the England average is 5.5%. The aim of the strategy is to reduce emissions and improve air quality across Wirral and it has been developed by collaborating with stakeholders across Wirral such as; housing associations, community, voluntary and faith sectors, local businesses, the National Health Service, Schools, Chamber of Commerce and transport sector, to ensure that it represents the priorities of the local community.**

- 3.4 Smoke Control Orders were initiated under various Clean Air Acts, initially in 1956, then updated under the Clean Air Act 1993. The initial act was created in response to the large number of deaths attributed to air pollution and smogs in the winter of 1952. The Act enabled Local Authorities to enact Smoke Control Orders and to declare all or parts of their areas to be Smoke Control Areas. The Act itself can be seen to be a success, as air quality measurements show that the pollutants associated with the smogs have been very much reduced.
- 3.5 Once declared as a Smoke Control Order, only 'Authorised Fuels' can be used, unless burned on an 'Authorised Appliance' or with an 'exemption' from the Council.
- 3.6 More recently, solid fuel use has changed from being predominantly coal, to mostly wood. This has resulted in an increase in emissions of small particulate matter, which has been determined to be a significant contributor to earlier mortality and an increase in associated illnesses, such as the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death.
- 3.7 The 2019 UK Air Quality Strategy has focused on domestic solid fuel use and as a result several Councils are reviewing and consolidating their existing smoke control orders.
- 3.8 Wirral has had no reduction in particulate matter pollution in the last 5 years and is expected to produce a 35% reduction by 2040.
- 3.9 Currently, there is a lack of awareness of the existence of Smoke Control Areas and the controls required in the burning of fuels, and the Borough's current Smoke Control Orders are sporadic in their distribution. The declaration of a new Order requires a period of public consultation, which will create the opportunity to raise awareness of the order and issues about solid fuel combustion.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There will be future costs associated with the implementation of the new smoke control orders.
- 4.2 The potential revenue costs of implementing the new smoke control order will be determined and will need to be considered in the context of the Council's Medium Term Financial Strategy this will include production and publication of the Smoke Control Order and small staffing resource. This will be met within the existing service budget. The Clean Air Act 1993 states that the Council will need to publish a Public Notice and a copy of the Draft Order in the London Gazette and once at least in each of two successive weeks in a local newspaper.
- 4.3 Where they are council actions they will be delivered within business-as-usual operations or via capital funding bids. There may be an opportunity to apply for future additional funding to deliver local improvements and projects from external partners, for example, Department for Environment Food and Rural Affairs.
- 4.4 Section 31 funding (as contained in the Local Government Act 2003) allows a Minister of the Crown to pay a grant to a local authority in England towards expenditure incurred or to be incurred by it. In this case, Defra has committed to

providing ring-fenced Section 31 funding to local authorities in England for the purpose of preparing for new burdens for the enforcement and management of Smoke Control Areas. The Council has received £11,710 for the 22/23 financial year. The payments will be sent to Councils with Smoke Controlled Areas during 2023, 2024 and 2025 subject to satisfactory evidence of spend submissions. The Council is using this funding to secure training, develop new processes, undertake assessments of the Councils estate and cover officer time.

4.5 The smoke control orders will be implemented through a plan that will be owned by Environmental Health, any actions within the plan will be developed with the relevant departments.

4.6 Any additional projects to raise awareness will be delivered via various funding methods or already have funding in place to deliver, for example, the council's current Domestic Burning Project 2023.

## **5.0 LEGAL IMPLICATIONS**

5.1 Pursuant to section 18 of the Clean Air Act 1993, and section 73 and Schedule 12 of the Environment Act 2021 the Council has the discretion to declare the whole, or any part of its area to be a smoke control area via a smoke control order.

5.2 In a Smoke Control Area it is an offence to emit smoke from a chimney of a building or from a chimney serving the furnace of any fixed boiler or industrial plant within the area unless using an appliance on the Department Environment Food and Rural Affairs (DEFRA) exempt list or using an authorised fuel. Exemptions apply to the use of outdoor barbecues, chimineas, pizza ovens or garden bonfires (as long as specific rules are followed).

5.3 The Environment Act 2021 changed some of the controls which apply in smoke control areas. The previous criminal offence of emitting smoke from a chimney is now subject to a Civil Penalty. Fixed Penalty Notices of between £175 and £300 may be issued in the event of an offence being committed.

5.4 Schedule 1 of the Clean Air Act 1993, sets out the procedure which the Council must follow to make an Order, including publicising its intention to make an order and how objections may be made.

Under the order making procedure the Council makes the order and then publicises the making of the order and how objections to it may be made. The Council then considers the objections and may confirm the order with or without modification.

5.5 If the Council proceeds to make a new smoke control order, it cannot come into effect earlier than 6 months after it is made, although this date may be postponed by way of resolution and publicity. Any postponement of an order over 12 months needs the consent of the Secretary of State.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 The Smoke Control Order can be implemented fully using existing staffing resources.

## **7.0 RELEVANT RISKS**

- 7.1 As only two additional areas of the borough will be newly covered by the new SCO, consolidating the existing areas has minimal risks, as the main outcome would be to clarify the existing areas.
- 7.2 If the Smoke Control Orders are not consolidated, there is a risk that the current ambiguous state of some Orders, could result in incorrect advice being given to members of the public. It also takes officer time to go through the Orders each time try to make sure information given out is accurate.
- 7.3 As the pollutant of concern has changed since the Orders were made, the consultation required to consolidate them, provides an opportunity to review the extent of the problem, and at the same time, raise awareness of the issues around solid fuel combustion. This is a key policy in the Government's UK Air Quality Strategy and could be missed if Orders are not consolidated.
- 7.4 At present, combustion control is contained within several pieces of legislation and consolidating the Smoke Control Areas can in some situations provide an adequate means of control, with less bureaucracy and cost to the Authority and some operators, which could be missed if the Orders are not consolidated.
- 7.5 The risks will also be monitored by Environmental Health and any risks will be escalated via the Directorate Risk Register.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Revoking the existing orders and consolidating them into one order will remove some of the confusion relating to the exemptions granted by the Local Authority and add a layer of transparency to the Smoke Control regime.
- 8.2 The declaration of a new Smoke Control Order requires a period of consultation, which will create the opportunity to raise awareness of Smoke Control Areas and solid fuel combustion.
- 8.3 The Clean Air 1993 ("the Act") specifies that, prior to making the Order; the Council must advertise the intention and details in the London Gazette, and at least once in two successive weeks in the local press.
- 8.4 The Act also specifies that the Council must make the Order and associated paperwork available to any interested parties, for a period of no less than 6 weeks from the last publication on the notice for any objections to be raised.
- 8.5 For the same 6-week period in, the Council are also required to post, and keep posted, copies of the notice at conspicuous places within the area.
- 8.6 The Council cannot make the Order until any objections have been considered.
- 8.7 Subject to the paragraphs above, an order shall come into operation on such date not less than six months after it is made.

8.8 In addition, it is proposed to seek advice from the Council's Media and Marketing sections on how best to engage the wider public, local media, and social media to raise awareness, as well as raising the issue in other public meetings wherever possible.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. An Equality Impact Assessment has been undertaken and can be found at: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>.

9.2 There will be no impact on most residents or particular group as this is a consolidation of existing SCO's into one single order.

9.3 However, there could be a negative impact for residents suffering fuel poverty, specifically those who are driven to "foraging" for wood in parks and gardens to burn in their properties for heat. Foraged fuels are unsuitable for burning in a domestic property and there is a risk to the residents' health from poor indoor air quality, carbon monoxide poisoning and fire. Those affected most by poor air quality are people with existing medical conditions, the young and the elderly and so these groups will receive the greatest positive benefit.

9.4 Authorised solid fuels are designed to be more efficient when burnt so are cheaper than using coal and therefore there will not be negative financial impact for most residents. Residents will also be signposted to government and charitable organisations for advice regarding fuel poverty as part of the public consultation and related material.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The declaration of a new SCA will allow for more efficient enforcement of the Clean Air Act 1993 (as amended by the Environment Act 2021) by Council officers. This includes the enforcement of the prohibition of emissions of smoke from properties and the prohibition of sales of non-authorised fuels in the Smoke Control Area's. This will reduce the emissions of particulate matter into the atmosphere and improve the overall air quality of Wirral.

10.2 The declaration of a new Smoke Control Order requires a period of consultation, which will create the opportunity to raise awareness of Smoke Control Areas and solid fuel combustion. It is hoped that this will trigger behaviour change and residents will choose to use smokeless fuels in their domestic burners. This will also reduce the emissions of particulate matter into the atmosphere and improve the overall air quality of Wirral.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 In the UK, the single biggest source of particulate matter air pollution (PM2.5) is from domestic burning. This makes it a significant risk to public health. Everyone is at risk from particulate matter air pollution, but people are more vulnerable if they have COPD, asthma or other lung conditions or are elderly or a child. Particulate matter air pollution can cause coughs, dizziness, inflamed airways and shortness of breath. It increases the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs. The declaration of a new SCO will therefore have positive public health impact thus reduce the burden on the NHS, improving health and reducing the health inequity gap on the borough.

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## **APPENDICES**

The PDF file may not be suitable to view for people with disabilities, users of assistive technology, or mobile phone devices. Please contact [environmentalhealth@wirral.gov.uk](mailto:environmentalhealth@wirral.gov.uk) if you would like this document in an accessible format.

1. Draft Smoke Control Order
2. Emissions from Domestic Heating Sources Graphic
3. Map of Existing Wirral Smoke Control Area
4. Public Consultation Notice
5. Smoke Control Areas – Frequently Asked Questions

## **BACKGROUND PAPERS**

1. The Clean Air Act 1993, Section 18 and Schedule 5
2. The Environment Act 2021, Section 73 and Schedule 12
3. Guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021
4. Smoke Control Area Enforcement by Local Authorities in England: Statutory Guidance
5. Wirral Air Quality Strategy, 2024 – 2028, A four-year vision to improve air quality in Wirral.
6. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland.
7. Chief Medical Officers Annual Report 2022. Air Quality
8. National Air Quality Strategy 2019
9. The Wirral Working Together Plan 2023-2027
10. WHO Global Air Quality Guidelines
11. Research to understand burning in UK homes and gardens - AQ1017

## **TERMS OF REFERENCE**

This report is being considered by the Tourism, Communities, Culture And Leisure Committee in accordance with Section 6.2(i)(vi) of its Terms of Reference, The Committee is charged by full Council to undertake responsibility for the Council's role and functions: (i)for trading standards and environmental health, including but not limited to: (vi) air pollution control;

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
None	

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WIRRAL METROPOLITAN BOROUGH COUNCIL

SMOKE CONTROL ORDER 2024

CLEAN AIR ACT 1993, SECTION 18

**Wirral Metropolitan Borough Council** (“the Council”) of PO Box 290, Brighton Street, Wallasey, CH27 9FQ in the exercise of its powers under Section 18 of the Clean Air Act 1993 (“the Act”) hereby make the following Order:

1. This Order may be cited as the Wirral Metropolitan Borough Council Smoke Control Order 2024. It will come into operation on **xx xxxxxx** 2024.
2. The Council declares the whole of its district to be a Smoke Control Area (“the Smoke Control Area”). The extent of the Smoke Control Area is shown on the plan annexed at Schedule 1 to this Order.
3. All of the existing Smoke Control Orders listed in Schedule 2 and any others referring to areas within the administrative area of the Council are hereby revoked, insofar as they apply to Wirral Metropolitan Borough Council, on the day that this Order comes into operation.
4. In the whole of the Smoke Control Area created by this Order, the operation of Section 19A and Schedule 1A of the Clean Air Act 1993 (Penalty for emission of smoke in smoke control area) shall be applicable to all buildings.
5. Other than exemptions made by the Secretary of State under Section 19C and Section 19D of the Act, there are no buildings or classes of buildings or fireplaces or classes of fireplaces in the Smoke Control Area that are exempt from the operation of Section 19A and Schedule 1A of the Act.

Dated this day **XX** of **XXXXXX** 2024.

The COMMON SEAL of  
WIRRAL BOROUGH COUNCIL  
was hereunto affixed in the presence of:

Authorised Officer

# SCHEDULE 1



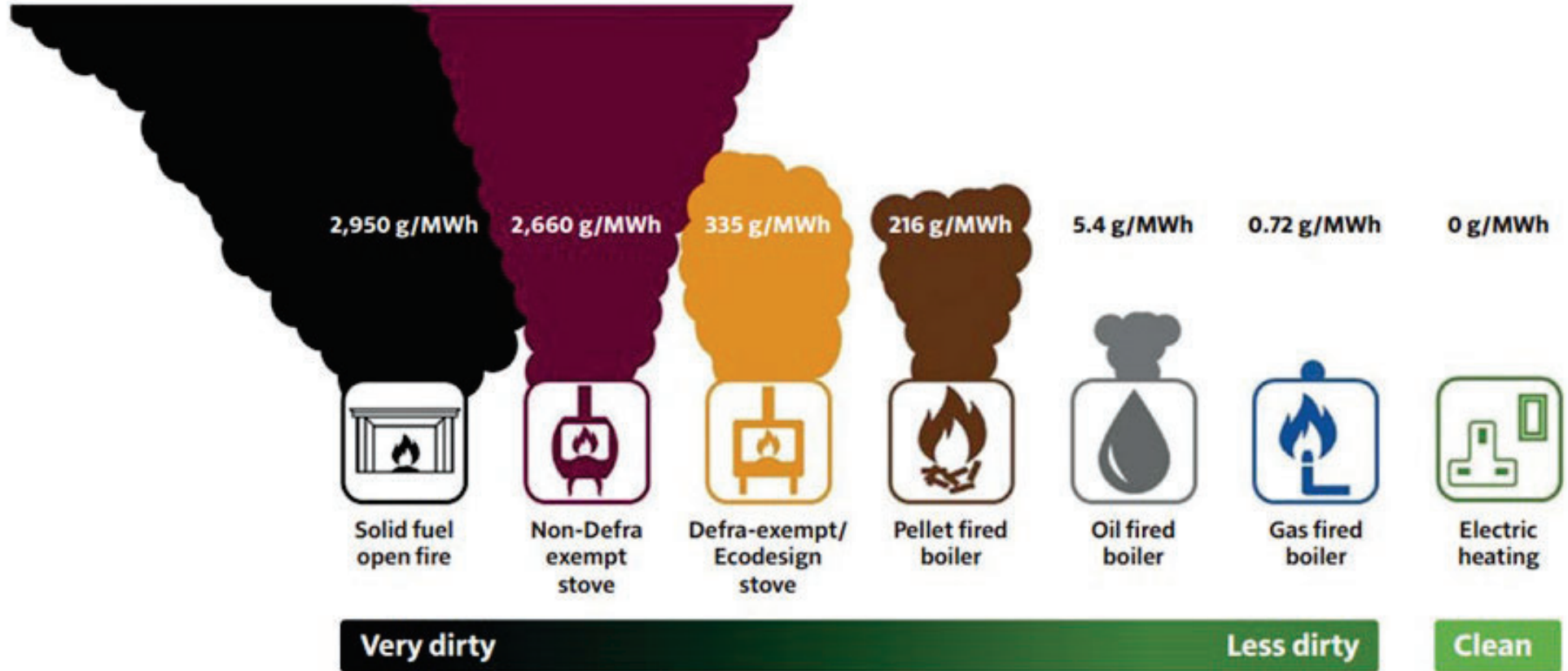
**SCHEDULE 2**  
**SMOKE CONTROL ORDERS TO BE REVOKED**

1. The Wallasey (Church Street) Smoke Control Order No. 1, 1958
2. Wallasey (Moreton) Smoke Control Order No. 2, 1959
3. The Wallasey (Upton Road) Smoke Control Order No. 3, 1959
4. Wallasey (Fender Lane) Smoke Control Order No. 4, 1960
5. Wallasey (Brighton Street) Smoke Control Order No. 5, 1960
6. Wallasey (Leasowe) Smoke Control Order No. 6
7. The Wallasey (Seacombe/Poulton) Smoke Control Order No. 7, 1961
8. Wallasey (Lingham) Smoke Control Order No. 8, 1962
9. Wallasey (Upton Park) Smoke Control Order No. 9, 1962
10. The Wallasey (New Brighton) Smoke Control Order No. 10, 1963
11. The Wallasey (Breck Road) Smoke Control Order No. 11, 1965
12. The Wallasey (Warren) Smoke Control Order No. 12, 1966
13. The Wallasey (Saughall) Smoke Control Order No. 13
14. Wallasey (Egremont) Smoke Control Order No. 16, 1971
15. Wallasey (Seabank) Smoke Control Order No. 17
16. The Metropolitan Borough of Wirral (Birkenhead Area No.20 Woodside) Smoke Control Order 1974
17. The Metropolitan Borough of Wirral (Birkenhead Area No.21 Mersey) Smoke Control Order 1975
18. The Metropolitan Borough of Wirral (Area No.1 Mersey) Smoke Control Order 1979
19. The Metropolitan Borough of Wirral (Area No.2 Tranmere) Smoke Control Order 1979
20. The Wirral (No.3 Central) Smoke Control Order 1980
21. The Metropolitan Borough of Wirral Smoke Control Area No. 4 (Egerton) 1981
22. The Metropolitan Borough of Wirral No. 5 (Port Sunlight) Smoke Control Order 1982
23. The Metropolitan Borough of Wirral No. 6 (Eastham) Smoke Control Order 1982
24. The Metropolitan Borough of Wirral No. 7 (Greasby) Smoke Control Order 1982
25. The Metropolitan Borough of Wirral No. 8 (Pensby) Smoke Control Order 1991
26. The Metropolitan Borough of Wirral No. 9 (Deeside and Rural) Smoke Control Order 1992

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## Appendix 2

### Relative PM2.5 emissions from domestic heating methods



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**PUBLIC CONSULTATION NOTICE APPENDIX**

**WIRRAL METROPOLITAN BOROUGH COUNCIL**

**THE WIRRAL METROPOLITAN BOROUGH COUNCIL**  
**SMOKE CONTROL ORDER 2024**

Notice is hereby given that on [DATE] Wirral Metropolitan Borough Council (“the Council”) made the above-mentioned Order (“the Order”) in exercise of its powers under section 18 of, and Part III of Schedule 5 to, the Clean Air Act 1993 (“the Act”)

Subject to confirmation by the Secretary of State, the Order will come into operation on the [DATE] (being a date not earlier than 6 months from the date of its confirmation).

1. The general effect of the Order is set out in paragraphs 1.1 to 1.4 below:
  - 1.1. The coming into operation of this Order will revoke all earlier Smoke Control Orders listed in Schedule 1 to this Notice, and any others referring to areas within the administrative area of the Council, insofar as they apply to Wirral Metropolitan Borough Council.
  - 1.2. The Order will cover the whole of the area within the boundary of Wirral Metropolitan Borough Council. The Order consolidates all earlier orders into a single Order and takes into account borough boundary changes and redevelopments of local areas that have occurred in the time since the earlier Orders commenced.
  - 1.3. If on any day after the Order comes into operation smoke is emitted from a chimney of any building within the area covered by the Order, or from a chimney not fixed to a building but serving a fixed boiler furnace or industrial plant, the occupier of that building or the person having possession of the boiler or plant will be guilty of an offence and liable to a financial penalty of up to £300.00, unless they prove that the emission of smoke was caused by the use of an authorised fuel or by the use of an exempted fireplace / stove used in accordance with the associated exemption conditions
  - 1.4. If on any day after the Order comes into operation, and within the Council’s area, a person who:
    - (i) acquires any controlled solid fuel for use in
      - a. a building to which the smoke control order applies;
      - b. a fireplace, other than an approved fireplace, to which the smoke control order applies; or
      - c. a fixed boiler or industrial plant, not being a boiler or plant so exempted.

- (ii) offers controlled solid fuel for sale by retail in England where the fuel is to be taken away by a purchaser, and fails to take reasonable steps to notify potential purchasers that it is an offence to acquire that fuel for any of the uses mentioned in 1.4(i) above,
- (iii) sells any controlled solid fuel by retail for delivery by that person, or on that person's behalf, to:
  - a. a building to which a smoke control order in England applies, or
  - b. premises in which there is any fixed boiler or industrial plant to which such an order applies,

will be guilty of an offence and liable upon conviction, in the case of 1.4(i) a fine up to Level 3 on the standard scale (currently up to £1,000), and in the case of 1.4(ii) and (iii) above to an unlimited fine, unless they can prove that the defences given in section 23 of the Act apply.

2. The authorised fuels for the purpose of this part of the Act at the time of making this Order were consolidated and listed in the Smoke Control Areas (Authorised Fuels) (England) Regulations 2014 (SI 2366). The fireplaces currently exempted are contained within a number of smoke control orders from 1970 onwards. The most recent order at the time of writing being The Smoke Control Areas (Exempted Fireplaces) (England) Order 2015 (SI 307). These exempted fireplaces are added to from time to time by orders made by the Secretary of State under Section 21 of the Act.

Details of all currently exempted fireplaces / stoves are available from:

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

3. For six weeks from [the last date of publication of the notice [DATE] a copy of the Order may be freely viewed from Monday to Friday - 09:00 to 17:00 at the Council offices at:

[Location . . . ????

A copy will also be available to view on the Council's website:

www.???? . . . .

4. Any person who may be affected by this Order may within six weeks of the last date of publication of the notice [DATE] object to its confirmation by giving notice in writing to:

Environmental Health, Birkenhead Town Hall, Mortimer Street, Birkenhead, Wirral, CH41 5EU, Alternatively, either may be viewed on the Council's Website: - <https://www.wirral.gov.uk/environmental-problems/pollution-control/smoke-control-areas>

And / or

Secretary of State for the Environment  
Food and Rural Affairs  
DEFRA  
Nobel House  
17 Smith Square  
London SW1P 3JR

Dated:

Signed:

Paul Sator  
Chief Executive

**SCHEDULE 1**  
**SMOKE CONTROL ORDERS TO BE REVOKED**

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## Frequently Asked Questions - Smoke Control Areas

Q: Why are Wirral council creating this Smoke Control Area?

A. Most of Wirral is already covered by Smoke Control Areas (SCA) but these were made a long time ago and in a fragmented and piecemeal fashion. Therefore, by introducing this new **SCA** there will be no changes in the rules for the vast majority of residents of Wirral. Creating this new SCO will make it easier for the Council to administer and enforce the rules in the smoke control area. It will also provide clarity for residents and businesses in the city.

Q. What are the rules in a Smoke Control Area?

A. You cannot emit smoke from a chimney unless you're burning an authorised fuel or using 'exempt appliances', for example specific burners or stoves. You must not buy an unauthorised fuel for use in a smoke control area, unless it is to be used in an exempt appliance. You can be fined up to £1,000 if you break the rules. You can visit the Government Website Smoke Control Area Rules for more information.

Q. What are authorised fuels?

A. Authorised fuels are fuels which are authorised by Statutory Instruments (Regulations) made under the Clean Air Act 1993. These include inherently smokeless fuels such as anthracite, semi-anthracite, gas, low volatile steam coal and specific brands of manufactured solid smokeless fuels. These fuels have passed tests to confirm that they can burn in an open fireplace without producing smoke. A list of fuels which are authorised for use in Smoke Control Areas is available from Defra - Authorised Fuels

Q. Where can I buy authorised fuel from?

A. New legislation called the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 came into effect on 1 May 2021, which means that the sale of wood for domestic combustion in England must have the "Ready to Burn" logo. This is the responsibility of the supplier, although there are a few exceptions. Authorised smokeless fuels are sold by some hardware shops, petrol filling stations and DIY stores and are clearly labelled 'ready to burn'.

Q. What can I burn in an open fire place?

A. You must not burn any wood on an open fire, although a small amount of kindling or timber wood can be used to light the fire. You can only burn fuel on the list of authorised fuels.

Q. Can I still use a barbecue, chimenea, fireplace or pizza oven with a Smoke Control Area?

A. Yes. You can use outdoor barbecues, chimeneas, fireplaces or pizza ovens within a Smoke Control Area, however if any of these appliances release smoke through a chimney of a building (i.e. a summerhouse) they can only burn authorised fuel or must be exempt appliances.

Q. Can I still use my non-exempt appliance?

A. Yes, but only with authorised fuels. The list of authorised fuels is available on Defra's website, and have the "Ready to Burn" logo shown here.

Q. Are you banning all wood and coal burning stoves?

A. No. You can use your existing stove with the authorised fuel, or if you wish to purchase a new stove, choose an exempt appliance.

Q. Does a Smoke Control Area apply to garden bonfires?

A. No. You are allowed garden bonfires in Smoke Control Areas, however you must follow the Government's rules on bonfires. We do discourage people from having garden bonfires which can cause serious nuisance to neighbouring properties.

Q. What are the health impacts of wood/coal burning stoves and open fireplaces?

A. In the UK, the single biggest source of particulate matter air pollution (PM2.5) is from domestic burning. We spend over 90% of our time indoors, and having a wood burning stove lit has a negative impact on indoor air quality. This makes it a significant risk to public health. Everyone is at risk from indoor air pollution, but you are more vulnerable if you have COPD, asthma or other lung conditions or are elderly or a child. Particulate matter air pollution can cause coughs, dizziness, inflamed airways and shortness of breath. It increases the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs.

Q. I have or want to use a wood burning stove, how do I minimise indoor air pollution from it?

A. • Choose an energy efficient stove which is 'Ecodesign Compliant' more information about these types of stoves can be found at [www.hetas.co.uk](http://www.hetas.co.uk). These are energy efficient appliances that have been independently verified by HETAS, to help lower UK emissions and improve air quality.

- Use fuel labelled Ready to Burn for both wood and manufactured solid fuels.
- Ensure that you have it serviced and swept regularly– 40% of chimney fires take place between January and March
- Follow manufacturer's instructions for refuelling

Q. I make/import/distribute appliances that burn unauthorised fuels in the Smoke Control Area. What do I have to do?

A. You must apply for an exemption if you make, import or distribute appliances that will be used to burn unauthorised fuel in smoke control areas. An "appliance exemption" shows that fuel-burning appliances- for example stoves, ovens, boilers etc- emit smoke below the acceptable limits. You do not need an exemption if the appliances are used with authorised fuels.

Q. Will using authorised fuels cost me more money?

A. Authorised solid fuels are designed to be more efficient at burning so are cheaper than using coal. However, if you are concerned about the cost of heating your home as you are on a low income there is help and advice available. Under the government's 'Affordable Warmth' scheme you may be able to get financial help for energy-saving home improvements. For example, you live in social housing and your home has an energy efficiency rating of E, F or G, you may also be able to get help with insulation or installing a heating system for the first time. If you're not sure what efficiency rating your home has, check its energy performance certificate. Alternatively, ask your landlord or housing association. For more information on these schemes, and full eligibility criteria, go to the website Simple Energy Advice UK or Tel: 0800 444202 It's also worth checking if you qualify for the government's Warm Home Discount, a £140 annual credit paid to your energy account. Find out if you're eligible at the website Warm Home Discount Scheme.

Q. I use or want to use a wood burner/biomass boiler in my business, is that allowed in a Smoke Control Area?

A. All commercial biomass boilers that burn wood and coal in a Smoke Control Area need to be Defra 'exempt appliances'. A list of exempt appliances is listed on the Website: Defra Exempt Appliances. All commercial biomass boiler manufacturers are required to meet Defra exemption requirements under the Clean Air Act 1993, more information on specific requirements is provided at [environmental.protection.org.uk](http://environmental.protection.org.uk).

Q. I want to set up a restaurant with a log burning oven, can I do this?

A. If you wish to install a log burning pizza oven in your food business, then there are some solid fuel pizza ovens included in the list of exempted appliances that you may use. As well as authorised fuels the list of exempted appliances can be found on the government website:

<https://smokecontrol.defra.gov.uk/appliances.php>. Please remember that any appliance giving off cooking fumes must be properly ventilated to outside air. This will require adequate ventilation which doesn't cause a nuisance to neighbours and filtered mechanical extract ventilation with an outlet at high level.

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## **TOURISM, COMMUNITIES, CULTURE AND LEISURE COMMITTEE**

Thursday, 7 March 2024

<b>REPORT TITLE:</b>	<b>TOURISM, COMMUNITIES, CULTURE AND LEISURE WORK PROGRAMME</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### **REPORT SUMMARY**

Tourism, Communities, Culture and Leisure Committee, in conjunction with the other Policy and Service Committees, is responsible for proposing and delivering an annual committee work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

It is envisaged that the work programme will be formed from a combination of key decisions, standing items and requested officer reports. This report provides the Committee with an opportunity to plan and regularly review its work across the municipal year. The work programme for the Tourism, Communities, Culture and Leisure Committee is attached as Appendix 1 to this report.

### **RECOMMENDATION**

The Tourism, Communities, Culture and Leisure Committee is recommended to note and comment on the proposed Tourism, Communities, Culture and Leisure Committee work programme.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To ensure Members of the Tourism, Communities, Culture and Leisure Committee have the opportunity to contribute to the delivery of the annual work programme.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 A number of workplan formats were explored, with the current framework open to amendment to match the requirements of the Committee.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The work programme should align with the priorities of the Council and its partners. The programme will be informed by:

- The Council Plan
- The Council's transformation programme
- The Council's Forward Plan
- Service performance information
- Risk management information
- Public or service user feedback
- Referrals from Council

### **3.2 Terms of Reference**

The Tourism, Communities, Culture and Leisure Committee has responsibility for customer contact, community development and community services, including all of those functions related to community safety and also those regarding the promotion of community engagement. The Committee is charged by full Council to undertake responsibility for the Council's role and functions:-

(a) for customer and community contact services, including various offices and meeting points, customer contact centres and advice and transaction services

(b) community engagement, incorporating the Council's approach to equalities, inclusion communities, neighbourhoods and the voluntary and charitable sector, community wealth building and social value;

(c) in considering options and develop proposals for neighbourhood arrangements, including capacity building, use of assets and devolving powers and services to neighbourhoods;

(d) for the provision and management of leisure, sports and recreation facilities;

(e) for delivery of the authority's library and museums services, including but not limited to art galleries, historic buildings and their gardens and the functions of the Council regarding public records, and the Council's

- (f) concerning tourism, the arts, culture and heritage, including provision of theatre, entertainments, conferences and events;
- (g) in relation to bereavement services and support to the Coroner's service;
- (h) regarding community safety, crime and disorder and all associated matters;
- (i) for trading standards and environmental health, including but not limited to:
  - (i) consumer protection;
  - (ii) product safety;
  - (iii) fair trading;
  - (iv) metrology;
  - (v) food standards and animal health;
  - (vi) air pollution control;
- (vii) health and safety at work (except in so far as it relates to the Council as an employer);
- (viii) public conveniences
  - (ix) food safety; and
  - (x) control of nuisances;
- (j) in respect of emergency planning and community resilience (community, regulatory and asset services);
- (k) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (l) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.
- (m) in respect of the Police and Justice Act 2006, the functions to:
  - (i) review or scrutinise decisions made or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
  - (ii) make reports or recommendations to the local authority with respect to the discharge of those functions

### **Overview and Scrutiny**

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

- (a) Overview and Policy Development -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may

appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

(b) Overview and Scrutiny – The Committee holds responsibility:

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery;

(ii) for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues; and

(iii) for those overview and scrutiny functions in respect of crime and disorder as set out in paragraph 6.4(m) above which are to include the establishment and

(iv) functioning of joint arrangements as set out at paragraph 15 of this Section

(c) **Stakeholder Engagement** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 This report is for information and planning purposes only, therefore there are no direct financial implication arising. However, there may be financial implications arising as a result of work programme items.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are no direct legal implications arising from this report. However, there may be legal implications arising as a result of work programme items.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no direct implications to Staffing, ICT or Assets.

#### **7.0 RELEVANT RISKS**

7.1 The Committee's ability to undertake its responsibility to provide strategic direction to the operation of the Council, make decisions on policies, co-ordinate spend, and maintain a strategic overview of outcomes, performance, risk management and budgets may be compromised if it does not have the opportunity to plan and regularly review its work across the municipal year.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Not applicable.

## 9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

This report is for information to Members and there are no direct equality implications.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 This report is for information to Members and there are no direct environment and climate implications.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 This report is for information to Members and there are no direct community wealth implications.

**REPORT AUTHOR:** **Mike Jones**  
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email: michaeljones1@wirral.gov.uk

## APPENDICES

Appendix 1: Tourism Communities Culture and Leisure Committee Work Programme

## BACKGROUND PAPERS

Wirral Council Constitution  
Forward Plan  
The Council's transformation programme

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standing Item	

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## **TOURISM, COMMUNITIES, CULTURE AND LEISURE COMMITTEE**

### **WORK PROGRAMME 2024/25**

**Contact Officer/s:** Mike Jones/Katy Brown

### **June 2024 Agenda**

<b>Item</b>	<b>Key Decision</b>	<b>Lead Officer</b>
Leisure Dashboard		

### **UPCOMING KEY DECISIONS – WAITING TO BE SCHEDULED**

<b>Item</b>	<b>Lead Departmental Officer</b>	<b>Wirral Plan Priority</b>
Facilities Investment Strategy	Andy McCartan	Healthy and Active lives

### **ADDITIONAL AGENDA ITEMS**

<b>Item</b>	<b>Approximate timescale</b>	<b>Lead Departmental Officer</b>
Thornton Hough Public Convenience	TBC	David Ball
Trading Standards update	TBC	Gill Vicary
Playing Pitch update strategy	TBC	David Ball/ Andrew Frazer
Battle of Brunanburh	TBC	TBC
Annual Air Quality (ASR) update	TBC	Deeta Cooper
Communication including consultation bias, social media, listening as well as broadcasting and audiences	TBC	Gail Mooney, Nancy Clarkson, Fergus Adams

## STANDING ITEMS AND MONITORING REPORTS

Item	Reporting Frequency	Lead Departmental Officer
Financial Monitoring	Quarterly	Matthew Bennett
Performance reports	6 monthly	Nancy Clarkson
Third Sector Report	6 monthly	David Armstrong

## WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Officer	Progress
<b>Spotlight sessions / workshops</b>				
Future Of The Floral	Workshop	TBC		Completed
Budget Monitoring	Workshop	2023	All	
Retail Crime	Workshop	2:00 pm on 1 <sup>st</sup> Feb		To be covered at the Safer Wirral Partnership Board with members invited.
Community Asset Transfers	Workshop	TBC		
<b>Corporate scrutiny / Other</b>				
Risk	Workshop	TBC	Jason Gooding	



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

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