⁂ WIRRAL

Cabinet

Date:	**Thursday, 4 June 2015**
Time:	**6.15 pm**
Venue:	Committee Room 1 - Wallasey Town Hall

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AGENDA

1. **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

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

2. **MINUTES**

   The minutes of the last meeting have been printed and published. Any matters called in will be reported at the meeting.

   RECOMMENDATION: That the minutes be approved and adopted.

GOVERNANCE, COMMISSIONING AND IMPROVEMENT

3. **CORPORATE RISK MANAGEMENT POLICY (Pages 1 - 50)**

SUPPORT SERVICES

4. **SITE OF THE FORMER FOXFIELD SCHOOL, DOUGLAS DRIVE, MORETON (Pages 51 - 56)**

5. **FREEDOM OF ENTRY CONSIDERATIONS - HMS ASTUTE AND TS ASTUTE (Pages 57 - 60)**

LEISURE, SPORT AND CULTURE

6.   REVIEW OF THE MUNICIPAL GOLF COURSE OFFER IN WIRRAL (Pages 61 - 68)

ADULT SOCIAL CARE AND PUBLIC HEALTH

7.   SMOKEFREE POLICY (Pages 69 - 80)

NEIGHBOURHOODS, HOUSING AND ENGAGEMENT

8.   BEECHWOOD AND BALLANTYNE COMMUNITY HOUSING ASSOCIATION TRANSFER OF ENGAGEMENTS TO LIVERPOOL HOUSING TRUST (Pages 81 - 98)

9.   ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)

To consider any other business that the Chair accepts as being urgent.

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 the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

SUPPORT SERVICES

11.   LAND AT BELMONT, BIRKENHEAD (Pages 99 - 104)

This report is exempt by virtue of paragraph 3 as it contains commercially sensitive information.

12.   ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)

To consider any other business that the Chair accepts as being urgent.

WIRRAL COUNCIL

CABINET

4 JUNE 2015

SUBJECT	CORPORATE RISK MANAGEMENT POLICY
WARD/S AFFECTED	ALL
REPORT OF	STRATEGIC DIRECTOR OF TRANSFORMATION AND RESOURCES
KEY DECISION	YES

1.0 EXECUTIVE SUMMARY

1.1 This report confirms the process behind the annual update to the Corporate Risk Management Policy. It sets out the factors that have influenced its development, describes the main proposed changes from the current document and confirms a series of actions needed for its implementation. The Policy was approved by Audit & Risk Management Committee on 18 March. In accordance with Cabinet's ultimate responsibility for corporate governance Members are invited to consider and formally adopt the Policy on behalf of the Council.

2.0 BACKGROUND

INTRODUCTION

2.1 The Council, like all organisations, has to deliver its objectives in the face of a complex and increasingly dynamic environment. The uncertainty created by that environment presents it with both opportunities and threats. So having a robust and effective framework for addressing risk and uncertainty is vital to the authority's success.

2.2 A key element of the Council's vision for 2016 is that the organisation will be 'risk aware, not risk averse'. This objective makes the need for an effective approach to handling risk even more important.

2.3 The purpose of a risk management policy is to set out an organisation's overall attitude to risk and uncertainty, to confirm its commitment to managing risk, to provide a high level view of the risk management process itself and to set out corporate requirements around how risk is to be handled. It is a key element of any organisation's overall risk management framework.

2.4 A fundamental revision of the Council's policy was undertaken in 2013/14 leading to the current document which was adopted by Cabinet on 13 March 2014. Governance arrangements for the policy require it to be refreshed annually.

THE PROCESS

2.5   Under the governance structure for risk management any update to the Policy is considered by the Strategic Leadership Team (SLT) then by Audit & Risk Management Committee before being put to Cabinet for formal adoption. Within the past year the Council has also formally established a Corporate Governance Group with a specific responsibility for proposing improvements to the Council's risk management framework

2.6   The Risk and Insurance Officer produced an initial draft version of the Policy for the Corporate Governance Group meeting on 12 February. This reflected recent changes in organisational practice and structure and took account of the output from a 2014 CIPFA national risk management benchmarking exercise in which the Council had participated. That exercise had confirmed that risk management was 'working' across the authority, but highlighted a number of areas where improvement was still needed. These areas had been discussed by the Group in November 2014.

2.7   The meeting also considered the recommendations contained in an Internal Audit investigation into the level of knowledge across the organisation of the Council's risk management Policy and processes and the degree of compliance with these. The conclusions from the Group's discussion were included in a revised draft of the document.

2.8   The revised document was considered by SLT on 24 February. Minor changes to the Roles and Responsibilities section of the Policy and the Action Plan were suggested and have been incorporated into the draft document appended to this report.

2.9   The draft Policy was put to Audit & Risk Management Committee on 18 March. Members approved the document and resolved that it should be referred to Cabinet for formal adoption on behalf of the Council.

PROPOSED CHANGES

2.10   All amendments are highlighted in shaded text within the body of the document. The principal changes are:

- Narrative for 'Drivers for Change and Improvement' (page 4)
- Governance structure includes the Corporate Governance Group and the Portfolio Holder - Governance, Improvement and Commissioning (page 8)
- Addition of the risk scoring matrix (page 13)
- Roles and Responsibilities include the Corporate Governance Group (page 26)
- Narrative for desired level of capability (page 31)

ACTION PLAN

2.11   A number of areas for improvement were highlighted by the risk management benchmarking exercise. However the Corporate Governance Group

recognised that there is not the corporate capacity to address all of these immediately. The following actions, contained within the draft policy, relate to the most significant areas:

- Work with Human Resources / Organisational Development to ensure that the cultural change programme supports the Council value of being 'risk aware, not risk averse'
- Agree an approach for determining risk appetite and arrange for the Leadership to consider this as part of the development of the new Corporate Plan.
- Complete business continuity plans and conduct an initial round of testing
- Update the risk management requirements for partnerships and determine how compliance will be assured
- Conduct a pilot of 'Concerto' for plans, performance and risk information and evaluate the results
- Agree requirements for reporting risk information to Policy & Performance committees
- Roll out E-Learning modules for managers and staff

NEXT STEPS

2.12 If adopted by Cabinet the Policy would be signed by both the Leader of the Council and the Chief Executive in order to demonstrate commitment from the top of the organisation.

2.13 The Policy would be disseminated through presentations to Directorate Management teams publication on the Council Intranet and through the roll out of the E-learning courses.

2.14 The Policy will be reviewed annually. The review process will draw upon the output from the 2015 CIPFA national risk management benchmarking exercise further Internal Audit reports and wider developments in good risk management practice.

2.15 The Corporate Risk Management Policy forms part of a suite of policies which support our increasingly strengthening corporate governance arrangements. As such, it is important we build on our growing regional and national reputation and manage effectively any risks which may damage that.

3.0 RELEVANT RISKS

3.1 Implementation of the Policy could be frustrated by the limited capacity within the Risk & Insurance team. This risk will be mitigated in part by greater involvement from officers in other teams (for example Commissioning and Intelligence, Internal Audit and Organisational Development) in the delivery of key components of the Policy.

3.2 If the management of risk is not considered as a standard part of the planning and delivery of services and programmes it would limit the benefits envisaged in the Policy. Commitment from the Council's political and executive

leadership will help to avoid this. Compliance with the policy will be verified through regular audits. In the longer term the cultural change needed would be achieved at least in part through training for officers and Members.

3.3   The incorporation of risk management practice into all areas of Council business will inevitably place some additional demand on the capacity of officers and Members. The impact should be limited by incorporating risk management into existing Council processes wherever possible.

4.0   OTHER OPTIONS CONSIDERED

4.1   Changes within the Council and in good risk management practice make it appropriate to adopt a revised risk management policy.

5.0   CONSULTATION

5.1   Consultation undertaken in drafting the revised policy is as indicated in paragraphs 2.6 – 2.9.

6.0   IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1   Whilst there are no direct implications arising from this report implementation of the Policy should lead to better management of the risks presented by working with others.

7.0   RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING AND ASSETS

7.1   As indicated in paragraph 3.3 implementation of the Policy will place some additional demands on officers and Members.

8.0   LEGAL IMPLICATIONS

8.1   Adoption of the Policy will support compliance with Regulation 4(2) of the Accounts and Audit (England) Regulations 2011.

9.0   EQUALITIES IMPLICATIONS

9.1   There are no implications arising directly from this report.

10.0   CARBON REDUCTION IMPLICATIONS

10.1   There are no implications arising directly from this report.

11.0   PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1   There are no implications arising directly from this report.

12.0   RECOMMENDATION

12.1   That the draft Risk Management Policy be formally adopted.

13.0   REASON FOR RECOMMENDATION

13.1   The adoption of a refreshed Risk Management Policy is a key element of the Council's improved approach to managing risk.

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APPENDIX

Draft Corporate Risk Management Policy

SUBJECT HISTORY

Council Meeting	Date
Audit & Risk Management – Corporate Risk Management Policy	18 March 2015
Cabinet - Corporate Risk Management Policy	13 March 2014
Audit & Risk Management – Corporate Risk Management Policy	28 January 2014

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RISK MANAGEMENT POLICY

Performing, Improving

WIRRAL

Current Document Status				
Version	0.4	Approving Body	Cabinet	
Date	February 2015	Date of formal approval	To be confirmed	
Responsible officer(s)	Mike Lane	Review date	February 2016	
Document Location				

Version History			
Date	Version	Author/Editor	Comments
February 2015	0.1	Mike Lane	First draft for consultation with Corporate Governance Group
February 2015	0.2	Mike Lane	Second draft including initial comments from Corporate Governance Group
February 2015	0.3	Mike Lane	Third draft including comments from Internal Audit
February 2015	0.4	Mike Lane	Fourth draft including comments from SLT

Equality Impact Assessment Record					
Date	Type of assessment conducted	Stage/level (where applicable)	Summary of actions taken/decisions made	Completed by	Impact Assessment review date
06/02/2015	Initial		None	Mike Lane (Risk & Insurance Officer)	29/02/2016

Corporate Quality Assessment Record	
Date	Insert date
Completed by	Insert name(s)

Document Retention	
Document retention period	Five years in hard and electronic copies

Contents

Appendices

1. Policy Statement

We accept that uncertainty and risk are inevitable features of the environment in which the Council seeks to deliver its ambitious vision for Wirral. We believe that how successful we are at dealing with the risks we face can significantly impact on the achievement of our priorities and the trust placed in us by the community and we will work to manage these risks down to an acceptable level.

However, we appreciate that uncertainty also presents opportunities and that we must innovate if the Council is to meet the challenges that it faces. We believe that risk management should not stifle innovation, but rather should support the taking of risks, provided that they are understood, actively managed and justified.

We also recognise that the increasing pace and complexity of the environment in which the Council operates could create combinations of events that cannot reasonably be envisaged. So we will also act to improve agility and organisational resilience.

Our goal is to become a risk aware organisation, in which risk management is fully embedded in all aspects of the Council's business.

We plan to achieve this goal by:

- Establishing clear roles, responsibilities and reporting lines within the Council for risk management;
- Encouraging maturity and candour in discussions between officers and members about the uncertainties associated with our objectives
- Incorporating risk management into the Council's decision making and operational management processes;
- Reinforcing the importance of effective management of risk through training and provision of opportunities for shared learning;
- Incorporating risk management considerations into Service and Business Planning, Commissioning, Shared Services, Project Management, Partnerships, Service Delivery Vehicles & Procurement Processes;
- Monitoring our risk management arrangements on a regular basis;

LEADER OF THE COUNCIL   CHIEF EXECUTIVE

Cllr Phil Davies   Eric Robinson

Risk Management Policy

2. Background

In its Corporate Plan, the Council has set out an ambitious vision for the borough in the years ahead.
"Wirral should be a place where the vulnerable are safe and protected, where employers want to invest and local businesses thrive, and where good health and an excellent quality of life is within the reach of everyone who lives here".

Everything we do is focused on achieving this vision and ensuring that we deliver the best possible outcomes for the community, whilst ensuring that we provide good value for our stakeholders.

Effective governance arrangements are essential to help us achieve that vision and risk management is a key element of those arrangements. How successful we are at dealing with the risks that we face has a major impact on our ability to deliver our Corporate Plan.

We recognise that our plans and objectives have to be delivered within a complex and increasingly dynamic environment. The interplay of social, political, economic and technological change creates uncertainty which poses threats to the delivery of the Council's vision, but also presents us with opportunities. Effective risk management will help ensure that we are resilient and able to withstand any threats that emerge and exploit opportunities for improvement.

3 Drivers for Change and Improvement

Over the past two years, the authority has made significant progress with improving the incorporation of risk management into the governance of the Council. This point was evidenced in a 2014 CIPFA Risk Management benchmarking exercise, which concluded that risk management was *"working"* across the organisation. However, further improvements are needed to ensure that the Council keeps pace with developments in good practice and derives the maximum benefit from the time, energy and resource invested in managing risk.

In a local authority context, good risk management is largely concerned with helping Members and officers to make better strategic and tactical choices. The scale of the decisions which need to be taken in the coming years, about the very nature of our organisation, its role and how it relates to the community, make it more critical than ever for the Council to have a robust approach to addressing risk and uncertainty.

This corporate policy will ensure that there is clarity on what we are trying to achieve with, and through, risk management and an agreed corporate process by which risk management is carried out.

In revising this policy we have drawn on the guidance contained in the current British Standard for risk management, as well as output from Internal Audit reports and the 2014 CIPFA Risk Management benchmarking exercise.

4. Why we need a risk management policy

It is important that we have a clear policy so that -

- Everyone has a good understanding of what we mean by risk and risk management
- Everyone has a common understanding about the purpose, structure and approach to risk management
- Everyone is clear about their responsibilities in relation to risk management
- There is a consistent methodology to identify and assess the key risks and opportunities associated with our aims and objectives
- There is clarity around the arrangements for reporting information on risks
- Risk management is embedded into all our business processes.

5. What are the aims of our policy?

- To embed risk management into the culture of the Council.
- To support the Council's value of being 'risk aware, not risk averse'
- To integrate risk management with other management practices to ensure that risks are managed effectively at strategic and operational level and for all key programmes / projects and partnerships.
- To identify and effectively manage the key risks facing the Council.
- To maximise the opportunities for the achievement of objectives and minimise the risk of service failure.
- To ensure that we learn from risk failures to improve risk management awareness, systems and processes.
- To support Members and officers in carrying out their responsibilities.
- To support the decision making process at all levels within the Council.
- To ensure that effective risk management arrangements are in place to support the Annual Governance Statement and Corporate Governance arrangements.
- To support compliance with the requirements of the Account & Audit Regulations 2011.

6. What are the principles that underpin our policy?

- **Risk management should be systematic and structured**: The approach should be consistently applied within the Council. To help ensure that outputs are both reliable and comparable and to give managers increased confidence to make effective decisions.

- **Risk management should be based on the best available information**: The inputs should be based on available information sources such as experience, subject knowledge, expert judgement and projected forecasts. Managers should be aware of any limitations to the data or divergence of opinion among specialists.

- **Risk management should explicitly address uncertainty**: It should be used to help clarify the nature of uncertainty affecting decisions and how it might be treated.

- **Risk management should be part of decision making**: To help Members and Managers choose the option that is most appropriate for the Council in terms of its risk appetite and ability to manage risks effectively.

- **Risk management should take into account organisational culture, human factors and behaviour**: It should recognise the capabilities, perceptions and intentions of external and internal people that might hinder attainment of Council objectives.

- **Risk management should create and protect value**: It should contribute to the demonstrable achievement of objectives and maximize overall business and commercial benefits. It should support corporate governance, be integrated with management processes, provide assurance to stakeholders and reflect legislative and compliance requirements.

- **Risk management should be tailored**: It should be proportionate and scaled to address the internal and external circumstances.

- **Risk management should be transparent and inclusive**: Management and stakeholders should be actively involved so that risk management remains relevant and up to date.

- **Risk management should be dynamic, iterative and responsive to change**: It should continually identify and respond to changes effecting the operating environment by having an open, positive culture that encourages managers to disclose, discuss and respond to risk.

7. What benefits can we expect to see?

Improved business planning: through the use of risk-based decision making processes for establishing priorities and objectives

Enhanced corporate performance: by identifying and addressing threats to achievement there is an increased likelihood of achieving corporate objectives. More informed decision-making, added value across service areas and improved service delivery that matches organisational priorities, an increased number of targets achieved and improved internal controls

Improved financial performance: improved forecasting and support for a balanced approach to the setting of balances and reserves, more effective allocation and use of resources for risk treatment, providing value for money, assets safeguarded, reduced level of fraud and increased capacity through a reduction in decisions that need reviewing or revising

A more balanced approach to risk: as well as understanding and tackling the most significant threats to the Council's objectives, there would be a greater awareness of the opportunities which are available and an increased willingness and ability to exploit them fully

Better outcomes for the community: as risk management focuses us to consider potential impacts if the risk were to occur for the council and the wider Borough. So, if risks are successfully managed, this could lead to improved customer relations and increased public satisfaction, confidence and trust

Improved corporate governance and compliance: greater adherence to legal and regulatory requirements, fewer regulatory visits, reduction in legal challenges and an improved corporate governance statement

Improved insurance management: reduction in the number and costs of claims and uninsured losses, leading to a reduction in insurance premiums.

Improved organisational resilience: fewer disasters and surprises and an enhanced ability to recover quickly from those that might occur

More effective partnership arrangements: maximising the benefits from our relationships with public, private and voluntary sector partners

8. How Risk Management is Governed

Ultimate responsibility for the effective management of risk rests with Cabinet and the Leader of the Council as part of their wider responsibilities for effective corporate governance. The Cabinet Member for Governance, Commissioning and Improvement is responsible for improving the effectiveness of the risk management framework.

The Risk Management Policy and action plan are approved by the Strategic Leadership Team and by Audit & Risk Management Committee and are adopted by Cabinet on behalf of the Council. They are subject to review on an annual basis and will be communicated to all those with a responsibility for managing risk.

The Council's Annual Governance Statement is informed by a review of the governance framework undertaken by Internal Audit, which includes a review of the effectiveness of the risk management framework. The Chief Executive and Leader of the Council endorse the statement and this is presented to the Audit and Risk Management Committee for approval. Strategic Directors comment on their risk management arrangements within the Assurance Statements required as part of the Annual Governance Statement Review.

Internal Audit undertakes an annual assessment of the Council's risk management maturity using a CIPFA framework. The audit programme is directly informed by the Council's key risks

Individual officers are responsible for managing the risks associated with their service or project objectives, but will escalate specific risks in accordance with the risk escalation criteria.
Cabinet maintains an overview of the Council's risk profile.

Cabinet

Audit & Risk Management

Portfolio Holder (Governance, Commissioning & Improvement)

Internal Audit

Assurance of risk process

Strategic Leadership Team

Corporate Governance Group

Escalated risks

Directorate Leadership Teams

Escalated risks

Directors / Heads of Service

Programme Managers

Project Managers

Escalated risks
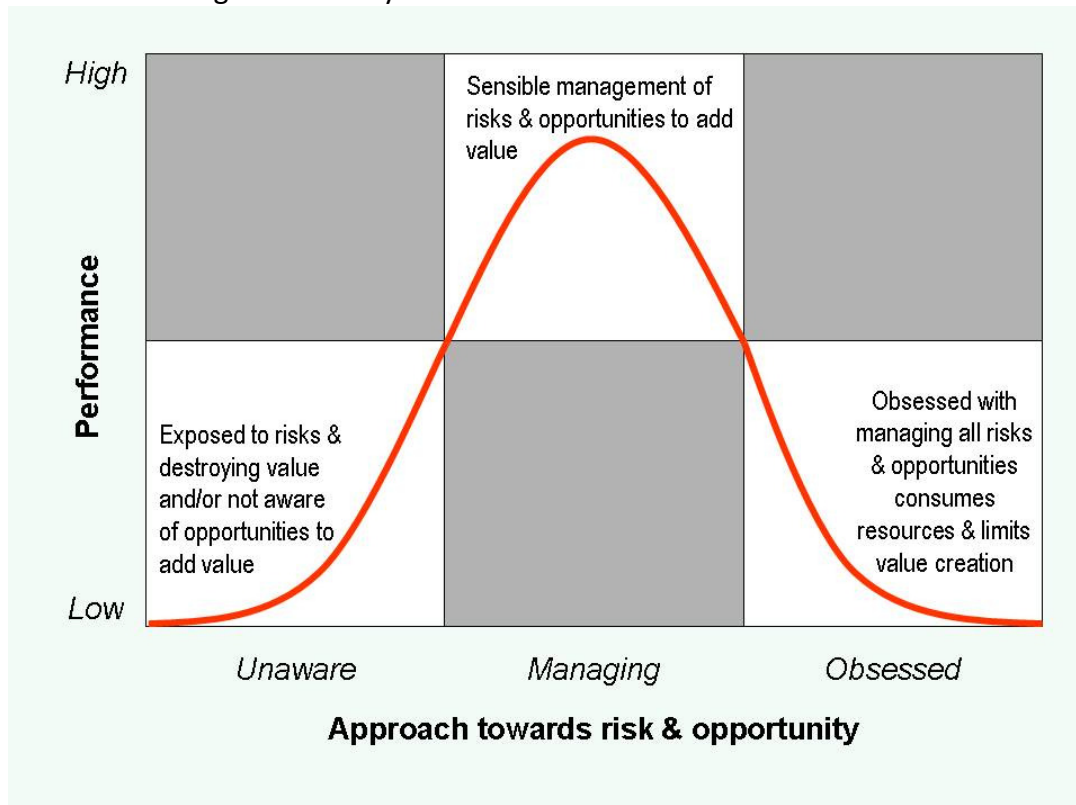
9. Application of the Policy

This policy applies to Council Members and to Officers at all levels.

The management of risk applies to all of the Council's business processes and should inform all areas of activity, including, but not limited to:

- Setting strategic objectives → Corporate Plan
- Setting business objectives →Directorate and Service plans
- Budget setting process→ investment and savings decisions, establishing levels of balances, evaluating bids for capital funding
- Developing policies and strategies
- Programme and project planning and management
- Establishing and managing partnerships and joint working arrangements
- Workforce planning
- Procurement exercises

10. The Risk Management Process

The risk management process is intended to ensure that the key risks to achieving our objectives are identified and managed. Too little awareness and management of these key issues can adversely affect our performance. But attempting to mitigate all possible risk could divert too many of our limited resources away from providing services. Between these two extremes is a turning point, a balanced area of high performance through the sensible management of risk. This is the status the Council aims to achieve through implementation of its Risk Management Policy.

Communication and Consultation

The risk management process cannot exist without an appropriate level of communication between all internal and external stakeholders. This will require consultation with all those who have an interest in the risks to our objectives, at whatever level we are assessing. This may include the public, partners, project boards, sponsors, management teams and other specialists, whose assistance may be beneficial when identifying and evaluating risks. Communication and consultation should occur at all stages of the risk management process.
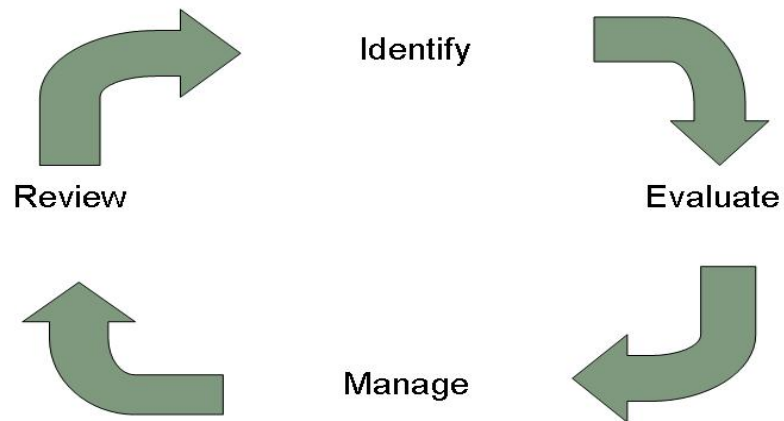
Establishing the Context

Establishing the context defines the basic parameters for managing risk and sets the scope and criteria for the rest of the process. This first stage is an essential precursor to core process. It should involve consideration of:

- The external and internal operating environment
- What we are looking at, strategic or service objectives, project or partnership objectives, budgets or policies, procurement or commissioning, options for decisions.
- Who will be involved, be they internal or external stakeholders. They should all be considered as they may have an interest in or a valuable contribution to add to the rest of the process
- Who will be responsible for the process: define responsibilities for review, monitoring and reporting
- The risk criteria and appetite, whether it is political, economic, legal, environmental, etc. The impact criteria to be included and how they will be measured
- If looking at partnership risk, which partner's processes will be adopted

The Core Risk Management Process

The Council has a four-stage process for managing risks, shown in the graphic below.

The Risk Management Process

Identify

Review

Evaluate

Manage

This process provides Officers and Members with an improved understanding of the risks that could affect the achievement of their objectives and the adequacy and effectiveness of existing controls. It also provides the basis for decisions about the most appropriate approach to be used to tackle risks.

The process will be applied to all key business processes, including:

- Setting strategic and service objectives and priorities
- Creating business cases for programmes and projects
- Managing partnerships and shared service delivery
- Procuring and/or commissioning goods or services
- Setting of short and medium term budgets
- Establishing or refreshing policies and strategies

The core process should be dynamic and applied continuously.

Stage 1:   Identification

The Council defines a risk as:

"An uncertainty that could have adverse or beneficial effects on the achievement of objectives"

This initial stage of the process sets out to identify the exposure to these uncertainties. Risks will be identified in relation to the objectives for the service, project, partnership or activity. So it is important that those objectives are clear and meaningful.

Risk identification should be a continuous process. However, there are times when formal identification exercises should be undertaken. The table below indicates when they should be carried out, why they are necessary and who should undertake this task.

Activity	When	By Whom
Corporate Plan	A strategic risk analysis will be undertaken as part of a strategic options appraisal, to inform decisions about priorities and objectives.	Strategic Leadership Team
Directorate Plan	After directorate objectives have been set, the key threats to their delivery and corporate / directorate plan indicators will be identified.	Directorate Management Team
Service Plans	After service area objectives have been set, to establish the key threats to their delivery.	Head of Service
Establishment of programmes and projects	During the development of business cases the key risks to	Programme or project sponsor

	delivery of the project will be identified, to inform the decision as to whether to proceed.	
Development of partnerships and shared services	Prior to establishment, to inform the decision as to whether to proceed.	Officer(s) responsible for development
Alternative service delivery mechanisms	During the development of business cases, to inform the decision as to whether to proceed.	Officer(s) responsible for development
Procurement or commissioning exercises	During the development of business cases, to inform the decision as to whether to proceed and how the exercise will be conducted.	Officer(s) responsible for the exercise
Development/updating of policy or strategy	During the drafting of the document, to give decision-makers an understanding of the threats to its delivery	Officer responsible for producing the document
Resource allocation	During the development of options for investment or reducing resources, to inform decisions around which to select	Officer responsible for developing the options
Producing Committee reports on key decisions	Prior to drafting of the report, to give Members an understanding of the risks and benefits associated with different options.	Report author

A variety of tools are available to complete the identification stage of the process, including brainstorming workshops, one-to-one interviews and reviewing lessons learnt logs. Reference to standard risk categories can also be helpful and a list of these is shown in **Appendix B**.

Each risk identified will be allocated to a risk owner who is accountable for its management. In respect of Corporate risks, the risk owner will be a member of the Strategic Leadership Team.

Stage 2:   Evaluation

In order for us to make informed decisions about how best to use our limited resources to tackle risks, we need to understand their relative significance. This will be done by evaluating risks in relation to their likelihood and their impact.

The significance of all risks will be evaluated using the 5 by 5 likelihood and impact matrix adopted by the Council shown below. Evaluation of project delivery risks may use different

impact factors to those for used for risks to programmes and corporate, directorate and service plans.

Wherever possible, evaluation will be undertaken by a range of stakeholders with an interest in the service, project, partnership or other initiative and a consensus reached. This will help to avoid the assessment being skewed by the views any one individual.

Impact ⟶

	Very Low (1)	Low (2)	Medium (3)	High (4)	Very High (5)
Very High (5)	**5** Very low impact but very high likelihood	**10** Low impact but very high likelihood	**15** Medium impact but very high likelihood	**20** High impact and very high likelihood	**25** Very high impact and very high likelihood
High (4)	**4** Very low impact but high likelihood	**8** Low impact but high likelihood	**12** Medium impact but high likelihood	**16** High impact and high likelihood	**20** Very high impact and high likelihood
Medium (3)	**3** Very low impact and medium likelihood	**6** Low impact and medium likelihood	**9** Medium impact and medium likelihood	**12** High impact but medium likelihood	**15** Very high impact and medium likelihood
Low (2)	**2** Very low impact and low likelihood	**4** Low impact and low likelihood	**6** Medium impact and low likelihood	**8** High impact but low likelihood	**10** Very high impact but low likelihood
Very Low (1)	**1** Very low impact and very low likelihood	**2** Low impact and very low likelihood	**3** Medium impact and very low likelihood	**4** High impact but very low likelihood	**5** Very high impact but very low likelihood

Likelihood (vertical axis)

Step 1 – Current Risk

Once the risk has been identified and defined, the current (also called residual) risk score will be calculated. This score is a measure of the risk as it is today, taking account of what is currently in place to manage (i.e. mitigate) it. Understanding what controls are already in place and their effectiveness is a vital part of the evaluation and these will be considered before judgements are made on impact and likelihood.

The potential impact of a risk will be judged in relation to its consequences (effects) and the current controls, action or management arrangements in place. The likelihood of a risk

occurring will be judged by considering the risk description and the current controls, action and management arrangements that are in place.

The results of the evaluation of impact and likelihood will be recorded in the risk register.

Step 2 - Unmanaged Risk

Once the current risk score has been calculated, the risk will be re-evaluated to consider the position if there were no controls, actions or management arrangements in place. This is done to establish the unmanaged (sometimes called inherent) risk rating. The difference between the Unmanaged and the Current risk scores helps to demonstrate the value of the controls, but should prompt consideration of whether all of the controls are required. It may be possible to identify risks which are over-controlled and where resources presently used for control could be freed up.

Stage 3: Management

Under the management stage, responses (controls) are selected for risks and plans are developed to implement those controls.

The broad nature of the possible responses to a given risk is shown in the following table:

Risk Management Response Strategies
Mitigate – Reducing the scale of the risk in order to make it more acceptable, by reducing the likelihood and/or impact.
Accept – Recognizing that some risks must be taken and responding either actively by developing appropriate contingency arrangements or passively doing nothing except for monitoring the status of the risk.
Transfer – Identifying another stakeholder better able to manage the risk, to which the responsibility can be passed.
Avoid – Eliminate the uncertainty by making it impossible for the risk to occur (e.g. discontinue activity), or by executing a different approach to eliminate the risk.

Resource and Cost / Benefit Analysis

The responses to the risks identified need to be appropriate, achievable and affordable. There will be some occasions when the cost of the response will outweigh the benefits to be gained from the proposed course of action. So an assessment of the cost / benefit of implementing the response will be carried out as part of the management stage. The resourcing of risk controls should be considered as part of service and financial planning.

Any control selected for implementation will be made the responsibility of a given individual (the control 'owner'). The owner and the planned implementation (target) date will be recorded in the relevant risk register.

Target Risk

When the management response and implementation plans have been determined the risk will then be re-evaluated to determine the Target Risk Rating. This evaluation will take into account all of the controls (existing and additional) that were identified earlier in the management stage.
This provides a target of the future rating that will be achieved when all the controls (both existing and planned) have been implemented. This information will also be recorded in the risk register.

For any risk whose current score places it into the 'red' category on the Council's likelihood and impact matrix, the risk owner will produce an action plan designed to achieve the target level of risk. This will be forwarded to the Directorate risk champion and used in the review process. A template action plan is shown at **Appendix C**.

Stage 4:   Review

The environment in which the Council operates is dynamic and the management of risk needs to be also. To support the performance management process service, project and other risk registers will be kept up to date.

The reviews of risk registers will involve;

- Identifying potential new risks and the controls already in place to help mitigate them. Considering whether additional controls are needed.
- Reviewing the effectiveness of the existing controls for risks already on the register.
- Reviewing control actions that were scheduled to be carried out and considering whether any additional actions should be implemented.
- Re-evaluating the current and target scores for likelihood and impact in relation to existing risks, by reference to the effectiveness of the existing controls and progress in implementing additional controls.
- Reviewing contingency arrangements in response to changing internal and/or external events
- Considering whether any risks on the register no longer present a threat and should be removed
- Considering whether any risks on the register should be escalated (or de-escalated) in accordance with the criteria shown below.

Responsibilities for Review

The following table highlights how the Council's review process will operate

What	By Whom	When
Corporate Risk Register	Strategic Leadership Team	Quarterly
Directorate and Service Risk Registers	Directorate and Service Management Teams	Monthly
Programme Risk Registers	Programme Board	As indicated in the relevant governance arrangements. But no less than once a month.
Project Risk Registers	Project Management Team	As indicated in the relevant governance arrangements. But no less than once a month.
Partnership Risk Registers	Partnership Managers	As indicated in the relevant governance arrangements. But no less than once a quarter.

In undertaking reviews, those responsible will take account of the results of internal and external audit reports.

Following each review, the relevant risk register will be updated. A copy of each updated Directorate risk register will be provided to the Risk & Insurance Officer.

In addition to the continuous review process outlined above, Directorate and service risk registers will be reviewed annually as part of the corporate planning process.

11. How We Will Record Risks

Information on risks will be recorded in risk registers. The different levels of risk register that we will maintain are shown below -

Corporate risk register
This register is the responsibility of the Chief Executive Strategy Group and will be maintained by the Risk & Insurance team.

Directorate risk register
These registers are the responsibility of each Directorate management team and will be maintained by the directorate risk champion.

In preparing and maintaining the register the management team will scrutinise and challenge information provided by heads of service. Through the annual Assurance Statement, the relevant Strategic Director will confirm that the register reflects the most significant threats to the achievement of the directorate's objectives.

Service
These registers are the responsibility of the respective Head of Service.

Programme

These registers are the responsibility of the relevant Programme Board

Project

These registers are the responsibility of the Project Sponsor and will be maintained by the project manager

Partnership

These registers are the responsibility of the partnership manager / lead.

To help ensure that risk information is captured in a consistent format, a standard risk register template will be used. A copy of the template is shown at **Appendix D**.

Programme and project risk registers will be maintained in the Council's 'Concerto' system.

12. How We Will Determine Whether Risks Are Acceptable

It is vital that we have a consistent approach to evaluating the significance of risks and that those responsible for managing them understand the boundaries of acceptability and the thresholds for escalation and for reporting to senior managers and to Members.
Two factors will be used to judge the significance of a risk – its likelihood and its impact.

We will develop a set of risk criteria, informed by the leadership's views of the Council's critical success factors and will use these to determine at what scales of impact and likelihood risks need to be escalated and / or reported. Those scales will be included in a revised risk matrix.

13. Escalation of Risks

Critical to the effective management of risks is the reporting of information to the appropriate level of management. To ensure that risks are considered at the appropriate level, the following criteria have been established:

Corporate Risks

Risks at this level will be managed by the Strategic Leadership Team (SLT) and will have the following characteristics:

- Risks identified by the SLT and/or Members which impact directly on the Corporate Plan priorities or objectives.
- Corporate or cross cutting issues that are likely to impact upon more than one service.
- Strategic issues that are likely to have an impact on the medium to long term goals and tend to link to the Corporate Plan priorities and objectives.
- Risks at departmental/service, programme/project or partnership level that if realised would impact on the Corporate Plan priorities and objectives and/or which need intervention by SLT or Cabinet.
- Risks with significant financial, service or reputation impact that require SLT overview and management.

Directorate/Service Risks

Risks at this level tend to be identified and managed by the Directorate and/or service management teams. Risks assigned to this level will have the following characteristics:
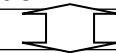
- Risks identified by directorate or service management teams that are likely to have an impact on short term goals and tend to link to Directorate / service level objectives and plans.
- Risks identified at project or partnership level that are likely to have an impact on service objectives and need Directorate or service management team intervention.

Programme Risks

Risks at this level tend to be identified and managed by Programme Boards. Risks assigned to this level will have the following characteristics:

- Risks that have a wide-ranging impact on the objectives of the programme as a whole but which can be managed by the Programme Board
- Risks with a significant impact on the objectives for a particular project but which require Programme Board intervention.

Project/Partnership Risks

Risks at this level tend to be identified and managed by project/partnership boards or teams. Risks at this level will have the following characteristics:

- Risks that impact on individual project/partnership objectives but which can be managed by the project / partnership board, manager or team.
- Risks that impact on departmental objectives and targets but can be managed by the project / partnership board, manager or team.

The escalation of risks to the Corporate Risk Register is considered by the Strategic Leadership Team in its quarterly review of Audit, Risk and Performance. The Team will review the issue against the escalation criteria and take appropriate action. This may include:

- Escalating the risk and adding it to the Corporate Risk Register for monitoring and reporting to Members.
- Incorporating the risk into an existing entry on the Corporate Risk Register if the risk is related to it, for ongoing management and review.
- De-escalating the risk to Directorate/Service or Project/Partnership level for ongoing management and review.

14. How Risks will be reported

It is important that we are clear about what information on risks and opportunities is to be reported, the format for this and to whom and when it should be reported. The following table summarises our reporting arrangements:

Stakeholder(s)	What information do they need?	How will this be provided?	When will this be provided?
The community	• An understanding of the strategic risks facing the Council and how it is seeking to address them.	Inclusion of the Corporate Risk Register in the Corporate Plan	Annually (in line with the business planning process)
Cabinet	• A detailed, current knowledge of the principal risks and opportunities facing the Council, the principal controls and their effectiveness	Inclusion of key risks in the Corporate Performance Report. Updates on management of the Corporate risks Inclusion of a risk assessment in the Medium Term Financial Strategy	Quarterly (in line with the Performance Management Framework) Four times a year (following each review of Audit, Risk and Performance) Annually
	• A working knowledge of the corporate risk management framework and its effectiveness	Publication of the Corporate Risk Management Policy document. Publication of the Annual Governance Statement	Annually Annually (in September)
Audit & Risk Management Committee	• A detailed, current knowledge of the principal risks and opportunities facing the Council, the principal controls and their effectiveness	Inclusion of the Corporate Risk Register in the Corporate Plan Updates on management of the Corporate risks	Annually (in line with the business planning process). Each meeting of the committee.

	• A detailed knowledge of the corporate risk management framework and its effectiveness	Publication of the Corporate Risk Management Policy document	Annually
		Regular updates of progress towards implementation of the risk management action plan	Each meeting of the committee
		An assessment of the Council's risk management maturity from Internal Audit	Annually
	• An understanding of individual service areas compliance with the corporate risk management policy	Publication of the Annual Governance Statement	Annually
		Publication of Internal Audit reports on individual service areas	As determined by the Internal Audit programme
Policy & Performance committees	• A good, current knowledge of the principal risks associated with the service areas for which they are responsible for providing scrutiny, the principal controls and their effectiveness	Publication of Directorate Plans	Annually
		Confirmation of significant movements in the risk register within the Performance Report	Quarterly (in line with the Performance Management Framework)
Portfolio Holder (Governance & Improvement)	• A detailed knowledge of the corporate risk management framework and its effectiveness	Publication of the Corporate Risk Management Policy document	Annually
		Updates of progress towards implementation of the Risk Management Strategy	Each meeting of Audit & Risk Management Committee
		Publication of the Annual Governance Statement	Annually (in September)

	• An understanding of individual service areas compliance with the corporate risk management policy	Publication of Internal Audit reports on individual service areas	As determined by the Internal Audit Plan
Strategic Leadership Team	• A detailed, current knowledge of the principal risks facing the Council the principal controls and their effectiveness	Updates on progress in managing existing Corporate risks (from the review of Audit, Risk and Performance)	At the end of each quarter
	• An understanding of significant emerging risks	A summary of significant new risks (from the review of Audit, Risk and Performance)	At the end of each quarter
	• A good knowledge of the corporate risk management framework and its effectiveness	Publication of the Annual Governance Statement An assessment of the Council's risk management maturity from Internal Audit	Annually (in September) Annually (in September)
Strategic Directors	• A detailed, current knowledge of the principal risks and opportunities associated with the service areas for which they are responsible, the principal controls and their effectiveness • An understanding of significant emerging risks and opportunities	Summaries of risks from Directors / Heads of Service / Project Managers and Internal Audit reports	Monthly
	• A good understanding of their directorate's adherence to the corporate risk management policy	Publication of Internal Audit reports on individual service areas	As determined by the Internal Audit Plan

Directors	• A detailed, current knowledge of the principal risks and opportunities associated with the service areas for which they are responsible, the principal controls and their effectiveness • An understanding of significant emerging risks and opportunities	Summaries of risks and opportunities from Heads of Service and Project Managers, where relevant. Internal Audit reports.	Monthly
	• A good understanding of their directorate's adherence to the corporate risk management policy	Publication of Internal Audit reports on individual service areas	As determined by the Internal Audit Plan
Programme Boards	• A good understanding of the principal risks and opportunities presented by the programme	An assessment of risks and benefits	As part of developing the business case for the programme
	• A detailed, current knowledge of the principal risks to delivery of the programme	Presentation of the programme risk register	As determined by the Programme governance arrangements, but not less than once a month
	• A good understanding of the risk management arrangements	Inclusion of risk management arrangements in the Outline Business Case	As part of the business case.
Partnership boards	• A good understanding of the principal risks and opportunities presented by the partnership	An assessment of risks and benefits as part of the business case for establishing the partnership	As part of developing the business case for the partnership
	• A detailed, current knowledge of the principal risks to delivery of the partnership's objectives	Presentation of the partnership risk register	As determined by the Programme governance arrangements, but not less than once every 3 months

	• A good understanding of the risk management arrangements	Inclusion of risk management arrangements in the Outline Business Case	As part of the business case.

15. Roles and Responsibilities

The Council is a large and complex organisation. So it is important that we are clear about what should be done and who it should be done by. The table below details the roles and responsibilities in relation to risk management for all stakeholders.
We will communicate these through the distribution of this policy, the provision of training and the issue of guidance.

Stakeholder	Role and Responsibilities
Council Leader and Cabinet Members	**Role: To oversee the effective management of risk as part of good corporate governance.**
	Responsibilities • Adopt the Council's risk management Policy and ensure that risk management is delivered on behalf of the Cabinet by the Chief Executive and the Chief Executive Strategy Group. • Drive the effective management of risk and a positive risk culture from the top of the organisation • To work with SLT to define the Council's risk appetite and risk criteria • Ensure that a corporate risk register is established and that this is regularly monitored. • Consider risk management implications when taking decisions.
Portfolio Holder – Governance and Improvement	**Role: To lead and co-ordinate the work of Portfolios and Departments in improving the Council's corporate governance** **Responsibilities** • Oversee the development, implementation and review of the Council's risk management arrangements
Audit & Risk Management Committee	**Role: To provide independent assurance of the Council's risk management framework and associated control environment. To act as the Member champion for risk management (Chair).**
	Responsibilities • Consider the risk management policy, strategy and associated action plan • Monitor, review and scrutinise the effectiveness of the Council's risk management framework and its implementation. • Consider the effectiveness of risk management arrangements and any improvements required as indicated in the Annual Governance Statement • Consider the adequacy of the authority's insurance and risk financing arrangements • Receive and challenge quarterly reports on the Corporate Risk Register from the Chief Executive Strategy Group • Approve the Internal Audit Plan • Receive and consider Internal Audit reports on risk management • Receive assurances that action is being taken to mitigate key risks identified by internal and external auditors

Corporate Governance Group	**Role: To support the embedding of strong governance arrangements across the Council** **Responsibilities** • Review and challenge corporate performance and risk management arrangements, and support SLT in ensuring that performance and risk management are aligned with the aims, priorities and objectives contained in the Council's policy framework, strategies and plans • Consider areas of good practice and propose improvements to the Council's risk management framework • Challenge senior management on how Directorate risks are identified, defined, evaluated and managed, including the plausibility of mitigating actions. • Support SLT in refreshing the Corporate Risk Register and recommend potential changes to SLT at least on a quarterly basis. • Propose the escalation of risks from Directorate and Programme level to the Corporate Risk Register.
Policy and Performance Committees	**Role: To oversee the effective management of risk in those areas of service for which they provide scrutiny.**
	Responsibilities • Receive and challenge reports on risk management, including relevant risk registers • Gain an understanding of the key risks affecting the service areas for which they provide scrutiny and ensuring that sufficient action is being taken to control them. • Consider risk management implications when making recommendations to Cabinet
Chief Executive and Strategic Directors	**Role: To ensure that the Council manages risk effectively.**
	Responsibilities • Agree the risk management framework and the arrangements for the management of strategic/corporate risks • Lead and co-ordinate the delivery of the risk management framework, including the nomination of a SLT lead on risk management. • To work with Cabinet to define the Council's risk appetite and risk criteria. • Identify, monitor and take ownership of strategic / corporate risks • Establish a culture and working practices which promote openness and learning in relation to the management of risk • Review the effectiveness of the risk management framework and make arrangements to address any improvements needed • Advise Members on effective risk management and ensuring that members receive regular monitoring reports.
Directors	**Role: To manage risk within their directorate in line with the Council's risk management policy.**

	Responsibilities • Take ownership of risks within their Directorate and responsibility for the completion of the Directorate risk register and the allocation of resources to control/minimise risk. • Scrutinise and sign off the risk register for their respective directorate. • Review key risks for the directorate and the effectiveness of their associated controls on a regular basis • Report significant risks to the Risk & Insurance Officer to be considered by the Strategic Leadership Team for possible escalation to the Corporate Risk Register • Provide regular reports on significant directorate risks to the relevant Policy & Performance Committee. • Take responsibility for the production, testing and maintenance of Business Continuity plans and allocation of resources. • Appoint a Risk Champion as part of the governance arrangements for the Directorate and authorise him/her to progress effective risk management that adheres to the corporate policy, across the Directorate. • Ensure that a culture of risk awareness is embedded across their Directorate.
Heads of Service	**Role: To manage risk within their area of responsibility in line with the Council's risk management policy.**
	Responsibilities • Ensure that risks to the objectives for their areas of responsibility are identified and evaluated and that action on them is prioritised and initiated. • Approve the risk registers for their service areas and ensure that they are reviewed regularly. • Report significant risks to the Directorate management team in line with the Council's risk escalation criteria. • Report systematically and promptly to the Directorate Management Team any major failures in existing controls. • Ensure that a culture of risk awareness is embedded across their respective service areas
Risk & Insurance Officer / team	**Role: To support the effective management of risk throughout the Council.**
	Responsibilities • Design and drive the implementation of the Council's risk framework, policy, strategy and process. • Provide the Council with consultancy and advice on risk management. • Lead, co-ordinate and develop risk management activity across the Council with the support of the Risk Champions. • Ensure that officers and Members are adequately trained in risk management tools and techniques. • Facilitate risk identification and evaluation workshops. • Assist management teams to identify evaluate and record key risks to service, project and partnership objectives. • Provide quality assurance and challenge of risk information provided by directorates and services.

	• Ensure that the corporate risk register is regularly reviewed by the Strategic Leadership Team. • Collate and manage the Council's Corporate Risk Register. • Undertake an annual review and update of the Risk Management Policy and Strategy for consideration by the Strategic Leadership Team and Audit & Risk Management Committee. • Ensure that the Council's approach to risk management fits within the Council's overall policy, strategy and performance ethos.
Risk Champions	**Role: To provide a focus for and co-ordinate risk management activity throughout the Directorate.**
	Responsibilities • Provide support on risk management across the directorate. • Encourage staff within their directorates to embed risk management principles into their daily work • Identify their directorate's training needs in relation to risk management and reporting these to the Risk & Insurance team • Co-ordinate information on risks and opportunities • Maintain the directorate risk register • Share examples of good risk control practice and lessons learned
Managers	**Role: To effectively manage risk in their service area in line with the Council's risk management policy.**
	Responsibilities • Ensure that risks to the objectives for their service are identified, evaluated and addressed. • Produce and regularly review a register of those risks, including the implementation of control measures. • Guide their staff in risk assessing their priorities at the beginning of the year and ensuring they identify risks that may affect their ability to deliver their objectives. • Communicating the corporate approach to risk management to staff. • Support the Risk Champion with identifying the training needs of staff. • Ensure that they and their staff are aware of the corporate requirements and seek clarification from the Risk Champion, when required.
Programme and Project Boards	**Role: To oversee the effective management of risk within programmes and projects.**
	Responsibilities • Set and confirm the programme/project's risk appetite • Understand the key risks to delivery of the programme/project objectives and ensure that sufficient action is being taken to manage them • Make decisions as regards risk response options proposed by project managers • Maintain oversight of the continued viability of the programme or project's business case. • Propose the escalation of risks to the corporate level in line with the

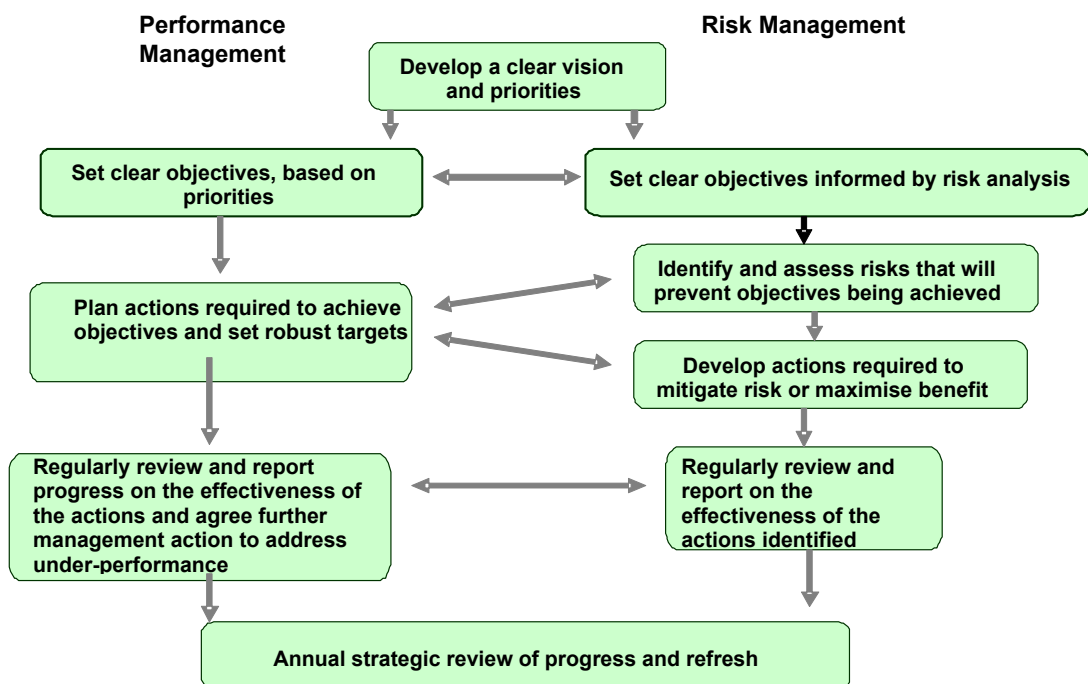|	
	Council's risk escalation criteria.
Project Managers	**Role: To effectively manage risks to the project in line with the Council's risk management policy.**
	Responsibilities • Identify and evaluate risks of and to any proposed project as part of the development of the business case. • Ensure that key risks to project objectives are identified, evaluated and managed • Undertake regular reviews of the project risk register throughout the lifecycle of the project. • Report key risks and potential responses to the Project Board on a regular basis • Identify and propose the escalation of risks to the programme level in line with the Council's risk escalation criteria.
Internal Audit	**Role: To provide independent and objective assurance in relation to the Council's risk management arrangements.**
	Responsibilities • Conduct reviews into the effectiveness of the risk management framework and its application. • Undertake an annual evaluation of the Council's risk management maturity. • Produce a risk based audit plan that takes into account key strategic, operational and project risks across the Council • Ensure robust risk management techniques in their audit work.
Employees	**Role: To contribute to the effective management of risk.**
	Responsibilities • Contribute to the identification and evaluation of key risks for their service area. • Contribute to risk control measures, where appropriate. • Report promptly to management potential new risks or failures in existing control measures. • Supporting continuous service delivery and any response to business disruption.

16. Performance Management and Risk Management

Performance Management is *"…an on-going, systematic approach to improving results through evidence based decision making, continuous organisational learning, and a focus on accountability for performance"* (Audit Commission)

By contrast, risk management is the process of identifying and managing issues that could impact on the achievement of objectives. Although, both processes are different in emphasis, they share the same goal - the achievement of organisational objectives. Risks cannot be identified without understanding priorities, objectives and targets. Equally, the setting of performance targets needs to be informed by an understanding of the risks which may threaten performance.

So it is important, that the risk management framework is developed to take account of and to support the Council's performance management framework.

The links between the performance management process and risk management are detailed in the following diagram:

Performance Management   **Risk Management**

> **Develop a clear vision and priorities**

Set clear objectives, based on priorities ⟷ **Set clear objectives informed by risk analysis**

Plan actions required to achieve objectives and set robust targets

Identify and assess risks that will prevent objectives being achieved

Develop actions required to mitigate risk or maximise benefit

Regularly review and report progress on the effectiveness of the actions and agree further management action to address under-performance ⟷ **Regularly review and report on the effectiveness of the actions identified**

Annual strategic review of progress and refresh

17. How does this policy relate to other Council policies?

Corporate Health & Safety Policy: sets out the Council's broad approach to the management of risks to health and safety

Business Continuity Policy: defines the approach to and requirements for managing risks to the continuity of Council services

ICT Security Policy: indicates the Council's broad approach to the management of information security and sets out the key control actions to be undertaken to manage risks to information security and ICT equipment.

Financial Regulations: cross reference the corporate Risk Management Policy and set out the requirements for managing resource-related risks

Council Constitution:
Contract Procedure Rules: – confirm the rules around procurement which act as controls in relation to procurement risk
Financial management: – confirms the key controls adopted to ensure effective financial planning and management
Risk Management and Control of Resources: – confirms the need for effective risk management and the controls intended to achieve this.
External Arrangements: - requires an agreement to be in place for each partnership, the development of which is to be subject to a risk management process to establish and manage all known risks

Code of Corporate Governance: summarises how the Council will deliver the six principles of effective governance and how the risk management framework contributes to this.

Performance Management Framework: sets out the Council's approach to performance management and its links with risk management.

18. What Level of Capability Do We Want to Achieve?

Our current ambition is to increase the number of enablers evaluated as Embedded & Integrated (Level 4 of the ALARM National Performance Model for Risk Management) by 2016.

19. What Additional Actions Are We Going to Take to Achieve This?

The following have been informed by the output from the 2014 ALARM/CIPFA Benchmarking exercise and the January 2015 Internal Audit report on risk management.

Action	Target Date
Risk Culture	
Ensure that development of the cultural change programme and people strategy supports the Council's corporate vision of being 'risk aware, not risk averse'	March 2016
Risk Appetite	
Agree an approach for determining the Council's appetite for risk	Summer 2015
Arrange for the leadership to consider the Council's risk appetite	Autumn 2015
Business Continuity	
Conduct audit of compliance with Business Continuity Policy and review results	December 2015
Conduct test of each critical service's business continuity plan	January 2016
Partnerships	
Check the 'risk management' content of the partnership toolkit	June 2015
Review and update the Constitution in terms of partnership risk management arrangements	June 2015
Agree how compliance with risk management requirements for partnerships will be assured	June 2015
Managing Risk Information	
Conduct a pilot of Concerto plans, performance and risk information within Transformation & Resources directorate	April to June 2015
Evaluate the outcome and pursue roll out of Concerto across the Council, or procurement of an alternative system	Autumn 2015
Reporting Risk Information	
Agree requirements for reporting risk information to Policy & Performance committees	June 2015
Risk Process	
Quality assure refreshed Directorate risk registers for 2015/16	May 2015
Training and Development	
Roll out E-Learning modules for managers and staff	April 2015 onwards

20. What Resources Will We Need?

We recognise that, particularly in the current financial environment, our Policy will need to be delivered within existing resources. Key officer resources will be the Risk & Insurance team and the Risk Champions within each directorate. However, implementation of the Policy will also require input from functions across the Council, including Internal Audit, Policy, Strategy, Performance Management, Risk and Resilience and the Change Team.

The development and delivery of a programme to equip Members and Officers with the knowledge and skills to embed the Policy will need particular support from the Organisational Development team.

21. How Will We Evaluate Our Progress?

Progress reports on the above actions will be provided to each meeting of the Council's Audit & Risk Management Committee.

Internal Audit will undertake an annual assessment of the Council's risk management maturity, using the framework contained in the CIPFA document - "It's a Risky Business: A Practical Guide to Risk Based Auditing". This will be reported to the Strategic Leadership Team and to Audit & Risk Management Committee.

Appendix A - Glossary

Control
A measure that mitigates a risk, including any process, policy, device, practice, or other action

Control Owner
Individual responsible for the maintenance of an existing control or the implementation of a additional control

Corporate Governance
The systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities

Current risk score
Assessment of the combined scores, for the likelihood and impact of the risk happening, **after** taking into account any controls in place to manage the risk.

Impact
The evaluated effect or result of a particular risk happening

Likelihood
A qualitative description of the probability or frequency of the risk happening

Risk
An uncertainty that could have adverse or beneficial effects on the achievement of the Council's objectives

Risk Appetite
The amount and type of risk that an the Council is prepared to seek, accept or tolerate in pursuing its objectives

Risk Management
Co-ordinated activities to direct and control an organization with regard to risk

Risk Management Policy
A statement of the overall intentions and direction of the Council related to the management of risk

Risk Matrix
A graphical table which facilitates the risk analysis process, shows the scales of likelihood and impact and plot risk scores

Risk Owner
The person responsible for the objective which would be affected by the risk

Risk Register
A summary of information relating to the risks to the achievement of an objective or set of objectives

Unmanaged risk score
Assessment of the combined scores, for the likelihood and impact of the risk happening, **before** taking into account any controls in place to manage the risk.

Appendix B – Risk Categories

Categories are widely used to identify sources of risk. Some will be of greater concern at the corporate/strategic level and some at the departmental/service level. However there is no clear distinction and all levels of management should be concerned, to varying degrees, with the majority of categories.

The categories below will assist at the risk identification stage in order to provide prompts to help identify risks. Risks can of course fall into one or more categories.

External

Category	Definition	Examples
Political	Associated with the political environment in which the Council operates	• New political arrangements • Member support / approval • Electorate dissatisfaction • Impact of electoral changes
Economic	Associated with changes in the economic environment, their impact on the community and Council's own financial position.	• National and regional economic situation • HM Treasury – investments, reforms, budget cuts • Key employment sectors (current and future) • Borrowing, lending situations, investments and interest rates • Inflation
Social	Relating to the effects of changes in demographic, residential or socio-economic trends.	• Residential patterns / profile (state of housing stock, public / private mix) • Health trends / inequalities • Demographic profile (age, race etc.) • Lifelong learning • Crime statistics / trends
Legal / Regulatory	Associated with current or potential changes to legislation and the regulatory environment at national and international level.	• Government policy • Inspection / regulation (e.g. Ofsted) • European Directives (e.g. procurement) • Legal challenges • Statutory duties / deadlines (e.g. FoI)

Technological	Associated with the impact of the pace/scale of technological change on the community and the Council, or our ability to use technology to address changing demands.	- Technology driving demand – customer needs and expectations - Digital exclusion - Increasing reliance on technology - Resilience of key IT systems - Capacity to deal with change
Environmental	Relating to the environmental consequences of realising our objectives and the impact of environmental change on the Council and the community.	- Impact of planning and transport policies - Nature of environment (urban / rural) - Land use – green belt, brown field sites - Contamination, pollution - Storage / disposal of waste - Climate change and impact of severe weather

Internal

Financial	Arising from the financial planning and control framework	- Quality of financial forecasting, profiling and cost/benefit analysis - Effectiveness of financial controls - Lack of investment - Failure to prioritise budgets - Level of financial skills and knowledge - Adequacy of financial reporting - Management of budgetary pressures
Customer / Citizen	Arising from the need to meet the changing needs, choices and expectations of customers and citizens	- Effectiveness of safeguarding - Relations with community leaders and groups - Extent and nature of consultation - Managing expectations - Reputation management - Management of complaints and compliments - Visibility of services (e.g.

		refuse collection)
Partnership / Contractual	Arising from the ability of contractors and partnership arrangements to deliver services or outcomes to the agreed cost and specification	• Resilience of partners / supply chains • Accountability frameworks and partnership boundaries • Managing performance • Experience and expertise in commissioning • Governance arrangements
People	Arising from the capability, competency and capacity of those who work for the Council and their welfare and safety.	• HR / employment policies • Quality of industrial relations • Reliance on key staff • Recruitment and retention • Health and safety duties • Level of staff morale • Adequacy of skill set
Tangible Assets (Physical)	Relating to the availability, security, safety and adequacy of land, buildings, plant and equipment	• Nature and state of asset base • Resilience and service continuity arrangements • Maintenance practices and policies • Security arrangements
Processes & Professional Judgements	Arising from internal protocols management processes and the nature of individual professions	• Quality of professional judgements • Effectiveness of project management and performance management processes
Managerial / Leadership	Arising from managerial ability and the quality of leadership	• Stability of officer structure • Quality of internal communications • Professional standing of key officers • Management culture • Workforce planning • Authority
Data and Information	Arising from data or information which the Council uses or manages. Access to, the management of and effectiveness of, information generated or required by the organisation.	• Data security • Data processing arrangements • Data reliability / quality • Effective use and interpretation of information • E-government

Governance	Relating to the adequacy of the Council's governance arrangements and adherence to them	• Speed / effectiveness of decision-making processes • Clarity of purpose • Level of accountability and openness • Limits of authority • Standards of conduct and behaviour • Enforcement of corporate policies / standards

Appendix C

RISK ACTION PLAN TEMPLATE

This template is to be completed for ALL risks in the Directorate Risk Register currently evaluated as red in the Council's risk scoring matrix.

RISK OVERVIEW	
Risk Description	
Risk Owner	
Directorate Lead	

CURRENT SITUATION: Detail the current risk score and reason/s why it is considered to be so significant	
Current Score : (Likelihood x Impact)	
Why is the risk considered to be so significant?	

ACTIONS: This describes what is necessary or how to reduce the risk score. This way everyone is clear on what is required and when; knows the expected outcome and how to achieve it.	
What (is required)	
How (will it be achieved)	*Are there any resource allocation required for specific activities?*
Who (will be responsible) i.e. the control owner	
When (will results be realised)	*Date required.*
What (should the score be when the action(s) are implemented)	

Signed………………………...Manager responsible for the service

Date ……………………..

Signed ……………………………………………………Head of Service:

Appendix D – Risk Register Template

Priority / Objective	Risk Ref.	Risk Description	Unmanaged Scores			Risk Category	Risk Owner	Existing Controls	Current Scores			Risk Review Frequency	Planned Additional Controls	Control Owner	Target Date	Target Scores			Current Risk Status (▲ ▼ ◄ ▫)	Risk Action Update
			Likelihood	Impact	Total (LxI)				Likelihood	Impact	Total (LxI)					Likelihood	Impact	Total (LxI)		
					0				1	2	2	HY						0		
					0				1	2	2	HY						0		
					0				4	5	20	M						0		
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WIRRAL COUNCIL

CABINET 4 JUNE 2015

SUBJECT:	*DISPOSAL OF THE FORMER FOXFIELD SCHOOL, DOUGLAS DRIVE, MORETON*
WARD/S AFFECTED:	*MORETON WEST & SAUGHALL MASSIE*
REPORT OF:	*HEAD OF UNIVERSAL & INFRASTRUCTURE SERVICES*
RESPONSIBLE PORTFOLIO HOLDER:	*COUNCILLOR ADRIAN JONES*
KEY DECISION?	*YES*

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to declare the former Foxfield school site in Douglas Drive, Moreton a surplus asset and to seek authority for its disposal. Should permission from Cabinet be obtained additional authority from the Secretary of State to dispose of the former school site and playing fields will also be required and this will be submitted following a statutory consultation period. The matter is being reported to Cabinet as the potential sales receipt is anticipated to be in excess of the threshold for delegated decisions.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Council was successful in securing capital grant funding under the national Priority Schools Building Programme (PSBP), which has enabled the rebuild of Foxfield School on a new site in New Hey Road, Woodchurch. The new school building was opened to pupils on 2nd March 2015.

2.2 Prior to its closure, this school building was a local authority maintained special school for boys and girls aged 11 to 19, who had statements of special educational needs because of complex learning difficulties. The school site in Douglas Drive is now surplus to educational requirements and due to the very poor condition of the building it is not suitable for educational, Council or community use. The site extends to 1.46 Hectares (3.61 Acres) and is identified on the attached plan.

2.3 As the land has been used for school purposes within the last 8 years, in accordance with, the guidance provided by the Department for Education, the Council will need to seek approval from the Secretary of State for (i) the disposal of community school land in accordance with Schedule 1 of the Academies Act 2010 and (ii) the disposal of school playing field land under Section 77 of the School Standards and Framework Act 1998. A statutory six week public consultation will be required prior to the application to the Secretary of State. Notification of approval from the Secretary of State can take a few months.

2.4 Should the disposal be approved by the Secretary of State, it is proposed that a marketing exercise for the site be undertaken on the Council's behalf by its appointed property consultants, and the site be sold on the best terms reasonably achievable. The Secretary of State requires that Capital receipts following the disposal of playing fields should be re-invested in sports facilities and facilities at other schools.

3.0 RELEVANT RISKS

3.1 There is a risk that the Secretary of State will not grant permission to dispose the former school land and playing fields and further discussions with the Department for Education would be required.

3.2 There is a risk that the property will not sell, in which case the Council will continue to be responsible for its maintenance until a purchaser was found or an alternative use identified.

3.3 Vandalism of the site is likely following the relocation of the school, reports from Wirral Community Patrol have already confirmed this. Additional security on site is very costly, it is therefore proposed to demolish the building immediately which could be prior to Secretary of State approval.

4.0 OTHER OPTIONS CONSIDERED

4.1 As the property is not required by the Council and the condition of the building is prohibitive for alternative use, a sales marketing exercise by the Council's appointed property consultants is considered to be the most appropriate method of disposal. Consequently no other options have been considered.

5.0 CONSULTATION

5.1 Secretary of State approval is required which requires a six week consultation period.

5.2 The appointed property consultants will undertake a promotional exercise to advertise the availability of the property/land.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 The site is not considered to be suitable for transfer or disposal to voluntary, community or faith groups, although such groups would be able to submit an offer.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 The Council will demolish the existing building prior to marketing for sale and funding for the demolition is within the Council Capital Programme.

7.2 The potential sales receipt is anticipated to be in excess of the threshold for Delegated Authority limits. It is anticipated that the site will be re-developed with residential units. The number of units will be determined in accordance with Planning Policy. Once a development scheme is completed, the Council will benefit from additional Council Tax income.

7.3 An additional £1m has been invested in the new Foxfield School in order to replicate the school's previous hydrotherapy and swimming facilities which were not able to be funded through the Priority School Building project. Additional classrooms were also included in the scheme to provide future capacity in the school if required. This

additional contribution was funded by the schools Capital allocation via the Department for Education (£500,000) and Council Capital Programme (£500,000). An additional amount of £120,000 for demolition costs is also funded from the Council Capital programme. The Secretary of State will require that any capital receipt received for the sale of the former school site will be reinvested in either sports facilities or specific school capital projects in the Borough.

8.0 LEGAL IMPLICATIONS

8.1 The disposal will require the preparation of appropriate legal documentation related to the disposal.

8.2 A full marketing exercise by the Council's appointed property consultants is considered to be the best way of demonstrating that the best price reasonably obtainable has been achieved, which satisfies s123 of the Local Government Act 1972.

8.3 Consent from the Secretary of State via form SATPF1 will be required before the playing fields can be sold and form SCH1F for the disposal of the school site.

8.4 It is necessary that the site of the former Foxfield School be formally appropriated for planning purposes and the required notices under section 122 of the Local Government Act 1972 be served.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 The sale will result in a reduction of the Council's carbon emissions.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 Planning permission for the redevelopment of the site will be required.

11.2 The land containing the main school buildings is designated as part of the Primarily Residential Area on the Unitary Development Plan (UDP) Proposals Map. Housing development in this part of the site would be acceptable in principle subject to UDP Policy HS4 and Policies WM8 & WM9 in the Waste Local Plan. Development Management Policies in the emerging Core Strategy Local Plan will also be a material consideration.

11.3 The remainder of the site is identified a School Playing Field on the UDP Proposals Map and paragraph 74 of the National Planning Policy Framework (NPPF) would be relevant in the assessment of any future development on this part of the site. NPPF paragraph 74 states that existing open space, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements or the loss resulting from proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

11.4 In this particular case, the site is within 400 metres walking distance of Lingham Park which includes 4 football pitches, a bowling green, a running track, a skate park and a children's play area. Current analysis also indicates that there is a surplus of publicly accessible open space available to the wider settlement area when calculated against the Council's standard in the UDP. Consultants have been appointed by the Council to prepare an up to date playing pitch assessment, but it is not scheduled for publication until the end of 2016.

11.5 The facilities at the former Foxfield site including the playing field have been provided for at the new purpose-designed site in Woodchurch with outdoor and indoor sports facilities under the terms of planning permission APP/13/01185.

11.6 Sport England will need to be consulted on any future planning application. If Sport England objects, any future application would need to be referred to the Secretary of State before approval could be granted.

12.0 RECOMMENDATIONS

12.1 That the former Foxfield School be declared surplus and authority be given to disposal on the best terms as recommended by the Council's appointed property consultants, subject to Secretary of State approval.

12.2 That officers undertake the necessary consultation prior to the Secretary of State application being made to dispose the school playing fields.

12.3 That demolition of the building is undertaken immediately which could be prior to the Secretary of State application being approved to dispose the school playing fields and school land.

12.4 That the land be appropriated for planning purposes.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To make the best use of the Council's property assets by declaring the property surplus and to seek authority to a disposal.

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Asset Surveyor
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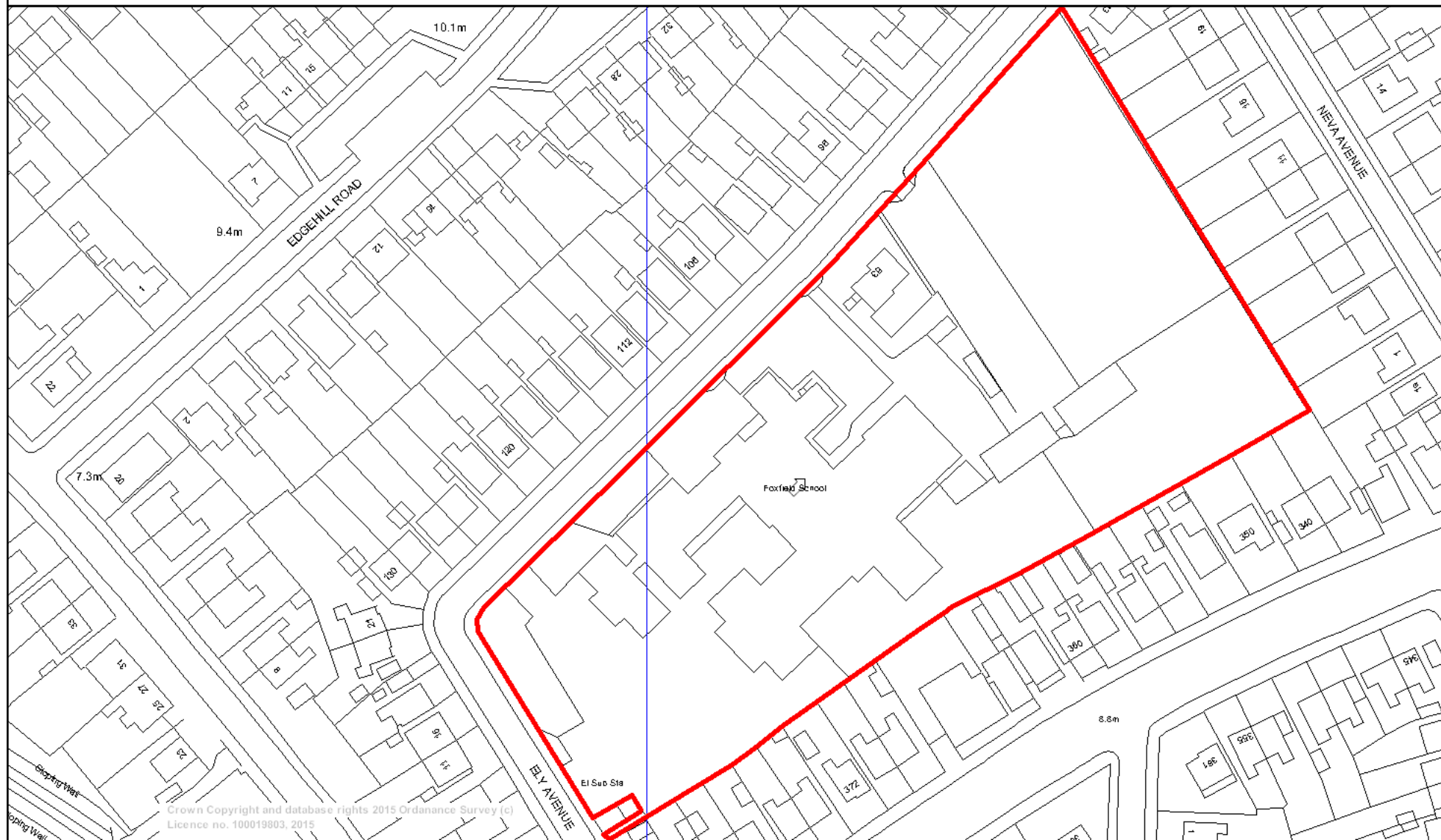
APPENDIX

Location plan

REFERENCE MATERIAL

No reference material has been used in the preparation of this report.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Former Foxfield School, Douglas Drive, Moreton

EDGEHILL ROAD

NEVA AVENUE

ELY AVENUE

10.1m

9.4m

7.3m

Foxfield School

El Sub Sta

8.8m

WIRRAL

Scale 1/1250

Centre = 325519 E 389675 N

Date 2/3/2015

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W E
S

Asset Management Section, Universal & Infrastructure Services, Cheshire Lines Building, Canning Street, Birkenhead, CH41 1ND
Tel: 0151 666 3882, Fax: 0151 606 2090

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WIRRAL COUNCIL

Cabinet
4 June 2015

SUBJECT:	**Freedom of Entry Considerations – HMS Astute and TS Astute**
WARD/S AFFECTED:	**All Wards**
REPORT OF:	**Strategic Director of Transformation and Resources**
RESPONSIBLE PORTFOLIO HOLDER:	**Cabinet Member – Support Services**
KEY DECISION?	**No**

1.0 EXECUTIVE SUMMARY

1.1 This report recommends to the Council that it holds an extra-ordinary meeting to confer on both HMS Astute and the Wallasey Sea Cadets Unit (TS Astute) the Freedom of Entry to the Borough of Wirral in recognition of the close links between the Borough, the submarine and the training ship.

2.0 BACKGROUND AND KEY ISSUES

2.1 HMS Astute is an operational nuclear-powered submarine in the Royal Navy, the lead ship of her class and is the second submarine of the Royal Navy to be named after the characteristic of shrewdness and discernment.

2.2 Wallasey Sea Cadet Unit is the oldest on Merseyside and became affiliated to HMS Astute which was the newest vessel at the time.

2.3 Under the terms of Section 249 of the Local Government Act 1972, the Council has the power to confer the title of distinction of Freedom of the Borough or Freedom of Entry. The former is granted to persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to the Borough. The latter is granted to current serving uniformed organisations (usually, but not exclusively, the military) who have rendered conspicuous service and who are associated with the Borough.

2.4 A Freedom of Entry Ceremony is different to a conventional Freedom Ceremony in that, after the formal resolution is passed by the Council at a short meeting in the Council Chamber, the rest of the Ceremony can take place at a later date outside of the Chamber. This will involve the Units forming up for the presentation and then marching through the town "with bayonets fixed, drums beating, bands playing and colours flying".

2.5 The extra-ordinary Council meeting which would be required could be held immediately before the next scheduled meeting of the Council on the evening

of Monday, 6 July 2015. The movements of the submarine have had to be taken into account in respect of the rest of the Ceremony. A date which is acceptable to the submarine and the Council has been identified as Sunday, 20 September 2015 when the submarine is in dry dock.

2.4 If the Council is minded to grant the two Freedoms of Entry to the Borough it is expected that approximately 200 crew and family will attend the Ceremony. All Members of the Council will also be invited as will those on the civic guest list. It is also expected that there will be representatives of the Royal Navy Association and others in attendance but exact numbers are not known at this stage. It is hoped that the Royal Marine Band will be in attendance.

2.5 The Council has previously granted Freedom of Entry to the Borough to the 22nd (Cheshire) Regiment (1996), Her Majesty's Royal Marines (1998), the Mercian Regiment (2009), 234 (Wirral) Transport Squadron Royal Logistic Corps (Volunteers) (2012) and 107 (Lancashire and Cheshire) Field Squadron Royal Engineers (Volunteers) (2012).

3.0 RELEVANT RISKS

3.1 None

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are none arising directly from this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 The cost of two framed scrolls is estimated to be approximately £1,200. This cost together with those associated with a civic reception at the Floral Pavilion in New Brighton and a parade can be met from within the Civic Services Budget. Section 249 (6) of the Local Government Act allows Councils to spend 'such reasonable sum as they think fit' on presenting an address or casket containing the address to the Honorary Alderman or Freeman.

9.0 LEGAL IMPLICATIONS

9.1 Section 248 of the Local Government Act 1972 permits a council of a relevant area, by a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the council specially convened for the purpose, to admit to be honorary freemen of the borough persons of distinction and

persons who have, in the opinion of the council, rendered eminent services to the borough.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are none arising directly from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are none arising directly from this report.

13.0 RECOMMENDATION/S

13.1 The Cabinet recommends: That

(1)   the Freedom of Entry to the Borough be granted to HMS Astute and its crew be granted, the right, privilege, honour and distinction of marching through the streets of Wirral on all ceremonial occasions with bayonets fixed, drums beating, bands playing and colours flying;

(2)   the Freedom of Entry to the Borough be granted to TS Astute and the Sea Cadets they be granted, the right, privilege, honour and distinction of marching through the streets of Wirral on all ceremonial occasions with bayonets fixed, drums beating, bands playing and colours flying;

(3)   an extra-ordinary meeting of the Council be convened on 6 July 2015 to grant the Freedoms of Entry; and

(4)   the Freedom of Entry Ceremony and Parade be held on Sunday, 20 September 2015 at New Brighton followed by a Civic Reception at the Floral Pavilion.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 To bestow an honour on both HMS Astute and Wallasey Sea Cadets Unit (TS Astute) who have close links and a long association with each other and the Borough of Wirral.

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APPENDICES

None

BACKGROUND PAPERS/REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

WIRRAL COUNCIL

CABINET
4 JUNE 2015

SUBJECT:	Review of the Wirral Municipal Golf Course Offer
WARDS AFFECTED:	Directly: Pensby and Thingwall, Bebington, Hoylake and Meols, Wallasey Indirectly: All
REPORT OF:	Clare Fish, Strategic Director – Families and Wellbeing
RESPONSIBLE PORTFOLIO HOLDER:	Councillor Chris Meaden Leisure, Sport and Culture
KEY DECISION:	Yes

1.0 EXECUTIVE SUMMARY

1.1 This report aims to provide an overview of the current position of the municipal golf courses managed and operated by Wirral Council and a recommendation on the future operation of the Council's golf offer.

1.2 The courses managed and operated by Wirral Council are:

- Arrowe Park – 18 hole course, 9 hole pitch and putt
- Brackenwood – 18 hole course
- Hoylake – 18 hole course
- The Warren – 9 hole course
- Wallasey Beach – 18 hole pitch and putt
- Kings Parade, - mini golf

N.B. This report will not include the municipal golf course at Hoylake, as this is currently part of a separate review.

1.3 During the financial year 2014–2015 the subsidy for golf operation was budgeted at £330k (excluding Hoylake).

1.4 A set of principles underpin our approach to reviewing the future of the Council's golf offer:-

- that the service will operate at a nil subsidy to the Council and will seek to generate an income stream.

- that the requirement for affordable and accessible 'pay and play' golf is maintained.

- that investment in the courses and facilities is secured.

1.5 The report seeks approval to undertake a procurement process to seek a delivery partner for the Council's golf offer.

2.0 BACKGROUND AND OVERVIEW

2.1 The Council needs to decide upon a prudent future management and operation option for its courses. It recognises that whilst golf plays a role in encouraging people to exercise and stay fit, it is not a core part of the Council's activities.

2.2 A joint soft market test and procurement exercise was undertaken in 2014 with Cheshire West and Chester Council. It was decided that the golf operation for Wirral would not be outsourced at that time due to a poor supplier response and that a further report would be brought back to Cabinet regarding the future of the Golf offer.

2.3 A number of the historical factors have impacted upon the operation of the service locally which include;

- Condition of the courses and limited planned capital investment
- Lack of harmonisation and standardisation of policies and procedures
- Poor general infra-structure including I.T systems & data management
- Downturn in usage and footfall
- Poor control and management of courses (particularly around access to the courses and course security)
- Limited promotion and marketing

2.4 Throughout the financial year 2014-2015, the Leisure team have been addressing these issues but it has become increasingly evident that there needs to be a radical shift from the current operational arrangements.

3.0 USAGE

3.1 Sport England data from the Active People Survey would indicate that there are a significant number of people within the Wirral who would still like to play golf. The graph below indicates the Wirral percentage population compared to Merseyside, the North West and England.

The definitions of the predominant groups above are:

- Phillip – Comfortable mid-life males - Mid-life professional, sporty males with older children and more time for themselves - 9% of all adults; 18% of adult men
- Tim – Settling down males - Sporty male professionals, buying a house and settling down with partner - 9% of all adults; 18% of adult men
- Roger and Joy – Early retirement couples - Retired singles or widowers, predominantly female, living in sheltered accommodation - 8% of all adults; 2% of adult men, 14% of adult women

3.2 The table below shows recorded attendance across the facilities over a 5 year period. It highlights both the highest annual recorded attendance (green) and the lowest (pink). It would appear that 2011 was a peak year for golf and 2014 was the lowest recorded which is surprising bearing in mind the Open championship was played at the Royal Liverpool and we would have expected to see a significant upward trend in participation following a global event.

Year	Arrowe	Brackenwood	Hoylake	The Warren	Grand Total
2010	35,841	20,582	22,408	17,139	95,970
2011	38,109	23,077	24,609	26,149	111,944
2012	29,626	15,149	18,466	26,858	90,099
2013	23,831	19,066	18,688	21,558	83,143
2014	22,803	17,415	16,797	17,674	74,689
Total by Course	150,210	95,289	100,968	109,378	455,845

4.0 STAFFING AND RESOURCES

4.1 The grounds maintenance function is controlled and managed through the Parks and Countryside section which recharges their costs on an annual basis.

4.2 The existing structure has a Community Golf Coach at Arrowe Park, a number of Golf 'Professionals' spread across the other sites and a team of patrol officers who are currently managed through the sports development function.

4.3 The current operational arrangements are being reviewed as part of an immediate restructure exercise.

5.0 COMPETITOR ANALYSIS

5.1 Within the Wirral peninsular there are a total of 17 golf courses (10 privately owned) which are a mix of membership and pay and play ranging from the Royal Liverpool in Hoylake, which has hosted the Open Championship through to the municipal courses owned and operated by Wirral Council.

5.2 Currently there are two privately owned driving ranges and a fun/crazy golf course at New Brighton which is owned by Wirral Council, but operated successfully by a private operator on a lease basis.

5.3 The private clubs within the Wirral have a variety of membership packages which range from £1,250.00 per annum to £408.00, and a summer green fee for a single round varies from £240.00 to £10.00.

5.4 Analysis indicates that the municipal courses are the best placed in terms of price and also offer 7 courses (4 courses plus 3 pitch and putt) for the price of one, as well as having the most accessible pricing points for casual usage.

5.5 The current Wirral Council offer is incorporated within the 'Invigor8 Inclusive' membership package and includes gym, swim classes etc. at £34.00 per month or £408.00 per annum.

6.0 FINANCIAL BACKGROUND

6.1 The Council is facing further significant reductions to its net budget and therefore needs to prioritise its areas of spend.

6.2 Leisure has been tasked with reducing its subsidy levels by £1m in 2014-2015 and a further £1.4m in 2015-2016. Savings of this magnitude are not possible without major transformation (service redesign) and or significant increases in revenue streams.

6.3 Each course requires capital investment to respond to issues including:

- Drainage.
- Tee area and green improvement works.
- Club house and golf professional shop.
- Infra-structure and IT.
- Site security.

The total estimated capital investment equates to circa £0.5M.

7.0 OPTIONS AVAILABLE

7.1 This report considers a number of options based upon local and national knowledge, statistical evidence, benchmarking and consultation. The options identified at this stage are:

1. **Service remains in house with operations staying as they currently are** – This option will mean that the risk of the Council's subsidy could increase as investment is required to maintain the existing sites. This option does not meet the principles set out at 1.4.

2. **Service remains in house with operational changes** – This would involve a series of significant changes to the operation to include, implementing a re-structure, improving and investing in the facilities, promoting and marketing over a 3-5 year period allowing time for the sport to grow and develop and capital programmes to reach fruition. Partial outsourcing/leasing of selected areas to include:
   o Shops,
   o Grounds keeping
   o Catering
   o Professional lessons
   o Patrol staff

   This option will require potential investment of over £0.5M to improve existing courses, upgrade the infrastructure and improve DDA access. This option does not meet all of the principles set out at 1.4.

3. **Deliver via an alternative model** – Undertake a procurement exercise to identify a delivery partner to provide the Council's golf offer in line with the principles identified at Section 1.4. This option would meet the principles set out at 1.4.

4. **Sell the courses** – and release income from capital receipts. This option would not meet the principles set out in Section 1.4.

8.0 CONSULTATION

8.1 Consultation has been undertaken with a number of golf clubs and societies to discuss fees and charges, condition of courses and the golf operation moving forward.

8.2 Following the initial meeting, managers and officers from Wirral Council have been meeting with club and society representatives on a number of courses on an individual basis to look at the current offer and course condition. At these meetings the clubs have been made aware of this report and that the future operation of golf is being considered.

8.3 The main points from the meetings with clubs are:

- Condition of the greens
- Condition of the tees
- Drainage through the winter
- Communication and engagement
- Junior and club development

8.4 Feedback from these meetings has been shared with colleagues from the Parks and Countryside section.

8.5 The encouraging aspect of these meetings has been that the clubs and societies are keen to work with Wirral Council to ensure the future delivery of golf.

8.6 The management, sports development and operational teams having engaged with clubs and societies are keen to set up a user forum to discuss future management options.

8.7 A user survey has been conducted across all of the courses from during April and May. The highlights from the survey are as follows:

43% - Improved security
17% - On line booking - want more
8% - Increase staffing – want to see
6% - Feel drainage needs improving
6% - Improve shop and equipment – want to see

8.8 All of the above points will be addressed as part of the review exercise.

9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

9.1 There are no detrimental impacts on voluntary, community and faith groups. The report does not make any recommendations which would be incompatible with the Voluntary Sector Compact.

9.2 A number of clubs and societies have indicated that they would welcome the opportunity for volunteering opportunities and to work closely with the Council to ensure the sustainability of the facilities.

9.3 Current practice sees clubs being operated from a number of sites on a voluntary basis.

10.0 LEGAL IMPLICATIONS

10.1 The Council has a major role to play in contributing to the promotion and delivery of increased participation in sport and physical activity. However, there is no statutory requirement for the Council to provide any of the facilities or services within the scope of this review. If the Council wish to provide these services, it has extensive powers to do so.

10.2 There may be a number of legal implications to the Council based around the following:

- Planning
- Procurement and contract negotiations
- Leasing and outsourcing
- Contract management and client roles and responsibilities
- HR implications and potential TUPE transfers
- Due Diligence should the operation be delivered by an external partner
- DDA compliance

10.3 Currently the Kings Parade course is on a lease and agreement will need to be reached with the current third party supplier.

11.0 EQUALITIES IMPLICATIONS

11.1 Currently the courses and facilities are not fully DDA compliant and whatever the outcome of the options appraisal, consideration in the future must be given to ensuring that all legal requirements are met.

11.2 Consideration should be given to contacting and developing working relationships with the following organisations to undertake a course by course analysis in terms of accessibility and to promote disability golf:

- The Disabled Golf Association
- England Golf – Disability Golf
- English Blind Golf Association

12.0   CARBON REDUCTION IMPLICATIONS

12.1   There are no carbon reduction implications for consideration.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 The planning process surrounding the Hoylake Municipal golf course is a stand-alone issue and should not be considered as part of this report.

14.0 RISK

14.1 A risk analysis has been undertaken by officers from Wirral Council and a full breakdown of these can be made available.

15.0   RECOMMENDATIONS

15.1 Cabinet is recommended to agree to Option 3 in Section 7 of the report which is to **Deliver via an alternative model** – Procure a delivery partner to provide the Council's golf offer in line with the principles identified at Section 1.4.

16.0   REASONS FOR RECOMMENDATIONS

16.1 The reason for the preferred option set out in Section 7 is to enable the Council to secure a Golf offer on Wirral which will remove the existing subsidy, generate an income stream, retain affordable and accessible 'pay and play' Golf and secure the future investment in the courses and facilities.

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WIRRAL COUNCIL

Cabinet
4 June 2015

SUBJECT:	**Smokefree Policy**
WARD/S AFFECTED:	**All Wards**
REPORT OF:	**Fiona Johnstone** **Director of Public Health**
RESPONSIBLE PORTFOLIO HOLDER:	**Councillor Chris Jones** **Portfolio Holder for Adult Social Care and Public Health**
KEY DECISION?	**Yes**

1.0   EXECUTIVE SUMMARY

1.1   On the 10th March 2014, Council ratified a decision made by the Families and Wellbeing Committee to adopt the Local Government Declaration on Tobacco Control.

1.2   As part of this pledge, the Council committed to action '*to reduce smoking prevalence and health inequalities*'.

1.3   A proposal was made to the Chief Executives Strategic Group on 11th February 2014 to revise the Council's existing Smokefree arrangements under the Health and Safety Policy. Under this proposal, smoking would no longer be allowed anywhere on any Council site, as far as its boundary. This would apply to all Council staff, visitors, contractors and where applicable to members of the public. In addition, existing protocols regarding the use of electronic cigarettes would be tightened.

1.4   The revised Smokefree policy is a clear statement of the Council's intent to fulfil its pledge with respect to the Local Government Declaration on Tobacco Control.

1.5   Rather than these changes be seen as punitive, their underlying purpose is designed to 'nudge' current smokers to re-consider their risk-taking behaviour and create the optimum environment for those that wish to quit.

2.0   BACKGROUND AND KEY ISSUES

2.1   In Wirral, 1 in 5 of all deaths can be attributed to smoking, which equates to 670 deaths annually and smoking prevalence is consistent with the England average at 18.4% of persons aged 18 years and older.

2.4   Current smoking prevalence among Council staff is unknown. Anecdotal reports suggest that visible smoking on Council sites near to entrances/exits can act as an inhibitor for smokers wishing to quit. Some evidence would suggest that such

stimuli reminds quitters of what they are missing and amplifies their cravings. The new arrangements remove these visible triggers.

2.6   The revised arrangements prohibit smoking anywhere on any Council site by all staff, contractors, visitors and the public. This includes the use of electronic cigarettes, as they also provide visual stimulus and could be seen to 'normalise' smoking.

2.7   There are issues which are yet to be resolved with regard to policy enforcement and corporate liability. It is acknowledged that whilst these are important considerations, this should not hold up implementation. On balance, the wider responsibility of the Council and the potential impact of smoking-related harm outweigh the consequences of inaction.

2.8   Internal/external Smokefree signage has now been manufactured and awaits installation. This report seeks Council/Cabinet approval for full implementation of the new Smokefree arrangements.

3.0   **RELEVANT RISKS**

3.1   Consideration has been given to circumstances where an employee might suffer injury when smoking beyond the curtilage of a Council site, either by accident of by assault from a member of the public. Permission to smoke at work is not a contractual right and in these examples, a smoker accepts the associated risks, both in terms of the health consequences and where they choose to smoke.

3.2   Following consultation with colleagues in Legal Services and Health and Safety, the proposed policy changes are not considered to materially affect the level of risk of smoking off-site.

4.0   **OTHER OPTIONS CONSIDERED**

4.1   Other options which were proposed to the Chief Executive's Strategic Group included one to maintain the status quo and another which prohibited employees from smoking in working hours.

4.2   The Council's commitment to the Local Government Declaration on Tobacco Control precludes inaction, hence the Chief Executive's Strategic Group decision to revise the Council's Smokefree policy.

5.0   **CONSULTATION**

5.1   The revised Smokefree policy has been consulted on with Trade Unions and some concerns were raised in relation to policy management and enforcement. Representatives were advised that the policy focusses upon the promotion of healthy behaviours and support available to help staff quit with the majority of enforcement being subject to self- policing as seen with the highly effective smoking ban in Public Places introduced in 2007.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 Not applicable.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 Not applicable.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 Not applicable.

9.0 LEGAL IMPLICATIONS

9.1 As previously discussed, there is no additional, foreseeable risk to arise from the revised arrangements.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(b) No because there is no relevance to equality.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 Under the new Smokefree arrangements, there is a strong argument for improved workplace environments.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 Not applicable.

13.0 RECOMMENDATION/S

13.1 A recommendation is made to approve full implementation of the revised Smokefree policy.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 The Council has committed to reducing health inequalities. Smoking is the key risk factor for the majority of diseases that lead to early deaths and hence a major contributor to health inequalities in the borough.

14.2 The Council has pledged to take action locally to reduce smoking-related harms and the revised Smokefree arrangements offer clear evidence of action.

14.3 The argument for full implementation of the new Smokefree arrangements is compelling, while the unresolved issues offer little reason not to proceed. The proposed changes are highly unlikely to result in increased risk of liability for the Council. Reservations about enforcing the policy miss the point of the changes somewhat. The proposed changes represent a step-change in culture and

environment, in much the same way as the Government's ban on smoking in public spaces in July 2007.

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BRIEFING NOTES HISTORY

Briefing Note	Date
Linked to the Local Government Declaration on Tobacco Control which was adopted at a previous Cabinet Meeting	**10th March 2014**

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Approved at Chief Executives Strategic Group	**11th February 2014**

APPENDICES

Health and Safety Arrangements
Smokefree Policy

Introduction

The evidence about the harmful, life-threatening effects of tobacco is well-documented and overwhelming. The World Health Organisation (WHO) describes tobacco use as 'one of the biggest public health threats the world has ever faced'. WHO cite tobacco use as a risk factor in 6 of the 8 leading causes of death globally and estimate that up to 1 billion deaths will be attributable to tobacco in the 21st Century alone.

However, while the most significant harms caused by tobacco are related to direct use (i.e. smoking), others are related to the indirect exposure of an individual (whether they are a smoker or not) to the tobacco smoke of another. This exposure is known by various terms such as passive smoking, secondary tobacco smoke or **second hand tobacco smoke**. This latter term will be used throughout the rest of this document to describe such exposure.

In recognition of the dangers of second hand tobacco smoke, particularly for individuals working within areas with a high prevalence of tobacco use such as the catering and hospitality industry, the UK Government chose to act. The publication of the Health Act (2006) included statutory legislation, which underpinned and culminated in the subsequent ban on smoking in public places from 1st July 2007. In addition, this placed a statutory obligation on employers to ensure that health and safety arrangements within the workplace complied with the Health Act (2006) and provision was made for a smokefree workplace.

Further information on tobacco and smoking can be gained from Wirral's JSNA (http://info.wirral.nhs.uk)

Scope and Purpose

Wirral Council is committed to providing a smokefree environment in all of the Council's premises, workplaces and vehicles (including employee vehicles used on Council business). The term 'Smokefree' is by definition 'free of smoke', implying that smoking is not permitted anywhere throughout Wirral Council owned or occupied premises (which includes all areas up to the perimeter) or in Council vehicles (or employee vehicles used on Council business).

As a responsible employer, Wirral Council is not only committed to compliance with its statutory obligations but seeks to go further and create an environment that maximises opportunities for individuals in the work place to make healthy choices, including smoking cessation. This aspiration also extends beyond its employees to people in the wider community of Wirral.

Through the provision of a smokefree environment, Wirral Council will firstly ensure that no person is put at unnecessary risk from exposure to second hand tobacco smoke. It must be stressed that this element of the policy is concerned with **where** and **when** people smoke, not about **whether** they smoke.

Secondly, Wirral Council will ensure that employees who wish to stop smoking have access to appropriate Smoking Cessation Services, including a full range of Nicotine Replacement Therapies (NRT) (see **Stop Smoking Support for Staff**, p.5), however the use of electronic cigarettes or e-cigs carries a caveat (see **Electronic Cigarettes**, p.3).

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Finally, it is hoped that Wirral Council's Smokefree Policy will actively encourage and influence members of our wider community to consider their own health choices around smoking.

Thus, the aim of the policy is to:

- Protect and improve the health of employees
- Protect and improve the health of clients, visitors and contractors
- Protect both smokers and non-smokers from the danger to their health of exposure to second hand tobacco smoke
- Show that the Council is acting as a community leader in promoting the health and well-being of Wirral residents by arranging for Council buildings, grounds and vehicles to be smokefree.

This policy will apply to all Elected Members, employees, clients, visitors, contractors and other persons who enter Wirral Council owned or leased buildings, grounds or vehicles for any purpose. The policy extends to cars leased from Wirral Council during business use. This policy also applies to all products that supply nicotine (electronic cigarettes as well as tobacco cigarettes) for logistical, protective and promotional reasons (see *Electronic Cigarettes*, p.3).

Second Hand Tobacco Smoke

Second hand tobacco smoke adversely affects the health of all employees. It is not for the Council to determine whether anyone smokes but where they smoke and the effect this has on clients, visitors, smoking and non-smoking colleagues, and the wider community.

The Council recognises that some staff maybe exposed to tobacco smoke when working elsewhere outside of the Council's control such as a client's house. Guidance as to how to manage the risk and reduce exposure to second hand smoke is contained within the following guidance document, published by the Royal College of Nursing (2006):

http://www.rcn.org.uk/__data/assets/pdf_file/0006/78702/003043.pdf

Application of the Policy

- Employees are not permitted to smoke anywhere on Council premises, grounds, workplaces and vehicles (including employee vehicles used on Council business).

- Clear signs are located at the entrance to all Council premises to ensure that anyone entering and exiting is aware that smoking is not allowed in the buildings, grounds, or in doorways.

- All council owned vehicles, pool vehicles and employee vehicles used on Council business are required to be smokefree at all times, regardless of whether a smoker is the only person driving/using the vehicle at that time. This is to prevent other colleagues (smokers and non-smokers) from unnecessary later exposure to second hand tobacco smoke. Equally, the legislation applies to the vehicles of paid employees and voluntary workers.

- Where Council employees provide a service within a client's home, then the client will be requested by Council staff to provide a smokefree environment prior to and during the visit. e.g. personal care, assistance with domestic work or maintenance

- Where Council employees work from home, they will be required to provide a smokefree environment if it is intended that another member of staff will be joining them to work collaboratively.

- The Council's Occupational Health Service will provide advice and support for employees. Those who wish to stop smoking can also access support from the NHS Stop Smoking Service LIVEWELL on 0151 630 8383.

Electronic Cigarettes

A number of new electronic devices have been developed which resemble cigarettes and mimic tobacco smoking. These electronic cigarettes (also known as e-cigarettes or e-cigs) produce a vapour containing nicotine which is inhaled in the same way as real cigarettes. The relative benefits/harms associated with the use of electronic cigarettes is presently inconclusive, however their use within the smokefree environment is similarly prohibited for the following reasons:

- There are obvious visual similarities between the use of real and electronic cigarettes which could be a 'trigger' for individuals who are trying to quit.

- It would be difficult to implement this policy if electronic cigarettes were allowed as it is not easy to distinguish those who were using e-cigarettes from tobacco cigarettes.

- As the safety of e-cigarettes is unknown, a precautionary approach to protecting the health of employees should be taken.

- This policy helps to de-normalise smoking, to protect and promote health of employees and the public. Allowing e-cigarettes to be used on Council premises would undermine this.

Exemptions

The Health Act (2006) makes provision for several exemptions in respect of the smoking ban in public places, only one of which is applicable to this policy. This particular exemption relates to residential care settings [as defined in section 3, Care Standards Act (2000)] where the workplace may also be a place of residence. i.e. a resident's bedroom.

In such instances, the residential care home is permitted to allow either individual bedrooms or a single room to be designated as a smoking area(s) for residents aged 18 years and above. In the case of the latter, the single room can **only** be used as smoking room and not for any other purpose, such as doubling up as a games room, library, sitting room, etc. All other communal areas of the residential care home setting must comply with the Health Act (2006) and there remains a legal obligation on the residential care home to ensure a smokefree environment is maintained in these communal areas.

Where this is relevant, the residential care home is required to maintain an up-to-date list of designated smoking rooms, which must be made available for inspection on request. In addition, any such room:

- *MUST* clearly indicate it's designation as a smoking room with the appropriate signage.
- *MUST* be completely enclosed on all sides (except for windows and doors) by solid floor-to-ceiling walls.
- *MUST* have mechanically closing doors that comply with all aspects of other legislation, such as fire regulations.
- *MUST NOT* be part of the same ventilation system that is used in the communal areas of the residential care home.

While the Health Act (2006) permits this exemption, there is no legal obligation for residential care homes to offer designated smoking rooms.

Artistic Licence

The smokefree environment also extends to any Council premises which host public performances such as theatre shows or concerts. Where public performances take place on Council premises, in which the act of smoking must be portrayed in order to maintain artistic integrity, the use of an electronic cigarette may be used as a substitute. This only applies to the actual live performance and electronic cigarettes cannot be used during rehearsals or at any other time. This is the only exemption which is applicable to the use of electronic cigarettes.

Signage

- All smokefree premises and vehicles must display no smoking signage [compliant with the Smokefree (signs) Regulation (2012) legislation] in a prominent position at every entrance so that people entering the premises or vehicles can see them clearly. The signs must make clear to staff and members of the public that the premises and vehicles they are entering/exiting are smokefree.

- Every Council owned or managed premises must display at least one A5 sign at each entrance used by the public. At entrances that are used by staff only it is sufficient to display a no-smoking sign that displays the international no-smoking symbol, no less than 70mm in diameter.

- All Council vehicles must display signs in a prominent position in each compartment of a smokefree vehicle wholly or partially covered by a roof, including the driver's compartment.

- Smokefree signs for premises are available at the smokefree England website on www.smokefreeengland.co.uk

Smoking Shelters

Wirral Council is not required to make any outdoor provision for smoking, or to provide facilities such as smoking shelters.

Availability of the Policy

The Smokefree Policy will be:

- made available on the intranet, the council website and in public waiting areas
- made clear at recruitment
- included in new staff induction

Non Compliance

It is the responsibility of everyone to observe the Council's smokefree policy and to remind others of their responsibility. Failure to comply with the policy by Council staff may result in disciplinary action under the Council's disciplinary policy and procedure.

Stop Smoking Support for Staff

Developed by experts and ex-smokers and delivered by professionals, the NHS Stop Smoking service 'Livewell' provides advice, support and encouragement to help stop smoking for good.

Everyone is different and there are different support options available. Options include one-to-one, group or telephone support.

The service will provide:

- a free, personal quit plan, tailored to your needs

- prescription stop smoking medicines to help beat cravings, from nicotine patches and gum, to nasal sprays, inhalators and tablets

- motivational tips on how to stay on track

- the chance to use a carbon monoxide monitor, to see recovery in action

- the support option that fits with current lifestyle.

- Contact the NHS Stop Smoking Service 'Livewell':

- Visit the website

- Text QUIT with your name and postcode to 80039*

- E-mail wsupport@wirralct.nhs.uk

- Tel. 0151 630 8383

- Ask a health or social care professional.

- Contact the NHS Smoking Helpline: 0800 169 0 169 or go to:

- www.gosmokefree.co.uk - Open Mon – Fri, 8.30am – 6:00pm

- Signers for hearing impaired employees are available on request.

Wirral Council will support staff that wish to stop smoking to access up to 12 free sessions through work time appointments with the Wirral NHS Stop Smoking Service 'Livewell'

Sale of Tobacco/Illicit Tobacco

All sales of tobacco and illicit tobacco products are strictly forbidden on local authority premises.

To report the sale of availability of illicit/illegal tobacco you can call Crimestoppers anonymously on 0800 555 111 or by the following weblink:

www.get-some-answers.co.uk

Or you can contact your local Trading Standards Department in the Council, without prejudice.

Trade Unions/Health & Safety Representatives

To be confirmed.

Smokefree Policy
Management Implementation Guidance

This guidance has been prepared to aid in circumstances where staff or managers encounter members of the public, visitors, clients, contractors or Council staff smoking within any part of Council premises.

Wirral Council have committed to the Local Government Declaration on Tobacco Control, a link to which can be found here:

http://www.smokefreeaction.org.uk/declaration/files/Declaration.pdf

It is the responsibility of everyone to observe the Council smokefree policy and to remind others of their responsibility. Failure to comply with the policy by Council staff may result in disciplinary action under the Council's disciplinary policy and procedure.

Non-employees must also observe this smokefree policy, which applies to the building premises and grounds. Departmental Chief Officers, Complex Managers, sponsors/hosts of Council events have a duty to inform non-employees' of the legal duty to comply with Council policy.
Wirral Council staff have a duty to observe and comply with the smokefree policy of any organisation they visit.

Any person who smokes on Wirral Council premises should be reminded that it is Council policy that all Council premises are smokefree and they should be asked to extinguish the smoking material or leave the premises. Any refusal to immediately refrain from smoking, or any continued violation of the policy may result in removal from the building or withdrawal of service provision.

Further signage could be displayed where appropriate - for example in toilets, storerooms and corridors - to help facilitate compliance. The signage must be prominently displayed and not obstructed or tampered with. It is good practice to ensure that the signage is inspected, and replaced if necessary, on a regular basis.

Enforcement

Owners, managers and people in control of smokefree premises and vehicles have a legal responsibility to ensure that they are and remain smokefree from 1 July 2007.

Local Councils in England have responsibility for enforcing the smokefree laws; officers have legal powers of entry to premises to ensure compliance with the law, and have a number of methods of carrying out inspections, including announced and covert visits.

Offences and penalties

- Smoking in a smokefree place: It is an offence for an individual to smoke in a smokefree place. The employee may also be subject to a fine.

- Failing to display adequate no-smoking signs: It is an offence for a person in control of smokefree premises to fail to display appropriate no-smoking signs. The employee may also be subject to a fine. It is also an offence to allow signs to be obscured or tampered with.

- Obstructing an authorised officer: It is an offence to intentionally obstruct an authorised officer, or to fail to give assistance when requested to do so or to give false or misleading information.

Associated Documents

- CIEH Achieving Smoke Freedom Tool Kit: A guide for local decision makers

- The National Institute for Health and Clinical Excellence (NICE) Guidance:

    – Brief interventions and referral for smoking cessation (PH1)
    – Workplace interventions to promote smoking cessation (PH5)
    – Smoking cessation services (PH10)
    – Preventing the uptake of smoking by children and young people (PH14)
    – School-based interventions to prevent smoking (PH23)

- Stop Smoking Interventions in Secondary Care Guidance (Department of Health, 2009)

BACKGROUND PAPERS/REFERENCE MATERIAL

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WIRRAL COUNCIL

CABINET 4 JUNE 2015

SUBJECT:	BEECHWOOD AND BALLANTYNE COMMUNITY HOUSING ASSOCIATION TRANSFER OF ENGAGEMENTS TO LIVERPOOL HOUSING TRUST
WARD/S AFFECTED:	BIDSTON AND ST JAMES
REPORT OF:	STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform Wirral Council, as a Member of Beechwood and Ballantyne Community Housing Association Ltd (BBCHAs), of proposed changes to undertake a Transfer of Engagements (ToE) of BBCHA to Liverpool Housing Trust (LHT). The report seeks support at the Special General Meeting to agree to a ToE.

1.2 BBCHA has been undertaking a review of its current arrangements since May 2014. In particular BBCHA have been considering how best to mitigate the key risks it is exposed to and ensure the long term protection of services and investment in the Beechwood and Ballantyne neighbourhoods in an increasingly hostile environment.

1.3 The BBCHA Board considered a range of possible options for its future and agreed in October 2014 that the best option was to enter into formal negotiations with LHT for a possible transfer. The BBCHA Board presented a detailed 'ask' to LHT, focussed on improving services and homes in Beechwood Ballantyne, and during negotiations a detailed business case was developed.

1.4 Formal consultation was undertaken with BBCHA tenants from 26th March 2015 for a period of 6 weeks. The resulting feedback showed that the majority of tenants are supportive of the ToE on the understanding that services they receive are not compromised.

1.5 Consultation with other key stakeholders including the Homes and Communities Agency (HCA) and funders has been completed with no barriers to progressing the transfer being raised. The BBCHA Board undertook a due diligence exercise and no areas of concern in terms of LHT was reported. The BBCHA Board has also received independent legal advice and support from Trowers and Hamlins and they have confirmed that due process was followed.

1.6   In order to progress the ToE BBCHA shareholders will consider the ToE at a Special General Meeting (SGM). Shareholders include Wirral Borough Council, Symphony Housing Group and a number of tenant and independent individuals. This SGM will only be called when the council have made a decision about supporting the ToE.

2.0   BACKGROUND AND KEY ISSUES

2.1   In 2005 the Council's housing stock transferred to Beechwood and Ballantyne Community Housing Association Ltd (BBCHA). Since then they have met the promises made to tenants at transfer and continued to work in partnership with the Council both on a formal constitutional basis and in informal relationships with many departments across the Council. In April 2011 BBCHA became part of the Symphony Housing Group via the amalgamation of the Contour and Vicinity Housing Groups. Symphony Housing Group is now one of the largest social housing providers in the North West and is united as a federated partnership. Member organisations include; Atrium, Beechwood Ballantyne Community Housing Association, Cobalt Housing, Contour Homes, Contour Property Services, Hyndburn Homes, Hyndburn Homes Repairs, Liverpool Housing Trust (LHT), Peak Valley Housing Association and Ribble Valley Homes.

2.2   BBCHA is now ten years old and over that time has invested around £20m in the area it is responsible for. The BBCHA Board felt that now was a good time to begin exploring the future options for BBCHA because the organisation is in a relatively strong position. BBCHA is currently meeting the expectations of customers and consistently delivers high standards of service. It is compliant with funder loan covenants and is meeting the expectations of the HCA economic and consumer standards. BBCHA is working towards the delivery of the value for money agenda and has restructured and streamlined all its core services introducing more efficiency and better performance across the organisation but is still unable to deliver the efficiencies of scale a larger organisation can.

2.3   The BBCHA Board's ambitions are much greater than the current organisations financial capacity will allow. The Board would very much like to build more new homes on the estate and address key issues including brown field sites and derelict buildings. It would also like to maintain the close relationship with Wirral Borough Council and develop a closer one with other partners in health and employment to benefit the community. The Board believes that these ambitions are unlikely to be delivered without a different arrangement being in place.

2.4   The BBCHA Board considered the significant risks the association is exposed to through its current operating arrangements. These risks were identified as:

- An increasingly hostile financial environment which is placing income under pressure and during 2013 this was particularly acute with the introduction of the first phase of welfare reforms and the impact this had on tenancy turnover, which directly increased costs by £200,000 (relating to 100 homes becoming empty and the costs associated with reletting them).

- Restrictive bank loan covenants which limit the ability to invest in homes as planned. In 2013-14 investment spends had to be reduced by £180,000 to ensure there was sufficient headroom in place for loan compliance. This

headroom was significantly eroded due to the rapid increase in empty homes and the only option was to reduce investment spend.

- The 2014-15 investment plan had to be condensed into the final four months of the year to help BBCHA avoid a repeat of the previous year's problems. This decision helped reduce BBCHA's risk of potential loan breaches and also ensured the organisation was not committed to financial spend it could not pull out of if necessary.

- Pressure to deliver front line services and also deliver all the corporate and governance requirements of an independent organisation within current resources. The challenge for BBCHA is to meet all the same operational and regulatory requirements that a larger registered provider has to meet but without the specialist staffing resources to do so.

- BBCHA generates rental income from 823 homes. When compared to a much larger organisation BBCHA spends a higher proportion of its overall income on things like corporate services (i.e. human resources, ICT systems and infrastructure, internal audit, regulatory and financial services). This essentially means less money is available to spend on things that are important to tenants.

- Becoming more flexible, creative and agile to respond to changing customer needs as well as meeting government and regulator expectations. Within BBCHA there is little flexibility to respond to changing demands or requirements and simultaneously maintain an effective front line service

2.5 Given all these risks the BBCHA Board felt that it was better to consider the future options from a relatively strong position than wait for a future time when the position of the organisation is likely to be much weaker. The Board therefore agreed that they needed to find a way of delivering what is required, reduce the likelihood of risks materialising and deliver better value for money for customers. The Board with the support of an independent critical friend, David Tolson Partnership, began the process to consider all the viable options for BBCHA's future.

2.6 To help the Board determine a possible future they considered five options. These were:

1. BBCHA stays as it is
2. BBCHA increases its stock holdings
3. BBCHA forges formal partnership arrangements with LHT
4. BBCHA transfers to LHT and BBCHA ceases to exist as a separate entity
5. BBCHA demerges from Symphony and seeks another organisation to join

2.7 The Board reviewed these options and concluded that options 1 and 5 could be discounted immediately as they either did not address the risks outlined or could, in fact, create further risks to BBCHA. The options that had the strongest support were option 2, 3 and 4. In order to assess each preferred option the BBCHA Board developed a set of criteria on which to assess each option. The criteria to be met included each option securing the need to:

- Retain community identity and build upon the legacy and improve upon it
- Retain local knowledge about the area

- Deliver better value for money for tenants
- Deliver a sustainable future for the area
- Increase investment or attract new investment into the area
- Deliver beyond the bricks and mortar
- Build a strategy for the future rather than responding to regulation
- Remove key risks
- Control over regulatory requirements (so it is managed and not managing us)

2.8   Following an assessment of all the options the BBCHA Board agreed the only viable option to pursue was option 4 to pursue a transfer with LHT. If this was not possible the Board also agreed to pursue the less favourable option of 3 to form a formal partnership with LHT.

2.9   Throughout the discussions about the options the BBCHA Board considered how best to approach any potential transfer of engagements and who indeed would be a preferred partner. BBCHA have always had a close relationship with LHT which has worked to the benefit of both organisations. The Beechwood Ballantyne EMB chose the LHT Group in a competitive process back in 2005 and since then this relationship has been cemented. Most recently, BBCHA signed a service level agreement with LHT to handle all tenant telephone enquiries which has resulted in improved service standards and reduced BBCHA's direct costs of running services. LHT have recently funded and built 18 new homes on the Beechwood estate and are building a further 11 homes in 2015 on a long standing derelict site offering tenants more housing choices. These homes are managed by BBCHA but owned by LHT. The Board felt that these initiatives clearly demonstrate the long standing commitment LHT have offered BBCHA and its tenants through investment and service provision.

2.10   LHT themselves have a physical presence on the Wirral with 489 homes they own and provide services to and over the years have developed a number of new build schemes within the Wirral area. LHT see the clear benefits of the possible transfer as it would change how they operate in the Borough if they were to become the fourth largest landlord on Wirral. They are already members of the Property Pool Plus Choice Based Lettings arrangements and are keen to build upon the existing close relationships they have with Council officers and further develop relationships with Health and the Care Commissioning Group's for Wirral. LHT can see the benefit of having a closer relationship with BBCHA for their tenants on the Wirral and the close geographical connection is another reason why BBCHA are a logical organisation to join with.

2.11   A further consideration was the fact that LHT are members of the same Group and therefore the risks were felt to be minimised in any negotiation or transfer talks. Both BBCHA and LHT use the same computerised systems and processes for the running of housing management and property maintenance services. The same policies and procedures are in place for financial and treasury management and staff benefit from the same terms and conditions including pension arrangements. These factors reduce the potential risk of any transfer impacting negatively on service delivery and maximise the ability to realise benefits and minimise costs associated with a transfer. Because of all this, the Board decided not to approach any other partner to explore future options for BBCHA.

3.0   BBCHA proposal

3.1   The decision to enter negotiations and transfer talks with LHT was agreed by the BBCHA Board in October 2014 following the approval of a set of specific commitments they would want delivered by LHT if the option to transfer was pursued. A formal approach was made by the BBCHA Board and considered by LHT's Board at their November 2014 meeting and they agreed to enter formal negotiations.

3.2   The BBCHA Board set up a formal Negotiation Panel consisting of independent and tenant Board Members to work with officers and their independent advisor (David Tolson Partnership) to begin discussions of how the key commitments would be delivered and any added benefits to customers and the BBCHA neighbourhoods. Four specific commitments were put forward in the form of an 'ask' of LHT namely:

Ask 1: To provide high quality homes to our tenants now and in the future.
Essentially BBCHA is looking for at least the same level of investment in BBCHA homes over 30 years as if BBCHA was still the landlord. Stock investment plans contained in BBCHA 30 year plan will be mirrored in LHT's future plans.

Ask 2: Set up and deliver a Master Plan for the Beechwood Ballantyne area.
A plan for the future including proposals to address specific areas that BBCHA is unable to financially resource and resolve in relation to derelict land on the estate in order to provide more new homes (including sites not in BBCHA ownership currently; especially derelict pub sites), carry out option appraisals of garage sites leading to possible demolition and/or redevelopment, creating plans for the management and improvement of open sites, alley ways, shop frontage and commercial properties, exploring options to provide alternative accommodation options including supported housing for specific client groups not serviced locally e.g. adult's with learning difficulties and set up partnership projects the community wish to be delivered (including social and economic regeneration projects).

Ask 3: A service proposal that ensures high quality local services are delivered that demonstrate value for money to stakeholders. The offer must provide a clear business case that demonstrates that becoming part of LHT clearly delivers better value for money to the community and takes services to another level. Any proposal must maintain, improve and enhance the service standards currently delivered by BBCHA to its customers. Stock rationalisation needs to be part of the consideration in order to develop a lead role for all Wirral homes held by Symphony. This raises the profile of the area and landlord with key strategic partners including Wirral Borough Council.

Ask 4: Put in place an involvement and engagement strategy to ensure the community are engaged with monitoring performance and service improvements. BBCHA want the local community to decide how they want to be engaged with. They would like a model that would ensure that customers are engaged with reviewing the performance of services and monitoring standards of service on the estate as well as overseeing the delivery of all the commitments post-transfer.

4.0 BUSINESS CASE

4.1 A detailed business case was considered and approved in February 2015 by BBCHA's Board. Members can view the full business case in the Council Web Library at http://democracy.wirral.gov.uk/ecCatDisplay.aspx?bcr=1&sch=doc. The Board concluded that the business case was compelling enough to progress the ToE subject to tenant consultation.

4.2 The headline benefits outlined in the Business Case that would be realised if the ToE was pursued include:

- Between 20 to 25 new affordable homes built over the next 3 years, including smaller homes to improve the choices available to customers.

- BBCHA loan will be repaid with savings in interest and repayments totalling £455,000 per annum for 8 years. This money will be invested in homes and services.

- Development and delivery of a Neighbourhood Master Plan following consultation with customers. It is predicted that tenants will raise the need to address things like antisocial behaviour, improved play areas for children, improved employment opportunities for local people and tackling the derelict pub sites and garages across the neighbourhood.

- In order to align rent increase dates LHT's Board will be asked in December 2015 to consider not increasing rents for Beechwood Ballantyne in May 2016, the next increase being due in April 2017. This would mean that customers would not pay an additional £90,500 in 2015-2016 in rent increase charges - no rent increase for 11 months.

- Additional stock investment of £660,000 would be allocated over the next 5 years. This could address tenant demand for things like an upgrade to downstairs toilets, more energy efficiency works etc.

4.3 The Business Case also outlines what the position of BBCHA would be if a ToE was not pursued. The headline position of BBCHA includes:

- 30 year investment plan delivered but BBCHA would have to prioritise what additional areas to invest in, based on consultation and available resources each year.

- No new homes would be built by BBCHA alone would need to work in partnership with other providers.

- Repayment of loan continues and existing loan restrictions still apply. Restrictions remain on the level of investment that can be made to homes based on the loan requirements and the need to give financial headroom limiting the ability to use surpluses fully. However, year on year as the loan is repaid the position becomes more positive.

- In consultation with customers BBCHA would need to choose what is a priority and develop a longer-term plan to tackle environmental issues and improve the

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landscape. However, this could take over 5 to 10 years as finances become available.

- BBCHA would require additional staffing and support to a cost of £150k per annum to reduce the organisations exposure to risks of failing to comply with regulation and legislation requirements

5.0   BBCHA TENANT AND STAKEHOLDER CONSULTATION

5.1   As part of the process for considering a transfer of engagements to LHT, BBCHA undertook a formal 6 week consultation process involving a wide range of stakeholders. The consultation process commenced formally on 26th March and ran until 11th May 2015. The process adopted included a number of methods to encourage participation from stakeholders including formal letters, meetings with Wirral Borough Council and shareholders, open events for the public and updates on progress being posted on BBCHA's website, tenant's newsletter, twitter and Facebook. This process followed the requirements of the Homes and Communities Agency and was shaped based on advice sought from Trowers and Hamlins (BBCHA's legal advisors).

5.2   Members should note however prior to the formal consultation with stakeholders a range of information advising of the up to date negotiations and activity of BBCHA was undertaken, this is detailed within Appendix 1 of this report.

5.3   134 contacts were made to BBCHA asking about the transfer (121 of these were contacts from tenants). Some of these included repeat contact from the same stakeholders. Those who contacted BBCHA were predominately tenants but we also had contact from community groups, commercial leaseholders and residents. This gives an overall response rate from tenants of 15% (based on BBCHA's 823 homes).

5.4   In the main tenants wanted to know how services would change and reassurance was given that the transfer would focus on retaining the good standard of services being delivered by BBCHA and focus on providing additional services that BBCHA are unable to provide. LHT have given reassurances that the transfer would be delivered in a manner that ensures service continuity and minimal disruption for tenants. This will be supported by the commitment to retain the local office on Beechwood and to keep the contact phone number the same from transfer with a gradual phasing in of new phone number in time. The most common questions or queries raised by stakeholders and the action to respond to these issues is outlined below.

What common questions stakeholders asked about	Number	% of all BBCHA tenants who made contact	Response provided
Overall no concerns as long as services can be guaranteed to be maintained and no changes to tenancy rights take place	98(7 are not tenants)	76%	• Right to Buy and Right to Acquire confirmed is protected • Repairs service confirmed will be of the same standard • Home support service will be retained

			• Local office retained • No changes to tenancy agreement will take place • No increase in rent charges other than outlined in tenancy agreement • Will still address ASB • Shops will not be shut • Will continue investing in the area including building more homes and addressing issues like vacant land and play areas
General enquiry about why the transfer was being considered	24 (3 non-tenants)	17%	• Provided information on why LHT chosen • Provided information about the Boards decision and the risks BBCHA are exposed to • Provided information on potential benefits • Reiterated information previously sent out
Opposed to transfer including being unhappy about consultation process	13 (4 non-tenants)	7%	• Provided additional information including Business case Summary and offered discussions with officers • Provided details about consultation process being followed • Number of comments did not give specific reasons why opposed so general information given

* The percentage of responses received has been divided by the total number of contacts made by tenants to BBCHA.

5.5 Before the consultation process commenced tenants reported to BBCHA that a petition had been started by a tenant shareholder who opposed the transfer. The Acting Lead Officer of BBCHA met with the person organising the petition and during this meeting asked them to engage in the consultation process and to voice the concerns directly to officers so that issues could be addressed and answered. No petition was submitted to BBCHA for consideration and no specific concerns were submitted other than opposition to any transfer. At the time of writing this report no petition has been received by the Council.

5.6 A Shareholder meeting was arranged on 24th April to discuss the Business Case in more detail. Of the 6 shareholders who attended the meeting 4 were tenants. The main questions raised included:

Questions/Comments	Answers
The need to retain the identity of the estate and the legacy of investment already made	Reassurance that LHT will deliver a local neighbourhood service run from the retained local office on Beechwood

Why has LHT been selected? Tenants should have been given a choice.	Outlined relationship with LHT past and present and the proven service history in the area. The need to minimise the risks and costs associated with entering into transfer talks is less with LHT as part of the same Housing Group. Any move to approach another partner would require a demerger from Symphony Housing Group.
Concern that this was taking place during election time and impact on the ability of people to lobby councillors	Confirmed WBC representation on the BBCHA Board including councillors and their involvement in developing the decision reached so far and the ongoing dialogue with ward and local councillors via the WBC representative on the BBCHA Board

5.7   The next steps to be concluded following the consultation period are:

a)   Special General Meeting (SGM) of shareholders will be called following Cabinet and Council approval. This will be based on a minimum of 14 days' notice and this meeting will involve a vote on the transfer of engagements
b)   Confirmatory SGM will be called no less than 14 days after the first SGM.
c)   Homes and Community Agency RAC approval August 2015
d)   Funders approval August 2015
e)   Formal letter sent to all BBCHA tenants confirming the ToE taking place and the date for transfer and service arrangements in place
f)   Transfer of engagements completed and likely to be August 2015 (date dependant on approval of previous stages going through)

6.   RELEVANT RISKS

6.1   If the transfer does not take place BBCHA would continue to provide services to customers. However, it is envisaged that maintaining services and the focus on improving them would become increasingly difficult. To address the risks identified BBCHA would need to increase its staffing resources in order to allow for the completion of a number of corporate functions it would result in an additional cost (up to £150,000 per annum, £700,000 over five years discounted) which would mean more pressure on front line service budgets and the ability to improve homes. The investment is therefore not to the benefit of customers but is to provide administration support, work on policies and performance, communications, and finance. Under this scenario, BBCHA would seek to renegotiate the current loan agreement after repaying a proportion of the outstanding loan but this would limit cash capacity and would result in an increase in interest costs.

6.2   If this transfer does not take place the risk is that BBCHA could be forced into a transfer at a later date. If this was to happen it is likely that this transfer would not be of BBCHA's choosing and would be undertaken from a weakened bargaining position resulting in fewer benefits for tenants than those secured in the current transfer proposal with LHT. This has been the experience of other small registered providers locally and nationally including Venture Housing.

6.2   If the transfer was to take place with LHT the risks are considered low in terms of ensuring future investment and service standards for customers. Due diligence has confirmed that LHT are a financially healthy organisation with more resources at its disposal to support the long term sustainability of the Beechwood and Ballantyne area than BBCHA has capacity for now and in the future.

6.3   WBC would no longer have a shareholding position through BBCHA and there would no longer be a BBCHA Board. However, LHT would become the 4th largest housing provider on the Wirral and as such would be a more influential partner with whom to work with in delivering Borough wide priorities.

7.0   IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1   The Business Case includes a commitment to continue building partnership working with local organisations. The neighbourhood master planning exercise proposed in the Business Case includes the need to work collaboratively with a range of local organisations which would include voluntary, community and faith groups. These groups alongside tenants would be involved in influencing and shaping the longer terms plans for the area. The Business Case also outlines clearly the need to ask local people how they want to be involved in determining how the neighbourhood's performance is monitored and how the additional investment is spent in the area. Engaging with voluntary, community and faith groups in deciding what the area will look like would be an important part of this consultation process committed to by LHT.

8.0   RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1   There are no direct resources, financial, It staffing or asset issues arising from this report. The majority of BBCHA staff share common terms and conditions with LHT including pensions. Member's attention is drawn however to the impacts that would affect BBCHA as an organisation and the staff currently employed by them as outlined below.

8.2   Those staff affected in BBCHA are protected under TUPE and a clear consultation and engagement process is in place to ensure a smooth transition to their new employer. It is not envisaged that any redundancies will be required as BBCHA has already streamlined all its services in the previous two years.

8.3   BBCHA share common ICT systems, payroll processes and housing management and maintenance arrangements. No issues are expected to materialise and no substantial costs will be incurred due to the transfer.

9.0   LEGAL IMPLICATIONS

9.1   The legal implications are set out in the main body of the report.

10.0   EQUALITIES IMPLICATIONS

10.1   The ToE of BBCHA does not relate to any services provided by the Council however the transfer in itself does not result in the reduction or removal of any services to the local community. The transfer focuses on maintaining current service provision and enhancing the services provided to tenants. Within the Business Case the

development and delivery of more services to support vulnerable households including providing specialist welfare advice service and Tenant Support is confirmed. It was therefore concluded that an Equality Analysis of the transfer was not merited or required.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 None.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 None.

13.0 RECOMMENDATION/S

13.1 Cabinet is recommended to:

a. Agree to support the ToE of BBCHA to LHT.
b. Authorise relevant Council officers to vote on the proposal (and associated matters) proposed and referred to in this report at the forthcoming BBCHA SGM.
c. Refer this on 6th July 2015 to full Council.

14 REASON/S FOR RECOMMENDATION/S

14.1 That Wirral Council, as a Member of BBCHA, indicate their agreement to the proposed transfer of engagements to Liverpool Housing Trust.

REPORT AUTHOR: **Lisa Newman**
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APPENDICES

Appendix 1 Consultation Report

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Beechwood Ballantyne Community Housing Association
BBCHA Board of Management
Date: 13th May 2015
Agenda Item: 3e
Report Status: Discussion/Approval
Confidential: No

Title	BBCHA/LHT Transfer Consultation Outcome Report
Purpose of Report	To summarise the feedback received from stakeholders during the 6 week consultation period about the potential transfer of BBCHA to LHT (running from 26th March to 11th May 2015).
Executive Summary	n/a
Links to Key Corporate/Business Objectives	Best for People Best for Customers Best for Value for Money
Financial/Efficiency Implications	The business case previously presented and approved by Board outline the significant efficiency and financial benefits to the community if the transfer was to proceed.
Equality & Diversity Considerations	The consultation process included a variety of communication methods to gain stakeholder feedback. This ensured that as many people as possible could give their views in whatever way they preferred (included Facebook, email, text messaging, open events, face to face contact).
Risk/Risk Management Considerations -------------------------- **High/Medium/Low**	Medium Ensuring stakeholders are well informed and feel able to ask questions about the possible transfer is important in influencing the decision to vote for or against by shareholders. We also want tenants to feel confident that the benefits are attractive and worth pursuing and that their tenancy is secure no matter who is landlord.
Implications for Member Organisations	Direct implications on LHT
Health & Safety Implications	Venues and activities were devised to ensure accessibility and safety for staff and stakeholders.
Recommendation	The Board are asked to approve the report which will be sent to Wirral Borough Council as part of the Cabinet paper for approval.
Author/Contact Person Tele/email	Fiona Wilkie Acting Lead Officer fwilkie@bbcha.org.uk 0151 606 6275

BBCHA/LHT Transfer Consultation Outcome Report

1. Introduction and Background

As part of the process for considering a transfer of engagements to LHT, BBCHA undertook a formal 6 week consultation process involving a wide range of stakeholders. This process followed the broad requirements of the Homes and Communities Agency and advice sought from Trowers and Hamlins (BBCHA's legal advisors).

2. Consultation Process and Timetable

The consultation process commenced formally on 26th March and ran until 11th May 2015. The consultation process adopted included a number of methods to encourage participation from stakeholders including formal letters, meetings with Wirral Borough Council and shareholders, open events for the public and updates on progress being posted on BBCHA's website, twitter and Facebook.

The consultation with stakeholders included the following formal actions:

Date	Details
12th January 2015	A letter sent to all tenants and leaseholders explaining that the BBCHA Board was considering negotiations with LHT and that over the coming months more information would be provided.
9th February 2015	Meeting with Wirral Borough Council Officers, Symphony Housing Group and BBCHA to explain the rationale behind the possible transfer.
26th March 2015	Meeting with Wirral Borough Council Officers, BBCHA and LHT to provide an update on progress and the outline business case.
26th March 2015	More detailed information on how the negotiations were progressing was sent to all BBCHA tenants. Included frequently asked questions, summary of benefits, comments card and freepost envelope. Letter advertised the open sessions and how to get in touch with BBCHA. Mirrored information was also placed on BBCHA website, twitter and Facebook.
31st March 2015	Meeting with Wirral Borough Council Officers and Councillors to provide a briefing on the business case.
8th April 2015	Invitation sent to all shareholders to attend a consultation/communication meeting to outline the business case. Invitation included a full copy of the business case document.
15th April 2015	Tenants newsletter published outlined key benefits that could be realised with the transfer took place compared to BBCHA staying as it is.
16th April 2015 (Thursday)	Open session held at BBCHA office in the early evening. Advertised via mailshot, twitter, website and Facebook. Staff and Board Members also talked to local people about the transfer outside the main shopping area.

17th April 2015 (Friday)	Open session held at BBCHA office at lunch-time. Advertised via mailshot, twitter, website and Facebook. Staff and Board Members also talked to local people about the transfer outside the main shopping area.
18th April 2015 (Saturday)	Open session held at BBCHA office at lunch-time. Advertised via mailshot, twitter, website and Facebook. Staff and Board Members also talked to local people about the transfer outside the main shopping area.
22nd April	Letter sent to all BBCHA tenants providing an update on the consultation process so far giving answers to the common questions asked. Invited tenants to contact BBCHA if had any further queries.
22nd April	Letter sent to all commercial leaseholders confirming their position in relation to the transfer and to confirm no plans are being contemplated regarding shutting the shops.
24th April 2015	Meeting held with BBCHA shareholders, BBCHA and LHT officers to outline the business case and answer questions.
28th April 2015	Meeting with Wirral Borough Council Officers to provide an update on the consultation process to date.

Throughout the process BBCHA staff and Board Members have responded to emails, text messages and direct contact from tenants and other stakeholders asking questions about the possible transfer. All questions and comments were formally recorded by staff and Board Members and these were logged on BBCHA's contact system.

It should be noted that prior to the consultation process commencing tenants reported to BBCHA that a petition had been started by a tenant shareholder who opposed the transfer. The Acting Lead Officer met with the person organising the petition and during this meeting asked them to engage in the consultation process and to voice their concerns directly to officers so that issues could be addressed and discussed. No petition was submitted to BBCHA for consideration and no specific concerns were submitted other than they were opposed to any transfer.

3. **Summary of Comments and Feedback from Stakeholders about the Transfer**

134 contacts were made to BBCHA asking about the transfer. (a small number of these include repeat contact from the same people).

Of those who contacted BBCHA 121 contacts were from BBCHA tenants (90%) and 14 contacts were from other people living and working in the area (including those living with other social landlords, owner occupiers and 2 commercial leaseholders). This gives an overall response rate from tenants of 15% (based on BBCHA's 823 homes).

Stakeholders in the main wanted to know how the transfer would directly affect them and asked for clarification about the impact it could have on them and sought reassurance.

The table below shows the most common questions or queries raised by stakeholders. A much more detailed report is included in appendix 1.

What common questions did stakeholders ask about?	Number	% of all BBCHA tenants who made contact	Response provided
Overall no concerns as long as services can be guaranteed to be maintained and no changes to tenancy rights take place	98 (7 are not tenants)	76%	- Right to Buy and Right to Acquire confirmed is protected - Repairs service confirmed will be of the same standard - Home support service will be retained - Local office retained - No changes to tenancy agreement will take place - No increase in rent charges other than outlined in tenancy agreement - Will still address ASB - Shops will not be shut - Will continue investing in the area including building more homes and addressing issues like vacant land and play areas
General enquiry about why the transfer was being considered	24 (3 non-tenants)	17%	- Provided information on why LHT chosen - Provided information about the Boards decision and the risks BBCHA are exposed to - Provided information on potential benefits - Reiterated information previously sent out
Opposed to transfer including being unhappy about consultation process	13 (4 non-tenants)	7%	- Provided additional information including Business case Summary and offered discussions with officers - Provided details about consultation process being followed - Number of comments did not give specific reasons why opposed so general information given

* The percentage of responses received has been divided by the total number of contacts made by tenants to BBCHA.

A Shareholder meeting was arranged on 24th April to discuss the Business Case in more detail. Of the 6 shareholders who attended the meeting 4 were tenants.

The main questions raised included:

Questions/Comments	Answers
The need to retain the identity of the estate and the legacy of investment already made	Reassurance that LHT will deliver a local neighbourhood service run from the retained local office on Beechwood
Why has LHT been selected? Tenants should have been given a choice.	Outlined relationship with LHT past and present and the proven service history in the area. The need to minimise the risks and costs associated with entering into transfer talks is less with LHT as part of the same Housing Group. Any move to approach another partner would require a demerger from Symphony Housing Group.
Concern that this was taking place during election time and impact on the ability of people to lobby councillors	Confirmed WBC representation on the BBCHA Board including councillors and their involvement in developing the decision reached so far and the ongoing dialogue with ward and local councillors via the WBC representative on the BBCHA Board

4. Outcome following the consultation process

Officers have reviewed the comments and questions received so far from stakeholders and considered if anything needed to be revised in the transfer of engagements negotiations. Comparing the feedback received with the reassurances built into the transfer the conclusion is that the key concerns highlighted by tenants are protected and addressed (i.e. the ability to exercise their right to buy, security of tenure, continuity of services received).

5. Recommendation

The Board are asked to note the outcome of consultation process.

This report will be shared with Wirral Borough Council as part of their report to Cabinet about the transfer.

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