

Public Document Pack



Executive Board Sub Committee

Thursday, 20 July 2006 10.00 a.m.
Marketing Suite, Municipal Building,
Widnes

Chief Executive

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

PART 1

Item	Page No
1. DECLARATION OF INTERESTS	
Members are reminded of their responsibility to declare any personal or prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
2. CORPORATE SERVICES PORTFOLIO	

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Thursday, 7 September 2006*

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PART II

ITEM CONTAINING EXEMPT INFORMATION FALLING WITHIN SCHEDULE 12A OF THE LOCAL GOVERNMENT AT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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6. PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO	
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(A) THREE YEAR MARKETING AND PUBLIC RELATIONS STRATEGY AND ANNUAL BUSINESS PLAN - HALTON STADIUM	123 - 214

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

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REPORT TO: Executive Board Sub Committee

DATE: 20 July 2006

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Acceptance of Tender for New Building and Civil Engineering Works at Saints Peter and Paul and Wade Deacon Schools, Widnes

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to inform Members of the acceptance of a tender relating to the proposed building and civil engineering works to construct a six lane athletics track complete with changing rooms, including carrying out an attenuated drainage scheme.

2.0 RECOMMENDED: That members note the acceptance of a revised tender for the works in the sum of £1,391,295.39

3.0 SUPPORTING INFORMATION

3.1 Tenders for the building works were invited from the following contractors:

1. Mayfield Construction Ltd
2. Walter Carefoot & Sons Ltd
3. White Building Services Ltd
4. Cameron Industrial Services Ltd
5. A. E. Yates Ltd
6. Conlon Construction Ltd

3.2 The following tenders were received on 24th May 2006:

- £1,449,600.00
- £1,477,669.00
- £1,494,987.00
- £1,504,437.00
- £1,648,526.47
- £1,779,000.00

3.3 Mayfield Construction Ltd submitted the lowest tender in the sum of £1,449,600.00. This tender exceeded our client's allocated budget and cost savings totalling £58,304.61 have been negotiated with the contractor

reducing the building costs to a revised tender of £1,391,295.39 which is now within the client's budget.

- 3.4 The project programme and details of all health and safety issues have been agreed with our clients and the completion of the project is planned for December 2006.

4.0 POLICY IMPLICATIONS

- 4.1 None.

5.0 OTHER IMPLICATIONS

- 5.1 The budget for this project is £1,675,000 which includes an amount for drainage attenuation in the sum of £175,000 and professional fees associated with the project. This tender plus associated works is within the budget provision.

6.0 RISK ANALYSIS

- 6.1 Not applicable

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

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

REPORT TO: Executive Board Sub Committee
DATE: 20th July 2006
REPORTING OFFICER: Operational Director – Financial Services
SUBJECT: 2005/06 Financial Outturn
WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To report the final revenue and capital spending position for 2005/06.

2.0 RECOMMENDED: That the report be noted.

3.0 SUPPORTING INFORMATION

Revenue Spending

3.1 The final accounts for 2005/06 are now complete and the revenue spending position for each Department, subject to external audit, is shown in Appendix 1.

3.2 In overall terms, the underspending of £249,000 has confirmed previous projections highlighted in the quarterly performance management reports. The Council's general balances now stand at £6,561,000.

3.3 Within the overall underspend, there have been some significant variances as follows;

Childrens Services (£290,000 underspend):- this is primarily due to recruitment difficulties leading to a large number of staffing vacancies during the year. Agency placements has overspent (£213,000), however, this has been largely offset by an underspend on boarded out payments (£171,000).

Student Services & Lifelong Learning (£139,000 underspend):- additional has been received as a result of increased numbers of out-of-Borough special school pupils.

School Support & Advisory (£197,000 overspend):- there have been significantly more teacher maternity and redundancy cases than anticipated, resulting in increased costs.

Neighbourhood (£346,000 overspend):- this is due to reductions in sponsorship and pitch rent income at Halton Stadium (£108,000), increased staff sickness cover and food costs for School Meals

(£121,000), and a shortfall in income from bulky waste collections (£100,000).

Property Services (£296,000 overspend):- this relates to shortfalls in income from market and industrial estate rents (£202,000), coupled with the impact of higher energy costs across the Council's buildings (£120,000).

Financial Arrangements (£752,000 underspend):- additional interest has been earned from investment management activities, along with reduced borrowing costs following the Housing stock transfer.

Housing Landlord & Strategy (£101,000 underspend):- this is due to a number of staffing vacancies during the year.

Adults With Learning Difficulties Pooled Budget (£42,000 overspend):- as highlighted throughout the year there have been major difficulties with community care provision within the adults with learning difficulties pooled budget. This would have resulted in an overspend of £1,246,000, however, action has been taken to contain the overspend primarily from significant underspends in Health and Partnerships (£179,000) and Older People (£1,025,000) through non-filling of vacant posts and redirecting grant funding. The resulting budget virements have brought the ALD overspend down £42,000).

Housing Revenue Account (HRA)

- 3.4 The Housing Revenue Account has achieved a surplus of £588,000, which is higher than anticipated largely due to tight monitoring of spend in the run up to the Housing Stock Transfer on 5th December 2005. The surplus must remain within the HRA for a further twelve months in order to meet any residual issues following the stock transfer, but will then revert back to the General Fund.

School Balances

- 3.5 School balances have reduced to £7.7m. This is made up from balances on Individual School Budgets (£4.3m), Standards Fund (£2.8m) and Devolved Capital (£0.6m). It represents an overall reduction in School balances of £2.6m from the previous year. In addition, there is £1.4m of unspent Standards Fund grant held by Education centrally, which along with the unspent Schools Standards Fund grant must all be spend by 31st August 2006.

Capital Spending

- 3.6 Appendix 2 presents a summary of spending against the 2005/06 Capital Programme. Capital spending totalled £34.813m, which is £4.553 below the revised capital programme. This represents almost full delivery of the revised capital programme, with the only areas of significant slippage being on the Widnes Waterfront (£1,470,000), Castlefields (£900,000), and Ditton Strategic Rail Freight Park (£434,000) regeneration schemes, St Peter and Paul's Athletics Track (£515,000), and Housing Shared Appreciation Loans (£1,358,000).

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

- 4.1 None.

5.0 RISK ANALYSIS

- 5.1 There are no risks associated with the report.

6.0 EQUALITY AND DIVERSITY ISSUES

- 6.1 None.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1072

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

2005-06 Revenue Expenditure

	Budget	Actual	Variance
	£'000	£'000	£'000
Children's Services	12,528	12,238	290
Student Services & Lifelong Learning	9,404	9,265	139
School Support & Advisory	4,013	4,210	(197)
Schools	65,485	65,485	0
Children and Young People Directorate	91,430	91,198	232
Planning & Environmental Health	2,675	2,593	82
Highways & Transportation	15,040	15,040	0
Major Projects	326	329	(3)
Regeneration	1,165	1,229	(64)
Neighbourhood Services	8,907	9,253	(346)
Environment Directorate	28,113	28,444	(331)
Legal & Member Services	1,194	1,216	(22)
Policy & Performance	3,286	3,381	(95)
Exchequer & Customer Services	3,554	3,638	(84)
Financial Services	58	0	58
ICT Services	62	0	62
Personnel Services	208	271	(63)
Property Services	2,720	3,016	(296)
Financial Arrangements	(14,696)	(15,448)	752
Corporate and Policy Directorate	(3,614)	(3,926)	312
Culture & Leisure Services	14,218	14,243	(25)
Housing Landlord & Strategy	1,633	1,532	101
Adult Services	5,888	5,886	2
ALD Pooled Budget	6,757	6,799	(42)
Health & Partnerships	(165)	(165)	0
Older People	10,407	10,407	0
Health and Community Directorate	38,738	38,702	36
	154,667	154,418	249

APPENDIX 2

2005-06 Capital Expenditure

	Revised Allocation	Actual Expenditure	Variance (overspend)
	£'000	£'000	£'000
Children & Young People Directorate			
Childrens Services	19	20	(1)
Education	7,326	8,169	(843)
Environment Directorate			
Highways & Transportation	5,735	5,862	(127)
Environmental Health	100	75	25
Neighbourhood Services	1,976	1,877	99
Major Projects	10,960	8,408	2,498
Health & Community Directorate			
Culture & Leisure	758	48	710
Housing	6,223	4,462	1,761
Adults & Older People	346	47	299
Corporate & Policy Directorate			
Policy & Performance	140	152	(12)
ICT Services	750	728	22
Property Services	300	309	(9)
Exchequer & Customer Services	180	49	131
	34,813	30,206	4,553

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REPORT TO: Executive Board Sub Committee

DATE: 20th July 2006

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: Approval of publication of Provision of Open Space Supplementary Planning Document for public consultation.

WARDS: Borough wide

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval for the publication of draft Supplementary Planning Document (SPD): Provision of Open Space for the purposes of statutory public consultation.
- 1.2 A copy of the Provision of Open Space SPD can be found in **Appendix 1**.

2 RECOMMENDED: That

- 1) The draft Supplementary Planning Document (SPD): Provision of Open Space be approved for the purposes of statutory public consultation;**
- 2) The comments received at the partnership consultation stage, as set out in the statement of consultation and responses to them are noted;**
- 3) Further editorial and technical amendments that do not materially affect the content of the SPD be agreed by the Operational Director - Environmental & Regulatory Services in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal, if necessary, before the document is published for public consultation; and**
- 4) The results of the public consultation exercise and consequent recommended modifications to the draft SPD be reported back to the Executive Board for resolution to adopt as a Supplementary Planning Document.**

3 SUPPORTING INFORMATION

- 3.1 At the 2nd March 2006 Exec Board it was resolved that the second Local Development Scheme (LDS) for Halton be approved by the Council for submission to the Government Office for the North West (GONW). This document sets out the spatial planning policy priorities for the Council, for the next three years. The GONW has informed the Council that they do not intend to amend the content of the LDS.
- 3.2 Included within the LDS programme of works is the production of a Provision of Open Space SPD. The purpose of the Provision of Open Space SPD is to complement the Halton Unitary Development Plan (UDP), that recognises the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within Halton. Specifically, it will help provide;
- a) Networks of high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
 - b) An appropriate balance between new provision and the enhancement of existing provision;
 - c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of the Local Planning Authority in respect of open space, sport and recreation provision to serve new residential developments
- 3.3 The new planning system requires that a record be kept of any consultees, their comments and how they have been taken into account, throughout the production of an SPD. An informal draft of the Provision of Open Space SPD was circulated between 6th April 2006 and 20th April 2006 to a number of key stakeholders for comment. This consultation stage was essentially concerned with seeking technical observations from individuals within organisations that would either use or potentially endorse the document once it becomes an adopted SPD. This consultation was not looking for ratification of the document by those organisations. A list of those consulted, comments received and how these were taken into account is contained in **Appendix 2** of this report.
- 3.4 Another new requirement is that a scoping exercise must be undertaken to see if a Strategic Environment Assessment (SEA) is required to assess the environmental effects of the SPD. Between 29th September 2005 and 3rd November 2005 a Scoping Report was consulted upon in line with the relevant regulations, the conclusion was that a SEA was not required in relation to this SPD. An additional new requirement in relation to producing a SPD is that a Sustainability Appraisal (SA) is

produced. The purpose of the SA is to independently assess the contribution that the Provision of Open Space SPD will make to achieve the social, economic and environmental objectives of sustainable development. The SA also refers back to the conclusion and responses received in relation to the Scoping Report. The SA Report (**Appendix 3**) is currently being produced and will be consulted upon at the same time as the Draft Provision of Open Space SPD.

- 3.5 Once the formal public consultation exercise has been conducted, the responses will be recorded and taken into account. It is intended that a further report will be written to the Executive Board, seeking formal adoption of the Provision of Open Space Supplementary Planning Document.

4 POLICY IMPLICATIONS

- 4.1 The SPD has been produced to ensure that through its function as a Local Planning Authority, the Council: -
- a) Is in accordance with national and regional planning policy and advice.
 - b) Wherever possible meets the priorities of the community it serves, as set out in the Halton Community Strategy and Corporate Plan.
- 4.2 This SPD directly relates to a number of policies within the Halton Unitary Development Plan. It is particularly intended to provide further detail of what the Council expects in relation to H3, which provides the criteria for new Provision of Open Space.

5 OTHER IMPLICATIONS

- 5.1 No other known implications.

6 RISK ANALYSIS

- 6.1 No legal or financial risks to the Council can be identified so long as the statutory procedures for the preparation of SPDs are met.

7 EQUALITY AND DIVERSITY ISSUES

- 7.1 The adoption of the draft SPD does will not have any identifiable equality and diversity implications.

8 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 8.1 The alternative options considered with regard to the preparation of this document are set out in the SA Report.

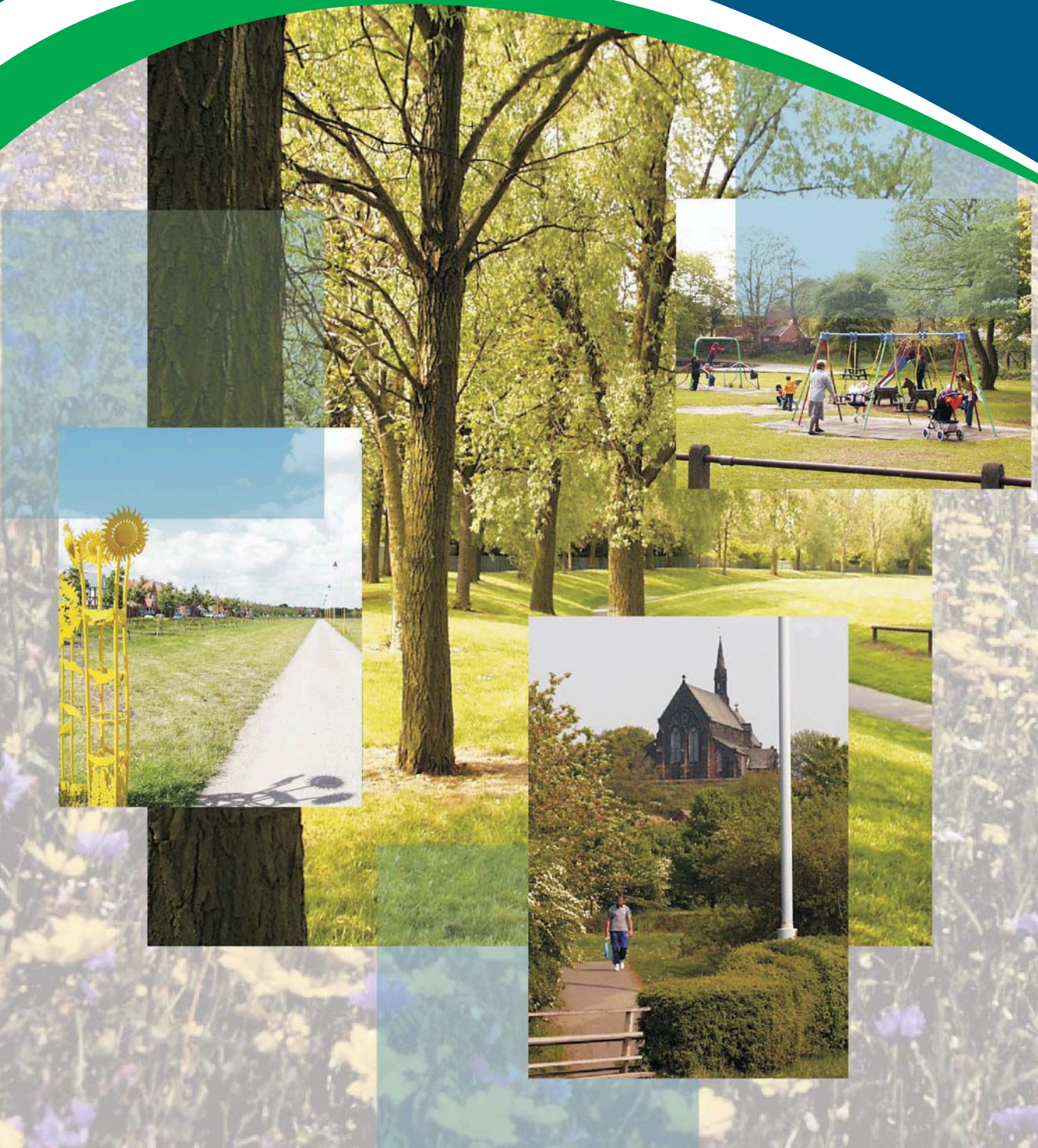
9 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

<u>Document</u>	<u>Place of Inspection</u>	<u>Contact Officer</u>
Halton Unitary Development Plan, April 2005	Planning & Policy Division, Rutland House	Neil Macfarlane
Provision of Open Space SPD – Pre Production Scoping Report	Planning & Policy Division, Rutland House	Perran Baragwanath

Provision of Open Space



Supplementary Planning Document
Consultation Draft
July 2006



SUPPLEMENTARY PLANNING DOCUMENT
PROVISION OF OPEN SPACE
Public Consultation Draft
August 2006

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Appendix C – Area Forum Boundaries

Appendix D – Contacts and Useful Information

Local Information

1.0 PURPOSE

1.1 The purpose of this Supplementary Planning Document (SPD) is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within the borough. Specifically, it will help provide;

- a) Networks of high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
- b) An appropriate balance between new provision and the enhancement of existing provision;
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of the Local Planning Authority in respect of open space, sport and recreation provision to serve new residential developments.

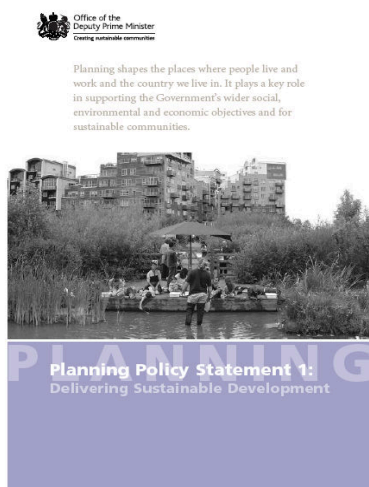
1.2 By stating this purpose, the Council will seek to improve, through its function as Local Planning Authority, any development proposal that does not provide for, or meet the principles encouraged and required within this SPD and the Halton UDP.

2.0 POLICY BACKGROUND

- 2.1 As a means of ensuring the Council performs its duties as Local Planning Authority, this SPD should complement the framework set by national and regional planning guidance. This will ensure that open space in Halton is provided at suitable standards of quality, quantity and accessibility.
- 2.2 The most relevant national documents are outlined below.

2.3 NATIONAL POLICY

- 2.4 **Planning Policy Statement 1 (PPSI): Creating Sustainable Communities.** Under the heading of “The Governments Objectives for the Planning System”, PPS1 outlines several aims for facilitating and promoting sustainable and inclusive patterns of urban and rural development.



- 2.5 There are two objectives that have particular relevance to open space.
- 2.6 Firstly, protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities and secondly ensuring high quality development through good and inclusive design, and the efficient use of resources.

- 2.7 The document then goes on to state that “the condition of our surroundings has a direct impact on the quality of life and that a high quality environment brings social and economic benefits for local communities. Planning should seek to maintain and improve the environment to help mitigate the effects of declining environmental quality through positive policies on design, conservation and provision of public space.”

- 2.8 **Planning Policy Guidance Note 3: Housing**, outlines the requirement for both a sequential and sustainable approach to residential development and places particular importance on the greening of residential environments. The provision of adequate levels of well designed open spaces can enhance quality, assist in the permeability of land for storm drainage and contribute to biodiversity as well as contributing to recreational requirements of the local population.

- 2.9 **Planning Policy Statement 9: Biodiversity and Geological Conservation.** The key principles of this document are that planning decisions should be based upon up to date information & statistics. Policies and decisions should aim to maintain, enhance restore or add to biodiversity and ensure the proper weight is attached to sites of particular environmental importance. Plan policies should promote opportunities for incorporating biodiversity and geological features within the design of development. Finally planning decisions should prevent harm to biodiversity and geological conservation interests.



2.10 **Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation** states that Local Planning Authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreation facilities. This will enable the setting of local standards to guide future provision. In addition, planning authorities will be justified in seeking either on-site provision or contributions towards new off-site provision, or the enhancement of existing off-site provision, for the full range of open space or sport and recreation facilities for which they have adopted provision standards.

2.11 The main policy objectives that underpin PPG17 are:

- Supporting urban renaissance
- Supporting rural renewal
- Promotion of social inclusion and community cohesion
- Health and well being
- Promoting sustainable development

2.12 In his foreword to **Living Places. Cleaner, Safer, Greener, 2002**, the Deputy Prime minister states that successful, thriving and prosperous communities are characterised by streets, parks and open spaces that are clean, safe, attractive areas that local people are proud of and want to spend their time. This indicates the importance central government

attaches to open space and the public realm and its desire that this attitude is reflected at a local authority level.



2.13 **The Value of Public Space**, produced by CABE Space (March 2004) details the benefits successful open spaces can have on their surrounding environments. The document has been written around 7 principles which are as follows:

- The economic value of public space
- The impact on physical and mental health
- The benefits for children and young people
- Reducing crime and fear of crime
- The social dimension of public space
- Movement in and between spaces
- Value from biodiversity and nature.

2.14 REGIONAL POLICY

2.15 **Regional Spatial Strategy** . The two most relevant of the RSS's seven key objectives are;

- To ensure active management of the regions environmental and cultural assets;
- To secure a better image for the region and high environmental and design quality.

2.16 Policy DP2 states that local authorities should, in writing policy, set out clearly the means, including planning obligations and conditions and the phasing of programming of development

by which any necessary compensation, mitigation or substitution is to be achieved.

2.17 LOCAL POLICY

2.18 This SPD supplements UDP policies **S25** Planning Obligations, **GE5** Outdoor Sport and Recreation Facilities in the Urban Fringe and Open Countryside, **GE6** Protection of Designated Greenspace, **GE11** Protection of Incidental Greenspace, **GE12** Protection of Outdoor Playing Space for Formal Sport and Recreation, **H3** Provision of Recreational Greenspace and **TP9** The Greenway Network.

- Policy S25 states that adequate mitigation measures should be provided for developments that would markedly exacerbate significant deficiencies in infrastructure or social, recreational or community facilities and environmental, social or economic capital.
- Policy GE6 requires development within a designated or proposed greenspace to be ancillary to the enjoyment of that green space and compensation can be made in exceptional circumstances where development results in the loss of green space.
- Policy H3 requires that development ensures there would be sufficient recreational greenspace to meet the needs of the people living on or near new residential developments.
- Policy TP9 states the requirement for developments that adjoin greenway networks. Specifically improvements to that network will be sought.

2.19 As with all Council documents, this SPD is intended to contribute to the objectives of both the Community

Strategy and the Corporate Plan. Both documents contain the same five strategic priorities, of which, A Healthy Halton, Halton's Urban Renewal and A Safer Halton are the three most relevant.

2.20 Under the headings of the strategic priorities there are a series of aims and objectives, those particularly relevant to this SPD are;

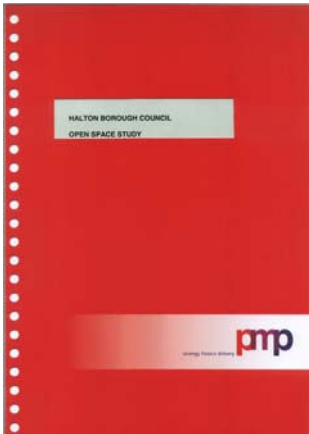
- To promote a healthy living environment and lifestyles to protect the health of the public, sustain individual good health and well-being, and help prevent and efficiently manage illness;
- To create and sustain better neighbourhoods that are well designed, well built, well maintained, safe and valued by the people who live in them, reflecting the priorities of residents;
- To support and sustain thriving neighbourhoods and open spaces that meet people's expectations and add to their enjoyment of life.

2.21 The priorities of the Community Strategy and the Corporate Plan are based on priorities set by the people of Halton. They were identified through community involvement via area panels, focus groups, and a telephone questionnaire to develop the Community Strategy. The Corporate Plan was based on the same community involvement and statistical information compiled in the State of the Borough Report.

2.22 Halton's **Biodiversity Action Plan** identifies habitats and species which are of particular importance for the borough. The plan also recognises the benefits of access to open space for local residents – in particular local nature reserves.

fairer determination of the requirement for each new residential development.

2.23 THE OPEN SPACE AND PLAYING PITCH ASSESSMENT 2005.



2.24 In April 2004 the Council commissioned consultants to undertake an assessment of playing pitches and open space within the Borough. This study updated and enhanced a previous assessment, undertaken in 2000, in line with newly revised government guidance contained in PPG 17.

2.25 Local standards were set for the three most important indicators of open space - quality, quantity and accessibility. These standards were set by surveying the opinions of the public of Halton via a household survey, an onsite user survey and using population and land use statistics.

2.26 Over 600 individual sites were visited to form the basis of a qualitative assessment.

2.27 Through the use of the Council's Spatial Survey & Monitoring team, there is now the ability to accurately map open space within the borough. In addition, catchment boundaries for existing open spaces can also be mapped to show relationships to new or proposed developments.

2.28 It is anticipated the open space assessment will be updated every two years to allow for any changes in each type of open space. This will allow for a

3.0 UNDERSTANDING THE ISSUES



- 3.1 Research undertaken by CABI has shown that 85% of people surveyed felt the quality of open space and the built environment has a direct impact on their lives.
- 3.2 Redevelopment containing high quality open spaces aids the regeneration of an area. There is also evidence that well planned, well-managed public open space has had a positive impact on residential property prices.
- 3.3 For retailers too, a good quality open space can improve trading by attracting more people into an area.
- 3.4 Growing concern about the health of the nation, especially children and young people, can be addressed by making use of the country's open spaces. Access to good quality, well maintained public spaces can help to improve our physical and mental health by encouraging us to walk more, to play sport or simply to enjoy a stress free green and natural environment.
- 3.5 Increasing urbanisation & car use has left our children with far fewer opportunities than previous generations to play freely outdoors and experience the natural environment. Good quality public spaces – including well designed school grounds – can help to fill this gap, providing children with opportunities for fun, exercise and learning. For example, spaces with trees and grass offer better play opportunities for children than those without.
- 3.6 Crime and fear of crime can be a major deterrent from people using even the highest quality open spaces. Parents fears of crime can also lead to children and young people being prevented from using parks and play spaces. Physical changes to, and the better management of public space can help allay these fears and therefore make the most of our open spaces.
- 3.7 One of the fundamental functions of open space is that it allows movement between areas – on foot, bicycle, car, motorcycle or public transport. A key objective of public open space is therefore to reconcile these different needs. Well designed streets and public spaces help reduce vehicle speeds and overall usage by encouraging walking and cycling.
- 3.8 Finally, value in biodiversity and nature can be gained to combat the significant increase in hard impermeable surfaces leading to higher temperatures in towns and cities than the surrounding rural areas – 'the heat island effect'. Vegetation and open spaces in urban areas can help to redress this imbalance by bringing environmental benefits such as the cooling of air and the absorption of atmospheric pollutants. Furthermore there are benefits for nature conservation and the provision of wildlife habitats and the reduction in surface water runoff through additional permeable surfaces.

4.0 GUIDING PRINCIPLES

4.1 OPEN SPACE DEFINITION

4.2 Planning Policy Guidance Note 17 defines open space under the following typologies;

- Parks & Gardens
- Natural & Semi Natural Open Space
- Amenity Greenspace
- Provision for Children & Young People
- Allotments & Community Gardens
- Playing Pitches
- Outdoor Sports Facilities
- Green Corridors

(further definitions are given in Table 2)

4.3 The companion guide to PPG17 highlights Guiding Principles which are relevant to the content of this SPD. These are:

- a) Local needs are likely to vary from place to place even within a single local authority, according to socio-demographic make up, cultural characteristics and numbers and types of visitors.
- b) The delivery of networks of high quality, sustainable open spaces depends not only on quality planning but also on creative design and effective management.
- c) In certain cases it will be preferable to improve existing open space rather than seek new provision.
- d) The value of open spaces depends primarily upon the extent to which they meet clearly identified local needs and the wider benefits they generate for people, wildlife and the surrounding environment.

4.4 For open spaces in rural areas the four guiding principles above will still apply, however it should be recognised that circumstances in rural areas will alter

standards at which open space is able to be provided.

4.5 Rural areas should not expect to have the same level of access to open spaces and certain typologies of open space will almost always be found exclusively in rural or urban areas. For example, recreational activities like water sports or climbing largely depend upon access to rural open space.

4.6 Supporting the guiding principles there are five important features which distinguish open space and which are used in its assessment:

4.7 **Accessibility & Quantity** – Which relate to land use and so are delivered primarily through the planning system.

4.8 **Quality, Multi – Functionality & Primary purpose** - Delivered through good design assisted through planning conditions or planning agreements.

4.9 OPEN SPACE PROVISION

4.10 Each new residential development places an increased pressure on existing open spaces both within the borough and in the locality of the development.

4.11 Therefore, as open space contributes so heavily to the successful creation of place and space, for the reasons outlined above, **all new residential developments will be required to provide one or all of the following:**

- open space on site, where this is not possible;
- contributions for new provision;
- enhancement of existing spaces.

4.12 Each of these options should reduce pressure on existing public spaces and contribute to the proposed development.

- 4.13 **Where a proposed development is of sufficient size** (50 persons or greater) **it will be necessary to incorporate all, or as much as possible of the open space requirement on or adjacent to the site.** The type of open space may include children's play space (LAP), or amenity type recreational greenspace.
- 4.14 **For residential developments of less than 50 persons developers will be required to pay a commuted sum for the enhancement of existing open space within the local area, or provision of new facilities.**
- 4.15 For further detail on how to calculate the total number of people generated as a result of residential development see the following chapter and Halton UDP policy H3.
- 4.16 Whilst the primary objective of any new residential development should be to provide open space on site, to enhance the development, it is of course accepted that open space cannot always be provided on or adjacent to a proposal site. Where there is no practical solution to this, Section 106 of the 1990 Town & Country Planning Act allows individuals to enter freely into obligations with the Council to provide open space off site through contributions, or to improve and or expand an existing facility. **Where this is the case it will be up to the developer to demonstrate why they are unable to provide open space provision on site.**
- 4.17 As directed in planning circular 05/2005 *Planning Obligations* any off site provision should be fairly and reasonably related in scale and kind to the development proposal and be in a location where it will be of direct benefit to the occupiers of said development. Provided authorities have undertaken assessments of need and audits of existing facilities, compliant with PPG17, locally determined provision standards will meet the tests of reasonableness. This means that authorities will be justified in using them as the basis for planning conditions or obligations in appropriate circumstances.
- 4.18 Continuing this theme, Paragraphs 23 and 33 of PPG17 clearly state that obligations can be used to reduce or prevent both quantitative and qualitative deficiencies in provision.
- 4.19 A one off commuted sum will be required to cover initial maintenance costs where the responsibility for the new open space will be transferred to the local authority upon completion of the development.
- 4.20 It will also be appropriate to impose commuted establishment sums to cover the off site costs of establishing new areas of open space such as recreational facilities, play space, woodland or landscaping.
- 4.21 Where a proposal involves the loss of existing open space, **new open spaces of equal or improved quality, such as sports pitches, should be in place well in advance of the loss of any existing pitches,** to ensure that users are able to move from one to the other without delay. In any instance where development is sought on existing open space, the proposal will be required to meet the tests of those policies in the adopted UDP that afford protection to existing open space. These policies can be found in chapter 3 - The Green Environment and are as follows.
- GE6 Protection of Designated Greenspace
 - GE7 Proposed Greenspace Designations
 - GE8 Development within Designated Greenspace

- GE10 Protection of Linkages in Greenspace Systems
- GE11 Protection of Incidental Greenspace
- GE12 Protection of Outdoor Playing Space for Formal Sport And Recreation
- GE15 Protection of Outdoor Playing Space for Children
- GE16 Protection of Allotments
- GE17 Protection of Sites of International Importance for Nature Conservation
- GE18 Protection of Sites of National Importance for Nature Conservation
- GE19 Protection of Sites of Importance for Nature Conservation
- GE20 Protection and Creation of Local Nature Reserves
- GE21 Species Protection
- GE22 Protection of Ancient Woodlands
- GE23 Protection of Areas of Special Landscape Value
- GE24 Protection of Important Landscape Features
- GE27 Protection of Trees and Woodland
- GE29 Canals and Rivers

5.0 CALCULATING THE REQUIREMENT

5.1 All new residential development requires provision of open space as stated in UDP policy H3, this includes:

- Flats and maisonettes
- Additional dwellings gained through the redevelopment of an existing housing area
- Conversions of existing buildings
- Independent dwellings for students or the elderly.
- Permanent permissions for mobile homes.

5.2 Residential development that will not require open space contributions are defined as:

- Replacement of existing dwellings on a one for one basis
- Extensions and annexes within the curtilage of a main property for a dependent relative.
- Sheltered / special needs housing
- Temporary permissions for mobile homes.

5.3 To further clarify the above, there are three instances where it will be necessary to vary or waive a requirement for open space.

- Where the need for effective place-making, or a particular approach to urban design dictates the approach to provision. An example of this may be where it would be necessary or beneficial to provide a very high quality design to make the proposal more successful as opposed to an open space requirement.
- Where a residential development is so minimal as the costs of drawing up the Section 106 agreement would be higher than the commuted sum itself. The Council does however recognise that the aggregate impacts of many

small developments will have an impact upon open space requirements and so therefore retains discretion over whether to seek open space contributions. The current costs of drawing up a S.106 agreement are £200 + VAT (this may be subject to change).

- Where the developer can prove that any residential development will not result in an increased population to the local area because the occupants of new developments are migrants from within that same local area and the accommodation they vacate will not be used for residential purposes.

5.4 The Council also recognises that the costs of providing open space can impinge on the overall costs of a development. Usually this requirement will not overly affect a proposal, however, where a proposal involves the development of a brownfield site where land remediation is necessary, for example, the additional costs associated with providing open space can, in some instances reduce the quality of the end product. In instances such as this the Council may waive the requirement for open space in favour of improvements to the overall design of the development. In all cases it will be up to the developer to demonstrate, in broad financial terms, that the provision of open space is unsuitable for the case in question. The Council will then be able to make assessments on a case-by-case basis.

5.5 Where on site provision of open space is not possible, then financial contributions will be used to mitigate against a lack of on site provision. The scale of the contribution will be calculated using a formula that takes into account the size of the development, the type of dwellings and the cost of providing (or enhancing) and maintaining open space.

5.6 Any financial contribution paid by the developer towards the provision or enhancement of open space will be the subject of a legal agreement specifying the amount of contribution, when it should be paid and how it will be spent.

5.7 OUTLINE APPLICATIONS

5.8 Where an application is received in outline and the size and type of the proposed development is not known, the Council's position on the requirement of open space will be reserved through a planning condition, so it can be resolved when a detailed application is made and the estimated population of the development can be determined. In this instance an outline permission will state the maximum number of dwellings, and the planning condition will state all the other known variables.

5.9 Financial contributions paid by developers will be based upon a legal agreement between the developer and the Council. This will specify the amount of the contribution, when it should be paid and how it will be spent. The agreement will also detail implications for repayment should capital works not begin within 5 years of completion of the final dwelling in the scheme.

5.10 For larger developments the Council will be able to indicate exactly where any contributions made by developers will be spent. For smaller developments financial contributions will be insufficient to provide new open space or enhance existing open space on their own. In cases such as this contributions will be paid into a special ring fenced account based upon area forum boundaries from which aggregate contributions will be used to make improvements within that area.

5.11 It may be appropriate to direct developer contributions to improve

pedestrian and cycle access, instead of using contributions towards open space specifically. This is mentioned with particular reference to town centre developments where provision cannot be made on site and improvements to sustainable forms of transport will achieve other environmental targets.

5.12 MAKING THE CALCULATION

5.13 All planning applications for residential development must have their open space requirement assessed in terms of Quantity, Accessibility and Quality.

5.14 With reference to appendix B, each residential planning application will fall into one of the seven area forums that cover the borough. Each typology of open space has been quantified within each area forum.

5.15 QUANTITY

5.16 Assessments of quantity are made using area forum boundaries (shown in appendix B). A comparison is made between the current level of provision within the area forum the development falls in, and the local standards set in the Halton Open Space Assessment 2005. Where existing provision for any typology falls below the local standard, a deficiency exists.

5.17 ACCESSIBILITY

5.18 With reference to table 2 below, each typology of open space has been set an accessibility standard. It is now possible to identify any development sites within the borough which fall outside the existing accessibility standards for open space. Major obstacles such as roads or waterways will be considered at this time.

5.19 By using the quantity and accessibility standards together it is possible to determine the priorities for open space provision. The basic principle is that

those typologies deficient in quantity and outside accessibility standards take the highest priority for new provision.

5.20 Table 1.0 below highlights the priorities for each scenario that may arise.

Accessibility (Catchment) <small>(Relates to areas in or out of catchment of sites)</small>	Quantity (Sur / Def) <small>(Relates to Analysis Area)</small>	Action
OUT	Deficiency	<ul style="list-style-type: none"> Highest priority for NEW provision of open space typology PROTECT existing sites ENHANCE accessibility to existing open space sites where possible
OUT	Surplus <small>(this type of open space)</small>	<ul style="list-style-type: none"> ENHANCE accessibility to existing open space sites where possible Consider PRO-ACTIVE approach of disposal of surplus areas to acquire resources to provide NEW provision in areas outside effective catchment of existing sites
	Surplus <small>(other types of open space)</small>	<ul style="list-style-type: none"> Consider RE-DESIGNATION of other open space typology sites in areas <u>outside</u> effective catchment particularly where surpluses are indicated of these other open space typologies. If other typologies are in <u>surplus</u> within the area <u>and</u> re-designation is not appropriate consider PRO-ACTIVE approach of disposal to acquire resources to provide NEW provision in areas outside effective catchment of existing sites
IN	Deficiency	<ul style="list-style-type: none"> ENHANCE accessibility to existing open space sites where possible Possible need for NEW provision – through provision of new sites or extended provision of existing sites <p><small>Note: further analysis maybe required to determine where the quantity deficiency is concentrated within the analysis area</small></p>
IN	Surplus	<ul style="list-style-type: none"> Lowest Priority for additional provision Consider RE-DESIGNATION of sites to other open space types which are deficient in quantity terms in this catchment area If other typologies are deficient within the catchment <u>and</u> re-designation is not appropriate consider PRO-ACTIVE approach of disposal to acquire resources to provide NEW provision <p><small>Note: further analysis maybe required to determine where the quantity <u>surplus</u> is concentrated within the analysis area</small></p>

Table 1.0 Priorities for Action. Source: Open Space & Playing Pitch Assessment (2005)

5.21 The Council may undertake further analysis to determine where surplus is concentrated within the analysis area to focus priorities. Alternatively the Council may seek contributions towards the qualitative improvement of existing open space.

5.22 Having established which typologies take the highest priority, it is possible to calculate how much off site provision will cost. Each stage of this calculation is explained below.

TABLE 2 ASSESSMENT OF PROVISION & COSTS

TYOLOGY	DESCRIPTION	LOCAL STANDARD (m2/Person)	COST (£ m2)	ACCESSIBILITY STANDARD	Maintenance Cost (£ m2)
PARKS & GARDENS	Accessible, high quality opportunities for informal recreation and community events	12.5	£7.20	1.2 Km	£23.30
NATURAL & SEMI NATURAL	Wildlife conservation, biodiversity & environmental education & awareness	27.5	£4.60	1.2 Km	£3.70
AMENITY GREENSPACE	Opportunities for informal activities close to home or work or the enhancement of residential areas.	10	£5.75	0.8 Km	£6
PROVISION FOR CHILDREN & YOUNG PEOPLE	Areas designed for play and social interaction involving children / young people. eg equipped play areas, skateboard areas / teenage shelters	2	£82	0.8 Km	£24
ALLOTMENTS & COMMUNITY GARDENS	Opportunities for people to grow their own produce as part of sustainable, healthy and socially inclusive living.	0.9	£17.25	1.6 Km	£3.70
PLAYING PITCHES	Classed as Football, Rugby Union, Rugby League, Hockey, Cricket pitches for Junior and adult uses.	9.5	N/A	N/A	£2.85
OUTDOOR SPORTS FACILITIES	Participation in outdoor sports such as pitch sports, tennis, bowls, athletics or countryside and water sports.	27.5	N/A	1.2 Km	£23.30
GREEN CORRIDORS	Walking, cycling or horse riding, whether for leisure or travel, and opportunities for wildlife migration	See Appendix A			
CEMETARIES & CHURCHYARDS	Quiet contemplation and burial. Often linked to promotion of wildlife and biodiversity.	N/A	N/A	N/A	N/A
CIVIC SPACES	Mainly in urban centres, providing an attractive setting for civic buildings.	N/A	N/A	N/A	N/A

Where assessments of local conditions indicate new provision is needed, for one or more open space typologies, then the following calculations will apply:

OPEN SPACE REQUIREMENTS

Capital open space calculations are made in scale with the proposed development and based upon the anticipated population of that development. It is therefore necessary to find out the total number of people generated by the proposal. UDP policy H3 sets out a simple and consistent population assumption for different sized dwellings, thus;

		Persons
(A)	1 Bedroom Dwelling	2
	2 Bedroom Dwelling	3
	3 Bedroom Dwelling	4
	4+ Bedroom Dwelling	5

For each open space typology where there is a deficiency, it is necessary to establish how much space is required as a result of the new development. This is done by multiplying the number of people from (A) by the local standard for each typology where a deficiency has been identified. The following example assumes there are two open space typologies that are identified as deficient in quantity.

(B) Typology 1 Requirement = No persons x Local Standard (m²/person)

(C) Typology 2 Requirement = No Persons x Local Standard (m²/person)

Possible additions of other typologies if showing a Deficiency (D), (E), (F).....

OFF SITE PROVISION – FINANCIAL CONTRIBUTION

Having established the quantity of open space required, it is then necessary to multiply this quantity by the cost of provision. Adding together the cost of providing each typology of open space gives the total financial requirement for provision.

Typology 1 = (B) x Cost (£ /m²)

Typology 2 = (C) x Cost (£ /m²)

MAINTENANCE & COMMUTED ESTABLISHMENT SUMS

Maintenance costs are a one off fee required where the Council is to assume responsibility for new sites of open space. It is calculated by multiplying the total amount of open space required for each typology by the maintenance cost of that typology. These costs are shown in Table 2. For example the cost of maintaining Amenity Greenspace is £6 per Square Metre.

Commuted Establishment Sums are calculated the same way as above but need to be spent within 5 years of receipt.

The total commuted sum is calculated by adding the cost of providing each typology to the cost of providing maintenance.

WORKED EXAMPLE

The following worked example uses the principles outlined above to show how open space requirements are calculated. Please refer to Table 2 for specific details regarding each open space typology.

A developer wishes to build 10 – 3 bedroom houses on a suitable site within the borough.

The open space assessment indicates there is a deficiency of **Amenity Greenspace** and **Allotments** within the locality of the proposed development. therefore a commuted sum for off site provision of open space is required to address the deficiency.

It is first necessary to calculate the total number of people generated by the development.

$$10 \text{ (dwellings)} \times 4 \text{ (persons)} = 40 \text{ (people)}$$

It is now possible to calculate the requirement for each typology identified with a deficiency.

Amenity Greenspace

$$40 \text{ (people)} \times 10 \text{ m}^2 \text{ (local Standard)} = 400 \text{ m}^2 \text{ (requirement)}$$

Then calculating the cost of that provision;

$$400 \text{ m}^2 \text{ (requirement)} \times \text{£ } 4.60 \text{ (£ / m}^2 \text{ cost of provision)} = \text{£1840}$$

Allotments

$$40 \text{ (people)} \times 0.9 \text{ m}^2 \text{ (local Standard)} = 36 \text{ m}^2 \text{ (requirement)}$$

Then calculating the cost of that provision;

$$36 \text{ m}^2 \text{ (requirement)} \times \text{£ } 17.25 \text{ (£ / m}^2 \text{ cost of provision)} = \text{£621}$$

The total cost of new provision is therefore (£1840 + £ 621) = **£2461**

Commuted Establishment Sums

$$400 \text{ m}^2 \text{ (requirement)} \times \text{£ } 6 \text{ (£ / m}^2 \text{ cost of maintenance)} = \text{£2400}$$

$$36 \text{ m}^2 \text{ (requirement)} \times \text{£ } 3.70 \text{ (£ / m}^2 \text{ cost of maintenance)} = \text{£133.20}$$

$$\text{Total} = \text{£2533.20}$$

Adding the maintenance fee to the provision fee produces an overall commuted sum of **£4994.20**

6.0 DESIGN OF OPEN SPACE

6.1 In accordance with UDP policy BE2 design statements should be produced by the developer where substantial open spaces are to be provided on site.

6.2 These design proposals should highlight how the development and the proposed open space will relate to the surrounding environment and also how the open space contributes to the proposed development. In particular the Council will be looking to see how the applicant has incorporated open space with regard to **safety and security, improving green links, biodiversity, increasing sustainability** and overall **aesthetics**. Reference should also be made to the adopted Designing for Community Safety SPD which provides further guidance on safety issues within developments.

6.3 Developers are encouraged to employ innovative approaches to the provision of on site open space such as using existing on site features in the design of open space. The following text provides some guidance.

Character

6.4 Open Spaces should have a defined character reinforced by key landmarks and features linked back to a historic context or regeneration theme. The use of features both at the edges of sites and centrally can draw people in, however consideration should be given to avoiding obstruction of light into the space, increased wind patterns and the creation of shade.

Security and Safety

6.5 Building frontages play a large part in achieving an initial level of security particularly the more active the frontage. Open spaces should be designed in a way

that optimises active frontages with an awareness shown of after hours use. This will help to ensure the open space becomes part of the development and not a nuisance.

6.6 Lighting, sightlines and visibility can play a large role in influencing perceptions of a space – designs should avoid high walls and planting that is likely to conceal potentially insecure areas.



A Sense of Place

6.7 By linking designs or themes of a place to its surroundings it is possible to encourage a sense of ownership or pride. Influences can come from who funds, protects or maintains the open space.

6.8 It is particularly important to encourage a connection with the surrounding communities who may use the space.

Materials

6.9 As mentioned above it is important that a continuation of themes from existing urban areas is present within the open space, specifically in the use of walkways, boundaries, walls, seating, lighting and other street furniture.

Linkages

6.10 Core routes in and around the open space should be utilised as much as possible. New open space can be provided to intersect these routes or be a convergence point.

- 6.11 Open spaces can be adapted to blend into the access and vistas of existing street networks.



Guidance On Play Provision.

- 6.12 All play areas should comply with the recommendations set out in the National Playing Fields Association Standards and all equipment should comply with European Standard EN1176 & EN1177. In addition, the Disability Discrimination Act 1995 should be used to achieve access standards for the disabled. Further guidance is available from ROSPA (Royal Society for the Prevention of Accidents).
- 6.13 Before the Council agree to adopt any play space, an independent inspection will be undertaken to ensure the facilities meet necessary standards.
- 6.14 Design emphasis should be placed on providing an area for children to meet, which provides play for all levels, ability and age. Play equipment provided for 2-6 years and 6-12 years should be separated. Teenage play should also be catered for on larger developments.
- 6.15 A variety of play equipment should be provided for, along with seating for adults.



- 6.16 Play areas should not just be a collection of play equipment. Design should also consider the use of innovative boundary treatments and landform to create stimulating environments. The Council will also welcome creative solutions, developed alongside the residential proposal which add play value rather than providing facilities.
- 6.17 Providing buffer zones around play space ensures they do not cause noise problems to nearby dwellings. This demonstrates the importance of developing the open space along with the other elements of the proposal, not simply as an afterthought.
- 6.18 Surfacing around play facilities should be wet pour rubber for safety purposes and seating for accompanying adults should be provided in most cases.
- 6.19 Dog proof fencing, 1 metre high, with self closing gates is suitable for play areas. Generally galvanised steel powder coated fencing is appropriate however this will depend on the features of the local area.
- 6.20 Grass, associated paths and planting is encouraged around the perimeter of the play space, avoiding thorny or poisonous species.
- 6.21 Developers should contact the Council's Landscape Services Division early in the planning process if they intend to include a proportion of open space on site. All schemes will need approval prior to work starting on site. Contact details are given in the appendices.



APPENDIX A GREENWAY NETWORK

Policy TP 9 of the Halton UDP states that measures should be taken to improve the borough's greenways. Defined as uses for walking, cycling or horse riding, whether for leisure or travel, and opportunities for wildlife migration, greenways also include specifically the Bridgewater Canal Towpath. Whilst in general, greenways do not have local standards with which to calculate an open space requirement the Bridgewater Way does and is discussed below. Where works are required to existing or proposed greenways as a result of new residential development this will be done at a cost of £150 per metre @ 3.2 metres wide. Further information regarding greenways is available from the Council's Highways & Transportation department.

THE BRIDGEWATER WAY

Where residential or commercial developments locate and develop within the locality of the Bridgewater Canal, commuted sums will be required for the improvement of the canal towpath so as to provide a more sustainable method of travel within the area. This activity will be undertaken in conjunction with the Bridgewater Canal

CAPITAL COSTS

20M FRONTAGE 100% = £2500
 150% = £3750

1% for Each unit £25 x 20units = £500

Total Capital Payment = £6750

REVENUE COSTS

10% of Capital Per anum x 10 yrs = £ 6750

Total Commuted sum = £13500

Trust and Sustrans which are taking the lead in improving and maintaining the whole of the Bridgewater Canal towpath, hence the Council will seek open space contributions for this typology.

Where the Council is seeking commuted sums towards the improvement of the Bridgewater Way it may not be appropriate to seek standard open space requirements in addition, however each case will be judged on its merits.

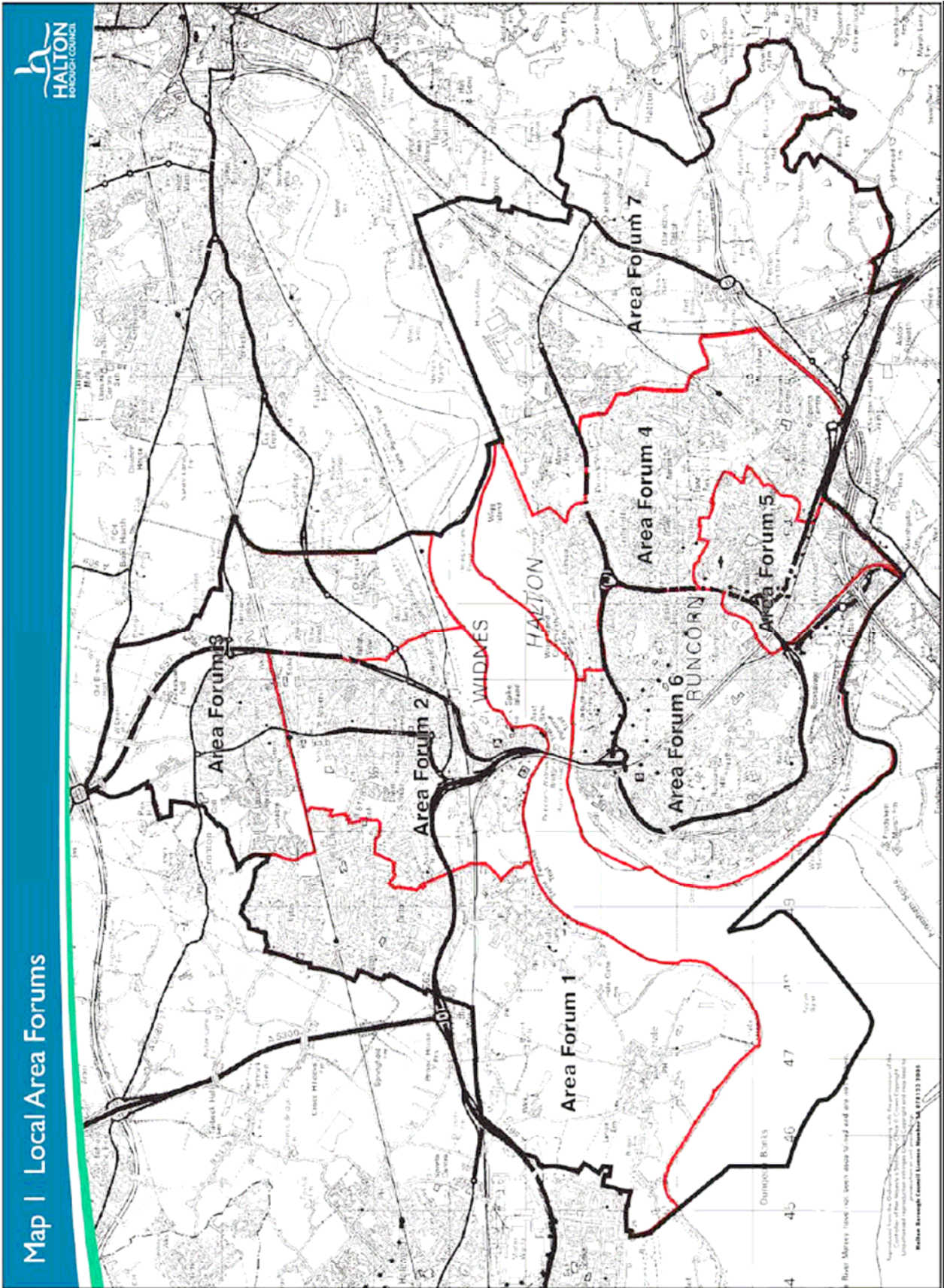
Capital costs are sought for residential applications over one unit, this entails 100% of the capital cost for each length of development running adjacent to the canal towpath plus 150% of the cost for the same distance divided equally either side, plus 1% for each unit.

Additionally 10% of the above sums are requested per year to provide 10 years management and maintenance.

The following example shows how this calculation would be made using a development frontage of 20m consisting of 20 units;

Using the minimum cost of £125,000 per km;

APPENDIX B – AREA FORUM BOUNDARIES



APPENDIX C: CONTACTS AND USEFUL INFORMATION

GENERAL INFORMATION

Further information relating to the purpose of the intended SPD:

To access a downloadable copy of the Planning Policy Guidance notes or Planning Policy Statements detailed in Section 2, or for further general planning information visit the Office of the Deputy Prime Minister website at www.odpm.gov.uk or for a hard copy contact the Department for Communities and Local Government by telephone on 0870 1226 236.

To access a downloadable copy of 'By Design, Urban Design in the planning system: Towards Better Practice' and 'Safer Places', and also Living Places. Cleaner, Safer, Greener. And documents relating to urban renewal, urban design and creating sustainable communities, and general planning information visit The Department for Communities and Local Government website at www.odpm.gov.uk.

For further information regarding open space & biodiversity and creating and enhancing open spaces is available from the Commission of Architecture and the Built Environment and all their publications can be downloaded free of charge from <http://www.cabe.org.uk> or for a hard copy contact English Heritage at: Customer Services Department, PO Box 569, Swindon, Wiltshire, SN2 2YP, Tel: 0870 333 1181, Fax: 01793 414 926

Further information regarding ROSPA providing safe play environments can be found at www.rospa.com/playsafety

Further information on the Halton UDP and LDF can be found online at www.halton.gov.uk or by phone on 0151 907 8300, email at forward.planning@halton.gov.uk or by post to Planning and Policy Department, Environmental & Regulatory Services, Halton Borough Council, Rutland House, Halton Lea, Runcorn, WA7 2GW.

Further details regarding the Halton Open Space Assessment 2005 can be found by contacting the Council at the address above.

You can find out about the planning system and how it works at www.planningportal.gov.uk.

LOCAL INFORMATION

For advice relating to submitting a planning application, for pre-application discussion or to purchase a copy of this SPD or any other SPD contact:

Planning and Policy Division
Environmental & Regulatory Services
Environment & Development Directorate
Halton Borough Council
Rutland House
Halton Lea
Runcorn
WA7 2GW

Tel: 0151 907 8300

Fax: 0151 471 7314

Email: forward.planning@halton.gov.uk

Website: www.halton.gov.uk

If further highways or transport information is required, please contact the:

Highways & Transportation Division
Environmental & Regulatory Services
Environment & Development Directorate
Halton Borough Council
Rutland House
Halton Lea
Runcorn
WA7 2GW

Tel: 0151 907 8300

Fax: 0151 471 7521

Website: www.halton.gov.uk

If further access information is required, or information relating to Landscape Services please contact the;

Landscape Services
Environment & Regulatory Services
Environment & Development Directorate
Halton Borough Council
Picow Farm Road
Runcorn
WA7 4NB

Tel: 0151 907 8300

Website: www.halton.gov.uk

HALTON BOROUGH COUNCIL

PROVISION OF OPEN SPACE

DRAFT

SUPPLEMENTARY PLANNING DOCUMENT

STATEMENT OF CONSULTATION

August 2006

Environmental & Regulatory Services
Environment Directorate
Halton Borough Council
Rutland House
Halton Lea
Runcorn
WA7 2GW

INTRODUCTION

Under the Planning and Compulsory Purchase Act 2004 it is a requirement to prepare and publish a Consultation Statement for a range of planning policy documents, including Supplementary Planning Documents (SPDs). This is a reflection of Government's desire to "strengthen community and stakeholder involvement in the development of local communities". In due course the Council will be adopting a Statement of Community Involvement (SCI), that will set out how the public will be consulted on new planning policy and significant planning applications. Once the SCI is adopted, all such planning documents will be required to conform with its provisions. This Consultation Statement has been prepared in advance of the SCI, but aims to reflect the intentions of Government planning guidance for reporting on community involvement in the plan making process.

This Statement of Consultation sets out the comments and representations made, and the response to them, in respect of Partnership Consultation Stage and the formal Public Participation Stage conducted by Halton Borough Council, in relation to the Provision of Open Space SPD. This Statement of Consultation has been produced in accordance with Regulation 17 (1) of the Town and Country Planning (Local Development) (England) Regulations 2004.

The period of formal public participation on the draft Provision of Open Space SPD is being conducted between 3rd August 2006 and the 14th September. The document has been made available at various deposit locations throughout the Borough, along with a copy of the public notice of 'SPD matters and public participation' that was printed in the local newspapers, representations forms, the Sustainability Appraisal Report and an explanatory letter. Each of the aforementioned documents has also been made available on the Council website and in various formats upon request.

Statutory consultees (as outlined in Planning Policy Statement 12 - Local Development Frameworks, Appendix E) were consulted specifically via letter with an individual copy of the draft SPD attached. In addition those individuals on the Council's Local Development Framework consultation database that had requested to be informed of the publication of the draft SPD were also sent a covering explanatory letter, a copy of the public notice of SPD matters and public participation, and a representation form.

Responses to draft provision of open space SPD – informal partnership consultation stage.

List of Comments received during 2 week consultation 6th April – 24th April 2006 Date comments considered – 25th April 2006 - Present			
Name	Date received	Comment	Council Response
Sport England North West		No Comments Received	
National Playing Fields Association		No Comments Received	
Nichola Mathers - CABE		No Comments Received	
Institute of Leisure & Amenity Management		No Comments Received	
Gary Collins – Economic Development		No Comments Received	
Steve Eccles - Transportation		No Comments Received	
Jerry Goacher – Property Services		No Comments Received	
Ian Grady – Chief Execs		No Comments Received	
Debbie Houghton – Strategic Policy		No Comments Received	
Ian Lifford – Landscape Services	24 th April 2006	<p>Verbal comments made.</p> <p>I am happy with document but maintenance costs need to be clarified and updated. We will provide you with a list of updated maintenance and provision costs in the coming weeks.</p> <p>Updated figures were received on 30th May 2006</p> <p>The attached table shows the proposed figures for inclusion in Appendix A of the SPD for the commuted sum calculation for future maintenance of the various typologies of open space. The figures have been calculated by examining the current maintenance</p>	<p>Comments made have been noted and changes have been made to the draft SPD.</p> <p>Table 2 – Assessment of Provision and Costs, has been updated with new provision and maintenance costs. This table has also been moved from the appendices to the main body of the document.</p>

		costs of the various typologies on actual sites. As we discussed the other day the matter raised by John Hatton of incorporating a cost element for on-going site management (as opposed to maintenance), has been addressed by adding a 15% on-cost to the basic maintenance figure. The figures in the table attached have incorporated the 15% on-cost	
Phillip Esseen – Landscape Services		No Comments Received	
Paul Wright – Landscape services		No Comments Received	
Tim Booth – Parks & Countryside		No Comments Received	
John Hatton - Leisure	18 th April 2006	<p>It reads very well and seems to be informed in the detail of open space provision.</p> <p>Just two points-</p> <p>1. Is the commuted sum for maintenance adequate it seems to cover 5 years only. What do we do then ?</p> <p>2. If a piece of open space was to undergo major development or major new facilities were to be installed, the provision of staffing to patrol or have a base (as a ranger or a dedicated gardener in the park) in that area may be required. This is one of the most requested items by the public and contributes greatly to the site being used and to people feeling comfortable in open space. I don't know whether a size and scale could be floated as a trigger for a staff requirement.</p>	<p>The commuted establishment sum is for off site provision of open space and therefore we are only able to charge for a maximum of 5 years (as stated in planning guidance).</p> <p>Maintenance for the provision of open space on or adjoining any new development site will be subject to maintenance charges for a longer time scale. When the second draft of the SPD goes out for public consultation it will contain these new costs.</p>
Cllr Paul Nolan		No Comments Received	
Cllr Rob Polhill		No Comments Received	
Derek Sutton – Regeneration		No Comments Received	

Garry Taylor - Regeneration		No Comments Received	
Dick Tregea – Environment		No Comments Received	
John Tully - Executives		No Comments Received	
Phil Watts - Planning	24 th April 2006	<p>Verbal Comments made:</p> <p>Can we incorporate some text that recognises the influence of open space requirements in developments on brownfield sites. These sites, in some cases can be particularly hard to develop and the additional cost of an open space S.106 can be off putting to a developer. We would therefore wish to see a policy that recognises this providing it can be demonstrated that the development has particular financial constraints which make open space requirements less important therefore enabling the development to proceed.</p>	<p>A new paragraph 5.4 has been inserted stating that the Council recognises the overall costs of making a development happen – especially if the development in question involves the remediation of a Brownfield site. Additionally the paragraph contains a caveat stating that developers must provide evidence, that financially, the provision of open space would make the scheme unworkable.</p>
Cllr Tony McDermott		No Comments Received	
Cllr Phil Harris		No Comments Received	
Andrew Pannell - Planning		No Comments Received	
Elizabeth Beard – Development Control		No Comments Received	
Pat Bickerstaffe – Property Services		No Comments Received	

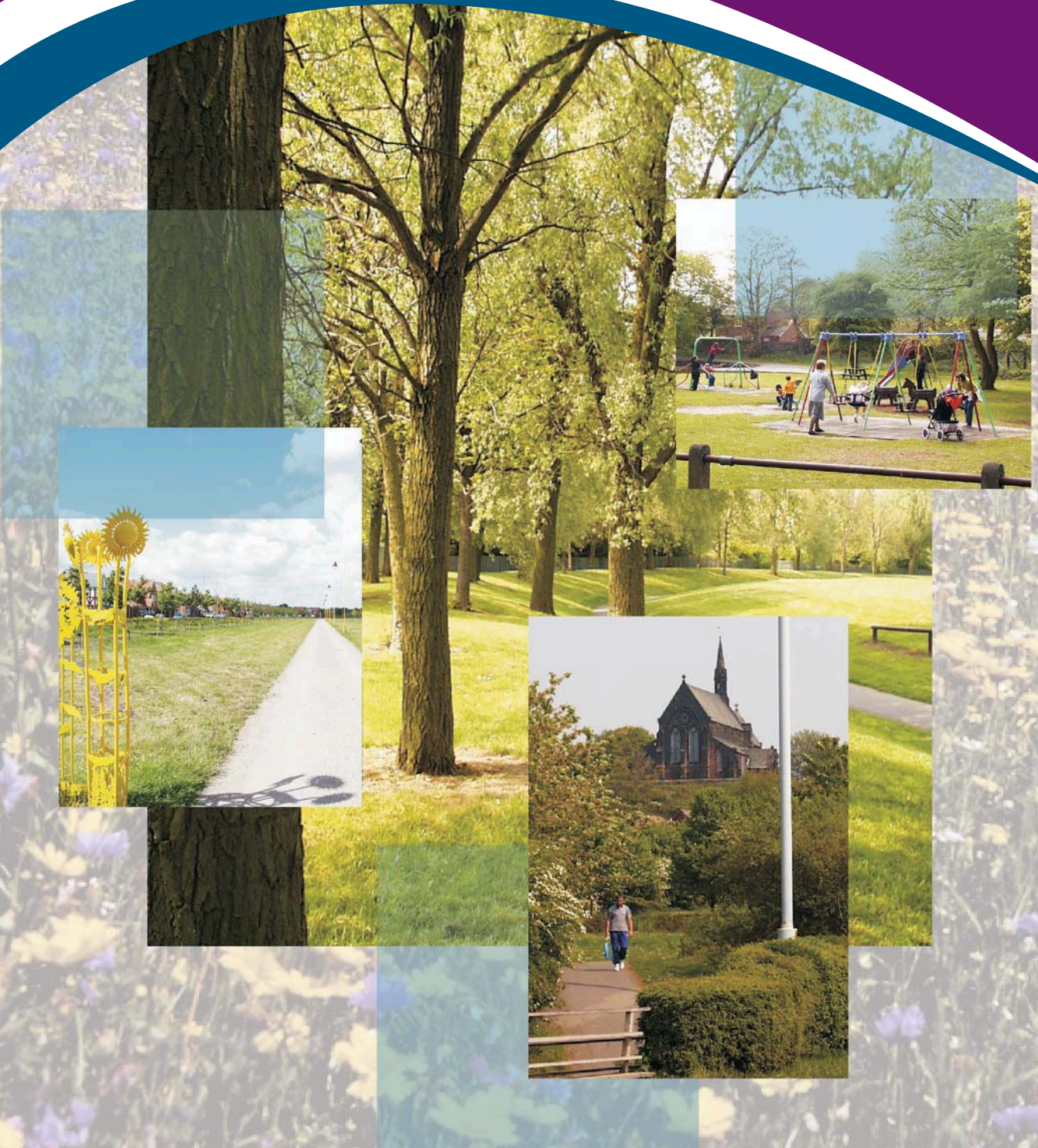
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Provision of Open Space

Draft Supplementary Planning Document



Sustainability Appraisal
August 2006



Halton Borough Council

Provision of Open Space Supplementary Planning Document

Sustainability Appraisal Report

Public Consultation
August 2006

Presented for public consultation
between 3rd August 2006 and 14th September 2006

to: Operational Director – Environmental Health and Planning
Environment Directorate
Halton Borough Council
Rutland House
Halton Lea
Runcorn
WA7 2GW

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I Summary and outcomes

Non-technical summary

- 1.1 This document contains the information relating to the appraisal of the draft Provision of Open Space Supplementary Planning Document (SPD) in relation to how it contributes to meeting environmental, social and economic objectives. Put simpler, this document assesses how the SPD contributes towards achieving development that ensures a better quality of life for everyone, now and for future generations. The technical name for this document is a Sustainability Appraisal or SA for short. The SA is required to be produced because of new government guidance and legislation relating to the planning system.
- 1.2 The objectives that are used to test the SPD, to find out if it contributes towards achieving sustainability, have been taken from documents that identify the sustainability priorities of the local community. The main source for objectives is the Community Strategy; this was produced in close consultation with the people of Halton. The remaining objectives have been taken from the Sustainability Framework for the North West, which is produced by the North West Regional Assembly. This document also reflects the sustainability priorities of the people who live and work in the North West because it was based on consultation.
- 1.3 The objectives that are used to test the sustainability of the SPD are set out in a table (Appendix A), this table is called the Sustainability Appraisal Framework (SAF). This table sets out how the council will measure each of the objectives to see if quality of life in Halton is improving. Early this year, in advance of producing the full SA, the Council asked a number of bodies if they agreed with the objectives that we included in the SAF. These bodies agreed with us, all their comments and how the Council responded is set out in a table (Appendix B).
- 1.4 At the same time as asking these bodies about the SAF, we also asked if they agreed with us if we needed to produce a Strategic Environment Assessment (SEA) of the SPD. The SEA is like an SA but looks in more detail at the effects that the SPD could have on the environment. SEA is required by a European Directive on plans and programs that could have a significant effect on the environment. The Council made an initial screening of whether a full SEA was needed to be produced, and decided it was not. The bodies agreed with us.
- 1.5 The Council then tested the draft SPD against the objectives in SAF, to appraise if the SPD contributes to achieving sustainability. This is set out in a table (Appendix D). The appraisal recognises that the SPD is supplementary policy and will not make dramatic changes to the way that we live, but will make small changes to the way buildings and places are designed. Therefore the SPD will not significantly affect any of the environmental, social or economic objectives set out in the SAF.
- 1.6 Overall the appraisal shows that the SPD will have a positive effect upon the contribution towards achieving sustainability, but there are many objectives that are difficult to test the SPD against because the Council is unsure how the SPD will affect those objectives. The appraisal also tells us that the positive effects will mainly only be seen in the longer term because the SPD will make gradual changes to places over many years as new development happens.
- 1.7 This SA is not the end of the process, if you think that the appraisal has missed something out, or hasn't properly realised the effect that the SPD could have on a particular objective, then let us know by following the instructions in section 1.3. A final SA, which includes all the

comments received on this appraisal, will be published alongside the SPD when it is adopted.

- 1.8 Sources of further information about the process and purpose of Sustainability Appraisals can be found in Appendix F.

Statement on the difference the process has made

- 1.9 Although the scope of the SPD is not significant, it is supplementary policy, providing practical guidance in relation to policies contained within Halton Unitary Development Plan (UDP), the SA process has made a valuable contribution to the process of producing the SPD. Firstly it focused attention at the pre-production scoping stage to identify the key areas that the SPD needed to address. This was achieved through the analysis of baseline information. This process has helped to shape the purpose of the SPD, which has provided a strong foundation upon which the rest of the SPD has been constructed.

- 1.10 By testing the SPD against the SAF it has helped to recognise the limitations of the SPD and how these might be overcome through additional planning policies or by other means (such as the need for better training within the planning section to understand 'design' better). The 'testing' process has also enabled those within the forward planning team who were not responsible for the SPD's production to challenge those officers who did produce it. This has helped create a sharper more responsive SPD focused upon its purpose and contributing to achieving sustainability. The SA process has made a real difference to help ensure a quality end product.

How to comment on the Appraisal

- 1.11 If you would like to make comments on the SA or the SPD, which it has been

produced to appraise, please complete one of the representation forms, which can be obtained from places of inspection, from the Council's website or by contacting the forward planning section. Representations may be accompanied by a request to be notified at a specific address of the adoption of the SPD and hence the publishing of the final SA. The formal period of public participation in relation to the SPD and this SA, commences on 3rd August 2006, for a six week period until 14th September 2006.

2 Sustainability Appraisal Rationale

Approach adopted to the SA

- 2.1 The methodology selected to be applied within this SA has been chosen to ensure that the SPD is tested against the most appropriate sustainability criteria. The methodology of the SA has therefore been drawn from the priorities, objectives and targets of the Community Strategy. In addition these objectives have been complemented with a number of broader sustainability objectives drawn mainly from the regional sustainability framework - Action for Sustainability, produced by the North West Regional Assembly (NWRA). In some instances these objectives have been amended to take account of Merseyside sub-regional issues and objectives. The objectives, their indicators and other information is set out in the SAF, which is contained in Appendix A.
- 2.2 The approach adopted was consulted upon as part of the Pre-Production Scoping Report. This consisted of consultation with the four statutory SEA bodies (English Nature, English Heritage, Countryside Agency and Environment Agency) and other stakeholders. Only minor comments in relation to the approach adopted were made; the fundamental approach being taken was not challenged. These comments are set out in Appendix B.
- 2.3 The Local Strategic Partnership (LSP) monitors the improvement targets, set within the Community Strategy, annually. Similarly most of the regionally derived objectives are monitored by the NWRA. It will therefore be possible to assess the impact of this SPD against the appropriate targets, although obviously this will be within the context of other factors affecting the targets. The monitoring can also be seen to be independent as it is conducted by the LSP and NWRA, the

former is subject to the scrutiny of the LSP board. This approach offers the most realistic means for monitoring the impact of this SPD.

- 2.4 It is our intention that the objectives, targets and indicators that form the SAF within this document will be broadly consistent throughout all sustainability appraisals that the Council undertakes.

When the SA was carried out?

- 2.5 The SA process began in July 2005 with the production of the SA Pre-Production Scoping Report; this document was consulted upon between 29th September 2005 and 3rd November 2005. The responses to the Pre-Production Scoping Report were considered and have informed and lead to the production of this document. The SA process has been an integral part of the production of the SPD, and has been prepared to enable its publication to coincide with the public consultation on the draft Provision of Open Space Supplementary Planning Document.

Who carried out the SA?

- 2.6 Halton Borough Council has conducted the entire process of the production of the SA, with consultation at the appropriate stages with statutory consultation bodies (for the SA and SEA process) and other stakeholders as necessary. This approach was felt to be commensurate to the intended purpose of the SPD. Responses to the Pre-Production Scoping Report, particularly those from the statutory consultation bodies, acknowledged the scope of the SPD and did not raise any significant issues that would deem it necessary for the SA to be produced externally / more independently. To ensure a degree of

independence in the production of the SA and the assessment of the effects of the SPD, the SA has been prepared by a member of the Planning & Policy section who was not directly involved in the production of the SPD itself.

Who was consulted, when and how?

2.7 The scope of the SA was formally consulted upon between 29th September 2005 and 3rd November 2005. The consultation was targeted at those who the Council felt were best placed to further shape the SA process and the purpose of the proposed SPD. A list of those consulted, their comments and the how these have been addressed in the SA is contained in Appendix B.

3 Background

Purpose of the SA process and the SA Report

3.1 The Provision of Open Space SPD will form part of the Halton Local Development Framework (LDF). This document will not form part of the Statutory Development Plan for Halton. To be able to be formally adopted as part of the Halton LDF, the process of forming the SPD must comply with Part Five of The Town And Country (Local Development) (England) Regulations 2004. Part Five requires the production of a SA for SPDs. The purpose of preparing a SA is to encourage sustainable development, through improved integration of sustainability considerations throughout the preparation and adoption of land use plans and policies.

Purpose of Provision of Open Space SPD (Draft)

3.2 The purpose of the Provision of Open Space SPD (draft) is to complement the Halton Unitary Development Plan (UDP). The intended purpose of the proposed Provision Of Open Space SPD is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quantity, quality and accessibility of all types of open space within the borough. Specifically it will help provide: -

- a) Networks of accessible, high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, and are fit for purpose and

economically and environmentally sustainable.

- b) An appropriate balance between new provision and the enhancement of existing provision.
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of local planning authorities in respect of open space, sport and recreation provision from new residential developments.

3.3 The intended geographical coverage of the SPD is therefore Borough wide.

Compliance with the Strategic Environmental Assessment (SEA) Regulations

3.4 In accordance with the Environmental Assessment of Plans and Programmes Regulation 2004, the SA Pre-Production Scoping Report included a Strategic Environmental Assessment (SEA) screening statement. The Council's intermediate determination of the statement was that the proposed SPD was unlikely to have a significant environmental effect and accordingly does not require a SEA to be produced. The four statutory agencies (English Nature, Environment Agency, English Heritage and Countryside Agency) were consulted as part of the pre-production scoping stage and they agreed with the Council's intermediate determination (Appendix B).

3.5 Therefore a formal determination can be made that the Provision of Open Space Supplementary Planning Document is

unlikely to have significant environment effects and accordingly does not require a Strategic Environmental Assessment. The screening statement from which this determination has been made is set out in Appendix C of this SA.

4 Sustainability objectives, baseline and context

Links to other strategies, plans and programmes and sustainability objectives

- 4.1 In producing the UDP the Council considered and took account of relevant plans and programmes as the plan progressed. In relation to the proposed SPD a number of specific relationships and issues can be identified.

National Planning Statements

- 4.2 PPG 17: Planning For Open Space, Sport & Recreation (2002) states that authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreation facilities. This will enable them to set local standards to guide future provision. In addition Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.

Regional Spatial Strategy & Sustainability Framework

- 4.3 Regional Planning Guidance for the North West (RPG13), which is now by virtue of the Planning and Compulsory Purchase Act (2004) the Regional Spatial Strategy (RSS), contains seven key objectives of which, the two most relevant are;
- To ensure active management of the regions environmental and cultural assets;
 - To secure a better image for the region and high environmental and design quality.
- 4.4 Policy DP2 states that local authorities should, in writing policy, set out clearly the means, including planning obligations and conditions and the phasing of programming of development by which any necessary

compensation, mitigation of substitution is to be achieved.

- 4.5 Action for Sustainability is the North West Regional Sustainability Framework; it is produced by the North West Regional Assembly (NWRA), the main goal of the framework is to improve the quality of life within the region.

Unitary Development Plan

- 4.6 The Halton Unitary Development Plan (adopted 7th April 2005) has policies that are related to this proposed SPD in both of its two parts.

- 4.7 Part I, strategic aims that are directly related to the SPD include the protection and enhancement of environmental and cultural assets, achieved by maintaining a sustainable balance between development, conservation and by protecting and improving recreation and leisure amenities.

- 4.8 Strategic policies state the importance of promoting linkages through greenspace systems, improving greenspace of poor quality and creating new greenspace in areas of deficiency. This is justified by the fact that open space of all kinds can not only provide a buffer between different land uses but it is also an important recreational and environmental resource.

- 4.9 Part I of the UDP also promotes the use of planning conditions and planning obligations to compensate, mitigate and substitute areas where a development has caused an exacerbation in deficiencies in infrastructure or environmental capital.

- 4.10 Part 2 UDP policies are used to implement those policies and aims set out in part I. In

particular, Green Environment policies deal with the provision and enhancement of open space and recreational land. Added to this, Housing chapter policy, H3 states the requirement for open space provision from new residential development – that is, for all new dwellings there should be sufficient recreational greenspace to meet the local needs of the people living there.

4.11 The fact that the definition of open space can be segregated into various typologies means that there are several other policies relevant to this SPD, an example of this is policy TP9 THE GREENWAY NETWORK which aims to protect and enhance this type of open space.

Community Strategy & Corporate Plan

4.12 The intended SPD will be produced to contribute to the priorities, principles, objectives and targets of the Halton Community Strategy, 2006 to 2011. This strategy co-ordinates the resources of the local public, private and voluntary organisations towards common purposes.

4.13 The Strategy identifies ‘A Healthy Halton’, ‘Halton’s Urban Renewal’ and ‘A Safer Halton’ as three of five priorities. Within this there are a great number of objectives particularly relevant to the intended SPD. Some of these include: To promote a healthy living environment and lifestyles to protect the health of the public, sustain individual good health and well being, and help prevent illness, to promote sustainable development; to improve the overall image of the Borough in order to attract regenerative investment; to ensure a high quality of attractiveness and maintenance of the public realm; to remodel and extend key open spaces to provide a better network of high quality recreational open spaces, to ensure high quality design and landscaping throughout the borough and ensure progressive and sustainable environmental improvements in all areas of the Borough reflecting the priorities of the public.

Description of the social, environmental and economic baseline characteristics and the predicted future baseline

4.14 The baseline information for the proposed SPD, can be put into two categories. Firstly, information relating to specific issues that the intended SPD is proposed to contribute towards such as promoting a healthy living environment; and secondly, other generic sustainability baseline information that is consistently applied as a baseline to all appraisals within Halton.

Generic sustainability baseline information

4.15 The Council has identified a range of generic sustainability baseline information that it feels needs to be considered with all SA applied to land use plans and policies. This baseline information relates closely to the sustainability issues identified in the following section. Appendix A outlines the generic baseline information.

Predicted future baseline information

4.16 The current generic baseline information set out in Appendix A will continue to be used until such a time as it is felt a review of the baseline is required. Situations that may require the baseline information to be reviewed could include

- a new baseline information emerging that better reflects the current objectives in the sustainability framework,
- b changes to the objectives in the sustainability framework, and
- c direction from a consultation body that baseline information needs amending.

4.17 It is felt that the current generic baseline information represents a competent rational for assessing the sustainability issues that are relevant to Halton and the wider area, specific baseline information to

assess the effect of the proposed SPD. Therefore information relating to specific issues that the intended SPD is proposed to contribute towards were used for the function of establishing the purpose of the proposed SPD and its draft content.

Difficulties in collecting data and limitations of the data

- 4.18 The existing baseline information, which is contained within the Sustainability Appraisal Framework (SAF) contains some omissions, this is because presently targets, base dates and figures, and sources have not been established for some indicators. This is largely due to the difficulties associated with accurate data collection such as the information being out of date and the reliance on external bodies collecting the data. Reliance on external bodies may also result in some baseline data not being collected in the future.

The SA Framework, including objectives, targets and indicators

- 4.19 In determining an appropriate SA approach to apply to this SPD, it is important to draw upon sources that identify those sustainability issues that are relevant to Halton and the wider area. This can be achieved by identifying issues that are:
- a based upon sound quantitative analysis; and
 - b involved extensive community participation in setting sustainability priorities.
- 4.20 There are two sources that identify sustainability issues relevant to Halton that meet criteria a) and b) above. The sources selected are the Sustainability Framework for the North West – Action for Sustainability, produced by the North West Regional Assembly

(NWRA), and the Halton Community Strategy. The rationale for selecting these two sources was addressed in section 2.1 within this report.

- 4.21 These two sources identify the following sustainability issues as being important to the North West and Halton.

Action for Sustainability

- 4.22 The NWRA adopted, Action for Sustainability (AfS) in 2000, which is currently being updated. It recognises that the path to true sustainable development involves tough, often controversial choices. The sustainability framework aims to establish a firm foundation for sound, balanced decision-making that takes the region's economic, environmental and social needs into full account. The AfS was developed through a consultation exercise involving 600 individuals and organisations, a draft was then distributed across the region and to key national organisations. In all 1200 copies were distributed. From this, ten priorities for AfS to address were identified and a vision for 2020 established.
- 4.23 The AfS has a vision for 'A North West that embraces sustainable development as the sound foundation for delivering an improved quality of life for the people of the region and across the world'.
- 4.24 The vision has been translated into a number of priorities and long term goals for the North West:
- **Sustainable transport and access**, reducing the need to travel and allowing access for all to places, goods and services;
 - **Sustainable production and consumption**, ensuring that energy and resources are used both efficiently and effectively by all;

- **Social equity** that respects, welcomes and celebrates diversity and allows all communities and generations a representative voice;
- **Biodiversity and landscapes** that are valued in themselves and for their contribution to the region's economy and quality of life;
- **Active citizenship** that empowers people and enables them to contribute to issues that affect the wider community;
- A culture of **lifelong learning** that allows people to fulfil their duties and potential in a global society by acquiring new skills, knowledge and understanding;
- **Cultural distinctiveness**, nurturing and celebrating our diversity to create a vibrant and positive image;
- An active approach to reducing our contribution to **climate change** whilst preparing for potential impacts;
- **Healthy communities** where people enjoy life, work and leisure and take care of themselves and others; and
- **Enterprise and innovation**, harnessing the region's educational and scientific resources and the creative and entrepreneurial skills of its people to achieve sustainable solutions.

4.25 These in turn have been translated into a number of regional sustainability objectives. These objectives have been developed so that every organisation, business and individual can take ownership of them and take them into account in their actions.

Halton Community Strategy 2006 – 2011

4.26 The Community Strategy (CS) for Halton was developed by Halton's Local Strategic Partnership (LSP) - the Halton Strategic Partnership Board. The Halton Community Strategy 2006 to 2011 has been selected as it offers the most robust framework for testing the extent that this SPD contributes towards

achieving sustainable development within Halton because:

- a The CS was produced in accordance with the Local Government Act 2000. Part I (4) of the Act states that "Every local authority must prepare a strategy (known commonly as a Community Strategy) for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom" Therefore the priorities, objectives and targets contained within the CS seek to achieve and monitor progress towards achieving sustainable development;
 - b One of the stated guiding principles of the Strategy is "Improving the quality of life for today's Halton residents without jeopardising that of future generations and enhancing the biodiversity of the area". Therefore if this SPD has negative implications for the priorities, objectives and targets contained within the CS, it would by virtue have negative implications for seeking to achieve sustainable development; and
 - c The CS was developed with a clear rationale, based on quantitative evidence (contained in the 'State of the Borough' report) and through the involvement of the community. Involvement of the community is achieved through the membership of Halton Strategic Partnership Board that brings together representatives from all sectors of life in the Borough; and through the community consultation process that helped shape the CS. This ensures that the priorities, objectives and targets within the strategy provide a SA methodology framework that is relevant to the community, with realistic quantitative and qualitative targets set.
- 4.27 The Vision of the CS is "Halton will be a thriving and vibrant Borough where people enjoy a good quality of life with:

- good health;
- a high quality, modern urban environment;
- opportunity for all to fulfil their potential;
- greater wealth and equality; and
- safe and attractive neighbourhoods."

4.28 The CS sets the strategic direction through until 2005/6 by identifying a number of priorities for improving the quality of life in Halton Borough, centred around five strategic priorities:

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

4.29 The CS and AfS set out the sustainability issues and accompanying targets appropriate to this SPD. These are outlined in Appendix A. The Sustainability Appraisal Framework (SAF) has been tested against itself and the proposed purpose and principles of the intended SPD. At this stage it is not envisaged that there is any conflict between the objectives. No weighting has been apportioned to any one of the SA objectives, as no priority is considered more important than another.

Main social, environmental and economic issues and problems identified

4.30 The SAF (Appendix A) has been produced to reflect the main social, environmental and economic issues and problems identified through consultation with the people of Halton, supplemented by broader sustainability issues identified through regional consultation (as discussed throughout this report).

4.31 The Halton Borough Council Open Space Assessment 2005 identifies several issues in terms of quality, quantity and accessibility. At this juncture however they are too numerous and detailed to mention so will be covered within the SPD.

4.32 In determining an appropriate SA approach to apply to this SPD, it is important to draw upon sources that identify those sustainability issues that are relevant to Halton and the wider area. This can be achieved by identifying issues that are based upon sound quantitative analysis; and / or involved extensive community participation.

4.33 The key sustainability issues for Halton and the wider area include:

- **Unemployment** - 'Halton: Gateway to Prosperity' 2005-2008
- **Disparity in employment** - 'Halton: Gateway to Prosperity' 2005-2008
- **Access to employment** - State of the North West Economy (Subregional Report) (Oct 2004)
- **The need to raise the levels of education & skills** - The State of the Borough (Jan 2005)
- **The need to foster enterprise and entrepreneurship** - The State of the Borough (Jan 2005)
- **Reliance on a narrow economic base and low wage economy** - 'Halton: Gateway to Prosperity' 2005-2008
- **The need to improve the economy** - The State of the Borough (Jan 2005)
- **The need to revitalise the town centres** – Community Strategy (2006)
- **The image of the Borough** - 'Halton: Gateway to Prosperity' 2005-2008
- **The need to improve health & life expectancy** - North West Public Health Observatory & Community Strategy (2006)
- **Long-term ill** – 2001 Census & Community Strategy (2006)

- **Ageing residents & the need to grow the health-care sector** – Department of Health
- **Perception of crime levels and fear of crime** - ‘Quality of Life Survey’ of 1999
- **Increased demand for affordable housing** - Land Registry and Housing Needs Study
- **Providing an appropriate and balanced housing supply** – Draft Housing Strategy 2005/06 to 2007/08
- **Providing appropriate sites to meet the needs of Gypsies and Travellers** - Circular 01-2006 ‘Planning for Gypsy and Traveller Caravan Sites’
- **Improve access to Services from the East of Runcorn** – Local Transport Plan 2
- **Improve access to Services in Widnes** – Local Transport Plan 2
- **Improve access to services to those who do not own cars**
- **Community facilities**
- **Amount, location and access to recreational space** - PMP Open Space study
- **Population** - Nomis
- **Deprivation** - 2004 Index of Multiple Deprivation (IMD)
- **Water quality** – Environment Agency
- **Conserving biodiversity, habitats and species**- Securing The Future Delivering UK Sustainable Development Strategy
- **SSSI** - English Nature, April 2005
- **Waste Management** - Halton’s Waste Management Strategy 2004
- **Transport congestion & pollution** - Local Transport Plan 2
- **Air quality** – Local Transport Plan 2
- **Design quality in development** - Housing Audit (CABE, 2005)
- **Protecting cultural & built heritage** – English Heritage (2005)
- **Obtaining energy from renewable sources** - Securing The Future - Delivering UK Sustainable Development Strategy
- **Requiring energy efficiency improvements** - Securing The Future -

- Delivering UK Sustainable Development Strategy
- **Ensuring the most effective use of land** – Draft RSS (2006)
- **Water resources** - Securing The Future - Delivering UK Sustainable Development Strategy
- **Climate change** - Securing The Future - Delivering UK Sustainable Development Strategy
- **Industrial legacy** – Community Strategy (2006)

4.34 The issues highlighted blue are those issues which are considered to be of particular importance with regard to the proposed Provision of Open Space SPD.

5 Plan issues and options

Main strategic options considered and how they were identified

5.1 Three strategic options for delivering the purpose of the draft SPD were considered. These were identified and considered as part of the Pre-Production Scoping Report to this SA. This approach was taken as it was felt important that before the Council resources were committed to progressing the policy response selected to deliver the intended purpose of the SPD, the option selected was:

- a based on which would address the issues identified in the scoping report;
- b most likely to contribute to achieving sustainable development, and
- c supported by the statutory consultation bodies and other stakeholders.

5.2 In summary the options considered during the pre-production scoping stage were identified based on the preliminary purpose and geographical coverage of the intended SPD. Significantly the coverage of the SPD is borough wide and does not directly relate to an identified geographical area. The preliminary purpose and coverage were consulted upon, and neither has been amended as a result of responses to the consultation exercise. The comments received in relation to the Pre-Production Scoping Report consultation and the Council's responses are contained in Appendix B.

5.3 Therefore the preferred option identified and selected in the Pre-Production Scoping Report is the option appraised within this SA. For comprehensiveness the options considered at that stage in the process are contained in Appendix E.

How social, environmental and economic issues were considered in comparing the options and choosing

the preferred option.

5.4 As stated in 5.1 the purpose and coverage of the intended SPD were tested as part of the Pre-production Scoping Report and have not been amended as a result of the consultation exercise. The report included the formal screening exercise required by Strategic Environmental Assessment (SEA) regulations. This exercise made an initial assessment of the characteristics of the proposed SPD, and its (environmental) effects, and of the area likely to be affected by it. This assessment demonstrated that the purpose and coverage of SPD would not have a significant environmental effect.

5.5 This process also contributed to identifying the limited scope of the SPD, that it will only provide additional practical guidance to policies that have already been scrutinised and consulted upon through the plan making process, which are adopted in the Unitary Development Plan (UDP). This recognised that the UDP itself has been through the Sustainability Appraisal process. The screening process identified that the purpose of the SPD is to promote sustainable development by creating a more pleasant, healthier and safer environment. The statutory SEA bodies and other stakeholders have agreed with the Council's conclusions during the screening process.

5.6 The preferred option for delivering the purpose of the intended SPD has been established and tested through the Pre-Production Scoping Report, it is recognised as contributing to achieving sustainability and that its scope is only to provide additional practical guidance. This is felt to represent a sufficient scrutiny of comparison of the options identified. It also establishes that the preferred option that has been selected is commensurate to the scope of the intended SPD.

Other options considered, and why these were rejected

5.7 This was established and consulted upon as part of the Pre-Production Scoping report. The relevant extract is contained in Appendix E.

Proposed mitigation measures

5.8 No proposed mitigation measures were considered necessary at this stage in the process, because of the scope of the SPD and its purpose of providing supplementary guidance to the adopted UDP.

6 Assessment of the social, environmental and economic effects of the draft Provision of Open Space SPD

Significant social, environmental and economic effects of the draft SPD

6.1 The Pre-Production Scoping Report, which incorporated the formal SEA screening statement, established that the intended SPD was unlikely to have a significant environmental effect. Additionally the screening statement established that the intended scope of the SPD will be to provide additional practical guidance to policies within the adopted UDP. Within the context of this, an assessment of the likely social, environmental and economic effects can be made to accompany the draft Provision of Open Space SPD. This assessment is set out in Appendix D.

6.2 The assessment tests the likely effects that the proposed SPD will have on the social, environmental and economic objectives set out within the Sustainability Appraisal Framework (SAF). These objectives relate to the indicators derived from the Halton Community Strategy and the Regional Sustainable Development Framework for the North West. This ensures that the SPD is tested against local and regional priorities, as stated in section 2.1 of this SA. The SAF was established in the Pre-Production Scoping Report and is contained in Appendix A.

Consideration of social, environmental and economic problems in developing the draft SPD

6.3 The pre-production stage enabled the identification of the social, environmental and economic problems relevant to Halton and to the intended

purpose of the SPD, this was mostly through the collection and analysis of baseline information. This process influenced the preliminary purpose of the SPD (which remains unchanged) and the preferred option to achieve its delivery. Additionally, the approach taken in relation to the SA, was also identified. These issues were 'tested' and consulted upon through the Pre-Production Scoping Report consultation. The out come of this consultation led to the production of the draft SPD which continued to take into account the relevant social, environmental and economic problems that could be addressed through the purpose of the SPD.

Proposed mitigation measures

6.4 No proposed mitigation measures were considered necessary after the testing of the SPD against the objectives contained within the SAF because the assessment did not identify any issues that could be suitably mitigated for. Additionally, the scope of the SPD and its purpose of providing supplementary practical guidance to the adopted UDP means that necessary policy checks are in place that afford greater protection to areas such as protected wildlife habitat, which the SPD is supplementary to.

Uncertainties and risks

6.5 The assessment of the likely effects that the proposed SPD will have on the social, environmental and economic objectives (as set out in Appendix D) identified that the effect of the SPD on

a number of objectives was difficult to determine. This creates a degree of uncertainty in relation to the effects of the SPD. Additionally, the incremental cumulative nature of the changes that the SPD will make to places is difficult to test and predict against the objectives in the SAF.

6.6 The long-term nature of influence of the SPD in terms of delivering its purpose will be difficult to assess, due to the influence of other factors in relation to health & quality of life.

7. Implementation

Links to other tiers of plans and programmes and the project level

- 7.1 The strategy for implementation of the proposed SPD, once adopted as a formal SPD will include Council Officer training in relation to the guidance set out in the SPD. This is to ensure that its purpose is achieved more consistently across the Borough. The SPD will also be actively signposted by relevant Officers to ensure that the development industry is fully aware of the content of the SPD, and take it into account within their proposals.
- 7.2 The Halton Local Development Scheme 2006 (LDS) also identifies a number of other SPDs that will be produced over the LDS period that will address matters in relation to design. These include the following SPD's: Design of New Residential Development and Transport and Accessibility. These SPDs will need to take into account the

guidance set out within the Provision of Open Space SPD to ensure a consistent policy approach towards design is maintained within the Halton Local Development Framework. As Development Plan Documents replace the Unitary Development Plan, it will be necessary to ensure that a suitable policy is provided to create the linkage through to the SPD.

Proposals for monitoring

- 7.3 The objectives, targets and indicators contained within the SAF will be monitored as part of the Council's Annual Monitoring Report. This will bring together the monitored data from their source, such as the Regional Sustainable Development Framework for the North West monitoring report, and collect data deficits where appropriate.

Appendix A: Sustainability Appraisal Framework

Part I- Local Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Local Social Objective 1: To promote a healthy living environment and lifestyles to protect the health of the public, sustain individual good health and well-being, and help prevent illness.				
Population & Human Health	Community Strategy - Improving Health	Life Expectancy at Birth	Narrow the gap between life expectancy at birth in Halton and the national average by at least 10% by 2010.	From birth onwards, women in Halton UA Authority can expect to live an average of 78.92 years and men to live an average of 73.83 years. This compares to a life expectancy of 80.4 for women and 75.8 for men for all England and Wales.(Source: North West Public Health Observatory, 2004)
Population & Human Health	Community Strategy - Improving Health	Death Rate	Reduce the overall death rate in Halton by 10% by 2010.	In 2001, the overall death rate in Halton PCT was 1033.97 for every 100,000 of the population compared to 1113.8 for the North West as a whole. (Source: North West Public Health Observatory, 2004)
Local Social Objective 2: Reassure the community and reduce fear of crime.				
Population & Human Health	Community Strategy - Ensuring safe and attractive neighbour - hoods	Fear of crime	Achieve a reduction in fear of crime as measured by public opinion surveys, with the people feeling more reassured in relation to community safety from Spring 2004	Annual Surveys show the fear of crime has reduced by 42% since 2000. (Source: Halton crime and community safety survey, reported in Halton Strategic

Part I- Local Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
			baseline.	Partnership Annual Report 2003(2004)
Local Social Objective 3: To maximise an individuals potential to increase their income.				
Social Inclusiveness	Community Strategy - Increasing Wealth and Equality	Index of Multiple Deprivation	Reduce the gap between average household income in Halton and the UK average by 3 points by 2010. This is a moving target as UK average may also change.	Gap closed by 4 points by 2003 (Source: Office of the Deputy Prime Minister)
Social Inclusiveness	Community Strategy - Increasing Wealth and Equality	Index of Multiple Deprivation	Improve Halton's ranking in Government Index of Multiple Deprivation to 40th by 2010.	Halton ranked 30th in 2004 index (Source: Office of the Deputy Prime Minister)
Local Economic Objective 1: To contribute towards reducing the unemployment rate in Halton and increasing the economic activity rate.				
Economic Development	Community Strategy - Enhancing Life Chances and Employment	Employment Rate	Reduce the unemployment rate in Halton to the regional average by 2006 current regional average 2.8%, Halton 3.8%. This is a moving target as regional average may also change.	Employment Rate (Working age) - 55.3% Unemployment rate (Working age) - 7.3% Economic Inactivity (Working age) - 40.4% (Source: Office of National Statistics, Labour Market Summary for Halton; March 2002 to February 2003, not seasonally adjusted)
Local Economic Objective 2: Remould and enhance the three town centres (Runcorn Old Town, Runcorn Halton Lea and Widnes Town Centre) and adjacent residential areas.				

Part I- Local Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Economic Development	Community Strategy - Promoting Urban Renewal	Footfall	Increase the footfall through the town centres year on year.	Base and source to be determined.
Economic Development	Community Strategy - Promoting Urban Renewal	Average town centre rents	Increasing levels of rent from base rate.	Base and source to be determined.
Economic Development	Community Strategy - Promoting Urban Renewal	Vacancy rates	Decrease vacancy levels from base rate.	Base and source to be determined.
Local Economic Objective 3: To improve the overall image of the Borough in order to attract regenerative investment, by maximising attractiveness of waterfront areas and canals in particular.				
Economic Development	Community Strategy - Promoting Urban Renewal	Business Community Perceptions	Improve the appearance and perception of the area by 10%.	As measured by business community survey, base to be determined. (Source: Halton Strategic Partnership Annual Report)
Economic Development/ Cultural Heritage and Landscape/ Water and Soil	Community Strategy - Promoting Urban Renewal	Land Reclamation	Reclaim 40 hectares (of derelict or contaminated land by 2006).	From 1st April 2002. (Source: Halton Strategic Partnership Annual Report)
Local Environmental Objective 1: To bring about environmental improvements in all areas of the Borough reflecting the priorities of the public to improve public perceptions and attractiveness.				
Cultural Heritage and Landscape	Community Strategy Ensuring Safe and Attractive Neighbourhoods	Residents' Satisfaction	Raise the level of residents overall satisfaction with attractiveness of the neighbourhood/area where they live by 10% by 2006.	From 2002 baseline. (Source: residents survey conducted by Halton Strategic Partnership)

Part I- Local Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Water and Soil	Community Strategy Ensuring Safe and Attractive Neighbourhoods	Percentage of total waste (in tonnage) recycled and or composted	Targets (percentage): 2004/05 13% Recycled 9% Composted 2005/06 15% Recycled 10% Composted 2006/07 15% Recycled 10% Composted.	2003/04 actual rates (percentage): - 11.92% Recycled 5.78% Composted. (Source: Halton Best Value Performance table 2004/05)
Cultural Heritage and Landscape/ Social Inclusion	Community Strategy Ensuring Safe and Attractive Neighbourhoods	Percentage of new homes built on previously developed land	Seek to achieve annual targets as set out by various organisations: <ul style="list-style-type: none"> 60% in National Planning Policy Guidance 3 (PPG3) Housing 55% Unitary Development Plan between 2002 – 2016. 	42% achieved in 2003/04. (Source: Best Value Performance Plan 2004/05)
Local Environmental Objective 2: To safeguard and improve air quality in Halton.				
Climatic Factors/ Air	Community Strategy - Ensuring Safe and Attractive Neighbourhoods	Air Quality	To meet all air quality objectives by the specified date, as set and amended by Department for Environment and Rural Affairs. Objectives are contained in the Air quality strategy for England, Wales, Scotland and Northern Ireland; it can be viewed at - www.airquality.org.uk .	From 2004 baseline. (Source: DEFRA air quality data)
Local Environmental Objective 3: To promote an integrated transport system that balances the need for people and goods to move around, including improved accessibility to local services, whilst also reducing the adverse impact on local neighbourhoods and the environment from traffic pollution and noise.				

Part I- Local Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Population and Human Health/ Climatic Factors/ Air	Community Strategy - Ensuring Safe and Attractive Neighbourhoods	Bus Passenger Journeys (i.e. boarding's) per year in Halton	Increase bus patronage by 5% by 05/06.	2000/03 - 6,121,200. (Source: HBC Local Transport Plan Annual Progress report for 2002/03)
Population and Human Health/ Climatic Factors/ Air	Community Strategy - Ensuring Safe and Attractive Neighbourhoods	Journeys to work and school by bicycle and walking	Increase cycling to 6% of all journeys to work and 2% of all journeys to school by 05/06. Increase walking to 9% of all journeys to work and 55% of all journeys to school by 05/05.	00/01 - Cycling accounts for 3% of journeys to work and 1% of journeys to school 00/01 - Walking accounts for 7% of journeys to work and 50% of journeys to school. (Source: HBC Local Transport Plan Annual Progress report for 2002/03)
Population and Human Health/ Climatic Factors/ Air	Community Strategy - Ensuring Safe and Attractive Neighbourhoods	Number of people killed or seriously injured on roads in Halton	To reduce the number of people killed or seriously injured on roads in Halton to 80 (01/05 average).	1994 - 1998 average of 33 people killed or seriously injured on roads in Halton.

Part 2: Regional Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Regional Social Objective 1: To protect, enhance and manage the sub-region's rich diversity of cultural and built environment and archaeological assets.				
Cultural heritage and landscape	Regional Sustainable Development Framework for the North West	Number of listed Buildings on 'at Risk' Register	No target set at present.	Daresbury Hall, Daresbury Lane Grade II* Listed Building and in a Conservation Area - Condition classed as POOR which means a building or structure with deteriorating masonry and/or a leaking roof and/or defective rainwater goods, usually accompanied by rot outbreaks within and general deterioration of most elements of the building fabric, including external joinery; or where there has been a fire or other disaster which has affected part of the building and the priority level is A which means it is at Immediate risk of further rapid deterioration or loss of fabric; no solution agreed. · Undercroft of West Range, Norton Priory - Scheduled Ancient Monuments, Not Listed Condition classed as POOR which means a building or structure with deteriorating masonry and/or a leaking roof and/or defective rainwater goods, usually accompanied by rot outbreaks within and general

Part 2: Regional Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
				deterioration of most elements of the building fabric, including external joinery; or where there has been a fire or other disaster which has affected part of the building and the priority level is C which means it faces slow decay; no solution agreed.(Source: English Heritage, Buildings at Risk Register 2003)
Regional Social Objective 2: To improve local access to good quality, affordable and resource efficient housing.				
Social Inclusion	Regional Sustainable Development Framework for the North West	Proportion of unfit private dwellings made fit or demolished as a result of direct action by Halton BC	Targets: <ul style="list-style-type: none"> • 9.10% by 2004/05 • 9.20% by 2005/06 • 9.30% by 2006/07 	9.9% in 2002/03(Source: Halton Best Value Performance table 2004/05)
Social Inclusion	Regional Sustainable Development Framework for the North West	Ratio between average price and average salary	Target not to be set.	2003/04 - average price to salary ratio of 4.9, compared to regional average of 5.3 (Source: land Registry and New earnings survey by NOMIS)
Social Inclusion	Regional Sustainable Development Framework for the North West	Average Standard Assessment Procedure (SAP) energy rating of LA owned dwellings	Targets (rating out of 100): <ul style="list-style-type: none"> • 62 by 2004/05 • 62.5 by 2005/06 • 63 by 2006/07 	61.69 in 2002/03. (Source: Halton Best Value Performance table 2004/05)
Regional Economic Objective 1: To improve educational achievement, training and opportunities for lifelong learning and employability.				

Part 2: Regional Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
Social Inclusion/ Economic Development	Regional Sustainable Development Framework for the North West	Adult Education	Increase participation in adult community education programmes by 3% by 2005.	5.4% of population currently participating. (Source: Halton Best Value Performance table 2004/05)
Social Inclusion/ Economic Development	Regional Sustainable Development Framework for the North West	Percentage of 15 year old pupils in schools maintained by the local education authority achieving five or more GCSEs at grades A*-C or equivalent	Target to achieve: <ul style="list-style-type: none"> • 50 % by 2004/05 • 54% by 2005/06 • 56% by 2006/07 	2002/03 - 42.7%. (Source: Halton Best Value Performance table 2004/05)
Regional Economic Objective 2: To increase use of locally produced goods, foods and services.				
Economic Development	Regional Sustainable Development Framework for the North West	To be determined.	Target to be set.	Base and source to be determined.
Regional Environmental Objective 1: To increase the proportion of energy generated from sustainable and renewable sources.				
Air/ Climatic Factors/ Economic Development	Regional Sustainable Development Framework for the North West	To be determined.	Energy White Paper 2003 set a national target that 10% of the UK's electricity supply comes from renewable source by 2010; 15% by 2015 and 20% by 2020.	Base and source to be determined.
Regional Environmental Objective 2: To protect, enhance and manage biodiversity, the viability of endangered species, habitats and sites of geological importance.				
Biodiversity, fauna and Flora/ Water and Soil	Regional Sustainable Development Framework for the North West	Percentage of Halton Biodiversity Action Plan targets	No target to be set.	Base and source to be determined.

Part 2: Regional Objectives				
SA/ SEA Topic	Objective Source	Indicator	Target	Baseline Data
		achieved.		
Biodiversity, Fauna and Flora/ Water and Soil	Regional Sustainable Development Framework for the North West	Condition of Sites of Special Scientific Interest	No target to be set.	Flood Brook Clough SSSI - 100% Unfavourable (no change) (Assessment 30/04/00). Mersey Estuary SSSI - 99.95% Favourable, 0.05% Unfavourable (recovering) (Assessment 03/07/03). Red Brow Cutting SSSI - 100% Favourable (Assessment 05/06/01). (Source: English Nature)

Appendix B: Statement of Consultation: Strategic Environmental Assessment (SEA) and Sustainability Assessment (SA) process

Draft Supplementary Planning Document (SPD): Provision of Open Space Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) - Statement of Consultation

SA Pre-production Scoping Report (incorporating SEA screening statement): 29th September 2005 – 3rd November 2005 Date of consideration of representations: 3rd November 2005 – 5th December 2005.

Consultee	Date comments received and how responded	Comments	Response
Stephen Hedley – Countryside Agency	25 th October 2005 – Responded by Email	<p>Thank you for your letter dated 29 September 2005 addressed to my colleague Ken Burgess.</p> <p>We note that the document concludes that the SPD is unlikely to have a significant effect on the environment, but otherwise we do not wish to comment on the document. This is simply an expression of our priorities at this time and, of course, should not be taken as indicating any lack of interest or implying either agreement with or objection to the statements in the document.</p>	
Judith Nelson – English Heritage	10 th October 2005 – Responded by letter	<p>I note your consultation set out in appendix A that SEA is not required and have no further comments to make on this.</p> <p>In terms of the SA and the section on baseline information it would be useful to highlight any historic environment considerations</p>	<p>Acknowledged</p> <p>No action required – the existing objectives are felt to cover this issue sufficiently in light of current resources. If suitable objectives,</p>

		<p>associated with existing or proposed new open space and its surroundings. Whilst there are no registered historic parks and gardens within the Borough there will be locally important parks and gardens or other open spaces with historic architectural interest. Additionally there will be open spaces in Conservation Areas which make an important contribution to the character and appearance; and there will be open space associated with archaeological sites. This would aid testing the SPD against the sustainability criteria particularly Regional Social Objective 1 as set out in Appendix C. This should be tailored to fit the purposes of this SPD in respect to locally important cultural, built environment and archaeological assets associated with new or existing open space.</p>	<p>accompanying targets and baseline information were supplied by a third party, then the Council would consider amending the sustainability appraisal framework.</p>
<p>Helen Barrett – Environment Agency</p>	<p>12th October 2005 – Responded by letter</p>	<p>The Agency fully supports the proposed SPD. Open spaces/green networks can provide habitats for many species as well as providing recreational use. It can also reduce the impact of flooding by providing permeable areas and therefore reducing runoff.</p> <p>Watercourse networks can provide opportunities to develop ‘green’ corridors and linkages. Whilst the Agency supports certain recreational use, the habitat type and conservation of watercourses must be considered, to ensure balance is achieved.</p> <p>The Agency agrees that an SEA is not needed as the SPD will have a positive effect on a strategic level.</p>	<p>Acknowledged</p> <p>Acknowledged</p> <p>Acknowledged</p>

		<p>Whilst the Agency supports in principal the draft goals, I would like to take this opportunity to recommend one or two changes to the wording of the framework – as mentioned in consultations on other SPD's.</p> <p><u>Local Environmental Objective 1</u></p> <p>An amendment should be made to the indicator of new homes on previously developed land. Rather than restricting the indicator to the number of new homes built, the Agency would rather see an indicator that shows the total area of land reclaimed and brought back into beneficial use for all land use purposes, including open space.</p> <p><u>Regional Environmental objective 1</u></p> <p>A suggestion for an indicator here is the use of BREEAM ratings. An increase in these provides a sustainable use of energy over a longer term.</p> <p><u>Regional Environmental Objective 2</u></p>	<p>Provision is made within the SA to allow amendments to the SAF. This provision is set out in paragraph 2.1 of the SA. One of the reasons for amendment to the SAF is that the Council receives direction from a consultation body that information within the framework needs amending. Although it would be advantageous to change the objective to reflect the views of the consultation body, presently it is not possible to monitor such an indicator without additional workload placed upon existing resources, and that the current indicators are appropriate for measuring the objective. If the consultation body can provide assistance to help monitor the proposed indicator then this could be added or replace an existing indicator.</p> <p>Please see comments relating to Local Environmental Objective 1, as above.</p>
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		<p>The Agency would like to see an amendment to the indicator which reflects the conditions of SSSI's.</p> <p>Consideration should be given to all designations/habitats rather than just one type.</p> <p>A suggestion could be an indicator that will measure the number and type of habitat lost to development. The Agency frequently meets with developers who often wish to culvert watercourses and in mitigation propose the creation of a pond. Whilst in numeric terms there may be no net loss of habitat (i.e. one stretch of watercourse lost but a new pond created) there could well be an overall loss in terms of biodiversity.</p>	<p>Please see comments relating to Local Environmental Objective 1, as above.</p>
Development Control – Halton Borough Council		No Comments Received	
Landscape Services – Halton Borough Council		No Comments Received	
Policy & Performance – Halton Borough Council		No Comments Received	
Economic Development – Halton Borough Council		No Comments Received	
Leisure & Community Services – Halton Borough Council		No Comments Received	

Parks & Countryside – Halton Borough Council		No Comments Recieved	
Sports & Recreation – Halton Borough Council		No Comments Recieved	

Appendix C: Strategic Environment Assessment (SEA) Screening Report

CI Requirements of the SEA Regulations

The Environmental Assessment of Plans and Programmes Regulation 2004 (from now on referred to as 'the regulations'), places an obligation on the Council to undertake a Strategic Environmental Assessment (SEA) on land use and spatial plans. Part of this process includes a screening exercise to determine the need for a SEA to be undertaken, by assessing if the proposed plan is likely to have any significant environmental effects. This screening process stage is particularly relevant where the plan being proposed can be considered to be small scale. The Provision of Open Space Supplementary Planning Document (SPD) can be considered to be a small-scale land use plan.

C2 Screening Process Methodology

The regulations provide a set of criteria for determining the likely significant effects on the environment of land use and spatial plans. These criteria are derived from Annex 2 of SEA Directive (2001/42/EC) and are set out in Schedule I of the regulations and can be summarised as:

1. The characteristics of plans and programmes, having regard, in particular, to:

a The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature,

size and operating conditions or by allocating resources;

- b The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- c The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- d Environmental problems relevant to the plan or programme; and
- e The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- a The probability, duration, frequency and reversibility of the effects;
- b The cumulative nature of the effects;
- c The transboundary nature of the effects;
- d The risks to human health or the environment (for example, due to accidents);
- e The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- f The value and vulnerability of the area likely to be affected due to:
 - i. Special natural characteristics or cultural heritage;
 - ii. Exceeded environmental quality standards or limit values; or
 - iii. Intensive land-use; and
- g The effects on areas or landscapes, which have a recognised national, [European] Community or international protection status.

These criteria will form the framework of the screening process

C3 Screening Process for Supplementary Planning Document (Draft): Provision of Open Space

The intended purpose of the proposed Provision Of Open Space SPD is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quantity, quality and accessibility of all types of open space within the borough. Specifically it will help provide: -

- a) Networks of accessible, high quality open spaces and sport and recreation facilities in both urban

and rural areas, which meet the needs of residents and visitors, and are fit for purpose and economically and environmentally sustainable.

- b) An appropriate balance between new provision and the enhancement of existing provision.
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of local planning authorities in respect of open space, sport and recreation provision from new residential developments.

The intended geographical coverage of the SPD is Borough wide. Using the criteria in Schedule I of the regulations as a framework, the requirement for a need to carry out an SEA on the intended Provision of Open Space SPD can be determined.

I. The Characteristics of the Proposed Provision of Open Space SPD	
Criteria	Assessment
(a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD is intended to be supplementary and complementary to the adopted planning policy contained in the UDP.
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy	It is intended that the scope of the SPD will be to provide additional practical guidance to policies that have already been scrutinised and consulted upon through the plan making process.
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development	By seeking to improve the quality, quantity and accessibility of open space, the intended SPD promotes sustainable development by creating a more efficient, pleasant, healthier and safer environment.
(d) Environmental problems relevant to the SPD	The intended SPD will seek to promote green links to allow people to travel other than using the private car, thereby reducing the emissions of greenhouse gasses. It will also aid Local wildlife by ensuring the stability of green corridors.
(e) The relevance of the SPD for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	There are no direct linkages with the implementation of European Community legislation.

2. Characteristics of the effects and of the area likely to be affected by the proposed Provision of Open Space SPD	
Criteria	Assessment

2. Characteristics of the effects and of the area likely to be affected by the proposed Provision of Open Space SPD	
Criteria	Assessment
(a) The probability, duration, frequency and reversibility of the effects	<p>The probable effect of the intended SPD will be to improve the quality, quantity and accessibility of open space typologies within the borough.</p> <p>Once adopted as part of the Halton Local Development Framework (LDF), the short to medium term effects of the intended SPD will be incremental. It is intended that in the longer term the guidance will bring about a suitable level of all open space which is of a high design quality.</p> <p>As part of the LDF the intended SPD will be subject to annual review and its relevance and effectiveness will be monitored. The LDF system allows for the SPD to be amended, replaced or deleted relatively easily if required.</p>
(b) The cumulative nature of the effects	The likely cumulative nature of the effects from the intended SPD is improving the quality of the natural environment within the Borough for people to live and work within.
(c) The transboundary nature of the effects	There are no transboundary effects from the SPD due to the intended scope of its purpose and the geographical coverage it will have.
(d) The risks to human health or the environment (for example, due to accidents)	There are no significant or likely risks to human health or the environment from the intended SPD.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The intended SPD is not site specific or time constrained. Effects from the SPD will therefore be incremental and Borough wide, although the impact of this guidance will be concentrated on existing areas of open space and within or around new development sites.

2. Characteristics of the effects and of the area likely to be affected by the proposed Provision of Open Space SPD	
Criteria	Assessment
(f) The value and vulnerability of the area likely to be affected due to: i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land-use.	<p>The intended SPD is not site specific. It will not impact upon areas of value or vulnerability as identified in i - iii.</p> <p>The SPD will provide guidance to existing planning policies and be seen with the context of part of the LDF and not part of the Development Plan, which contains policies relating to safeguarding and enhancing the built and natural environment.</p>
(g) The effects on areas or landscapes, which have a recognised national, [European] Community or international protection status.	<p>The intended SPD is not site specific and would be supplementary to adopted planning policy. The practical guidance it will contain will be considered in the context of planning policies relating to safeguarding and enhancing areas or landscapes which have a recognised national, community or international protection status. Therefore the SPD is not likely to have a negative effect on such areas, but will seek to provide additional guidance on enhancing such areas, i.e. through acknowledging local distinctiveness in the design of new development.</p>

C4 Intermediate Determination of the need for an SEA

In accordance with Part 2(9) of the regulations, the Council, as the responsible authority consider that the intended Supplementary Planning Document (draft): Provision of Open Space is unlikely to have a significant environmental effect and accordingly does not require a Strategic Environmental Assessment.

The intermediate determination is subject to consultation with the bodies required under Part 1(4) of the regulations. Once responses from these bodies have been received the Council shall make a formal determination, subject to powers of the Secretary of State.

Appendix D: Testing the Purpose of the Provision of Open Space SPD against the Sustainability Appraisal Framework

Key



Positive Effect





Negative Effect














Neutral Effect





Unknown Effect

Objective	Nature of Effect	Additional Comments
Local Social Objective	1. To promote a healthy living environment and lifestyles to protect the health of the public, sustain individual good health and well-being, and help prevent illness	 By seeking to enhance the quantity, quality and accessibility of all types of open space, the SPD will contribute to a more healthy living environment for those living in the borough of Halton. Increased access to high quality open spaces should promote more healthy lifestyles along with reductions in car emissions from the reduction in use of non sustainable forms of transport, such as the private car.
	2. Reassure the community and reduce fear of crime	 There are no potential impacts upon crime and fear of crime as a result of this SPD. The SPD does however promote high design standards for new provision and enhancement of existing open space. This attribute potentially has the ability to incorporate safety features to discourage crime and reduce the fear of crime. It is therefore unknown at this point what impacts, if any, there will be upon crime.

	Objective	Nature of Effect	Additional Comments
	3. To maximise an individuals potential to increase their income		The direct/indirect impact of the SPD on this objective is difficult to qualify. Although the SPD will seek the development of safe and secure environments, which could provide the potential for increased incomes.
Local Economic Objective	1. To contribute towards reducing the unemployment rate in Halton and increasing the economic activity		The SPD seeks to create more vibrant places, and improve the natural environment. This will have positive implications for creating places where business and enterprise will want to locate.
	2. Remould and enhance the three town centres (Runcorn Old Town, Runcorn Halton Lea and Widnes Town Centre) and adjacent residential areas		The inclusion of high quality areas of open space within town centres is achievable through the use of the intended SPD. Particular reference should be made to green corridors which can provide sustainable patterns of travel to and from town centres.
	3. To improve the overall image of the Borough in order to attract regenerative investment, by maximising attractiveness of waterfront areas and canals in particular		The SPD will seek contributions from residential developments towards the improvement of waterfront areas and green corridors.
Local Environment al Objective	1. To bring about environmental improvements in all areas of the Borough reflecting the priorities of the public to improve public perceptions and attractiveness		One of the reasons for the production of the SPD is to meet the priorities of the people of Halton. The SPD seeks to ensure that there is adequate open space facilities for all the residents of Halton and that further development within the Borough does not exasperate any existing deficiency in quality or quantity.

	Objective	Nature of Effect	Additional Comments
	2. To safeguard and improve air quality in Halton		By seeking to increase the quantity, accessibility and design of all types of open space, the SPD encourages modes of transport other than the private car. The cumulative long-term effect will be to reduce car emission and improve air quality through increased amounts of natural open spaces and increased use of green corridors.
	3. To promote an integrated transport system that balances the need for people and goods to move around, including improved accessibility to local services, whilst also reducing the adverse impact on local neighbourhoods and the environment from traffic pollution and noise		The SPD aims to increase & enhance the numbers of green corridors in the Borough, as a result of new development.
Regional Social Objective	1. To protect, enhance and manage the sub-region's rich diversity of cultural and built environment and archaeological assets		The impact of the SPD on this objective is difficult to qualify. It is possible sections relating to boundary treatment and landscaping could impact upon development within conservation areas and the SPD will certainly have the potential to impact upon the setting of the built environment.
	2. To improve local access to good quality, affordable and resource efficient housing		The SDP will contribute to new residential developments which provide, through either on site provision or contributions, better quality housing developments.
Regional Economic Objective	1. To improve educational achievement, training and opportunities for lifelong learning and employability		The impacts upon this objective from the proposed SPD are difficult to quantify, however it is anticipated that an improved natural, recreational environment within the Borough may have beneficial effects towards economic objectives.
	2. To increase use of locally produced goods, foods and services		The direct/indirect impact of the SPD on this objective is difficult to qualify. The SPD will encourage walking and cycling so it may mean individuals will use local shops and services instead of driving to access services further away.

	Objective	Nature of Effect	Additional Comments
Regional Environmental Objective	1. To increase the proportion of energy generated from sustainable and renewable sources		Whilst the effect of this SPD on this objective will certainly not be a negative one, it is unknown if there will be any impacts at all.
	2. To protect, enhance and manage biodiversity, the viability of endangered species, habitats and sites of geological importance		Specifically, the policies within the SPD will require potential developers to consider any possible impacts upon biodiversity, species and habitats on sites on or adjoining the proposal site. Furthermore proposals for development will be required demonstrate how harmful impacts will be prevented or reduced.

Appendix E: Options Considered

Extract of Pre-Production Scoping Report

As a Local Planning Authority, it is important to consider the options available for meeting the purpose of the intended SPD. The options considered are:

Option 1: Do nothing

This approach relies on existing policy within the UDP and government advice, such as that contained within PPG17: Planning for Open Space Sport and Recreation, to help inform determining planning applications. Alternatively another agency or function of the Council could produce guidance we can subsequently adopt.

In seeking to achieve sustainable forms of development, it is important that practical guidance is produced that will have sufficient weight to promote better design within Halton. This can only really be achieved if a SPD is adopted. It would be difficult for another agency or function of the Council to lead on the production of what is essentially a planning document. Therefore although this option is rejected, it is necessary to ensure that all relevant agencies and functions of the Council are closely consulted throughout the production of the SPD, as their knowledge of the issues relating to open spaces and recreational opportunities will be greater than the Local Planning Authority.

Option 2: Adopt government documents as SPD

Another option is to seek adoption of government documents as SPD. There are two documents which each (in part) contributes to meeting the purpose of the intended SPD. These are – PPG17 Provision of Open Space, and Better places to live by design: A companion guide to PPG3.

It is possible to adopt these two documents as SPD for Halton, but firstly it would be difficult to amend them after a consultation exercise; secondly, the combined length of the three documents would be difficult to digest by those involved in the planning and design of development, and; thirdly, the documents would not have the flexibility to respond to local circumstances. Therefore it would not be the most effective means to deliver more sustainable places. It is clearly important that these three documents are used as a basis for developing a specific tailored document for Halton.

Option 3: Produce a Provision of Open Space SPD

The final option considered by the Local Planning Authority is to produce a Provision of Open Space SPD. This would be produced to meet the specific purpose and objectives of the need for its production.

This is the most likely option to achieve creating more sustainable places. Although the production of the SPD must take into account national documents that relate to the issue of open space. The intended SPD must be shaped throughout by those who are involved in seeking to meet the same objectives as those set out in the intended purpose of the proposed SPD. It is therefore proposed to progress option 3.

Appendix F: Further Information

Further information relating to the purpose of the intended SPD:

To access a downloadable copy of the Planning Policy Guidance notes or Planning Policy Statements detailed in Section 2, or for further general planning information visit the Office of the Deputy Prime Minister website at www.odpm.gov.uk or for a hard copy contact the Office of the Deputy Prime Minister by telephone on 0870 1226 236.

Green Space Strategies – A good Practice Guide (May 2004)

Is The Grass Greener ...? Learning from international innovations in urban green space management (July 2004)

The Value of Public Space (March 2004)

Can all be downloaded free of charge from the CABE website at www.cabespace.org.uk/publications/

You can find out about the planning system and how it works at www.planningportal.gov.uk or www.planningoffice.co.uk

Further information regarding Sustainability Appraisals and the Strategic Environmental Assessment can be found in the following documents:

- The Strategic Environmental Assessment Directive: Guidance for Planning Authorities (for land use and spatial plans), October 2003
- A Practical Guide to the Strategic Environmental Assessment Directive, September 2005
- Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, November 2005

Are available via the DCLG website at www.odpm.gov.uk. This website also contains a general introduction to SEA and SA. The DCLG can be contacted on 020 7944 4400.

- Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners, June 2004; and
- Strategic Environmental Assessment and Climate Change: Guidance for Practitioners, May 2004

Are available via the Environment Agency website at www.environment-agency.gov.uk or telephone 08708 506 506

REPORT TO: Executive Board Sub Committee

DATE: 20 July 2006

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Draft Enforcement Policy - Consumer Protection Service

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To seek the adoption of the Consumer Protection Service Enforcement Policy following public and business consultation, and following consideration by the Safer Halton Policy and Performance Board.

2.0 RECOMMENDATION: That the Council adopts the revised Consumer Protection Enforcement Policy.

3.0 SUPPORTING INFORMATION

3.1 Apart from being best practice for any enforcement body to have a documented enforcement policy, the adoption, publication and adherence etc. to such a policy counts for 10% of the Council's sole Trading Standards Best Value Performance Indicator (BVPI) score.

3.2 The purpose of the enforcement policy, a copy of which is attached to this agenda item as Appendix 1, is to set out the Consumer Protection Service general approach to enforcement. The policy is based around the general principles of good enforcement, the Enforcement Concordat and the Code for Crown Prosecutors, and has been updated following relevant case law. The Council adopted the original policy in 2002.

3.3 An important part of the revision process has been consultation with business, other enforcing agencies and none users of the Service as required by the BVPI. Whilst there has been a low response rate to the consultation, the Police and the Drugs and Alcohol Action Team have been positive about the policy. In addition, the revision has been informed by case law and other experience of legal arguments raised over enforcement policies in recent years.

4.0 POLICY IMPLICATIONS

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

5.0 OTHER IMPLICATIONS

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

6.0 RISK ANALYSIS

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

7.0 EQUALITY AND DIVERSITY ISSUES

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

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

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

ENFORCEMENT POLICY

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

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

ENFORCEMENT CONCORDAT

Principles of Good Enforcement - Policy

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

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

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

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

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

The Consumer Protection Service Manager

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

Telephone: 0151 906 4864

Fax: 0151 471 7516

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

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

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

Principles of Good Enforcement - Procedures

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

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

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

TRADING STANDARDS POLICIES

Dealing With Infringements

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

Minor Matters

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

More Serious Breaches

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

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

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

Cautions

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

PROSECUTION

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

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

General Principles

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

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

Case Review

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

Code Tests

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

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

The Evidential Test

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

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

The Public Interest Test

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

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

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

Some common public interest factors in favour of prosecution.

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

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

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

Some common public interest factors against prosecution

A prosecution is less likely to be needed if:

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

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

The relationship between the victim and the public interest

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

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

Youths

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

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

Consumer Protection Service Policy

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

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

Partnership Working

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

Legislation Enforced

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

Schedule of Acts Enforced

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

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

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REPORT TO: Executive Board Sub Committee

DATE: 20th July 2006

REPORTING OFFICER Strategic Director Health & Community

SUBJECT: Licensing of Houses in Multiple Occupation

WARD (S): Boroughwide

1.0 PURPOSE OF REPORT

1.1 This report is to inform members of recent changes in legislation relating to the licensing of certain larger Houses in Multiple Occupation (HMOs) within the Borough, and to seek approval for a range of fees to be charged by the Council for this purpose.

2.0 **RECOMMENDED: That the proposed fees for licensing eligible properties be approved.**

3.0 SUPPORTING INFORMATION

3.1 In April the Housing Act 2004 introduced a requirement for the Council to license certain larger HMOs. This requirement makes it mandatory for HMOs of three storeys or more and with 5 or more occupants who comprise 2 or more households to be licensed.

3.2 HMOs are often occupied by the most disadvantaged members of society and often have poorer physical conditions and management standards than other private rented properties, and so the licensing scheme is welcomed. However in Halton the number of HMOs is low and it is anticipated that there may be as few as 10 properties that will require to be licensed at the present time.

3.3 The Act is complemented by specific regulations, and further Codes of Practice are to be introduced. The legislation is not totally prescriptive to allow authorities to tailor licensing provisions to local circumstances. The Government has therefore been keen to see collaborative working to develop local and regional approaches. The Council has therefore been working collaboratively with other authorities in the region and particularly in Cheshire

3.4 Once it has received an application the Council must either grant or refuse the licence. In doing so the Council must determine whether the HMO is suitable for occupation by the number of persons stated in the application. The licence may be granted subject to certain conditions. These could include a requirement for the property to be

brought up to a particular standard for the proposed number of occupants, for instance to provide additional toilets, bathrooms or cooking facilities within a timescale set down in the licence.

- 3.5 For the first time owners and /or managers will need to demonstrate to the Council through the application process that they are fit and proper persons to hold the licence and manage the property. Owners and managers will need to apply for a licence in respect of each licensable HMO. The licences are not transferable.
- 3.6 The legislation introduces penalties for failing to obtain a licence, for breach of licence conditions, or for failing to comply with certain HMO Management Regulations. Fines can be up to £20,000 for some offences. In addition the Council will be able to vary licences if deemed appropriate in response to a change in circumstances either at the request of the applicant or at the Council's discretion.
- 3.7 Although as mentioned above only a few larger HMOs in Halton will require to be licensed under the Act, the HMO Management Regulations apply to all HMOs and so it will provide the Council with the opportunity to ensure that any smaller HMOs within the Borough will also be properly managed.

4.0 FINANCIAL IMPLICATIONS

Local authorities are allowed if they wish to charge a fee for the costs reasonably incurred in administering the licensing process. Although standard fees could not be set across Cheshire a standard approach for determining fees has been agreed. The proposed scale of fees for Halton is listed below and will cover a 5-year licence, this being the maximum duration allowed for a licence.

Up to 6 rooms	£285
7-8 rooms	£295
9-10 rooms	£300
11 rooms +	£310

(Room means a bedroom or living room)

Nationally fees appear to have been set between nil and £1750, which has caused concern in some quarters. The National Federation of Residential Landlords has claimed fees in excess of £300 to be unreasonable. The proposed fee levels for Halton would therefore appear to be appropriate.

5.0 POLICY IMPLICATIONS

5.1 The implementation of this new piece of legislation will provide a valuable new tool for Halton's Private Sector Renewal Policy.

6.0 OTHER IMPLICATIONS

6.1 There are no other implications arising.

7.0 RISK ANALYSIS

7.1 The introduction of the new licensing scheme has been advertised widely by Government in the run up to the introduction of this new requirement, to minimise the risk of Landlords not being aware of this new duty. Halton has also sought to raise awareness by issuing a press release and sending questionnaire and guidance notes to landlords and letting agents that are potentially affected.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 HMO's are often occupied by vulnerable or disadvantaged groups and the introduction of mandatory licensing and the new HMO Management Regulations will help to ensure that suitable amenity and management standards will be in place.

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

<u>Document</u>	<u>Place of Inspection</u>	<u>Contact Officer</u>
Housing Act 2004	Grosvenor House	Principal Housing Inspector

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REPORT TO: Executive Board Sub Committee

DATE: 20th July 2006

REPORTING OFFICER: Strategic Director Health & Community

SUBJECT: Homelessness Prevention Fund

WARD(S) Boroughwide

1. PURPOSE OF THE REPORT

1.1 To gain approval for up to £10,000 of DCLG Homelessness Grant funding to be utilised annually to provide a 'Homelessness Prevention Fund'. This Prevention Fund will be managed by Halton Housing Trust (HHT) to avert homelessness, thereby reducing the number of homelessness applications in the Borough.

2. RECOMMENDED: that the Board agrees to the implementation of a Prevention Fund as outlined in this report and agrees that the Council's Standing Order (Contracts) 4.1 is waived accordingly.

3. SUPPORTING INFORMATION

3.1 Prevention is high on the Government's agenda. Homelessness can often be prevented with appropriate and effective intervention at crucial key times leading up to a homelessness presentation. Councils are starting to rethink traditional service delivery models in relation to homelessness. Where organisations have adopted a proactive approach to homelessness rather than a traditional reactive fire-fighting approach, impressive reductions in homelessness presentations have been seen.

3.2 Alongside evaluating staffing structures and functions, Council's are being encouraged to develop a range of housing options or preventative measures which can be considered prior to a homelessness application being processed. In this way 'inappropriate homelessness applications' may be filtered out.

3.3 An innovative approach to homelessness prevention also relies on frontline staff being able to make timely interventions (with the minimum of bureaucratic delay) to prevent homelessness from occurring. Spend to Save schemes, as sometimes prevention funds are labelled, work on the premise that usually a relatively small sum of money, for instance to pay for a rent deposit, saves more money long term as the cost of accommodating a household in temporary accommodation is expensive.

3.4 The Appendix attached highlights the proposed criteria relating to the

Prevention Fund. HHT will have delegated authority to utilise the Prevention Fund, in accordance with set criteria. A monitoring arrangement whereby HHT report to the Council will be put into place to ensure that the Prevention Fund is being appropriately applied.

3.5 Although the annual value of this work is limited to £10,000, the cumulative value over several years means that its procurement is subject to Standing Orders (Contracts). The rationale for seeking a waiver of Standing Order 4.1 is as follows:

- Compliance with Standing Orders is not practicable as the Council's requirements can only be delivered by HHT given that HHT provides the Homelessness and Housing Advice service on behalf of the Council (under contract), following LSVT in December 2005.
- The Prevention Fund criteria and proposed monitoring arrangements are transparent and HHT will be accountable to the Council for use of the Prevention Fund.

4. POLICY IMPLICATIONS

4.1 This initiative is consistent with Government good practice guidelines as exemplified in documents such as 'Developing Positive Outcomes' and is consistent with the aims and objectives of the Borough's Homelessness Strategy.

5. OTHER IMPLICATIONS

5.1 The Housing Agency Agreement with HHT has been drawn up largely on the basis of the service that had hitherto been provided by the Council. Like most Councils Halton operated on the basis of dealing with homelessness as it arose and traditionally little has been done to set up housing options to help prevent homelessness. This is something that will need to be addressed within the context of the contractual arrangement with HHT to ensure that service delivery in respect of homelessness fits with the national 'prevention agenda'.

5.2 Funding for the scheme can be met from the £23,000 Homelessness Grant currently provided annually by DCLG to prevent homelessness.

6. RISK ANALYSIS

6.1 The Prevention Fund criteria may be inappropriately applied. Risk control measures to ensure effective monitoring of the Prevention Fund will reduce this risk. A significant opportunity exists for improvement to the homelessness service. It is anticipated that the level of homelessness recorded in Halton will reduce as a result. Homelessness BVPIs measuring temporary accommodation usage and prevention are contributory factors in the overall CPA assessment, therefore it is important that the Council scores well in this service area.

7. **EQUALITY AND DIVERSITY ISSUES**

None

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

Document

Place of inspection

Contact Officer

None

PREVENTION FUND CRITERIA

1. General criteria

The PF should only be used where there is reason to believe the household is homeless, or threatened with homelessness, in priority need and unintentionally homeless. However consideration may be given in exceptional circumstances to households with children found to be intentionally homeless if this prevents placement in temporary accommodation.

- No cash payments will be made.
- Maximum payment will be £500 (payment may be increased in exceptional circumstances e.g. to accommodate large families).
- Payments will usually be 'one offs' and restricted to one per household.

In the event that funding becomes restricted or limited, funds will be targeted in the following order:

- Households with children.
- Where a member of household is pregnant.
- Couples.
- Single Person households.

The Homelessness Manager at HHT will make any decision regarding restriction, or prioritisation of funding in conjunction with the Service Development Manager (Homelessness) at HBC.

2. Preventative Options that may be considered

Officers may consider any of the following options:

- Rent in advance payments – private sector landlords usually require a months rent in advance, upon the signing of a tenancy agreement.
- Bonds – relate to an agreement that a payment will be made to a private landlord *if the need arises* to cover any damage made by the tenant. Landlords normally require a bond equivalent to the value of a months rent to cover the cost of any damages to the property.
- Damage deposits – in this instance a payment is made to a private landlord at the start of a tenancy to cover any damage that a tenant may cause to a private rented property. Landlords normally require a

deposit equivalent to the value of a months rent to cover cost of any damages to the property and its contents. The Government is considering setting up independent schemes whereby the deposit is held in trust in case of a dispute between tenant and landlord. If these schemes are implemented, HHT will also deal with the administrators of such schemes as the need arises.

- Rent 'top ups'- these may be payments made in respect of rent shortfalls where tenants are struggling to make the full rental payment. Hardship may happen for example if a tenant's income changes, or if they are on a low wage and have an unexpected financial crisis or event to pay for. Payment will only be made if it is considered that the tenant can otherwise meet rent payments in the future.
- Payments in respect of delays in Housing Benefit payments. Delays in HB can mean that a landlord is waiting for their rent. Payment in advance of HB payments being made can keep relations between the landlord and tenant harmonious and prevent worry and anxiety for the tenant. Payment would be direct to the Landlord subject to agreement that it will be repaid when HB payments are received.
- Rent arrears payments to RSLs and Private Landlords. In certain situations it may be pragmatic to clear rent arrears, or to make a gesture to clear some of the arrears. If a household becomes homeless there may be a duty to re-house, or at least to provide emergency accommodation for a reasonable period of time. In financial terms the cost of providing emergency accommodation or re-housing is usually well in excess of making a payment towards rent arrears.
- Agency fee payments - Private letting agencies normally charge an administrative fee to cover the cost of providing tenancy agreements and processing an application. This is usually about £50 -£75.
- One off payments for furniture removals and house clearance. This type of payment may help a household to move from a property that is unsuitable (so they are homeless in terms of the legislation), or may help a household that is threatened with homelessness to move to a suitable available property. If removal expenses have to be saved for, or borrowed from other sources, a property that is vacant could be let to someone else, as an RSL or private landlord will not keep a property empty until a household is in a position to move.
- Rent Guarantees for RSLs. See explanation for private landlords above, although this would only normally apply where an applicant was under 18 years of age and legal address for rent arrears may not be as easily available as for older clients.
- Court costs for RSLs and private tenants. Private landlords and

RSLs may be persuaded to retain a tenant even following Court intervention, if Court costs are covered. (Normally some agreement regarding any rent payments due would also have to be made.)

- Travel costs - Clients may wish to view or take up properties in other areas and may need help with travel costs.

N.B. payments to RSLs and private landlords can only be made where there is an undertaking not to evict the tenant and allow the tenant to return to the property.

This list is not intended to be comprehensive. There may be other circumstances where it is expedient to utilise the PF.

3. **Monitoring**

Quarterly monitoring reports will be sent to the Service Development Manager (Homelessness), detailing any authorised expenditure, number of cases and reasons for expenditure. Any exceptions to the general criteria will also be highlighted. This information will feed into the BVPI 213 regarding the monitoring of the success of the housing advice service in the prevention of homelessness.

REPORT TO: Executive Board Sub Committee

DATE: 20th July 2006

REPORTING OFFICER: Strategic Director Health and Community

SUBJECT: Intermediate Care Crisis Beds

WARDS: Borough Wide

1. PURPOSE OF REPORT

- 1.1 To seek the authority to continue with the contract for two Intermediate Care Crisis beds with Southern Cross/Highfield health care (Beechcroft Care Home), for up to a further six months, to suspend contract standing orders 2.2-2.6, 2.8-2.13, and approve delegated powers to enter into a contract without going out to competitive tender. This updates permission granted by Executive Sub Board on 5th September 2005.

2 RECOMMENDED: That

- (1) **for the purposes of SO16c, standing orders be waived as compliance is not practicable for the reason of the level of training and support that has been provided within this environment, and the need to continue to operate the service; 2 Intermediate Care crisis beds in Runcorn.**
- (2) **Contract standing orders 2.2-2.6, 2.8-2.13 be waived on this occasion and the contract for Intermediate Care Crisis Services for the period from March 31st for up to 6 months to be awarded to the Southern Cross/Highfield health care (Beechcroft Care Home).**

3. SUPPORTING INFORMATION

- 3.1 Oaklodge Care home in Runcorn (CLS) were awarded a contract in 2003, to provide 10 specialist Intermediate Care Beds. On the 27th July we were informed that the care home would be closing, a four-week notice period was given.
- 3.2 Due to the short notice period, we immediately ceased admissions to the unit, to ensure that we were able to facilitate appropriate discharges, and the unit was closed on the 12th August 2005.
- 3.3 The Beechcroft crisis beds were opened on the 12th August 2005, these beds are an essential part of our service, and enables us to manage more complex risk issues, negating the need to admit

unnecessarily to more intensive services.

- 3.4 During the past 6 months, an intensive level of training and support has been provided to the staff supporting this bed provision, and a network of relationships with the Intermediate Care Team has been forged.
- 3.5 The Outcomes for service users have been positive and supported the overall aims of Intermediate Care.

4 WAIVER OF STANDING ORDERS

- 4.1.1 Compliance with standing orders is not practicable for reasons of commercial detriment to the council in line with the level of training and support that has been provided within this setting. SO16c.
- 4.1.2 his request for waiver of standing orders 2.2-2.6, 2.8-2.13 is made retrospectively, 12th February, due to the need to continue to keep these beds operational.
- 4.1.3 Waiver is requested for a period of 6 months, to allow sufficient time to tender for the provision of this service, and ensure that we are able to provide any additional training required, to a new provider, and complete the review of the overall service provision, within the framework of standing orders.
- 4.1.4 If waiver of standing orders is not agreed, this will result in a real decrease in service provision, particularly in Runcorn. This could result in an increase in admissions both to long-term care and hospital, due to the lack of services in the community.
- 4.1.5 This would also result in inequity of provision across the Borough, as Widnes residents can access Oak Meadow Intermediate care beds. Local services are important in supporting people to return home.

5 THE INTERMEDIATE CARE CRISIS BEDS

- 5.1 Intermediate care is a range of services that aim to prevent unnecessary admission to hospital and long-term residential and nursing care, facilitate earlier discharge from hospital, and support people to remain in their own homes as independently as possible. The crisis beds are 2 residential care beds which will be block purchased. These beds are for use by the Rapid Access Rehabilitation Service and other designated teams to admit people assessed in the community where their environmental and /or social circumstances determine that to remain in their own home would pose unmanageable risks. It should be identified that these risks can be resolved in a timely manner to enable the person to return home and continue with a programme of rehabilitation/reablement.

- 4.2 There will be an agreed admission criteria for access to the beds.

- 4.3 During the six -month period we plan to evaluate their usage to ensure appropriateness and effectiveness, and on the basis of this proceed with a tender process for provision of these beds over a longer period of time, if required up to 3 years.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for this service will continue to be from Access and Systems Capacity Grant and Vulnerable Adults Task Force (part NRF funding with HBC and PCT match), the funding is available at least until 2008, therefore no additional funding will be required.
- 5.2 The actual cost of the contract for 6 months is £14,832

6. POLICY IMPLICATION

- 6.1 The development of intermediate care services supports the Boroughs priority of improving health. The use of crisis beds are part of the wider development of an approach to intermediate care that is being developed by the Intermediate Care sub-group of the National Service Framework Local Implementation Team for Older Peoples Services.

7. EQUALITY IMPLICATIONS

- 7.1 Older people are often excluded from services or discriminated against in service provision on the basis of their advancing years. This services focuses on maximizing someone's recovery so they can maintain their independence and live at home in the community as long as possible.

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