



**Corporate Policy and Performance Board**

**Tuesday, 21 October 2014 6.30 p.m.  
Civic Suite, Town Hall, Runcorn**

A handwritten signature in black ink that reads 'David WR'.

**Chief Executive**

**BOARD MEMBERSHIP**

<b>Councillor Robert Gilligan (Chairman)</b>	<b>Labour</b>
<b>Councillor Alan Lowe (Vice- Chairman)</b>	<b>Labour</b>
<b>Councillor Joe Roberts</b>	<b>Labour</b>
<b>Councillor Ellen Cargill</b>	<b>Labour</b>
<b>Councillor Mark Dennett</b>	<b>Labour</b>
<b>Councillor Stan Hill</b>	<b>Labour</b>
<b>Councillor Chris Loftus</b>	<b>Labour</b>
<b>Councillor Angela McInerney</b>	<b>Labour</b>
<b>Councillor Norman Plumpton Walsh</b>	<b>Labour</b>
<b>Councillor Kevan Wainwright</b>	<b>Labour</b>
<b>Councillor Christopher Rowe</b>	<b>Liberal Democrat</b>

*Please contact Gill Ferguson on 0151 511 8276 Ext. 16 8276 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Board is on Tuesday, 6 January 2015*

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

**Part I**

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<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)</b>	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting during any discussion and voting on the item.</p>	
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***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**REPORT TO:** Corporate Services Policy & Performance Board

**DATE:** 21<sup>st</sup> October 2014

**REPORTING OFFICER:** Strategic Director, Resources

**SUBJECT:** Public Question Time

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

### **1.0 PURPOSE OF REPORT**

1.1 To consider any questions submitted by the Public in accordance with Standing Order 34(9).

1.2 Details of any questions received will be circulated at the meeting.

**2.0 RECOMMENDED: That any questions received be dealt with.**

### **3.0 SUPPORTING INFORMATION**

3.1 Standing Order 34(9) states that Public Questions shall be dealt with as follows:-

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner, which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
  - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
  - Is defamatory, frivolous, offensive, abusive or racist;
  - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - Requires the disclosure of confidential or exempt information.

- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chairperson will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

#### **4.0 POLICY IMPLICATIONS**

None.

#### **5.0 OTHER IMPLICATIONS**

None.

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

6.1 **Children and Young People in Halton** - none.

6.2 **Employment, Learning and Skills in Halton** - none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

#### **7.0 EQUALITY AND DIVERSITY ISSUES**

7.1 None.

**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.

**REPORT TO:** Corporate Services Policy and Performance Board

**DATE:** 21<sup>st</sup> October 2014

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Executive Board Minutes

**WARD(s):** Boroughwide

## **1.0 PURPOSE OF REPORT**

- 1.1 The Minutes relating to the Corporate Services Portfolio which have been considered by the Executive Board and Executive Board Sub are attached at Appendix 1 for information.
- 1.2 The Minutes are submitted to inform the Policy and Performance Board of decisions taken in their area.

## **2.0 RECOMMENDATION: That the Minutes be noted.**

## **3.0 POLICY IMPLICATIONS**

- 3.1 None.

## **4.0 OTHER IMPLICATIONS**

- 4.1 None.

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

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

None

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

None

### **5.3 A Healthy Halton**

None

### **5.4 A Safer Halton**

None

### **5.5 Halton's Urban Renewal**

None

**6.0 RISK ANALYSIS**

6.1 None.

**7.0 EQUALITY AND DIVERSITY ISSUES**

7.1 None.

**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.

**EXECUTIVE BOARD MINUTES – 4<sup>th</sup> SEPTEMBER 2014**

**RESOURCES PORTFOLIO**

**EXB46 CORPORATE PPB TOPIC GROUP- CORPORATE COMPLAINTS HANDLING PROCEDURE**

The Board considered a report of the Strategic Director, Policy and Resources, which reported the findings of a review of the existing Corporate Complaints Handling Procedures.

Councillor Joe Roberts, Chair of the Topic Group, attended the meeting to present the report. The Board was advised that the Corporate Policy and Performance Board Topic Group had undertaken a review of the existing procedures to ensure that they were fit for purpose, consistent with recognised good practice and reflected best value in terms of economy, efficiency and effectiveness.

It was reported that a thorough review had been undertaken which concluded that the existing arrangements had a number of strengths, but that there was scope for improvement. Details of the findings were contained in the Topic Group report attached to the report. It was noted that one recommendation had suggested that consideration be given to the development of a Corporate Unacceptable Behaviour/Actions Policy, to articulate the Council's expectations concerning the behaviour of both staff and members of the public, providing a framework through which interactions could be managed in a consistent manner.

RESOLVED: That the recommendations contained within the report be supported as the basis for the implementation of a revised Corporate Complaints Handling Procedure. Strategic Director - Policy & Resources

**EXB47 2014/15 QUARTER 1 SPENDING**

The Board considered a report of the Operational Director, Finance, which summarised the overall revenue and capital spending position as at 30 June 2014.

In overall terms, revenue expenditure was £0.176m below the budget profile, however, this was only a guide to eventual spending. It was noted that spending on employees was £368,000 below the budget profile at the end of the



quarter.

Members were advised that the economic downturn continued to affect budgeted income targets. A number of income budgets were below their profile including trade waste income and sales revenue from the Stadium.

With regard to capital spending, it was reported that spending to the 30 June 2014 totalled £6.2m, which was 94% of the planned spending of £6.6m at this stage. However, this represented 17% of the total capital programme of £35.8m (which assumed a 20% slippage between years).

The Council's Balance Sheet was monitored regularly in accordance with the Reserves and Balances Strategy which formed part of the Medium Term Financial Strategy. The key reserves and balances had been reviewed and were considered prudent and appropriate at this stage in the financial year.

RESOLVED: That

- 1) all spending continues to be limited to the absolutely essential;
- 2) Strategic Directors ensure overall spending at year-end is within their total operational budget; and
- 3) Council approve the revised Capital Programme, as set out in Appendix 3 attached to the report.

Operational  
Director - Finance

EXB48 TREASURY MANAGEMENT 2014/15 1ST QUARTER  
APRIL-JUNE

The Board considered a report of the Operational Director, Finance, which updated Members on the activities undertaken on the money market, as required by the Treasury Management Policy.

The report provided supporting information on the economic background, economic forecast, short term rates, longer term rates, temporary borrowing/investments and new long term borrowing. It was noted that no debt rescheduling had been undertaken during the quarter.

RESOLVED: That the report be noted.

EXB49 DISCRETIONARY NON DOMESTIC RATE RELIEF

The Board considered a report of the Strategic Director, Policy and Resources, which related to two applications for discretionary non-domestic rate relief.

The Board was advised that, under the provisions of the Local Government Finance Act 1988, the Authority was allowed to grant discretionary rate relief to any business ratepayer, when it was considered appropriate. This relief had only been available to award to organisations that were a charity, a not-for-profit organisation or a Community Amateur Sports Club.

It was reported that since April 2013, there had been significant changes in the funding of non-domestic rate reliefs and exemptions following the introduction of the Retention of Business Rates Scheme, the details of which were set out in the report.

The report set out the details of the requests from the Chester Diocesan Board of Finance and the Halton Credit Union Ltd. Appendix 1 provided details of the costs identified to the Council Taxpayer for each application.

RESOLVED: That Discretionary rate relief be granted to the following organisations at the percentage indicated, for the period from 1 April 2013 (or the commencement of liability whichever is the later) to 31 March 2016:-

Chester Diocesan Board of Finance	20%
Halton Credit Union Ltd	100%.

Strategic Director  
- Policy &  
Resources

EXB50 MUNICIPAL BONDS AGENCY

The Board considered a report of the Operational Director, Finance, on the establishment of a Municipal Bonds Agency.

The Board was advised that the Local Government Association were looking to establish a Municipal Bonds Agency (MBA) with the aim of offering Councils access to cheaper borrowing rates. It was noted that currently, the usual methods for borrowing by Councils is through the Public Works Loan Board or financial markets. An MBA would seek to give Councils access to lower borrowing costs

and greater influence over interest rates, with the possibility of financing costs reduced by up to a prudent 20 to 25 bases points; this could result in an annual saving on each £10m of borrowing of up to £25,000 each year.

It was reported that the company would look to raise up to £10m of equity capital in two phases, as detailed in the report. The minimum investment to phase 1 was set at £10,000, although it was noted that this phase had been oversubscribed. The company would source the funds to enable it to lend to local authorities by issuing bonds to financial markets. The success of the scheme was dependent on bonds issued at prices which enabled the company to provide competitive lending rates and on there being enough demand for borrowing from local authorities.

RESOLVED: That

- 1) approval be given for the Council to become a shareholder in the Local Capital Finance Company Ltd; and
- 2) the Operational Director, Finance, in consultation with the Executive Board Member, Resources, be given delegated approval to invest with the Local Capital Finance Company Ltd, in the first sum of £10,000, and they also consider a subsequent second phase investment.

Operational  
Director - Finance

EXB51 NON EMERGENCY WAIVER REGISTER - ANNUAL REPORT FOR 2013/14

The Board considered a report of the Strategic Director, Policy and Resources, which provided an update on non-emergency waiver approvals granted in the period 1 April 2013 to 31 March 2014.

The Board was advised that, following changes to the Council's Constitution which was approved by Council on 17 April 2013, a new threshold for low value non-emergency waivers under £5,000 was established. In such cases, a Divisional Manager could seek approval to waiver part of Procurement Standing Orders with the permission of the Head of Procurement.

It was noted that the Head of Procurement was required to report such approvals to Executive Board

annually. Appendix 1 contained details of the 31 applications in year which had received such approval. It was further noted that, with the changes to the thresholds for the current year to a higher value, approved by Council on 9 April 2014 as part of the Constitution Review, the threshold for the approval of non-emergency waivers had been increased to £50,000 from April 2014.

RESOLVED: That the non-emergency waivers approved during 2013/14 by the Divisional Manager, Procurement, in accordance with Procurement Standing Order 1.8.3, as shown in the attached Appendix, be noted.

#### EXB52 DIRECTORATE OVERVIEW REPORTS - QUARTER 1

The Board considered a report of the Strategic Director, Policy and Resources, on progress against key objectives/milestones and performance targets for the first quarter to 30 June 2014.

The Directorate Performance Overview Report provided a strategic summary of key issues arising from performance in the relevant quarter for each Directorate, being aligned to Council priorities or functional areas. The Board noted that such information was key to the Council's performance management arrangements, with the Board having a key role in monitoring performance and strengthening accountability.

It was noted that Directorate Risk Registers had been reviewed and refreshed in conjunction with the development of Directorate Business Plans 2014/17. The monitoring of high risks would be reported in Quarter 2.

It was reported that monitoring of relevant high risks would be undertaken and progress be reported against the application of the risk treatment measures in Quarters 2 and 4.

RESOLVED: That the report and progress and performance information be noted.

#### EXB53 CORPORATE SECURITY CONTRACT

The Board considered a report of the Strategic Director, Children and Enterprise, which notified Members that a tender for Corporate Security Services would be published via the Chest and to seek the waiver of

Procurement Standing Orders for a temporary extension of the current contract.

The Board was advised that there were currently three contracts in place, with a total expenditure in the region of £750,000 per annum, which provided static guarding, key holding and emergency call outs to the majority of the Council's corporate buildings. This also included security requirements at The Brindley, Halton Stadium and the Borough's parks and gardens.

It was reported that, as each area of buildings and landscaping had differing requirements, the contract would be split into three sections. It was intended that the new contract would be awarded for a three year period, with the provision to extend for a further year. The report detailed the proposed two stage procurement process.

The Board noted that two of the current contracts expired on 10 May 2015 and the third expired on 31 May 2015. Therefore, permission was sought for a temporary extension so that all contracts would expire on 31 May 2015, with the award of the new single contract commencing from 1 June 2015.

RESOLVED: That

- 1) in line with Procurement Standing Orders 1.8.3 (e), Executive Board approve the waiver of Procurement Standing Orders 2.1. to 2.1.3, in order to allow the Operational Director, Economy, Enterprise and Property to grant an extension to the existing security contracts covering corporate buildings and The Brindley and Halton Stadium, from 10 May 2015 until such time that the new contract is let, which is anticipated to be 1 June 2015, in order to bring all requirements in-line to allow a new contract to be awarded covering all requirements at the same time; and
- 2) Members note the intention to procure a new corporate security contract in line with the EU Public Procurement Regulations 2006 and Procurement Standing Orders.

Strategic Director -  
Children and  
Enterprise

EXECUTIVE BOARD MINUTES – 18<sup>TH</sup> SEPTEMBER 2014

**RESOURCES PORTFOLIO**

**EXB61 LOCAL GOVERNMENT TRANSPARENCY**

The Board considered a report of the Strategic Director, Policy and Resources, on the introduction of the Openness of Local Government Bodies Regulations 2014 (the Regulations).

The Board was advised that the Regulations had introduced changes to the way that information relating to local authority matters, including those decisions made within meetings, could be disseminated. It was noted that these changes included access to meetings by the press and public and the publication of decisions made by Officers. It was now permissible to film, audio-record, photograph or use social media to report proceedings of those meetings that were open to the public.

It was reported that the Regulations also required Officer decisions to be recorded as soon as reasonably practical and published on the Council's web site. Three decision categories and guidance on which delegated decisions should be included were detailed in the report.

The Board noted that the report and background papers would be used to form a Council Policy on transparency in local government for Halton Council.

RESOLVED: That

- 1) the report be noted; and
- 2) appropriate amendments to the Council's Constitution be incorporated at the next review.

Strategic Director  
Policy and  
Resources

**EXB62 PUBLIC SERVICES (SOCIAL VALUE) ACT 2012 POLICY & PROCUREMENT FRAMEWORK**

The Board considered a report of the Strategic Director, Policy and Resources, which sought endorsement of the work undertaken to develop the Social Value approach within the Policy and Procurement Framework.

The Board was advised that the Public Services (Social Value) Act 2012 (the Act), introduced a statutory requirement for public authorities to have regard to economic, social and environmental well-being in connection with 'public service contracts' within the meaning of the Public Contracts Regulations. It was reported that the Act required the Council only to consider how what was being procured might improve the well-being of the relevant area and how the procurement process might act with a view to achieving that improvement. The Act set out three key themes to be addressed in seeking social value:-

- Social;
- Economic; and
- Environmental.

The report set out details of the policy options for the Council, the vision under the Sustainable Community Strategy (SCS), the alignment of the environmental, social and economic focus of the Act with the duty of Best Value, the SCS and the Marmot priorities and the development of a Social Value policy statement, which was attached at Appendix 1. In addition, Members noted details of a Social Value Procurement Framework which had been produced to aid implementing the policy statement.

It was noted that both the policy and the framework had been consulted upon with relevant stakeholders, both internal and external, and the suggested approach had received universal support.

RESOLVED: That

- 1) the work carried out to date on developing a Social Value Approach for Halton Borough Council and the NHS Clinical Commissioning Group be noted;
- 2) the Policy Statement and Procurement Framework, attached as an Appendix to the report be approved; and
- 3) the sharing of the Council's approach to the wider partnership for their use (as appropriate) through both the Health and Wellbeing Board and the

Strategic Director  
Policy and  
Resources

Halton Strategic Partnership be supported.

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**REPORT TO:** Corporate Services Policy and Performance Board

**DATE:** 21<sup>st</sup> October 2014

**REPORTING OFFICER:** Strategic Director Policy & Resources

**SUBJECT:** Business Planning 2015-18

**WARDS:** Boroughwide

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

1.1 To offer a timely opportunity for Members to contribute to the development of Directorate Business Plans for the coming financial year.

### **2.0 RECOMMENDATION:**

**That the Board receive the information provided and indicates any areas of service activity that are considered relevant to plan development.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 Each Directorate of the Council is required to develop a medium-term business plan, in parallel with the budget, that is subject to annual review and refresh. The process of developing such plans for the period 2015-2018 has now begun.
- 3.2 At this stage Members are invited to identify a small number of priorities for development or improvement (possibly 3-5) that they would like to see reflected within those plans. Strategic Directors will then develop draft plans which will be available for consideration by Policy and Performance Boards early in the New Year.
- 3.3 Whilst providing a Directorate context each of the Directorate Business Plans will contain appendices identifying specific Departmental activities and performance measures and targets that would provide a focus for the on-going monitoring of performance throughout the year.
- 3.4 It is important that Members have the opportunity to provide input to the process at the early stages in order that their knowledge of local and organisational issues forms an integral element of plan development.
- 3.5 It should be noted that plans can only be finalised once budget decisions have been confirmed in March and that some target information may need to be reviewed as a result of final outturn data becoming available post March 2015.

- 3.6 To assist the Board the Strategic Director (Policy & Resources) will give a short presentation on the issues and challenges facing the areas that fall within the Boards remit over the period of the next plan and will circulate the outline of that presentation in advance of the meeting.
- 3.7 The timeframe for plan preparation, development and endorsement is as follows:

<b>Receiving Audience</b>	<b>Information / Purpose</b>	<b>Timeframe / Agenda on Deposit</b>
<b>PPB</b>	Discussion with relevant Operational / Strategic Directors concerning emerging issues, proposed priorities etc.	Autumn 2014
<b>Directorate SMT's</b>	To receive and endorse advanced drafts of Directorate Plans	SMT dates to be agreed with all Strategic Directors
<b>Management Team</b>	To receive and comment upon / endorse advanced drafts of Directorate Plans	December 2013
<b>PPB's</b>	Receive advanced draft plans including details of relevant departmental service objectives/milestones and performance indicators	January / March PPB cycle
<b>Executive Board</b>	To receive advanced drafts of Directorate Plans for approval	26 <sup>th</sup> March 2015

#### **4.0 POLICY IMPLICATIONS**

- 4.1 Business Plans form a key part of the Council's policy framework and as such will be developed taking account of known and anticipated changes within the Council's operating environment.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 Directorate Plans will identify known or anticipated resource requirements relating to finance, HR, ITC and accommodation needs.
- 5.2 Arrangements for the provision of Quarterly Priority Based Performance Monitoring Reports to Members would continue. Such reports would routinely contain information concerning key developments and emerging issues and departmental objectives and performance indicators.

## **6.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

6.1 The business planning process is one means by which the progression of the Councils strategic priorities is integrated into the operational activities of Departments and Divisional Teams throughout the organisation.

## **7.0 RISK ANALYSIS**

7.1 The development of a Directorate Plan will allow the authority to both align its activities to the delivery of organisational and partnership priorities and to provide information to stakeholders as to the work of the Directorate over the coming year.

7.2 Risk Assessment will continue to form an integral element of Directorate Plan development. This report also mitigates the risk of Members not being involved in setting service delivery objectives.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equality and diversity issues directly related to this report. However such matters will continue to be reported annually through the performance monitoring process.

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

There are no relevant background documents to this report.

**REPORT TO:** Corporate Services Policy and Performance Board

**DATE:** 21<sup>st</sup> October 2014

**REPORTING OFFICER:** Strategic Director Children and Enterprise

**PORTFOLIO:** Physical Environment

**SUBJECT:** Markets Update – Charging Policy

**WARD(S)** Appleton and Mersey

## 1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to provide an update to Members on the adoption of a Markets Charging Policy. The Charging Policy captures key issues and questions raised at previous PPB meetings.

2.0 **RECOMMENDATION: That Members note the contents of the report.**

## 3.0 SUPPORTING INFORMATION

In June Members of this committee considered a report which outlined the changes and improvements that have been made at the markets during the last 12 months.

During the discussions, Members made a number of suggestions and observations relating to future priorities and actions at the Markets. Key areas included:

Power Supply and Power Consumption;  
Occupancy/Vacancy Rates;  
Rental Income;  
Rental Arrears;  
Expenditure;  
Return on Investment i.e. an opportunity/cost analysis

It was noted that a review of market hall rents had taken place.

Members acknowledged that a payment system was required that more accurately reflects an equitable distribution of expenditure/costs across the market, and satisfactorily distinguishes between popular or, conversely, difficult to let stalls.

These considerations have led to the adoption of a charging policy for the markets.

A Charging Policy for Halton Borough Council's Markets has been implemented to provide a single source of information setting out how traders are charged for renting a stall or storage space within Widnes Market Hall, Widnes Open Market, and Runcorn Street Market. This will ensure transparency for traders and at the same time will provide a full working document that can be used by the markets management team to ensure that all traders are treated in a consistent and fair manner.

As part of this exercise, a review of the way Halton Borough Council charges its traders was undertaken to ensure that rents are consistent, competitive and viable. It should be noted that rents within Widnes Market have remained static since 2009/2010. The introduction of this Charging Policy will ensure that there is a consistent starting point for any future rent reviews.

Whilst carrying out the review it became clear that there were a number of areas where there did need to be changes made to the way that Halton Borough Council currently charges its traders. The principal changes are as follows:

- (a) Rents within the Market Hall should, moving forward, be based on up-to-date floor space and frontage measurements to ensure accuracy and consistency when calculating rents. New rents for each stall have since been calculated using a single competitive formula. These have been set at a level which will ensure that the majority of stall rents will remain comparable to existing rents and to ensure that during this transitional time, the market's rental income from these stalls will remain at a static level.
- (b) To ensure prompt payment by traders and to reduce arrears, all tenants within the Market Hall should be required to set up a Direct Debit to pay their monthly stall charges.
- (c) Consistent electricity charges for traders would be introduced as soon as possible to ensure fairness and equality between traders. In reviewing the way that Halton Borough Council charges for electricity consumption, it was agreed that a banding system should be introduced as set out in the Charging Policy. The bands have been kept at levels which are deemed to be affordable particularly to those tenants who use lower levels of electricity, but at the same time it was agreed that some of the tenants who use significantly more electricity than other should be billed accordingly. It was also considered that certain tenants who were deemed to be high users would be required to make payments based on actual usage and would have a meter installed on their stall(s). An audit of electricity usage in the market has been undertaken by Halton Borough Council's approved electrical contractors to inform this exercise. Most traders will see an increase in the amount that they are charged for electricity.
- (d) Runcorn Street Market will see the introduction of a new charging structure. Currently traders are charged for each Halton Borough

Council pop up stall that they use at a cost of £15 per pop up (3 meters of frontage). However, under the proposed pricing structure traders will be asked to pay according to the frontage measurements of their stalls. The price for a Halton Borough Council pop up will remain at £15 per stall. However, any additional space created using a trader's own stalls will be charged at a rate of £4 per metre. Traders who are willing to use their own stall on the Street Market without using a Council pop up will be charged £15 for the first 4 metres of frontage (minimum charge £15). This will allow traders to continue to rent a stall for the same current price of £15, but it will also provide an incentive to traders to use their own stalls.

- (e) New consistent store room charges are also proposed based on store room area. The costs that are proposed in the Charging Policy have been set at a level to ensure that most traders will not see a significant increase in costs. Those store rooms on the ground floor or on the first floor with lift access are charged at a higher rate than those on the first floor without lift access.

Licenses will be introduced for outdoor traders, daily use of the Market Hall, Runcorn Street Market traders, containers and store rooms.

Any changes in rental levels proposed within the Charging Policy will not be introduced until April 2015.

#### 4.0 **POLICY IMPLICATIONS**

- 4.1 There are no further policy implications associated with this report.

#### 5.0 **OTHER/FINANCIAL IMPLICATIONS**

- 5.1 There are no negative financial implications for the Council arising out of this report. It is expected that income will remain broadly in line with previous years, whereby the markets generate a small operating surplus. However, some savings are expected as a result of changes to how power supply is charged at Widnes Indoor Market.

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

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

N/A

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

The markets allow potential entrepreneurs and fledgling businesses the opportunity to set up in a supportive and low risk environment.

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

N/A

6.4 **A Safer Halton**

N/A

6.5 **Halton's Urban Renewal**

Markets contribute to supporting the respective town centres. It also encourages local residents to 'shop local'.

7.0 **RISK ANALYSIS**

7.1 There is a risk that the Council does not see a return on its investment through increased footfall in the markets and wider town centres and an increase in traders paying rent.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 Access to the markets has improved to ensure that our markets remain accessible for all.

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

None within the meaning of the Act



# **Halton Borough Council**

## **Markets**

### **Charging Policy**

**August 2014**



**CONTENTS****1.0 Widnes Market Hall**

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## **1.0 Widnes Market Hall**

### **1.1 Opening Days and Hours**

Widnes Market Hall is a five day market, which is closed on Tuesdays and Sundays. The opening hours are 9am to 5pm.

The market is closed on Bank Holiday Mondays, but opens on Good Friday.

Additional Christmas opening days and hours are usually agreed during October each year after consultation with traders, but typically involve opening the market seven days a week for a period leading up to Christmas Eve followed by days when the market is closed.

There may also be occasions where the market opens for extra themed days or promotional events. Traders will be notified of these in advance.

Stalls within the Market Hall are expected to be open at all times when the market is open.

Although Tuesday is not a trading day, traders do have full access to the Market Hall on this day for stall maintenance and re-stocking between the hours of 9am and 4.45pm. Outside of these hours, traders must notify the market office staff of any additional access required for emergency purposes and a decision about whether this is possible will be made by the market manager.

### **1.2 Eligibility to Rent a Stall**

All applications for stalls within the Widnes Market Hall should be made to the Widnes Market office. Where an application is for a product or service which is not currently offered on the market, then a decision relating to whether this product can be sold/ offered on the market can be 'fast tracked', enabling a decision within two weeks. All other applications for indoor stalls are considered at Panel Meetings, which take place approximately every 6 weeks. In order to protect existing businesses within the Market Hall, applications for new stalls will not be considered between November and January each year.

Where an application is successful, various pieces of identification will need to be provided by the applicant before they can trade. This includes: public liability insurance (insured to the sum of £5 million), two pieces of identification showing the name and home address of the applicant (dated within the last 3 months) and a piece of identification showing the applicant's national insurance. Applicants will also be required to sign a Tenancy at Will which will set out the commodities and/ or services that they are able to sell/ offer from their stall.

Stalls at Widnes Market Hall cannot be rented to Claims Management Companies i.e. businesses that handle claims for compensation in relation to personal injury, financial products/services (such as mis-sold payment protection insurance), employment matters, criminal injuries, industrial injuries, disablement benefit and housing disrepair.

### 1.3 Stall Rents

All Market Hall stall rents take into consideration the likely opening days and times across a year. This means that no additional charges are made if the Market Hall opens on additional days and likewise no compensatory payments are given if the Market Hall closes on a normal trading day.

All stall rents will be reviewed annually.

From 1 April 2015 all Market Hall stall rents must be paid by direct debit.

#### a) Existing Traders

In February 2014, Cad Capture was instructed to carry out a full re-measure of all stall frontages and stall areas in the Market Hall to ensure accuracy and consistency when calculating stall rents. This exercise has now been completed and the following formula has been applied to these measurements to calculate rents for each stall:

- Frontage – 81 pence per ft per week;
- Area - 54 pence per sq ft per week.

VAT is added to all rents at the appropriate rate.

The newly calculated rents will come into force on 1 April 2015 and will be communicated to each trader in advance of this. They have been set at a level which will ensure that the majority of stall rents will remain comparable to existing rents and to ensure that during this transitional time, the market's rental income will remain at a static level.

Any trader wishing to pay a lump sum equivalent to 12 month's stall rent in advance will be eligible for a 10% discount off their overall rent. Any trader wishing to do this should put their request in writing to the Market Office who will provide a full breakdown of prices for the year for consideration. Electricity and promotions charges will remain full price during any discounted period.

In addition to this, any trader who rents 5 stalls or more will be entitled to a 10% reduction in rent.

#### b) New Traders

Stall charges will be calculated using the same formula specified above under existing traders. A monthly price breakdown for each vacant unit is provided to all successful applicants so that they can make an informed decision about which unit they wish to rent prior to being made a formal offer of a stall.

Once a stall has been chosen by a successful applicant, a full schedule of monthly costs is provided to them with an offer letter. These are fixed monthly charges which include the stall rent, a cost for

electricity usage and a charge towards market promotions. VAT is added to rent and electricity charges at the current rate.

As an incentive, all new traders to Widnes Market Hall are given their first month rent free. If a trader is intending to sell a new commodity or bring a new service to the market, then they will be offered a further two months' half price rent. Electricity and promotions charges apply in full during these discounted periods.

A deposit equivalent to one month's full price rent is also charged to all new tenants. Tenants will be invoiced for the deposit and it must be paid in full before they can commence trading. The deposit is fully refundable on vacating the same unit, provided that the tenant does not have any arrears, the stall has been left empty, free of rubbish and in a good state of repair, access passes have been returned and contact details have been left with the market office. Where all or any of the above exist, the deposit will be retained and used as payment towards these costs.

#### **1.4 Other Charges**

##### **(a) Electricity**

All indoor market traders will be charged for electricity each month and this will be added to each monthly invoice.

All stalls will be allocated a specific price banding relating to the electrical equipment provided on their stall and assumptions made about usage of this equipment based on the type of business that each trader operates. All decisions relating to price bandings will be made following guidance from Halton Borough Council's electrical contractor.

From 1 April 2015 there are three price bands for electricity consumption:

Band 1 – for low users is charged at a rate of £10 per month per stall plus VAT

Band 2 – for medium users is charged at a rate of £30 per month per stall plus VAT

Band 3 – for high users is charged at a rate of £65 per month per stall plus VAT

Existing tenants should be aware that an audit of electrical equipment on each stall has already been undertaken to inform the electricity pricing structure and each trader will be advised of the banding that will apply to their business before the new charges are implemented on 1 April 2015.

All new traders will be asked to list all electrical appliances that will be used by their business on their application forms which will inform the price banding for their business.

Where costs associated with a business' electricity consumption is perceived to cost significantly more than the highest rate cited above then the Council will insist upon a meter being installed on the unit(s) for monitoring purposes. If after a period of no less than a quarter the business is

showing to use more electricity than the upper band assumes then this tenant will be required to pay by the meter thereafter.

It should also be noted that where a business uses additional electrical equipment on their stall or conversely where a business reduces the electrical equipment used on their stall, this could lead to changes in the amount their business is charged each month.

All shop units within the Market Hall pay for their electricity by the meter.

### (b) Promotions Charges

All traders will pay a monthly fee of £7.59 per stall towards Widnes Market promotional activities. This charge is exempt from VAT.

The promotions budget generated by this income is managed by the Communications and Marketing team who carry out marketing activities with the principal aim being to bring additional footfall into Widnes Market. A marketing plan for each financial year is agreed with traders through the trader's committee.

Traders are reminded that the promotions budget can only be spent on marketing activities which will benefit the market as whole and cannot be spent on promoting or naming individual stalls. The promotional activities undertaken by the Communications and Marketing team is designed to complement, but should not be seen as a replacement for, individual stall holders own marketing strategies.

### (c) Fixtures and Fittings

All fixtures and fittings within a stall should be removed on termination of Tenancy at Will. If the tenant fails to do this within seven days of vacating a property all structures, fixtures and fittings remaining in a property shall become the property of the Council who will have power to dispose thereof as it thinks fit and recover its expenses in so doing from the tenant.

Any trader wishing to leave shutters and shop fronts in position following the vacation of a unit, should make enquiries with the market office.

### (d) Discounts for Additional Stalls

Existing traders who have traded in the market for a period of six months or more and who wish to expand into an adjacent/ other stall or relocate to a larger stall elsewhere in the market are offered half price rent for the additional space as an incentive for a period of six months. This is calculated as follows:

- The price of a trader's existing stall(s) excluding VAT is taken away from the price of the trader's new stall(s) excluding VAT to find the increase in rent.
- The trader is given a 50% reduction on this additional rent for a period of six months.

- VAT, electricity and promotions charges which will be charged at the full rate during any discounted periods.

Traders will only be given permission to expand where they do not have rent or other arrears associated with their existing stall or storage.

Traders will need to provide a deposit equivalent to one month's full price rent for any new stalls. Tenants will be invoiced for the deposit and it must be paid in full before they can commence trading from the additional stalls. The deposit is fully refundable on vacating the same unit, provided that the tenant does not have any arrears, the stall has been left empty, free of rubbish and in a good state of repair, and contact details have been left with the market office. Where arrears exist, the deposit will be used as payment towards these arrears.

Traders are not entitled to reduced rents for expansions if they have downsized within the preceding last six months.

(e) Traders' Car Park

Traders are welcome to use the traders' car park on a first come first served basis and no additional charge will be made for this. The traders' car park is open as follows:

	<b>Opening Time*</b>	<b>Closing Time*</b>
<b>Monday</b>	6.00am	6.30pm
<b>Tuesday</b>	6.00am	5.45pm
<b>Wednesday</b>	4.30am	6.30pm
<b>Thursday</b>	6.00am	6.30pm
<b>Friday</b>	5.30am	6.30pm
<b>Saturday</b>	5.30am	6.30pm

\*These times may vary from time to time.

A barrier system operates to ensure that spaces are available to traders at all times. Whilst the system does have an intercom system for the barrier to be opened for them, there is no guarantee that there will always be someone available to do this. It is, therefore, recommended that traders purchase a barrier fob from the market office. The cost for this is £30, but this is fully refundable on return of the working fob.

Traders are reminded that it is ultimately their responsibility to open the barrier for their deliveries.

(f) Bin bags

Bin bags have previously been provided to indoor traders, but this service will be stopped with immediate effect.

(g) Access Pass

All tenants will be issued with one access pass to gain access to the traders' facilities on the first floor. This includes the traders' toilets, traders' mess, store rooms and post rooms. Further access passes for multiple stalls (up to a maximum of three passes per two stalls) can be issued for named employees at a cost of £10 per pass.

Where an access pass is lost a charge of £10 is made for a replacement.

Traders are required to hand their access back to the Market Office on vacating their stall.

### **1.5 Assignment of Tenancy at Wills**

In order to assign a Tenancy at Will the following conditions must be met/ procedures followed:

1. The outgoing tenant is required to have had at least 3 years' continuous trading at Widnes Market before any application to assign will be considered. For the avoidance of doubt, the incoming tenant will be able to make an application the Council to sell the business after a period of three years continuous trading.
2. If consent to assign is granted by the Council, the outgoing tenant must pay all sums of money due up to the date of termination.
3. The outgoing tenant must give one month's notice in writing to the Market Manager of their intention to assign their stall.
4. The incoming tenant must agree to continue in the same trade as the outgoing tenant or an alternative agreed by the Market Manager. The Market Manager's decision is final.
5. The incoming tenant must pay £350 as a contribution towards the Borough Council's administrative costs, in addition to rent and any other payments due from the incoming tenant.
6. The incoming tenant must also pay the equivalent of one month's rent upon the signing of the Tenancy at Will.
7. Prior to trading the incoming tenant must provide public liability insurance (insured to the sum of £5 million), two pieces of identification showing the name and home address of the incoming tenant (dated within the last 3 months) and a piece of identification showing the incoming tenant's national insurance details.
8. The incoming tenant must sign the Tenancy at Will document prior to taking occupation of the stall.

A tenant wishing to take a partner in to the Tenancy at Will or remove a partner from the Tenancy at Will, will be charged £350 as a new Tenancy at Will has to be prepared and signed. Where a new partner is to be taken into the Tenancy at Will, he/she will need to provide the identification



specified at point 7 above. All partners named on a Tenancy at Will are jointly and severally liable for all the tenants obligations contained in the Tenancy at Will agreement.

## 1.6 Daily Licences

Indoor stalls can be rented on a daily licence by non-profit making organisations, local community groups or registered charities at no charge (up to a maximum of four days a year).

All organisations, charities and community groups need to provide the following information when booking a stall:

- Full details of the activities that are to be undertaken from the stall including details of any products or services to be offered;
- If a charity wishes to collect money from the public, a licence needs to be obtained from the Licensing Manager of Legal Services (Kay Cleary 0151 511 7879) prior to making a booking. This needs to be presented to the Market Office at the time of booking;
- Details of the organisation's name and address along with a copy of a charity's registered charity number (if applicable). This could be a letter drafted on headed paper; and
- A copy of a Public Liability Certificate in the organisation's name, insuring for the sum of £5million.

The decision regarding the suitability of an indoor stall to any of the organisations specified above rests with the Market Manager and all applications should be made to the market office. To qualify for a rent free stall organisations would not be expected to sell any items and should instead offer a free service/ provide information/ or carry out a promotion. There may be exceptions to this rule, but this would only be with prior consent from the Market Manager.

Where a profit making organisation/ trader wishes to rent a vacant stall in the Market Hall or a charity wishes to sell goods from an indoor stall, applications must be made in writing to the market management team. All applications must specify the activities that they wish to carry out from the stall and any products/ services that are to be offered either for sale or otherwise. The decision relating to the suitability of an indoor stall for the uses specified rests with the Market Manager where a trader wishes to sell an item/ offer a service which is not currently available in the Market Hall or where a stall is rented as part of a wider market promotions such as Love Your Local Market fortnight and Widnes on Sea. All other applications will need to be referred to the New Stalls Panel for a decision.

A charge will be made based on the daily outdoor rent for casual traders/ charities and a daily licence will need to be signed.

## **2.0 Widnes Open Market**

### **2.1 Opening Days and Hours**

The Widnes Open Market is open on Mondays, Thursdays, Fridays and Saturdays.

The trading hours are 9am to 3pm.

### **2.2 Eligibility to Rent a Stall**

Applications for stalls at Widnes Market are to be made to the Widnes Market office. Stalls can only be booked once a trader's commodities have been approved. Traders also need to provide details of their public liability insurance (insured to the sum of £5 million), along with two pieces of identification with their name and address on (dated within the last three months) and a piece of identification showing the trader's national insurance details before they can trade. All outdoor traders will be required to sign a licence.

Stalls at Widnes Market cannot be rented to Claims Management Companies i.e. businesses that handle certain types of claims for compensation in relation to personal injury, financial products/services (such as mis-sold payment protection insurance), employment matters, criminal injuries, industrial injuries, disablement benefit and housing disrepair.

### **2.3 Charges for Casual Traders**

All new traders on the open market are treated as casual traders and the following daily charges apply:

	<b>Rent</b>	<b>Promotions</b>	<b>Daily Rent (per stall)</b>
<b>Monday</b>	£12.65	£0.35	<b>£13</b>
<b>Thursday</b>	£12.65	£0.35	<b>£13</b>
<b>Friday</b>	£18.65	£0.35	<b>£19</b>
<b>Saturday</b>	£20.65	£0.35	<b>£21</b>

Casual traders only pay when they trade and a member of staff collects rent on the day.

### **2.4 Charges for Regular Traders**

After 3 months of continual trading, casual traders can apply to become a regular trader.

Regular traders are offered discounted rent for their stall(s) on Mondays, Fridays and Saturdays, but pay for their stall(s) all year round unless they are taking a day's holiday or can provide evidence to show that they are not fit for work.

There is also a three day trading offer where traders pay a fixed reduced amount if they have at least one stall on a Monday, Friday and Saturday. See table below:

	<b>Rent</b>	<b>Promotions</b>	<b>Daily Rent (per stall)</b>
<b>Monday</b>	£11.35	£0.35	<b>£11.90</b>
<b>Friday</b>	£16.45	£0.35	<b>£16.80</b>
<b>Saturday</b>	£18.35	£0.35	<b>£18.70</b>
<b>3 Day Trading</b>	£37.25	£1.05	<b>£38.30</b>

In addition to the discounted charges above, regular traders who pay for two or more stalls are also entitled to half price rent on the same number of additional stalls. This is illustrated in the following table:

<b>Number of Stalls Allocated</b>			<b>Weekly Rent</b>
<b>Monday</b>	<b>Friday</b>	<b>Saturday</b>	
<b>1</b>	0	0	£11.70
<b>2</b>	0	0	£23.40
<b>3</b>	0	0	£29.25
<b>4</b>	0	0	£35.10
<b>5</b>	0	0	£46.80
0	<b>1</b>	0	£16.80
0	<b>2</b>	0	£33.60
0	<b>3</b>	0	£42.00
0	<b>4</b>	0	£50.40
0	<b>5</b>	0	£67.20
0	0	<b>1</b>	£18.70
0	0	<b>2</b>	£37.40
0	0	<b>3</b>	£46.75
0	0	<b>4</b>	£56.10
0	0	<b>5</b>	£74.80
<b>1</b>	<b>1</b>	<b>1</b>	£38.30
<b>2</b>	<b>2</b>	<b>2</b>	£76.60
<b>3</b>	<b>3</b>	<b>3</b>	£95.75
<b>4</b>	<b>4</b>	<b>4</b>	£114.90
<b>5</b>	<b>5</b>	<b>5</b>	£153.20

Regular traders are allocated regular stalls. The allocation of a stall or space is personal to the trader who cannot then assign, transfer, share or part with the stall or space allocated. The trader shall only trade from the stall or space allocated at the prescribed times.

Regular traders pay on their first trading day for all the stalls that they have been allocated that week. If a stall adjacent to a trader is vacant after 9am, traders are permitted to use these stalls on that day for no extra cost. Where two traders wish to expand into a vacant stall and agreement cannot be reached between the two traders, the final decision rests with the market management team.

Regular traders need to give at least 24 hours' notice if they wish to rent an additional stall over and above what is currently allocated to them on a particular trading day. Regular traders also need to give one week's written notice if they wish to cease trading as a regular trader or if they wish to reduce their stall numbers. Any regular trader who has arrears equivalent to two weeks rent either through non-attendance without prior notification to the market office or non-payment of rent will lose their allocated stalls.

### (a) Holidays for Regular Traders

Each regular trader is entitled to a two week payment holiday a year, which must be booked in advance in writing to the market office. These holidays must relate to the days that they are registered with the market office to work as a regular trader. For example a trader who is currently registered to trade on a Saturday only would be entitled to two Saturdays' holiday without payment. Holidays are only allowed where traders are fully up-to-date with their rent payments.

In addition, any regular trader who is fully up to date with their rent payments at the end of the year will be offered a discount of 50% off the following January's stall charges (maximum 4 weeks). Again, this discount only applies to the days that a trader is registered with the market office to work as a regular trader. Any additional trading days will be charged at the full daily rate for a casual trader.

### (b) Inclement Weather

From time to time a decision is made to not charge regular and casual traders for a particular day due to inclement weather. This decision rests with the market management team and their decision is final.

### (c) Bank Holidays/ Other Closures

Where the market is closed on a Bank Holiday or for any other reasons, regular traders' rents will be adjusted accordingly.

### (d) Calculation of Discounted Rents

In circumstances (b) to (c) above the discounted regular trader's rent for a week will be calculated by: dividing the weekly rent normally paid by the regular trader by the number of days that they

usually trade in a week to calculate an approximate daily figure. This is then multiplied by the number of days that they have traded that week.

As traders pay on the first trading day any rent which is due to be credited to a trader will be taken off their next week's full price rent.

## 2.5 Charges for Flea Market Traders

The flea market operates every Wednesday between 9am and 5pm and all traders pay £18.50 per stall/ pitch. This includes £0.35 per stall towards market promotions.

Although there are a number of flea market traders with a regular pitch, the stall charge is a casual rate with traders only paying for their stall when they trade. Any vacant stalls are allocated to traders turning up on the day.

## 2.6 Charges for Registered Charities

A discounted rate for registered charities is in place on all open market days, although a maximum of two registered charities are allowed onto the market on each trading day.

In order to qualify for discounted rent, registered charities must book their stall in advance noting at the time of booking that they wish to qualify for the reduced charity rents.

Registered charities also need to provide the following information when booking a stall:

- Full details of the activities that are to be undertaken from the stall including details of any products or services to be offered for sale or otherwise;
- If a charity wishes to collect money from the public, a licence needs to be obtained from the Licensing Manager of Legal Services (Kay Cleary 0151 511 7879) prior to making a booking. This needs to be presented to the Market Office at the time of booking;
- A copy of the charity's registered charity number, along with details of the charity's name and address. This could be a letter drafted on headed paper; and
- A copy of a Public Liability Certificate in the charity's name, insuring for the sum of £5million.

The charity rates per stall are as follows:

Monday	£10.00
Wednesday	£12.50
Thursday	£10.00
Friday	£13.00
Saturday	£15.00

£0.35 of each stall charge will be allocated to Widnes Market promotions.

## 2.7 Other Charges

### (a) Promotions Charges

Promotions charges for outdoor traders including flea market traders are included in the prices for all stalls and are set out in the text above.

The promotions budget generated by this income is managed by the Communications and Marketing team who carry out marketing activities with the principal aim being to bring additional footfall into Widnes Market. A marketing plan for each financial year is agreed with traders through the trader's committee.

Traders are reminded that the promotions budget can only be spent on marketing activities which will benefit the market as a whole and cannot be spent on promoting or naming individual stalls. The promotional activities undertaken by the Communications and Marketing team is designed to complement, but should not be seen as a replacement for, individual stall holders' own marketing strategies.

### (b) Traders' Car Park

All traders are welcome to use the traders' car park on a first come first served basis and no additional charge will be made for this.

The traders' car park is open as follows:

	<b>Opening Time *</b>	<b>Closing Time *</b>
<b>Monday</b>	6.00am	6.30pm
<b>Tuesday</b>	6.00am	5.45pm
<b>Wednesday</b>	4.30am	6.30pm
<b>Thursday</b>	6.00am	6.30pm
<b>Friday</b>	5.30am	6.30pm
<b>Saturday</b>	5.30am	6.30pm

\*These times may vary from time to time.

A barrier system operates to ensure that spaces are available to traders at all times. Whilst the system does have an intercom system for the barrier to be opened for them, there is no guarantee that there will always be someone in the market office to answer this. It is, therefore, recommended that traders purchase a barrier fob from the market office. The cost for this is £30, but this is fully refundable on return of the working fob.

Traders are reminded that it is ultimately their responsibility to open the barrier for their deliveries.

### (c) Access Pass

Outdoor traders can be issued with one access pass on request to gain access to the traders' facilities on the first floor. This includes the traders' toilets, traders' mess, store rooms and post

rooms. Further access passes for regular traders with larger stalls (up to a maximum of three passes per two stalls) can be issued for named employees at a cost of £10 per pass.

Where an access pass is lost a charge of £10 is made for a replacement. This should be handed back to the Market Office when a trader chooses to cease trading.

### **3.0 Runcorn Street Market**

#### **3.1 Opening Days and Hours**

Runcorn Street Market operates every Tuesday with the exception of the first two Tuesdays after Christmas. Any deviation from this will be agreed with traders in advance and advertised locally.

The market is open to the public between 9am and 3pm.

#### **3.2 Eligibility to Rent a Stall**

Applications for stalls at Runcorn Street Market are to be made to the Widnes Market office. The Street Market is a one commodity market and stalls can only be booked on the Street Market once a trader's commodities have been approved. Traders also need to provide details of their public liability insurance (insured to the sum of £5 million), along with two pieces of identification with their name and address on (dated within the last 3 months) and a piece of identification showing the trader's national insurance details before they can trade. Traders will also be required to sign a licence.

Stalls at Runcorn Street Market cannot be rented to Claims Management Companies i.e. businesses that handle certain types of claims for compensation in relation to personal injury, financial products/services (such as mis-sold payment protection insurance), employment matters, criminal injuries, industrial injuries, disablement benefit and housing disrepair.

#### **3.3 Stall Charges**

Runcorn Street Market traders can either use Halton Borough Council stalls or they can use their own stalls with prior approval. Payment for all stalls will be required on arrival at the market.

From 1 April 2015 charges are as follows:

##### **(a) Halton Borough Council Stalls**

Halton Borough Council stalls cost £15 per stall per day.

This cost covers a single pop up stall with a three metre frontage with sides and weights (where required) which are fully constructed at the beginning of the day and taken down when the market closes by Halton Borough Council staff.

Additional Halton Borough Council pop up stalls can be used to create a larger stall at the same additional charge.

### (b) Traders' Own Stalls

Traders' own stalls will be charged at the rate of £15 for the first four metres of frontage, with any additional frontage over four metres being charged at a rate of £4 per metre. A price will be agreed with the trader on setting up the stall.

If a trader chooses to use their own stall they must first provide the market office with full details of this including dimensions so that the markets team can ensure that there is sufficient space on the market to accommodate this.

Traders must also ensure that their stall can be suitably weighted down and is of a standard that will cope with adverse weather, particularly strong wind. If a trader's own stall is not considered to be of a suitable quality then the markets team reserves the right to insist that they use a Halton Borough Council stall.

### (c) Registered Charities

A discounted rate of £10 per Halton Borough Council stall is available for registered charities.

In order to qualify for discounted rent, registered charities must book their stall in advance noting at the time of booking that they wish to qualify for the reduced charity rents.

Registered charities also need to provide the following information when booking a stall:

- Full details of the activities that are to be undertaken from the stall including details of any products or services to be offered for sale or otherwise;
- If a charity wishes to collect money from the public, a licence needs to be obtained from the Licensing Manager of Legal Services (Kay Cleary 0151 511 7879) prior to making a booking. This needs to be presented to the Market Office at the time of booking;
- A copy of the charity's registered charity number, along with details of the charity's name and address. This could be a letter drafted on headed paper; and
- A copy of a Public Liability Certificate in the charity's name, insuring for the sum of £5million.



### **3.4 Rules for Trading**

All Street Market traders must book their stall the week prior to trading and no later than 4pm on the day before each trading day. Traders who turn up on the morning of the Street Market without booking a pitch will not be guaranteed a stall. Likewise traders are reminded of the need to cancel a pitch that is no longer needed before 7.30am on each trading day otherwise they risk their space being allocated to another trader.

Traders can set up their stalls between 6.30am and 8.30am and must report to the person in charge on site before any stalls are assembled. Vehicles that are to be removed from Church Street need to be off site by 8.30am.

Traders are to ensure that commodities, rails or tables do not encroach unacceptably into Church Street, allowing for emergency vehicles to access the full length of Church Street at all times. Further advice can be provided by the markets team or the security guard on duty.

Traders must ensure that their stall's trading name is displayed in a prominent position on the stall.

Unloading should only take place between the hours of 3pm and 4pm, unless the markets team has taken the decision to close the market earlier. Traders are to have fully vacated the market by 4pm.

### **3.5 Inclement Weather**

From time to time a decision is made to not charge traders for a particular day due to inclement weather. This decision rests with the market management team and their decision is final. As rent will be taken on arrival, traders who trade for the full day during an inclement weather day will be allowed to trade rent free the following Tuesday.

### **3.6 Cancellation of Street Market**

There are also occasions where a decision has to be made to cancel the Street Market on health and safety grounds. Typically this decision would be made where there are strong winds which make the stalls unsafe or where there is/ has been heavy snow. Where ever possible this decision would be made on the day before the market is due to be held, with the decision being communicated to traders and the wider public in advance. Unfortunately, there will also be occasions where the decision cannot be made prior to the day of trading. On such occasions the decision to cancel the market will be made prior to 8am in consultation with those traders who have arrived on site. The market staff will use their best endeavours to contact traders to inform them of the decision. No compensatory payments will be made to traders where the market is cancelled.

## **4.0 Widnes Market Foyer**

### **4.1 Eligibility to Use the Foyer**

The Market Foyer promotional space can be booked by registered charities only by application to the Market Office. Up to two different registered charities can be booked into the promotions space in the foyer on a single day.

Charities need to provide the following information when booking their space:

- Full details of the activities that are to be undertaken from the foyer space including details of any products or services to be offered for sale or otherwise;
- If a charity wishes to collect money from the public, a licence needs to be obtained from the Licensing Manager of Legal Services (Kay Cleary 0151 511 7879) prior to making a booking. This needs to be presented to the Market Office at the time of booking;
- A copy of the charity's registered charity number, along with details of the charity's name and address. This could be a letter drafted on headed paper; and
- A copy of a Public Liability Certificate in the charity's name, insuring for the sum of £5million.

The decision relating to whether a registered charity can use the space, based on the information provided, rests with the Market Manager.

A daily licence will need to be signed by the person representing the charity on the day.

### **4.2 Charges**

Registered charities are not charged a fee for renting promotions space in the foyer. Charities can use the foyer space for up to a maximum of four trading days a year.

## **5.0 Widnes Market: Store Rooms and Containers**

### **5.1 Store Room Charges**

The following store rooms are available to rent by Widnes Market traders.

- Store rooms A-M are located on the first floor and have lift access. Access is via a security pass controlled entrance inside the Market Hall next to the public toilets.
- Store rooms 1- 5 are located on the first floor along the corridor by the trader's mess. There is no lift access to these stores. Access is from the outside of the market building via a security pass controlled entrance off Morrison's square.
- Store rooms FM1 - FM3 are located on the ground floor with access via a security pass controlled entrance on the outside of the market building next to the Fish and Meat market.
- Store rooms WR01-WR02 are located on the ground floor with access through the wash room on the inside of the market hall next to the public toilets.

#### **Store Rooms A-M – Charged at a rate of £10.50 / sq m (first floor)**

	<b>Area (sq m)</b>	<b>Monthly Rent</b>
Store A	5.0	£52.50
Store B	5.1	£53.55
Store C	5.1	£53.55
Store D	3.7	£38.85
Store E	3.3	£34.65
Store F	5.7	£59.85
Store G	5.3	£55.65
Store H	5.1	£53.55
Store I	5.9	£61.95
Store J	3.1	£32.55
Store K	5.3	£55.65
Store L	5.1	£53.55
Store M	5.2	£54.60

#### **Store Rooms 1-5 – Charged at a rate of £9.50/ sq m (No lift access)**

	<b>Area (sq m)</b>	<b>Monthly Rent</b>
Store 1	3.2	£30.40
Store 2	5.5	£52.25
Store 3	7.4	£70.30
Store 4	4.7	£44.65
Store 5	4.7	£44.65

Store Rooms FM01 – FM03 – Charged at a rate of £11.50 / sq m (ground floor)

	<b>Area ( sq m)</b>	<b>Monthly Rent</b>
Store FM01	9.9	£113.85
Store FM02	10.02	£115.23
Store FM03	8.5	£97.75

Store Rooms WR01 – WR02 – Charged at a rate of £11.50/ sq m (ground floor)

	<b>Area ( sq m)</b>	<b>Monthly Rent</b>
Store WR01	3.2	£36.80
Store WR02	3.5	£40.25

All rents are charged on a monthly basis with VAT added at the appropriate rate. Traders are invoiced for the monthly rent each month. The new prices outlined above will be introduced from 1 April 2015.

All tenants who have a store room will be issued with one access pass (if they do not already have one) to ensure that they can gain access to their store rooms throughout the day. The pass will also enable access to the traders' toilets, traders' mess and post rooms. Where an access pass is lost a charge of £10 is made for a replacement.

All traders who use a store room will be asked to sign a licence. The minimum term for renting a store room is one month and one month's written notice should be provided to the market office staff should the licensee wish to terminate this.

Rent will continue to be charged to the licence holder for the store room if the terms of the licence have not been met. This includes emptying the store room by the termination date and ensuring that the key has been returned to the market office staff.

## **5.2 Container Charges**

There are currently 12 containers sited on the traders' car park. No further containers can be sited on the trader's car park unless an existing container is removed.

Traders who have sited containers in the traders' car park pay ground rent at a rate of £40.00 per month plus VAT for containers of 20ft or less and £80.00 per month plus VAT for containers that are over 20ft. Traders are invoiced for this amount each month.

All traders who use a container will be required to sign a licence. The minimum term for paying ground rent for a container is one month and a minimum of one month's written notice should be provided to the market office should the licensee wish to terminate this.

The preferred method for terminating a container licence is to move the container off site by the agreed termination date. This cannot be carried out without prior agreement of removal date and time with the market office.

Alternatively, traders have the option of selling the container on to a trader who trades regularly on Widnes Market either as a regular trader on the outdoor market or who has had a stall within the Market Hall for over six months. In both cases the new trader must be up to date with their rent payments. If the licensee chooses this route then they must be aware that the container licence cannot be terminated until an account has been set up and a new licence signed by the new trader. In order to ensure that the new trader meets the criteria for siting a container on the trader's car park, the new trader should gain approval from the Market Office staff before the container changes ownership.

**REPORT TO:** Corporate Services Policy & Performance Board

**DATE:** 21<sup>st</sup> October 2014

**REPORTING OFFICER:** Strategic Director – Policy and Resources

**SUBJECT:** Corporate Accident / Incident Report 1.4.14 to 1.9.14

**PORTFOLIO:** Resources

**WARDS:** Boroughwide

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

1.1 To report on the performance of health safety management within the Authority for 1st April 2014 to 1st September 2014.

### **2.0 RECOMMENDED:**

**2.1 That the report is noted and, if deemed necessary, the Board makes recommendations to the Executive Board.**

### **3.0 SUPPORTING INFORMATION**

3.1 The interim health and safety report on the performance of health safety management for the current financial year is appended

3.2 The report highlights that there has been an increase in the number of occupational risk assessments. However, there has been no increase in the number of officers using the Lone Working Monitoring system

3.3 It also highlights a year by year decrease in accidents and violent incidents and

3.4 The reduction in the number of incidents, in particular 'days lost', serves to underline the importance of proactive action, which contributes to creating a safer working environment.

### **4.0 POLICY IMPLICATIONS**

4.1 The provision of a safe working environment and reduction in accidents is important in order to provide efficient and effective delivery of services (the sixth priority in the Corporate Plan).

### **5.0 OTHER IMPLICATIONS**

5.1 Accidents which lead to lost time have financial implications for the authority (although these are always secondary to our concern for the well being of staff and customers).

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

6.1 Nil.

**7.0 RISK ANALYSIS**

7.1 There are no particular risks attached to this report. Occupational and workplace risk assessments are used to reduce the likelihood of accidents.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no direct implications for equality and diversity.

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

There are no relevant background documents.



**CORPORATE ACCIDENT / INCIDENT  
INTERIM REPORT  
PPB  
1<sup>st</sup> April 2014 to 1<sup>st</sup> September 2014**



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## 1. INTRODUCTION:

### 1.1 General

The Health and Safety at Work etc Act clearly places responsibility on those who create the risk to manage it. The new HSE Strategy, 'Being Part of the Solution' highlights that members of the board have both collective and individual responsibility for health and safety. As such, the need is for board-level members to champion health and safety and be held accountable for its delivery.

Part of this includes identifying areas for improvement in health and safety management with the intention of improving staff morale, reducing in work-related sickness absence and lowering insurance premiums. In particular having robust health and safety procedures in place provides safeguards against legal action being taken against the Authority.

### 1.2 Health and Safety Management System

In order to demonstrate how Halton Borough Council as an employer is delivering the HSE Strategy, this report is to provide Management Team with details of health and safety performance in relation to Key Performance Indicators (KPI). Details of KPI's are as follows:

#### **LEAD INDICATORS**

Proactive action taken and any outcomes

KPI No.

1. **Number of risk assessments completed on corporate systems**  
Rationale – creating a safe working environment
2. **Number of Near Misses**  
Rationale –action taken to prevent further similar incidents and before injuries occur
3. **Number of officers who are registered on the Lone Working Monitoring System and are utilising the system**  
Rationale – demonstrating effective management of lone working risks

#### **REACTIVE [Lagging] INDICATORS**

Reactive action taken in response to accidents/incidents

4. **Number of Significant<sup>1</sup> and RIDDOR Reportable Accidents<sup>2</sup>**  
Rationale – identify accident/incident trends and actions required to prevent similar occurrences
5. **Number of Violent Incidents**  
Rationale – identify incident trends and actions required to prevent similar occurrences

By responding positively to identified trends, the Authority can demonstrate compliance with the recommendations of the Health and Safety Executive's guidance HS(G)65 "Successful Health and Safety Management".

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<sup>1</sup> Accidents that either require more than basic first aid, incur time lost or arise from a failure in health and safety management

<sup>2</sup> Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, (RIDDOR) 1995, including Fatalities, Major Injuries, Over 7-day Injuries, Dangerous Occurrences

## **1.3 General Information**

### **1.3.1 Fatal Traffic Accident – Gypsy Traveller Site, Warrington Road, Runcorn**

A young child was hit by a van within the grounds of the Gypsy Traveller Site, Warrington Road, Runcorn and tragically received fatal injuries. The Police were called and have arrested the driver. As this incident occurred on Council land; the Health and Safety Executive has also attended and carried out their own investigations. The HSE indicated that they were satisfied with safety management and will be taking no further action.

### **1.3.2 General Health and Safety Information**

The rate of fatal accidents in the UK has fallen by 85% since the introduction of the Health and Safety at Work Act in 1974, 40 years ago. Around half a million people are suffering from work related illnesses and injuries each year and the most common workplace injuries include noise induced hearing loss, musculoskeletal disorders and skin diseases.

### **1.3.3 Fees for Intervention**

A report commissioned by the Health and Safety Executive about its fees for intervention scheme said the current level of costs levied on businesses that committed a “material breach” of health and safety rules is appropriate. Under the scheme any income the HSE gets from fees for intervention above £10m in 2012/13, over £17m in 2013/14 and above £23m in 2014/15 is passed to the Treasury.

The panel recommended that the scheme be extended to organisations covered by different health and safety enforcement regimes.

The evaluation of fees for intervention was based on HSE data including a survey of people inspected under the scheme. The panel said they were unable to commission additional research because of the tight deadline for the report. The report said the scheme was unpopular with some inspectors and people inspected but had been applied consistently.

Some businesses felt less able to ask inspectors for advice, fearing that they might draw attention to a problem that would result in a fee. But the report said this had not been as widespread as feared and found no evidence that compliance with health and safety legislation had changed significantly as a result of fees for intervention.

The panel said they found “no compelling evidence to suggest that HSE is using FFI as a ‘cash cow’, solely to generate revenue” but that the HSE should ensure this does not become and is not perceived to be the case in future.

### **1.3.4 UNISON pushes for School Asbestos Audits**

UNISON has called on the Labour party to commit itself to carrying out a full audit of asbestos in schools if it forms the next government. The call for a schools audit came at a seminar on asbestos organised by the all-party parliamentary group on occupational safety and health.

Assistant national health and safety officer Robert Baughan also called for the HSE to get the resources needed to restart proactive inspections of schools, hospitals, nursing homes and other public services building. Labour shadow minister said the party would consider all these suggestions as it finalises its policy on health and safety.

## 2. UPDATE ON ACTIONS:

## KEY PERFORMANCE INDICATORS

No.	KPI No.	ACTION	I/C
1	1.	Review the functionality of the corporate Stress Risk Assessment system	Updated system to go 'live' later in the year where invitations to complete a Stress RA are sent to all staff
2	3.	Review use of Contact Centre Monitoring system by lone workers to ensure that they are fully utilising the system	See 3.3 below
3.	4.	<p>Review and update following risk assessments:</p> <p>Specific areas</p> <ul style="list-style-type: none"> <li>a) <u>Open Space Services</u> – Thrown Objects</li> <li>b) <u>School Catering</u> – Manual Handling Objects – i.e. moving canteen furniture</li> <li>c) <u>Independent Living (Reablement)</u> – Environmental Risk Assessments for service users homes</li> <li>d) <u>Open Space Services &amp; Transport Workshop</u> – Vibration implement agreed HSE actions</li> </ul> <p>General</p> <ul style="list-style-type: none"> <li>e) <u>Schools</u> – Classroom Risk Assessments</li> <li>f) Ensure that noise risk assessments are carried out and, if required, review occupational risk assessments in line with results</li> <li>g) Review Work at Heights risk assessments</li> <li>h) Ensure that Environmental &amp; Fire Risk assessments continue to be carried out and there are sufficient resources for the maintenance and servicing of equipment (see 4.1.3.2)</li> </ul>	<p>No accidents for this period</p> <p>No accidents for this period</p> <p>Ongoing</p> <p>Ongoing monitoring of exposure levels. Equipment purchased to monitor exposure levels</p> <p>Ongoing. Bulletin sent</p> <p>Noise Assessments carried out for IT, Waste Management, Transport Workshops &amp; Open Space Services</p> <p>Email sent to managers and ongoing audits by Risk Management</p> <p>Ongoing</p>

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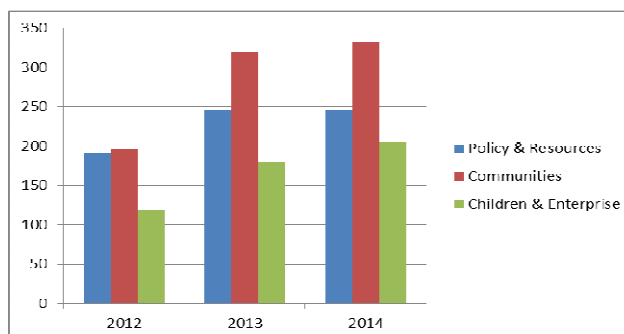
**GENERAL ACTIONS**

4.	To review and update the Workplace, Asbestos, Legionella and Working at Heights Policies	Policies reviewed and updated
5.	To review the current Drugs and Alcohol Policy to ensure that it meets the requirements of the Corporate Manslaughter and Corporate Homicide Act 2007	Ongoing and report to be taken to Management Team

### 3. LEAD INDICATORS

#### 3.1 KPI 1. Number of risk assessments completed on corporate systems

3.1.1 An electronic risk assessment system, based on the Intranet, has been 'live' since September 2011. The number of assessments completed per year is;



- To date 172 members of staff have been trained in the use of the system and 780 risk assessments entered onto the system, compared with 677 last year;

3.1.2 1045 Workstation (DSE) assessments have been completed with up to 72% indicating low risks.

#### 3.2 KPI 2. Number of Near Misses

Total number of near misses reported within the last 3 years are:

2012/13	2013/14	>2014
10	15	6

For a breakdown of near misses see 5.1 below.

#### 3.3 KPI 3. Number of officers who are registered on the Lone Working Monitoring System and are utilising the system

3.3.1 Lone Working – Contact Centre Monitoring update [comparative period June to August 2014]

	2012		2013		2014	
	Registered Users	No's Using System	Registered Users	No's Using System	Registered Users	No's Using System
<b>Policy &amp; Resources</b>	49	23	64	21	46	16
<b>Children &amp; Enterprise</b>	157	85	167	64	137	43
<b>Communities</b>	123	26	209	42	188	49
<b>TOTAL USERS</b>	339	134	440	127	371	108
<b>% OF USE</b>	18%		29%		29%	

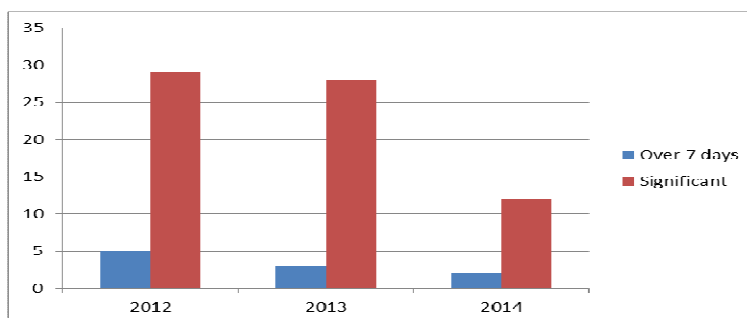
- 3.3.1 Over the past two years ‘users’ who are registered on the system have been updated and anyone who has left the Authority have been removed; and
- 3.3.2 The combined Lifeline and Lone Working system (PNC) has been upgraded and the use of other lone working solutions (e.g. issue of badges) are being explored.

#### 4. REACTIVE [‘Lagging’] INDICATORS

##### 4.1 KPI 4. Number of Significant and RIDDOR Reportable Accidents

###### Accident Statistics by Directorate:

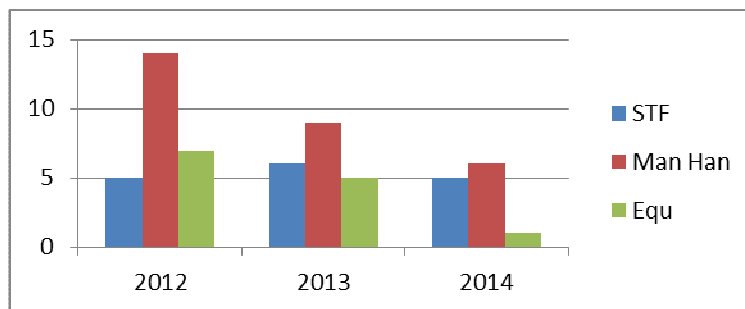
Directorate	+ 7-Day	Significant
Policy and Resources	0	1
Children and Enterprise	0	2
Communities	2	9
<b>TOTAL YTD 2014</b>	<b>2</b>	<b>12</b>
<b>TOTAL YTD 2013</b>	<b>3</b>	<b>28</b>
<b>TOTAL YTD 2012</b>	<b>5</b>	<b>29</b>



###### Further Information

- 4.1.1 There has been a year by year decrease in the number of accidents;
- 4.1.2 For the same period in 2012 there were 173 days lost, last year 58 days lost and this year 15 days lost. A further 24 days lost took place in schools;
- 4.1.3 A comparison of the categories of accidents is as follows,

	<u>2012</u>	<u>2013</u>	<u>2014</u>
STF	5	6	5
Man Han	14	9	6
Equipment	7	5	1

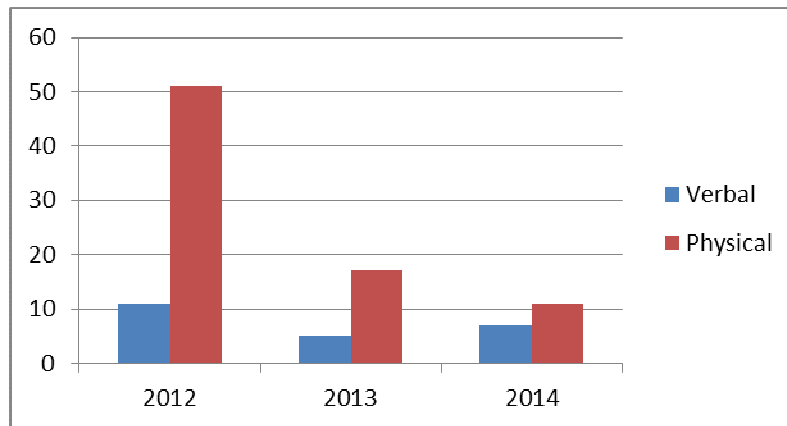


- 4.1.4 Within Waste & Environmental Improvement Services there has been an increase in the number of accidents with 2 in 2012, 6 in 2013 and 6 this year. The main reason is the increase in slips and trips incidents;
- 4.1.5 Within Open Space Services there has been a decrease in incidents with 7 in 2012, 13 in 2013 and 1 this year. This can be attributed to the decrease in manual handling and use of equipment incidents. In particular there have been no incidents involving operatives hit by thrown objects, with 3 incidents for the same period last year;
- 4.1.6 4.1.5 & 4.1.6 reflects the high risks within the front line operational areas;
- 4.1.7 Majority of incidents involving teachers at schools took place in Primary schools, with poor housekeeping in classrooms leading to slips and trips and equipment incidents (see action 3e above). One incident involved a caretaker who received an electric shock when operating external shutters. A 'short' in the circuit was found and the system has been repaired; and
- 4.1.8 With regard to pupils there has been a decrease in significant incidents with 5 last year and 1 this year. A serious incident occurred when a pupil caught her hair in a pillar drill during a DT lesson. It was reported to the HSE. Full investigation carried out, including holding a DT Heads meeting, and recommendations sent to all Secondary schools.

#### 4.2 KPI 5. Number of Violent Incidents

Directorate	Verbal	Physical
Policy and Resources	3	0
Children and Enterprise	2	5
Communities	2	6
<b>TOTAL 2014</b>	<b>7</b>	<b>11</b>
<b>TOTAL 2013</b>	<b>5</b>	<b>17</b>
<b>TOTAL 2012</b>	<b>11</b>	<b>57</b>





#### 4.3 Further Information:

- 4.3.1 There has been a 'year by year' decrease in the number of reported violent incidents, particularly physical incidents;
- 4.3.2 This can be attributed to the Communities Directorate with 5 verbal and 13 physical incidents last year. One incident involved an Enforcement officer being hit on the side of the head and knocked unconscious;
- 4.3.3 Within Policy and Resources there have been 3 verbal violent incidents this year (2 x Direct Link & 1 x Contact Centre). For the corresponding period last year there were 6 incidents, 5 at the Direct Links; and
- 4.3.4 For schools there have been 10 violent physical incidents (mainly in the PRU) and 2 verbal incidents; compared with 2 violent physical incidents last year.