

MEETING: CABINET MEMBER - ENVIRONMENTAL
DATE: Wednesday 20 October 2010
TIME: 12.00 pm
VENUE: **Town Hall, Southport (video conferenced Town Hall, Bootle)

DECISION MAKER: Councillor Tattersall
SUBSTITUTE: Councillor Booth

SPOKESPERSONS: Councillor Dutton Councillor Hardy

SUBSTITUTES: Councillor Ibbs Councillor Friel

COMMITTEE OFFICER: Ruth Appleby
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

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A G E N D A

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	Apologies for Absence		
2.	Declarations of Interest Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.		
3.	Minutes of the Meeting held on 29 September 2010		(Pages 5 - 12)
4.	Towards a Low Carbon and Renewable Energy Network for the Liverpool City Region Joint Report of the Strategic Director Communities and the Planning and Economic Development Director	All Wards;	(Pages 13 - 20)
5.	Adoption of a Sustainable Procurement Policy Joint report of the Interim Head of Corporate Finance and ICT Strategy and the Environmental Protection Director.	All Wards;	(Pages 21 - 26)
6.	Contract for the Supply of Frozen Prepared Meals for the Community Meals Service Report of the Operational Services Director	All Wards;	(Pages 27 - 30)
7.	Regional Coastal Monitoring Programme for 2011-2015 Procurement Strategy Report of the Environmental and Technical Services Director	Ainsdale; Blundellsands; Cambridge; Church; Dukes; Harington; Linacre; Manor; Meols;	(Pages 31 - 36)

8.	Local Flood Risk Management Report of the Environmental and Technical Services Director	All Wards;	(Pages 37 - 48)
9.	Sefton Surface Water Management Plan Proposals Report of the Environmental and Technical Services Director	All Wards;	(Pages 49 - 58)
10.	Joint Municipal Waste Management Strategy - Public Consultation 'Don't Waste Your Say Report of the Environmental and Technical Services Director	All Wards;	(Pages 59 - 66)
11.	Trading Standards North West Annual Report 2009/10 Report of the Environmental and Technical Services Director	All Wards;	(Pages 67 - 80)
12.	Consumer Direct North West Update 2010 Report of the Environmental and Technical Services Director	All Wards;	(Pages 81 - 88)

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY 8 OCTOBER 2010. MINUTE NOS 48 AND 50 ARE NOT SUBJECT TO "CALL-IN".

CABINET MEMBER - ENVIRONMENTAL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON WEDNESDAY 29 SEPTEMBER 2010

PRESENT: Councillor Tattersall

ALSO PRESENT: Councillor Dutton

43. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Hardy and Friel (substitute for Councillor Hardy).

44. DECLARATIONS OF INTEREST

No declarations of interest were received.

45. MINUTES OF THE MEETING HELD ON 25 AUGUST 2010

RESOLVED:

That the Minutes of the meeting held on 25 August 2010 be confirmed as a correct record.

46. ENVIRONMENTAL AND TECHNICAL SERVICES - SERVICE PLAN 2010/11

The Cabinet Member considered the report of the Environmental and Technical Services Director on the Environmental and Technical Services Plan for 2010/11.

The report indicated that following corporate re-organisation resulting from the Major Service Review a new Department had been formed involving the merger of parts of the former Environmental Protection Department and parts of the former Technical functions. The Environmental and Technical Services Department Service Plan was appended to the report and Action Plans 1, 2 and 3 in respect of Protecting the Environment, Consumers, Public and Animal Health; Sustainable Waste Management and Climate Change and Sustainability functions of the former Environmental Protection Department, fell specifically under the portfolio of the Cabinet Member – Environmental.

The report indicated that some of the services provided by the Operational Services Department came under the Environmental portfolio and these would be the subject of a special report by the Operational Services Director.

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SEPTEMBER 2010

RESOLVED:

That the elements of the Environmental and Technical Services service plan 2010/11 that fell within the Environmental Portfolio be approved.

47. REVENUE EXPENDITURE, CAPITAL PROGRAMME AND PERFORMANCE - 2009/10 PORTFOLIO FINAL ACCOUNTS

The Cabinet Member considered the joint report of the Environmental and Technical Services Director, the Operational Services Director and the Interim Head of Corporate Finance and IT Strategy identifying the final 2009/10 outturn position of the Environmental portfolio.

The report identified that the final outturn position for the Portfolio, when compared to the 2009/10 revenue budget indicated a net under-spend of £1.486m and detailed the comments of the Environmental and Technical Services Director and the Operational Services Director thereon.

Annex A to the report summarised the divisions of service provided by the Portfolio and compared the adjusted original estimates with provisional outturn figures; Annex B detailed the Portfolio capital programme and Annex C detailed the performance indicators for the Portfolio.

The Environmental and Technical Services Director and the Operational Services Director concluded the report by identifying a number of on-going issues as a result of the Environmental portfolio's outturn position for 2009/10.

The Cabinet Member was requested to give consideration to the submission of comments on the outturn to the Overview and Scrutiny Committee (Regeneration and Environmental Services).

RESOLVED: That

- (1) the Environmental Portfolio's revenue expenditure and capital expenditure outturn for 2009/10, together with the actual performance indicators and data for 2009/10 be noted; and
- (2) there were no issues to be referred to the Overview and Scrutiny Committee (Regeneration and Environmental Services).

48. PLUGGED-IN-PLACES PROGRAMME - AN UPDATE

Further to Minute No. 9 of 30 June 2010, the Cabinet Member considered the joint report of the Planning and Economic Development Director and the Environmental and Technical Services Director, updating on the Plugged in Places Programme for the introduction of Electric Car Charging Points in Sefton and seeking consent for the Council to be the Accountable Body for the sub-regional bid.

The report indicated that the sub-region's Expression of Interest for the Plugged In Places project was formally submitted to Department of Transport (DfT) in July 2010; out of 15 applications, the DfT had indicated that the Merseyside bid was likely to succeed subject to a number of key issues being addressed; and that officers were of the view that the issues could be satisfactorily addressed to enable a full bid to be submitted by the 29 October 2010 deadline.

Merseytravel, who were expected to undertake Accountable Body status for the project, had now indicated that it would not be possible for them to assume such status; and given that Sefton had agreed to become the Accountable Body for the sub-regional REECH Project, and the fact that associated activities were all related to addressing CO2 emissions reduction, helping local SMEs, creating local employment opportunities, and the development of the low carbon economy, the Cabinet Member was requested to agree to Sefton becoming the Accountable Body for the Plugged-In-Places project, subject to the bid being successful.

RESOLVED:

- (1) That Cabinet be requested to approve in principle to Sefton Council being the Accountable Body for the sub-regional Plugged-In-Places project to facilitate the submission of the bid in October 2010; and
- (2) note that should the bid be successful, a further report would be submitted, detailing all financial, legal, and operational implications prior to accepting the Offer letter.

49. DEVELOPMENT OF A ZONED WASTE AND RECYCLING COLLECTION SYSTEM

The Cabinet Member considered the report of the Operational Services Director advising of the potential for changes to existing collection arrangements for residual and recyclable waste.

The report indicated that in order to make more efficient use of resources it was proposed that a new zoned system of waste and recycling collection could be introduced across the Borough, generating substantial savings; that such a decision would require Cabinet approval as it would affect all wards; and as further development work was needed approval to continue with this process was sought from the Cabinet Member – Environmental.

This was a key decision and was currently included on the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the further development and implementation of a new zoned

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system for waste and recycling collection be approved; and

- (2) a detailed report on the potential efficiencies generated through the introduction of a zoned system of waste and recycling collection be presented to Cabinet seeking approval for implementation with effect from January 2011.

50. DRY MATERIALS RECYCLING CONTRACT - INTERIM AGREEMENT AND PROCUREMENT ARRANGEMENTS FOR FUTURE

The Cabinet Member considered the report of the Operational Services Director updating on the Interim Agreement established with Palm Recycling Limited as a result of AbtibiBowater Recycling Europe entering into administration on 11 February 2010 and advising on the progress of procurement for a new service..

The report indicated that approval from Cabinet was being sought to extend the interim agreement for an additional six month period until 31 March 2011 to ensure the continuity of service whilst procurement of a new service provider was established.

RESOLVED:

That Cabinet be recommended to approve an extension of the Interim Agreement with Palm Recycling Limited for an additional six month period from 1 October 2010 until 31 March 2011, pending the implementation of longer term formal arrangements for future recycling collection service provision.

51. CONTAMINATED LAND INSPECTION STRATEGY REVIEW

The Cabinet Member considered the report of the Environmental and Technical Services Director seeking approval for the revision of the Council's Contaminated Land Strategy as indicated in Appendix 2 to the Report

The report indicated that the Council was required to have a Contaminated Land Inspection Strategy in order to discharge its statutory functions relating to contaminated land; outlined the principal alterations made to the previously approved strategy and detailed the progress made in dealing with contaminated land in the Borough.

RESOLVED:

That the revised Contaminated Land Inspection Strategy detailed in Appendix 2 to the report be approved.

52. SAFE AND SECURE TOWN CENTRE AT NIGHT AUDIT - CROSBY VILLAGE

The Cabinet Member considered the report of the Environmental Protection Director advising of the “Safe and Secure Town Centre at Night Audit of Crosby Village, a strategic intervention to assess the issues involved in alcohol-related violence and disorder in town centres at night; and indicating that a decision on this matter was required to obtain support from the Public Health Partnership for further town centre audits.

The report indicated that the Audit was carried out between November and December 2009 using a ‘toolkit’ that was broken down into 13 categories; and summarised the findings from each category relating to:

- partnership working
- data and information sharing
- licensed premises
- policing strategies
- capable guardians and street welfare
- CCTV
- lighting
- underage drinking
- transport
- offenders and victims
- visual cues in the town centre
- fast food outlets
- access routes for space allocation

The report indicated that the findings of the audit would provide stakeholders in the Crosby Night Time Economy with a structure for dealing with any remaining issues connected with alcohol related violence and disorder and would help to prioritise issues and take action to deal with them.

Attached as Annex 1 to the report was a copy of the “Safety and Secure Town Centres at Night Toolkit”.

The report concluded by recommending the action required to be taken to satisfy the minimum standard for a safe and secure town centre.

RESOLVED: That:

- (1) the report be noted;
- (2) the findings of the “Safe and Secure Town Centre at Night Audit of Crosby Village” be noted and further work be encouraged towards areas of potential improvement in the areas outlined in the report;
- (3) the Public Health Partnership Alcohol Strategy Group and the Alcohol Related Crime Sub-Group be requested to consider the recommendations in the Audit report; and

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- (4) the report be referred to the Crosby Area Committee for information.

53. SAFE AND SECURE TOWN CENTRE AT NIGHT AUDIT - SOUTH ROAD, WATERLOO

The Cabinet Member considered the report of the Environmental Protection Director advising of the "Safe and Secure Town Centre at Night Audit of South Road, Waterloo, a strategic intervention to assess the issues involved in alcohol-related violence and disorder in town centres at night; and indicating that a decision on this matter was required to obtain support from the Public Health Partnership for further town centre audits.

The report indicated that the Audit was carried out between November and December 2009 using a 'toolkit' that was broken down into 13 categories; and summarised the findings from each category relating to:

- partnership working
- data and information sharing
- licensed premises
- policing strategies
- capable guardians and street welfare
- CCTV
- lighting
- underage drinking
- transport
- offenders and victims
- visual cues in the town centre
- fast food outlets
- access routes for space allocation

The report indicated that the findings of the audit would provide stakeholders in the South Road, Waterloo Night Time Economy with a structure for dealing with any remaining issues connected with alcohol related violence and disorder and would help to prioritise issues and take action to deal with them.

Attached as Annex 1 to the report was a copy of the "Safe and Secure Town Centres at Night Toolkit".

The report concluded by recommending the action required to be taken to satisfy the minimum standard for a safe and secure town centre.

RESOLVED: That:

- (1) the report be noted;

- (2) the findings of the “Safe and Secure Town Centre at Night Audit of South Road, Waterloo be noted and further work be encouraged towards areas of potential improvement in the areas outlined in the report;
- (3) the Public Health Partnership Alcohol Strategy Group and the Alcohol Related Crime Sub-Group be requested to consider the recommendations in the Audit report; and
- (4) the report be referred to the Crosby Area Committee for information.

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REPORT TO: Cabinet Member – Technical
Cabinet Member – Environmental
Cabinet Member – Regeneration
Cabinet -

DATE: 20th Oct 2010
20th Oct 2010
27th Oct 2010
28th Oct 2010

SUBJECT: Towards a Low Carbon and Renewable Energy Network for the
Liverpool City Region

WARDS AFFECTED: All Wards

REPORT OF: Bill Milburn – Strategic Director Communities
Andy Wallis – Planning and Economic Development Director

CONTACT OFFICER: Andrew Hall - 3604

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To provide Members with details for developing a Low Carbon and Renewable Energy Network for the Liverpool City Region and to seek Members consent for Sefton Council to be the accountable body for the sub-regional bid.

Funding had been offered through the Department of Communities and local Government to support the Climate Change Local Area Support Programme (CLASP), inviting sub-regional bids by the 30th September 2010. The programme will conclude June 2011 so all necessary outputs and outcomes will need to be delivered within than period. Agreement has been reached across the Liverpool City Region (LCR) that there should be a single co-ordinated bid.

The project will build community, member and officer ability in/ support for renewables installations/ climate adaptation through co-learning and shared services that allows LCR to do more with less through joint action to reduce costs whilst improving performance. This concept behind this work is to build the LCR ability to make progress on the substantial opportunities the low carbon economy offers but to do it in a way that develops an efficient approach and use of the capacity available.

It is proposed Sefton Council act as the accountable body, given that the LCR Board for Environment & Waste would like the Merseyside Environmental Advisory Service (MEAS) (who are hosted by Sefton) to be the project manager. The project would simply be added to the existing partnership arrangements between MEAS/Sefton and the other 5 Districts by identifying this specific project as a priority within the work programmes.

REASON WHY DECISION REQUIRED:

To comply with reporting procedures

RECOMMENDATION(S):

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It is recommended that:-

Cabinet Member for Regeneration, Environment and Technical Services:-

1. Support the proposal to begin to develop a Low Carbon and Renewable Energy Network for the Liverpool City Region funded through the DCLG
2. Continue to receive updates on this proposal as it develops through the Climate Change Co-ordination Group (CCCG)

Cabinet:-

3. Support the proposal to begin to develop a Low Carbon and Renewable Energy Network for the Liverpool City Region funded through the DCLG
4. Agree to Sefton Council being the accountable body for this sub-regional approach, to be hosted and project managed by MEAS

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Immediately after the call in period

ALTERNATIVE OPTIONS:

- 1) Not to proceed with the LCR bid for funding
- 2) Another Council within the LCR is requested to come forward to act as the accountable body

IMPLICATIONS:

Budget/Policy Framework:

Financial:

Financial management would be undertaken by MEAS in the same way that MEAS already manages several other projects on behalf of the LCR. Acting as the accountable body for this funding is considered low risk and at would no cost to the Council.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2014/ 2015 £
Gross Increase in Capital Expenditure				

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Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: Legal have been consulted and this project will be added to the existing partnership agreements between MEAS (Sefton Council) and the other 5 Districts. It will form part of the MEAS work programme and is viewed as an operational decision to be made with the Directing Group.

Risk Assessment: Yes - The Risk associated with Sefton acting as the accountable body is advised as low given the nature of the proposal and deliverables expected from this funding (This is set out in section 3.0 of the report).

Asset Management: No

CONSULTATION UNDERTAKEN/VIEWS

FINANCE FD 527 - The Interim Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report.

LEGAL

ENVIRONMENTAL AND TECHNICAL SERVICES DEPARTMENT
NEIGHBOURHOODS INVESTMENT PROGRAMMES DEPARTMENT
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	/		
2	Creating Safe Communities		/	
3	Jobs and Prosperity	/		
4	Improving Health and Well-Being	/		
5	Environmental Sustainability	/		

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6	Creating Inclusive Communities	/		
7	Improving the Quality of Council Services and Strengthening local Democracy	/		
8	Children and Young People		/	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

1.0 BACKGROUND:

Funding through the Department for Communities and Local Government (DCLG) is available to support the Climate Change Local Area Support Programme (CLASP). Its purpose is to increase local authority capacity to tackle the causes and effects of climate change in the North West of England.

The requirements of this funding stream are to build skills and capacity across the range of local authority responsibilities to:

- Help local authorities understand and undertake their role in tackling climate change;
- Facilitate the delivery of increased renewable energy supply through supporting the local planning process
- Allowing planning departments to promote better community engagement in climate change and the planning process, including on renewable technologies

Funding of £100,000 had been offered to each of the five sub-regions to submit proposals by the 30th September 2010. The programme will conclude June 2011 so all necessary outputs and outcomes will need to be delivered within that period. Agreement has been reached across the Liverpool City Region (LCR) that there should be a single co-ordinated bid.

Given the tight deadline, an outline bid was presented to and approved by the LCR Waste & Environment on 20th September 2010, in conjunction with a paper drafted by Knowsley (as Board lead on Low Carbon Energy) on options for delivering low carbon services in the future. The Board endorsed the concept of exploring the potential for a LCR Low Carbon Hub and this will be added to the Board's forward work plan (administered by MEAS). TMP and the NWDA were both in attendance and supported this approach. Discussions are ongoing with Liverpool City Council to ensure that their needs are accommodated as far as possible within the bid given that Liverpool was considering a separate bid to CLASP.

The application has been drafted by Knowsley MBC (as CLASP Advisory Group rep for the city region), with informal inputs from peers in the city region (environment, planning, regen).

2.0 Current Position

The submission will – build community, member and officer ability in/ support for renewables installations/ climate adaptation through co-learning and shared services that allows LCR to do more with less by joint action to reduce costs whilst improving performance. This concept behind this work is to build the LCR ability to make progress on the substantial opportunities the low carbon economy offers but to do it in a way that develops and makes more efficient use of existing capacity.

It is proposed Sefton Council act as the accountable body, given that the Board would like MEAS (who are hosted by Sefton) to be the project manager. The Board are aware that

there is due process required by Sefton Council and that this would have to be completed (Approved by Sefton’s Cabinet) after the submission date. This position is reflected in the funding bid of 30th September.

The project will be added to the existing partnership arrangements between MEAS/Sefton and the other 5 Districts by identifying this specific project as a priority within the work programmes. Financial management would be undertaken by MEAS in the same way that MEAS already manages several other projects on behalf of the LCR.

The proposal includes a budget option for £0.100m (Scenario 1). In the event of under spend elsewhere, additional works are proposed too £0.200m (Scenario 2). No other sub-regional bids are expected, and therefore chances of success are considered to be good.

Project work streams will be based around ‘Community Awareness’, ‘Planning Department Engagement’ and options for how a LCR Low Carbon Hub might develop. Given the gap in external expertise and the short timeline, delivery will be through a combination of external advisors and nominated Council staff. A sub-group of the LCR Waste & Environment Board will be convened to ‘task and finish’ this programme for LCR.

The project will complement and build on existing capacity and ongoing activity in the City Region, the LCR Renewable Energy Capacity Study, and the emerging LEP, to map capacity and skills gaps and suggest a future framework for delivering low carbon services more efficiently across the City Region, with a core principle being to find ways to do more with less. Deliverables are expected to include:

- ‘How to’ training and guide for community groups
- Toolkit & handbook for planners to assist work with developers and others
- NVQ qualification for business advisors and RSLs (options and issues study)
- Skeleton business plan for a public-led ESCO and Low Carbon Hub (including investor brochure for district heating projects or mechanism for carbon compensation levy).

The project will be overseen by a small, but senior, steering group with overall reporting of progress to the LCR Environment and Waste Board. A lean and efficient project management approach will be adopted.

3.0 Risk Assessment

The Risk associated with Sefton acting as the accountable body is advised as low given the nature of the proposal and deliverables expected from this funding.

Risk	Managed
Timeline to meet deliverables by 2011	<p>Deliverables are revenue based around building capacity and awareness within communities and planning departments and developing longer term options for a LCR Low Carbon Hub.</p> <p>Early agreement of the detailed work plan on award of funding.</p> <p>Deliverables will be supported by external advisors, who are experts in</p>

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	this field 40%
Financial	As this is 100% funded, there is no direct additional cost to Sefton Council or any of the project partners.
Impact on MEAS core service	MEAS will receive a management fee of 10% The work area is an existing priority for MEAS and the Districts via the work programme. Through more effective co-ordination duplicated effort will be avoided.
Impact on Council Staff	Part-time staff secondments (Open to MEAS and Councils) are included in the budget 40% to support deliverables
	Allowance made for expenses 10%

4.0 Conclusion

The project offers an excellent opportunity for the wider City Region and synergy with on-going work such as those being led by the Low Carbon Economy Panel chaired by TMP. It will also help deliver Sefton Council's ongoing commitment to climate change and the low carbon economy (reported to Cabinet 25th November 2009, 5th August 2010) and supported by the Council's 'Climate Change Champions', Cabinet Members for Technical Services, Regeneration and the Environment.

5.0 Recommendations:

It is recommended that:-

Cabinet Member for Regeneration, Environment and Technical Services:-

5. Support the proposal to begin to develop a Low Carbon and Renewable Energy Network for the Liverpool City Region funded through the DCLG
6. Continue to receive updates on this proposal as it develops through the Climate Change Co-ordination Group (CCCG)

Cabinet:-

7. Support the proposal to begin to develop a Low Carbon and Renewable Energy Network for the Liverpool City Region funded through the DCLG
8. Agree to Sefton Council being the accountable body for this sub-regional approach, to be hosted and project managed by MEAS

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REPORT TO: Cabinet Member – Corporate Services
Cabinet Member - Environmental

DATE: 13 October 2010
20 October 2010

SUBJECT: Adoption of a Sustainable Procurement Policy

**WARDS
AFFECTED:** All

REPORT OF: John Farrell, Interim Head of Corporate Finance and
Information Services.
Peter Moore, Environmental protection Director

**CONTACT
OFFICER/S:** Tommy Crawford, Head of Procurement
Tel: 0151 934 4067
Stephanie Jukes, Sustainability Officer
Tel: 0151 934 4552

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

To inform the Cabinet Members of the creation and adoption of a Sustainable Procurement Policy, that will support all contracting activity across the authority (The relevant policy is included as Appendix A to this report).

REASON WHY DECISION REQUIRED:

To inform the Cabinet Members of the background to the creation of the policy document and to highlight the importance of incorporating sustainability considerations into all procurement activity.

RECOMMENDATION(S):

The Cabinet Members are recommended to note the contents of this report.

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE: Immediately following the period of call-in for the minutes of these meetings.

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ALTERNATIVE OPTIONS:

Incorporating sustainability considerations into procurement activity is recognised as best practice. Failure to do so can result in added cost and exposure to potential legal risk.

IMPLICATIONS:

Budget/Policy Framework: N/A

Financial: None arising directly out of this report

<u>CAPITAL EXPENDITURE</u>	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Financial:

Adoption of sustainability considerations where appropriate will enable officers to carry out procurement in an efficient manner, when considering whole life-time costs of contracting.

Legal:

The policy will ensure that Sefton embraces all legislative requirements relating to incorporating sustainability considerations into procurement activity.

Risk Assessment:

Initial consultations have taken place at a senior level with relevant officers, to agree the content

Asset Management:

and practical adoption of processes thereof.
The consideration of whole life cycle costs where appropriate will result in a more efficient approach to asset management.

CONSULTATION UNDERTAKEN/VIEWS

A working group, comprising personnel from the Corporate Procurement Unit, Environmental department, and various internal representatives from key user groups have contributed to the content of the relevant policy document.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity	✓		
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

N/A

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1 Background and Context:

- 1.1. The Council is seeking to implement a Sustainable Procurement Policy to provide officers with support and guidance in terms of incorporating sustainability issues into all procurement activity. The policy is attached to this report as Appendix A.
- 1.2 'Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, while minimising damage to the environment' (Procuring the Future, Sustainability Procurement Task Force, June 2006).
- 1.3 In March 2007 the 'Sustainable Procurement Action Plan' was published by central government which was designed to drive sustainable procurement forward across the public sector.
- 1.4 The Local Government Association (LGA) published its report on Climate Change during December 2007. It recommended that local authorities focus on Sustainable Procurement to cut carbon levels within the internal organisation and across the borough.
- 1.5 Councils across England spend around £40b each year undertaking capital projects and purchasing goods and services. Sefton MBC spends circa £200m on externally procured works, goods and services.
- 1.6 Procurement can be used as a positive vehicle through which to drive the sustainable agenda. Undertaken in a robust manner this can result in financial benefits to the authority through the acquisition of more efficient products in respect of their use of energy, water and material resources. Better 'demand management', through re-use, recycling and standardisation of specifications can lower whole life costs through improved/rationalised designs.
- 1.7 Wider socio-economic benefits may be delivered through the creation of employment and training opportunities within contract with key construction suppliers for example, while any legal risk in contract can be mitigated through focusing on ensuring sustainable-related clauses reduce the possibility of inappropriate practices arising within the supply chain, such as child labour issues. These positive social and environmental outcomes derived from procurement activities can thus support the aims of the Sustainable Community Strategy and assist in the delivery of a range of National Indicator targets.

2. Current:

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- 2.1 The council's Corporate Procurement Unit and Environmental team worked closely with other members of the 'Sustainable Champions' group to agree the attached Sustainable Procurement Policy (Appendix A).
- 2.2 Further to the creation of the formal policy document, the previously named departments have worked closely and implemented a number of changes with sustainability issues in mind, in line with government guidance;
- All paper purchased across the authority via the internal electronic procurement system is now 100% recycled.
 - An 'Eco Management and Audit Scheme' (EMAS) has been designed and verification to the standard has been achieved by two internal departments. The adoption of EMAS is a corporate commitment.
 - Through monitoring the use of corporate contracts it has been possible to 'consolidate' orders across the authority. This saves on cost and also reduces the carbon footprint associated with vehicles delivering across council locations on a regular basis.
 - All consumables ordered via the internal electronic procurement system such as printer cartridges are from recycled stock.
 - Some capital contracts being advertised now include relevant social clauses in respect of sustainability, such as those aimed at encouraging employers to provide for local employment opportunities where applicable.
 - A series of sustainable procurement training days have been delivered to selected staff within the authority that have responsibility for procurement and contracting.

3. Next Steps:

- 3.1 The working group, consisting of individuals from the Environmental and Corporate Procurement Units, will continue to work closely together with members of the Sustainable Champions group, to ensure the policy is adopted and practically embedded into all procurement activity.
- 3.2 Training sessions will continue to be rolled out to ensure best practice sustainable procurement activities are adopted in a coherent and common fashion across the authority.

4. Recommendation

- 4.1 The Cabinet Members are recommended to note the contents of this report.

Sustainable Procurement Policy

“Sustainable Procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, while minimising damage to the environment.”

Extract from Procuring the Future (Sustainable Procurement Task Force, June 2006).

Procurement decisions have a major socio-economic and environmental implication, both locally and globally, now and for future generations. The Council recognises it has a vital role in furthering sustainable development, through its procurement of buildings, goods, works and services and has determined that a corporate and systematic approach can help achieve its aims.

The Council will therefore strive to:

1.0 People and Education

- 1.1 Make sustainable procurement a priority.
- 1.2 Mainstream sustainable procurement processes throughout the authority.
- 1.3 Educate and encourage internal procurers and commissioners to review their consumption of goods/services with a view to reducing usage and encourage the adoption of more sustainable alternatives.
- 1.4 Deliver training and development for all involved within the activities of the procurement cycle.

2.0 Strategy & Communications

- 2.1 Communicate the sustainable procurement policy to all staff, suppliers, members and other stakeholders.
- 2.2 Investigate the impact of expenditure on goods and services to identify potential environmental impacts.
- 2.3 Assess the environmental and corporate risks to the organisation in all procurement activity.
- 2.4 Work in partnership with other organisations, such as buying consortia, to improve sustainable procurement activity.

3.0 Procurement Process

- 3.1 All capital contracts will be awarded on the basis of achieving the most practicable solution to demonstrate sustainable best practice.
- 3.2 All other contracts / purchases will be awarded on the basis of whole life cycle costs (cradle to grave).
- 3.3 Deliver benefits to our core business and stakeholders.
- 3.4 Ensure that where appropriate suppliers' environmental credentials are, as far as legally practicable, considered in the supplier evaluation process and that environmental criteria are used in the award of contracts.
- 3.5 Buy sustainable products and services where possible.

4.0 Engaging Suppliers

- 4.1 Ensure that all contract opportunities are made available via the regional procurement portal.
- 4.2 Address all barriers to entry in order that Small and Medium Sized Enterprises (SMEs), local suppliers and the third sector are encouraged to bid for the Council's business.
- 4.3 Work with key suppliers to make changes to improve sustainability throughout the supply chain.
- 4.4 Investigate all opportunities for recycling and re-use of materials where appropriate.

5.0 Measurements and Results

- 5.1 Comply with all relevant environmental, health & safety, diversity, disability and employment legislation.
- 5.2 Work towards meeting the targets as set out by bodies such as the Sustainable Procurement Task Force and National Action Plan.
- 5.3 Review aims, objectives and targets to ensure continual improvement of our sustainable procurement performance.

Agenda Item 6

REPORT TO: Cabinet Member – Environmental
Cabinet

DATE: 20 October 2010
28 October 2010

SUBJECT: **CONTRACT FOR THE SUPPLY OF FROZEN PREPARED MEALS
FOR THE COMMUNITY MEALS SERVICE**

WARDS AFFECTED: All Wards

REPORT OF: Jim Black
Operational Services Director

CONTACT OFFICER: Colin Upton
School Meals & Catering Services Manager
0151 934 3420

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek approval for the acceptance of a Tender for the supply of frozen prepared meals for the Community Meals Service.

REASON WHY DECISION REQUIRED:

A contract with a value greater than £500,000 requires Cabinet approval.

RECOMMENDATION(S):

1. Cabinet Member - Environmental is recommended to refer the report to Cabinet.
2. Cabinet is recommended to award the contract to the following supplier for the period from 1st November 2010 to 31st October 2013, with two further option periods of one year –
Tender No. 1

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE: Following expiry of the call in period.

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ALTERNATIVE OPTIONS:

A number of alternative suppliers were considered as part of the tender process, however, the proposed tenderer offers the best value to the Council.

IMPLICATIONS:**Budget/Policy Framework:**

The proposals are fully in line with the Council's Procurement Strategy and the National Procurement Strategy for Local Government.

Financial:

<u>CAPITAL EXPENDITURE</u>	2010 2011 £	2011 2012 £	2012 2013 £	2013 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	£3,080	£7,620	£7,850	£8,080
Funded by:				
Sefton funded Resources				
Funded from External Resources	£3,080	£7,620	£7,850	£8,080
Does the External Funding have an expiry date? No	When?			
How will the service be funded post expiry?				

Legal:

None

Risk Assessment:

In achieving the most financially advantageous contract for the Council, Officers have also taken steps to ensure that risks have been minimised.

Asset Management:

Not appropriate

CONSULTATION UNDERTAKEN/VIEWS

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Tender No.1 supplied the following documents:

- Grade A Food Safety Certification
- Company Profile
- Environmental Policy
- ISO 14001 Certificate of Registration in relation to operation of an Environmental Management System
- Health & Safety Policy
- Sustainable Procurement Policy - Sourcing
- A 2010 report on the company's progress on sustainability issues
- Product Brochure
- Risk Assessment clarification
- Integrating Equality and Diversity into Procurement & Commissioning Activity: Guidance for Suppliers & Contractors

Agenda Item 6

Background

1. The School Meals & Catering Services Section currently provides the meals for the Community Meals Service via a Service Level Agreement (SLA) with Sefton New Directions.
2. The current contract for the supply of prepared frozen meals is due to expire on 31st October 2010.

Tender Process

3. Following a collaborative pattern of work already established within the Merseyside Group of Authorities, Sefton's Central Purchasing Unit took the lead role on the renewal of this contract working with officers at St Helens Council.
4. An OJEU compliant procurement process was undertaken. This was advertised and managed via The Chest North West opportunities portal.
5. It has proved difficult in previous years to encourage competition for the supply of this product, as the incumbent provider is dominant in the market. In the run up to this current tender exercise, a number of potential suppliers were identified and encouraged to access the tender documentation via The Chest.
6. This pre-tender work initially appeared successful, as some seventeen suppliers accessed the documents. However, only three tender bids were received.
7. On closer inspection, two of the three bids were found to be non-compliant, leaving one remaining bid. That bid is of the incumbent supplier, and reflects an increase in annual spend of 4.36% (£7,400).
8. On a positive note, the incumbent supplier's product quality is of a high standard and therefore the level of satisfaction within the service users of the Community Meals Service should be maintained.

Financial Impact

9. Whilst this financial increase is not welcome in the current climate, it was not unexpected. Although Officers attempted to create a competitive arena within the exercise, to maximise the financial benefit to the Council, the successful bidder's continued dominance of the market has dictated a percentage on-cost outcome.
10. There will be no financial impact on the Council due to this increase as Officers from the School Meals Section anticipated such an increase and made provision for it when costing the SLA with Sefton New Directions for 2010/11.

Agenda Item 7

REPORT TO: Cabinet Member - Environmental
Cabinet

DATE: 20th October 2010
28th October 2010

SUBJECT: **REGIONAL COASTAL MONITORING PROGRAMME 2011-2015
PROCUREMENT STRATEGY**

WARDS AFFECTED: Meols, Cambridge, Dukes, Ainsdale, Harrington, Manor,
Blundellsands, Church, Linacre

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Graham Lymbery – Project Leader - Coastal defence
0151 934 2959

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Report detailing the proposed procurement strategy for the Regional Coastal Monitoring Programme for 2011-2015.

REASON WHY DECISION REQUIRED:

Sefton Council's Constitution requires Cabinet approval for the establishment of a framework which will incur expenditure over £500k through the duration of the programme

RECOMMENDATION(S):

It is recommended that the:

1. Cabinet Member – Environmental notes the report
2. Cabinet approve the establishment of a framework for regional coastal monitoring activities.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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ALTERNATIVE OPTIONS:

Every element of work will have to undergo appropriate procurement methodologies as defined in the constitution; this will involve repeating quality assurance tasks on a number of occasions resulting in significantly more work.

IMPLICATIONS:**Budget/Policy Framework:**

Financial: None arising directly from this report

<u>CAPITAL EXPENDITURE</u>	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?				

Legal: None

Risk Assessment:

Asset Management: Coastal asset inspections, evidence for risk based analysis

CONSULTATION UNDERTAKEN/VIEWS

Agenda Item 7

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Previous Committee Report to Cabinet Member, Environmental on 10th February 2010, 'Regional Coastal Monitoring Programme'.

National Network of Strategic Regional Coastal Monitoring Programmes (2011-2016) Strategic Appraisal Report v1.0 30th March 2010

Agenda Item 7

Background

1. Sefton Council has been the lead Authority for the North West Regional Coastal Monitoring Programme since 2007.
2. Regional coastal monitoring programmes need to collect core essential data that is subsequently used to continuously improve understanding of coastal processes and shoreline change, in order to inform decisions relating to management issues, including the assessment of coastal erosion and sea flooding risk and the selection of relevant long-term management policies or options to manage such risk, including providing advice essential for future adaptation in response to climate change.
3. A National Network of Regional Coastal Monitoring Programmes, including representatives from all programmes from around England and Wales, was established in 2009 to further develop the programmes, enhance knowledge and expertise and support grant applications.
4. A co-ordinated grant application was made to the Environment Agency in May 2010 on behalf of each region for the period 2011-2016, with £5.3million allocated to the North West. This submission received a recommendation for approval by the Environment Agency National Review Group. This group also recommended a co-ordinated procurement strategy.

Proposal

5. Separate regional frameworks will be established in a coordinated programme through the National Network to ensure the criteria are applied equally across the country. All Sefton Council procurement regulations will be followed throughout this procedure. This process will include a Pre-Qualification Questionnaire to ensure companies are able to deliver the services to the required specifications.
6. The framework will include work packages for:
 - a. Bathymetric surveys
 - b. Topographic surveys
 - c. Aerial surveys
 - d. Lidar surveys
 - e. Ecological mapping
 - f. Hydrodynamic data collection
 - g. Analytical services

Benefits

7. The framework does not form any sort of contract between the Council and any of the contractors on the framework; if preferred, the Council doesn't have to use the framework.
8. The framework will have quality assessed contractors ensuring their ability to fulfil the contracts.
9. The framework will give the Council maximum flexibility for procurement for coastal monitoring requirements for the next five years.
10. The Council reserves the right to use in-house teams, where preferred.

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Agenda Item 8

REPORT TO: Cabinet Member - Environmental
Cabinet Member – Technical Services

DATE: 20th October 2010
20th October 2010

SUBJECT: **LOCAL FLOOD RISK MANAGEMENT**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Graham Lymbery – Project Leader - Coastal defence
0151 934 2959

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

The purpose of this report is to advise the Cabinet Members for Environmental and Technical Services of new duties in relation to local flood risk management.

REASON WHY DECISION REQUIRED:

The new duties are being placed on the Council at the present time with all new duties expected to be in place by April 2011.

RECOMMENDATION(S):

The Cabinet Members for Environmental and Technical Services are recommended to:

- (i) Note the Government's intention to place additional duties on the Council as a Lead Local Flood Authority;
- (ii) Note the Government's intention to fund these additional burdens via Area Based Grant;
- (iii) Note the need for resources to be included in future budgets to deliver these new burdens and for the provision of a Client function.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

Agenda Item 8

ALTERNATIVE OPTIONS:

The Council could choose not to undertake the additional duties. This would not require additional funding but would mean that the Council would fail to discharge its duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010. Failure to comply could result in Infraction Proceedings under the European Commission Floods Directive.

IMPLICATIONS:

Budget/Policy Framework:

Financial:

	2009/10 £	2010/11 £	2011/12 £	2012/13 £
<u>CAPITAL EXPENDITURE</u>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N		When?		
How will the service be funded post expiry?				

Legal:

Risk Assessment:

The new duties placed upon the Council set out a clear approach to the management of flood risk and the development of plans to address this risk.

Asset Management:

The new duties placed upon the Council set out a clear approach to the management of flood risk which includes the assessment and maintenance of flood defence assets.

CONSULTATION UNDERTAKEN/VIEWS

Agenda Item 8

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Agenda Item 8

Background

1. The Flood Risk Regulations 2009 came into force on the 10th December 2009 and have placed new duties on the Council as a Lead Local Flood Authority. These regulations transpose into domestic law the provisions of the European Commission Floods Directive (Directive 2007/60/EC) on the assessment and management of flood risks across European Union Member States. They aim to reduce the likelihood and consequence of flooding through the identification of areas at risk of flooding (from all sources) and the development of Flood Risk Management Plans.
2. The Flood and Water Management Act 2010 was passed by Government this spring and it will have a phased commencement. It will place a number of new duties on Local Authorities along with a general duty to provide a leadership role in relation to Flooding from all sources (details attached). It should be noted in the details that other relevant authorities such as Water Companies will have a duty to cooperate with the Council as we discharge this leadership role. DEFRA (Department for Environment Food and Rural Affairs) wrote to all Councils on the 16th of September 2010 to advise them that various elements were commencing on the 1st of September and 1st of October and that the Government was working towards commencing most other parts of the Act by April 2011.
3. The Council's drainage function was transferred over to Capita Symonds as part of the externalisation of Engineering Services on the 1st October 2008; at this time it was not thought necessary to retain any in-house expertise in this function to act as the Client. It has since been recognised that a Client function is required and the Coastal Defence team has been providing this function in the interim (since September 2009) until resources can be put in place to formalise the arrangement.
4. Local Authorities currently receive funding for flood and coastal erosion risk management through Formula Grant as well as through other sources such as Capital Grants from the Environment Agency. The Government is currently consulting on the basis for the Formula Grant with a view to changing its basis for flood and coastal erosion from being based on past expenditure to a Relative Needs Formula.
5. The Government is also consulting on the mechanism for the distribution of funding for the new burdens arising from the Flood and Water Management Act 2010 with their proposed method being the use of Area Based Grant, as it would include a clear indication of the amount that each Lead Local Flood Authority would get. Early results from research undertaken on behalf of the Government indicate that, for Sefton, this funding would be in the order of £100,000 to £165,000 per year (equivalent to 1.5 to 2.3 full time posts).
6. Flood Risk Management is a significant risk for Sefton given its long coast and extensive areas of low lying land, with approximately 90% of its area relying on pumped drainage. Whilst mechanisms are well established for the management of flood risk from the sea and rivers, the Act aims to manage flood risk from all

sources including sewers, surface and ground water. Members will be aware of recent incidents such as the flooding in Bootle this summer and the breach in the River Alt embankment at Lunt Meadows; compliance with the Act will improve our understanding, management and response to such risks.

Financial Implications

7. It has not been possible at this time to determine the financial implications arising from the new burdens (other than the broad indication by Government) under the Flood and Water Management Act 2010 in relation to staff resources; the Government has, however, made it clear that they will be providing revenue funding through Area based Grant, or similar, as the new burdens are introduced.
8. The Government has provided some financial resource to support delivery of specific burdens. This includes a £100,000 grant for the development of a Surface Water Management Plan (as referred to in the Surface Water Management Plan report of 20 October 2010) and an allocation of £10,000 towards the costs expected to be incurred in this financial year for development of Preliminary Flood Risk Assessments.
9. The Government has made it clear that Local Authorities will need to *'think now about what is necessary to make sure the skills and capacity are in place for their strategy preparation processes to take advantage of funding and guidance when it is made available from April 2011.'*

Discussion

10. Whilst it is clear that at this time we are not in a position to determine what resource we will need, or what funding we will receive, we can be certain that the Council will have new burdens to deliver and that some funding will be provided by the Government to deliver these burdens. We know that these new duties under the Flood and Water Management Act will be substantially in place by April 2011 and we can assume that the timing of the funding from Government will match this.
11. We also know that there is currently no Council resource for the management of the Drainage function currently being delivered by Capita Symonds and that there is a need for a Client function in relation to drainage and that this will require resources to be put in place for the Client function.
12. We are currently reviewing all Council Services in the light of proposed budget cuts and any consideration of the delivery of new duties needs to be considered in the light of these budget cuts and potential restructuring.
13. Given the uncertainty relating to resource need, funding allocation from Government and future structures for Council Services, it is not appropriate at this time to request formal inclusion in the Council's budget process, but it is appropriate to ask the Cabinet Member to:

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- Note the Government's intention to place additional duties on the Council as a Lead Local Flood Authority;
- Note the Government's intention to fund these additional burdens via Area based Grant;
- Note the need for resources to be included in future budgets to deliver these new burdens and for the provision of a Client function.

Flood and Water Management Act 2010

What does the Flood and Water Management Act mean for Local Authorities?

This factsheet summarises flood management provisions in the Act that affect local authorities in England.

Lead local flood authority

Sir Michael Pitt's review of the flooding in 2007 stated that "the role of local authorities should be enhanced so that they take on responsibility for leading the co-ordination of flood risk management in their areas". The Act provides for this through the new role of the lead local flood authority.

As set out in the Government's response to Sir Michael's Review, the Act defines the lead local flood authority for an area as the unitary authority or the county council. This will avoid any delay or confusion about who is responsible, but in no way prevents partnership arrangements to make full use of all capabilities and experience locally. The Act enables lead local authorities to delegate flood or coastal erosion functions to another risk management authority by agreement.

Local Partnerships

Sir Michael Pitt's Review recommended that the lead local flood authority should bring together all relevant bodies to help manage local flood risk. The important roles played by district councils, internal drainage boards, highways authorities and water companies are also recognised in the Act and these bodies, together with the Environment Agency, are identified as risk management authorities.

The Act enables effective partnerships to be formed between the lead local flood authority and the other relevant authorities who retain their existing powers (with some enhancement), but it does not say what any local arrangements should look like. It requires the relevant authorities to co-operate with each other in exercising functions under the Act and they can delegate to each other. It also empowers a lead local flood authority or the Environment Agency to require information from others needed for their flood and coastal erosion risk management functions.

Guidance and examples of best practice arrangements for local partnerships will be made available to local authorities and, as recommended by the EFRA Select Committee, different bodies' roles can be varied if necessary.

Flood risk management strategies

The Environment Agency will be required to develop a national strategy for the management of coastal erosion and all sources of flood risk for England. This will need to be consulted on publicly before being approved by the Secretary of State and laid before Parliament.

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The Act also requires a lead local flood authority to develop, maintain, apply and monitor a strategy for local flood risk management in its area. The lead local flood authority will be responsible for ensuring the strategy is put in place but the local partners can agree how to develop it in the way that suits them best. The Act sets out the minimum that a local strategy must contain, and the lead local flood authority is required to consult on the strategy with risk management authorities and the public.

Local flood risk includes surface runoff, groundwater, and ordinary watercourses (including lakes and ponds). Guidance may, amongst other things, set out in more detail how the national strategy and local strategies should interact and how local strategies will need to take account of plans to manage other sources of risk.

Local authorities will need to consider the full range of measures consistent with a risk management approach in developing their local flood risk strategy. Resilience and other approaches which minimise the impact of flooding are expected to be a key aspect of the measures proposed.

Duty to act consistently with local and national strategies

The Act will require local flood risk management strategies to be consistent with the national strategy. The local strategies will build on information such as national risk assessments and will use consistent risk based approaches across different local authority areas and catchments. The local strategy will not be secondary to the national strategy; rather it will have distinct objectives to manage local flood risks important to local communities.

Duty to investigate and to maintain a register

To ensure greater co-ordination of information and avoid situations where bodies do not accept responsibility, the lead local flood authority will:

- investigate flooding incidents in its area (where appropriate or necessary) to identify which authorities have relevant flood risk management functions and what they have done or intend to do. The lead local flood authority will then be required to publish the results of any investigation, and notify any relevant authorities.
- maintain a register of structures or features which they consider have a significant effect on flood risk in their area, at a minimum recording ownership and state of repair. The register must be available for inspection and the Secretary of State will be able to make regulations about the content of the register and records.

Ensuring progress

To avoid administrative burdens, the Act does not require routine reporting on performance, but allows information to be requested where necessary. Local authorities can bring matters to the Government's attention and if a risk management authority fails to exercise a flood or coastal erosion risk management function, the Secretary of State can direct another authority to carry out that function.

In addition, the Act will enable overview and scrutiny committees in lead local flood authorities to hold all the risk management authorities to account. In this way, the public can be actively involved in ensuring authorities perform.

Works powers

The Act provides the lead local flood authority with powers to do works to manage flood risk from surface runoff and groundwater. Powers to do works on ordinary watercourses remain with either district or unitary authorities, or internal drainage boards. All works must be consistent with the local flood risk management strategy for the area.

Designation of third party assets

The Act provides lead local flood authorities, district councils, internal drainage boards and the Environment Agency with powers to designate structures and features that affect flooding or coastal erosion. The powers are intended to overcome the risk of a person damaging or removing a structure or feature that is on private land and which is relied on for flood or coastal erosion risk management.

Once a feature is designated, the owner must seek consent from the authority to alter, remove, or replace it. If someone does make a change to a designated feature, then the authority may issue an "enforcement notice" which will set out any steps that must be taken to restore a feature. An individual may appeal against a designation notice, refusal of consent, conditions placed on a consent or an enforcement notice.

Sustainable drainage systems

The Act establishes a SuDS Approving Body (the "SAB") at county or unitary local authority levels. The SAB would have responsibility for the approval of proposed drainage systems in new developments and redevelopments, subject to exemptions and thresholds. Approval must be given before the developer can commence construction.

In order to be approved, the proposed drainage system would have to meet new national standards for sustainable drainage. Where planning permission is required applications for drainage approval and planning permission can be lodged jointly with the planning authority but the Approving Body will determine the drainage application. Regulations will set a timeframe for the decision so as not to hold up the planning process.

The SuDS Approving Body (SAB) would also be responsible for adopting and maintaining SuDS which serve more than one property, where they have been approved. Highways authorities will be responsible for maintain SuDS in public roads, to National Standards.

Sustainable drainage systems on private property, whether they are private or adopted, must be designated by the SAB under Schedule 1 to the Act as features that affect flooding risk. The SAB will also be required to place all approved sustainable drainage systems on the register of structures and features (as a separate category).

The National Standards will set out the criteria by which the form of drainage appropriate to any particular site or development can be determined, as well as requirements for the design, construction, operation and maintenance of SuDS. Local authorities are represented on the Project Advisory Board for the development of these National Standards.

The Act, in response to Sir Michael Pitt's Review, also makes the right to connect surface water drainage from new development to the public sewerage system conditional on the surface water drainage system being approved by the Approving Body.

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Further information on sustainable drainage systems and drainage is covered in a separate factsheet for property developers.

Other powers

Local authorities will be able to use all their normal powers (in planning, regeneration, local investment, highways and to provide information and guidance) to support their new roles under the Act.

They will take over the Environment Agency's role in deciding whether to allow works by third parties that may affect water flows to take place. They will also continue to be members of Regional Flood and Coastal Committees. These Committees will decide on the local levy raised and how this is spent and will be consulted on all relevant Environment Agency proposals.

Sustainable development duty and environmental works

The Act includes a duty for local authorities, highways authorities, and internal drainage boards to contribute to sustainable development in discharging their flood and coastal erosion risk management (FCERM) functions. This is similar, to the existing duty that the Environment Agency already has.

The Act also provides environmental powers for works that a) have a net beneficial impact, b) are consistent with the national FCERM Strategy and, c) are deemed by the relevant authority to be desirable for the natural environment, the historic environment, landscape, or have amenity or leisure benefits.

Levies

The Act will enable the Environment Agency to issue levies to the lead local flood authority for an area in accordance with section 74 of the Local Government Finance Act in the same way that they could previously raise levies under Section 133 of the Water Resources Act 1991, which will be repealed.

Funding

Defra is committed to funding all net new burdens on local authorities resulting from the new Act, and will monitor the situation as implementation proceeds.

There is a separate factsheet on funding.

The EU Floods Directive

Alongside the Act, the Flood Risk Regulations 2009 have been made to implement the Floods Directive in England and Wales. These regulations outline the roles and responsibilities of the various authorities consistent with the Flood and Water Management Act and provide for the delivery of the outputs required by the Directive:

- Preliminary Flood Risk Assessments (PFRAs), which will allow the identification of areas of potential significant risk.
- Maps showing impact and extent of possible future significant flood events.
- Flood risk management plans, identifying how significant flood risks are to be mitigated.

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It is envisaged that initially the local and national strategies (which will take on board work to date in putting together catchment flood management plans, shoreline management plans, and surface water management plans amongst other things) will help to shape the work to be done on the Floods Directive outputs. Over time the maps and plans under the Directive will in turn shape the national strategy and the local strategies.

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Agenda Item 9

REPORT TO: Cabinet Member - Environmental Committee
Cabinet Member – Technical Services Committee

DATE: 20th October 2010
20th October 2010

SUBJECT: **SEFTON SURFACE WATER MANAGEMENT PLAN PROPOSALS**

WARDS AFFECTED: All

REPORT OF: Peter Moore, Environmental and Technical Services Director

CONTACT OFFICER: Graham Lymbery - Project Leader, Coastal Defence
0151 934 2960

**EXEMPT/
CONFIDENTIAL:** N/A

PURPOSE/SUMMARY:

To inform Members of the current work being undertaken in regard to the Surface Water Management Plan for Sefton. The report identifies the strategic objectives, processes and parties involved in the preparation of the Plan

REASON WHY DECISION REQUIRED:

To allow for development of the plan.

RECOMMENDATION(S):

It is recommended that the:

Cabinet Member – Technical Services agrees to the development and implementation of a communications plan for the surface water management proposals, and the

Cabinet Member – Environmental notes the report.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following expiry of the 'call in' period for the minutes of the meeting.

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N		When?		
How will the service be funded post expiry?				

Legal:

Issues identified in the report

Risk Assessment:**Asset Management:**

N/A

CONSULTATION UNDERTAKEN/VIEWS

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CORPORATE OBJECTIVE MONITORING:

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		✓	
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

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Introduction

1. This report has been prepared to inform Members of the proposals for the undertaking of a study for the preparation of the Surface Water Management Plan for Sefton, and to broadly outline the proposals for the stakeholder engagement.
2. A key action from the Pitt Review was the implementation by all Local Authorities of Surface Water Management Plans.
3. Sefton Council bid for £100,000 funding through the Surface Water Early Action Grant scheme for the development of a Surface Water Management Plan.
4. In March 2010 the grant allocation notification was received from the Department for Environment, Food and Rural Affairs (DEFRA) confirming £100,000 of funding for Sefton Council to undertake a study and to develop a Surface Water Management Plan (SWMP) for the Borough. Sefton Council is also contributing £20,000 to the costs of the study.
5. The preparation of the SWMP is to be undertaken in accordance with technical guidance provided by DEFRA. This identifies four key stages of the preparation of the plan including Preparation, Risk Assessment, Option Selection and Implementation and Review.

Background

6. The SWMP study is undertaken in consultation with key local partners who are responsible for surface water management and drainage in their area. The Plan is developed based on a detailed analysis of flood risk data held by the Key Partners and other appropriate sources. Through close liaison with the Key Partners throughout the study process, the purpose of the SWMP is to establish a long-term Action Plan for the Borough. The Key Partners are Sefton Council, The Environment Agency and United Utilities.
7. A SWMP is a Plan which outlines the preferred surface water management strategy for a given area to address surface water flooding. In this context, surface water flooding includes flooding from sewers, drains, groundwater, and run-off from land, small watercourses and ditches that occurs as a result of heavy rainfall. This plan is prepared following a detailed assessment of flood risk data to assess current and potential future areas of flooding within the Borough. The assessment also identifies solution options and their respective costs for dealing with the various flood risks. This is subsequently developed into the Action Plan, or strategy, for dealing with flood risks.
8. The SWMP will provide appropriate guidance for future investments and developments, drainage maintenance strategies, land-use planning and emergency planning issues.

9. Sefton Council has appointed Capita Symonds as the agent responsible for undertaking the study and the preparation of the Plan. A Steering Group has been established comprising the Key Partners to manage and guide the decisions to be made during the study process.
10. The SWMP Steering Group comprises officers from Sefton Council, the Environment Agency, United Utilities and Capita Symonds. It is intended that this Steering Group will meet on a monthly basis to consider the ongoing study work being undertaken and to input information and viewpoints as required. Existing drainage data held by all of the Key Partners has been gathered and incorporated into the work undertaken to date.
11. The strategic objectives for the SWMP, as agreed by the Steering Group, are attached at Annex A.

Communications Plan

12. A draft Communications / Engagement Plan is being prepared and includes a list of potential 'stakeholders' who may have an interest in flooding problems and flood risk areas in the Borough. Such stakeholders may also have an interest in the potential solution to the problems identified during the assessment process. The stakeholders to be consulted include Area Committee and Parish Council members, Government bodies, statutory bodies and undertakers, relevant local interest groups and associations, riparian owners, developers etc. Following agreement by Cabinet Member of this report, the external stakeholders will initially be notified by letter of the outline proposals and objectives for the SWMP study, and directed to the Sefton website where more details will be available. Due to time constraints it may not be possible to bring the detailed Communications / Engagement Plan to the Cabinet Member – Technical Services for approval prior to implementation. Details of the engagement plan will however be shared as soon as it is available.
13. It is proposed to report to the Area Committees as soon as practicable following agreement of this report by the Cabinet Member – Technical Services.
14. Information regarding the undertaking of the study will be provided on the Sefton Council website. The opportunity will be given to stakeholders to liaise with officers undertaking the study regarding any concerns that they may have, or provide information to assist in the compilation of the study data and preparation of the Plan.
15. It is proposed that the Surface Water Management Plan, once completed and approved by Cabinet Member – Technical Services will be made available on the Council's website.

Programme for the SWMP

16. A programme for the undertaking of the study and development of the Plan has been prepared. In accordance with the requirements of DEFRA, it is

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intended to complete the SWMP work, up to and including the preparation of the Action Plan, by April 2011. The work undertaken to date includes the establishing of the Key Partners, objective setting, establishing governance arrangements, data gathering and mapping, and the technical analysis required for the Strategic Risk Assessment. This Assessment has identified the sites which are to be further assessed in the next stage.

17. The results of the Strategic Assessment work to date have been summarised in a preliminary report, and the areas for further consideration have been identified on a plan. These areas will then be prioritised to identify those which warrant detailed assessment and may ultimately be included in the Action Plan.
18. It is intended that the SWMP programme will be regularly updated to reflect the progress made which will be largely influenced by the number of sites which require a detailed level of assessment.

Action Plan

19. The output of the study is to produce detailed evidence of the procedures and the technical basis of the work undertaken in carrying out the study, and to produce an Action Plan. This Action Plan will identify :
 - a) the preferred options for dealing with flood risk issues,
 - b) the actions required by each partner, and possibly stakeholders,
 - c) who will be the appropriate contributory funding parties for the actions, and
 - d) The timetable for implementation of the Plan.
20. The Action Plan will also serve to inform officers of the Planning Department, and provide guidance on Emergency Planning arrangements.
21. A draft Action Plan will be reported to Members in the New Year for approval prior to being finalised and published.

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SEFTON SURFACE WATER MANAGEMENT PLAN STEERING GROUP OBJECTIVES

The following revised list of Objectives for the Sefton Surface Water Management Plan were agreed following discussion at the Steering Group Meeting No.2 held on 6th August 2010 .

1. **To determine and map current and potential surface water flood risk areas across the Sefton MBC area, irrespective of source.**
2. **To determine the consequences of surface water flooding on people, property, infrastructure and the environment, now and in the future.**
3. **To identify an effective, affordable and achievable strategy with sustainable and cost-beneficial measures to mitigate surface water flood risk, which achieve multiple benefits where possible, and which make the most of opportunities for economic, social and environmental enhancement.**
4. **To improve co-operation and co-ordination for better working relationships between Key Partners to the Surface Water Management Plan (SWMP) comprising Sefton Council, the Environment Agency, United Utilities and other stakeholders influencing surface water management, including establishment of a standing liaison requirement for subsequent delivery of the SWMP measures and any review of the SWMP.**
5. **To assess potential flood risk management measures to Critical and Vulnerable Infrastructure within Sefton.**
6. **To inform and advise spatial planning so that new development is directed away from areas at greatest risk of actual and potential surface water and other flooding so that appropriate surface water mitigation measures are promoted.**
7. **To assess the likely impact of potential flood risk management measures including their contribution to eco-hydrological benefit (ie WFD compliance) and to specific locations identified for potential development and thereby seek to inform future spatial planning policy and site guidance briefs.**
8. **To contribute to meeting the requirements of the Flood Risk Management Regulations, 2009 and the Flood and Water Management Act, 2010, and inform emergency planning decisions.**
9. **To develop an Action Plan for the delivery of SWMP measures showing how partners and stakeholders will work together to finance and implement the preferred measures.**
10. **To periodically review the appropriateness of SWMP datasets and modelling, the delivery of the Action Plan, the means of implementation and to monitor the effectiveness of the enacted SWMP measures, and to update the SWMP where resources allow.**
11. **To develop and implement an effective communications strategy involving all Partners that engages the affected communities and all stakeholders and helps their understanding of surface water flooding issues in Sefton.**

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REPORT TO: Cabinet Member - Environmental

DATE: 20th October 2010

SUBJECT: **JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY – PUBLIC CONSULTATION “ DON’T WASTE YOUR SAY”**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: David Packard
Assistant Director - Environmental
0151 934 4016

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To inform the Cabinet Member – Environmental of the statutory consultation for the revision of the Merseyside Joint Municipal Waste Management Strategy “Don’t Waste Your Say”.

REASON WHY DECISION REQUIRED:

For the Cabinet Member – Environmental to note and endorse the consultation approach for the revision of the Merseyside Joint Municipal Waste Management Strategy.

RECOMMENDATION(S):

That the Cabinet Member – Environmental notes the content of this report and endorses the “Don’t Waste Your Say” consultation.

KEY DECISION: No

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Immediately following the expiry of the “call-in” period for this meeting.

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ALTERNATIVE OPTIONS: N/A

IMPLICATIONS:

Budget/Policy Framework: All Cost Implications are met from within existing budgets

Financial:

<u>CAPITAL EXPENDITURE</u>	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: The revision of the Joint Municipal Waste Management Strategy requires public consultation.

Risk Assessment: The Council has a statutory duty to have a joint waste strategy with the other Merseyside District Councils – the risks come in securing formal agreement with all parties and then in collective delivery.

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

This is a formal consultation process for the revision of a mandatory strategy.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Statutory Guidance relating to Developing Municipal Waste Management Strategies.

Background and supporting information can be found at – www.dontwasteyoursay.org

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Background

1. The Cabinet Member, Environmental will recall the report of 14th January 2009 relating to the remit for the formal revision of the statutory Merseyside Joint Municipal Waste Management Strategy (JMWMS) as required under the provisions of the Waste Emissions Trading Act and related statutory guidance.
2. Merseyside Waste Disposal Authority (MWDA) in partnership with the five Local Authorities – Knowsley, Liverpool, St Helens, Sefton and Wirral Councils (known as the Merseyside Waste Partnership) - is leading the formal review of the JMWMS to identify the best ways forward in delivering sustainable waste management for residents over the next twenty years. The formal review of the strategy must involve public consultation.
3. The Merseyside Waste Partnership is responsible for the total management of 767,000 tonnes of waste generated each year by 1.6 million Merseyside residents. MWDA manages 14 Household Waste Recycling Centres across the region, four waste transfer stations and the Materials Recovery Facility at Bidston, with individual districts responsible for collection of waste from households and local bring sites.
4. With a collective recycling rate of 33%, Merseyside has made significant improvements in its recycling performance in the last few years. However, more needs to be done as the cost of disposal to landfill is increasing. The Waste Partnership is committed to ensure the region continues to improve all aspects of waste management in the face of changing requirements and new legislation and an ever-present need to divert more and more waste away from landfill.
5. The Strategy was first published in 2005 and set out the guiding principles for the delivery of sustainable waste management on Merseyside over the period 2008-2020. This was updated in 2008 bringing it into line with changes in legislation, policy and performance, but kept the original aims and objectives. There was a commitment in the original Strategy to review the document after five years and that is what the Partnership is now doing.
6. A review of the Waste Strategy for England is due to be published next year by the Coalition Government and the Partnership is keen to ensure that the JMWMS is robust enough to meet the new challenges it faces over the coming years.
7. The Partnership has pledged to engage with residents on the development of the Strategy and previously announced that it was to launch a major public consultation during the Autumn of 2010.

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8. The Partnership is committed to ensure that the services it provides meets the needs of the people it serves and to do this we will be consulting with as diverse and broad cross section of the community as possible, so we can seek to understand their concerns, listen to their ideas and discuss the options with them.
9. The Don't Waste Your Say consultation commenced on 5th October 2010 with a media launch and will provide a variety of ways residents can get involved.
10. The consultation starts with an element of widespread direct face-to-face engagement with a representative sample of 3,000 residents from across the five districts of Knowsley, Liverpool, St Helens, Sefton and Wirral and is planned to start on Tuesday 12 October for four weeks. Interviewers who will be calling at homes will have identification badges and letters of authority from MWDA. Officials, including Merseyside Police, will be notified of the activity.
11. During late October and early November, residents will have the opportunity to visit one of the planned 'Don't Waste Your Say' road shows, ask road show staff questions and find out more about the process. The road shows, which will be open from 10am to 5pm, will be at:
 - St Helens, Church Square (WA10 1BN) – Monday 25 October
 - Sefton, Chapel Street, Southport (PR8 1AF) – Thursday 28 October
 - Knowsley, Derby Road, Huyton Town (L36 5RT) – Friday 29 October
 - Liverpool, Williamson Square (L1 1EL) – Tuesday 2 November
 - Wirral, Liscard Way (Liscard Village/Lloyds TSB end) (CH44 5TL) – Thursday 4 November
12. After completion of the face-to-face survey and road shows, the public consultation moves on to engage with the community and explore key issues in greater detail through focus groups, each lasting for an hour and half. Groups will focus on;
 - Identifying barriers for respondents to actively do more in terms of waste management performance, including waste prevention and recycling.
 - Exploring the role of the Government, the community, the individual and the private sector (manufacturing, retail and service industries in particular) in reducing and managing their waste
13. The final element of the consultation is the online research community that will run for six weeks. Participants will be given an individual log-in to access the site where they can fill in various online surveys, post their views on the message boards, vote in Quick Polls, access articles and take part in online focus groups. Participants will be given reward points commensurate with their level of active input into the site and these points will be converted into High Street vouchers at the end of the consultation process.

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14. Each week, the website will focus on a different theme such as key environmental concerns, food waste, shopping, reduction, reuse, recovery and waste management in the community.
15. By engaging people about a range of environmental and waste issues, the consultation process will be able to identify the key topics to explore and debate in more depth with residents as the consultations continues.
16. The consultation will run from October through to December 2010. All 360 Elected Members across Merseyside will be directly informed of and engaged in the consultation. The strategy review will be discussed at the relevant Overview and Scrutiny Committees in each of the Merseyside Councils in February 2011.
17. All residents may participate in the consultation via www.dontwasteyoursay.org

The **Don't Waste Your Say** consultation is your opportunity to have your say on how waste in Merseyside is managed in the future. To take part, you don't need to be an expert in waste – we just want to hear your views so please **Don't Waste Your Say!**

**DON'T WASTE
YOUR SAY**

What's happening

A Partnership, consisting of Merseyside Waste Disposal Authority (which manages the disposal of waste) and the five local councils of Merseyside which collect waste from residents (Knowsley, Liverpool, St Helens, Sefton and Wirral) has developed a Joint Municipal Waste Management Strategy for Merseyside (JMWMS) which sets out how waste will be dealt with from 2012 to 2020. This consultation will help develop this Strategy by achieving the following aims:

- Ensure any revised Strategy reflects residents' views and aspirations
- Improve the quality of policy and decision making by drawing on knowledge from local people
- Raise awareness and understanding of sustainable waste management and wider related environmental, economic and social issues

The consultation is being run by Enventure, an independent market research agency which abides by the Market Research Society's Code of Conduct.

The consultation will use:

- A residents' survey – involving residents across Merseyside
- Roadshows at various locations
- Focus groups to talk about issues in more depth
- Online research community – a website that will allow residents to have their say through quick polls and message boards.

Visit a roadshow event near you!

The consultation roadshow will be travelling around Merseyside during late October and early November. This is a great opportunity to find out more about how waste is currently dealt with and let us know your views and thoughts on how it should be dealt with in the future. You don't need to be an expert in waste to get involved!

Roadshows will open from 10am and will finish at 5pm.

St Helens, Church Square WA10 1 BN
– Monday 25 October

Sefton, Chapel Street, Southport PR8 1AF
– Thursday 28 October

Knowsley, Derby Road, Huyton Town L36 5RT
– Friday 29 October

Liverpool, Williamson Square L1 1EL
– Tuesday 2 November

Wirral, Liscard Way [Liscard Village/Lloyds TSB end] CH44 5TL – Thursday 4 November

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Residents' Survey

From 12 October, Enventure's team of interviewers will be visiting Merseyside and asking residents to take part in a short survey. From talking to people about a range of environmental and waste issues, we will identify the key topics to discuss and debate in more depth with residents as the consultation continues.

All interviewers will carry identity cards, which residents can ask to see at any time. They will also have a letter of authority from Merseyside Waste Disposal Authority and local police will be aware of the interviewing activity and the names of interviewers.

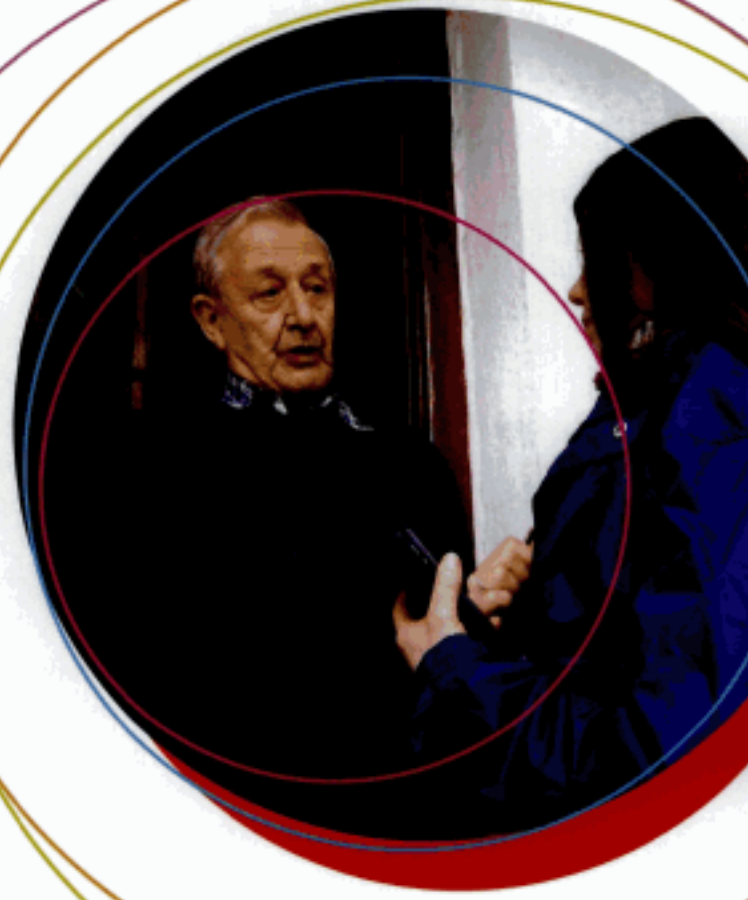
If an interviewer knocks on your door, we would be grateful if you could take the time to answer the questions they ask, although it's not compulsory to take part. It shouldn't take any more than ten minutes and the information gathered will play a key role in shaping the future of waste management across Merseyside.

Do you want to get involved and have your say?

If you're interested in becoming part of our online research community, you can register your interest by visiting the Don't Waste Your Say website and going to the 'contact us' page. The online research goes live on 1 November and will finish on 13 December.

Would you like to receive a summary of the results?

If you would like to receive a summary of the findings from the consultation research process, you can either visit the website and complete the form, or alternatively, send an email with 'request summary report' in the subject title to consultation@dontwasteyoursay.org and the results will be sent to you in February.



consultation@dontwasteyoursay.org

Consultation Helpline: 0844 522 0100

www.dontwasteyoursay.org

Agenda Item 11

REPORT TO: Cabinet Member - Environmental

DATE: 20th October 2010

SUBJECT: **TRADING STANDARDS NORTH WEST ANNUAL REPORT 2009/10**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Andrew Naisbitt
Trading Standards Section Manager
0151 934 4014

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To inform the Cabinet Member – Environmental of the Trading Standards North West Annual Report 2009/10.

REASON WHY DECISION REQUIRED:

To advise the Cabinet Member – Environmental of the Trading Standards North West (TSNW) Annual Report 2009/10 and request support for Sefton Trading Standards to continue to fulfil the position of 'Lead Authority'

RECOMMENDATION(S):

The Cabinet Member – Environmental

- a) Notes the content of this report; and
- b) Supports the Environmental Protection Department's Trading Standards Section in its continuing role as lead authority for TSNW and endorses co-ordination between the 23 North West Trading Standards Authorities in support of improved efficiency and effectiveness of operations.

KEY DECISION: No

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Immediately following the expiry of the "call-in" period for this meeting.

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ALTERNATIVE OPTIONS: N/A

IMPLICATIONS:

Budget/Policy Framework: All Cost Implications are met from within existing budgets

Financial:

<u>CAPITAL EXPENDITURE</u>	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

The formal contractual arrangement defines the legal roles and responsibilities of the 23 North West Authorities.

Risk Assessment:

The Council has a statutory duty to provide Trading Standards Services. TSNW establishes the mechanism for co-ordinated operations and improved effectiveness and efficiency for Trading Standard Authorities. Failure to carry out this duty effectively could risk the claim that the Council has failed its 'Best value' obligations in this area.

Asset Management:

N/A

CONSULTATION UNDERTAKEN/VIEWS

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

N/A

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Background

1. The Cabinet Member, Environmental will recall the report presented on 4th October 2006 entitled “*Co-ordination of Trading Standards in the North West*”. This report advised of the development of a regional partnership between the then 22 North West Trading Standards Authorities called Trading Standards North West (TSNW).
2. The Trading Standards Service is a statutory service provided by all 205 upper tier authorities in the UK. Although provided locally for the benefit of local residents, activities will inevitably lead to cross border issues where greater co-operation is required, particularly with neighbouring services.

Trading Standards North West (TSNW) Partnership Contract

3. Trading Standards professionals and their legal advisors considered the issue of governance in relation a regional partnership and this led to the establishment of a contractual relationship between the constituent authorities. Sefton agreed to act as the lead authority for TSNW.
4. The strengthening of the TSNW Partnership as a result of this contract has allowed the member local authorities to coordinate those activities that are progressing at a local or sub regional level and those that are progressing at regional level. This helps to ensure there is no duplication of effort. It is however unlikely that all aspects of the work currently done locally could be done regionally or sub regionally because of service adjustments made to cater for local political and demographic needs.
5. It was agreed that the TSNW Partnership, once established, would report annually and so be accountable to the elected members in the constituent authorities. A copy of the TSNW Annual Report 2009/10 is appended to this report as Annex 1.

The TSNW Annual Report 2009/10

6. The content of the report is self-explanatory and highlights the key issues affecting Trading Standard’s Services in the region. The report provides a brief introduction to TSNW before focusing on projects such as
 - Food Safety
 - Regional Intelligence
 - Dealing with Problem Traders (Case Study)
 - Consumer Direct
 - Tackling Illicit Tobacco & Tobacco Controls
 - Illegal Money Lending and
 - The Public Protection North West Pilot Project
7. The level each individual authority contributes to an individual activity is dependent upon local priorities.

8. The cost of Regional Coordination and Regional Intelligence has to date been funded by contributions from TSNW members, the Office of Fair Trading, Local Better Regulation Office and project sponsors.

Implications for the Trading Standards Section

9. The publication of the TSNW Annual report will raise awareness of consumer law issues and lead to an increase in the level of demand for Trading Standards Services.
10. TSNW has increased regional coordination that has led to more targeted and effective enforcement of criminal Trading Standards law creating Gershon efficiency savings and the report cites examples of how the work of partnership offsets costs to the member local authorities.
11. The 'cross cutting' nature of TSNW also supplements other services, e.g. Community Safety, Environmental Health.
12. It is envisaged that the TSNW authorities will need to continue to subsidise the cost of coordination if funding from Central Government Agencies is cut / reduced. The Annual Membership Subscription for 2010 was £500.

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Trading Standards North West

Annual Report 2009/10

'Regulatory Coordination at its Best' - A Report of the Activities in 2009/10.

The Challenges Ahead Call For Strong Leadership

TSNW Managers collectively seek to:

- Focus on what can be done—not what can't be done.
- Encourage greater productivity and inspire high performance
- Stay visible and communicate to capture hearts and minds
- Build resilience
- Develop leadership capability
- Be fair & transparent
- Reshape the Regulatory Service agenda; and
- Energise the profession.



The TSNW Strategic Leadership Team met recently to discuss the key challenges facing the region's Trading Standards Services.

The Co-ordination Function

Co-ordination is provided by Kate Pike TSNW Regional Facilitator. Appointed in 2007, Kate continues to provide cohesion that binds the 23 local Trading Standards Authorities together despite their differing agendas and political persuasion. Kate represents TSNW in the national Trading Standards arena, co-ordinates responses to Central Government consultation and provides support to each of the 22 Trading Standards Managers. Kate's contact details are listed below:

Kate Pike
Trading Standards North West
New Town House
Buttermarket Street
Warrington WA1 1NH

Tel No: 01925 443527

Email: koike@warrington.gov.uk

Annual Report 2009/10

Inside this issue:

Food Enforcement	2
Regional Intelligence	3
Dealing With Problem Traders	4
Consumer Direct	5
Tackling Illicit Tobacco	6
Illegal Moneylending	7
PPNW	8

KEY PARTNERS

- Greater Manchester Public Protection Partnership
- Consumer Direct North West
- Environmental Health Cumbria
- Environmental Health Lancashire
- Environmental Health Cheshire / Merseyside LBRO
- Food Standards Agency
- Department of Health UK IPO
- Local Government Regulation
- Office of Fair Trading HMRC
- Cheshire Police
- Cumbria Police
- Greater Manchester Police
- Lancashire Police
- Merseyside Police
- BIS
- Home Office
- Trading Standards Institute

The TSNW Food & Animal Feed Strategy Report Partnership Working to achieve greater efficiencies

The role of the food and animal feed group is to review national strategies which impact on food standards and animal feed and to implement service delivery and training to enable Local Authorities in the North West to implement those strategies in a consistent and cost effective manner.

Strategy

The group is greatly helped by Angela Towers and Sharon Young of the Food Standards Agency (whose liaison role has expanded to include the North East Government Office region). The involvement of Sharon and Angela enables two way communication between officers delivering food interventions on the ground and the Agency. There is also feedback from the Agency on European Union food policy.

As part of its horizon scanning role the group consider reports and invites speakers to its meetings from organisations with special interest in food. For example, Sylvia Cheater of the Department of Health gave a presentation on the "Best Start for Life" project, which provides guidance on food and nutrition for early years child care. Plans were made for Nicola Evans Food and Nutrition Programme Manager, Heart of Mersey (a leading Coronary Vascular disease (CVD) prevention charity) to address the group in 2010/11. The group also discussed the plans for NICE (the National Institute of Health and Clinical Excellence) to produce guidance on the influence that nutrition can have on CVD prevention. The guidance is due to be published in June 2010 and will look at areas such as salt, saturated and trans fats, marketing and the Common Agricultural Policy.

Service Delivery

In 2009/10 the food and animal feed group continued to deliver a variety of sampling schemes, develop low cost training for enforcement staff, prepare regional responses to a variety of consultation papers and provide best practice advice.

For example;

- The group contributed to LACORS surveys covering fat in minced meat and nursery food;
- Training was provided in the following topics (in the majority of cases training provided may be free (paid for by the FSA) or low cost (provided by experienced members of the group);
- FSA Food and Nutritional Labelling; TSNW Practical Sampling; FSA Food Labelling Update; FSA - Working Effectively with Minority Ethnic Food Businesses; FSA Food Factory Inspection Introduction (in Winsford); FSA Food Factory Inspection Update; FSA Healthy Eating and Nutrition.
- LACORS/FSA ran a joint conference in autumn 2009, which was open to both food standards and food safety professionals. The group was able to obtain TSNW and FSA funding to allow planning to take place for a one day conference on the investigation of food fraud, aimed at food standards officers, to give practical examples of the pitfalls likely to be encountered in a lengthy investigation and techniques to overcome those pitfalls.

Responses were prepared for consultation concerning:

FSA Review of Regulatory Framework (England): LAEMS Working Group: ENF/E/09/03 4: Front of Pack Nutritional Labelling: Draft Recommendations on Saturated Fat Food for Particular Nutritional Uses, Additives and Enzymes, Purity of Food Additives, Fish Labelling Regulations

Responding to Advice:

Following an adverse FVO report concerning the enforcement of animal feed requirements the FSA have said that they expect local authorities to have in place robust service plans and delivery procedures. The group have reviewed existing procedures and shared service plans.

And let's not forget:

John Malone, Trading Standards Manager, Wirral MBC & TSNW Strategic Lead for Food would like to thank Collette Rai of St Helens Trading Standards (without whose organisational skills we would be like poor lost sheep) and Angela Towers and Sharon Young of the Food Standards Agency for all the efforts they put in to ensuring that the group is as effective as it is.

"The Regional Partnership allows for economies of scale whilst promoting localism."

Regional Intelligence - Moving On



The National Intelligence Model (NIM) is a business planning tool for intelligence-led operations. TSNW established regional intelligence capability three years ago with funding from BIS (formerly BERR). Funding has since dried up but the function has been integrated into the Co-ordination function. The Regional Strategic & Tactical Structure (see below) remains the same but the list of strategic activities has been reduced.....



The level each individual Authority contributes to individual activity is dependent upon local priorities.

The strategic assessment assists the TSNW Executive manage co-ordination and to drive performance against the delivery of service priorities. The 2009/10 assessment features projects identified by specialist Trading Standards Officers from around the region and includes:

The seven strategic priorities (highlighted above):

- Doorstep Crime - 394 reported incidents in 2009/10
- Informal Economy - 953 complaints in 2009/10 (primarily Footwear, Perfumes etc & Clothing)
- Underage Sales - 4699 test purchases in 2009/10 (resulting in sales in 19% of cases)
- Fair Trading - Identification and targeting of the 20 most complained about traders
- Safety - 1146 complaints about the safety of goods (primarily cars, large domestic appliances & home improvement work)
- Food - 2314 reported food complaints
- Metrology - 532 reported metrology complaints

Also featured are 'cross cutting' issues which involve more than one Trading Standards priority area. These are illicit tobacco, (involving safety, informal economy and underage sales) and Doorstep Crime, (involving Fair Trading and Informal Economy).

In addition to the seven strategic priorities, TSNW has identified a number of strategic activities to be prioritised during 2010/11 . These include the introduction of a new intelligence database; the prevention of doorstep offending and protection of vulnerable consumers through the use of awareness-raising campaigns and more concrete prevention measures such as No Cold Calling Zones. The targeting of doorstep criminals and/or rogue traders will also continue.

It has also been recognised that greater inter-agency co-operation with organisations such as the North West Police forces, HMRC, Intellectual Property Office (IPO), and with internet traders and brand-name owners is desirable, in order to gather intelligence on and target internet crime and counterfeit sales. Similarly, improved inter-agency co-operation between TSNW (via the new Illicit Tobacco Team) and agencies such as HMRC and IPO is critical in targeting illicit and counterfeit tobacco offenders. It is clearly desirable for TSNW to address the need for clarity over which enforcement agency is responsible for dealing with level 2 fair trading offences.

The continued use of an intelligence-led approach allows Local Authorities to concentrate scarce resources on problem areas.

Dealing with Problem Traders

TSNW Problem Trader Group A Case Study

The sale of second hand cars has, year on year, generated a high number of complaints from consumers. It is a sector that continues to cause concern for Trading Standards and OFT with it being the most complained about trade sector to Consumer Direct. Latest statistics in 2009 show 3.6m purchases were made in the second hand car market which equates to £2.4bn, with 1 in 5 consumers who made a purchase having a problem or complaint.

TSNW Problem Traders group identified the Most Complained about Car Trader in the North West to be Arnold Clark. The Group considered the impact of the company on the North West Region, which if left unchecked was likely to escalate as the company expanded, and decided this warranted further investigation and identification of the issues. With this aim in mind, a sub-group, led by Sally Edwards (Trafford), was established to analyse complaint data and report back to the TSNW Executive recommendations for a regional approach.

The Group have developed a unique model with Arnold Clark, the largest independent motor dealer in Europe, that has produced measurable outcomes demonstrating dramatically increased regulatory compliance and consumer redress in a cost effective and efficient way.

The project progressed from what started out as a formal approach to Arnold Clark. It has resulted in innovative partnerships, engaging key stakeholders, delivering a better deal for consumers, the company and provides consistency of regulation across Council boundaries.

The developed **Regulatory Compliance Model** illustrates how compliance can be achieved, through an assisted self-regulatory process, reducing the administrative and regulatory burdens for both business and enforcers. Arnold Clark have continued to flourish and grow through an economic downturn and are now delivering a fairer deal for consumers and continuously

improving customer service.



TSNW Problem Trader Group Member & Representatives of Arnold Clark

The implementation of the project has resulted in a 50% reduction in complaints, reported to Consumer Direct (CD), representing a significant reduction on the impact and detriment suffered by Arnold Clark customers.

Evidence obtained demonstrates that the vast majority (83.5%) of reported complaints were not being resolved. Complaint resolution has increased to 52.8% in 2010 (a 307% improvement) and by using the OFT's TS Impact Assessment, the project team have calculated that overall complaint reduction has resulted in £2.18m in consumer redress. In addition, one of the Performance Indicators developed for this project shows that the % number of complaints compared to sales has reduced from 3.47% in 2008 to 1.46% in 2010, which equates to a 238% improvement and a 42% reduction in complaints per sale, in real terms.

The TS Impact Assessment calculation also shows that for every £1 spent on the project this has resulted in a cost benefit to Consumers of £36.

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Consumer Direct

Regional Support for Consumer Direct

A Year of Change

2009/10 has been a year of success and change for Consumer Direct North West, with far greater change on the horizon.

Performance

Through the year the centre handled 204,731 calls from consumers & businesses with a service level – percentage of calls answered within 20 seconds – of 77.5% and an abandonment rate of 5.4%. The target from the OFT for these key indicators is 80% & 5% respectively.

Customer satisfaction levels for the centre were equally impressive. In the final quarter of the year:

87% said they were satisfied or very satisfied with the service

89% said they were satisfied or very satisfied with the advice

86% said that the advice received helped the to fully or partially resolve their problem

All three satisfaction indicators were either the highest or equal highest across the CD estate.

It hasn't all been smooth running though. In autumn 2009 the service transitioned from the case handling system used across most of the CD centres to Flare 21, a Civica package that will be familiar to many in Trading Standards. Unfortunately, & despite everyone's best efforts, there were some early issues with the application, which had some short term operational impact. However, by January 2010, these issues were overcome and performance was back to the levels expected at the Barrow centre, detailed above.

Medium Term Future

All the contact centre contracts were due to expire on 31 March 2010. The OFT was not in a position to secure a long term service by then, so existing contractors were invited to tender for a 12 month extension at a fixed price for contacts.

CD London and CD North East were unsuccessful, and closed operations in March, with their calls being distributed across the remaining nine centres. As a result of this change, calls from consumers in Northumberland & Durham and the London Boroughs of Sutton and Kensington & Chelsea are now all routed to CDNW.

Long Term Future

The OFT currently holds the following contracts:

- 9 "core" contact centres
- The Dataforce contact centre at Northampton dealing with post and energy enquiries
- Civica for the case handling system
- Logica for the database
- KCom for telephony
- TSI for training
- Internal OFT arrangements for the website

It is proposed that , from 1 April 2011 the entire CD service will be provided under one contract, procurement for which started in summer 2009.

Agilisys Ltd, currently the providers of CDNW under subcontract to Cumbria County Council, are leading a consortium bidding for the long term contract for Consumer Direct, which will run to March 2016 with an option to extend to 2018. The other partners in the consortium are SWERCOTS Ltd, current providers of CDSW, Kent County Council, current providers of CDSE, TSI, and The Listening Company, a contact centre specialist company.

At the time of writing, the consortium is one of five bidders that submitted detailed tenders, these are being evaluated by the OFT. The decision from OFT is eagerly awaited. Before any decision can be made, the OFT need approval from The Cabinet Office and HM Treasury.

Consumer Direct generated sustainable savings equivalent to £32,000 per authority per annum to allow Trading Standards Services to deal with rogue traders and help vulnerable consumers.



Tackling Illicit Tobacco

TSNW share funding worth £20k per Authority to jointly tackle the threat of Illicit Tobacco

The North of England, particularly the North West, is a hot spot for illicit tobacco, whether smuggled, bootlegged or counterfeit. The illicit trade in tobacco is not a victimless crime. It encourages adults to continue smoking in that it undermines attempts to reduce smoking rates by increasing taxation and ultimately retail pricing. The trade also creates a cheap source of tobacco for children and young people. It is linked to serious and organised crime and also criminality within local communities.

In March 2010, a new TSNW Illicit Tobacco Enforcement Team was established. The team are working towards the objectives of the "North of England Programme, Tackling Illicit Tobacco for Better Health". These are as follows:

1. Developing Partnerships (between healthcare providers, Trading Standards, HMRC, Police and Local Government)
2. Engaging health and community workers (through training and sharing information)
3. Generating and sharing intelligence (about illicit tobacco and associated crime)
4. Identifying informal markets and preventative action
5. Delivering enforcement (against regional priorities agreed with enforcement partners)
6. Marketing and communication (to raise awareness of the public and other stakeholders)
7. Working with business (raising employers' awareness of the risks associated with illegal trading on their premises)
8. Assessing progress (by tracking the performance of and benefits delivered by the programme)

The first phase of a marketing campaign covering the North East and North West commences on 21st June 2010. It is hoped that the campaign will initiate a normative shift against illicit tobacco at a community level. It should do this by:

- Raising awareness of the negative impact that illicit tobacco can have on communities
- Increasing feelings of discomfort within communities in relation to illicit tobacco
- Encouraging information sharing and exerting influence on hardened buyers/sellers/smokers
- Stimulating dialogue amongst community residents
- Encouraging the audience to take ownership of the issue and find out more information
- Reinforcing the illegality of illicit tobacco
- Supporting a wider PR effort (e.g. media coverage of successful enforcement activities)
- Encouraging and empowering individuals who feel uncomfortable with illicit tobacco to share intelligence via appropriate channels (e.g. Crimestoppers/Trading Standards)

It is known that within some communities, people who supply illicit tobacco are often seen as "Robin Hood" characters who provide a commodity at a cheap and affordable price. This means that there is a reluctance amongst some of the harder to reach communities to pass intelligence onto enforcement agencies. These intelligence gaps can hamper the enforcement effort. Over the next period, it is anticipated that the intelligence picture will have become considerably richer as a result of the efforts of all agencies involved in the programme and campaign. This will help to drive intelligence led, joint agency enforcement work involving the Trading Standards North West Illicit Tobacco Enforcement Team, Local Trading Standards, HMRC, Police and other partners, where relevant.

Illegal Money Lending

Illegal Money Lending Team launched on “Twitter”

A year on from the launch of the Stop Loan Sharks project in the Trading Standards North West region, the team has gone from strength to strength. To March 2010, **182 illegal lenders had been identified** and proceedings instituted in **17 cases**.

The total length of prison sentences (cumulative across five regions) has exceeded 54 years and one indefinite sentence for the protection of the public. **The estimate of value of assets retained under Section 41 POCA is £5,700,000.** Victim support has been provided to 56 victims.

As well as investigating and prosecuting loan sharks, we want to stop people feeling they need to go to them in the first place – prevention as well as cure. To that end our financial inclusion partnership officers (FIPOs) are doing valuable work in the community, helping people understand finances so they will no longer be vulnerable to loan sharks. They work closely with organisations such as credit unions, housing associations and CAB as well as grass-roots community groups, to give advice to people about how to manage their money, how to start savings and where to access proper credit if they need it.

The FIPOs have also been spreading the word among a diverse range of organisations including Merseyside Fire and Rescue, Age Concern, REACH Salford, WAVES Project and UK Coalition Against Poverty, to raise awareness and discuss working together in the future. The FIPOs also look after witnesses before, during and after court cases, in some cases helping to re-house them.

The national helpline number – 0300 555 2222 – and new website - www.direct.gov.uk/stoploansharks -The confidential helpline is answered by trained investigators 24/7 and the website has information on how to spot a loan shark, an email address to send confidential information, and access to proper financial advice.

The team also launched on “Twitter” - www.twitter.com/loansharknews

The Illegal Money Lending team provides a service that would cost each authority at least £10k per annum to achieve the same level of success.

Comprehensive Tobacco Control and Trading Standards

Smoking remains the main cause of preventable disease and premature death in the UK. In the North West alone, smoking causes over 12,000 preventable deaths per year.

In 2008, the Department of Health provided LACORS with a substantial sum of money to enhance tobacco control activities in our communities carried out by Trading Standards Services. **In the financial year 2009/10, TSNW claimed £229,000 and distributed to Local Authorities to carry out diverse tobacco control activity** including, among others:

- Increase in number of test purchases at retail premises and vending machines
- Purchasing special hand held scanners for each Local Authority to enable TS Officers to identify counterfeit tobacco
- Co-ordinating a targeted campaign to identify retailers selling counterfeit tobacco and reassure genuine traders that something is being done to tackle those who impact on their business by breaking the law

Working with a university in the region where overseas students had been importing counterfeit cigarettes for sale through postal packages from their homeland.

All North West Local Authorities are committed to increasing the health and wellbeing of their residents and reducing health inequalities. By ensuring that tobacco control activity is targeted at those communities where the problem is greatest, and co-ordinating effort and activity across the region, TSNW have made been able to really add value to the fight against tobacco related health inequalities.





Trading Standards North West

Public Protection North West Regional Coordination Pilot

Evolution or Revolution

The Regional Co-ordination Pilot project ran from late December 2008 through until March 2010. The project management board consisting of members of Trading Standards and Environmental Health managers representing the sub regional groupings have developed a draft regional constitution for Local Authority / service consideration.

The draft constitution was informed by the Regional Stakeholder Engagement meeting held in May 2009. Whilst the project aimed to launch 'PPNW', progress was delayed because of the widespread transformation agenda.

The draft constitution seeks to define a structure that:

- Develops a regional framework for public protection regulatory services in the North West involving Trading Standards, Environmental Health, Licensing, and Fire and Rescue Services.
- Provides a baseline to attract funding into public protection services and
- Seeks to develop the use of intelligence and share good practice.

The initial project was funded by a £25k grant from LBRO. At outturn the balance of funds was £11,426 and this will carry forward to support the project.

The draft constitution will be published in August for consideration and exploratory talks regarding implementation. The TSNW Executive will need to carefully consider the proposals, and whether evolution or revolution is desirable as reduced RSG settlements and Local Authority restructures inevitably impact on the Regulatory Services.

Andrew Naisbitt, Vice Chair TSNW would like to take this opportunity to thank the following for their contribution to the project:

Jackie O'Reilly (EH Cumbria) Phil Ashcroft (TS Cumbria); Alan Blundell, Iain Veitch, Ian O'Donnell & Sarah Bellis-Jones (GMPPP); Paul Noone (TS Lancashire) Dave Tillery (EH Lancashire); Rupert Adams and Peter Moore (EH Cheshire & Merseyside) and Kate Pike (TSNW).

Collaboration between Local Authorities and Services is key to our long term future. For further details or to have your say contact Kate Pike TSNW Coordinator.

Trading Standards North West Financial Statement 2009/10

TSNW Finances 2009/10 (Summary)		
		Notes
Income in Year	£291,845.02	All membership Paid up.
Expenditure in Year	£297,291.25	Deficit funded from Account Reserve
From Reserve to balance	£5,446.23	
NB – Figures do not include Scambusters account held by Liverpool TS—		

TSNW Business Address

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Agenda Item 12

REPORT TO: Cabinet Member - Environmental

DATE: 20th October 2010

SUBJECT: **CONSUMER DIRECT NORTH WEST UPDATE 2010**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Andrew Naisbitt
Trading Standards Section Manager
0151 934 4014

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member – Environmental of the work of Consumer Direct in the North West Region and the potential changes to Consumer Direct after 2010.

REASON WHY DECISION REQUIRED:

Consumer Direct North West has requested that the local authorities in the North West region demonstrate their continued support for Consumer Direct North West

RECOMMENDATION(S):

That the Cabinet Member – Environmental notes the report and confirms Sefton Council's continuing support for the provision of readily accessible consumer advice delivered through the regional Contact Centres funded by the Office of Fair Trading, in this case Consumer Direct North West operated by Agilisys Ltd.

KEY DECISION: No

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Immediately following the expiry of the “call-in” period for this meeting.

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ALTERNATIVE OPTIONS:

'Sefton Plus' formally provided a 'Front' office service for the Trading Standards Consumer Advice Team. However, due to the complexities of consumer law enquiries Sefton Plus could only provide a call reception and processing servicing and not a consumer helpline. Consumer Direct North West, staffed by consumer law specialists, supplements the existing Trading Standards Service's existing Consumer Advice Service.

IMPLICATIONS:

Budget/Policy Framework: All Cost Implications are met from within existing budgets

Financial:

<u>CAPITAL EXPENDITURE</u>	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None arising from this report.

Risk Assessment: None – Consumer Direct is a national project backed by the Office of Fair Trading.

Asset Management: Not Applicable

CONSULTATION UNDERTAKEN/VIEWS

www.consumerdirect.gov.uk

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	✓		
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities	✓		
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People	✓		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

www.consumerdirect.gov.uk

Agenda Item 12

Background

1. The Cabinet Member, Environmental will recall the report presented on 21st November 2007 entitled “*Consumer Direct North West Update 2008*”. This earlier report served as an update regarding the operation of Consumer Direct North West (CDNW).
2. The primary aim of the national helpline is to ensure consumers have easy access to good quality and responsive consumer advice and to give people the knowledge, tools and confidence to be able to resolve matters themselves.
3. The Government has made £30 million available over the period to March 2006 to set up Consumer Direct, and is contracting with regional contact centres through to March 2012.
4. Well-informed, confident consumers are central to the Government's vision of driving innovation, promoting competition and helping to create a more prosperous society.
5. By handling first tier enquires, Consumer Direct has allowed existing Consumer Advice services, to deal with more difficult cases, giving extra help to vulnerable consumers, supporting businesses and clamping down on rogues.
6. From the consumer’s perspective, Consumer Direct means:
 - A single, widely publicised local rate helpline number (08454 04 05 06), with a complementary e-mail enquiry service, plus consumer information available on-line;



- A service capable of handling around 80% of calls received without referral;
- A source of reliable, practical and independent advice on consumer matters, with brief “next step” advice, where possible, helping consumers to help themselves
- A consistently high quality service covering the whole of Great Britain;
- A helpline that can be accessed easily and beyond conventional working hours. The service will operate between 8am and 6.30pm on weekdays and 9am and 1pm on Saturdays.
- A service that is joined-up with other local and national support for consumers, to ensure that robust arrangements are in place to deal with a suggested 20% of enquiries it is unable to handle. These may be the more

complex cases, where the consumer is vulnerable or otherwise ill equipped to help themselves, or where enforcement issues arise. Where appropriate Consumer Direct acts as a doorway to these wider services.

Consumer Direct in the North West

7. Cumbria County Council and Agilisys Ltd (Cumbria's strategic ICT partner) were awarded the CDNW contract in April 2005 and the Cumbria Contact centre went 'live' on the 1st December 2005. The staged roll-out of the system commenced at the end of December 2005, with authorities diverting their calls by agreement over a period of weeks. Sefton diverted calls on 19th January 2006 and has continued to do so.

Contact Centre Operation

8. CDNW handles approximately 1.1million cases per year, this includes telephone calls and email requests. At present local authorities serving 97% of the population divert their trading standards calls to Consumer Direct. All the Trading Standards Services in the North West divert their calls to CDNW.
9. Funding the project has been guaranteed up until 2012. The Funding implications are discussed later in the report (see paragraphs 14 - 22)
10. Consumer Direct uses a 0845 (charged at local rate) number that is published locally and procedural and automated technical arrangements, (e.g. protocols for the transfer of data to the back office) link CDNW with Sefton Trading Standards database. The vast amount of data gathered during contact with consumers is stored in a central case-management system. This system stores details of every single contact with consumers with varying levels of detail depending upon the complexity of the contact.
11. Cases (not calls) that cannot be resolved within the contact centre may be referred to Sefton's Trading Standards Consumer Advice service for further action, investigation and advice. Referrals are passed on to Sefton through an automated Secure Post Office email facility. Typically 20% of Consumer Direct cases have been referred with 80% being dealt with by Consumer Direct agents, nationally

Consumer Direct Annual Review 2009/10

12. Consumer Direct's role in empowering consumers to exercise their rights has a direct benefit for the economy as a whole, and as such fits perfectly with the OFT's mission to make markets work well for consumers.
13. With respect to Sefton, CDNW has handled 10698 calls and referred 1467 cases through to Sefton Consumer Advice Service during the period 1st April 2009 to 31st March 2010. The referral rate is approximately 15% and has been relatively constant since 1st April 2006.

Agenda Item 12

The Evolution of Consumer Direct

14. As stated in paragraph 9 the current contracts to run regional Consumer Direct centres including CDNW expire at the end of March 2012.
15. Consumer Direct was originally provided by 11 regional centres, with service in the North West provided by Agilisys Ltd as sub-contractors of Cumbria County Council.
16. The original contracts expired at the end of March 2010 and the OFT invited the centres to tender for a 12 month extension, with an option for a further 12 months to allow time to procure a single, long term service provider. This extension period has become known as the interim solution and the long term procurement is the strategic solution.
17. Two centres were unsuccessful in securing an interim contract and the North East and London centres closed in March 2010, their calls being divided among the remaining 9 centres.
18. From April 2010 the CDNW has answered calls from consumers in the region, plus calls from consumers in Northumberland, Durham and the London Boroughs of Sutton and Kensington & Chelsea.
19. In January 2010 the OFT asked the centres who were to feature in the interim solution for suggestions to increase capacity for calls and flexibility of service provision. CDNW joined with the centres in the South East and South West to propose a call sharing arrangement between the three centres. This arrangement has been operating successfully since March 2010. The centres operate a common shift system, enabling more efficient use of advisor time and greater capacity without extra cost. The Scottish centre in the Western Isles has now joined the arrangement giving still greater benefits.
20. The OFT started the procurement process for the long term provision of Consumer Direct in summer 2009. The intention was to secure a single supplier that would provide not only the call handling and advice provision but also the telephony, IT and other infrastructure elements of the service, all of which are currently subject of separate contracts.
21. The OFT received detailed tenders from 5 organisations; Agilisys; Capita; Eaga; Serco and Vertex.
22. The announcement of the successful tender was due to be announced on 22nd June 2010 however the Government's new controls over awarding contracts has meant the procurement process was referred to the Cabinet Office. On 13th September 2010, the OFT confirmed that the Minister for the Cabinet Office has approved an extension of existing contracts to March 2012 to allow further review of the strategic solution.

Implications and Benefits for the Trading Standards Service and Sefton Council.

23. Irrespective of the wishes of local authorities and the Trading Standards profession, it is clear that the contractual link between the local authorities and the provision of Consumer Direct is in jeopardy.
24. At the same time as potentially losing the contractual link, stakeholder engagement will inevitably become more remote and impersonal if the number of centres reduces and / or the centre covering the region is geographically distant. This means Sefton as an authority will have less influence on the service provided to its residents. Indeed CDNW has facilitated greater partnership working by the North West Trading Standards authorities and Sefton's Trading Standards Manager is currently Chair of the CDNW Stakeholder Board and so able to influence service development.
25. The implementation of CDNW has led to the Service receiving fewer calls requesting very basic advice consumer advice and consequently to an increase in the number of complex requests for advice and assistance such as arbitration of disputes, as consumer awareness increases. Thus by passing routine consumer cases to CDNW, the Trading Standards Section has been able to refocus their resources on the complex or specialised cases and was initially able also achieve approximately £30k savings equivalent to 1FTE without impacting on the service for those consumers who need their expert help, including the vulnerable, or those who require intervention on their behalf. These savings are expected to rise to approximately £60k by the end of 2010/11 by reducing the service to a statutory minimum level.
26. CDNW supplements services provided by Sefton Plus by improving access. In some cases not all callers are able to get through, or opening hours may be limited. Transferring calls has improved consumer's access to first-tier advice. Since 1st April 2007 CDNW handled almost 29,000 potential calls reducing the pressure on Sefton Plus (Contact Centre)
27. Sefton Council signed up to Consumer Direct on the basis it would add value to the current services. The proposed changes whilst based on cost efficiencies impact on local democracy and control and indeed may not reflect the needs of Sefton consumers. However this concern is offset by the level of cost savings the Council is able to achieve.

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