Dear Sir/Madam,

An meeting of the ENVIRONMENT SCRUTINY PANEL will be held in Committee Room 'A', Town Hall, Nuneaton on Wednesday, 2nd November 2011 at 5.30 p.m.

Public Consultation will commence at 5.30 p.m.

Yours faithfully,

PHILIP RICHARDSON

Assistant Director - Governance and Recreation

To: All Members of the Environment Scrutiny Panel

(Councillors J. Glass (Chair), D.P. Brown (Vice Chair), D. Carr, V.N.J. Fowler, N.G. Grant, J.H. Gutteridge, W.J. Hancox, R.A. Taylor and C.M. Watkins).
A G E N D A

PART 1 – PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting of the Environment Scrutiny Panel held on 24th August, 2011. (Page 4).

4. DECLARATIONS OF INTEREST/PARTY WHIP - To receive declarations of personal/prejudicial interests in accordance with the Members’ Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

Note (1): Following the adoption of the new Code of Conduct, members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest members are still permitted to participate unless the interest is of a financial nature, they are scrutinising a decision which they were a party to making or the Committee is making a decision.

Note (2): Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b) states "when considering any matter in respect of which a Member must declare the existence of the whip, and the nature of it before the commencement of the OSP’s deliberations on the matter".

5. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

6. ALLOTMENT PROVISION WITHIN NUNEATON AND BEDWORTH Scrutiny - Report of the Parks and Countryside Officer attached. (Page 9)
7. OPEN SPACE STRATEGY - Scrutiny - Report of the Parks and Countryside Officer attached. (Page 15)


9. OPERATIONAL INTEGRATED PERFORMANCE REPORT- 2ND QUARTER - 2011 - 2012 Scrutiny - Joint report of the Executive Director (Gareth Owens), Assistant Director - Finance and Procurement and Performance and Quality Manager attached (Page 90).

10. UNADOPTED ROADS - Overview - Presented by the Principal Democratic Services Officer (Overview and Scrutiny Officer) - Papers attached. (Page 123)

11. WORK PROGRAMME - Presented by the Principal Democratic Services Officer - Overview and Scrutiny - Work Programme attached. (Page 128)

12. RESPONSES FROM CABINET

Warwickshire County Council Highway Maintenance Programmed Carriageway and Footway Works

Cabinet at its meeting on the 21st September, 2011 considered the recommendations made at the meeting of the Environment Scrutiny Panel on the 21st July, 2011 following consideration of the above report on the concern of the Environment Scrutiny Panel regarding the problem with weeds, particularly in the town centres and were advised of the letter of complaint forwarded by the Environment Scrutiny Panel to Warwickshire County Council on this matter.

Cabinet resolved that the recommendations of the Environment Scrutiny Panel be noted.

13. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

N.B Agenda Item Descriptors

Scrutiny = Members to consider the evidence presented in detail (e.g. service delivery, value for money, performance, customer satisfaction, social outcomes) and make recommendations for any necessary changes/improvements to service provision or resources and/or request further information.

Overview = Members to consider the information presented and make observations, comments and/or recommend further considerations to be taken into account and any additions or amendments required.


CORPORATE PLAN AIMS AND PRIORITIES

Aim 1  - To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire.

Priority 1  - To provide a choice of housing to meet the needs of the residents of the Borough.

Priority 2  - To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Priority 3  - To work in partnership to improve health and reduce health inequalities for residents in the Borough.

Priority 4  - To develop a confident, cohesive and diverse community.

Aim 2  - To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.

Priority 1  - Dealing with anti-social behaviour by working in partnership and provide diversionary activities to engage with youngsters.

Priority 2  - Environmental improvements and support for selective CCTV to reduce fear of crime.

Priority 3  - Use of the Council's enforcement powers to support community safety initiatives.

Aim 3  - To provide a pleasant environment for those living, working and visiting the Borough.

Priority 1  - To create a greener and cleaner environment.

Priority 2  - To lead in environmental issues addressing climate change and protection of the environment.

Aim 4  - To provide quality services which represent value for money.

Priority 1  - To continue to improve the performance and quality of key services.

Priority 2  - To improve access arrangements for all Council services and the way that those who use them are treated.

Priority 3  - To use value for money procedures to test the way all services are delivered.
A meeting of the Environment Scrutiny Panel was held at the Town Hall, Nuneaton, on Wednesday, 24th August, 2011

Present

Councillor J. Glass - Chair


Apologies for absence were received from Councillors D. Carr, N.G. Grant, W.J. Hancox and R.A. Taylor.

160 Minutes

RESOLVED that the minutes of the meeting held on the 21st July, 2011 be confirmed and signed by the Chair.

161 Declarations of Interest/Party Whip

Councillor R.G. Copland declared a personal interest in respect of item 10 by reason of him being employed by Coventry City Council.

Councillor D.P. Brown and C.M. Watkins declared personal interests in respect of any agenda item by reason of them being members of the Leisure Trust Board.

Councillor K.D. Wilson declared a personal interest in respect of item 11 by reason of him being a Personal Licence Holder under the Licensing Act 2003.

162 Procedure for Dealing with Certificates of Lawful Use (CLEUDS) and Certificates of Proposed Lawful Use (CLOPODS)

The joint report of the Assistant Director - Governance and Recreation and Head of Development Control reviewing the procedure for dealing with Applications for Certificates of Lawful Use (CLEUDS) and Certificates of Proposed Lawful Development (CLOPODS) pursuant to Ss. 191 and 192 Town and Country Planning Act 1990 was considered.
Members raised various points as follows:

- Councillors felt that the Gleneagles Development and similar applications were the most contentious issues Councillors had to deal with.

- Councillors asked that when Certificates are published on the weekly planning lists they should be under a separate heading.

- Public submissions in respect of this type of application should be considered - Hinckley and Bosworth have consultation.

- Suggestion made that laminated sign should be erected in locality informing public of this type of application.

- Concern that consultation could raise public expectations.

**RESOLVED** that:

(a) it be recommended to the Planning Applications Committee that the current procedure for dealing with Applications for Certificates of Lawful Use and Certificates of Proposed Lawful Development be amended to enable such applications to be called in by Members for consideration by the Planning Applications Committee;

(b) it be recommended to Council that the Constitution be amended accordingly;

(c) Applications for Certificates when published on the weekly planning lists be listed under a separate heading; and

(d) On receipt of an Application for a Certificate, laminated signs be erected in the locality giving details of the application.

163 **Consultation Document - Planning and Development**

The Principal Democratic Services Officer presented to the Panel the Issue Paper Summary on “How Change of Use is Handled in the Planning System”, pointing out particularly the Question for OSP concern on page 19 of the agenda.

Comments were made as follows:

- It was considered that this was reform for the future

- People in the local community should have the right to have their say.
There was a need for consistency, especially between various authorities.

RESOLVED that the Head of Development Control writes a letter to the Department for Communities and Local Government raising the following points:

(a) people in the local community should have the right to have their say - localism;

(b) the need for there to be consistency, clarity and communication;

(c) there would be public concern about the de-regulation to allow commercial use changing to housing.


The report of the Assistant Director - Governance and Recreation updating the Panel on the changes to legislation proposed following the Home Office Consultation on the use of surveillance and informing the Panel of the Council’s use of surveillance in 2010/11 was considered.

The following points were made:

- Only one Directed Surveillance Authorisation had been granted during the period June 2010- June 2011 - this action was however cancelled before any surveillance was undertaken.

- Surveillance, provided the right permissions are given, is important.

- Sometimes it is not used enough - e.g. fly tipping, which is a real problem and a blight on whole areas.

- The proposed legislation is going too far in that the threshold of six months imprisonment is too high.

RESOLVED that

(a) the current position with the emerging legislation be noted;

(b) the Council’s use of surveillance for the period June, 2010 - June, 2011 be noted;

(c) representations be made to the Surveillance Commission and all local Members of Parliament on the Panel’s concern at the high threshold of 6 months imprisonment.
(d) a further report updating the position be brought to the Environment Scrutiny Panel in due course.

165 Un-adopted Road Update

The Principal Democratic Services Officer (Overview and Scrutiny) updated the Panel on actions taken on the recommendations made by the Panel in September, 2010.

Speaker: Mr. A.R. Cartwright

The following points were made:

- Concern at the problems and delays experienced in trying to get roads, etc. on developments adopted by the County Council and the subsequent works required of developers by the County before adoptions of the roads.

- Concern that often snagging lists were not reasonable.

- Concern that no tolerances in the work undertaken are allowed by Warwickshire County Council.

- If roads are not adopted, then the County Council will not grit during the winter.

- Concern that the problem was associated with this borough’s area only.

- Disgust that no response has been received from the County Council - it was considered that there must be a protocol for replying to letters - and concern that they have ignored everything the Council asked for.

- Concern that no response has been received to a letter written by the Head of Development Control to the Department of Transport on this matter.

RESOLVED that

(a) letters be sent to Warwickshire County Council, the three local Members of Parliament, the Leader of Warwickshire County Council and the relevant County Council Portfolio Holder expressing the Council’s concern at the problems being experienced with Warwickshire County Council in the adoption of roads and the need for the legislation to be changed to improve the system.
(b) the relevant County Council portfolio holder be requested to attend a meeting of the Environment Scrutiny Panel.

Warwickshire County Council Highway Maintenance Programmed Carriageway and Footway Works

The copy letter received from Jeff Welsby, Operations Manager, County Highways South, Warwickshire County Council regarding Road, Pavement and Weeding Programmes 2011/12 was considered.

Members were still very concerned that works were still not being carried out, especially the replacement of road markings after resurfacing works, which were taking far longer than the three weeks stated in Mr. Welsby’s letter to complete. Mention was also made of the signs in Coventry Road, Bulkington which were still temporary after a considerable length of time.

RESOLVED that these concerns be forwarded to Warwickshire County Council

Work Programme

The updated Work Programme for the Environment Scrutiny Panel was considered.

RESOLVED that the Work Programme be amended as follows:

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<th>Suggested Meeting Dates</th>
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________________________________________
Chair
NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Environment Scrutiny Panel
Date: 2nd November 2011
From: Parks & Countryside Officer, Paul Daly
Subject: Allotment Provision within Nuneaton and Bedworth
Portfolio: Arts & Leisure – Cllr Ian Lloyd

Corporate Aim:
- Key Aim 1, priority 2,3, and 4.
- Key Aim 2, Priority 1 and 2.
- Key Aim 3, Priority 1 and 2.
- Key Aim 4, Priority 1,2 and 3.

Sustainable Community Plan
Safer Communities Partnership

1. OBJECTIVES OF SCRUTINY

1.1 To provide the panel with information regarding the current position regarding allotment provision under the management of the council within the borough.

1.2 To scrutinise the various opportunities to safeguard allotment provision, short and long term, for the borough’s residents in the context of the current financial climate.

2. WHAT IS THE PANEL BEING ASKED TO CONSIDER?

2.1 The members are asked to consider within the information presented, the relevant merits of undertaking further investigation into the quantity and quality of current provision, whether the current provision meets the needs of the community and whether growth is sustainable.

3. WHO CAN THE PANEL INFLUENCE?

3.1 Where appropriate the outcomes of the Panel’s considerations will be provided to the Portfolio Holder for Arts & Leisure, external agencies, service units and lead officers.
4. INFORMATION TO BE PRESENTED TO THE PANEL

4.1 Background

4.1.1 Nuneaton and Bedworth Borough Council currently manage 23 allotment sites across the borough.

4.1.2 Of the 23 sites, two are owned by third parties whose terms inform the lease arrangement between the authority and the allotment association.

4.1.3 The lease, agreed principally in 1994 for a period of 7 years, is currently being ‘held over’ until a new lease is agreed.

4.1.4 The current lease being ‘held over’ has various obligations of maintenance and repair of site infrastructure placed both on the authority and the association.

4.1.5 Since 1994 there has been minimal budgetary provision for maintenance of allotment infrastructure and therefore some of the sites are now in a state of disrepair.

4.1.6 In 2001 a new lease for all associations was arranged but never signed – the reasons for this are unknown as the terms varied little from the original 1994 lease.

4.1.7 In 2008 a provisional lease was drawn and sent out for consultation to the secretaries of each association. The terms of the lease would have instigated a full devolved management system.

4.1.8 A number of meetings took place within the consultation period, where the Bedworth Horticultural Society and the Nuneaton Federation of Allotments acted on behalf of their representatives to raise various objections to the terms of the proposed lease. Essentially the objections raised related to the devolved responsibility of maintaining and repairing infrastructure.

4.1.9 In order to assess the capital implications of restoring the allotment infrastructure to a good standard a full audit of allotment sites was undertaken in 2008/2009 within those allotments that agreed to take part.

4.1.10 The overall condition survey was better than anticipated, with the majority of infrastructure repair being in fair condition.

4.1.11 The audit did highlight that in some circumstances associations were not aware that the 1994 lease had obligations on the association to maintain and repair the infrastructure.

4.1.12 Some associations were aware of the terms of the lease but felt that
this was unrealistic as they were unable to raise the required funding to undertake works which often left the authority ultimately funding emergency repairs.

4.1.13 The audit also highlighted that many of the associations had been proactive in partnership working with external parties and raising capital funds for projects on site which in some cases funded security fencing.

4.1.14 The majority of allotment sites within the borough have waiting lists of between 5 – 15 people. This is considered to be average for the area and evens the fluctuation of tenancy on the individual sites. A waiting list encourages good management of a site ensuring all tenants cultivate their plot and the vibrant community on the site continues.

4.2 Scope & Boundaries

4.2.1 Allotments are fundamental to the wellbeing of a community, they provide an opportunity to grow nutritious food at low cost in the current climate of increased living costs, social cohesion, low impact physical exercise, high impact on mental wellbeing and various educational & skill building opportunities.

4.2.2 Provision of allotments is a statutory consideration with an obligation on the authority to consider a demand from six or more parliamentary electors for allotments under Small Holdings and Allotments Act 1908 and that the provision of allotments must be sufficient.

4.2.3 Historically allotments were to allow families to supplement their diet with healthy affordable fresh vegetables with an estimated 1.4 million allotment sites in the 1940’s, but interest in allotments waned over the middle of the last century with foods being easily affordable and freely accessible.

4.2.4 Allotment interest has been steadily growing particularly over the last 15 years buoyed by the organic movement, quality of life choices and more recently, the financial climate. There is currently an estimated shortage of 200,000 allotment plots nationally.

4.2.5 Within modern developments there is very little growing space within the garden curtilage which has increased the demand for allotments particularly among young families, some of which who rent an allotment as an extension of their living space incorporating lawn, ponds etc. as seen in Holland.

4.2.6 Third sector organisations such as the allotment associations have a number of opportunities available to them to access external funding opportunities which are barred to local authorities.

4.2.7 Not all associations have the desire or skill set to access those
funding opportunities.

4.2.8 Third sector organisations are particularly challenged in accessing revenue monies to maintain or repair existing infrastructure or facilities, and funding bodies are now considering these issues when allocating funding to capital projects.

4.2.9 A significant amount of anti social behaviour occurs on allotment sites from sheer vandalism and petty theft to specific target theft for machinery and fuel making security a primary consideration for plot holders.

4.3 **Financial Implications**

4.3.1 Allotments within the borough account for 65 ½ acres, over 8 miles of boundaries and provide over 900 plots.

4.3.2 The council leases the land to each individual allotment association for a peppercorn rate per annum.

4.3.3 The current national average for a rental plot is £25.00 - £35.00 but the NSALG stated that this was a derisory amount and where water, security fencing and other facilities, such as toilets are provided a more realistic rent may be charged.

4.3.4 Private allotments within the west midlands charge significantly higher rents in excess of £100 per annum, although the facilities attract those with a higher disposable income.

4.3.5 Each individual association sets the rental cost of each plot. Currently the cost of renting a full plot approx 250m2 within the borough varies from £1.50 to £20.00 per annum.

4.3.6 Based on the condition survey, if the council were to undertake the repair or replacement of boundaries within its ownership that scored fair to very poor the initial cost would exceed £192,570.00. If the council undertook to secure all boundaries on sites which fell below standard or fell under others ownership which weren’t secure the initial cost would exceed £449,085.00

4.3.7 Fencing covenants are on some sites but there is generally no legal obligation for any of the sites to be fenced, however, the success of a site in attracting tenants will rely on its security.

4.3.8 The council has been approached to set up new allotment sites but the cost of securing the site is preclusive and has been met with strong opposition from adjacent residents.

4.3.9 There is not any current obligation within the local plan to oblige new developments to allocate allotment land passing the financial burden
of provision onto the authority.

4.3.10 Capital receipts remain from the sale of allotment land which have been earmarked, other land which has been used for allotments has been sold for development, therefore, capital receipt and s106 monies have been received but as yet have not been earmarked for specific use on allotment refurbishment.

4.3.11 The national average gross cost of maintaining an 9 rod allotment plot to a local authority is £150.00 per annum.

4.3.12 NBBC currently expends £14k per annum undertaking emergency repairs.

4.4 Other Resource Implications

4.4.1 The allotments are currently administered by the Parks & Countryside Department. The day to day issues fell under the Horticultural Technician’s post which has remained unfilled since July 2010 with project development falling under the Landscape Development Officer’s Role. All enquires are now dealt with by the LDO but there are not sufficient resources within this post to fully deal with the day to day issues and support external applications and project development opportunities available.

4.4.2 A number of groups or families wish to undertake gardening but there is a generational skill gap. Many enquirers have expressed an interest in courses that would teach them the basics of allotment gardening before taking a plot on.

4.4.3 The modern lifestyle means that dedication to cultivating a full plot can be difficult and many people take plots on with a certain ideology which remains unfeasible in their down time leading to a high turn over of new plot holders.

4.4.5 Queries have been received regarding cultivating within a community garden environment rather than a traditional allotment environment so groups can set their own rules of which growing vegetables is a part.

4.5 Recommendations

4.5.1 It is recommended that a further audit to establish the current state of the allotment infrastructure, the issues being experienced by the tenants and current uptake of plots is undertaken.

4.5.2 It is proposed that a borough wide consultation of allotment gardening and the community’s requirements be undertaken within the spring edition of ‘in touch’ and that this information is used to inform an allotment strategy for the borough in line with the Open Spaces Strategy.
4.5.3 It is recommended that a review of growth potential within existing sites is undertaken with the potential of division of plots being used to reduce any waiting lists.

4.5.4 It is recommended that a bench marking exercise is undertaken to learn how other authorities support their allotment sites in terms of capital and revenue budgeting.

4.5.5 It is recommended as part of the allotment strategy that the rental charges and tenancy terms are standardized across the borough.

4.5.6 It is proposed that a programme of refurbishment is collated based upon the condition survey and that funding is sourced from capital receipts earmarked for allotments and s106 monies where applicable.

4.5.7 It is recommended that within the allotment strategy a development plan is put forward to increase the quality of facilities and open to a wider audience working in partnership with the associations to bring in external funding.

4.5.8 It is recommended that partnership working is investigated with third sector organisations and others such as the People in Action, Community Pay Back and the NHS in delivering key benefits to the wider community.

4.5.9 It is recommended that the proposed lease is not signed until further information is collated and presented to the panel.

4.6 Summary

The Panel is asked to consider the information and evidence presented in relation to the recommendations above and agree a decision in principle to undertake further investigations to inform a sustainable future for allotment provision within the borough.
1. OBJECTIVES OF SCRUTINY

1.1 To provide the Panel with a summary of the strategy and the results of the subsequent consultation.

2. WHAT IS THE PANEL BEING ASKED TO CONSIDER

2.1.1 Members are asked to consider the action plan created as an integral part of the strategy development, together with its effects and potential future budget requirements.

2.1.2 To assess the consultation results.

3. WHO CAN THE PANEL INFLUENCE?

3.1 The Panel’s considerations will influence the future of open space provision within the borough and the strategy will form an integral document within the Borough Plan. It will also assist service units in prioritising future plans in improvements in delivery and quality of its Public Open Space.

4. INFORMATION TO BE PRESENTED TO THE PANEL

4.2 Background

It was identified at Environmental Scrutiny Panel in 2007 that it was necessary for the development/creation of an Open Space Strategy, that considered the use/development of Publicly owned open space and how it could influence the then emerging Core Strategy.

A cross party working group of members and officers was established whose function was to set out the initial scope and vision for the strategy and then to ensure its progress through its various stages.
It was agreed to develop the strategy “in-house” using existing staffing resources and expertise, but utilising The Commission for Architecture and the Built Environment (CABE) Spaces “best practice guidance” into how to develop an Open Space Strategy, which had evolved over a number of years, following close working with local authorities in how to effectively deliver their strategies.

4.3 **Scope**

i) In line with the best practice methodology, it was agreed that it was essential that a full and detailed strategic assessment be undertaken of all the accessible public open space within the borough in terms of:
   - Quantity
   - Quality
   - Accessibility

ii) Utilising our extensive knowledge of local circumstances produce a typology and hierarchy of public open space within the borough.

iii) Focusing on the key areas that most affect Open Space management and delivery, work in sub-groups to determine the main issues, influences, best practice and community need, to formulate the policies that will guide the management of our open space for the next ten years.

The sub-groups included officers from a range of council departments, other agencies, community members and interested parties and would examine the following key areas:

- Shaping The Future
- Finance
- Quality of Open Space
- Skills
- Community Involvement
- Equality
- Safety

4.4 **Objectives**

The key objectives of this strategy are to:

- Identify the spatial distribution of open space across the borough, utilising digital mapping analysis.
- Analyse the quantity, quality and accessibility of current levels of open space.
- Engage with community to clarify and confirm assertions made within the document and to lead on local issues.
- To identify general principles/policies that affect open space.
- To identify the cross-cutting issues that affect open space and develop a range of policies that benefit these.
- To identify and implement policies relating to sustainability and biodiversity.
- To look at the future funding arrangements relating to open space.
- Develop a co-ordinated action plan for open space.

4.4 Benefits
Producing a strategy is important for the council as it will help to:

I. Ensure a strategic approach to the provision and management of public open space for the next ten years.
II. Improve engagement with the local community and focus groups on key issues.
III. To create quality, quantity and accessibility standards for open space provision within the Borough.
IV. Identify surpluses and deficits of open space within the borough.
V. Help in identifying improvements required and the setting of priorities.
VI. Help make the case for funding opportunities and future planning considerations and obligations.
VII. Provide an opportunity to promote open space development opportunities within the borough.
VIII. To be utilised as material consideration within the emerging Borough Plan.

4.5 Methodology Undertaken

4.5.1 Using our extensive knowledge of all public open space within the Borough, and in-line with best practice guidance, we initially produced a typology and hierarchy all of our open space. This created six separate typologies into which all our open space has been placed, inclusive of formal, semi formal and natural urban greenspace.

- Destination Parks (Dest)
- Community Parks (Comm.)
- Neighbourhood/Local (Loc)
- Incidental (Inci)
- Cemeteries
- Allotments

Destination Parks
These particular sites would normally cover an area of between 10 and 65 hectares and contain a whole range of quality facilities and experiences for all members of the public. These can be classed as our main parks and would allow the visitor to spend several hours enjoying the open space environment
Community Parks
These sites are normally between 1 and 10 hectares and include some of our most established and utilised areas of public open space. There are 30 of these sites within the borough covering an area of 177 hectares.

Local Parks
These sites are typically 0.4 – 10.0 hectares and contain in excess of 35 formal and informal spaces throughout the borough covering an area of over 50 hectares, including such significant sites as, Haunchwood Recreation Ground and Walkway and Collycroft Recreation Ground. They act in many cases as the only useable pieces of Public Open Space in their locality and as the conduit linking together the green infrastructure.

Incidental Open Space
These areas include all other pieces of public open space found throughout the borough and are normally up to 0.4 hectares in size.

They include such areas as grass verges but also some significant sites in housing areas such as Blackatree Road, which form an important role in breaking up large blocks of housing.

Examples of sites that fall into each typology together with a list of the site facilities and criteria that they should meet are attached as Appendix A and B.

4.5.2 Once the above had been formed a strategic assessment of all publicly owned land was then undertaken, taking a detailed look at the:
- Quantity
- Quality
- Accessibility.

Quantity

Utilising the typology and representative colours for each differing type of green space, all the publicly accessible open space larger than 0.2 hectares was mapped on a borough wide scale, to indicate not only the distribution across the borough, but also the totals and that measurement against national standards and neighbouring authorities. An example is attached as Appendix C.

Quality

A total of 69 green spaces (all destination, community / neighbourhood, and local sites) were assessed using a methodology derived from the national quality standard for parks and green spaces – the Green Flag Award. This award is the
nationally recognised assessment tool for the quality of public open space and the assessment was undertaken by a consultant to give impartiality of results.

The Green Flag quality assessments focused on 8 headline factors, which were broken down into a set of 27 sub-criteria, this is attached as Appendix D.

Accessibility

All publicly accessible green spaces in the Borough have been mapped that fall within the three main typologies - this indicates location / size / principal uses etc. This has then enabled a map based assessment of different forms of open spaces - thereby avoiding the pitfalls of assessment using artificial boundaries not present on the ground - such as the political ward boundaries. An example is attached as Appendix E.

There is no single nationally defined standard for catchment area size and associated walking distances. There are a wide range of more locally defined hierarchies, catchment area sizes and walking distances. There is however a fairly high degree of commonality that emerges between the general broad catchment area sizes and walking distances.

4.5.3 Utilising the seven sub-groups (containing officers, outside agencies, members of the public, interest groups) and focusing on the key areas that most affect the use of our public open space, all aspects of the management inclusive of finance together with the findings of the strategic assessment were carefully considered.
This has enabled a set of priorities and policies to be developed for each area of open space management and a set of standards to be created.

4.6 Key Findings

1) The borough is very green with over 500 hectares of accessible green space, with well over half of this amount distributed across three destination parks and 30 community / neighbourhood parks.

Of the 509 hectares of open space that can be identified as being accessible:

- 359 hectares is actively maintained inclusive of 249 hectares of which is formally maintained and 110 hectares of informal natural greenspace.
- The remaining 150 hectares is managed less intensively, including parts of informally maintained land and other areas, which are managed to promote biodiversity.

2) Using the broad assessment on the lines of the 6-acre standard (standard which looks at formal land provision for public use), and looking at the formal provision within the borough, there would appear to be an overall deficit in provision (2.06 ha per 1000 population compared with the six acre standard of 2.4 ha per 1000 population).
Using the broad assessment of the Accessible Natural Green Space Standard (ANGSt – standard which assesses informal land provision) for a borough of our size it would appear that we have sufficient natural accessible greenspace at 2.24 ha per 1000 population – (when our landholding is combined with that accessible land in private ownership).

If we combine all accessible land provision together and compare with local authorities provision levels from within other members within the West Midlands Park Group (WMPG), this indicates that we have similar levels on average, of accessible greenspace within the borough.

3) It will be essential to consider housing growth within the Borough and combined with the need for quality and accessibility, ensure any open space provided as an integral part of housing development is provided in the right place, in the right quantity and to the right standards.

4) The quality assessments carried out for this strategy can be used as a baseline to compare performance against the requirements of Green Flag as they replicate the field visit stage of the Green Flag process. At present, no open space in the borough would achieve Green Flag Status from the quality perspective. Pauls Land is the highest scoring site with 55% but this still falls 5% below the required minimum level of the field evaluation. Therefore, there is a clear need to raise quality standards across all open spaces in the borough.

5) The work relating to accessibility has identified a number of deficiencies when our new local accessibility standards are applied:

**Local Standards for Open space Catchments:**

<table>
<thead>
<tr>
<th>Greenspace Type</th>
<th>Catchment Area Radius</th>
<th>Walking Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destination Park</td>
<td>1000 metres</td>
<td>15-20 minutes</td>
</tr>
<tr>
<td>Community Park</td>
<td>600 metres</td>
<td>10-12 minutes</td>
</tr>
<tr>
<td>Local Park</td>
<td>400 metres</td>
<td>5-8 minutes</td>
</tr>
</tbody>
</table>

In terms of these deficiencies within the Borough, we are stating that all properties within the borough should have access to a Community Park, and those residents that don’t fall within the catchment of a Destination Park, can expect facilities and standards at their Community Parks to include elements expected at the Destination Parks. We have identified several areas not currently having access to a Community Park. The suggested means of bridging these deficiencies could be as follows:
• To undertake improvements to Changebrook Close open space, thus moving it from a Local Park designation into a Community Park. This would require considerable investment in the infrastructure and facilities.

• The upgrading of Buttermere Recreation Ground from a Local Park into a Community Park. This site already has some of the features and facilities required of a Community Park, but would require further investment to bring to the required level of facilities.

• It may not be practical following consultation to develop these sites further so there will a need to look at additional sites as part of future proposed developments in the area. These will need to be developed to a Community Park standard, with the range of facilities as identified.

The deficiencies in accessibility to a Community Park in the Whitestone area cannot be addressed by the upgrading of an existing site so would require the provision of a new site as part of any future proposed developments in this location. This would have to be sited so that it serves not only the new site but also the area deficient in open space.

• The upgrading of St Giles from a Local Park to a Community Park. This site has some facilities common with Community Park but will need further upgrading to meet the necessary criteria.

• The upgrading of Blackberry Lane from a Local Park to a Community Park. This site will require considerable investment in both the infrastructure and facilities.

• The upgrading of Anderton Road from a Local Park to a Community Park. This has limited facilities and will require investment in the infrastructure and facilities.

The deficiencies in accessibility in the Long Shoot area could not practically be addressed by upgrading the existing site and therefore a new site as part of any future development in this locality would have to be provided to serve both the new and existing communities.
The deficiencies in accessibility in the Bulkington area again cannot be addressed by upgrading existing sites. Any new housing development would have to consider provision in this locality to provide for both the new and existing communities.

6) The Open Space Strategy alongside Green Infrastructure Plan and policy (being developed by Planning Policy) will significantly help deliver the creation and implementation of a publicly accessible Green Network. This could be through helping to fill existing gaps in the network, by developing privately owned land and generating funding sources. The funding may then be invested in signage and in various other forms of improvement to a Green Network.

4.7 Action Plan

The action plan (attached as Appendix F) has been developed in order to address the full range of issues that affect the management and maintenance of open space within the strategy and are broken down into two distinct groups:

1. Departmental Effect and Action
2. Corporate Effect and Action.

4.8 Financial Implications

It must be noted that improvements to quality, quantity and accessibility of sites to meet the standards proposed within the strategy and associated Action Plan, will in the main require substantial financial resourcing. This will be subject to monies being made available via developer contributions (Sc 106 or C.I.L), be it on an existing site, or newly provided one as part of a housing development, or Capital funding made available during the life of the strategy.

4.9 Consultation Process

We have recently completed the consultation process for the strategy. This was undertaken for a three month period running from the beginning of May through to the end of July. This has included consulting with the general public and a wide range of organisations and interested groups/parties who are either directly affected by the strategy or may have a strategic view of open space. Methods of consultation included:

- Via a questionnaire in “In Touch” sent to all residents in the Borough
- Road-shows held in the Town Centres offering the public to give their views
- Section on the Council web-site, where the draft strategy could be down-loaded and questionnaire completed
- Display in Town Hall reception, with opportunity to make comment
- Copies sent to Community Groups for comment
- Copies sent to Leisure Trust and PCT for comment
- To All Council Departments for comment
In the main the responses were very favourable and confirmed assertions made within the strategy document, particularly in relation to accessibility standards to types of open space and the amount of public open space within the Borough.

The key findings were:

- People were willing to undertake a 15 minute walk to access a Destination Park or to undertake a 20 minute drive to access quality facilities
- People were willing to walk between 10-15 minutes to access a Community Park
- People were willing to walk between 5 and up to 10 minutes to access a Local/Neighbourhood Park
- A Destination Park must have a full range of facilities and opportunities to ensure a quality experience
- A Community Park must have a good play area/space good access and a range of sporting facilities available
- A Local Park must have a good play area/space and be able to support local events
- Over 90% visit our sites on foot or cycle
- The sites are used in the main for exercise, relaxation, dog walking and to access sporting or play facilities
- 68% of consultees think we need more open space.
- 72% of consultees think the upgrading of parks should be a priority.
- 93% of consultees like the idea of an attractive, safe green network across the Borough.
- 87% of consultees said we should not lose open space to housing development
- 60% of consultees indicated we had enough formal and natural open space
- 70% of consultees indicated we had enough playing fields and sports facilities
- 70% of consultees indicated that we didn’t have enough woodland and country parks
- 90% of consultees indicated access to our sites was good
- 95% of consultees indicated it was important to have access to large pieces of public open space
- 90% of consultees said we should manage for wildlife and protect these sites
- 80% of consultees said the Council should continue to maintain the sites it owns
- 70% of consultees said we should review maintenance on sites that are less heavily used
- The main barriers to use are:
  i) Littering
  ii) Dog Fouling
  iii) Perception of anti-social behaviour – vandalism, intimidation by youths, drinking and drugs
  iv) Lack of toilet facilities and benches

In light of the comments we have made small/minor alterations to the strategy, due to changes in emphasis and data that is out of date.
Appendix A

Destination Parks

Riversley Park
Miners Welfare Park
Whittleford Park

Collectively they cover an area in excess of 120 hectares and act as central hubs for recreational activities throughout a network of connecting pieces of Public Open Space.

These sites are normally between 1 and 10 hectares and include some of the most established and utilised areas of public open space in the Borough. There are 30 of these sites within the borough covering an area of 177 hectares.

Community Parks

Nuneaton Rec. / Pool Bank St.
Greenmoor Road
Stubbs Pool incl. The Dingle
Stockingford Rec.
Tiverton Drive
Marlborough Rec.
Sandon Park
Weddington complex
Sorrell Road
Griff Hollows and Wem Brook
Pauls Land incl Quarry area
Bailey Park
Bulkington Rec.
Heckley
Keresley
Blue Bell Drive
Newdegate
Crowhill Rec.
Bedworth Sloughs
The Nook
Bermuda Balancing Lake
Ensor’s Pool/Lingmoor Park
The Shuntings / Nuneaton Common
Windmill Hill
Heath Road Rec.
Barnacle Lane
Beverley Ave incl Whytell Pool
Kingswood
Chaucer / Chesterton
Tomkinson Rec

These sites are normally between 1 and 10 hectares and include some of the most established and utilised areas of public open space in the Borough. There are 30 of these sites within the borough covering an area of 177 hectares.

**Local/Neighbourhood Parks**

Haunchwood Recreation Ground and Walkway,
Cornish Crescent,
Coronation Walk
Collycroft Recreation Ground.

These sites are typically 0.4 – 10.0 hectares and contain in excess of 35 formal and wildspaces throughout the borough covering an area of over 50 hectares.
Appendix B
Facilities and Criteria For Different Typologies

Destination Parks
Typically these should meet the following criteria:

Parking facilities
Toilet facilities
Refreshments
Community Involvement – Friends of Groups
Public Transport Links
Play Facility / Space
Good Quality Street Furniture
Information / Interpretation / Education
Community Space / Function
Horticultural / Biodiversity / Sustainable Excellence
Green Flag Standard
Borough Wide Events
Easy access – DDA Provision
On site staff provision- e.g. Community Warden
High Quality Signage
Showcase of Good Techniques and Practices
Hub of Green infrastructure / network of connecting spaces

Community Parks
These sites should meet the following criteria:

Play Facility / Space
Good Access
Public Transport Links within 600m
Partly Staffed – e.g. Mobile Ranger service.
Community Groups
Good Quality Street Furniture as appropriate
Information/Interpretation/Education if warranted
Sporting / Leisure Provision
Meets the standards identified within the Green Flag criteria for Horticultural / Biodiversity / Sustainable Quality
Managed to Green Flag Standards
Community Events
Good Signage
Potential for Community Management

**Local Parks**
These sites should meet the following criteria:

- Play space
- Basic Signage
- Horticultural/Interpretation/Sustainable Quality
- Community Engagement – Consultation and Local Management
- Green Flag Standards
- Support Local Appropriate Events
APPENDIX D
Green Flag Quality Assessment

1. A Welcoming Place
   - Good and Safe Access
   - What is the access into and around the site like?
   - Is there public transport to the site?
   - Is there parking / pedestrian crossings nearby?
   - Clear, informative signage
   - What signage is there?
   - Is it easy to follow and is it signed from nearby roads?
   - Accessibility for All
   - Is the site accessible for all members of the community?

2. Healthy, Safe and Secure
   - Dog fouling measures
   - Are there dog bins on site and is there evidence of dog fouling?
   - Are there any warning notices about fines for fouling?
   - Appropriate provision of facilities for the community
   - Are the facilities appropriate for the size and type of site?
   - Will the site be attractive to all ages?
   - Quality of facilities
   - What is the overall state of maintenance?

3. Clean and Well Maintained
   - Litter and waste management
   - Is there much evidence of litter on site?
   - Are there adequate litter bins?

4. Sustainability
   - Waste minimisation
   - Is green waste recycled on site? E.g. wood chipped and reused on site
• Are there any recycling facilities for other waste on site?
• Woodland/tree/hedge management
• Is there evidence of recent management, recent planting?
• Biodiversity
• Any areas of grass left un-mown or with specific mowing regimes to encourage wildflowers?

5. Conservation and Heritage
• Maintenance of grounds
  • Is the site generally well-maintained?
  • Is it executed to a high standard with tidy grass, flower beds and other areas?
• Maintenance of buildings and infrastructure
  • Is maintenance to a reasonable standard – evidence of graffiti?
• Maintenance of equipment
  • Does maintenance appear to take place and are repairs required?
• Conservation of habitats and wildlife?
  • Has the site any valuable habitats and wildlife, any designations, etc?
• Any evidence of habitat creation, bat boxes, nesting boxes etc
• Conservation of landscape features
  • Are there any significant features, man-made or natural? E.g. ponds, streams, lakes, crags, hills, cliffs, walls, statues
• Conservation of buildings and structures
  • What buildings and structures are there, listed buildings, etc?

6 Community Involvement
• Provision of education/interpretation information
  • Is suitable on-site information provided?
• Is there any interpretation of the site’s features/ history?
• Is there any educational information on site?
7. Marketing
   • Does the site have appropriate marketing material?

8 Management Plan
   • Does the site have a management plan, and is it implemented?
   • Quality Audit Findings
APPENDIX E

Accessibility Buffers
**APPENDIX F**

**Action Plan**

This action plan has been developed in order to help address the range of issues identified within this Strategy. The Action Plan is divided into two sections - i. Departmental Effects/Actions, and ii. Corporate Effects/Actions

### Departmental

<table>
<thead>
<tr>
<th>Action</th>
<th>Priority</th>
<th>Council Lead</th>
<th>Time-scale</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>The council will adopt the hierarchy of accessible public open space together with the recommendations for the criteria base that each type of park should include</td>
<td>H</td>
<td>Parks and Countryside</td>
<td>April 2012</td>
<td>No cost</td>
</tr>
<tr>
<td>The council will adopt the accessibility standards identified within the document</td>
<td>H</td>
<td>Parks and Countryside</td>
<td>April 2012</td>
<td>No cost</td>
</tr>
<tr>
<td>Each household within the borough will have access as identified in the standards to a Community Park</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>April 2016</td>
<td>Capital Costs or Developer Contributions</td>
</tr>
<tr>
<td>The council will adopt the Green Flag (the national quality standard) assessment model to measure the quality of its public open space</td>
<td>H</td>
<td>Parks and Countryside</td>
<td>April 2012</td>
<td>No Cost</td>
</tr>
<tr>
<td>The council will aim to improve the quality scores of all of its public open space. Further to this its Destination Parks should be of Green Flag standard whilst all other sites should be managed along the principles of the Green flag criteria</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>On-going</td>
<td>Staff costs, revenue, capital and developer contributions</td>
</tr>
</tbody>
</table>
We will seek to gain Green Flag Status for all of our Destination Parks and at least one formal community park and one community wildspace as benchmark sites to drive up community park/wildspace standards. All council owned incidental open space and any higher level open space that could potentially be removed without reducing catchment area coverage, will be audited and assessed using an assessment model based on the green flag criteria. This will determine significance and then subsequent treatment to either improve or potentially dispose of as appropriate.

To develop a detailed design guide, which will determine the quality and style of all of our public open space by December 2013.

To develop an allotment strategy, which will sit alongside the Open Space Strategy by December 2013.

To review the existing play area strategy for the borough in light of information raised from the access mapping and experience of delivery of the refurbishment programme, to include all aspects of equipped play, play spaces and teenage facilities.

We will continue with our practical preventative maintenance programme of play area equipment inspection, monitoring and repair.

We will review existing play areas as part of the process of best practice and, as these areas are refurbished, where reasonably practicable, install at least one piece of inclusive equipment.
<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Body</th>
<th>Timeframe</th>
<th>Cost Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>To seek where justifiable and appropriate developer contributions to raise the quality of play facilities in line with the parks designation in the hierarchy. This will be further developed within the Design Guide for a specific hierarchy</td>
<td>H Parks and Countryside</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
<tr>
<td>To establish and maintain the Play Ranger service</td>
<td>H Parks and Countryside</td>
<td>On-going</td>
<td>Existing revenue costs</td>
</tr>
<tr>
<td>To establish, develop and support Friends of Groups for all Destination and Community Parks, in a manner consistent with the views of local people and help guide the future development of facilities</td>
<td>M Parks and Countryside</td>
<td>April 2017</td>
<td>Staff costs</td>
</tr>
<tr>
<td>To develop an information pack that will provide groups interested in getting involved with open spaces clear guidance about how NBBC can help to support the setting up Friends of Groups</td>
<td>M Parks and Countryside</td>
<td>April 2014</td>
<td>Staff costs</td>
</tr>
<tr>
<td>To continue to support and develop the “Conservation Volunteer” programme to assist in the protection and enhancement of semi-natural open space, its wildlife value and to increase the quality of the sites for biodiversity and sustainability</td>
<td>H Parks and Countryside</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
<tr>
<td>We will review the on-site supervision of Public Open Space</td>
<td>M Parks and Countryside</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
<tr>
<td>To Develop a Protocol/Procedure for working with community groups/external agencies when applying for or utilising grants for capital enhancement projects on Public Open Space</td>
<td>M Parks and Countryside</td>
<td>April 2014</td>
<td>Staff costs</td>
</tr>
<tr>
<td>To establish an overall Nuneaton and Bedworth Parks Forum to share ideas / experiences etc</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>April 2013</td>
</tr>
<tr>
<td>To remove offensive graffiti visible from within Public Open Space, (be it on private or council owned property), the next working day after being reported</td>
<td>H</td>
<td>Parks and Countryside</td>
<td>On-going</td>
</tr>
<tr>
<td>To Develop specific action plans and initiatives with partners that will address incidents of: Anti-social behaviour, Nuisance youth and Motorcycle nuisance</td>
<td>H</td>
<td>Community Safety/ Other Agencies/ Parks and Countryside</td>
<td>On-going</td>
</tr>
<tr>
<td>To create of a suite of operational, site based risk assessments of all Destination, Community and Local Parks by April 2014 and formalising an approach for the routine monitoring of these sites</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>April 2014</td>
</tr>
<tr>
<td>To develop an overall signage strategy incorporating “safety issues” and potential hazards that could occur on public open space, by December 2013</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>December 2013</td>
</tr>
<tr>
<td>To review Parks and Countryside’s current Marketing and Promotion and develop a strategy by December 2014</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>December 2014</td>
</tr>
<tr>
<td>To develop a strong brand identity, which the public can immediately recognise, by April 2014</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>April 2014</td>
</tr>
<tr>
<td>To introduce the new brand identity for generic signage, street furniture, fencing and colours in relation to the specific types of Public Open Space, by December 2014</td>
<td>M</td>
<td>Parks and Countryside</td>
<td>December 2014</td>
</tr>
</tbody>
</table>
To design, procure and install “Welcoming” entrance signs to all Destination, Community and Local Parks by, March 2015

We will seek to protect and enhance wildlife sites and a network of wildlife corridors - through partnership working, through the Planning system and by making appropriate designations of specific sites to help protect them

We will pursue the establishment of a robust ecological network including the creation and enhancement of wildlife corridors between existing areas of high quality habitat to reduce habitat fragmentation

We will work with local residents, community groups and partner organisations to increase public involvement in and sense of ‘ownership’ of the Borough Council’s semi-natural areas. This will involve consultation, involvement in management and development plans and seeking to secure grant funding and in volunteering

We will work to improve biodiversity within the Council’s formal Parks and Open spaces. This will involve a specific review of all of these areas to identify opportunities to enhance and create wildlife habitat and to if necessary alter and improve grounds maintenance and other management practices

We will regularly and fully review the Parks and Countryside Service’s operations and management to minimise detrimental impacts on the natural environment and to maximise positive impacts
Following a review of which sites / parts of sites can appropriately continue to be fished without unacceptable detriment to wildlife - the Council will seek to let its waters to a formally constituted angling club.

To work with our grounds maintenance contractors, in striving to ensure that there is continuous improvement in the quality of the grounds maintenance of all our open spaces, to meet the needs and demands of users and of local people

To review the current level of contract monitoring in light of the award of Contracts 1 and 2

To continue to work closely with developers and contractors when adopting open space on new developments, so as to ensure quality sites are not only transferred but future maintenance is identified and undertaken

We will undertake a review of grounds maintenance operations on an annual basis, to determine whether features are still pertinent and that current maintenance regimes meet with both customer expectation and with budgetary pressures

To undertake appropriate training with our Countryside Volunteers to ensure our and their own compliance with Health and Safety and that they are competent in the use of machinery and techniques involved with the works they undertake
To scrutinise existing revenue expenditure to determine whether, the Council is delivering what the public want in terms of services and to align our future spend more closely to the priorities identified in the strategy by April 2013

<table>
<thead>
<tr>
<th>H</th>
<th>Parks and Countryside/Finance</th>
<th>April 2013</th>
<th>Staff costs</th>
</tr>
</thead>
</table>

To continue to support and assist “groups” raising external funding to invest in improvements to the open space infrastructure

<table>
<thead>
<tr>
<th>H</th>
<th>Parks and Countryside</th>
<th>On-going</th>
<th>Staff costs</th>
</tr>
</thead>
</table>

To make a Heritage Lottery Bid for Riversley Park within the next funding “round”.

<table>
<thead>
<tr>
<th>H</th>
<th>Parks and Countryside</th>
<th>October 2012</th>
<th>Staff costs</th>
</tr>
</thead>
</table>

To set priorities in the strategy against known funding opportunities and against potential partnerships for delivery and staff allocated the task of taking forward the most time effective opportunities

<table>
<thead>
<tr>
<th>H</th>
<th>Parks and Countryside</th>
<th>On-going</th>
<th>Staff costs</th>
</tr>
</thead>
</table>

To have an independent annual quality assessment undertaken on our open spaces against the green flag criteria – with a rolling programme of such work covering all Destination, Community and Local Parks on a three year cycle

<table>
<thead>
<tr>
<th>M</th>
<th>Parks and Countryside</th>
<th>April 2013</th>
<th>Existing revenue budgets</th>
</tr>
</thead>
</table>
To provide a green network of open space that combines together publicly accessible green space (including that owned by third parties e.g. British Waterways) and privately owned land (where we can gain the necessary access agreements), to ensure that we have continuous green corridor’s which link together across the whole of the borough.

We will work with the Planning system and partnerships to retain the existing green network and to fill gaps in the network. We will prioritise securing the missing links identified in the strategic green network plan above.

Development applications will be supported where they help to create new wildlife habitat and corridors and new recreational links and particularly where they address significant gaps in the Borough’s Green Infrastructure and its publicly accessible ‘Green Network’.

We will seek as a priority to strongly and coherently brand and identify the Green Network as a well signed publicly prominent network comparable in recognition to the road highway network – encouraging recreational use, use for healthy activity and exercise and use for green travel purposes. Signs will include key destinations such as schools, doctors surgeries, town centres, parks etc along with walking and cycle travel times and distances.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Council Lead</th>
<th>Time-scale</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Parks and Countryside / Planning Policy</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
<tr>
<td>H</td>
<td>Parks and Countryside / Planning Policy</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
<tr>
<td>H</td>
<td>Parks and Countryside / Planning Policy</td>
<td>On-going</td>
<td>Staff costs</td>
</tr>
</tbody>
</table>
We will seek to address deficiencies both in quality and quantity in Open Space Provision through a variety of funding sources both internal and external. This will include grants secured either by ourselves or in partnership with outside bodies and interest groups and the use of planning gain, utilising developer contributions both on existing sites and on new developments.

That as an integral part of a combination of funding sources a percentage of negotiated developer contributions be utilised as a contribution towards the on-going development/improvement in quality of our Destination Parks.

As an integral part of future development (both residential and industrial) there will be a requirement to ensure not only high quality publicly accessible open space (as defined within the strategy) is provided, but also high quality private space that makes a significant contribution to the street scene and physical and mental well-being.

To review the council’s dog fouling policy on Public Open Space by the summer of 2014

To develop Manual Handling Assessments (MAC) to cover the full breadth of works undertaken by Parks by Dec 2014
We will continue to support the work of the West Midlands Biodiversity Partnership and the ongoing Habitat Biodiversity Audit and Biological Records Centre and to honour the other commitments made by the Council in signing the West Midlands Biodiversity Pledge. We will also work to support all other Council Departments in meeting those commitments and duties under the NERC Act.

We will work with our planning officers on the Local Development Framework, on Development Control procedures and on individual planning applications in accordance with PPS9 and PAS 2010 to wherever possible avoid development of any land of wildlife value or impact on wildlife species and to add to and enhance wildlife habitat.

To develop a detailed Capital Programme of Improvements to Public Open Space linked to the key aims identified both within the Corporate and Community Plans and reinforced within this Strategy.

To revisit the basis and use of Section 106 sums allocated for parks and recreation and tightly align to the delivery of the priorities identified by this strategy and those within the Borough Plan's, Infrastructure Delivery Plan.

To combine wherever possible, capital sums, sums from section 106 agreements and external funding to deliver larger packages of work.

<table>
<thead>
<tr>
<th>Environment Scrutiny Panel - 2nd November, 2011</th>
<th>42</th>
</tr>
</thead>
</table>
AGENDA ITEM NO. 8

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Environment Scrutiny Panel – 2nd November 2011

From: Assistant Director – Regeneration and Public Protection

Subject: Government consultation: “Regulated Entertainment - A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003”

Portfolio: Central Services (Councillor J.A. Jackson)

1. Purpose of Report

To inform the Panel of a consultation from the Department for Culture, Media and Sport (DCMS) on a proposal to remove licensing requirements in England and Wales for most activities currently defined as “regulated entertainment” in Schedule One to the Licensing Act 2003.

2. Recommendations

The Panel is asked to consider the proposals and put forward any views for inclusion in a formal response to the consultation.

3. Background

3.1 The Licensing Act 2003 replaced nine separate licensing related regimes bringing together under one licence the supply and retail sale of alcohol, late night refreshment and “regulated entertainment”. In doing so, it was intended that the Act would modernise a number of out-dated laws and also remove the need for premises owners to obtain several different licences to carry out activities at the premises.

3.2 The following activities are detailed in Schedule 1 to the Act as “regulated entertainment”, and are therefore currently licensable:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment (both indoors and outdoors),
- a performance of live music,
- any playing of recorded music, and
- a performance of dance

3.3 In addition a licence is required for the provision for entertainment facilities (which generally means the provision of facilities which enable members of the public to make music or dance).
3.4 Licensable activities can only be carried out under the authority of a licence or a Temporary Event Notice (TEN). Licences or TENs are required for any of the activities above (subject to limited exemptions set out in part 2 of Schedule 1 to the Act) whether they are free events to which the general public is admitted, or public or private events where a charge is made with the intention of making a profit - even when raising money for charity.

3.5 Licences to host regulated entertainment often occur as part of an application for premises where the primary activity is the sale or supply of alcohol, (e.g. pubs, clubs, and hotels), but there are also many venues that are primarily “entertainment venues” that operate a bar, such as theatres, which still require alcohol licence permissions to do so.

4. The DCMS Proposals

4.1 The consultation document examines the need for a licensing regime for each of the activities classed as “regulated entertainment”. Where it is considered there is no such need, they propose, subject to the views and evidence generated through the consultation, to remove the requirement for the activity to be licensed.

4.2 Where it is considered that there is a genuine need to license a type of entertainment, then the consultation proposes that the licensing requirement would remain, either in full, or in part if more appropriate. In such cases the consultation seeks to identify the precise nature of the potential harm, and seeks evidence to identify effective and proportionate solutions.

4.3 The consultation makes clear that the Government intends to retain the licensing requirements for:

- Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more.
- Boxing and wrestling.
- Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

5 Effect of the proposals on the current licensing regime

5.1 Currently there are over 133,000 premises in the UK (136 in this authority’s area) which have some form of regulated entertainment provision on their licence. The benefits of removing licensing requirements will vary, depending on individual circumstances.

5.2 Premises that currently hold a licence only for the activities that are classed as regulated entertainment (for example, some church halls or parks) would no longer need a licence. In these cases all licensing requirements would
cease, and any fees and licence conditions would end when a licence is surrendered. Venues would be able to host activities currently classed as regulated entertainment without the need for any licence and no conditions could be imposed.

5.3 Premises that continue to hold a licence after the reforms (for example, for alcohol, late night refreshment, or remaining forms of regulated entertainment) would be able to host entertainment activities that were formerly regulated without the need to go through the variation process. DCMS propose that all existing conditions on such licences would continue to apply unless the premises decided to apply for a variation to remove or amend them - a situation that should prevent the need for a wholesale reissue of licences by licensing authorities.

5.4 There are also at least 900 areas listed on the DCMS licensed public land register which are licensed by local authorities solely for regulated entertainment purposes - such as town centres, promenades, high streets, parks, gardens and recreation grounds. Licensing authorities would also no longer have to process and oversee over 12,500 licences per annum for which they do not receive a fee, such as village halls and for certain performances held in schools. Together this is at least 13,400 community and non-commercial premises per annum that would no longer be subject to a licensing regime.

6. **Possible Issues Arising From The Proposals**

6.1 A major concern is the removal of the licensing requirement for a whole range of premises including village halls, schools and open spaces. These could now hold regulated entertainment (if there is no sale of alcohol) without the need for a licence.

6.2 Indeed, the view of the DCMS is that ‘under our proposals, there would be no requirement to even notify the licensing authority or the police of an event of up to 4999 people that did not involve the sale of alcohol’.

6.3 To deal with noise issues arising from any unlicensed event local authorities would be reliant on existing noise nuisance and abatement powers in the Environmental Protection Act 1990. These powers require local authorities to take reasonable steps to investigate a complaint about a potential nuisance and to serve an abatement notice when they are satisfied that a nuisance exists or is likely to occur or recur.

6.4 Additionally the DCMS is not proposing any time related cut off for entertainment which is to be deregulated from the 2003 Act.

6.5 The DCMS proposals would also remove unlicensed events from licensing requirements relating to health and safety and instead rely on the broader controls available through the Health and Safety at Work etc Act 1974 and disability legislation. The legislation provides protection in relation to the safety of the public at an event as it places a duty of care on an employer or person
in control to take reasonable steps to protect the public from risks to their health and safety. In addition, the Regulatory Reform (Fire Safety) Order 2005 imposes fire safety duties in respect of most non-domestic premises.

6.6 The DCMS suggests that potential problems at events should be prevented through the use of risk assessments and compliance with other duties imposed by this legislation, rather than the additional layer of bureaucracy imposed by requirements of the Licensing Act. In practice however our experience is that specific conditions on licences relating to health and safety ensures a minimum standard of provision for items such as electrical safety, temporary structures and stewarding that must be met and provides a level playing field for all event organisers to meet.

6.7 DCMS make the point that many types of existing mass entertainment activity already take place successfully outside the licensing regime such as fun fairs, country shows, political rallies and demonstrations, religious events, stock car racing, or outdoor sports without a licence. They suggest that there is no directly justifiable reason why events such as ballet, classical concerts or circuses should be considered any more of a risk to public safety than these activities. However this second list should also include events such as festivals, pop concerts and discos that are sometimes held in the open but also sometimes in confined spaces.

IAN POWELL
Regulated Entertainment

A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003

September 2011
Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.
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Foreword

At the moment, the law and regulations which require some (but not all) types of entertainment to be licensed are a mess. For example, you will need a licence if you want to put on an opera but not if you want to organise a stock car race. A folk duo performing in the corner of a village pub needs permission, but the big screen broadcast of an England football match to a packed barn-like city centre pub does not. An athletics meeting needs licensing if it is an indoor event, but not if it’s held outdoors. A free school concert to parents doesn’t need a licence, but would if there is a small charge to raise money for PTA funds or if there are members of the wider public present. A travelling circus generally needs a permit whereas a travelling funfair does not. A carol concert in a Church doesn’t need a licence, but does if it is moved to the Church Hall. There are many other examples where types of entertainment are treated differently for no good reason – the distinctions are inconsistent, illogical and capricious.

But they cause other problems too. Whenever we force local community groups to obtain a licence to put on entertainment such as a fundraising disco, an amateur play or a film night, the bureaucratic burden soaks up their energy and time and the application fees cost them money too. Effectively we’re imposing a deadweight cost which holds back the work of the voluntary and community sector, and hobbles the big society as well.

Equally importantly, the various musicians’ and other performers’ unions are extremely concerned that all these obstacles reduce the scope for new talent to get started, because small-scale venues find it harder to stay open with all the extra red tape. There is also evidence that pubs which diversified their offer to include activities other than drinking were better able to survive the recession. Making it easier for them to put on entertainment may therefore provide an important source of new income to struggling businesses such as pubs, restaurants and hotels.

Last but not least, laws which require Government approval for such a large range of public events put a small but significant dent in our community creativity and expression. If there’s no good reason for preventing them, our presumption should be that they should be allowed.

So this is a golden opportunity to deregulate, reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand as well. Our proposals are, simply, to remove the need for a licence from as many types of entertainment as possible. I urge you to participate in this consultation so that we can restore the balance.

John Penrose
Minister for Tourism and Heritage
Chapter 1: Regulated Entertainment - a proposal to deregulate

Introduction

1.1. The consultation seeks views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as “regulated entertainment” in Schedule One to the Licensing Act 2003.

1.2. The Licensing Act 2003 brought together nine separate licensing related regimes covering alcohol supply and sale, late night refreshment, and “regulated entertainment”. In doing so the Act modernised many out-dated laws that had been left behind by changes in technology and modern lifestyle.

1.3. The Licensing Act 2003 changed the way that licensing procedures worked. Having a single licence for permissions for multiple licensable activities was undoubtedly a great step forward for many, who had previously needed to make separate costly and time consuming licence applications. In this respect, the 2003 Act has been a success. In other respects, it has been less successful. The Government is currently legislating via the Police Reform and Social Responsibility Bill to rebalance alcohol licensing in favour of local communities, for example.

1.4. In addition, despite a radical approach to alcohol licensing, the 2003 Act failed to match its ambition. The regime for “regulated entertainment” missed a real opportunity to enable entertainment activities and either simply aped old licensing regimes or instead took a new, overcautious line. This was particularly apparent with the removal of the “two in a bar” rule, which allowed previously two musicians to perform in a pub without needing to obtain a specific entertainment licence. But instead of modernising an old law that had simply gone past its sell by date, the 2003 Act ended up potentially criminalising a harmless cultural pastime.

1.5. Indeed tidying up the administrative processes created new problems for many others. The Government has received countless representations about the difficulties that the 2003 Act has brought to a wide range of cultural and voluntary sector and commercial organisations. New licensing requirements, under the 2003 Act were, for many, a step backwards, bringing costly and bureaucratic processes for low risk, or no risk, events, including:

- Private events where a charge is made to raise money for charity;
- School plays and productions;
- Punch and Judy performances;
- Travelling circuses;
• Children’s films shown to toddler groups;
• Music performances to hospital patients;
• Brass bands playing in the local park;
• School discos where children are charged a ticket price to support the PTA;
• Exhibitions of dancing by pupils at school fetes;
• Costumed storytellers;
• Folk duos in pubs;
• Pianists in restaurants;
• Magician’s shows;
• Performances by street artists;
• And even performances by a quayside barber shop quartet.

1.6. Before the General Election both Coalition parties recognised the need for reform, and in the Coalition Programme for Government we made a firm commitment to remove red tape affecting live music in small venues. Then, as part of the Growth Review which was published alongside the Budget this year, we announced an examination of “regulated entertainment”, with the aim of removing licensing regulation that unnecessarily restricts creativity or participation in cultural and sporting events. This consultation is the result of that work.

1.7. In the chapters to come we will explore each of the entertainment activities regulated by the Licensing Act 2003 and ask for views on the key question: “what would happen if this activity were no longer licensable?”

1.8. In many areas, early discussions with stakeholders have indicated that deregulation would be welcome and straightforward. With other forms of licensable activity though, we recognise that there may be some inherent difficulties. In such circumstances, this consultation outlines where we feel particular protections will be needed, and indeed where full deregulation may not be possible at all.

1.9. This consultation is predicated on the fact that we think there is ample scope to sensibly deregulate most, but not all, of Schedule One to the 2003 Act. Removing the need for proactive licensing for regulated entertainment could provide a great boost for community organisations, charities, cultural and sporting organisations, for artists and performers, for entertainment venues, and for those local institutions that are at the heart of every community, such as parent/teacher organisations, schools and hospitals.

1.10. We do, though, need to request and examine evidence from this consultation in order to fully evaluate the proposals and to ensure we have a complete picture with regard to any potential benefits or impacts to ensure there are no unintended consequences.
Chapter 2: The Current situation, and our detailed proposal

The current situation - background

2. The Licensing Act 2003 classifies the following activities as “regulated entertainment”, and therefore licensable:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment (both indoors and outdoors),
- a performance of live music,
- any playing of recorded music, and
- a performance of dance

2.1. In addition, there is a licence requirement relating to the provision for entertainment facilities (which generally means the provision of facilities which enable members of the public to make music or dance).

2.2. Licensable activities can only be carried out under the permission of a licence\(^1\) or a Temporary Event Notice (TEN) from a local licensing authority. Licences (or TENs) are required for any of the activities above (subject to limited exemptions set out in part 2 of Schedule 1) whether they are free events to which the general public is admitted, or public or private events where a charge is made with the intention of making a profit - even when raising money for charity.

2.3. Applications for licences to host regulated entertainment can often occur as part of an application for an alcohol licence, particularly in venues such as pubs, clubs, and hotels, but there are also many venues that are primarily “entertainment venues” that operate a bar, such as theatres, which still require alcohol licence permissions to do so.

\(^1\) In this consultation “licence” refers to a Premises Licence or a Club Premises Certificate for ease of reading.
Licensing powers and national scale

2.4. The Licensing Act 2003 has four underlying licensing objectives: Prevention of Crime and Disorder; Prevention of Public Nuisance; Protection of Children from Harm; and Public Safety. Licensing authorities must exercise their functions and make their decisions with a view to promoting those objectives.

2.5. In support of these four objectives, licences can be subject to extensive conditions. These conditions can be placed on a licence at time of grant - either volunteered by the applicant or imposed by the licensing authority, as part of an application to vary a licence, or imposed as part of a licence Review. Conditions play an important part role in ensuring a “contract” between a licensing authority and licensee, and play an important role in setting the context in which the licensed premise can operate.

2.6. Similarly, licence Reviews play an important role in the controls process. Reviews provide relevant authorities with powers to address problems, and they ensure appropriate local representation in the decision making processes. Reviews can be triggered by complaints from local residents or businesses, or by representations by relevant authorities such as the police. For a licensee, a licence review is a very serious issue, and failure to comply with the law could lead to closure of a premises, a very heavy fine, and even a potential prison sentence.

2.7. In terms of scale, there are currently around 133,000 premises in England and Wales licensed for regulated entertainment, with almost all of these premises licensed to sell alcohol. Additionally, over 120,000 TENs are authorised each year. TENs can be used as an alternative to a fuller licence, as a “one-off” permission for a licensable event, at a cost of £21 per application.

2.8. An event organiser is permitted up to five TENs per year, unless they also hold a personal licence for alcohol sale or supply, in which case the limit is extended to 12 TENs per year at the same premises or up to 50 events at different places.

This proposal

2.9. The starting point for this consultation is to examine the need for a licensing regime for each of the activities classed as “regulated entertainment”. Where there is no such need, we propose to remove the licensing requirement, subject to the views and evidence generated through this consultation.

2.10. Where there is a genuine need to licence a type of entertainment, then this consultation proposes that the licensing requirement would remain, either in full, or in part if more appropriate. In such cases this consultation seeks to identify the precise nature of the potential harm, and seek evidence to identify effective and proportionate solutions.

2.11. Chapter 3 of this consultation will address the generic issues that are relevant to more than one type of regulated entertainment. For example, we are interested to hear views on the handling of health and safety protections and noise nuisance prevention, as well as views from a public safety and crime and disorder perspective. The consultation will pose a number of questions related to these aspects, and will ask a final question where any further comments can be added on any issues of note.
2.12. Chapters 4-11 will then examine each activity in Schedule One to the Licensing Act 2003 and investigate specific issues particular to that activity.

2.13. Although both Chapter 3, and Chapters 4-11 will ask questions relating to deregulation principles, this consultation would like to make clear at the outset that in any instance, Government intends to retain the licensing requirements for:

- Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more.
- Boxing and wrestling.
- Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

More details of how we would ensure these protections are in place can be found in Chapters 4-11.

**Next steps and methodology**

2.14. We will collate and review comments from this consultation and then publish a Government response. Where we have a clear view that deregulation for an activity is supported, we will look to remove or replace the Schedule One definition relating to that activity as soon as possible, using existing powers in the 2003 Act to do so where this is possible.

2.15. Where changes would require either new exemptions or new provisions in the Licensing Act 2003, or an amendment to any other legislation, we will assess needs and legislative options following the consultation analysis and set out the forward plan in the consultation response.

**Who will be interested in this proposal?**

2.16. Each aspect of regulated entertainment has a wide range of interested parties. In some cases there are groups of stakeholders who will have interest in more than one of the regulated entertainment activities. Some of these will include:

- Existing small and medium professional and amateur cultural groups, such as arts centres, theatre groups, dance groups.
- Mainstream and independent cinemas, film clubs
- Musicians – amateur and professional
- Actors, performers
- Local cultural providers and practitioners, and event organisers
- Charities, PTAs, Schools
- Community audiences for all of the art forms regulated by the 2003 Act
- Residents and community representatives
- Licensed premises, such as clubs and pubs, hotels and bed and breakfasts
• Unlicensed premises such as coffee shops, scout huts, church halls, record shops, schools and hospitals, amongst others
• The music industry
• Larger cultural institutions, and cultural development stakeholders
• Those involved in local regeneration
• Other cultural and creative institutions, such as dance and theatre companies, sports bodies who could gain increased exposure in their sport from greater opportunities, potentially leading to an uptake in participation
• Cultural and sporting development organisations
• Licensing authorities, noise officers, health and safety officers
• The police, fire service and trading standards officers and others with an interest in public safety and crime and disorder.

Impacts and benefits

2.17. An initial Impact Assessment has been produced for these proposals. This Assessment details, wherever possible, the benefits and impacts of these proposals and has been examined by the independent Regulatory Policy Committee. The initial Impact Assessment can be viewed online at www.culture.gov.uk and is available in hard copy from DCMS from the address provided in annex A.

2.18. The initial Impact Assessment has a provisional status and will be informed by the responses to this consultation. We will undertake further work to quantify the consequential costs, benefits and burdens on the police, licensing authorities and others on the central proposal to deregulate entertainment events involving 4999 people or less. Many of the activities classed as regulated entertainment are small local events and, because of this, national data collection is currently disproportionately expensive.

2.19. In these circumstances assumptions have been made by Government analysts, following various extrapolations of the available data but in this consultation we would be very grateful for any new data that may be helpful to our overall understanding of the local nuance or the national statistical picture.

2.20. It is not possible, for instance, to predict precisely the additional activities that we expect to arise if there were currently no licensing requirements in respect of regulated entertainment, and so we are grateful for views through the questions in this consultation. It has also not been possible to cost every possible benefit (such as the effect of the Culture and Sport Evidence Programme led by DCMS, Arts Council England, English Heritage and Sport England) or possible impact (for example data on costs of the noise complaint processes under the Noise or Environmental Protection Acts) - so again we will use evidence from the consultation responses to update the Impact Assessment to ensure costs and benefits of these proposals are reflected as accurately as possible before any final considerations.

2.21. The headline detail from the Impact Assessment is that we would expect to see a huge range of benefits, with a total economic benefit of best estimate of £43.2m per year. Besides the direct economic benefit, and the costs and labour saving, there are expected to be substantial benefits to individual and collective wellbeing due to extra provision of entertainment and participation, as well as additional social interaction.
benefits.

2.22. This proposal would also bring clarity to existing laws, ending uncertainty about whether and in what circumstances activities, such as street artists, buskers, poets, and carol singers would require a licence under the Licensing Act 2003.

**Effect on the current licensing regime**

2.23. Over 133,000 premises have some form of regulated entertainment provision granted on their licence. The benefits of removing licensing requirements will vary, depending on individual circumstances.

2.24. Premises that currently hold a licence only for the activities that were formerly classed as regulated entertainment (for example, some church halls) would no longer need a licence. In these cases all licensing requirements would cease, and fees and licence conditions would end when a licence is surrendered. Venues would be able to host activities formerly classed as regulated entertainment without the need for any licence.

2.25. Premises that continue to hold a licence after the reforms (for example, for alcohol, late night refreshment, or remaining forms of regulated entertainment) would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process. We propose that all existing conditions on such licences would continue to apply unless the premises decided to apply for a variation to remove or amend them - a situation that should prevent the need for a wholesale reissue of licences by licensing authorities. Conditions are an integral part of a licence authorisation, so this consultation seeks evidence with regard to any potential transitional issues, to ensure sufficient certainty for both licensee and those monitoring compliance to ensure all parties are aware of what is required of a premises. Taking account of any such issues, full guidance would be issued to licensing authorities and other interested parties before any changes would be made.

2.26. Finally, on a very practical local level, there are also at least 900 areas listed on the DCMS licensed public land register\(^2\) which represent areas licensed by local authorities solely for regulated entertainment purposes - such as town centres, promenades, high streets, parks, gardens and recreation grounds. Licensing authorities would also no longer have to process and oversee over 12,500 licences per annum for which they do not receive a fee, such as village halls and for certain performances held in schools. Together this is at least 13,400 community and non-commercial premises per annum that would no longer be subject to a licensing regime.

Proposal Impacts: Questions

You may wish to read the full document before commenting - a composite list of questions is provided at the end of the document

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

Q8: Are there any impacts that have not been identified in the Impact Assessment?

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?
Chapter 3: The role of licensing controls

Introduction

3. In this section we will explain the general background to regulatory protections in the Licensing Act 2003 and ask for views that apply across the “regulated entertainment” regime. Chapters 4-11 will cover individual items included in Schedule One, so you may choose to apply your comments in questions posed in those sections if more appropriate.

The four licensing objectives

3.1. As set out in paragraph 2.4, the Licensing Act 2003 has four licensing objectives and licensing authorities must exercise their functions with a view to promoting those objectives. They are:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance;
- Protection of Children from Harm;
- Public Safety.

These four objectives are important protections, particularly in respect of alcohol sale and supply, which is the principal component of the Licensing Act 2003.

3.2. In taking stock of the efficacy and proportionality of the licensing regime, this proposal seeks to examine the need for licensing in the context of the other legislative protections that are already in place. This chapter will do this by examining each of the four licensing objectives and seek views regarding necessary controls.

3.3. This consultation proposal suggests that regulated entertainment itself in general poses little risk to the licensing objectives. There are though considerations concerning noise nuisance from music and where audiences of up to 4,999 people could attend events where no licensing authority licence was present, as well as related public safety issues.

Crime and disorder

3.4. Where problems do occur, it is often because of the presence of alcohol sales and consumption.

3.5. Most existing venues offering regulated entertainment are already licensed for alcohol and existing controls will continue to apply under these proposals. The existing alcohol safeguards provide a powerful incentive to ensure that licensing objectives are safeguarded, and as outlined earlier, failure to comply can result in a licence review,
which can lead to closure of the premises, a very heavy fine, and a potential prison sentence for the licensee. However, under our proposals, there would be no requirement to notify the licensing authority or the police of an event of up to 4999 people that did not involve the sale of alcohol.

3.6. The Government is also legislating via the Police Reform and Social Responsibility Bill to rebalance the regulation around alcohol licensing. These measures include, for example giving licensing authorities and the police more powers to remove licences from problem premises and increasing the involvement of health bodies and environmental health authorities in licensing decisions, including Temporary Event Notices.

3.7. In addition, the Government is giving local communities additional powers to shape their night-time economies and tackle alcohol-fuelled crime and disorder, by allowing licensing authorities to collect a contribution or levy from late opening alcohol retailers towards the cost of late night policing and extending powers to restrict the sale of alcohol in problem areas. The Government will also take steps to dismantle unnecessary legislation but will continue to regulate in a targeted way where this is needed. The new measures on alcohol, taken together with a sensible deregulation of the no risk or low risk entertainment activities, should lead to a more effective and focussed controls regime.

3.8. So while there would no longer be a requirement for a specific permission for activities currently classed as regulated entertainment, there would still be generic controls in place related to the alcohol licence (or, where relevant, permission for late night refreshment). For example, under the current arrangements, a pub does not need a specific permission to show a big screen football international. However, if it is necessary to address identifiable risk of disorder related to the event, a responsible authority such as the police can seek a review to apply measures such as limits on opening hours before the screening, or the use of plastic glasses, or the employment of extra door staff - even though the television broadcast itself is not a licensable activity.

3.9. Events in non-licensed premises that are currently held under a TEN will usually be held in non-commercial premises that are overseen and controlled by a management committee or governing body (for example, a community hall, school or club) or otherwise run by the local authority. While this may not singularly remove every risk of crime and disorder, it does suggest that a blanket requirement for all those providing music and other entertainment to secure a licence is disproportionate and unnecessary.

3.10. However, we should also pay regard to the fact that the removal of licensing regulations will remove the requirement to automatically notify the Licensing Authority and the police that an entertainment event is taking place. We would be grateful for views on potential public safety and crime and disorder considerations in the questions in this consultation.
Public Nuisance (noise)

3.11. **Premises selling alcohol will still require a licence** as outlined above. Alcohol licences can already be used to address noise and other areas of concern, and the Licensing Act 2003 gives the police powers to close licensed premises at short notice as a result of disorder or on the grounds of public nuisance, which includes noise. This process can result in conditions being stipulated which must be met before the premises can reopen. Such Closure Orders under the Licensing Act 2003 lead automatically to a review of the licence where, again, conditions can be attached to the licence. Local Authorities also maintain the right to impose a full range of conditions on alcohol licenses after a licence Review. Again, failure to comply can result in a very heavy fine, and a potential prison sentence up to six months for the licensee.

3.12. **All premises**, whether licensed for alcohol or not, will also continue be subject to existing noise nuisance and abatement powers in the Environmental Protection Act 1990. These powers require local authorities to take reasonable steps to investigate a complaint about a potential nuisance and to serve an abatement notice when they are satisfied that a nuisance exists or is likely to occur or recur.

3.13. Additionally, there are also powers in the Anti-Social Behaviour Act 2003 which allow the police to close licensed premises to prevent a public nuisance caused by noise from those premises. Earlier this year, the Government set out proposals to radically simplify and improve the powers the police and others have to deal with anti-social behaviour.

3.14. There is also the Noise Act 1996 which allows the local authority to take action (issuing a warning notice, or fixed penalty notice, or seizing equipment) in respect of licensed premises where noise between 11pm and 7am exceeds permitted levels.

3.15. Finally, under the Criminal Justice and Public Order Act 1994, the police currently have powers to remove people attending or preparing for night-time raves on land in the open air - refusal to leave or returning to such land following a police direction is a criminal offence.

3.16. **Premises which do not sell alcohol** (such as non-licensed restaurants and cafes, as well as non-commercial premises such as community halls, schools and hospitals) would be covered by noise nuisance legislation such as the Environmental Protection Act 1990. As referenced above, non-commercial premises such as village halls tend to be run by a local management board or committee to represent the interests of the local community and exercise necessary control should problems occur. In such circumstances though the existing licence controls would no longer be in place, and so in the questions in this consultation we would be grateful for views on any potential concerns.

Public Safety

3.17. The Health and Safety at Work Act 1974 together with disability legislation, offers protection in relation to the safety of the public at an event, placing a clear duty to take reasonable steps to protect the public from risks to their health and safety. In addition, the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) imposes fire safety
duties in respect of most non-domestic premises.

3.18. Potential problems at events should be prevented through the risk assessments and compliance with other duties imposed by this legislation, rather than the additional layer of bureaucracy imposed by requirements of the Licensing Act 2003.

3.19. Although some licensing authorities rely on the Licensing Act 2003 rather than other legislation, many types of existing mass entertainment activity already take place successfully outside the licensing regime. Large numbers of people gather in one place without an entertainment licence for events such as fun fairs, country shows, political rallies and demonstrations, religious events, stock car racing, or outdoor sport such as the Ryder Cup, or three-day eventing. There is no directly justifiable reason why events such as ballet, classical concerts or circuses should be considered any more of a risk to public safety than these activities.

Protection of Children

3.20. There are two main areas of relevance in relation to regulated entertainment where it is important we protect children from harm.

3.21. The first of these is the prevention of access to unsuitable content (for example by film classification restrictions, and by restrictions on sexual entertainment). The second aspect is with the physical protection of children in relation to participation in indoor sport and other activities.

3.22. Issues specific to unsuitable content in the context of dance and film are addressed directly in chapters 6 and 7 respectively in this consultation. Some content protection themes do though cut across several forms of regulated entertainment, and we seek your views on these at the end of this chapter.

3.23. Adult entertainment is not a separate or distinct licensable activity under the 2003 Act, but is generally dealt with under other legislation (see paragraph 11.4). Some forms of adult entertainment (such as “blue” comedians) are not currently licensable at all. In most cases, such activities take place in premises that are licensed for the sale of alcohol for consumption on the premises, and restrictions automatically apply on the admission of unaccompanied children. The proposals in this consultation would not affect the status quo.

3.24. In the second area of child protection (physical protection for children taking part in indoor sports, and similar activities) there are already robust existing child protection policies in place across all Government funded sports. Recognised sports are required to have a governing body in place that controls the sport and ensures that coaches and officials are properly trained.

3.25. Most importantly, the Children Act 1989 places a duty on Local Authorities to investigate if there are concerns that a child may be suffering or may be at risk of suffering significant harm. Additionally, the employment of children is covered by other legislation, such as the Children and Young Persons Act 1963 which, among other things, places restrictions on children taking part in public performances.
Size of events

3.26. The Government recognises that, once an event reaches a certain size, it can be difficult to control the events using alcohol licences alone, and there may also be large entertainment events that do not – either currently or in the future – choose to sell alcohol. Sports ground safety legislation, which applies to outdoor sport, applies a limit of 5,000 spectators for football, and 10,000 for other sports before specific safety requirements apply.

3.27. The Licensing 2003 Act already recognises the additional burden that large events can cause for local authorities by applying an additional licence fee for events where more than 4,999 people are present.

3.28. This consultation therefore proposes that only events with an audience of fewer than 5,000 people are deregulated from the 2003 Act.

3.29. We would welcome views on this figure in the questions at the end of this chapter. The Association of Chief Police Officers has, for example, suggested that the 500 audience limit which applies to Temporary Event Notices may be a more appropriate starting point.

3.30. Similarly, we would welcome views on whether there should be different limits for different types of entertainment – for example whether unamplified music performances should have no audience limit applied at all (as they are self-limiting, due to acoustic reach), and whether outdoor events should be treated differently to those held in a building. Again, questions relating generically to these issues are posed at the end of this chapter.

Time of events

3.31. Noise nuisance can be a particular issue of concern for those living near venues. It has been argued that particular controls need to be applied to events held after 11pm. The background to this issue is that 11pm is stipulated in existing noise legislation as the beginning of “night hours” (defined by the World Health Organisation as the period beginning with 11pm and ending with the following 7am) in the Noise Act 1996 and the point at which the control powers of the Noise Act begin to apply.

3.32. This consultation does not propose applying an 11pm cut off for the deregulation of regulated entertainment. This is because existing legal powers in the Noise Act 1996 already make special provision to deal with problems occurring after 11pm for alcohol licensed premises, which will cover the vast majority of venues for entertainment. Noise Act powers work in tandem with the Licensing Act 2003 so that any premises that is not abiding by its licence conditions can be immediately tackled by Local Authority officers, but it should be noted that most Local Authorities do not operate a full nuisance complaints service outside normal working hours.

3.33. The Anti-Social Behaviour Act 2003 provides Local Authorities with powers to immediately close noisy premises for up to 24 hours, with consequences of up to three months in prison, a fine up to £20,000, or both. Whilst this is a substantial deterrent we would be grateful for views relating to any potential problems or enforcement or
resourcing issues, including where there may be other issues, such as “out of hours” resourcing.

3.34. Additional measures under the Criminal Justice and Public Order Act 1994 cover outdoor night time music events that are not licensed under the 2003 Act. Most currently regulated entertainment does not go beyond 11pm, but to impose a cut off would introduce inflexibility and in effect make it illegal for an unlicensed performance to run 10 minutes over time. This would simply reintroduce the kind of unintended consequences the deregulation seeks to remove whereby illegality has no bearing on the impact of the actual individual activity.

3.35. In the recent debate during the Committee stage of the Live Music Bill in the House of Lords, several speakers, expressed their support for a cut off time of midnight for exemptions for small music events.³

3.36. The Government is therefore not proposing any time related cut off for entertainment which is to be deregulated from the 2003 Act. However, we welcome views on this issue at the end of this chapter. This includes seeking views on whether any time restrictions should apply and, if so, whether this should be the same for all entertainment activities or just those which are believed to pose a particular risk. It would also be helpful to have views on whether there should be a distinction between indoor and outdoor events.

3.37. One alternative option to the current licensing arrangement could be to develop a Code of Practice for entertainment venues. This could help to ensure preventative best practice without the need for regulation. While this would have no statutory sanctions, it would encourage good practice. Would such an approach mitigate risks? Again, we would welcome views.

The Role of Licensing Controls: Questions

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

Q13: Do you think there should there be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?
Chapter 4: Performance of Live Music

Introduction

4. The Coalition Agreement committed to cutting red tape to encourage the performance of more live music.

4.1. We intend to honour this agreement in two ways. The first is to honour our public commitment to support the Live Music Bill, a Private Member’s Bill tabled in 2010 in the House of Lords by Lord Clement Jones, which followed a recommendation for live music deregulation by the Culture, Media and Sport Select Committee in 2009 and a full public consultation on the subject in 2010. Because of this, the Live Music Bill is not the subject of this consultation.4

4.2. The second is to examine, through this consultation, whether our proposed deregulation is ambitious enough for the vast quantity of talent in England and Wales that would benefit from a wider deregulation than the Live Music Bill will, alone, permit. In examining live music we would be grateful for responses to the generic questions posed in chapter 3, and also to the live music questions based on the consultation proposal below.

4.3. Live music is at the heart of our national and local cultural traditions, and continues to play a very important part in our national and local identity. As well as being exhilarating and inclusive, music can change the way we view ourselves and how others perceive us. Our musical heritage is strongly felt across England and Wales, with a live line of performance from folk and traditional song through many hundreds of years to our present day with internationally famous local music scenes across so many towns and cities.

4.4. In recent years though, whilst music in large venues is thriving, music in small venues has been gradually dwindling. Many pubs – the traditional venue of much live music - have closed, and there has been a downward trend in music provision in secondary venues5.

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4 Lord Clement Jones’ Bill was tabled last year, and can be read in full at: http://services.parliament.uk/bills/2010-11/livemusicl/documents.html

Our proposal

4.5. This proposal is to deregulate public performance of live music (both amplified and unamplified) for audiences of fewer than 5,000 people.

4.6. As outlined in Chapter 3, other legislative protections already exist in respect of each of the four licensing objectives, and it is those measures that should be used as controls for music events, rather than an inflexible and burdensome licensing system.

Audience size

4.7. The issues around size and time of events are often raised in relation to events such as large music festivals, which would continue to require a licence under Government proposals if they have capacities of 5,000 people or greater. As explained in chapter 3, the 5,000 limit is already recognised as an audience threshold for larger events in the sporting and entertainment sectors. This limit features also as a capacity boundary for fees in the Licensing Act 2003, recognising intrinsic issues associated with controls for events above that size of audience.

4.8. With regard to unamplified music, there is a potential argument that no audience limit is necessary due to the self-limiting possibilities from the event’s acoustic reach. So we would thus welcome views on whether unamplified music should simply be deregulated with no restrictions on numbers or on the time of day.

Performance of Live Music: Questions

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?
Chapter 5: Performance of plays

Introduction

5. The regulation of plays has a long and famous history. The Licensing Act 2003 provided the first amendments to theatre licensing since the Theatres Act 1968, which released playwrights from the strict censorship of the Lord Chamberlain that had been in place since the introduction of the Licensing Act 1737.

5.1 It made clear that licensing authorities could not generally refuse a theatre licence on content grounds. The 1968 Act updated other aspects of law which still stand on the statute book – around obscenity, defamation and provocation of a breach of peace.

Venue sizes

5.2 Each year, there are an estimated 92,000 performances of plays by voluntary or amateur groups alone, with the vast majority held in small venues or by touring productions. For many of these venues existence is hand to mouth, and individual productions are in constant jeopardy due to the need to recoup staging costs. We believe that deregulation of some of the requirements where alcohol is not sold or supplied offers a real opportunity to help make the staging of plays and performances in smaller venues much easier, as well as enabling greater opportunity for “site specific” theatre (for example, productions set in factories or forests) to flourish.

Regeneration and renewal

5.3 The British theatre ecology is wide and varied, with amateur groups and fringe productions playing an important role in feeding into larger venues. The importance of theatre to the UK economy is well documented, with studies such as the Shellard Report (2004) showing a positive annual economic impact of £2.6bn.

5.4 We have seen the impact of theatre on small and large scale cultural festivals across the regions –the Edinburgh Festivals are thought to contribute £245m to the local economy. Cultural festivals have a huge regenerative effect and provide a highly positive community self-image.

Educative value

5.5 Plays offer an almost unique opportunity to engage children, enhancing self-value, attendance within education, and participatory skills. At present it is not necessary for a school to apply for a licence where parents are admitted for free, but if the school wishes to perform for the wider public or charge a small entry fee to benefit the Parent-Teacher Association (PTA), a licence is required. As with dance and live music, this is one example of how removing the regulatory burden will free up schools
(and similarly community and volunteer groups) to put on low risk productions in the community.

5.6. But the educational effect of theatre does not stop at schools. The effects of prison theatre for example have a major role in rehabilitation, and public performance can have a similarly beneficial effect on self-value as seen in other educational forums.

Our proposal

5.7. This consultation proposes that we remove theatre from the list of regulated entertainment in Schedule One to the Licensing Act 2003 for audiences of fewer than 5,000 people.

5.8. Existing controls from the 1968 Theatres Act on obscenity, defamation and provocation of a breach of peace remain on the statue book, and separate rules on health and safety and children’s protection are set out in Chapter 3.

Performance of Plays: Questions

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?
Chapter 6: Performance of dance

Introduction

6. The main reasons for licensing performance of dance have historically centred around ensuring audience protection from unsuitable content, health and safety issues related to venues and performers, and generic noise control issues as outlined in Chapter 3.

6.1. At present dance in England and Wales is undergoing an explosion of interest across a very wide socio-demographic, with heightened interest in various forms of dance from street dance to ballroom as typified by television shows like *Britain’s Got Talent*, *Strictly Come Dancing* and *So You Think You Can Dance*.

6.2. There are multiple benefits from participation in this type of activity. As well as healthier lifestyles, there are social bond benefits in participation and performance. In addition the performance aspect of dance leads to awareness of teamwork and self-esteem. As with plays, there is an empowering Big Society effect where local public place and local performance meet.

6.3. On many occasions, dance performance will be licensable, creating burdens on amateur dance groups and schools across England and Wales. At present schools are exempt from licensing requirements where parents are admitted for free, but if a school wished to admit the public or charge a small entry fee to benefit the Parent-Teacher Association (PTA), a licence or TEN would be required. This is one simple example of how removing the regulatory burden will free up schools (and similarly community and volunteer groups) to put on low risk productions in the community.

Our proposal

6.4. This consultation proposal is to remove dance from the definition of “regulated entertainment” in Schedule One to the Licensing Act 2003 for events for audiences of fewer than 5,000 people.

6.5. Please note that Chapter 10 outlines that the Government is not proposing any relaxation of adult entertainment that could be classified as a performance of dance.

Performance of Dance: Questions

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?
Chapter 7: Exhibition of film

Introduction

7. The exhibition of a film (defined as “any exhibition of moving pictures”) for public performance in England and Wales requires a licence.

7.1. Aside from any venue-specific operating conditions, as outlined in Chapter 3, the Licensing Act 2003 stipulates that licences to exhibit film must include as a mandatory condition that exhibitors comply with age classification restrictions on film content.

7.2. Section 20 of the Licensing Act 2003 sets out that that the licensing authority may itself provide the age restriction classification, or may defer to a qualified body under the Video Recordings Act 2004 (currently this is a role designated to the British Board of Film Classification “BBFC”).

7.3. Although licensing authorities use the BBFC ratings almost without exception, occasionally some licensing authorities have chosen to impose their own film classification to reflect local concerns.

7.4. In addition, licensing authorities are able to classify films that have not been given a BBFC rating. This can be because the film is not intended for national distribution - perhaps it is a local film or documentary intended mainly for streaming over the internet - or because a national classification will follow at a later point, as is the case with some film festivals, where a film is previewed before the final cut is made for distribution.

Current situation - discrepancies

7.5. The existing BBFC and local licensing authority classification situation is, in our view, an effective mechanism to ensure child protection from unsuitable content and the Government has no intention of deregulating the exhibition of film unless it is able to continue the classification system which is well understood and is working effectively. However, the Government believes the licensing of film under the 2003 Act is largely unnecessary and disproportionate.

7.6. Examples have been where pre-school nurseries have required a licence to show children's DVDs. There have been cases where pubs or clubs have wished to host a “tribute night” showing, for example, a recording of the 1966 World Cup final, but have been prevented from doing so by not having a licence. The list could extend to many other low risk activities, such as a members clubs wanting to show reruns of Virginia Wade’s Wimbledon victory during Wimbledon fortnight. Similarly if a venue without a licence permission for the exhibition of film wanted to run a film theme night, showing foreign film, or seasonal showing such as “It’s a Wonderful Life” at Christmas time –
they would require a licence or a TEN.

7.7. Additionally, where a venue wants to show a live broadcast of a football match there would not be a problem, but showing a broadcast that had been pre-recorded – even by a few minutes – would be classed as a licensable activity.

7.8. Besides these practical problems with the legislation as it stands, we have considered the potential benefits to film societies and community based film projects by removing the need for a licence – removing costs and bureaucracy. We would be grateful for your views on this aspect in the questions below.

Our proposal

7.9. This consultation proposal is to remove “exhibition of film” from the definition of “regulated entertainment” in Schedule One to the Licensing Act 2003 for events with audiences of fewer than 5,000 people. But before doing so we would ensure that the age classification safeguards could be retained.

7.10. To do this we would use primary legislation to amend existing legislation before removing the activity from the Licensing Act 2003, so that there are no gaps in child protection. We see no reason to disrupt the arrangement where local licensing authorities are able to make local decisions on classifications, and we see the practical advantages in doing so.

Cinema advertising

7.11. A separate consultation will be launched in the near future examining whether there is an ongoing need for both BBFC regulation and industry co-regulation of cinema advertising shown in auditoriums. This is not the subject of this consultation.

Exhibition of Film: Questions

Q32: Do you agree with the Government’s position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children’s DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?
Chapter 8: Indoor sport

Introduction

8. Indoor sport held before a public audience is also regulated by the Licensing Act 2003, unlike outdoor sport (excluding Boxing and Wrestling). It is unclear why indoor sport should be subject to this additional level of regulation. Sport in outdoor venues, including those with moveable roofs, is regulated by a different regime and does not require a licence under the 2003 Act.

8.1. Indoor sport is defined as: a sporting event which takes place wholly inside a building in front of spectators. Sport includes any game in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display. This includes activities such as gymnastics, netball, ice hockey and swimming as well as acrobatic displays at a circus or, where there is an audience, darts and snooker.

Outdoor sport

8.2. Football is obviously one of the key spectator sports in England and Wales, and in the past has a history of crowd management problems. Football is regulated by the Safety of Sports Grounds Act 1975, modified by the Safety of Sports Grounds (Accommodation of Spectators) Order 1996, which makes use of a capacity spectator threshold of 5,000 before the specific designations need to be put in place for Premiership or Football League grounds. A higher limit, of 10,000, applies to other sports grounds.

Indoor sport

8.3. The Government believes that the different approaches to outdoor and indoor sports are not justified and that indoor sport should be brought more in line with the arrangements for outdoor events.

8.4. This consultation therefore seeks views on the removal of indoor sport, for venues with under 5,000 spectators. Deregulating indoor sports with a capacity of below 5,000 spectators would put sports such as snooker, gymnastics and swimming on a par with football, which is often seen as a greater risk due to incidents of public disorder.
Indoor Sport: Questions

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?
Chapter 9: Boxing and Wrestling

Introduction

9. Public exhibition of boxing and wrestling and events of a similar nature are classed as regulated entertainment under Schedule One of the Licensing Act 2003.

9.1. Boxing and wrestling have historically been subject to licensing controls to ensure there is a safe environment for spectators with regard to crowd control and certain health and safety aspects connected with the physical activity on display. In addition, the licence requirement has provided additional safeguards for participants.

9.2. **This consultation proposes that boxing exhibitions, and events of a similar nature, should in general continue to be licensed.** However, we would welcome views as to whether boxing and wrestling events that are organised by the governing bodies of the sport recognised by the Sports Councils should continue to require licences under the 2003 Act. In addition, we would welcome views on whether the definition of boxing and wrestling should be refined to ensure it includes, for example, martial arts and cage fighting.

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**Boxing and Wrestling, and Events of a Similar Nature: Questions**

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.
Chapter 10: Recorded Music and Entertainment Facilities

Background: recorded music

10. The playing of recorded music to an audience is licensable under the Licensing Act 2003, where music is more than merely incidental to another activity that is not, in itself, regulated entertainment. For example, recorded music playing in a hotel lobby or a shop is not likely to be thought to be the primary reason for attendance at that location and does not require a licence – but a performance of a set by a famous DJ is likely to be currently licensable in pursuance of the four licensing objectives of the Licensing Act 2003

10.1. We see no reason why recorded music needs to be licensed. If live music should be deregulated, as is our proposal, then we feel that the same principles should apply to recorded music, with the same controls and sanctions available to ensure that good practice is followed.

10.2. Please note that his is not the same issue as a requirement to pay the Performing Rights Society or similar organisation for use of their artists' intellectual copyright – the proposal is simply to deregulate from a licensing regime in pursuance of the four licensing objectives of the Licensing Act 2003.

Our proposal

10.3. **We propose to remove the need for a special licence for the playing of recorded music to audiences of fewer than 5,000 people.** In the case of premises licensed to sell alcohol, we feel that this proposal is very sound. The possibility of a licence review, which can lead to the removal of an alcohol licence, a heavy fine, or even a sentence of up to six months imprisonment for the licence holder, provides a compelling reason for licensed premises to comply.

10.4. Where recorded music is played in other situations (such as a disco in a village hall with no alcohol licence) local management arrangements are likely to provide a common sense solution to any potential problems, coupled with the protections available in the Environmental Protection Act 1990. Nonetheless we welcome views on the subject below.

10.5. We have also received representations on the subject of “raves” and whether this proposal would open up any loopholes in the law with regard to illegal raves, and again, we pose questions below to ensure that this proposals does not open up any gaps in the law.
Entertainment facilities

10.6. The definition of “entertainment facilities” in the Licensing Act 2003 has proved to be a thorny issue.

10.7. Entertainment facilities are defined in the Licensing Act 2003 in the following manner:

“entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.

(2) The descriptions of entertainment are—
(a) making music,
(b) dancing,
(c) entertainment of a similar description to that falling within paragraph (a) or (b).

10.8. The intention of the principle of “entertainment facilities” in the Licensing Act 2003 was to ensure that as well as ensuring that the activities classified as “regulated entertainment” were properly considered by licensing authorities, any key equipment and its effects were similarly reviewed.

10.9. This consultation proposes to remove the need for consideration of entertainment facilities in any eventuality. This would cover, karaoke, musical instruments, dance floors and other equipment needed in support of making music or dancing. We would be grateful for views on this proposal.

Recorded Music and Entertainment Facilities: Questions

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

Q44: Are there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.
Chapter 11: Clearing up unintended consequences: clear laws and clear guidance

Introduction

11. There is a great deal of evidence that licensing authorities and event’s organisers find parts of the Licensing Act 2003 very difficult to interpret. The 2003 Act is a voluminous and highly complex piece of legislation, and this has led to different interpretations across licensing authorities. In this chapter we would be grateful for views on this issue, and on how best to ensure greater clarity around entertainment licensing, notwithstanding the proposals to remove most regulated entertainment set out earlier in this document.

Clear laws and clear guidance

11.1. Where it is possible to clear up any problematic issues with regard to regulated entertainment we would like to take the opportunity to do so via this consultation.

Unintended consequences: Questions

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

Adult entertainment

11.2. We see no reason to deregulate adult entertainment and this consultation is not seeking views on this issue.

11.3. Although adult entertainment is not specified in Schedule One to the Licensing Act 2003 as a licensable activity, the Act does play a part in the current controls process.

11.4. The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 to make provision for the regulation of “sexual entertainment venues”. As a result, venues that hold regular performance of adult entertainment,
such as lap dance, table dancing or striptease require a separate permission from the local authority.

11.5. The Licensing Act 2003 does though play a part in controlling performance of this nature that is held **infrequently**. Specifically, a venue is a sexual entertainment venue where live performance or live display of nudity is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

11.6. However, this does not apply when the venues has not been used on more than eleven occasions for such activities in the previous 12 months. In those instances, the activity is regulated under the 2003 Act as a performance of dance. In deregulating dance, the Government would ensure that there was no change in how sex entertainment is regulated.

**Adult Entertainment: Question**

Q48: Do you agree with our proposal that deregulation of dance should **not** extend to sex entertainment? Please provide details.
Annex A: Summary list of questions

Proposal Impacts: Questions

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

Q8: Are there any impacts that have not been identified in the Impact Assessment?

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.
Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

The Role of Licensing Controls: Questions

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

Q13: Do you think there should there be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.
Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

Performance of Live Music: Questions

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?

Performance of Plays: Questions

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?

Performance of Dance: Questions

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?
Exhibition of Film: Questions

Q32: Do you agree with the Government’s position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children’s DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

Indoor Sport: Questions

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

Boxing and Wrestling, and Events of a Similar Nature: Questions

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.
Recorded Music and Entertainment Facilities: Questions

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

Unintended consequences: Questions

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

Adult Entertainment: Question

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.
Annex B: How to Respond

You can respond to the consultation in the following ways:

**Online**
Regulated_entertainment_consultation@culture.gsi.gov.uk

**By post**
You can print out the summary list of questions above and fill in responses by hand. Please send these to:
Nigel Wakelin
Regulated Entertainment Consultation Co-ordinator
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

**Closing date**
The closing date for responses is **3 December, 2011**.

**After the consultation**
We will post a summary of answers on the DCMS website (www.culture.gov.uk) after the end of the consultation together with an analysis of responses. We will publish the Government’s response in due course.

**Freedom of Information**
We are required to release information to comply with the Environmental Information Regulations 2004 and Freedom of Information Act 2000. We will not allow any unwarranted breach of confidentiality, nor will we contravene our obligations under the Data Protection Act 1998, but please note that we will not treat any confidentiality disclaimer generated by your IT system in e-mail responses as a request not to release information.

**Compliance with the Code of Practice on Consultation**
This consultation complies with the Code.

**Complaints**
If you have any comments or complaints about the consultation process (as opposed to comments on these issues that are part of the consultation) please send them to:

Complaints Department (Consultations)
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH
Annex C: List of Consultees

Anyone can respond to this consultation. This list of consultees indicates those organisations that we will contact to suggest that they may wish to respond.

Agents’ Association
Action with Communities in Rural England
Alcohol Concern
Amateur Boxing Association
Arts Council England
Arts Council of Wales
Association of British Insurers
Association of Chief Police Officers
Association of Circus Proprietors of Great Britain
Association of Festival Organisers (AFO)
Association of Independent Festivals
Association of Independent Music (AIM)
Association of Inland Navigation Authorities
Association of Licensed Multiple Retailers
Association of School and College Leaders
Association of Show and Agricultural Organisations
BII (British Institute of Innkeeping)
BPI (The British Recorded Music Industry)
British Arts Festivals Association
British Association of Concert Halls
British Beer and Pub Association
British Board of Film Classification (BBFC)
British Boxing Board of Control
British Film Institute (BFI)
British Holiday and Home Parks Association
British Hospitality and Restaurant Association
British Marine Federation
British Retail Consortium
British Wrestling Association
Business in Sport and Leisure
Cadw
Campaign for Real Ale
Carnival Village
Charity Commission
Chartered Institute of Environmental Health
Chief Fire Officers’ Association
Children's Society
Cinema Advertising Association
Cinema Exhibition Association
Circus Arts Forum
Commission for Rural Communities
Committee of Registered Clubs Associations
Community Matters
Dance UK
English Folk Dance and Song Society
English Heritage
Equity
Federation of Licensed Victuallers
Federation of Licensed Victuallers (Wales)
Federation of Private Residents’ Association
Federation of Small Businesses
Film Distributors’ Association
Fire Officers Association
Football Licensing Authority (FLA)
Foundation for Community Dance
Guild of Master Victuallers
Health and Safety Executive (HSE)
Historic Houses Association
Independent Street Arts Network
Independent Theatre Council (ITC)
Institute of Licensing
International Live Music Conference
Jazz Services
Justices Clerk Society
Lap Dancing Association
Licensing Act Active Residents Network
Local Government Regulation (LGR)
Local Government Association (LGA)
Magistrates Association
Making Music (the National Federation of Music Societies)
Maritime and Coastguard Agency
Metropolitan Police
Musicians Union
National Arenas Association
National Association of Head Teachers
National Association of Local Councils
National Association of Local Government Arts Officers
National Campaign for the Arts
National Confederation of Parent Teacher Associations
National Farmers’ Retail & Markets Association
National Governors’ Association
National Neighbourhood Watch Association
National Operatic and Dramatic Association
National Organisation of Residents Associations
National Rural Touring Forum
National Village Halls Forum
Noctis
Noise Abatement Society
Open all Hours
Parliamentary Performers Alliance
Passenger Boat Association
Paterson’s Licensing Acts
Police Federation
Police Superintendents’ Association
Production Services Association
Rotary International in GB and Ireland
Society of Local Council Clerks
Society of London Theatres/ Theatrical Management Association (SLT/TMA)
Sports Council for Wales
Sport England
Sports and Recreation Alliance
The Theatres Trust
Tourism for All
Trading Standards Institute
UK Centre for Carnival Arts
UK Live Music Group
UK Music
UK Sport
Voluntary Arts Network
Welsh Local Government Association
Welsh Music Foundation
Welsh Council for Voluntary Action
1. Purpose of Report

1.1 This integrated report seeks to provide appropriate performance measures and financial budget information for service areas within the scope of this Panel.

1.2 The report is designed to provide the Panel with appropriate information to monitor performance and finance information in order to address issues arising.

2. Format of Report

The report consists of two parts:

2.1 Finance/Performance Report

The Finance/Performance report highlights service areas within the scope of the Panel, showing budget information using a “traffic lights” system for current status. The corresponding Performance Indicator(s) information is then shown using a “traffic lights” system related to results against target. Directional arrows are included for finance and performance to show trend against the previous quarter (improved, declined or stayed the same).

The “Commentary” column highlights further relevant information on finance and/or performance to explain issues. Appendix A provides further clarification or definitions, as appropriate, to aid the Panel in relation to the Finance/Performance report.

2.2 Strategic Performance Report

The Strategic Performance Report has been developed for Cabinet to provide an overview of the Council’s position under a number of selected categories:

- Finance
- Performance
- Corporate Health
- Asset Management
- Risk
- Customer Perception
- Corporate Plan Delivery Plan
- Key Projects
The report uses a “traffic lights” system to highlight current status, and is reviewed monthly by Corporate/Extended Management Team and quarterly by Cabinet. The latest report and commentary available follows the Finance/Performance table.

It is intended that the Audit and Governance Manager and Performance and Quality Manager will provide a presentation to the panel in January 2012 relating to the performance management of the Corporate Plan Delivery Plan.

2.3 Strategic Risk Register

The Strategic Risk Register will now only be reported to the Audit Committee as per the Constitution.


This panel has requested details to be provided of any covert surveillance operations being undertaken by the authority. One authorisation has been granted relating to CCTV surveillance of anti-social behaviour at one of our general purpose blocks of flats.

4. Recommendation

The OSP is asked to scrutinise the performance information contained in this report and make any recommendations to the relevant Cabinet portfolio holder.

GARETH OWENS
SIMONE DONAGHY
STEVE GORE
ENVIRONMENT O.S.P.
Corporate Plan Aim 3 – To provide a pleasant environment for those living, working and visiting the Borough.

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2011/12</th>
<th>Forecast Outturns 2011/12</th>
<th>Forecast Variance 2011/12</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2011/12</th>
<th>Performance Second Quarter 2011-12</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse/Cleansing/ Recycling</td>
<td>£,000</td>
<td>£,000</td>
<td>£,000</td>
<td>Green</td>
<td>NI 192 Household waste recycled and composted</td>
<td>34.50%</td>
<td>35.86%</td>
<td>Red</td>
<td>Performance at the end of July 2011. Profiled target was 40.30% at the end of July. The need to improve and simplify the current service in order to encourage more people to participate is being addressed with the introduction of a new collection methodology from 24th October 2011. This new improved service will allow residents to place all recyclable materials in one container for collection, removing the risk of bags and materials being lost or mislaid. The introduction of an alternate week collection of non recyclable waste will also encourage those residents who do not currently recycle to participate - increasing the amount of waste recycled and reducing the amount of waste being sent for disposal. Increased transport and redundancy costs have been offset against reduced contract costs for recycling as a result of the new contract commencing in November.</td>
</tr>
</tbody>
</table>

(All costs associated with the collection of household waste and its disposal, the sweeping and removal of litter from land and bins, and the costs of delivering a kerbside recycling service and green waste recycling service).
<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2011/12</th>
<th>Forecast Outturns 2011/12</th>
<th>Forecast Variance 2011/12</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2011/12</th>
<th>Performance Second Quarter 2011-12</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection (All costs associated with environmental health works including noise pollution, air quality and contaminated land).</td>
<td>£,000</td>
<td>£,000</td>
<td>(22)</td>
<td>Green</td>
<td>EHLPI 23 Overall customer satisfaction with Environmental Protection</td>
<td>80%</td>
<td>77%</td>
<td>Amber</td>
<td>Reduced staff costs due to vacancies and increased income for the removal of wasps nests.</td>
</tr>
<tr>
<td>Food and Occupational safety (All costs associated with works undertaken to reduce the incidence of food poisoning and general workplace safety required by legislation to include inspections, testing and investigation work).</td>
<td>£,000</td>
<td>£,000</td>
<td>(15)</td>
<td>Green</td>
<td>EHLPI 10 Food establishments which are broadly compliant with food hygiene (Former NI 184)</td>
<td>80%</td>
<td>82%</td>
<td>Green</td>
<td>Reduced staffing costs</td>
</tr>
<tr>
<td>Development Control (All costs related to our role in development control under town and country planning legislation).</td>
<td>£,000</td>
<td>£,000</td>
<td>0</td>
<td>Green</td>
<td>Average time to process planning applications</td>
<td>Improvement</td>
<td>63.49 days</td>
<td>Green</td>
<td>Performance is end to end time. This is the first reporting of this lean system measure so no status or trend is shown.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2011/12</td>
<td>Forecast Outturns 2011/12</td>
<td>Forecast Variance 2011/12</td>
<td>Status</td>
<td>Indicator</td>
<td>Target 2011/12</td>
<td>Performance Second Quarter 2011-12</td>
<td>Status Commentary</td>
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<tr>
<td>Building Control</td>
<td>£,000</td>
<td>£,000</td>
<td>£,000</td>
<td>Green</td>
<td>EHLPI 21 Overall customer satisfaction with development control</td>
<td>70%</td>
<td>79%</td>
<td>Reduced income on building control fees is largely due to the current economic climate. This will be carefully monitored throughout 2011/12.</td>
<td></td>
</tr>
<tr>
<td>Car Parks</td>
<td>(634)</td>
<td>(434)</td>
<td>200</td>
<td>Red</td>
<td>ASMLPI 4 Car Park Ticket Sales (the number of tickets sold)</td>
<td>1,390,098</td>
<td>639,898</td>
<td>Significantly reduced income from car parking, largely due to the current economic climate. The forecast outturn is reliant on blue badge parking coming into force later in November and income being on target, otherwise there will be a further adverse effect on the forecast outturn.</td>
<td></td>
</tr>
</tbody>
</table>

Target for September was 895,049. It is envisaged that the introduction of Civil parking enforcement and charges for “blue badge” holders on 7th November 2011 will have a positive impact on ticket sales.
<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2011/12</th>
<th>Forecast Outturns 2011/12</th>
<th>Forecast Variance 2011/12</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2011/12</th>
<th>Performance Second Quarter 2011-12</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Policy</td>
<td>£,000</td>
<td>£,000</td>
<td>£,000</td>
<td>Green</td>
<td>Planning Policy (Including Borough Plan,</td>
<td></td>
<td></td>
<td></td>
<td>No performance indicator available.</td>
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<tr>
<td></td>
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<td>strategic and regional planning, supplementary</td>
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<td>planning guidance, planning projects,</td>
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<td>conservation, trees and forestry policy)</td>
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<tr>
<td>Environmental Projects</td>
<td>439</td>
<td>439</td>
<td>0</td>
<td>Green</td>
<td>PULPI 6 Volunteer attendance hours (Parks and</td>
<td>1,800</td>
<td>1,507</td>
<td>Green</td>
<td>Efficiency savings identified.</td>
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<tr>
<td></td>
<td>(includes works on open</td>
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<td>Countryside)</td>
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<td></td>
<td>spaces, such as</td>
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<td></td>
<td>maintaining green tracks and working with</td>
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<tr>
<td></td>
<td>volunteers to improve local</td>
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<td></td>
<td></td>
<td>environments)</td>
<td></td>
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</tr>
<tr>
<td>Public Conveniences</td>
<td>184</td>
<td>189</td>
<td>5</td>
<td>Amber</td>
<td>Public Conveniences (All costs associated with</td>
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<td></td>
<td>No performance indicator available.</td>
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<tr>
<td></td>
<td>(running, cleaning and</td>
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<td>the running, cleaning and maintaining of public</td>
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<td>maintaining of public</td>
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<td>conveniences).</td>
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</tr>
<tr>
<td>Public Passenger Transport –</td>
<td>132</td>
<td>138</td>
<td>6</td>
<td>Amber</td>
<td>Public Passenger Transport – (All costs</td>
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<td>Additional bus shelter relocation</td>
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<td></td>
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<td></td>
<td>relating to the provision of the bus station</td>
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<td>costs.</td>
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<td></td>
<td></td>
<td>and bus shelters in the Borough).</td>
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<td>Environmental Sustainability</td>
<td>67</td>
<td>67</td>
<td>0</td>
<td>Green</td>
<td>The progress against the Environmental</td>
<td></td>
<td></td>
<td></td>
<td>82 of 88 actions.</td>
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<td>Sustainability Strategy Action Plan 2010/13</td>
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<td>Achieve 90% of the action plan outcomes</td>
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<td></td>
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<td>93%</td>
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<td>Original Budgets 2011/12</td>
<td>Forecast Outturns 2011/12</td>
<td>Forecast Variance 2011/12</td>
<td>Status</td>
<td>Indicator</td>
<td>Target 2011/12</td>
<td>Performance Second Quarter 2011-12</td>
<td>Status</td>
<td>Commentary</td>
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<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Other (see Appendix A)</td>
<td>£,000</td>
<td>£,000</td>
<td>(5)</td>
<td>Green</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Efficiency savings identified in abandoned vehicles for towing-in costs and drainage investigations.</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,978</td>
<td>6,162</td>
<td>184</td>
<td></td>
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</tbody>
</table>

Efficiency savings identified in abandoned vehicles for towing-in costs and drainage investigations.
Appendix A

Environment O.S.P - Finance and Performance Definitions

Finance

Status Criteria:

Budgets on target or with underspends – Green
Budgets with minor overspends – Amber
Budgets with significant overspends or underspends (generally over 10% but may be less if likely to have a significant impact) – Red

Forecast outturn – estimated spend and income at the end of the year, using current information and trends.

“Other” includes small budgets on land drainage works, street nameplates, footway lighting, abandoned vehicles and drainage investigations.

Performance

Key

↑ = improved    ↔ = stayed the same    ↓ = declined
### Strategic Performance Report (data at the end of August)

<table>
<thead>
<tr>
<th>Finance</th>
<th>Status</th>
<th>Trend</th>
<th>Corporate Plan</th>
<th>Status</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Forecast Outturn</td>
<td>GREEN</td>
<td></td>
<td>Aim 1 Priority: Service Delivery Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HRA Revenue Outturn</td>
<td>GREEN</td>
<td></td>
<td>1 Housing</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Capital Programme Spend</td>
<td>GREEN</td>
<td></td>
<td>2 Economy</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Collection Performance:</td>
<td></td>
<td></td>
<td>3 Health</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>a). Current</td>
<td>AMBER</td>
<td></td>
<td>4 Community</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>b). Previous</td>
<td>AMBER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance</td>
<td>AMBER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Key Local Indicators</td>
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<tr>
<td>Corporate Health</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Absence Management</td>
<td>GREEN</td>
<td></td>
<td>Aim 2 Priority: Service Delivery Plan</td>
<td></td>
<td></td>
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<tr>
<td>Health &amp; Safety</td>
<td>AMBER</td>
<td></td>
<td>1 Anti Social Behaviour</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Staff Turnover</td>
<td>GREEN</td>
<td></td>
<td>2 Anti Social Behaviour</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Asset Management</td>
<td></td>
<td></td>
<td>3 Anti Social Behaviour</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Action Plan</td>
<td>GREEN</td>
<td></td>
<td>Aim 3 Priority: Service Delivery Plan</td>
<td></td>
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</tr>
<tr>
<td>Risk</td>
<td></td>
<td></td>
<td>1 Cleaner and Greener</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Risk</td>
<td>GREEN</td>
<td></td>
<td>2 Cleaner and Greener</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Risk</td>
<td></td>
<td></td>
<td>3 Value for Money</td>
<td>GREEN</td>
<td></td>
</tr>
<tr>
<td>Key Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Status</td>
<td>AMBER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shared Services</td>
<td>GREEN</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Borough Plan</td>
<td>AMBER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Environment Scrutiny Panel - 2nd November, 2011
1. **Finance**

   **Collection Performance**

   (a) **Current** – “Amber” as one of the four indicators was below target at the end of August 2011 (also “Amber”, one last month):

   CFLPI 9 (Council Tax collection) was 48.98% against the August target of 49.30% (annual target 98%).

   NOTE: Performance has been affected by resources allocated to the Lean System Review.

   (b) **Previous** – “Amber” as one of the four indicators did not achieve target at the end of August 2011 (also “Amber”, one last month):

   CFLPI 4 (Former Debts – NNDR)) was £417,000 against the August target of £425,000 (annual target £600,000).

2. **Performance**

   **Key Local Indicators** – “Amber” (above 60% and up to 80% are on or above target) at the end August 2011. Ten of thirteen (77%) are currently on or above target – “Green”, 9 of 11 (82%) last month.

3. **Corporate Health**

   **Employee Reviews** – reporting will now be annually at the end of the financial year.

   **Employee Survey Action Plan** – reporting will now be annually on completion of analysis of the survey (normally December).

   **Absence Management**

   “Green” (on target) as the result at the end of August 2011 was **0.76** days/FTE (0.67 days/FTE last month). The cumulative April – August 2011 is **3.53** days against the profiled target of 3.56 days/FTE (annual target is 8.55 days). By comparison, the result for August 2010 was **0.71** days/FTE, cumulative **3.63** days/FTE (profiled target 3.75, annual target 9 days/FTE).
Summary for the month:

<table>
<thead>
<tr>
<th>Service Unit</th>
<th>No. of FTE</th>
<th>FTE Short Term Days Lost</th>
<th>FTE Long Term Days Lost</th>
<th>Total FTE Days Lost</th>
<th>Total Days Lost per FTE</th>
<th>Long term days lost per FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate</td>
<td>6.60</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assets and Street Services</td>
<td>131.74</td>
<td>51</td>
<td>83</td>
<td>134</td>
<td>1.01</td>
<td>0.63</td>
</tr>
<tr>
<td>Business Improvement</td>
<td>55.23</td>
<td>9</td>
<td>42</td>
<td>51</td>
<td>0.92</td>
<td>0.76</td>
</tr>
<tr>
<td>Finance and Procurement</td>
<td>70.82</td>
<td>19.5</td>
<td>62</td>
<td>81.5</td>
<td>1.15</td>
<td>0.87</td>
</tr>
<tr>
<td>Governance and Recreation</td>
<td>54.28</td>
<td>7.5</td>
<td>41</td>
<td>48.5</td>
<td>0.89</td>
<td>0.76</td>
</tr>
<tr>
<td>Housing and Communities</td>
<td>207.64</td>
<td>96</td>
<td>41</td>
<td>137</td>
<td>0.66</td>
<td>0.19</td>
</tr>
<tr>
<td>Regeneration and Public Protection</td>
<td>89.23</td>
<td>1</td>
<td>20</td>
<td>21</td>
<td>0.24</td>
<td>0.22</td>
</tr>
<tr>
<td>Total</td>
<td>615.54</td>
<td>184</td>
<td>289</td>
<td>473</td>
<td>0.76</td>
<td>0.47</td>
</tr>
</tbody>
</table>

FTE = Full Time Equivalent  
Note: Directorate includes trade union reps.

**Health and Safety** – assessment is “Amber”.  
A recent audit of risk assessments has identified some significant weaknesses.  
These areas have put together action plans which are being monitored by HASCOG and the relevant Assistant Director. A significant amount of support is being provided by Health and Safety. The Management of asbestos continues to be a key resource priority - progress in some areas has been slow as a result an action plan has been developed by the group targeting key actions. Progress on the fire risk assessment program which is now being done by Building Control has so far been slow, however it is expected that this will accelerate now that all the information and arrangements are in place. Regular Updates are being provided to HASCOG.

**Staff Turnover** – “Green” (0 - 10%) as the August 2011 figure is 9.56% (“Green”, 9.94% last month). If we exclude casual employees, redundancies, TUPE transfers and leavers under “Planning for the Future”, the result is 3.41% (4.08% last month).

4. **Asset Management**

**Action Plan** – Relates to the 2011 -12 plan. “Green” as 23 of 26 outcomes (88%) are completed/on target (also 88% last month). Summary of those not completed/not on target as follows:

<table>
<thead>
<tr>
<th>ACTION</th>
<th>UPDATE – JULY 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amber:</td>
<td></td>
</tr>
<tr>
<td>Complete an appraisal/review of St Mary’s Road Depot to determine future operational requirements.</td>
<td>Revised offer received from Leicester HA. Capital and Revenue implications of potential move being evaluated.</td>
</tr>
<tr>
<td>Appraise &amp; review the possibilities of extending home-working to more of the workforce.</td>
<td>Review to be carried out after HR have completed Single Status. However, issue beginning to be looked at by the Office Accommodation Review Group.</td>
</tr>
<tr>
<td>If appropriate install a biomass boiler at the Civic Hall, Bedworth.</td>
<td>Undergoing feasibility investigations.</td>
</tr>
</tbody>
</table>
5. **Risk**

“Green” (above 80% of the significant risks are being satisfactorily managed). The latest assessment has highlighted that 80% of significant risks are satisfactorily managed (previously “Green”, 86%). The number of red risks has reduced from 7 to 5. Of those, 4 are satisfactorily managed (80%). The remaining risk is that we will fail to achieve our recycling targets and thus suffer, amongst other things, a reduction in our income from the County Council. Officers continue to promote recycling in an effort to hit the required level and we are hopeful that we might be able to achieve the target. Please note that the Corporate Governance Group in conjunction with the Risk management and Insurance Officer will be providing their first update at the end of the second quarter.

6. **Customer Feedback** – unfortunately, the new customer feedback system is being held up by the supplier of the software. Although the system works in the test environment, the live version has been released to us with an error which makes it unusable. The supplier wants a maintenance contract from us or further payment for the work that is required. This was not in the original agreement. Further discussions are on-going with the supplier and we are looking at our legal position relating to payments already made. Other options are also being explored.

7. **Customer Perception (at the first point of contact)**

The objective is to achieve “green” in all areas that receive feedback. The latest breakdown is as follows:

- **Overall Summary** (all services face-to-face, telephone, e-mail and website channels combined); “Green” as 42 areas received feedback and 34 are green = 81% (also 81% last month).

- **Face-to-Face**; “Green” as 11 areas received feedback and 11 are green = 100% (also 100% last month).

- **Telephone**; “Green” as 11 areas received feedback and 11 are green = 100% (also 100% last month).

- **E-Mail**; “Green” as 9 areas received feedback and 9 are green = 100% (also 100% last month).

- **Internet**; “Red” as 11 areas received feedback and 3 are green = 27% (also 27% last month).

8. **Corporate Plan Delivery Plan**

Relates to the 2010-13 version and all aims are green. A review of the Corporate Plan Delivery Plan/Service Delivery Plan/Business Plan process is still in progress and the first assessment should be available relating to the second quarter.

9. **Key Projects**

Assessments have been agreed with the appropriate Project Managers and their comments are shown accordingly.

- **Single Status** – it is envisaged that implementation will now be early 2012.
**Shared Services** – we continue to build already established partnerships (ie. Building Control with North Warwickshire). We also continue to achieve efficiencies in procurement working with Rugby Borough Council as well as the provision of an integrated Information Technology and Communications (IT&C) service between the two authorities.

Both partners are reviewing the IT service and doing some re-structuring. A way forward for proposing a model for a shared service has been agreed at the Board on 8th June 2011. Further detailed work around this will be completed with a report potentially going to both Cabinets in October.

A Human Resources opportunity has arisen to share Organisational Learning and Development resources with Rugby Borough Council. Feasibility work is being undertaken with a view to establishing a shared benefits and revenues service.

The Organisational Learning & Development Officer within Human Resources now works for Rugby Borough Council for 2 days per week, which generates income into the salaries budget. In addition, Warwickshire County Council is undertaking the Recruitment Transactional Processes on behalf of the Council which has resulted in budget savings and better resilience. We continue to share our Waste and Cleansing manager with Hinckley and Bosworth Borough Council and will continue to do so until the end of 2011/12 when the arrangement will be reviewed to decide if the arrangement should continue for 2012/13 and beyond.

We will continue to evaluate any opportunities of sharing services, but only proceed on the basis of a robust business case.

**Borough Plan** – “Amber”.
Further work being undertaken on development scenarios and ongoing work on application of development criteria with input from Borough Plan Working Party.
**Appendix B**

### Net Risk Matrix

<table>
<thead>
<tr>
<th>PROBABILITY</th>
<th>IMPACT:</th>
<th>Negligible</th>
<th>Moderate</th>
<th>Serious</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Very High</td>
<td></td>
<td>R27</td>
<td>R29</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong> High</td>
<td></td>
<td>R28</td>
<td>R22, R23</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C</strong> Significant</td>
<td></td>
<td>R3, R6, R7, R15, R19, R26, R30, R13</td>
<td></td>
<td>R12, R14</td>
<td></td>
</tr>
<tr>
<td><strong>D</strong> Low</td>
<td></td>
<td>R8, R17, R21, R24, R25, R31</td>
<td></td>
<td>R9, R11, R16,</td>
<td></td>
</tr>
<tr>
<td><strong>E</strong> Almost Impossible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>R33</td>
</tr>
<tr>
<td><strong>F</strong> Impossible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Net Red Risk Summary

**Risk – Very High – Catastrophic**
- R29

**Risk – Very High – Serious**
- R27

**Risk – High – Serious**
- R22, R23

**Risk – Significant – Serious**
- R12, R14

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**Page 1 of 20**
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Risk Description – Cause &amp; Consequence</th>
<th>Gross Risk</th>
<th>Mitigation Control</th>
<th>Mitigation Owner</th>
<th>Net Risk</th>
<th>Status (Net Risk Score)</th>
<th>Action by Date</th>
<th>Sources of Assurance</th>
<th>Risk Owner</th>
</tr>
</thead>
</table>
| R12  | Potential failure to effectively address pay & workforce issues associated with the 2004 pay settlement & changes in pension arrangements. Risk: Significant financial and human resource impact from: i. Not implementing JE fully (equal pay claims); ii. Implementing JE fully (serious morale issues, appeals against adverse financial impact on employees, the cost of pay increases and possible pay claims for prior periods). | Sig – Serious (RED) | (a) PRINCE 2 Project Plan produced (Project Board). (b) Single Status Working Group. (c) Adequate reserves policy. (d) Regular employee bulletins. (e) Employee briefings. (f) FAQs on CLIP. (g) Consultation with employees and unions. (h) After consultation, plan to be developed for referral to Cabinet (in accordance with Human Resources Strategy). (i) Proposal to mitigate impact on specific groups, e.g. those subject to financial loss exceeding 15%. (j) Appeals process. (k) UK economic climate may affect potential for industrial action. | Head of HR and AD – Finance and Procurement | Sig - Serious | RED | Last review 23/09/11 | Refer to Plan for dates | • Reports to EMT, CMT & Cabinet  
• Employee survey feedback.  
• Exit interviews & monthly staff turnover statistics.  
• Single Status Working Group minutes | Executive Director on behalf of CMT |
<table>
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<th>Risk Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>R22</td>
<td>Economic downturn adversely impacting upon building, industry and commercial markets which in turn delays / affects town centre redevelopment (and wider developments) within the Borough.</td>
<td>High – Serious (RED)</td>
<td>1. HCA Kickstart S106 Agreements  RSL Liaison Group – better liaison with developer  2. All economic development functions are now combined in Regeneration &amp; Public Protection services.  3. Liaison with Local Enterprise Partnerships (Cov &amp; Warwicks, also Leicester &amp; Leics). It's positive for NBBC that L&amp;L has just obtained an enterprise zone @ MIRA.  4. Cross-border liaison with N Warwicks, Hinckley &amp; Bosworth.  5. The (economy-led) Borough Plan (under development).  6. Strategic Housing Group (monthly).  7. Town Centres liaison with market traders &amp; other traders.  8. Town centre redevelopment: Vicarage Street project (Current / Pro-active).</td>
<td>AD’s/ Asset Management Street Services/Housing</td>
<td>High - Serious</td>
<td>RED</td>
<td>Last review 23/09/11</td>
<td>Ongoing contained within action plans</td>
<td>● NNDR recovery rates  ● Market rent receipt trends.  ● Unemployment claims  ● Repossession rates for housing  ● Commercial property occupancy levels.  ● R&amp;PP Pls.  ● Ropewalk footfall.  ● Minutes of Strategic Housing Group meetings.</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
<td>Gross Risk</td>
<td>Mitigation Control</td>
<td>Mitigation Owner</td>
<td>Net Risk (Net Risk Score)</td>
<td>Status</td>
<td>Action by Date</td>
<td>Sources of Assurance</td>
<td>Risk Owner</td>
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</tr>
<tr>
<td>R23</td>
<td>Continued effects of recession impact upon the customer base and in turn the performance of the Council. Impacts include – increased hardship, demand for services, revenue fall / income reduction.</td>
<td>High – Serious (RED)</td>
<td>1. Housing-increased support to fund vulnerable 2. Budget planning 3. Support for businesses 4. Additional funding received from CLG [Apr 2011] to assist people maintaining ownership of homes 5. In-year budget monitoring.</td>
<td>Assistant Directors – Finance and Procurement and Housing</td>
<td>High - Serious</td>
<td>RED Last review 23/09/11</td>
<td>Ongoing</td>
<td>• No.s seeking assistance via Housing Options  • HB/CTB claim trends.  • No.s in unemployment  • No.s of new businesses  • Budget reports to CMT &amp; Cabinet.</td>
<td>AD Finance &amp; Procurement on behalf of CMT</td>
</tr>
<tr>
<td>R27</td>
<td>Potential failure to provide adequate affordable housing to meet the needs of the borough with consequent impact on the lives of residents and increased demand on Council services.</td>
<td>Very High – Serious (RED)</td>
<td>1. Business plan to improve affordable housing supply 2. NBBC Strategic Working Group 3. Increased AH targets in Borough Plan 4. Funding acquired to support new AH building. 5. Use of HCA for viability assessments.</td>
<td>Strategic Housing Manager</td>
<td>Very High - Serious</td>
<td>RED Last review 23/09/11</td>
<td>• Housing Needs Survey  • Housing Options data  • Monitoring of monthly completions</td>
<td>AD Housing</td>
<td></td>
</tr>
</tbody>
</table>

Page 4 of 20
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Gross Risk</th>
<th>Mitigation Control</th>
<th>Net Risk</th>
<th>Status (Net Risk Score)</th>
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<th>Sources of Assurance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R29</td>
<td>Very High - Catastrophic (RED)</td>
<td>1. Discourage developers from submitting planning applications.</td>
<td>Head of Development Control</td>
<td>Very High - Catastrophic</td>
<td>1. Ongoing</td>
<td>Steering Group to be informed about the submission of any applications associated with the risk.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Deliver Borough Plan as fast as possible, in particular preferred option consultation.</td>
<td>Head of PP and ED</td>
<td></td>
<td>2. Preferred option consultation due October 2011 at very earliest</td>
<td>Monthly report on progress of project.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Encourage Members to provide essential political steer on strategic direction of Preferred Option (Cabinet Member, Informal Cabinet and Member Working Party).</td>
<td>Head of PP and ED</td>
<td></td>
<td>4. Regular working party and steering group meetings</td>
<td>Reports to Informal Cabinet and Cabinet BP Risk Register &amp; Issues Log.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Consider Judicial Review of appeal decisions that are contrary to Council’s stance.</td>
<td>AD – Governance and Recreation</td>
<td></td>
<td>5. When and if required</td>
<td>Advisory notes to Elected Members.</td>
</tr>
</tbody>
</table>

AD – Regeneration and Public Protection
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Risk Description – Cause &amp; Consequence</th>
<th>Gross Risk</th>
<th>Mitigation Control</th>
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<th>Sources of Assurance</th>
<th>Risk Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>R3</td>
<td>Potential failure to deliver major improvements in Camp Hill due to principal contractors’ failure to deliver redevelopment causing reputation risk and/or loss of housing. Sluggish housing market may impact sales.</td>
<td>High -Ser (RED)</td>
<td>1. Active management by Operational Board. 2. PRINCE2 project management. 3. Planning permissions in place 4. Cabinet resolution to use CPO powers if necessary</td>
<td>Camp Hill Project Manager</td>
<td>Sig - Moderate</td>
<td>AMBER</td>
<td>Ongoing</td>
<td>• Monthly Strategic Performance Report  • Liaison with Homes &amp; Communities Agency, developer  • Project Management Structure  • SDP</td>
<td>Executive Director</td>
</tr>
<tr>
<td>R6</td>
<td>Potential failure to deliver major improvements in accordance with the Town Centres Masterplan with consequent impact on economic vitality of the Borough.</td>
<td>Sig – Serious (RED)</td>
<td>Inclusion in capital strategy. Obtaining external grant funding/third party contributions Land ownership Ongoing discussion with partners and private sector Development brief to be developed/implemented New sub group from Borough Plan to focus on town centres</td>
<td>AD – Assets and Street Services</td>
<td>Sig - Moderate</td>
<td>AMBER</td>
<td>Ongoing</td>
<td>• Town Centres Partnership  • Monitor Town Centre footfall  • Delivery of specific projects  • SDP</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
<td>Gross Risk</td>
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<tr>
<td>R7 Aims 1-3</td>
<td>Potential failure to: • deliver continued improvements in community safety • reduce the fear of crime and the perception of anti-social behaviour with impact on lives of residents and demand for public services.</td>
<td>High - Serious (RED)</td>
<td>1. Active management by Safer Communities Group &amp; NABSCOP. 2. Monitored by LSP 3. OSP Social</td>
<td>Communities Manager</td>
<td>Sig - Moderate</td>
<td>AMBER Last review 08/03/11</td>
<td>Ongoing</td>
<td>• Home Office returns  • Safer Communities Partnership monitoring.  • Social Scrutiny Panel</td>
<td>AD-Business Improvement</td>
</tr>
<tr>
<td>R9 Aim 3</td>
<td>Potential failure to effectively: (i) manage operational risks, (ii) produce, test or update Business Continuity Plans, or (iii) prepare for acts of terrorism or civil emergencies Resulting in: Service disruption not avoided or minimised &amp;/or Damage, injury, illness &amp;/or possible death.</td>
<td>Low – Catastrophic (RED)</td>
<td>1. Obligation to produce and manage Risk Register. 2. Business Continuity Plans. 3. Emergency Plan response</td>
<td>AD’s and Communications and Civic Events Manager</td>
<td>Low - Serious</td>
<td>AMBER Last review 08/03/11</td>
<td>Ongoing</td>
<td>• Internal &amp; external audit review.  • Training as part of the Emergency Plan  • External; review of BCPs</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
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<tr>
<td>R11</td>
<td>Insufficient planning or resourcing of investment priorities. Ineffective use of assets.</td>
<td>Low – Serious (AMBER)</td>
<td>1. Update Asset Management Plan &amp; Capital Strategy 2. Comprehensive report on capital plans to Cabinet 3. Regular Monitoring 4. Priority setting by Cabinet/EMT 5. Countywide review of asset maximisation</td>
<td>CMT</td>
<td>Low – Serious</td>
<td>AMBER Last review 5/10/10</td>
<td>Ongoing</td>
<td>• Reports to Cabinet. • OSPs • Asset Mgt Group • SDP</td>
<td>Executive Director</td>
</tr>
<tr>
<td>R13</td>
<td>Potential failure to effectively embed Health &amp; Safety arrangements across the organisation with increased potential for accidents to staff/public and/or risk of prosecution.</td>
<td>High – Serious (RED)</td>
<td>1. Risk assessments and safe systems of work 2. Inspections by union safety reps 3. increased resources to manage H&amp;S requirements 4. HASCOG 5. H&amp;S Training</td>
<td>ADs</td>
<td>Sig - Moderate</td>
<td>AMBER Last review 08/03/11</td>
<td>See H&amp;S action plan</td>
<td>• Reports to CMT • Reports to HASCOG &amp; Cabinet • Strategic Performance Report</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
<td>Gross Risk</td>
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</table>
| R14  | Potential failure of major partnerships to effectively fulfil their stated purposes resulting in:  
- Service failure for residents | Sig – Serious (RED) | 1. Partnership agreements in place.  
2. Partnership guidelines produced 3. Each Partnership to produce its own risk assessment & Annual Reports, if applicable & perf. mgt arrangements  
5. Corporate Governance training for partners.  
6. Contractors monitored by various mechanisms.  
7. Steering Groups.  
8. Operational Groups. | AD – Governance and Recreation | Sig – Serious | RED  
Last review 23/09/11 | See CG&R BP |  
- Annual internal & external audit.  
- OSPs  
- Internal improvement board.  
- Partnership Mtg Boards, i.e. Camp Hill  
- Operational/Executive/Member Mtg.  
- NABSCOP  
- Quarterly reports to OSPs on partners, costs & PIs.  
- Individual contractor management arrangements by service area.  
- Minutes of Steering Groups.  
- Minutes of Operational Groups. | Executive Director on behalf of CMT. |
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Risk Description – Cause &amp; Consequence</th>
<th>Gross Risk</th>
<th>Mitigation Control</th>
<th>Mitigation Owner</th>
<th>Net Risk</th>
<th>Status (Net Risk Score)</th>
<th>Action by Date</th>
<th>Sources of Assurance</th>
<th>Risk Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>R15</td>
<td>Due to: Reduced government grant, &amp;/or Being overtaken by budgeting pressures, &amp;/or Rising costs of supplies such as fuel and other commodities Potential failure to effectively: (i) implement the Medium Term Financial Strategy (MTFS) &amp;/or (ii) operate a balanced budget.</td>
<td>V. High - Serious (RED)</td>
<td>1. Shared services 2. Regular monitoring of budgets by CMT. 3. Reports to Cabinet &amp; Scrutiny Panels. 4. Procurement Strategy. 5. Value for Money Strategy. 6. Training for members &amp; officers. 7. Priority setting by EMT/Cabinet 8. Lean systems reviews 9. Vacancy control 10. Planning for the future</td>
<td>All ADs and Executive Directors</td>
<td>Sig – Moderate</td>
<td>AMBER Last review 08/03/11</td>
<td>Ongoing</td>
<td>• Annual internal &amp; external audit. • Returns to Government. • Strategic Performance Management Report • OSPs • Cabinet</td>
<td>CMT – Executive Director</td>
</tr>
<tr>
<td>R16</td>
<td>Poor management resulting in failure to: • Achieve satisfactory levels of service • Deliver aims in Corporate Plan or Community Strategy</td>
<td>High – Serious (RED)</td>
<td>1. Performance management framework 2. Use of TEN system 3. Reports to Cabinet &amp; Scrutiny Panels. 4. Regular refresher sessions for managers 5. Management Development Programme</td>
<td>AD’s</td>
<td>Low - Serious</td>
<td>AMBER Last review 08/03/11</td>
<td>• Annual internal &amp; external audit. • Integrated Performance Report.</td>
<td>Executive Director on behalf of EMT</td>
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<td>R17</td>
<td>Potential failure to achieve ‘customer service’ culture, resulting in poor levels of residents’ satisfaction with Council as a whole</td>
<td>Sig – Serious (RED)</td>
<td>1. Customer Service standards 2. Audience Development Plans 3. Resident involvement in budget and service planning 4. Use of NI 14 to increase productive contacts with council 5. Localities meetings 6. Lean systems work 7. Service specific satisfaction surveys</td>
<td>All ADs and Executive Director</td>
<td>Low - Mod</td>
<td>GREEN Last review 08/03/11</td>
<td>See action plan</td>
<td>• Customer satisfaction levels as measured by YouGov. • Integrated Performance Report</td>
<td>AD – Business Improvement</td>
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<td>R26</td>
<td>Potential financial impact of the fare appeals for the Concessionary Travel Scheme affecting ability to afford to deliver key priorities.</td>
<td>High – Moderate (AMBER)</td>
<td>1. MTFS developed. 2. Regular monitoring of budgets. 3. Reserve available for some of potential cost 4. Value for Money Strategy. 5. Training for members &amp; officers. 6. Priority setting by EMT/Cabinet 7. In year savings</td>
<td>AD – Finance and Procurement</td>
<td>Sig - Moderate</td>
<td>AMBER Last review 08/03/11</td>
<td>Ongoing</td>
<td>• Use of resources review.  • Annual internal &amp; external audit.  • Returns to Government.  • Strategic Performance Management Report  • OSPs  • Cabinet</td>
<td>AD – Finance and Procurement</td>
</tr>
<tr>
<td>R28</td>
<td>Potential failure to achieve the 'Decent Homes' standard for private sector housing with the consequent impact on the lives of residents.</td>
<td>Very High – Serious (RED)</td>
<td>1. Stock Condition Survey. 2. Management action plan now established by NBBC 3. EST “1-2-1” LA Support Programme</td>
<td>AD Housing</td>
<td>High – Moderate</td>
<td>AMBER Last review 08/03/11</td>
<td>• Internal &amp; external audit review.  • Performance indicators</td>
<td>AD Housing</td>
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</table>
| R30  | Failure to achieve public satisfaction with the borough as a place to live | V High - Serious (RED) | • Contract monitoring of performance by grounds maintenance contractor  
• Enviro enforcement team  
• Fly tipping enforcement  
• Refuse collection  
• NBLT  
• Community Safety  
• Involving tenants in service design to improve satisfaction | AD – Governance and Recreation  
AD – Assets and Street Services  
AD - Housing | Sig - Moderate | AMBER | • OSP scrutiny of grounds maintenance performance  
• Customer satisfaction levels as measured by Place Survey | Executive Director |
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<td>R21</td>
<td>Potential failure to realistically prepare for major emergencies such as the impact of a possible flu pandemic with potential impact on ability to deliver services.</td>
<td>Low – Serious (AMBER)</td>
<td>1. Business Continuity Plans in place and reviewed regularly 2. Major Emergency Plan 3. IT infrastructure designed to be resilient 4. Training exercises relating to Emergency Plan</td>
<td>ADs</td>
<td>LOW - Moderate</td>
<td>GREEN Last review 08/03/11</td>
<td>Quarterly Bi-annually</td>
<td>AD – Business Improvement</td>
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<tr>
<td>R24</td>
<td>Loss or corruption of personal data on service users preventing delivery of services and/or breach of data protection legislation with consequent loss of reputation and/or prosecution.</td>
<td>Sig – Moderate (AMBER)</td>
<td>1. Data is backed up to prevent loss 2. Data is recorded in line with operating procedures to ensure accuracy 3. Secure IT network. 4. Data storage devices encrypted.</td>
<td>ADs</td>
<td>LOW - Moderate</td>
<td>GREEN Last review 13/04/10</td>
<td>-</td>
<td>Monitoring Officer on behalf of CMT</td>
<td></td>
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</table>
| R25  | Loss of key data preventing accurate/any reporting of performance management | Sig – Moderate (AMBER) | 1. Data is backed up to prevent loss 2. Data is recorded in line with operating procedures to ensure accuracy. 3. Secure IT network 4. Data storage devices encrypted | ADs | Low-Moderate | GREEN  
Last review 13/04/10 | Monitoring Officer on behalf of CMT |

- Data quality is included in service delivery plan and Operational risk registers
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<tr>
<td>R31</td>
<td>Failure to reduce emissions of greenhouse gases leading to negative publicity, global warming, increased costs, negative audit rating</td>
<td>Sig – Serious (RED)</td>
<td>1. Significant investment made in new, energy efficient, equipment [boilers, CHP's, lighting, etc] in our corporate buildings. 2. New IT / comms equipment more energy efficient. 3. New vehicles more fuel efficient. 4. CO2 emissions from vehicles analysed on a yearly basis to assist in identifying high use areas and allow appropriate actions to be taken [Green fleet review with EST]. 5. Refuse collection route optimisation exercise to be carried out during 2011 and move to alternate weekly collection. 6. Employee awareness activities 7. Working in partnership with Energy Savings Trust to assist in engaging with private sector housing and business community to reduce emissions. 8. Council housing stock, good energy efficiency levels</td>
<td>AD – Assets and Street Services AD – Business Improvement Executive Director</td>
<td>Low-Moderate</td>
<td>GREEN</td>
<td>Last review 08/03/11</td>
<td>• Monitoring through Environment OSP</td>
<td>Head of Paid Service</td>
</tr>
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</table>
### Strategic Risk Register

**23rd September, 2011**

<table>
<thead>
<tr>
<th>Ref.</th>
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<tbody>
<tr>
<td>R33</td>
<td>Loss of service delivery critical IT systems or whole of IT network for more than 1 day</td>
<td>Very Low – Serious (AMBER)</td>
<td>1. Service, repair and maintenance contracts for software and hardware. 2. Move to virtualised servers during 2010. 3. Business continuity plans</td>
<td>AD – Business Improvement</td>
<td>Almost Impossible - Serious</td>
<td>GREEN Last review 5/10/10</td>
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<td>AD – Business Improvement</td>
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</table>

**Risks Deleted**

R1 was "Failure to maintain/improve community cohesion"
R2 was "Costs of new concessionary fares scheme exceeding budget (This is now reworded as R26)."
R4 was "Potential failure to deliver continued improvements in Housing Services"
R5 was "Potential failure to achieve the ‘Decent Homes’ standard for private sector housing” (This is now R28)."
R10 was "Failure to implement new legislation e.g. DDA, Civil Contingencies Act"
R18 was "Potential failure to achieve VFM savings from Cultural Services Improvement Plan".
R20 was "Ineffective communication arrangements &/or failure to promote the borough".
R30 deleted as no longer relevant
R32 deleted as duplicate another risk in the register

In 2006 there were also the following:

* "Failure to deliver improvements in the benefits service (then numbered as R2)."
* "Ineffective implementation of the ‘E-Government’ agenda and benefits of Electronic Service Delivery (ESD) not achieved“ (then numbered as R12).
Appendix

(1) Abbreviations:

AH - Affordable Housing
AWM - Advantage West Midlands
BFI - Benefits Fraud Inspectorate
CLG - Communities & Local Govt
CPA - Comprehensive Performance Assessment
CPO - Compulsory Purchase Order
GOWM - Government Officer for the West Midlands
HACOG - Health & Safety Co-Ordinators Group
HCA - Homes & Communities Agency
HSE - Health & Safety Executive
IDeA - Improvement & Development Agency
IEG - Implementing Electronic Government
IIP - Investors in People
LSP - Local Strategic Partnership
MTFS - Medium Term Financial Strategy.
NABSCOP - Nuneaton & Bedworth Safer Communities Partnership
HB/CTB - Housing Benefits/ Council Tax Benefits
NNDR - National Non-Domestic Rates
PAS - Planning Advisory Service
PI - Performance Indicator
RSL - Registered Social Landlord(s)
RSS - Regional Spatial Strategy
SDP - Service Delivery Plan
WRAP - Waste & Resources Action Programme
Dear Shirley

Thank you for your letter to Marcus dated 01 September which arrived at the office on 05 September.

Marcus has asked me to let you know that he will be raising this issue with Government Ministers and will share their reply when he has it, hopefully well in advance of the meeting on 02 November.

Yours sincerely

Allan

Allan Andrews
Office of Marcus Jones MP
13 - 17 Hollybush House
Bond Gate
Nuneaton CV11 4AR

Tel/Fax: 024 7634 8482

Sign up to the new e-bulletin from Marcus Jones MP at www.marcusjones.mp
Dear Shirley,

RE: Environment Overview & Scrutiny Panel Recommendations of the Un-adopted Roads Review

I refer to your letter sent to Councillor Alan Farnell, received on 06/09/11.

Firstly please accept our apologies for not responding to your letter dated 15/11/10 and more recently your email to Paul Chetwynd on 01/08/11. I have looked into the matter and would make the following comments;

Your letter to Paul Galland was received by his office on 17/11/10, and was then forwarded to the manager of our Development Group. It is not clear why no response was forthcoming. Officers did not attend the meeting of the Panel on the 24/08/11 as no invitation to attend was received. In your recent correspondence with Paul and Councillor Watkins you refer to a letter which invited officers to attend, we have no record of receiving this letter. However, apologies again for our not attending, as it would have been sensible to have one of our officers present while our procedures were being discussed.

Looking at the Panels recommendations, Paul Chetwynd raised some concerns about them at the original meeting in September 2010. Paul also pointed out prior to that meeting that there were areas of the recommendations that he felt it was inappropriate to discuss in a public meeting. However, looking at the Panels recommendations it appears that many of them were already being carried out. With regard to the recommendations we would make the following comments:

a) Adopt a Greater willingness to use the Bond system.
All Section 38 Agreements have an associated Bond, we would not enter into an agreement without a Bond in place. However, there are some cases where the developer is not ready or in a position to sign a Section 38, where WCC allow works to progress under Technical Approval and inspections. This is a good example of WCC being proactive with developers and keeping the development process moving. The risk here is that developments move ahead without bonds in place. In theory once a development has been given Building Consent, by NBBC, you are required to notify WCC, who as Highway Authority can serve notice under Section 219 or 220 of the Highways Act for an APC bond which ensures that the developer builds the access roads to an adoptable standard. The procedure for setting up an APC is proscriptive and a Highway Authority only has six weeks from Building Consent to serve notice on a developer. In recent years WCC has only received one APC notification from your Authority and our Legal Services write to your Legal and Building Control sections two to three times a year to remind them of their responsibilities.

b) To monitor Section 38 Agreements more closely.

Due to the nature of Section 38 Agreements in terms of finance, legal searches and queries from members of the public, Members of both WCC and NBBC and other interested parties, they are very closely monitored. As mentioned at the Panel, adoption is based on offer and in dealing with the developers themselves the majority of our work has to be reactive. Although we have no powers to be more proactive in this matter, we do send out letters to developers regularly in an attempt to keep the process moving.

c) To move towards a common and understandable standard of monitoring and inspection.

As mentioned above Section 38's are closely monitored. In terms of inspection we require developers to notify us of any works which will be buried, for example drainage, and all surfacing works. Throughout, the works sites are subjected to random inspections. Once the developer informs us that the works are substantially complete, and inspection takes place for snagging purposes. The developer either informs us when individual elements of the snagging or the entire list is complete and an inspection occurs. Once work has been completed a further inspection is carried out. Subject to the work being carried out to our satisfaction the scheme is issued a Maintenance Certificate and the developer is required to maintain the road for a further 12 months. At the end of this period a further inspection is carried out and the snagging process is repeated for any problems that become apparent in the maintenance period, if necessary. A final inspection is carried out and the adoption of the road formally takes place. This process is standard in all parts of Warwickshire.

d) To work with developers to agree snagging lists on a fair and reasonable basis, having due regard to health and safety legislation and all other legislative requirements.
Snagging lists are created by comparing the standard of the work carried out compared to the technically approved drawings submitted by the developers themselves. WCC act reasonably during this process and no valid evidence has been submitted to the Panel to dispute this. It should be remembered that these checks are in place to protect the residents from a poor quality road.

e) To re-evaluate existing policy, taking into account the polices of neighbouring authorities in this regard.

Policy relating to Section 38’s is set by acts of parliament and associated regulations. WCC re-evaluated its own process’s two years ago in an effort to make them more efficient. This process is currently being undertaken again due to restructuring in the Planning and Development Group.

f) To set up a benchmarking exercise with neighbouring authorities.

Officers in the Planning and Development Group sit on the Development Management Midlands Service Improvement Group, which is run by the Department for Communities and Local Government. There is also a sub group relating specifically to Road Adoptions. This allows us to bench mark with twenty other local authorities and share best practice.

Hopefully from the above you will be able to see that in many respects we are in agreement. However, there are still some areas where further discussion may be required. I think it would be beneficial for Officers in both Authorities to meet and discuss these areas. In the first instance you should contact Neil Benison of the Planning and Development Group. I also think it would helpful if Neil was invited to the next meeting of the Panel in November.

Yours sincerely

Pam Neal
Business Management & Planning Manager
Dear Ms Round,

Re: Environment Overview & Scrutiny Panel
Un-adopted roads within the Borough

Thank you for your letter dated 1st September and I must firstly apologise for my delay in replying.

On receipt of your letter I initially felt inclined to write to the Department for Communities & Local Government on this issue. However, I have spoken with colleagues in Westminster and understand that fellow Warwickshire Members of Parliament have already addressed the matter with the Department.

I have requested that I am copied into any Ministerial responses received by my colleagues.

Yours sincerely,

Mark Pawsey MP

cc. Marcus Jones MP
AGENDA ITEM NO. 11

ENVIRONMENT OSP WORK PROGRAMME 2011/12

<table>
<thead>
<tr>
<th>ENVIRONMENT OSP WORK PROGRAMME 2011/12</th>
<th>Suggested mtg Dates</th>
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<tbody>
<tr>
<td>Integrated Performance Reports</td>
<td>2/11, 31/1/12</td>
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<tr>
<td>Environmental Sustainability Strategy Progress</td>
<td>31/1/12 &amp; 12/3/12</td>
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<td>Borough Plan</td>
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**Impact of Licensing Act 2003 (M)**
Review the effects on policing, residents and licensing – has it achieved the aims intended by the legislation? 31/1/12

Grounds Maintenance Contract Update 31/1/12