



# CABINET

17 October 2013

A meeting of the CABINET will be held on Thursday, 24th October, 2013, 6.00 pm  
in Committee Room 1 Marmion House, Lichfield Street, Tamworth

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## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Corporate Update**

Title: Creative Industries Hub - Created in Tamworth

Presenter: Director (Communities, Planning and Partnerships) and  
Arts and Events Manager

**3 Minutes of the Previous Meeting** (Pages 1 - 4)

**4 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary)  
in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of  
which they have dispensation, they should specify the nature of such interest.  
Members should leave the room if they have a pecuniary or non-pecuniary  
interest in respect of which they do not have a dispensation.*

**5 Question Time:**

To answer questions from members of the public pursuant to Executive  
Procedure Rule No. 13

**6 Matters Referred to the Cabinet in Accordance with the Overview and  
Scrutiny Procedure Rules**

None

**7 Budget Consultation 2014/15** (Pages 5 - 30)

(Report of the Leader of the Council)

- 8 Agile Working Policy** (Pages 31 - 62)  
(Report of the Portfolio Holder for Operations and Assets and Appointments and Staffing Committee)
- 9 Pensions Auto Enrolment Update** (Pages 63 - 80)  
(Report of the Portfolio Holder for Operations and Assets and Appointments and Staffing Committee)
- 10 Revised Gambling Act 2005 Statement of Principles 2013-2016** (Pages 81 - 118)  
(Report of the Portfolio Holder for Environment and Waste Management)
- 11 Tamworth Borough Council Commissioning Programme Update** (Pages 119 - 208)  
(Report of the Portfolio Holder for Community Development and Voluntary Sector)
- 12 Tamworth Golf Course Future Options Shortlist** (Pages 209 - 238)  
(Report of the Portfolio Holder for Economy and Education)

### **Restricted**

**NOT FOR PUBLICATION** because the report could involve the disclosure of exempt information as defined in Paragraphs 1, 3 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

- 13 Cultural Quarter Update** (Pages 239 - 250)  
(Report of the Portfolio Holder for Economy and Education)
- 14 Development Consultant -Tinkers Green & Kerria Regeneration** (Pages 251 - 258)  
(Report of the Portfolio Holder for Public Housing and Vulnerable People)
- 15 Landlord Supported Housing Service** (Pages 259 - 268)  
(Report of the Portfolio Holder for Public Housing and Vulnerable People)

Yours faithfully



### **Chief Executive**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates



## **MINUTES OF A MEETING OF THE CABINET HELD ON 12th SEPTEMBER 2013**

**PRESENT:** Councillor D Cook (Chair), Councillors R Pritchard, S Doyle, M Greatorex and J Oates

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Stefan Garner (Director of Finance), Robert Mitchell (Director - Communities, Planning and Partnerships) and John Gunn (Development Control Manager)

### **41 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor S Claymore.

### **42 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 August 2013 were approved and signed as a correct record.

*(Moved by Councillor R Pritchard and seconded by Councillor S Doyle)*

### **43 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **44 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

None.

### **45 QUARTER 1 2013/14 PERFORMANCE REPORT**

The Report of the Leader of the Council providing Cabinet with a performance and financial health-check was considered.

**RESOLVED:** That the contents of the report be endorsed.  
*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**46 BUDGET AND MEDIUM TERM FINANCIAL PLANNING PROCESS**

The Report of the Leader of the Council seeking agreement to the proposed budget and medium term financial planning process for General Fund and the Housing Revenue Account for 2014/15 was considered.

**RESOLVED:** That the proposed process for the General Fund and Housing Revenue Account Budget and Medium Term Financial Planning Process for 2014/15 be adopted.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**47 LOCAL AUTHORITY MORTGAGE RATE FOR MORTGAGES UNDER HOUSING ACT 1985**

The Report of the Portfolio Holder for Operations and Assets in accordance with Section 438 of the Housing Act 1985 seeking to make the statutory declaration of the local authority mortgage interest rate from 1 October 2013 to 31 March 2014 was considered.

**RESOLVED:** That the statutory declaration of interest be endorsed to remain unchanged at 4.72%.

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**48 SAFEGUARDING CHILDREN AND VULNERABLE ADULT PROTECTION POLICY**

The Report of the Portfolio Holder for Public Housing and Vulnerable People seeking Members' approval to adopt the revised Safeguarding Children and Vulnerable Adults Protection Policy was considered.

**RESOLVED:** That:

- 1 The revised Safeguarding children and Vulnerable Adults Protection Policy be approved;
- 2 The implementation of the policy be endorsed and that Members attendance at the Safeguarding Children and Vulnerable Adults Protection training associated with the policy be promoted;
- 3 The Director of Communities, Planning and Partnerships and the Solicitor to the Council and Monitoring Officer in collaboration with the Portfolio Holder for Public Housing and Vulnerable People be authorised to disseminate the Policy throughout the Council, and;
- 4 The Safeguarding Children and Families Officer be

thanked for her work on updating this policy.

*(Moved by Councillor M Greatorex and seconded by Councillor R Pritchard)*

**49 CONSERVATION GRANT - MOAT HOUSE, LICHFIELD STREET, TAMWORTH**

The Report of the Portfolio Holder for Economy and Education seeking approval for a conservation grant for the repair of the first floor ceiling of The Moat House was considered.

**RESOLVED:** That a grant offer of £9,169.00 be made in respect of The Moat House, Lichfield Street from the 2013-2014 conservation budget subject to the normal grant conditions.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

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Leader

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24<sup>th</sup> October 2013

**REPORT OF THE LEADER  
BUDGET CONSULTATION 2014/15**

**EXEMPT INFORMATION**

There is no exempt information.

**PURPOSE**

To inform Cabinet of the outcomes arising from consultation undertaken with residents, businesses and the voluntary sector in accordance with the corporate budget setting process.

**RECOMMENDATIONS**

That Cabinet endorse the report and take account of the findings along with other sources of information when setting the 2014/15 Budget.

**EXECUTIVE SUMMARY**

Tamworth's focus on working with partners to 'Aspire and Prosper' is visibly supported in the 2014/15 budget consultation responses. Working with businesses to create employment opportunities and providing the conditions to enable businesses to grow and develop were viewed as important by all. Businesses further recognised the need to raise the aspirations of young people and highlighted the importance of creating the technology and infrastructure required to encourage and support growth.

Clear support for a 'Healthier and Safer' Tamworth is also apparent. Most noticeably so from residents, with the below priorities being particularly important for Tamworth residents:

- Tackling crime and anti-social behaviour.
- Tackling youth crime and anti-social behaviour.
- Protecting the vulnerable.

Support for the vision and priorities is further evidenced in people's commentaries with low crime, job prospects and health services being viewed as key indicators of what makes somewhere a good place to live. Residents felt two of these indicators (job prospects and crime levels) needed improving in Tamworth and the implementation of the vision and priorities for Tamworth will be key in realising these improvements.

In terms of spending on services, respondents were broadly supportive of keeping the level of spending the same. There were however four cost areas where increased spending was supported and these are outlined below:

- Tackling anti-social behaviour.
- Improving the economic, physical, social and environmental condition of Tamworth.
- Street cleaning.

- Housing.

It is notable that the top three priority areas for increased spending have remained largely unchanged over the last year. However, housing has now replaced parks and open spaces as the fourth most important cost area for increased spend.

Clear messages were also apparent on service charges and decreased charges would be supported for parking fees and town centre market and shop rentals. This was further evidenced through respondents' comments and through these, respondents recognised the positive effects that these decreased charges would have on the regeneration of the town centre economy. Whilst increasing fees is rarely a popular option, increasing fees for leisure and public open spaces would be most tolerable and would receive the least resistance from respondents.

In a similar vein, residents would be most receptive to minimal increases in the level of council tax with the overriding message being that the smaller the increase in council tax, the greater the level of resident support. Whilst this is a view commonly expressed by residents, in times of austerity, the message is even more pertinent with smaller increases and finding more efficient ways to deliver services receiving clear support.

### **RESOURCE IMPLICATIONS**

There are no resource implications arising from this report.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

It is a statutory duty to consult before the development of the budget. Budget consultation ensures our compliance with this.

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from this report.

### **BACKGROUND INFORMATION**

As part of an annual process Tamworth Borough Council reviews its Council Tax and Charges strategy for the development of the budget. This process ensures that funding is put into areas of highest priority. An important element of this process is to understand the views of residents, businesses, and local voluntary groups on what these priorities are.

### **REPORT AUTHOR**

John Day

### **LIST OF BACKGROUND PAPERS**

None

### **APPENDICES**

Budget consultation 2014/15 – Full report



## Introduction and methodology

Tamworth Borough Council reviews its council tax and charges on an annual basis and this helps to develop the Council's budget and ensures funding is put into areas which are of priority. Residents, businesses and the voluntary sector are an important part of this process and all are invited to share their views on priorities for the year ahead. The consultation for the 2014-2015 budget ran throughout August and September 2013 and residents, businesses and the voluntary sector were encouraged to share their views through tailored online surveys.

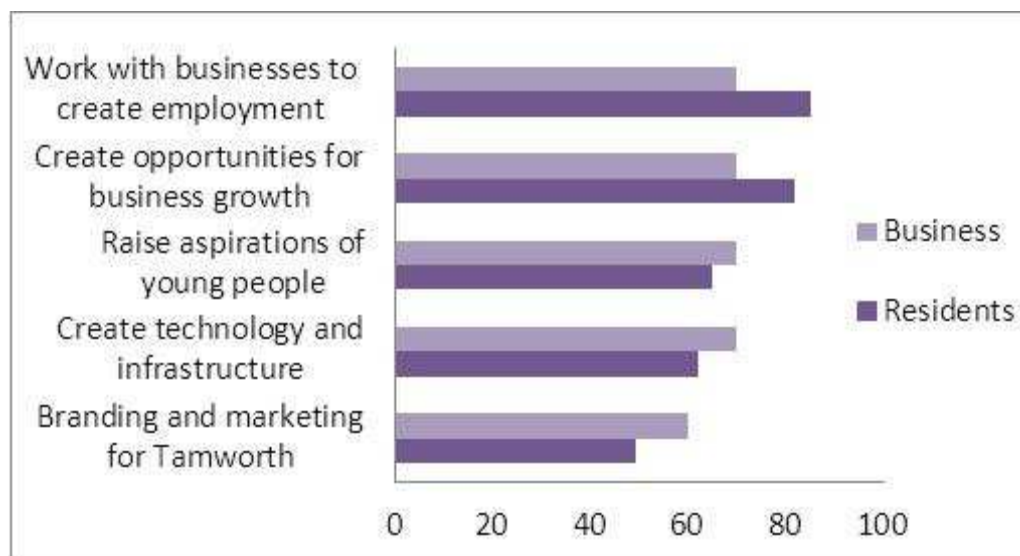
A total of 261 responses were received to the consultation and the majority of these were from Tamworth residents (251 responses). Ten businesses also shared their views and the majority of these were independent businesses sited on business estates, local neighbourhoods or in the town centre.

## Views on the corporate priorities for Tamworth

### Aspire and prosper

Residents expressed clear priorities under the vision to 'aspire and prosper' believing that the Council should work with businesses to create employment and to create opportunities for business growth. Businesses held different views feeling that four of the five priorities were equally important with just branding and marketing being viewed as less significant.

Priorities for Tamworth for Tamworth to 'Aspire and Prosper' (%)



Respondents were clearly supportive of the overall aim for Tamworth to 'aspire and prosper' and in their comments they identified clear steps which Tamworth should follow to ensure success:

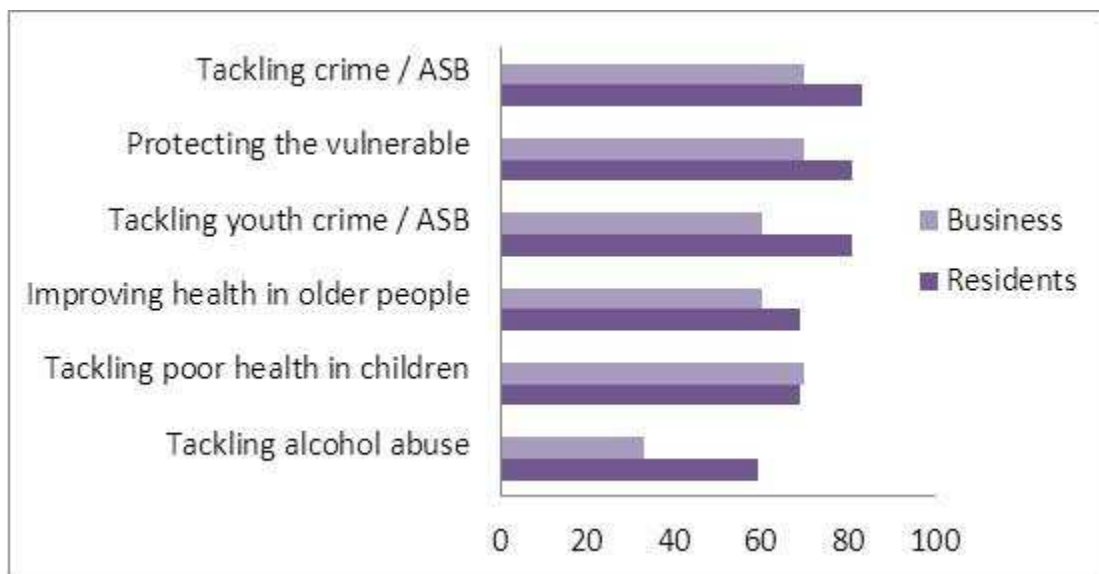
- Provide a positive, welcoming environment to attract new businesses.
- Focus on creating more business opportunities and stronger communities.

- Encourage regeneration in the town centre and stop charging for parking.
- Ensure good transport links.
- Develop a skilled workforce to meet the needs of the economy.
- Create an environment in which people can live independently and be self sufficient.
- Support smaller businesses by providing help with lower rent and rates.

## Healthier and Safer

Residents held broadly positive views on the ‘healthier and safer’ priorities and tackling crime / anti-social behaviour (ASB) generally and for the young as well as protecting the most vulnerable people were clear priorities. Whilst businesses also prioritised tackling crime / ASB and protecting vulnerable people, their third priority was to tackle poor health in children.

Priorities for Tamworth for Tamworth to be ‘Healthier & Safer’ (%)



Resident’s comments also showed clear support for the vision and priorities for a ‘healthier and safer’ Tamworth and these are summarised below:

- Encourage a “*healthier community*” and “*tackle obesity*”. There are currently “*far too many takeaway food outlets*” which “*encourage unhealthy lifestyles*”,
- Tackle alcohol and youth crime issues because it will “*lessen the effects of anti-social behaviour*”,
- Ensure there are activities for “*the young and the old*” which provide “*nurture*”, encourage “*good health*” and “*reduce isolation for the elderly*”,
- Provide more support for “*people with mental illnesses and for victims of drug abuse*”,
- Support those with “*invisible needs*” (such as autism and dyslexia) in their educational achievements to “*increase their chances of finding work*”,

- Provide “*closer Accident & Emergency services*”, also additional services including “*maternity*” services.

### **Comments on Tamworth’s vision and priorities**

Whilst most were supportive of Tamworth’s priorities and agreed that concentrating on “*two things*” would “*ensure success*”, some of the comments received were more negative in their nature. Some expressed the view that the priorities were “*national problems*” and should be dealt with nationally because they are “*beyond the local remit*”. Other respondents were not convinced that the priorities contained “*the necessary depth required to succeed*” whilst others still were concerned that “*council tax would need to rise for the Council to be able to achieve the performance that they were looking for*”.

Those who were supportive of the vision described it as “*excellent*” and commended the partnership approach commenting that it is “*essential for the police and local authority to work together to tackle issues including rising anti-social behaviour*”.

A view expressed by some respondents was that it is difficult to visualise success because of the “*current level of decline in Tamworth town centre*” whilst others were opposed to the vision feeling that the Council should concentrate on “*running Tamworth in a rational and competent fashion*” feeling that health and safety issues should be left to “*the NHS and police*”. Others were supportive of having a vision but felt that it should challenge how services can be delivered more efficiently and effectively, for example through “*private initiatives and enterprises*”. The vision should also highlight “*the historical infrastructure which sets Tamworth apart from other towns*” and this heritage should be part of Tamworth’s future.

## **Making Tamworth a good place to live**

What makes somewhere a good place to live?

Whilst it is clear that it is a variety of factors that combine to make somewhere a good place to live, there are three factors that stand out as being most important to Tamworth residents in making somewhere a good place to live. These are a low level of crime, good job prospects and good health services.



What needs improving in Tamworth?

Two of the three most important indicators which make somewhere a good place to live need improving in Tamworth. These are job prospects and the level of crime and both need improving according to Tamworth residents. The provision of affordable, decent housing is also considered to be important and in need of improvement.

Residents also commented that Tamworth would be a better place to live if:

- *“Healthcare is improved”.*
- *The “town centre is regenerated”.*
- *“Cleanliness is improved”* and residents *“take pride in their local area”.*

## Service and spending priorities for Tamworth

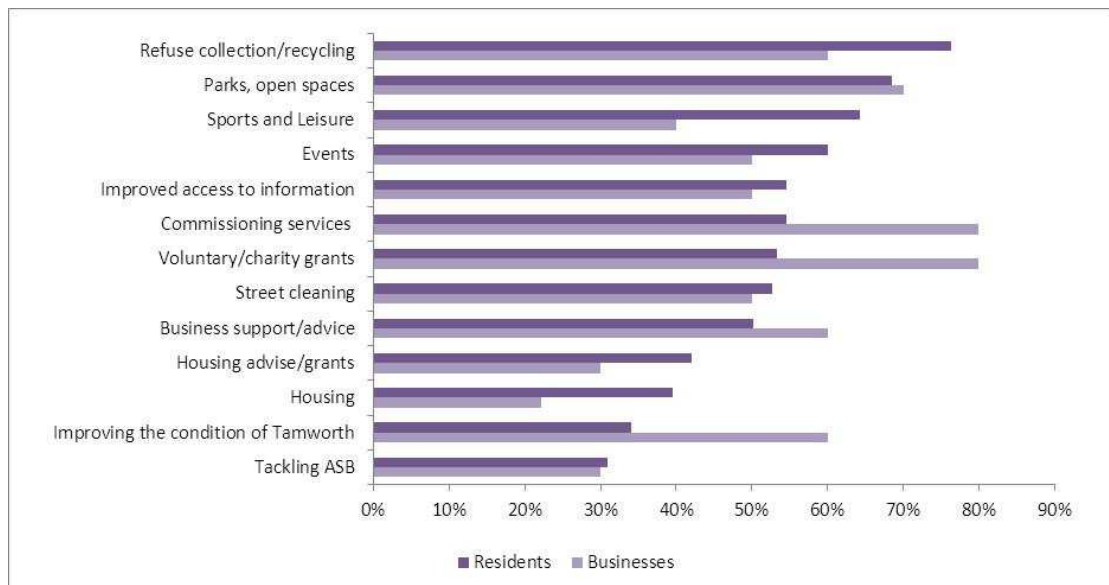
Respondents were asked whether the Council should increase, decrease or keep spending on major cost areas the same.

*The majority supported keeping spending the same*

For the majority of cost areas, both residents and businesses felt that the level of spending should stay the same and this remains consistent with responses received last year.

Residents agreed that keeping spending the same was particularly important in relation to refuse collection / recycling, parks and open spaces and leisure services. Businesses, however had a different view and were most likely to agree that grants and commissioning of services to the voluntary and community sector should remain unchanged.

Support for keeping spending the same (%)



*There is a high level of support for increased spending in four cost areas*

There are four cost areas where a high proportion of residents would support increased spending; tackling anti-social behaviour, improving the economic, physical, social and environmental condition of Tamworth, street cleaning and housing. Residents prioritised spending on safety and improving the condition of Tamworth and whilst businesses were broadly supportive of these same priorities, they gave a higher priority to housing and housing advice and grants than residents did. Residents' priority areas for spending have remained largely unchanged over the last year with the first three priorities remaining the same. During the last 12 months however, housing has replaced parks and open space as the fourth cost centre where increased spending is supported.

Cost areas where increased spending is supported (%)

	Residents	Businesses
1. Tackling Anti-social behaviour	67	50
2. Improving the condition of Tamworth	54	40
3. Street cleaning	47	40
4. Housing	46	67

*There is some support for decreased spending in three cost areas*

Broadly speaking, decreased spending was the least popular of the three options with both residents and businesses. There was however some support for decreased spending and these related to the cost areas outlined below:

Cost areas where decreased spending is supported (%)

	Residents	Businesses
1. Housing advice and grants	25	20
2. Grants for voluntary organisations	18	20
3. Improved access to information	17	30

If the Council needs to make savings or reduce costs, residents would also be less resistant to cuts in events services, commissioning services from voluntary organisation and charities and improved access to information / customer services. Businesses were least resistant to making savings in access to information / customer services, voluntary sector grants and business advice and support.

## Views on changing charges for services

Respondents were asked to indicate where they would most like to see increased or decreased charges. There was broad support for encouraging town centre revival by decreasing car parking fees and market and shop rentals. Residents were also supportive of increasing charges to leisure activities and residents and businesses both supported increased charges for public open spaces.

### *Car parking:*

Reducing fees for car parking was a clear priority for residents and businesses of Tamworth. Businesses that supported increasing charges tended to be located out of town or on neighbourhood sites and were unlikely to be negatively affected by higher car parking fees, in town centres.

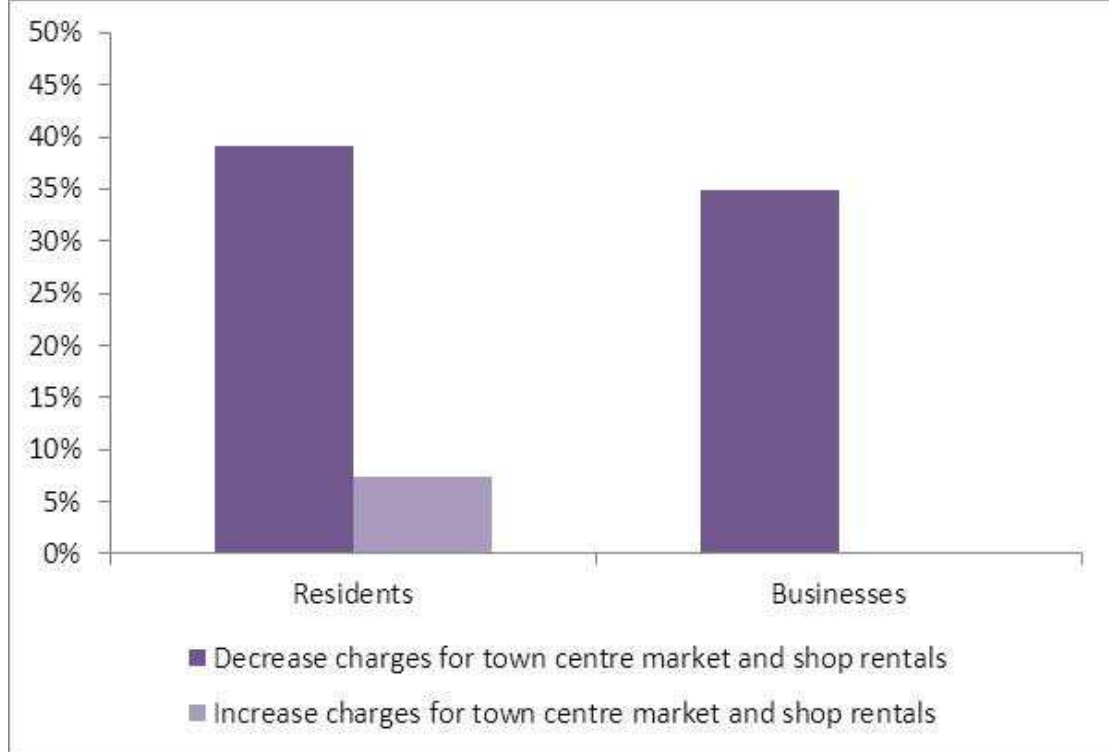
Support for increases or decreases to car parking fees (%)



*Town centre market and shop rentals:*

Clear support was evident from both residents and businesses for decreasing town centre charges for market and shop rentals and comments included that something needs to be done to “improve Tamworth’s town centre” instead of always concentrating on “new developments”.

Support for increases or decreases to market and shop rentals (%)

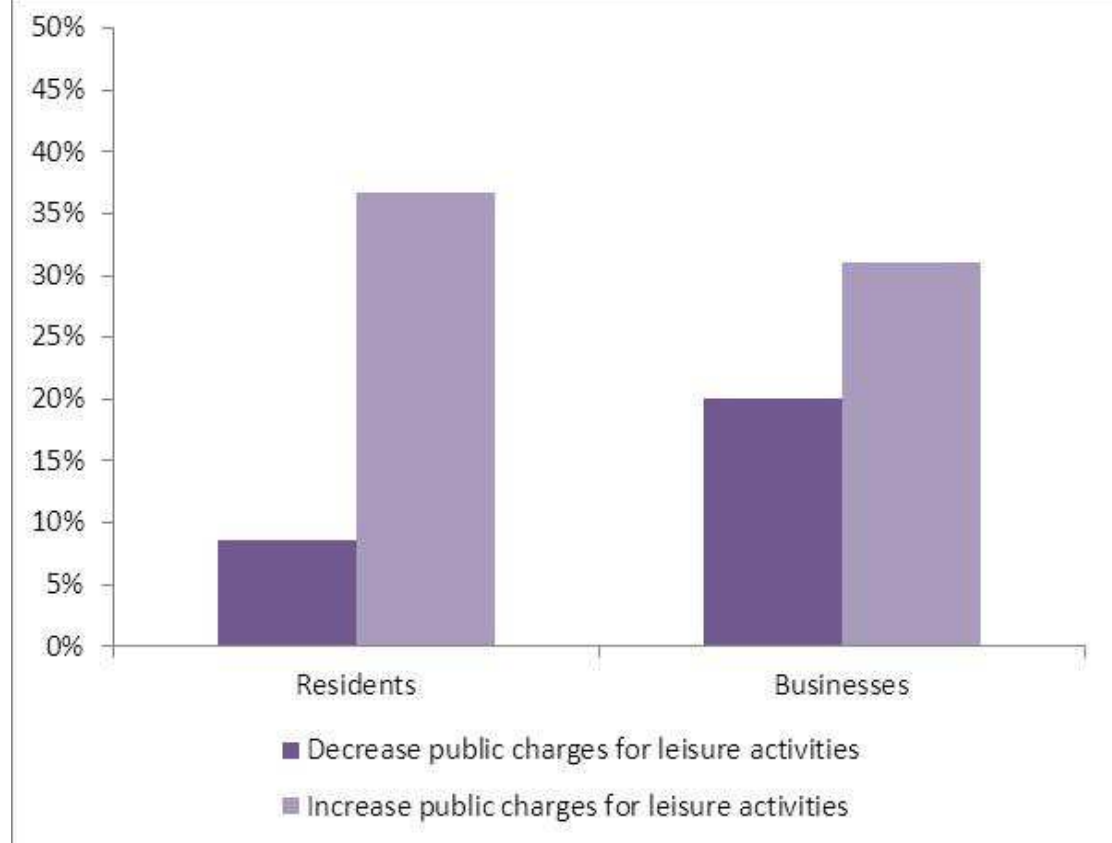




*Public charges for leisure activities:*

Views from residents and businesses were similar with both mainly in favour of increasing public charges for leisure activities.

Support for increases or decreases for leisure activities (%)



*Waste management:*

Waste management was not a top priority for residents or businesses, but both would prefer to see increases rather than decreases in charges.

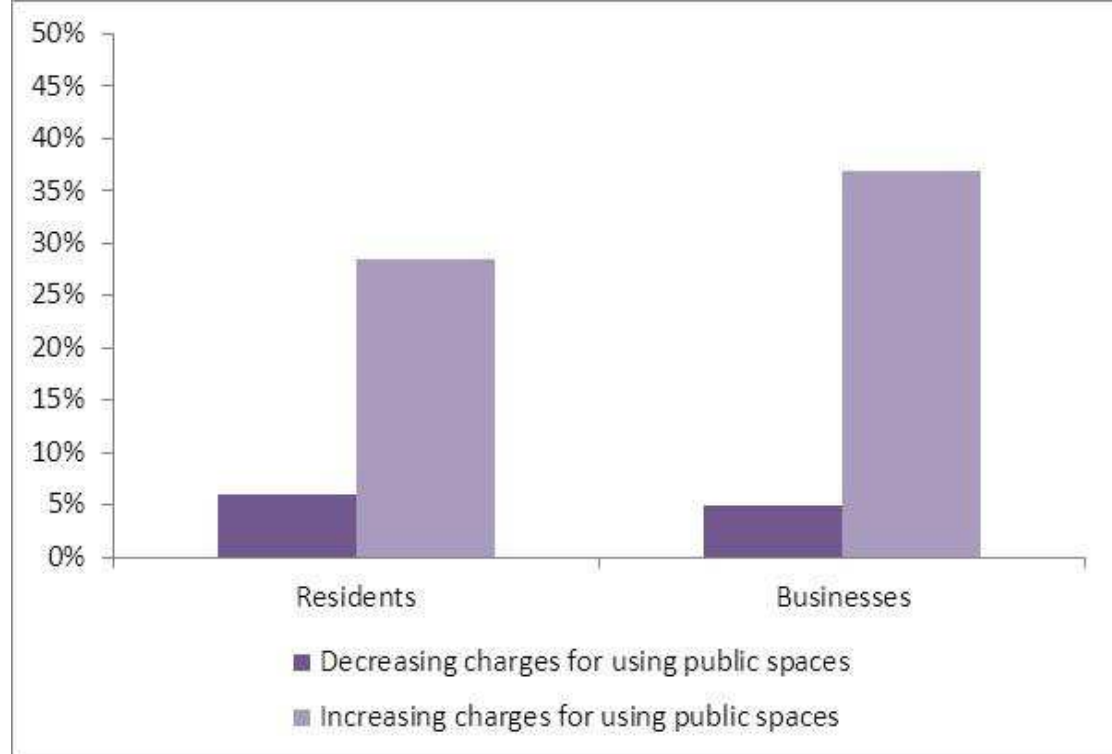
Support for increases or decreases in waste management



*Public spaces:*

Both residents and businesses were supportive of increasing charges for using public open spaces.

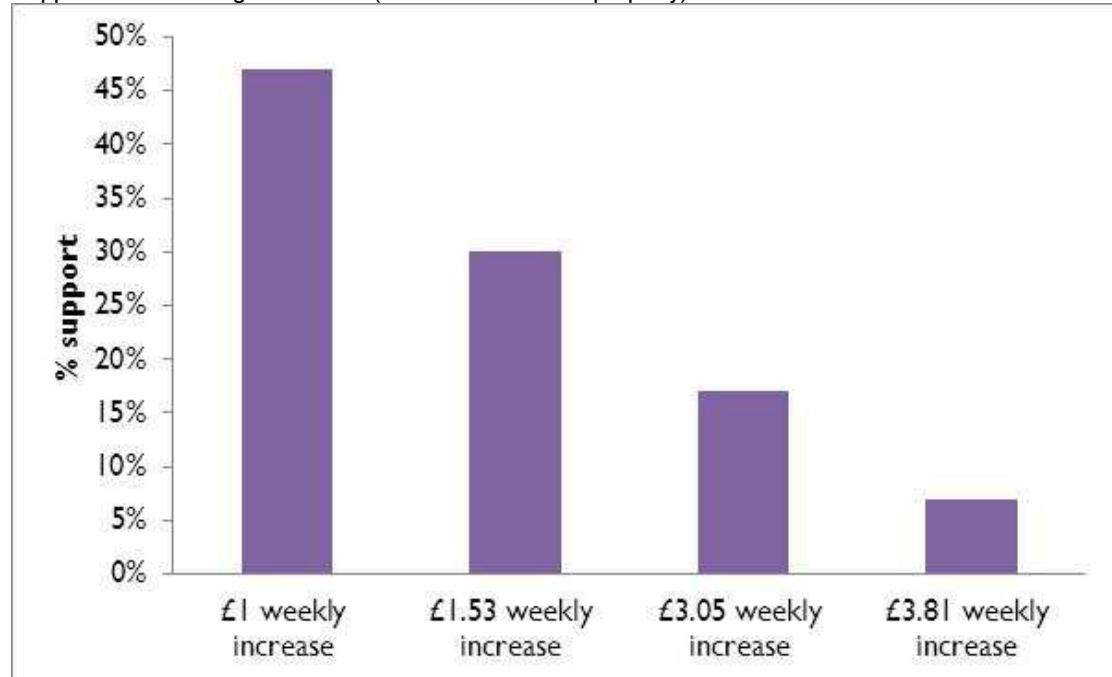
Support for increases or decreases for public spaces



## Setting the level of council tax

Residents were asked for their views on what the acceptable increase in council tax should be for the year 2014 / 2015. Four options for increases were outlined and generally speaking, the lower the level of increase, the more supportive residents would be of the increase.

Support for increasing council tax (based on a Band D property)



## Tables of Results (Residents)

*Please tell us how important our priorities under 'aspire and prosper in Tamworth' are to you, with 1 being the most important and 5 being the least important.*

	1	2	3	4	5
Work with businesses to create more employment locally	66.7%	18.3%	7.7%	4.1%	3.3%
Create opportunities for business growth	57.8%	23.8%	10.7%	4.9%	2.9%
Raise aspiration and attainment levels of young people	39.4%	25.2%	16.7%	11.4%	7.3%
Create the technology and physical infrastructure necessary	37.6%	24.5%	20.8%	9.4%	7.8%
Brand and market "Tamworth" as a great place to "live life to the full"	28.5%	20.7%	19.5%	14.2%	17.1%

*Please tell us how important our priorities under 'be healthier and safer in Tamworth' are to you, with 1 being the most important and 6 being the least important.*

	1	2	3	4	5	6
Tackle crime and anti-social behaviour	64.3%	18.4%	6.1%	4.5%	4.1%	2.5%
Protect those most vulnerable in our local communities	56.7%	24.3%	7.3%	4.9%	3.6%	3.2%
Tackle youth crime and anti-social behaviour	56.3%	24.9%	6.9%	3.7%	4.5%	3.7%
Tackle poor health in children	44.9%	24.1%	15.1%	5.3%	5.7%	4.9%
Improve the health of older people	44.5%	24.7%	13.4%	6.9%	6.5%	4.0%
Tackle alcohol abuse	37.8%	21.5%	17.1%	9.3%	3.7%	10.6%

*Please select FIVE things from the list below that you believe are the most important for making somewhere a good place to live*

What makes a good place to live?	% and no's	What makes a good place to live?	% and no's
Low levels of crime	17.2% (216)	Clean streets	9.5% (119)
Good job prospects	15.0% (188)	Good parks and open spaces	8.4% (105)
Good health services	14.0% (176)	Good shopping facilities	8.2% (103)
Good education provision	10.6% (133)	Good sports and leisure facilities	4.0% (50)
Affordable decent housing	10.4% (130)	Community events	2.8% (35)

*Please tick FIVE things you feel need to improve most to make Tamworth a better place to live*

What needs improving?	% and no's	What needs improving?	% and no's
Job prospects	17.0% (205)	Health service	11.0% (132)
Level of crime	14.6% (176)	Education provision	7.2% (87)
Affordable decent housing	12.0% (144)	Parks and open spaces	7.0% (84)
Shopping facilities	11.5% (138)	Community events	4.4% (53)
Cleanliness of streets	11.1% (134)	Sports and leisure facilities	4.2% (51)



*For the following services, do you think we should spend more, the same or less?*

	More	Same	Less	No opinion
Tackling anti-social behaviour	67.5%	30.9%	1.2%	0.4%
Improving the condition of Tamworth	54.3%	34.1%	7.8%	3.9%
Street cleaning	46.5%	52.7%	0.8%	0.0%
Housing	46.3%	39.6%	9.2%	5.0%
Business support and advice	30.2%	50.2%	11.8%	7.8%
Parks, open spaces	26.8%	68.5%	3.8%	0.9%
Housing advice and grants	25.4%	42.1%	25.0%	7.5%
Grants for voluntary organisations and charities	23.5%	53.4%	17.6%	5.5%
Improved access to information/customer services	22.5%	54.5%	16.8%	6.1%
Refuse collection and recycling	20.4%	76.3%	2.4%	0.8%
Commissioning services from voluntary organisations and charities	20.2%	54.5%	16.7%	8.6%

*From the services listed below, if the Council had to make savings or reduce costs, which services do you think we should look at?*

Events	15.0%	Improving the condition of Tamworth	4.7%
Commissioning services	14.5%	Housing	3.3%
Improved access to information	13.6%	Parks, open spaces	3.1%
Grants for voluntary orgs / charities	13.2%	Refuse collection and recycling	1.5%
Business support and advice	10.7%	Street cleaning	0.4%
Housing advice and grants	10.4%	Tackling anti-social behaviour	0.4%
Sports and leisure	8.9%		

*Which TWO of the below income areas do you think the Council could/should increase charges for?*

Public charges for leisure and other activity	36.8%
Public spaces	28.5%
Waste management	19.0%
Car parking	8.2%
Town centre market and shop rentals	7.5%

*Which TWO of the below income areas do you think the Council could/should decrease charges for?*

Car parking	39.5%
Town centre market and shop rentals	39.1%
Public charges for leisure and other activity	8.6%
Waste management	6.7%
Public spaces	6.1%

*What would you consider to be an acceptable Council Tax increase for the 2014/2015 budget?*

	% support
Option A—£1 weekly increase on band D property	46.7%
Option B—£1.53 weekly increase on band D property	29.7%

	% support
Option C- £3.05 weekly increase on band D property	16.6%
Option D—£3.81 weekly increase on band D property	7.0%

## Tables of Results (Businesses)

*Please tell us how important our priorities under 'aspire and prosper in Tamworth' are to you, with 1 being the most important and 5 being the least important.*

	1	2	3	4	5
Raise aspiration and attainment levels of young people	50.0%	20.0%	10.0%	10.0%	10.0%
Create opportunities for business growth	50.0%	20.0%	20.0%	0.0%	10.0%
Create the technology and physical infrastructure necessary	40.0%	30.0%	10.0%	20.0%	0.0%
Work with businesses to create more employment locally	30.0%	40.0%	0.0%	10.0%	20.0%
Brand and market "Tamworth" as a great place to "live life to the full"	30.0%	30.0%	10.0%	20.0%	10.0%

*Please tell us how important our priorities under 'be healthier and safer in Tamworth' are to you, with 1 being the most important and 6 being the least important*

	1	2	3	4	5	6
Protect those most vulnerable in our local communities	60.0%	10.0%	0.0%	20.0%	0.0%	10.0%
Tackle crime and anti-social behaviour	40.0%	30.0%	10.0%	0.0%	10.0%	10.0%
Tackle youth crime and anti-social behaviour	40.0%	20.0%	20.0%	0.0%	10.0%	10.0%
Tackle poor health in children	30.0%	40.0%	10.0%	0.0%	10.0%	10.0%
Improve the health of older people	20.0%	40.0%	10.0%	30.0%	0.0%	0.0%
Tackle alcohol abuse	22.2%	11.1%	33.3%	11.1%	11.1%	11.1%

*For the following services, do you think we should spend more, the same or less?*

	More	Same	Less	No opinion
Housing	66.7%	22.2%	11.1%	0.0%
Housing advice and grants	50.0%	30.0%	20.0%	0.0%
Tackling anti-social behaviour	50.0%	30.0%	20.0%	0.0%
Improving the condition of Tamworth	40.0%	60.0%	0.0%	0.0%
Street cleaning	40.0%	50.0%	10.0%	0.0%
Business advice and support	30.0%	60.0%	10.0%	0.0%
Refuse collection and recycling	30.0%	60.0%	10.0%	0.0%
Parks, open spaces	20.0%	70.0%	10.0%	0.0%
Improved access to information/customer services	20.0%	50.0%	30.0%	0.0%
Events	20.0%	50.0%	20.0%	10.0%
Sports and leisure	20.0%	40.0%	20.0%	20.0%

Commissioning services from voluntary orgs & charities	10.0%	80.0%	10.0%	0.0%
Grants for voluntary organisations and charities	0.0%	80.0%	20.0%	0.0%

*From the services listed below, if the Council had to make savings or reduce costs, which services do you think we should look at?*

Improved access to information	200%	Sports and leisure	6.7%
Voluntary sector grants	16.7%	Housing	3.3%
Business advice and support	16.7%	Parks, open spaces	0.0%
Housing advice and grants	13.3%	Refuse collection and recycling	0.0%
Voluntary sector commissioning	10.0%	Street cleaning	0.0%
Events	6.7%	Tackling anti-social behaviour	0.0%
Improving the condition of Tamworth	6.7%		

*Which TWO of the below income areas do you think the Council could/should increase charges for?*

Public spaces	37.5%
Public charges for leisure activities	31.3%
Waste management	18.8%
Car parking	12.5%
Town centre market and shop rentals	0.0%

*Which TWO of the below income areas do you think the Council could/should decrease charges for?*

Car parking	35.0%
Town centre market and shop rentals	35.0%
Public charges for leisure activities	20.0%
Public spaces	5.0%
Waste management	5.0%



## CABINET

24 October 2013

### REPORT OF THE PORTFOLIO HOLDER OPERATIONS AND ASSETS AND APPOINTMENTS AND STAFFING COMMITTEE

#### AGILE WORKING POLICY

##### EXEMPT INFORMATION

None

##### PURPOSE

To recommend an Agile Working Policy to members for formal application to all employees of Tamworth Borough Council.

##### RECOMMENDATION

**That members approve the Agile Working Policy and recommend its formal approval by Cabinet.**

##### EXECUTIVE SUMMARY

Following the formal approval by Cabinet (1<sup>st</sup> August 2013) of the concept of agile working for Tamworth Borough Council employees, the need for an Agile Policy is essential to ensure fair and consistent application.

The attached policy seeks to provide a framework and includes associated terms and conditions, ways of working, health and safety requirements, etc relevant to agile working.

Trade unions have been consulted on its development as part of the Agile Working pilot, and training for all staff on its contents and application will be made available.

##### FINANCIAL IMPLICATIONS

None arising from the adoption of this policy.

##### LEGAL/RISK IMPLICATIONS BACKGROUND

This policy will more effectively manage the risks associated with agile working. An equality impact assessment is attached to the policy.

##### BACKGROUND INFORMATION

This policy has been developed as part of the agile working pilot and project. Learning from other local authorities and feedback from trade unions, together

with the application of current employment and health and safety legislation has helped to inform its development.

**REPORT AUTHOR**

Anica Goodwin : Director of Transformation and Corporate Performance

**LIST OF BACKGROUND PAPERS**

Report to Cabinet 1<sup>st</sup> August 2013

**APPENDICES**

1. Agile Working Policy including Equality Impact Assessment

## **AGILE WORKING POLICY AND PROCEDURE**

### **Purpose of document**

To provide a framework for employees who undertake mobile or 'agile' working, and ensure consistency and fairness when implementing such arrangements.

Document Status: Draft

Document Ref:

Originator: Christie Tims

Owner: Anica Goodwin

Version: 01.01.04

Date: 8/08/13

**Approved by Corporate Management Team / TULG/Appointments and Staffing**

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## Revision History

Revision Date	Version Control	Summary of changes
1.4.12	01.01.01	
20.4.12	01.01.02	Minor typing amendments from AWG accepted H&S forms inserted and referenced (AG)
6.11.12	01.01.03	Minor typing amendments and formatting. Clarification of process attached to appx 3 Insertion of para to cover lone working page 11
8.08.13	01.01.04	Simplification of summary. Reduction in purpose section EIA updated Plain English

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Anica Goodwin	Director of Transformation and Corporate Performance	
CMT		23 Sept 13
TULG	Issued in draft for consultation 18 July 12 Reissued ??? Nov 12	???
Appointments & Staffing	Agile working policy and procedure	??

### Approval Path

#### Major Change

Christie Tims  
Anica Goodwin  
Trade Union Liaison Group  
Appointments & Staffing  
CMT

#### Action

Submission  
Sponsor  
Consultative Group  
Approval  
Corporate Approval

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

## Distribution

The document will be available on the Intranet and published on our internet site.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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# AGILE WORKING POLICY AND PROCEDURE

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# Agile Working Policy

## 1. Summary

1.1 This document sets out the policy and procedure for agile working within Tamworth Borough Council.

## 2. Purpose

2.1 This policy provides a framework for consistent and fair practice on the issues to be taken into account when implementing and managing employees who are on agile working arrangements.

2.3 This policy intends to support agile working within the organisation and deployment of any agile work-style.

2.4 This policy does not negate or supersede the Flexible Working Policy of the Council that already exists for use by all employees.

## 3. Scope

3.1 This policy applies to all 'eligible', directly employed staff within the Council regardless of whether they are fixed-term, permanent, full or part-time.

3.2 The decision to agree to a employee agile working is dependent on a number of factors including, but not limited to:

- the requirements of the role
- the facilities in place to support the particular employee
- the service being delivered by the employee's department and
- the organisation as a whole
- the welfare of the employee.

3.3 The decision to adopt agile working will need to be mutually agreed by the employee and the organisation and be supported by clear objectives and performance measures/work outputs.

## 4. Definitions

4.1 The following definitions apply throughout this document;

**Employees:** all directly engaged employees of Tamworth Borough Council.

**Agile Working:** a flexible and more sustainable way of working with employees who are not fixed to one location and desk and have the tools to work anywhere at any time,

4.2 Agile working can be undertaken in the following work styles:

### Home Worker

- Home based for most of the time
- Does not have a dedicated workstation at Marmion House or at any other Council venue
- Has a fully equipped home workstation (either laptop or desktop)

### Hot Desk Worker

- Based at Marmion House (or other Council venue) for most of the time
- Has access to standard workstation at Marmion House (or other Council venue)

### Fixed Desk Worker

- Based at Marmion House for the majority of their working day
- Has access to a specific workstation at Marmion House
- Has non standard technology requirements
- To comply with DDA requires specific non moveable equipment to fulfil their job role

### Remote Worker

- Mobile roamer for most of their working day
- Needs access to dock / synchronise in various locations
- Has remote technology requirements
- Has the ability to or spends most of their working day in a variety of locations

### Hybrid

- Any combination of the above

### 4.3 PDR:

Personal Development Review, the annual process of appraising and reviewing the work performance of an employee and agreeing objectives or development needs for the forthcoming year.



## 5. Responsibilities

### 5.1 Corporate Responsibility:

- The Chief Executive (Head of Paid Service) on behalf of the Council carries overall responsibility for ensuring that the Council has the appropriate processes in place which adequately and appropriately supports its employees, regardless of what working pattern or arrangement they have.
- The HR team is responsible for providing advice, guidance and training on this procedure.
- The Head of Organisational Development is responsible for reviewing, updating and amending this procedure to reflect changes in legislation or employment practice.
- Directors are responsible for establishing their own arrangements to ensure:
  - (a) Effective implementation of the policy
  - (b) Continued service delivery; and
  - (c) Consultation with their employees on these arrangements.
- Directors are responsible for delegating authority to Heads of Service/Service Managers to take action under this policy, as appropriate.

### 5.2 Management Responsibilities

Managers are responsible for:

- Ensuring they comply with this procedure and apply it effectively, fairly and consistently within their area of responsibility.
- Ensuring all employees are made aware of this procedure, their rights and their responsibilities, as outlined in the procedure.
- Obtaining, where appropriate, approval, advice or guidance.
- Referring to and complying with other relevant Council policies, procedures and guidelines which impact on agile working, such as the Council's ICT procedures.
- Meeting their duties in relation to health and safety by undertaking appropriate risk assessments and acting on any areas of concern for employees who they are responsible for, as outlined in section 7 of the procedure.
- Ensuring that they agree appropriate arrangements for any employee who undertakes agile working.
- Setting and monitoring defined performance measures or work outcomes, in line with the Council's PDR Policy, and acting on these where appropriate for each employee who is agile working
- Jointly agreeing with the employee their agile working style and how this will be achieved.
- Being flexible, open and constructive in discussing and agreeing agile working arrangements, whilst remaining focused on the needs of service.
- Ensuring their actions they do not expose the Council to any unnecessary financial, legal or contractual risk.

### 5.3 Employee Responsibilities

Employees are responsible for;

- Complying with this procedure in a reasonable, constructive and appropriate manner.
- Jointly agreeing an agile working style with their manager. When agreeing how this will be achieved, careful consideration should be given to all of the necessary requirements in order to determine how / if their post can adopt this style of working.
- Being flexible, open and constructive in discussing and agreeing agile working arrangements, whilst remaining focused on the needs of service.
- Working within the agreed "housekeeping rules" (e.g. maintenance of Council equipment, appropriate work area for working at home etc.) and abiding by the all council Policies (available on the intranet) whilst working in this way.
- Comply with health and safety policy and procedures by participating in and undertaking risk assessments; carrying out any necessary actions to minimise risk; maintain a safe working environment and take reasonable care of their own safety, as outlined in section 12 of this policy.
- Consulting with any necessary parties, such as landlords, insurance or mortgage companies, regarding home working.

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## **Agile Working Procedure**

### **1. Agile Working**

1.1 It is recognised that some Council roles prevent the employee from being totally flexible with their working arrangements. However, there is considerable scope in many cases to adopt an agile style of working such as working at a variety of different Council locations due to the needs of their role, working within the community and/or client sites, ad-hoc home working and hot-desking. The way an employee undertakes agile working will depend upon their role and the demands and needs of department they work in.

1.2 The various forms of 'agile' working (Section 4 of the Agile Working Policy), which are referred to as work styles are covered within the remit of this policy and procedure and do not replace the Flexible Working Policy which remains available for all employees.

1.3 The agile work style will be jointly determined by a manager and an employee, taking into consideration the most appropriate work style to support effective delivery of the service.

1.4 When agreeing an agile work style, it is important for the manager and the employee to agree the practical and operational arrangements. Expected work outputs for the employee and the arrangements for communication, support and housekeeping rules need to be in place before the employee undertakes agile working.

1.5 Ad-hoc home working arrangements will only be agreed where the employee can guarantee attendance at any Council location at short notice, should the need arise.

1.7 Working patterns, working hours and contact arrangements should be agreed in advance and shared with colleagues to ensure the employee has privacy when they are not working, enabling them to separate their working and home lives.

### **2. Criteria to be used for agreeing Agile Working arrangements**

2.1 Each post will be treated individually according to the agile working arrangements requested by the employee. The role of the employee, the potential impact on the department and the potential impact on the service will be looked at before agreeing to a new working style. The final decision will be based on the impact to service delivery.

2.2 A variety of factors need to be taken into consideration before agreeing to an agile working request. All employees have access to the agile working process but outcomes may differ as the impact on service delivery will not be the same for all departments.

2.3 The manager and employee will determine what agile work style, or combination of work styles, is most suited to the post.

2.4 The following will be taken into account:

- The effect on the ability to meet customer demand (internal and external to the Council)
- The ability to organise work among existing employees.
- The impact on work quality or performance.
- Planned structural changes to the service, department or the Council.
- Rotas of individual departments.
- Whether the job can only be carried out in an office environment (but hot-desking will always be considered in these circumstances).
- Relevant performance related issues as already discussed between the manager and the employee.
- Financial considerations e.g. cost of providing equipment/technology.

2.5 Eligible employees wishing to undertake agile working arrangements should complete the Application for Agile Working form (**Appendix 1**) and submit this to their line manager. A meeting will be held to discuss the application for agile working. The decision will be confirmed in writing within a maximum of 4 weeks from the date of receipt of the application.

2.6 If the manager is rejecting the request for agile working then the business grounds for refusing the application and the appeal procedure must be specified as per the Flexible Working Policy. A manager may only refuse the application if there is a clear business reason relating to one or more of the following:-

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

### **3. Costs**

3.1 If a member of staff is approved for agile working they will be provided with the necessary equipment to work in this way, such as a laptop, mobile phone or handheld device. The employee should use the council's equipment whilst agile working and will not be eligible to claim expenses for use of personal equipment such as home phone lines.

3.2 Employees are responsible for any home internet broadband costs and increased energy or heating costs whilst working at home on an ad-hoc basis.

#### **4. Normal contractual base**

4.1 The employee's contractual designated base will remain unchanged. Employees who have an agile working arrangement which includes working from home or from a non-Council site will continue to have a contractual base of an appropriate Council location.

#### **5. Review**

5.1 A review will be undertaken if agile working arrangements are deemed to be unsuccessful. Management or the employee can request a review of the agile working arrangements at any point. Agile working arrangements should be reviewed as part of the annual PDR process.

5.2 If problems arise every effort will be made to resolve these. However, in some cases, it may be necessary to terminate the agile working arrangement. If the agile working arrangement is terminated, the employee will revert back to their previous working arrangement.

5.3 Managers will only terminate agile working arrangements for sound business or performance reasons and after fully consulting the employee.

#### **6. Property and liability insurance**

6.1 Computers and other items of equipment provided by the Council as part of the agile working arrangement will be covered by the Council's insurance policy.

6.2 Home workers are required to contact their own insurance company to inform them that they will be working at home. This does not usually result in an increase in premium and it is unlikely that working from home will affect cover. The council may reimburse any increase in premium should this occur. An example letter for use can be found at **Appendix 4** – Home Based Workers' Letter to Insurers.

6.3 Liability insurance arranged by the Council will operate once the risk assessments are completed satisfactorily,. Risk control measures identified as a result of risk assessment must be addressed prior to the agile working arrangement commencing.

6.4 If an employee has any personally adapted equipment (e.g. left-hand orientation or widescreen laptop) that they require in order to undertake their duties then this will be specifically allocated to them and will be for their use wherever they are working under this arrangement.

6.5 Employees working at or from home are covered by the Council's Employer's Liability Policy. Any accidents must be reported immediately in accordance with the Council's health and safety guidelines.

6.6 Although covered by the council's Employer's Liability Policy, employees working at or from home are advised to ensure their home contents policy has public liability

cover for at least £1 million. This is a standard clause in most home insurance policies. If an employee does not have such cover then they must notify their manager who should seek appropriate advice from the Insurance Section.

6.7 Before commencing home working, employees should advise mortgagees or landlords that they intend to work at home. The Council will not be responsible for any additional costs as a result. An example letter for use can be found in **Appendix 5** – Home Based Workers' Letter to Mortgage Lender, Landlord, etc.

6.8 Using a room or part of a room to work in would not normally require planning permission.

6.9 Working from home should not effect your payment of Council Tax.

## **7. Health & Safety Risk Assessment**

7.1 To comply with all relevant health and safety legislation the council must undertake appropriate risk assessments for each member of staff who is agile working. These risk assessments will look at the employees work activities and if any issues are raised as a result of these risk assessments necessary action will be taken; this could include suspending the agile working arrangements.

7.2 All Tamworth Borough Council employees, including those who are agile working, have a responsibility for health and safety. Employees undertaking agile working have the same duty to take care of their own safety and maintain a safe working environment. The Home Working Agreement (**Appendix 2**) must be completed for all employees who may work from home.

7.3 Due consideration to lone working arrangements should be explored fully between the service manager and employee to ensure safe working arrangements are in place.

7.4 A full completed and signed Health and Safety Home Risk Assessment (**Appendix 3**) will be carried out if any part of an employees working style requires them to work from home. This will need to be carried out again if any substantial changes are made to the working environment or arrangements. Employees must fully participate in completing the necessary risk assessment paperwork and review this with their manager.

7.5 When working from home, even if it is only on an ad-hoc basis, the employee has a responsibility to ensure they have an appropriate workspace with adequate security, storage and screening from activities and noise in the rest of the home. There must also be adequate ventilation and lighting.

## **8. Data Protection issues**

8.1 The provisions of the Data Protection Act 1998 must be complied with in relation to the security of information at all times no matter what work location is used or working pattern is followed by an employee.

8.2 Appropriate security requirements must be met in relation to equipment and Council information in accordance with the Data Protection Act 1998. When dealing with personal information the same measures must be applied as if working in the office.

8.3 When working in a mobile manner, the employee is responsible for the security of equipment, software, files and any other information in their possession, including the transportation of such items whenever outside of the council office environment. It is particularly important to ensure that non-authorised personnel (in the home environment or whilst working off site) cannot gain access to confidential or personal information as defined by the Data Protection Act 1998.

8.4 All Council paperwork should be securely locked away and only be accessible to the employee. Considerations should be made when working remotely on laptops to ensure that the screen cannot be overseen by others and precautions taken to avoid laptops being stolen or lost.

8.5 Only Council issued and encrypted USB storage devices with council approved encryption should be used.

8.6 Any paper based documentation that contains personal or confidential information must be disposed of securely by either cross shredding off site or brought into the council for disposal in the appropriate confidential waste containers.

8.7 Files containing personal and/or confidential information must not be copied/transferred and stored to any non council equipment. All mobile devices should feature security encryption.

## **9. Conditions of service/policies and procedures**

9.1 All of the Council's terms and conditions of service, policies, processes and guidelines still apply to agile workers, including absence reporting, booking leave, requesting emergency time off etc.

## **10. Communication and Contact**

10.1 Arrangements should be made for effective communication to be maintained between the employee, line manager and colleagues / team.

10.2 It is essential for regular team meetings to be undertaken in order to develop and maintain relationships. Appropriate communication and support channels must also be made available.

10.3 Employees must ensure that they do not give out their personal telephone number for work purposes.

## **11. Monitoring**

11.1 Relevant post holders within the Council will audit and review the implementation of this process to ensure managers and employees across the

organisation are complying with this procedure. Any issues or concerns will be raised to the relevant Director as appropriate.

## **12. Associated Policies and Procedures**

- Flexible Working Policy
- Health and Safety Policy and Procedure
- Policy for Safe Management of Display Screen Equipment at Work
- Information Management and Technology Policy and Procedures
- Security Policy
- Business Conduct Policy
- Confidentiality Policy
- Data Protection Policy
- Personal Development Review Policy
- Agile Working – Managers Guidelines ‘Supporting Agile Workers
- DBS (Disclosure and Barring Service)
- Travel Allowance
- Working Time
- Personal Safety Policy
- Acceptable Use Policy

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Agile Working Policy and Procedure

APPLICATION FOR AGILE WORKING

Print Name .....

Department .....

Post Title .....

When applying for changes to your working arrangements the following information must be considered and submitted to your Manager. This information will be the starting point for discussion between you, your manager and where necessary your colleagues. You may expect a written response within four weeks, after receipt of your request by the manager. If this is not possible, you will be kept informed of the reasons and advised of the expected timescales. Your application will be returned to you if you do not complete the questions stated.

Current work location..... Contact No: .....

Current number of working hours per week/working pattern .....

Which work style would you like to adopt (Section 2 of the Agile Working policy refers)?

.....

Requested number of hours to be home worked per week .....

Are you requesting a temporary or permanent (subject to a satisfactory trial period) home working arrangement? .....

If temporary, suggested termination date of home working .....

Please state reasons for request: (If wish to discuss this confidentially please indicate here.)

.....  
.....  
.....

What impact will this request have on your service?

.....  
.....  
.....

How do you think the service level can be maintained if your request is granted?

.....  
.....

Signature.....Date .....

## HOME WORKING AGREEMENT

**The agreement is to be completed by the employee.**

Please tick the boxes to confirm you will or have carried out the necessary actions. Please send a copy of this completed agreement to Human Resources Team who then attach the completed 'Home Working Assessment of Risk' checklist to confirm a risk assessment has been undertaken. Home working will initially be undertaken for a period of 3 months. Thereafter the arrangements will be reviewed and a decision taken on whether the arrangements will continue. Please initial each of the boxes to signify that you agree to these terms.

I will inform my manager of changes to my home or personal circumstances, which could affect my health and safety

I agree to provide reasonable access to my home by an employee of the Council, or their representative in order for them to undertake any Health & Safety assessments, provide maintenance/repair to council equipment, or the undertaking of relevant audit activities. All access requirements will be discussed prior to the visit, and appropriate notice given.

I have informed my landlord / mortgage / Insurance company in writing of my intention to work at home (please attach a copy of the letter – Appendices 4 and 5 apply).

I am aware of the security measures required and the sensitive nature of the data I am working with. I agree at all times to protect access, maintain and store the data securely and confidentially in line with the Data Protection Acts and Council requirements. My computer will not be used by anyone other than myself.

I am aware and understand my requirements to notify my manager when I am unable to work or absent from work due to sickness or any other reason. I will also continue to use flex logging in and out at home in line with the procedure.

In the event of home working ceasing I will co-operate with the Council in arranging a time for any equipment to be collected or I will return the equipment to the Council within 5 working days of home working ceasing.

I am aware and understand the requirement to report any work-related accidents whilst working at home and of the actions I am required to take in an emergency.

I agree to attend the office (location to be confirmed as appropriate) for regular communications/meetings as defined by my manager.

I am aware that I must continue to comply with all Council policies, practices and procedures.

I'm aware that regular performance reviews will be conducted

I agree to work in accordance with the times agreed with my Manager as follows \_\_\_\_\_ and to *supply accurate records of my hours worked.*

I agree to provide the Council with a contact phone number that can be used for work purposes during work hours or arrange for my calls to be directly forwarded.

**Line Manager Discussions** (*within this section the manager should consider and document the full business case including costs/benefits/savings*)

.....  
.....  
.....  
.....  
.....  
.....  
.....

Equipment likely to be required at home:  
.....  
.....  
.....

Approved by: Line Manager Name.....

Yes/No..... Date.....

If no, please briefly state reasons:  
.....  
.....  
.....

Please forward a copy of this document to Human Resources Team.

## HOME WORKING ASSESSMENT OF RISKS

	Yes	No
<b>1. Fire</b>		
Is your means of leaving the home free from obstructions? Do you have a smoke alarm or fire extinguisher?		
<b>2. Accidents / First Aid</b>		
Do you have first aid equipment available? (e.g. plasters) Who will any accidents or sickness be reported to:		
<b>3. Electricity</b>		
Are all electrical outlets (sockets) in a sound condition? Has any equipment you have been supplied with been PAT tested Who can you contact for repairs and maintenance for work equipment?		
<b>4. Manual handling</b>		
Will the task include lifting or carrying, especially up the stairs? Have you received training for lifting safely?		
<b>5. Display Screen</b>		
Are screen characters well-defined and of adequate size and spacing?		
Are screen images flicker-free / stable?		
Can screen brightness and contrast be adjusted?		
Is the screen free from glare and reflection?		
Is the screen positioned correctly to enable comfortable use?		
Is a screen cleaning kit provided?		
<b>6. The Keyboard</b>		
Can the keyboard be tilted?		
Is the keyboard separate from the terminal?		
Does the keyboard have a non-reflective surface?		
Are the keyboard characters clearly defined?		
<b>7. The Work Desk</b>		
Is the work desk large enough for all the equipment?		
Are the surfaces non-reflective?		
Is there a document holder available, if required by the user?		
Is there sufficient space in front of the keyboard to allow users to rest hands/wrists?		
<b>8. The Pointing Device</b>		
Has a pointing device (mouse) been provided which is a suitable type for the user and the work involved?		
Is the device suitably positioned so that the user can adopt a safe, comfortable working posture?		
Are regular breaks taken from using the device?		
Is there a suitable surface on which to use the device?		
Are arrangements in place for cleaning and maintenance of the		

device?		
	Yes	No
<b>9. Work Chair</b>		
Is the work chair stable?		
Can the chair height be adjusted?		
Can the backrest be adjusted for height and tilt, independently of the seat height?		
Can both feet be placed on the floor when in comfortable working position?		
Is a footrest available if required by the user? (n/a if not necessary)		
<b>10. The Environment</b>		
Is this room of a size that is comfortable to work in? (You must supply a photo of the workstation & area)		
Is there sufficient space for comfortable handling of documents and telephone etc.?		
Is the lighting adequate at the workstation?		
Is the general lighting adequate to prevent excess lighting contrast when the user looks away from the screen?		
Is the temperature at the workstation comfortable?		
Are heat levels emitted by the equipment under control?		
Are noise levels comfortable?		
Is ventilation of the area adequate and comfortable?		
Is the relative humidity comfortable?		
<b>11. Health</b>		
Is the identified user free of eyesight problems?		
Has the identified user requested or been offered an eyesight test?		
Where appropriate, does the identified user wear eye correction provided as a result of an official eyesight test?		
Is the user free of aches, pains, or sensory loss (tingling or pins and needles) in the neck, shoulder or upper limbs?		
Is the user free of restricted joint movement, impaired finger movements or grip or other disability?		
Is the user free of fatigue or stress?		
<b>12. Training, Information and Work Planning</b>		
Has the identified user received training in the use of DSE and software system(s)?		
Has the identified user received training or information in identifying and correcting workstation hazards, including equipment adjustments?		
Is there a written record of the identified users training?		
Has the work been planned to include breaks and changes in activity to avoid excessive exposure to DSE work?		
Can the identified user take regular breaks from DSE work?		
<b>13. Contact and Support</b>		
Please name who can you contact for safety advice?		
<b><u>Manager Name:</u></b>		
<b><u>Safety Advisor Name:</u></b> Steve Langston – 01543 308107 Jason Hodges – 01543 308107 / 01827 709415		

**In order for you to remain in contact with the office is it a requirement that you provide a contact phone number that can be used by management during normal at work hours.**

**Please list the contact phone number here:**

Any Other comments:

Signature of Employee:

Date:

Signature of Manager:

Date:

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<b>Actions Required</b>	
(if none please state none)	Completed by & date
<b>Fire</b>  <b>Accidents / First Aid</b>  <b>Electricity</b>  <b>Manual Handling</b>  <b>The Display Screen</b>  <b>The Keyboard</b>  <b>The Work Desk</b>  <b>The Pointing Device</b>  <b>The Work Chair</b>  <b>The Environment</b>  <b>Health</b>  <b>Training, Information &amp; Work Planning</b>	
<b>Review by DSE Assessor / Manager / Health and Safety Advisor</b>	
<b>Name</b>	
<b>Signature</b>	

DRAFT

<i><b>Actions Required</b></i>	
<b>Date of Review</b>	

DRAFT



**AGILE WORKING – HOME BASED WORKERS LETTER TO INSURERS**

Address Line 1  
Address Line 2  
Address Line 3  
Address Line 4

<date>

Dear <salutation>

Insurance Policy No (where appropriate)

I have agreed with my employer, Tamworth Borough Council that I will be working at home under Tamworth Borough Council's Agile Working Employment Policy.

Tamworth Borough Council will provide me with the following items of office furniture and equipment to enable me to work at home.

(List all equipment)

XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX

The equipment remains the property of Tamworth Borough Council, and is insured by them in respect of property damage and third party liability risks.

I require written confirmation of receipt of this letter and acceptance of these terms. I would be grateful for an early response.

I would appreciate your confirmation that this will not affect in any way the validity or cost of my household insurance cover which is placed with you (policy number as above).

Yours sincerely

Agile Working Policy and Procedure

**HOME BASED WORKERS LETTER TO MORTGAGE LENDER, LANDLORD,  
ETC**

Address Line 1  
Address Line 2  
Address Line 3  
Address Line 4

<date>

Dear <salutation>

Policy No. (Where appropriate)

I have agreed with my employer, Tamworth Borough Council that I will be working at home under Tamworth Borough Council's Agile Working Employment Policy.

Tamworth Borough Council will provide me with the following items of office furniture and equipment to enable me to work at home.

(List all equipment)  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX

The equipment remains the property of Tamworth Borough Council, and is insured by them in respect of property damage and third party liability risks.

The area set aside in my home will not be used exclusively for business purposes and there will be no structural alterations to the property. There will not be a marked rise in traffic or in people visiting at the property and there will be no disturbance to neighbours as a result of my working from home.

I require written confirmation of receipt of this letter and acceptance of these terms. I would be grateful for an early response.

Yours sincerely

Reimbursement of Expenses – Agile Working

Description	Basis for Claim	Evidence Required	Method of Payment	
Travel Expenses	Mileage will be reimbursed in accordance with TBC Travel Policy with the employees' team base or contractual location as their designated work base.	As per car user status	Reimbursement through salary upon receipt of claim	M
Telephone access	Business calls made from home phone. (Where no home phone exists consideration of mobile phone provision paid for by service area)	Phone bill highlighting business calls	Reimbursement through salary upon receipt of claim	
Internet access	Dedicated telephone line for computer/ business use only – due to volume of usage by <i>Home Worker</i> . (Installation only considered for long term home working)	Telephone line in Council's name. Bills to be checked by manager.	Reimbursement through salary upon receipt of claim	

<p>Telephone and Internet access</p>	<p>Connection fees charged by an Internet Service Provider. (Installation only considered for long term Home Worker)</p>	<p>Ordered through TBC</p>	<p>Connection paid by service area</p>
<p>Heating/Lighting/ Power and other household expenses e.g. insurance</p>	<p>Increase in costs of utilities (gas, electricity, oil etc) as a result of <i>Home Working</i>.</p>	<p>None required.</p>	<p>No allowance as the cost will be off set by savings on travelling to and from work.</p>
<p>Desks/Chairs/ Laptops/Computer/storage/handheld devices/mobile phones</p>	<p>All necessary equipment will be provided as per Worker Style</p>	<p>Completion of AW request and authorisation by Manager</p>	<p>ICT infrastructure provided directly by Council  Other equipment paid by service area</p>

Office Supplies (Stapler, hole punch, stapler remover, stationary etc)	Required to perform the duties of the job	Management decision	Order through service area stationary ordering system.
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DRAFT

## Agile Working Policy and Procedure

## EQUALITY IMPACT ASSESSMENT

Is this a new or existing policy?	New		
1. Briefly describe the aims, objectives and purpose of the policy?	To provide a framework for employees who undertake mobile or 'agile' working, and ensure consistency and fairness when implementing such Arrangements		
2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?	All TBC Pay & Conditions Policies, HR, ICT, Financial and health and safety policies		
3. Who is intended to benefit from this policy and in what way?	Employees – improved work/life balance Council – improved efficiency, increased resilience Council customers – VFM, increased access to service		
4. What are the desired outcomes from this policy?	Transparency, consistency of application and equality / fairness to all employees		
5. What factors/ forces could contribute/ detract from the outcomes?	Ability to ensure funds available for investment. ER issues. Productivity decreases Different management interpretations of the procedures ICT not suitable /available H&S issues/risk not managed		
6. Who are the main stakeholders in relation to the policy?	Trades unions, all employees and Chief Officers of TBC, members and all customers		
7. Which individuals/ groups have been/ will be consulted with on this policy?	TULG, CMT, Members		
8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?	Y		Biennial review to assess any adverse impact on this group.
9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?	Y		Biennial review to assess any adverse impact on this group.
10. Are there concerns that the policy <u>could</u> have a differential impact due to them being transgender or transsexual?		N	Please explain
11. Are there concerns that the policy <u>could</u> have a differential impact due to disability?	Y		Biennial review to assess any adverse impact on this group. Home working aspect of AW could be offered during the phased return to work - again impact to be monitored
12. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?	Y		Potential claims of indirect sex discrimination could be made if women's request to work flexibly to look after children is denied without good reason – impact of reasonableness and impact to be monitored.
13. Are there concerns that the policy <u>could</u> have a differential	Y		Biennial review to assess any adverse impact on this group.

<b>impact due to age?</b>			
<b>14. Are there concerns that the policy <u>could</u> have a differential impact due to religious belief?</b>		N	Please explain
<b>15. Are there concerns that the policy <u>could</u> have a differential impact on Gypsies/ Travellers?</b>		N	Please explain
<b>16. Are there concerns that the policy <u>could</u> have a differential impact due to dependant/caring responsibilities?</b>	Y		Biennial review to assess any adverse impact on this group.
<b>17. Are there concerns that the policy <u>could</u> have a differential impact due to them having an offending past?</b>		N	Please explain
<b>18. Are there concerns that the policy could have an impact on children or vulnerable adults?</b>		N	Please explain
<b>19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?</b>		N	Please explain
<b>20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?</b>		N	Please explain
<b>21. Can this adverse impact be justified:</b> <ul style="list-style-type: none"> <li>• on the grounds of promoting equality of opportunity for one group?</li> <li>• For any other reason?</li> </ul>		N	Please explain
<b>22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?</b>	Y		The trial period will help inform this assessment before full implementation
<b>23. As a result of this EIA should this policy be recommended for implementation in its current state?</b>	Y		The policy has been informed by a trial project and consultation with trade unions

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24 OCTOBER 2013

**REPORT OF THE PORTFOLIO HOLDER OPERATIONS AND ASSSTS AND  
APPOINTMENTS AND STAFFING COMMITTEE****THE PENSION AUTOMATIC ENROLMENT POLICY STATEMENT FOR TAMWORTH  
BOROUGH COUNCIL****EXEMPT INFORMATION**

None

**PURPOSE**

This report seeks endorsement of Tamworth Borough Council's proposed Pension Automatic Enrolment Policy and its subsequent recommendation to Cabinet.

**RECOMMENDATIONS****That the Committee**

- **Approve the proposed Pension Automatic Enrolment policy**
- **Recommend formal approval of the policy by Cabinet**
- **Approve application of transitional delay until October 2017**

**EXECUTIVE SUMMARY**

With effect from 1<sup>ST</sup> January 2014 Tamworth Borough Council must auto enrol eligible employees into the Local Government Pension Scheme (LGPS). The Council automatically enrolls all new employees into the LGPS with the exception of casual employees who are notified that they are allowed to opt into the current LGPS scheme following the introduction of the new regulations in October 2012.

The Policy at Appendix 1 sets out the approach the Council will use to manage the auto enrolment process from our staging date 1<sup>st</sup> January 2014 and details the financial impacts of the new regulations in light of our approach.

The key points of the policy are:

- 1) All workers will need to be assessed prior to the staging date to identify those who are eligible for auto enrolment and those who may simply opt in.
- 2) The Council can choose to delay bringing in eligible employees until Oct 2017. This is known as transitional delay and this report sets out the costs and implications of applying transitional delay which will reduce the financial risks to the authority.
- 3) Based on 2012 salary payments the indicative costs of applying auto enrolment are attached in appendix 2. This can be as high as £239,000 although indications from other local authorities (Staffordshire County Council) are that take up rate for opting into or remaining in the scheme once auto enrolled is as low as 10%.
- 4) Auto enrolment for opted out eligible employees must occur every 3 years – employees can still opt out. This will be a huge administrative overhead and will require close management of all employees especially casuals.
- 5) Communication to the entire workforce will be key to this process and will include: the

use of pin board information, a dedicated page relating to pension auto enrolment on Infozone, website pension auto enrolment page and information via email to employees.

- 6) Letters must be sent to all individual employees including casuals at the staging date with what this means for them. This policy does not apply to elected members.
- 7) Since 1<sup>st</sup> July 2012 Tamworth Borough Council has employer duties with regard to the safeguarding of individuals to ensure that employees are not treated unfairly with regard to auto enrolment or the employer does not take or fail to take action that results in them not being auto enrolled.
- 8) This new process will need system support to enable payroll to monitor this effectively each month. ITrent will be a supporting system but as the needs are employer specific for qualifying earnings, there may be an additional cost to support this but at this point these are not known.

This statement has been communicated to all recognized Trade Unions and in accordance with the Act will need to be formally approved by Cabinet and full Council.

### RESOURCE IMPLICATIONS

Additional administration will be required in the first instance for putting procedures and processes in place to ensure compliance, communication to the whole workforce, dealing with employee's queries and assessing the workforce. Additional monthly administration will be required to distribute the correct information to the different categories of workers within a strict time frame, notification of additional information to SCC, monthly assessment of workers and auto enrolment duties to tight timescales, manage opt in, opt out and refunds. It is anticipated that this additional administration can be met within existing staffing resources but this will need to be reviewed once the process commences.

While there is the potential for increased costs of £239,000 pa which could directly affect service costs in year, it would not affect the budget forecast initially as all salary budgets are currently prepared including an employers on-cost percentage (including employers pension costs).

The situation would have to be monitored in the first year of operation to determine the potential impact on service costs and therefore budgets for future financial planning.

### LEGAL/RISK IMPLICATIONS BACKGROUND

The maximum risk the Council could be exposed to in terms of additional employers pension could be £239,000 per annum, however experience of other Local Government employers is that take up can be as low as 10%

Employer Pension liability (based on 2012 salary payments)

	2014
Auto enrolled eligible permanent staff	* £201,800
Auto enrolled eligible casual staff	£8,400
Opt in non eligible permanent staff	£13,200
Opt in non eligible casual staff	£15,600
Total additional employer contributions	<u>£239,000</u>

\* due to transitional delay this maximum figure is unlikely as it would require all staff to opt in prior to Oct 17

Failure to comply with the automatic enrolment requirements could lead to enforcement action being taken by the pension Regulator including fines, it is therefore imperative that procedures are put in place to ensure compliance.

### **BACKGROUND INFORMATION**

The purpose of the statement is to provide information and confirm processes with regard to our employer duties for Pension Automatic Enrolment under Pension reform. Once approved by full Council, this policy will come into immediate effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

### **REPORT AUTHOR**

Tina Beech : Payroll Manager

### **LIST OF BACKGROUND PAPERS**

### **APPENDICES**

1. Pension Auto Enrolment Policy

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## Pension Automatic Enrolment Policy

Document Status: Draft

Document Ref: DOC PAEP001

Originator: Christie Tims

Updated: Tina Beech

Owner: Anica Goodwin

Version: 01.01.01

Date: 27/06/2012

**Approved by Corporate Management Team / Appointments and Staffing  
/ Cabinet**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is Director of Transformation & Corporate Performance.

## Revision History

Revision Date	Version Control	Summary of changes
Draft		

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved

### Approvals Minor Change and Scheduled Review

Name	Title	Approved

## Approval Path

### Major Change

Originator  
 Owner  
 Trade Unions & LGPS  
 CMT  
 Appointments & Staffing Committee

### Action

Christie Tims  
 Anica Goodwin  
 Consultative group  
 Corporate Approval  
 Council Approval

### Minor Change

Originator  
 LGPS  
 John Wheatley

### Action

Christie Tims  
 Consultative Group  
 Delegated Approval

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

## Distribution

The document will be distributed through NETConsent as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

## **Pension Auto Enrolment Policy**

### **1. Introduction**

From 1<sup>ST</sup> January 2014 Tamworth Borough Council must automatically enrol all qualifying workers into its pension scheme. This is in response to the Pensions Act 2008 which requires all employers to auto-enrol qualifying workers into a qualifying pension scheme to save for their future.

The LGPS will be a qualifying scheme. Regulations have been amended with effect from 1<sup>st</sup> October 2012 to allow casual employees and temp contracts of 3 months or less to be able to opt in to the pension scheme. The rules under LGPS do not allow us to operate an additional / other pension scheme.

### **2. Who will be eligible for automatic enrolment?**

From 1<sup>st</sup> January 2014 we will be required to enrol “eligible jobholders” automatically into a qualifying pension scheme (where they are not already a member of such a scheme)

An eligible jobholder is a person :-

- a) Working or ordinarily working in the uk
- b) At least 22 years of age and below state pension age, and
- c) To whom earnings of more than £9440 pa / £786.67 per month are being paid (2013/14 rates)

Other workers will be eligible to opt into the LGPS scheme.

NB: Office holders ie Councillors are excluded.

### **3. Who can opt out?**

SCC have confirmed that we will operate the LGPS scheme as we do currently – everyone who has contracted hours is automatically put into the scheme unless they opt out within the NEW “opting out” window (see below opting out)

If however an employee is under the earnings trigger and opts out under LGPS and then subsequently become entitled to auto enrolment under the pension reform rules if it's the first time they hit the earnings trigger, they will have to be auto enrolled under pension reform rules. This is only the case though if it is the first time they hit the earnings trigger, if they had previously hit the earnings trigger when they opted out this would not apply. This will need careful monitoring each month via the payroll system.

In order to monitor auto enrolment correctly there will be additional work within Payroll and HR on a monthly basis and to very tight timescales as all correspondence needs to be sent to all new starters and each employee in a new category in a timely manner in order for the assessment to take place. The assessment can only take place once all the monthly input has been completed. Once the assessment has been completed, payroll will then have to auto enrol, manage opt outs, manage refunds and only once this has all been done can the payroll then be run.

Additional work will also occur as if an employee is auto enrolled and subsequently opts out within the opt out period, a refund of contributions will have to be made via the payroll which will mean reversing and refunding any pension payment, ensuring the payroll records are correct and notifying Staffordshire County Council.

#### **4. Opting out**

Within one month of being automatically enrolled into the pension scheme or 1 month after receiving the statutory auto-enrolment information, whichever is the later, individuals will be able to opt out of the scheme and receive a refund of their contributions. Where an employee wants to leave a scheme after the end of the one month statutory opt out period they can do so in accordance with the normal LGPS rules.

NB: This will create additional work for Payroll and need careful monitoring as the new opt outs are only valid within certain dates i.e. opt out window is one month after their start date or one month after they receive the relevant information whichever is the latest date and these dates will be individual for each employee. In order to be able to manage this effectively we will require all employee's to return signed and dated when they received the pension information. If however we do not receive this information back we will have to use the date of one month after the start date.

Employers **MUST** still re-enrol eligible workers who opt out or leave the scheme every 3 years, but if an employee has opted out in the last 12 months they are not re-enrolled until the following 3 years auto enrolment.

#### **5. Assessing the workforce**

**Prior to our staging date and also on our staging date we must assess:**

- All workers who have a contract of employment or a contract to perform services personally (excludes office holders ie Councillors)
- **Any self employed person we currently pay via creditors.** All self employed contracts paid via creditors will need to be checked and assessed to see if they fall under the above for pension reform auto enrolment.
- Those who receive election payments - if they hit the age and earnings trigger, they will be automatically enrolled.



- Anyone else we pay as individuals in whatever capacity.

We must also make decisions on how we will treat multiple contracts – LGPS state that those employees with two or more separate contracts will be treated as two separate people for pension purposes, i.e. earnings not together even if aggregated on payroll for tax and nic. In the past TBC has issued multiple contracts where work is broken down into specific sections e.g. cleaning for different locations. In the future TBC will only issue separate contracts where the work is substantively different and from a different cost centre.

## **6. Categories of Workers**

Workers will fall into one of three categories

- a) eligible jobholder – auto enrolled
- b) non eligible jobholder – can choose to opt into a qualifying scheme
- c) Entitled workers – have a right to join a pension scheme but no ERS contributions – N/A to LGPS though. Employers pension will have to be paid on all employees but this category still has the right to opt in.

Which category a worker falls into will generally be determined by their age and level of earnings. Tamworth Borough Council will need to assess earnings on a pro rata basis in EVERY PAY reference period.

If a worker's earnings (especially casuals) exceed the earnings trigger during a pay reference period, they will need to be auto enrolled into the pension scheme, provide they meet the other eligible criteria, unless they have previously opted out within the opting out window.

This will be the case even if it results from a one off pay spike (i.e. backpay or bonus, overtime or casual hours claim forms) Care if 2 claims submitted in 1 month, it is treated as when paid and not what period worked so would be classed as 1 month.

Tamworth Borough Council will be required to enrol all eligible workers automatically into a qualifying scheme within one month of the worker becoming eligible.

Tamworth Borough Council will also be required to provide certain information to workers within one month of enrolment, including information about the pension scheme and their right to "opt out". Non eligible workers must be given basic information about the opportunity to opt into the pension scheme.

The payroll system will need to be updated to support us in complying with our new duties in monitoring workers eligibility and earnings levels and there may be an additional cost for this. Our current provider will be supporting the pension auto enrolment procedure.

As each employer may use different qualifying earnings the payroll system will need updating to take into account our own requirements.

## **7. Qualifying earnings**

Qualifying earnings is reference to earnings made up of the following components of pay that is due to be paid to the worker

- Salary ( we can include any pay elements that we class as “salary” please see appendix 1 attached for full list we intend to use
- Wages
- Commission
- Bonuses
- Overtime (elements 410, 410a, 411, 411a, 412, 412a)
- Statutory sick pay
- Statutory maternity pay
- Ordinary or additional statutory paternity pay
- Statutory adoption pay

### **It will not include:**

- Essential Car lump sum payments as we do not class this as salary
- Mileage
- Telephone Allowance
- Expenses
- Payroll giving
- First Aid allowance

## **8. Compliance**

Failure to comply with the automatic enrolment requirements could lead to enforcement action being taken by the Pension Regulator including fines, it is therefore imperative that procedures are put in place to ensure compliance.

If contributions are NOT collected and paid over within 3 months of due date, the EMPLOYER can be made to pay all contributions (employees & employers). This should not impact on Tamworth Borough Council as the pension contributions are paid over each month to Staffordshire County Council.

The pension regulator has powers to impose penalties for non-compliance.

## 9. Transitional delay

For eligible employees who have already opted out at out staging date, Tamworth Borough Council can opt to use transitional delay which means we can delay auto enrolment until Oct 17 for this group of employees at Tamworth's staging date of 1st January 2014. Tamworth Borough Council will issue them with a letter stating that we will not be auto enrolling them until Oct 17 so as to keep the costs of ERS pension (currently 19.6%) down for this group of employee's until Oct 17. **This approach is recommended.**

**Note: There are currently 72 employees who have opted out of the pension scheme, of which 14 of these have earnings under the qualifying earnings amount.**

## 10. Postponement

Tamworth Borough Council has the additional flexibility to choose to postpone automatic enrolment for a period of up to three months (calendar months). To exercise that choice, workers must be issued with a postponement notice. Postponement can only be used for a worker on certain dates:-

- a) 1<sup>st</sup> January 2014
- b) The first date of employment
- c) The date a worker meets the criteria to be an eligible jobholder after the 1<sup>st</sup> January 2014

The deadline for issuing the postponement notice is one month following the day after the date from which you wish to use postponement. If the notice is not issued, postponement can not be applied.

This flexibility means an employer could use postponement to :-

- a) smooth the process of staging eg auto enrol groups of workers at different points in the three month period (to save having to enrol everyone at the same time)
- b) Align auto enrolment with their existing payroll processes eg to avoid calculations of contributions on part period earnings or to maximise the amount of the opt out period that falls before payroll is run.

We can choose to use postponement in respect of one worker, some Worker's or all of their workforce.

We recommend the use of postponement for :

- Temporary contracts of 3 months or less

### **Deferral date for postponement**

The deferral date is the last day of the postponement period. It is the date on which they must assess the worker and it must be included in the postponement notice.

### **11. Safeguarding individuals**

TBC duties start July 12.

Employers must not take or fail to take action that results in either:-

- a) The jobholder ceasing to be an active member of the scheme
- b) The scheme ceasing to be a qualifying scheme

If either of the above should happen the employer must auto enrol the Employee.

An employer can not treat workers unfairly related to employer duties ie deny promotion or training because the employee has not opted out of the pension.

### **12. Communication to employees is key to this process**

We will need to start planning when and how we will communicate with our workforce. For staff who have not previously participated in the pension scheme, it is particularly important they appreciate the benefits of joining a scheme and the need to save for retirement.

It is critical that communication be compliant ie the literature **MUST NOT** in any way encourage or induce a member to opt out of the pension scheme.

### **Expected Actions**

- a) SCC to issue template letters for authorities to use
- b) At staging date TB must write to all employee's currently in the pension scheme to tell them about the scheme, that it's a good scheme and where more info about the scheme can be found.
- c) Send information to eligible jobholders each month
- d) Send information to non eligible jobholders each month
- e) Send information to entitled workers each month
- f) Send information for "transitional delay" employees
- g) Send information for "postponement" employees

### **13. Lifetime Allowance implications**

Any employee's who have registered with HMRC for enhanced or fixed protection (which essentially enables them to save more towards a pension before the lifetime allowance charge bites- are effectively prevented from accruing any further pension benefits under registered pensions schemes.

However these individuals are not excluded from the auto-enrolment regime. Therefore their employers will be required to enrol them automatically into a pension scheme when the new legal requirements take affect. Although they will have the right to opt out within the first month, if they do not they will certainly lose their protection and could face a significantly higher tax bill than they were expecting when they take their benefits. HMRC plan to take a strict approach on this issue. Therefore this issue will be raised in employee communications with reference to the ability to opt out if the employee wishes to maintain their tax protection.

**14. Additional information to be sent to SCC**

- Name, gender, DOB, NI number
- Home address and works address
- Email – work and home if known
- Automatic enrolment date
- Gross earnings in pay ref period
- Ee & er cont as % of amount of pen pay or qualifying earnings

Records must be kept for six years but SCC advise to keep electronically indefinitely in case of disputes later on down the line.

## **Appendix 1**

Elements to be included for Qualifying Earnings :-

- 1) Basic pay
- 2) Honorarium
- 3) Statutory sick pay
- 4) Statutory maternity pay
- 5) Overtime plain time
- 6) Overtime time half
- 7) Overtime double time
- 8) Occupational maternity pay
- 9) Returning officer fees
- 10) Standby overtime
- 11) Holiday pay
- 12) JE call out overtime
- 13) Unpaid leave
- 14) Occupational sick pay
- 15) Statutory paternity pay
- 16) Occupational paternity pay
- 17) Childcare voucher salary sacrifice
- 18) Cycle to work salary sacrifice
- 19) Casual P/T hrs (pensionable)
- 20) Casual holiday pay
- 21) JE call out payment
- 22) JE standby (week)
- 23) JE standby (weekend)
- 24) Market supplement
- 25) Special Licence
- 26) Shift allowance (10%)
- 27) Shift allowance (15%)
- 28) Responsibility allows
- 29) Deputy Register of Elector payment
- 30) Mayor driver hour's
- 31) Protection (10%)
- 32) Sleeping in allowance

Will not include the following elements

- 1) Essential car lump sum payments
- 2) Mileage
- 3) Telephone allowance
- 4) Expenses

- 5) Payroll giving
- 6) First aid allowance

## Equality Impact Assessment

Is this a new or existing policy?	NEW		
1. Briefly describe the aims, objectives and purpose of the policy?	To ensure TBC fulfils its aims for statutory automatic enrolment. To ensure all eligible workers are automatically entered into the LGPS pension scheme.		
2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?	LGPS pension regulations TBC policies associated with pension regulations.		
3. Who is intended to benefit from this policy and in what way?	All eligible employees will have a right to be in our pension scheme		
4. What are the desired outcomes from this policy?	That all employees have access to a pension for when they retire		
5. What factors/ forces could contribute/ detract from the outcomes?	Cost of deductions to individuals on limited incomes Complexity of administering the scheme Failure to include all eligible employees		
6. Who are the main stakeholders in relation to the policy?	Employees, trade unions, DWP, LGPS		
7. Which individuals/ groups have been/ will be consulted with on this policy?	Trade unions and LGPS		
8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?		N	Please explain
9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?	Y		Higher proportion of female staff are part time and take work breaks (associated with maternity) which could have an adverse effect on their pension.
10. Are there concerns that the policy <u>could</u> have a differential impact due to them being transgender or transsexual?		N	Please explain
11. Are there concerns that the policy <u>could</u> have a differential impact due to disability?	Y		Staff with disability may require ill-health retirement or work less hours due to their disability which will bring them below the threshold
12. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?		N	Please explain
13. Are there concerns that the policy <u>could</u> have a differential impact due to age?	Y		Eligible employees must be between 22years old up to state pension age
14. Are there concerns that the policy <u>could</u> have a differential impact due to religious belief?		N	Please explain
15. Are there concerns that the policy <u>could</u> have a differential impact on Gypsies/ Travellers?		N	Please explain
16. Are there concerns that the policy <u>could</u> have a differential	Y		As 9 above and 20 as below



impact due to dependant/caring responsibilities?			
17. Are there concerns that the policy <u>could</u> have a differential impact due to them having an offending past?		N	Please explain
18. Are there concerns that the policy could have an impact on children or vulnerable adults?	Y		Stress related to having to opt-out of the pension fund at frequent intervals
19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?		N	Please explain
20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?		N	Part time workers could be disadvantaged from accessing benefits due to multiple contracts rather than aggregated roles. Policy has recommended aggregation to overcome.
21. Can this adverse impact be justified: <ul style="list-style-type: none"> <li>• on the grounds of promoting equality of opportunity for one group?</li> <li>• For any other reason?</li> </ul>	Y		Application of Statutory guidance
22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?	Y		Please explain
23. As a result of this EIA should this policy be recommended for implementation in it's current state?	Y	N	Please explain

**PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS**  
**Equality Impact Assessment Action Plan**

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

ACTION/ ACTIVITY	RESPONSIBILITY	TARGET	PROGRESS
<b>Monitoring arrangements:</b>		<b>Data collected quarterly</b>	
<b>Publication:</b>			
<b>Review Period:</b>		<b>Reviewed 12 monthly unless otherwise stated</b>	

End of Document

24 OCTOBER 2013

**REPORT OF THE PORTFOLIO HOLDER FOR  
ENVIRONMENT AND WASTE MANAGEMENT SERVICES****GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2013-2016****EXEMPT INFORMATION**

Nil

**PURPOSE**

To seek Cabinet approval of Tamworth's Statement of Policy under the Gambling Act 2005.

**RECOMMENDATIONS**

- 1. Approve the Statement of Policy; and**
- 2. Refer the statement of policy to Council for adoption.**

**EXECUTIVE SUMMARY**

Prior to the implementation of the Gambling Act 2005, Tamworth published a statement of policy which, following widespread consultation, was subsequently adopted by the Council in January 2010. There is a requirement, however, under the Act for this policy to be reviewed every 3 years.

The review of the Policy was undertaken earlier this year using Gambling Commission guidance which is considered best practice for licensing authorities. The consultation included all relevant responsible authorities and interested parties including licence holders, residents and other interested bodies. No responses to the consultation were received.

Licensing Committee considered the Policy at its meeting on 8 August 2013 and resolved to endorse the proposed Statement of Policy subject to any comments received via the consultation.

The consultation has provided opportunity for all stakeholders and interested parties to assist in determining the Council's policy in respect of the Gambling Act. The final version of the Statement of Policy is attached as an **Appendix to this report**.

**RESOURCE IMPLICATIONS**

There are no financial implications arising directly from this report.

**LEGAL/RISK IMPLICATIONS BACKGROUND**

The publishing of a Statement of Principles is a legal obligation of the Council.

Reputation – The implementation and enforcement of the Gambling legislation will enhance the Council’s reputation.

Community Safety - (Crime and Disorder Act 1998). The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading, crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

Equality & Diversity – None, this report has been prepared having regard to the Council's Diversity and Equality Policies and Consultation requirements are set out in the report.

#### **SUSTAINABILITY IMPLICATIONS**

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

#### **BACKGROUND INFORMATION**

1. Guidance to Licensing Authorities, Gambling Commission, April 2012.

#### **REPORT AUTHOR**

*“If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head of Environmental Health. Ext 437*

#### **LIST OF BACKGROUND PAPERS**

Nil

#### **APPENDICES**

1. Proposed Statement of Principles 2013 - 2016.



**TAMWORTH BOROUGH COUNCIL**

**GAMBLING ACT 2005**

**DRAFT STATEMENT OF PRINCIPLES  
2013 - 2016**

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*This Statement of Licensing Principles was approved by [x] Council on [date]*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published June 2012.*

## **PART A -**

### **1.0 The Licensing Objectives**

- 1.1** The Gambling Act 2005 requires the Council as the licensing authority to carry out its various licensing functions with a view to promoting the following three licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - ensuring that gambling is conducted in a fair and open way; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2** It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3** This licensing authority in making decisions about premises licences and temporary use notices will aim to permit the use of premises for gambling in so far as the authority thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives and;
  - in accordance with the authority’s statement of licensing policy.

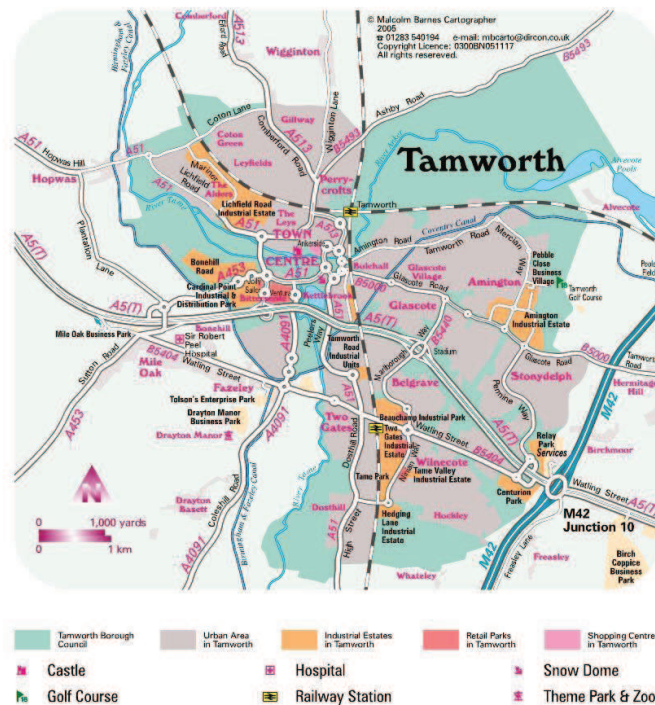
### **2.0 Introduction**

- 2.1** The Gambling Act 2005 introduced a new regime for the regulation of all forms of gambling in the United Kingdom and came into force in September 2007. It repealed the Betting Gaming and Lotteries Act 1963; the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and gave to local authorities new and extended responsibilities for licensing premises for gambling. Some responsibilities which previously lay with local licensing justices passed to the local authority, such as betting, casino gaming and bingo.
- 2.2** This document sets out the approach that Tamworth Borough Council as the licensing authority takes, in respect of the responsibilities given to it under the Gambling Act 2005.
- 2.3** The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.

2.4 Tamworth's resident population of around **76,800** makes it one of the main urban centres in Southern Staffordshire. It has the highest population density (**24.9 people per hectare**) of all Southern Staffordshire districts and second only to Stoke on Trent (**26.6 people per hectare**) in the County as a whole. (**Source – Census 2011, ONS**).

2.5 The Council area is illustrated on the map below

**Map of Tamworth Borough**



2.6 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every 3 years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.7 Tamworth Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided at **Appendix 1**.

2.8 The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.



**2.9** Our consultation will take place between July 2013 and October 2013 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

**2.10** The full list of comments made and the consideration by the Council of those comments is available by request to:

Environment Health and Regulatory Services, Public Health Team,  
Tamworth Borough Council, Marmion House Lichfield Street,  
Tamworth, B79 7BZ  
or via the Council's website at: [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

**2.11** This draft will be presented for approval at future Committee/Full Council and published via our website. Copies will be placed in the public libraries of the area as well as being available in the Council Offices at Marmion House, Lichfield Street, Tamworth B79 7BZ.

**2.12** Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Head of Environmental Health  
Environment Health and Regulatory Services  
Tamworth Borough Council, Marmion House Lichfield Street,  
Tamworth, B79 7BZ  
or via email: [publicprotection@tamworth.gov.uk](mailto:publicprotection@tamworth.gov.uk)  
tel: 01827 709437; or 01827 709445

**2.13** This statement of principles will be applied during the 3 year period from 31 January 2013 until 31 January 2016 and during that time will be kept under review and revised when and if appropriate, during that 3 year period.

**2.14** This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. This statement is designed to be a strategic gambling policy, not an operational guide to the Act.

**2.15** It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3.0 Declaration**

**3.1** In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

**3.2** In carrying out its licensing functions the Authority will have regard to any guidance issued by the Gambling Commission from time to time.

**3.3** The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

**3.4** To ensure the licensing objectives are met, the Authority has a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

#### **4.0 Responsible Authorities**

**4.1** These are generally public bodies that must be notified of all applications and who are entitled to make representations to the licensing authority if they are relevant to the licensing objectives.

**4.2** Section 157 of the Act defines those authorities as:

- the Gambling Commission;
- the Police;
- the Fire Service;
- the Local Planning Authority;
- Environmental Health;
- HM Revenue and Customs;
- a licensing authority in whose area the premises is situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two).

**4.3** The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

**4.4** In accordance with the suggestion in the Gambling Commission's Guidance to licensing authorities, this authority designates the Staffordshire Safeguarding Children's Board, and the Health and Consumer Services Trading Standards Department or any successor Board or Directorate of Staffordshire County Council for this purpose.

**4.5** The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

## **5.0 Interested Parties**

**5.1** Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).”

**5.2** The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

**5.3** Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for licensing authorities at 8.11 and 8.19.

**5.4** It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

**5.5** Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

**5.6** If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Environment, Health and Regulatory Services Team on 01827 709445 or email [publicprotection@tamworth.gov.uk](mailto:publicprotection@tamworth.gov.uk)

**5.7** In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has

business interests likely to be affected, the licensing authority may take account of:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.

**5.8** In respect of representations made by a gambling business, the licensing authority will have regard to any guidance on this matter in current Gambling Commission Guidance to licensing authorities. The licensing authority should be satisfied that the relevant business is likely to be affected. In this respect the licensing authority should bear in mind that the “demand test” in the 1963 and 1968 Acts has not been preserved in the 2005 Act. Factors that are likely to be relevant include:

- the size of the premises;
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in the catchment area, that might be affected.”

**5.9** The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

**5.10** A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of principles.

## **6.0 Exchange of Information**

**6.1** Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section

350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

**6.2** The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

**6.3** Should any protocols be established as regards information exchange with other bodies then they will be made available

## **7.0 Enforcement**

**7.1** Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

**7.2** This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

**7.3** As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

**7.4** This licensing authority will also adopt a risk-based inspection programme based on

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of principles

- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 7.6 The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the Regulators Compliance Code and the Principal of the Legislative and Regulatory Reform Act 2006.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Head of Environmental Health, Tamworth Borough Council.

## 8.0 The Licensing Process and Delegation of Functions

### 8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

- 8.2 Applications are determined in accordance with the following delegation criteria:

## Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Council	Licensing Committee	Officers
3 year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting when appropriate		<b>Executive / Cabinet</b>	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			Refer to * below
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a		X	

<b>Matter to be Dealt With</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Officers</b>
counter notice to a temporary use notice			
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

X Indicates at the lowest level to which decisions can be delegated.

\* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.
- ii) Applications for more than 5 amusement with prize machines will be referred to Licensing Committee for determination.

## **9.0 Licensing Authority Functions**

**9.1** Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to commercial clubs;
- Grant Permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue licensed premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;



- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.2 The licensing authority is not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## **PART B**

### **PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

#### **10.0 General Principles**

10.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### **10.2 Decision – making**

10.3 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

10.4 Objections made on moral grounds to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section 13 on Casinos below). In addition unmet demand is not a criterion for determining whether to grant a premises licence.

10.5 The licensing authority will therefore consider any application in accordance with the Act, on it's individual merits without regard to demand or moral objection to gambling in general.

10.6 When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

10.7 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded

as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

**10.8** The Gambling Commission states in the **fourth** edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

**10.9** This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

**10.10** The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?

- Can the premises only be accessed from any other gambling premises?

**10.11** This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**10.12 The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

**10.13 Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations define street as “including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not”. This is to allow access, for example to casinos from hotel foyers).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

**10.14 Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

**10.15 Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

**10.16 Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

**10.17 Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

**10.18 Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre

- a betting premises, other than a track

**10.19** Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

**10.20 Premises "ready for gambling"**

**10.21** The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

**10.22** If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

**10.23** In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

**10.24** Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

**10.25** More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission's Guidance to Licensing Authorities under "Relationship between planning permission, building regulations and granting of a premises licence."

**10.26 Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

- 10.27 Planning** - The Gambling Commission Guidance to Licensing Authorities states:7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 10.28** This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: 7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 10.29 Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 10.30** When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 10.31 Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.
- 10.32 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully

whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**10.33 Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section—16.

**10.34 Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

**10.35** This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

**10.36** As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

**10.37 Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

**10.38** Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are

specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

**10.39** This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

**10.40** This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

**10.41** This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

**10.42** It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

**10.43 Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

**10.44** Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **11.0 Adult Gaming Centres**

**11.1** This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

**11.2** This licensing authority may consider measures to meet the licensing objectives, such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

**11.3** This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**11.4** The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

## **12.0 (Licensed) Family Entertainment Centres**

**12.1** This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling



and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

**12.2** This licensing authority may consider measures to meet the licensing objectives, such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

**12.3** This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**12.4** This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

**12.5** The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

### **13.0 Casinos**

**13.1 No casino resolution** - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so.

**13.2** Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

- 13.4 Casinos and competitive bidding** - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a small /large casino there are likely to be a number of operators which will want to run the casino. In such situations the licensing authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 13.5 Licence considerations/conditions** – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.
- 13.6 Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 14.0 Bingo Premises**
- 14.1** This licensing authority notes that the Gambling Commission's Guidance states:
- 18.4 - Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 14.2** This authority also notes the Guidance at paragraph –
- 18.8 - regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 18.7 - Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 14.3** The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will

expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

## **15.0 Betting Premises**

**15.1 Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

**15.2** There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

**15.3** Betting premises are able to provide a limited number of gaming machines and some betting machines.

**15.4** The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

**15.5** Each application will be considered on its own individual merits.

## **16.0 Tracks**

**16.1** This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

**16.2** In accordance with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 16.3** This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 16.4** This licensing authority may consider measures to meet the licensing objectives, such as:
- Proof of age schemes;
- CCTV;
  - Supervision of entrances / machine areas;
  - Physical separation of areas;
  - Location of entry;
  - Notices / signage;
  - Specific opening hours;
  - Self-exclusion schemes;
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- 16.5** This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 16.6** The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 16.7** **Gaming machines** Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded
- 16.8** **Betting machines** - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 16.9** **Applications and plans** - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will

also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

- 16.10** Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).
- 16.11** Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 16.12** In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.  
(See Guidance to Licensing Authorities, para 20.32).
- 16.13** This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

## **17.0 Travelling Fairs**

- 17.1** This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 17.2** The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 17.3** It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **18.0 Provisional Statements**

- 18.1** Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 18.2** Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 18.3** The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 18.4** In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 18.5** The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.
- 18.6** In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
  - which in the authority's opinion reflect a change in the operator's circumstances; or
  - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **19.0 Reviews of Premises Licences**

- 19.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
- 19.2** The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 19.3** The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 19.4** Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 19.5** The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 19.6** The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 19.7** In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 19.8** In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not

provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

- 19.9** Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs
- 19.10** Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the licensing authority may review premises licences of its' own volition. A referral to the Licensing Committee of a premises licence for a review will be first approved by the Assistant Director (Environment and Regulatory Services).
- 19.11** The Gambling Commission is a responsible authority in premises licence reviews.

## **PART C - PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE**

- 20.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**
- 20.1** Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 20.2** The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.6)
- 20.3** Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the



application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

**20.4** It should be noted that a licensing authority cannot attach conditions to this type of permit.

**20.5** **Statement of Principles**. This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**21.0 (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))**

**21.1 Automatic entitlement: 2 machines** - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

**21.2** The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 21.3 Permit: 3 or more machines** - If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”
- 21.4** This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 21.5 The procedure for administering applications for gaming machine permits in alcohol licensed premises will be as follows:**
- i) Notifications and applications for up to 5 machines will generally be dealt with by licensing officers. Applications for more than 5 machines will be referred to Licensing Committee for consideration.
  - ii) It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence
- 21.6** It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 21.7** It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 21.8** It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 22.0 Prize Gaming Permits**
- 22.1** The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters

that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

**22.2** This licensing authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

**22.3** In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

**22.4** It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### **23.0 Club Gaming and Club Machines Permits**

**23.1** Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

**23.2** Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

- 23.3** The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 23.4** There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 23.4** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### **Temporary Use Notices**

- 24.1** Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2** The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 24.3** The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing

this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

**24.4** There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

**24.5** This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **25.0 Occasional Use Notices**

**25.1** The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **25.2. Small Society Lotteries**

This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority at the details below to seek further advice.

## **PART D - FURTHER INFORMATION**

### **26.0 Further Information**

Further information about the Gambling Act 2005 and the licensing authority's statement of principles can be obtained from:

Environment Health and Regulatory Services  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ

Telephone (01827) 709445  
E-mail [publicprotection@tamworth.gov.uk](mailto:publicprotection@tamworth.gov.uk)

This draft statement of principles is available on the Council's web-site  
[www.tamworth.gov.uk](http://www.tamworth.gov.uk)

### **Annex:**

#### **1. Policy Statement consultees.**

## Annex 1

### SCHEDULE OF CONSULTEES TO THE DRAFT POLICY STATEMENT

Holders of existing licences, permits and registrations who will be affected by the provisions of the Act

Local Residents/Associations

Staffordshire Chief Officer of Police

Staffordshire Fire & Rescue

Staffordshire County Council – Department of Social Care & Health

TBC - Chief Executive

TBC – Director, Assets and Environment

TBC – Director, Communities, Planning & Partnerships

Solicitor to the Council c/o TBC - Legal & Democratic Services

TBC – Director, Housing & Health

TBC - Crime and Disorder Partnership

Local Strategic Partnership - Chairman

Violence Action Group - Chairman

Tamworth Town Safe Licensee Forum - Chairman

Southern Staffordshire Chamber of Commerce & Industry

**NHS South East Staffordshire and Seisdon Peninsula**

East Staffordshire Social Equality Council

British Amusement Catering Association

British Casino Association

Bingo Association

British Horse Racing Board

British Greyhound Racing Board

Casino Operators Association

Club & Institute Union

Gamcare

Responsibility in Gambling Trust

Gamblers Anonymous

Licensed Victuallers Association

Lotteries Commission

Luminar Leisure

Mitchells & Butlers

Poppleston Allen, Solicitors

Rutherfords Solicitors

Hammonds Solicitors

John Gaunt & Partners

Berwin Leighton Paisner

Yates Group

British Beer & Pubs Association

Campaign for Real Ale

Garner Canning & Co Solicitors

Dewes Sketchley, Solicitors

Enoch Evans, Solicitors

Edwards Geldard, Solicitors

Bond Pearce Solicitors

Inn Court, Licensing Consultants

Challinors, Solicitors

Martyn Amey & Co Solicitors



24 OCTOBER 2013

**REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY DEVELOPMENT AND  
VOLUNTARY SECTOR**

**TAMWORTH BOROUGH COUNCIL COMMISSIONING PROGRAMME UPDATE**

**EXEMPT INFORMATION**

None

**PURPOSE**

To update Members on Commissioning Cycle 2 including the numbers of tenders received by submission deadline of 30 September 2013.

To set out the next stages in the commissioning process leading to contract award and contract commencement on 1 April 2014.

To update Members on the implementation of the Public Sector Commissioning Framework, Commissioning Board and the outcome of the Decommissioning Guidance consultation.

**RECOMMENDATIONS**

That Members;

1. Endorse the progress so far on Commissioning Cycle 2
2. Endorse Tamworth Borough Council's Public Sector Commissioning Framework which now includes the decommissioning guidance document and endorse the continued development of this framework through informal consultation with members and partners
3. Endorse the draft Public Sector Commissioning Board terms of reference as a basis for further consultation with members and partners
4. Receive a further report with the results from the consultation on the framework and terms of reference for final approval.

**EXECUTIVE SUMMARY****Commissioning Cycle 2**

Cabinet approved the commissioning intentions document at its meeting on 20 June 2013 including a £10k reduction in the allocated budget (see appendix 1) identified as a saving due to potential duplication of service provision. Subsequently Commissioning Board approved the service outlines for the seven tenders and the procurement process commenced on 22 July 2013. The deadline for applications was 2pm on Monday 30 September 2013.

The number of tenders received is as follows:

Practical Family Support	2
Debt and Generalist Advice	2
Infrastructure Support to Business & Third Sector	2
Mental Health/Crisis Intervention	1
Maximising income	2

Shop Mobility Service	1
Wild About Tamworth	1

Scoring of tenders is now taking place and will be completed, including any clarification process, by Monday 28 October 2013.

The outcome of the tender evaluation process will be reported to Commissioning Board at its meeting scheduled for 7 November 2013.

It is the intention to notify applicants of the outcome of the evaluation process by the end of November 2013. Contracts will be finalised by March 2014 with new services commencing from 1 April 2014.

### **Public Sector Commissioning Framework**

Cabinet approved the implementation of the Public Sector Commissioning Framework at its meeting in June 2012. The framework has operated very effectively over the last 12 months. This new multi-agency approach has resulted in a £60k jointly funded healthy eating and physical activity commission with the County Council and better collaborative commissioning to achieve shared outcomes as part of our current commissioning exercise.

The framework attached as appendix 2 now includes the decommissioning guidance document which has been the subject of consultation following Cabinet approval in June of this year. The consultation period closed on 13 September and the revised document incorporating comments made is now part of our existing Public Sector Commissioning Framework. This document is a live document and will continue to evolve to provide an effective framework for collaborative and multi-agency commissioning in Tamworth.

### **Commissioning Board revised terms of reference**

At the Cabinet meeting in June 2012, Cabinet also approved the evolution of the VCS Commissioning Board into a Public Sector Commissioning Board. Attached as appendix 3 are the draft revised terms of reference which will be tabled at the meeting of the Commissioning Board in November of this year. Final approval of these terms of reference by the Board will allow the Board to operate as a Public Sector Commissioning Board. This will ensure the Board is better placed to oversee multi-agency collaborative and joint commissioning of services for the people of Tamworth. The Commissioning Board will be responsible to report to Cabinet and Tamworth Strategic Partnership as appropriate. The Board's new terms of reference have been developed to respond to increasing opportunities to commission on a district and locality basis.

### **RESOURCE IMPLICATIONS**

Contracts to the value of £151,000 per annum are being procured by Tamworth Borough Council under the Public Sector Commissioning Framework – Commissioning Cycle 2.

All the contracts under Commissioning Cycle 2, excluding Wild About Tamworth, will be let on a 2 + 1 year contractual arrangement commencing 1 April 2014. This potential break clause at the end of year 2 will allow the council to have some flexibility in respect of its longer term financial commitments.

The Wild About Tamworth contract will be from 1 April 2014 until March 2019 with an optional additional one year until March 2020.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

TUPE may apply to the workforce of any incumbent contractor in relation to our existing

contracts. We have stated in the procurement documentation that where tenderers believe TUPE may apply they should obtain details from the incumbent contractor.

There is time in the procurement process following award of contract to address any TUPE issues and de-commission any existing services as necessary.

### **SUSTAINABILITY IMPLICATIONS**

There are none arising from this report.

### **BACKGROUND INFORMATION**

A thorough needs assessment exercise was carried out with key public sector commissioners prior to the development of the service outlines. Full details of this process were reported to Cabinet on 20 June 2013.

A final nine month performance report on the current contracts will be taken to Commissioning Board in April/May following contract close on 31 March 2014.

### **REPORT AUTHOR**

Karen Adderley  
Head of Partnerships and Commissioning

Karen-adderley@tamworth.gov.uk  
Ext 569

### **LIST OF BACKGROUND PAPERS**

Council 15 September 2009 – Voluntary & Community Sector Commissioning Framework  
Cabinet 20 June 2013 – Tamworth Borough Council Review of Commissioned Services  
Cabinet 13 June 2013 – Public Sector Commissioning Framework

### **APPENDICES**

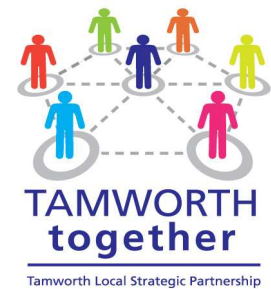
Commissioning Intentions Document – Appendix 1  
Updated Public Sector Commissioning Framework (including decommissioning guidance) – Appendix 2  
Public Sector Commissioning Board – revised terms of reference – Appendix 3

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Future Commissioning intentions

Directorate	Title of Service	Outcomes purchased	End User	Geographic area	Funding Amount 3years	Commissioning Contact	Links to strategic commissioning priorities	Agreement Length & end date	Type of Agreement
CPP	Practical Family Support	<ul style="list-style-type: none"> <li>Outcomes to be decided avoiding duplication with county and LST services. But likely to include:                             <ul style="list-style-type: none"> <li>Improved parenting skills and quality of parenting</li> <li>Improved aspirations of families, parents and children</li> <li>Increased resilience in families</li> </ul> </li> </ul>	Tamworth residents	All Tamworth	£45,000	Karen Adderley/Karen Clancy	Yes	2 + 1 Years end March 2017	Contract
CPP	Debt and generalist advice	<ul style="list-style-type: none"> <li>To increase access to debt and financial wellbeing advice</li> <li>To increase access to generalist advice</li> <li>To reduce homelessness</li> <li>To reduce stress/suicide levels</li> <li>To reduce marital/family breakdown</li> </ul>	Tamworth residents	All Tamworth	£180,000	Karen Adderley/Karen Clancy	Yes	2 + 1 Years end March 2017	Contract
CPP	Infrastructure Support to Businesses and third sector	<ul style="list-style-type: none"> <li>Create an environment for innovative business and third sector growth, encouraging entrepreneurial activity and improving organisational survival and sustainability</li> <li>Encourage job creation in the local economy and support to volunteers to develop capacity and skills</li> <li>Creating innovative links between business and third sector</li> </ul>	Tamworth residents	All Tamworth	£120,000	Karen Adderley/Karen Clancy	Yes	2 + 1 Years end March 2017	Contract
CPP	Support for vulnerable people, mental health (crisis intervention)	<ul style="list-style-type: none"> <li>To support those in mental crisis</li> <li>To reduce levels of suicide and self harming</li> <li>To support good practice in volunteering</li> <li>To meet emerging mental health needs</li> </ul>	Tamworth residents	All Tamworth	£21,000	Karen Adderley/Karen Clancy	Yes	2 + 1 Years end March 2017	Contract
CPP	Maximising income	<ul style="list-style-type: none"> <li>To reduce the number of families living in poverty</li> <li>To increase the income available to families</li> <li>To reduce stress levels in families</li> <li>To reduce debt levels in families</li> <li>To support families through welfare reform changes</li> </ul>	Tamworth residents	All Tamworth	£27,000	Karen Adderley/Karen Clancy	Yes	2 + 1 Years end March 2017	Contract
TCP	Shopmobility service	To provide a shopmobility service in Tamworth town centre	Tamworth residents	All Tamworth	£15,000	Tracey Yoemans	Yes	2 + 1 Years end March 2017	contract

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# Tamworth Public Sector Commissioning Framework

Document Hierarchy: Policy

Document Status: Final

Document Ref: DOC PSCF

Originator: Fleur Fernando

Updated:

Owner: Partnership Support and Development Manager

Version: 01.01.01

Date: 06/03/12

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Classification: SEC1 – Routine

## Document Location

This document is held by Tamworth Borough Council and the document owner is the Head of Partnerships and Commissioning.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Internet and with the Communities, Planning & Partnership Team. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
06/03/11	Initial Draft	Drafting
21/03/2012	Version 2	Drafting
24/04/2012	Version 5	Drafting & consultation
13/06/13	Version 5 - Final	Approved

## Approvals

Name	Title	Approved
Robert Mitchell	Deputy Director Communities, Planning & Partnerships	
Fleur Fernando / Karen Adderley	Partnership Support & Development Manager	
TSP Board		17 May 2012
TBC Cabinet		13 June 2012

## Document Review Plans

Document review and updates shall be made in accordance with business requirements and changes will be with the agreement of the document owner.

## Distribution

The document will be available on Tamworth Borough Council's website:  
[http://www.tamworth.gov.uk/tsp\\_home.aspx](http://www.tamworth.gov.uk/tsp_home.aspx)



## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth TSP member organisations.

For further information on this Framework please contact Karen Adderley details below.

Karen Adderley  
Head of Partnerships and Commissioning  
Tamworth Borough Council,  
Marmion House,  
Lichfield Street,  
Tamworth,  
B79 7BZ.

01827 709569

Email: [karen-adderley@tamworth.gov.uk](mailto:karen-adderley@tamworth.gov.uk)

Service outlines will be posted on InTend the Tamworth Borough Council's tendering system.

## Acknowledgements

The commissioning process contained in this document has been developed from Tamworth Borough Council's Voluntary and Community Sector Commissioning Framework, which was developed in consultation with the Voluntary and Community Sector, including Tamworth Council for Voluntary Service, Tamworth Voluntary and Community Sector Forum, Staffordshire & Stoke on Trent Consortium of Infrastructure Organisations (SCIO) as well as Tamworth Borough Council and Staffordshire County Council Officers involved in commissioning services.

This Framework has drawn upon good practice from other local authorities and particular acknowledgement is given to the Newcastle under Lyme Borough Council Third Sector Commissioning Framework and Sutton Commissioning Framework.

**If you, or someone you know, would like this information in alternative languages or formats such as large print or Braille, please contact the Communities, Planning & Partnerships Team on 01827 709615 or e-mail [tsp@tamworth.gov.uk](mailto:tsp@tamworth.gov.uk)**

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### APPENDICES

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Appendix B: Core components of a Service plan (scoring matrix)
Appendix C: Sample Service Outline template
Appendix D: Eight Principles of Good Commissioning
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Appendix F: Sample Service Application Form
Appendix G: Outline Contract Award Report
Appendix H: Risk Assessment Template
Appendix I: Equality Impact Assessment Form
Appendix J: Service Delivery Plan Template
Appendix K: Boundary Map

## **1 Introduction**

Tamworth Strategic Partnership (herein after referred to as Tamworth TSP) recognises the importance of a fair and transparent, COMPACT compliant process that enables equal access and opportunity for all sectors in the provision of commissioned services. We wish to secure longer-term support to deliver essential services to improve the quality of life of the Borough's communities, focusing on the priorities agreed by the Tamworth Strategic Partnership Board and Tamworth Borough Council (herein after referred to as TBC)

This Public Sector Commissioning Framework is a combination of Tamworth Borough Council's Voluntary and Community Sector Commissioning Framework and the TSP Commissioning Framework. It helps to demonstrate the TSP's genuine commitment to collaborative working and will apply to the allocation of Tamworth Borough Council and TSP funding. This framework will bring a new level of transparency and consistency to future funding agreements.

The target audience who may read this Commissioning Framework ranges from the Voluntary and Community Sector, Businesses to Council Members and Officers at all levels within our partner organisations.

This framework is aligned with wider work being undertaken on joint commissioning between agencies such as the County Council, Public Health, Clinical Commissioning Groups and Police and Crime Commissioner and will, in the future, integrate with other commissioning frameworks. It is therefore important to note that it could be subject to change and may serve as a bridge to a more joined up approach that realises better efficiencies and value for money.

This framework has drawn on Government guidance and from existing examples of best practice and has taken account of responses from consultees.

### **1.2 Contextual Information**

The partnership working arena in Tamworth is thriving and diverse. It covers the whole spectrum of statutory organisation responsibilities and embraces organisations from all sectors.

Commissioning as a means to deliver services not only harnesses the advantages of more effective, better quality, customer focused services for users but also provides opportunities to achieve wider local social and economic objectives such as increasing local employment, improving local skills and increasing the self-esteem and confidence of local communities by meeting the needs of the communities.

**The commissioning process can be defined as:**

**The process of assessing needs, procurement, allocating resources, defining priorities and choices, determining how they are best delivered, overseeing implementation and delivery, evaluating impact**

The commissioning process contained in this document has been developed with the Strategic Partnership which has a wide range of organisations as members including, Fire, Police, County Council, Health, and the local Clinical Commissioning Group.

***'We want the best local partnership working between all partners to be the rule, not the exception.'***

The Public Sector Commissioning Board which will oversee selected elements of the commissioning process on behalf of the Council and the TSP will strive to achieve this aim and will embed the eight principles of good commissioning<sup>1</sup> as identified in the Partnership in Public Services: An action plan for Third Sector involvement in its commissioning arrangements with the Third Sector. (Appendix B) These principles can be transferred and relevant to all commissioning.

### **1.3 Strategic Integrated Commissioning**

The Tamworth Public Sector Commissioning Framework has the ability to provide a flexible framework for multi-agency joint and integrated commissioning activity.

The Public Sector Commissioning Board can hold a strategic overview of commissioning requirements for the borough based on an enhanced Joint Strategic Needs Assessment and local needs analysis. Key members of the Board will be involved in developing service outlines and specifications alongside the appropriate lead professional/commissioner, this will align multi-agency activity and maximise the investment in the borough. The Public Sector Commissioning Board's membership will reflect the services being commissioned at any one time and the budget holders' requirements when carrying out the tender evaluation. The Public Sector Commissioning Board will receive an overview of contract/performance monitoring reports to ensure that services being delivered in Tamworth are delivering the outcomes required.

The TSP and its Public Sector Commissioning Board will play an important strategic role in ensuring effective and integrated commissioning within the borough.

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<sup>1</sup> *Partnership in Public Services: An action plan for Third Sector involvement*, Office of the Third Sector, 2006

## **2 Scope of the Framework**

This Framework has been designed to apply to the commissioning of priority services that have been identified as being potentially suitable for delivery by the voluntary, community and private sectors and fall within Part B of the EU procurement rules. The EU Procurement Rules create a legal obligation to contracting authorities and services.

The framework does not replace the procedures for applying to the small grants which may be implemented by partner organisations but works alongside these procedures.

### **Application of the framework**

TSP partners are responsible for delivering services on behalf of the residents of Tamworth. Partners will be encouraged to procure services in line with this framework and involve the Commissioning Board wherever possible to maximise investment and secure joint and collaborative opportunities for commissioning more effectively.

### **Recording the decision to use the Public Sector Framework**

The TSP approved the Public Sector Commissioning Framework on the 17 May 2012. To enhance the transparency and accountability of the process the Framework will be available for scrutiny via TSP Board and the TSP/Council website.

### **Links to Tamworth COMPACT**

This Commissioning Framework has been drawn up using Tamworth COMPACT Guidance (2004) and has been Equality Impact Assessed to ensure it does not have a potential adverse impact on particular groups of people in Tamworth.

The purpose of the Local COMPACT is to improve working relationships between statutory agencies and the Voluntary and Community Sectors at a local level. The Tamworth COMPACT is an agreement governing codes of conduct between the partners.

The Council are committed to the development of relationships with all partner organisations including the Voluntary and Community Sector, and will adhere to COMPACT guidance in their partnerships with the Third Sector. We will endeavour to:

- **Facilitate the engagement of local community groups in the Commissioning Process**
- **Support the sustainable development of Voluntary and Community organisations by introducing, where possible, longer term funding.**
- **Set up and maintain a process of transparent and competitive tendering for services to recognise that they can be supplied by a range of agencies, whether from the Public, Private, Voluntary or Community Sectors.**
- **Provide, where appropriate, access to technical advice and support, training, transport, accommodation and other resources.**
- **Recognise that effective management and governance, and the involvement of volunteers require adequate resourcing.**
- **Recognise the importance of infrastructure to the Voluntary and Community Sectors and volunteering, and where appropriate provide support to its development.**
- **Allocate funding, contracts and other resources against clear, relevant and consistent criteria. Applications will be judged against funding organisations strategic commissioning objectives.**
- **Accept the principle of full cost recovery (as promoted by the Treasury) in funding voluntary and community organisations, to help them to meet the true cost of providing services, while acknowledging the practical difficulties of achieving this.**
- **Establish clear and transparent arrangements for agreeing and evaluating objectives, performance indicators and other targets.**
- **Give honest and timely feedback to funded organisations about successes or deficiencies in performance.**

- **Work towards the alignment of policies and systems across and within funding agencies.**
- **Ensure prompt payment of grants and contracts (including payment in advance, where appropriate).**
- **Give timely information to voluntary and community groups about funding opportunities and decisions (before the end of the current grant/contract period).**
- **Design application systems to meet the needs of smaller voluntary and community groups.**

There has been a long-running debate about the merits of grants or contracts, as the means of funding for service delivery. The decision on the right mechanism is an integral part of intelligent commissioning.

We need to be clear about the purpose of funding awards. Joseph Rowntree Foundation identifies three different funding styles:

- 1) **‘Giving’ (contributing to the voluntary organisation’s goals without expectations of return),**
- 2) **‘Shopping’ (buying services) and**
- 3) **‘Investing’ (building capacity for future benefit).**

Government recognises the importance of retaining a choice of funding mechanisms for procuring services. It is suggested that there is a benefit to maintaining a mix of grant funding open to small organisations, alongside the increasing opportunities for organisations to contract with local government for the delivery of public services.

TSP Board support the principle of ‘investing’ in strengthening the services in Tamworth through infrastructure support.

We will adopt the principles of Intelligent Commissioning, Stages of Procurement as set out by the Office of the Third Sector. See Appendices B, C and D.

### **3 Service Identification and use of the Commissioning Framework**

All commissioning will be premised on the fact that all parties want what is best for the local population of Tamworth.

The identification of services is extremely important. The Council will endeavour to:

- Carry out an in depth needs assessment to establish funding priorities for Tamworth which will then be scored through a scoring matrix which considers; Evidence of Need, Evidence of Community Demand, Alignment with TSP Corporate Priorities, Cross cutting impact, Existing Service Provision, Gaps in current provision and the Likelihood of achieving Significant impact.
- Use an Enhanced Joint Strategic Needs Assessment to support commissioning decisions where appropriate.

### **4 Tamworth TSP’s Commissioning Proposal**

It is **proposed** that the following channels be made available for funding the activities/services in Tamworth:

- A. Grants and Small Grants (Giving)
- B. Procuring Specific Services (Shopping)
- C. Investing (building capacity)

## A. Grants

### "Grants" Explained

A grant is used to fund an activity of a recipient because that activity is in broad alignment with the Government's (or Council's) overall objectives. Project type grants of this kind, which are given to support the provision of specific services, will need to be treated as a 'restricted fund' in any accounts; it may only be used for defined purposes.

*Definition – National Audit Office*

There are a number of existing grant schemes provided by Tamworth Borough Council which sit alongside the annual funding provided by the Council to the voluntary and community sector, these are;

1. Small Grants Scheme approved by Cabinet Small Grants
2. Arts Grants Scheme approved by Cabinet Small Grants
3. Sports Grants Scheme approved by Tamworth Community Sports Network

The Council currently intends to operate these schemes alongside the Public Sector Commissioning Framework.

Grant funding remains a valid way of supporting voluntary groups and buying some forms of community based services. Value for money, local knowledge and potential benefit to service users will all be key considerations in awarding grants.

## B. Procurement

### Definition of procurement

Procurement covers "the specific activities within the commissioning cycle that focuses on the process of buying services, from the initial advertising through to the final contract arrangements. It encompasses the lifetime of the activities/service provision and the performance management of contracts, through to continuation or decommissioning of the service.

The Council would seek to make investment decisions through the procurement process described in this document having identified at the Service Outline stage if we are looking to invest in an organisation or procure a service.



## **4.1 Tamworth Borough Council's Procurement Process**

### **1. Small to Medium Contracts**

#### **Contract Value: £1 – £1,999:**

Purchases of goods or services from a value of £1 up to £1,999 may be made by the individual or individuals to whom Tamworth has delegated authority. Three quotations should be obtained and these may be verbal.

#### **Contract Value: £2,000 – £19,990:**

The delegated authority or Commissioner must seek written quotations using Quick Quote on the Intend system. Depending on the complexity and/or risk of the requirement, an invitation to tender may be deemed more appropriate. The award decision will be based on best value that is the optimum combination of cost and quality, in conjunction with any additional benefits or added value. Any contracts over £10,000 must go through the TBC electronic tendering system (Intend).

### **2. Medium to Large Contracts**

#### **Contract Value: £20,000 – £49,999:**

**Invitations to Tender** – TBC issues invitations to tender using standard tender documents. Potential providers will submit bids in accordance with the service outline, and will be assessed against all the clearly defined criteria within the application form included in the invitation to tender documentation. There must be a formal written contract.

### **3. Large Contracts**

#### **Contract value: £50,000+:**

Invitation to tender documentation must be used. EU procedures must be followed if they apply and due to their complexity, the Council's Procurement Team must be involved. A formal tender exercise is compulsory, as is a formal written contract.

**Best Value** – All quotations and tenders irrespective of price will be assessed on whether they offer Best Value; that is, on whether they offer the optimum combination of cost, quality, and any additional benefits that meet or to exceed the requirements of the commission or tender.

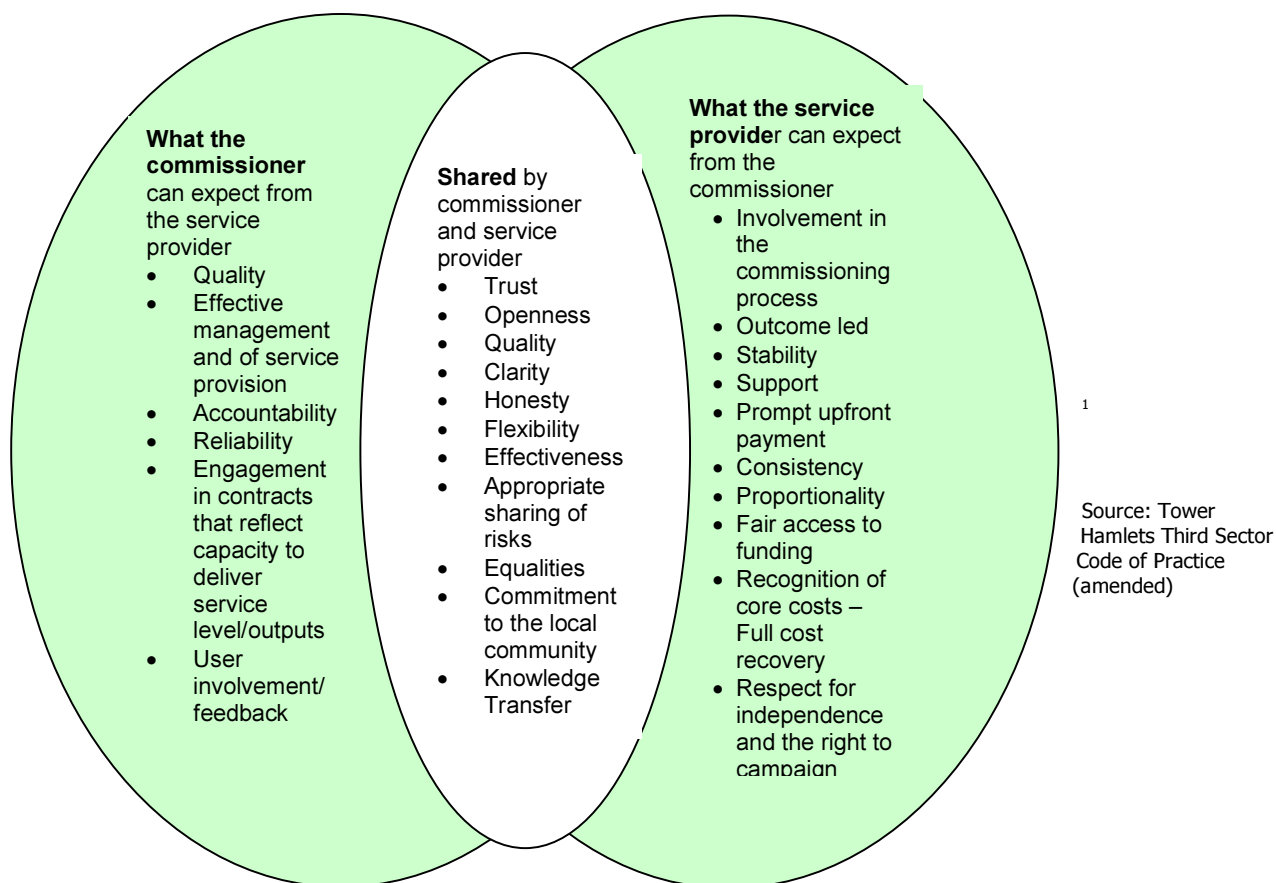
Where a tendering model for services is used the tender may be based on a pre-defined "fixed price". In these cases the competition between potential providers will be based solely on quality and outcomes. This model will only be used where there is surety regarding required outcomes.

Services commissioned will deliver against the priorities for the Tamworth Strategic Partnership's (TSP). These are listed in Appendix A.

## Commissioning via Partnership working principles:

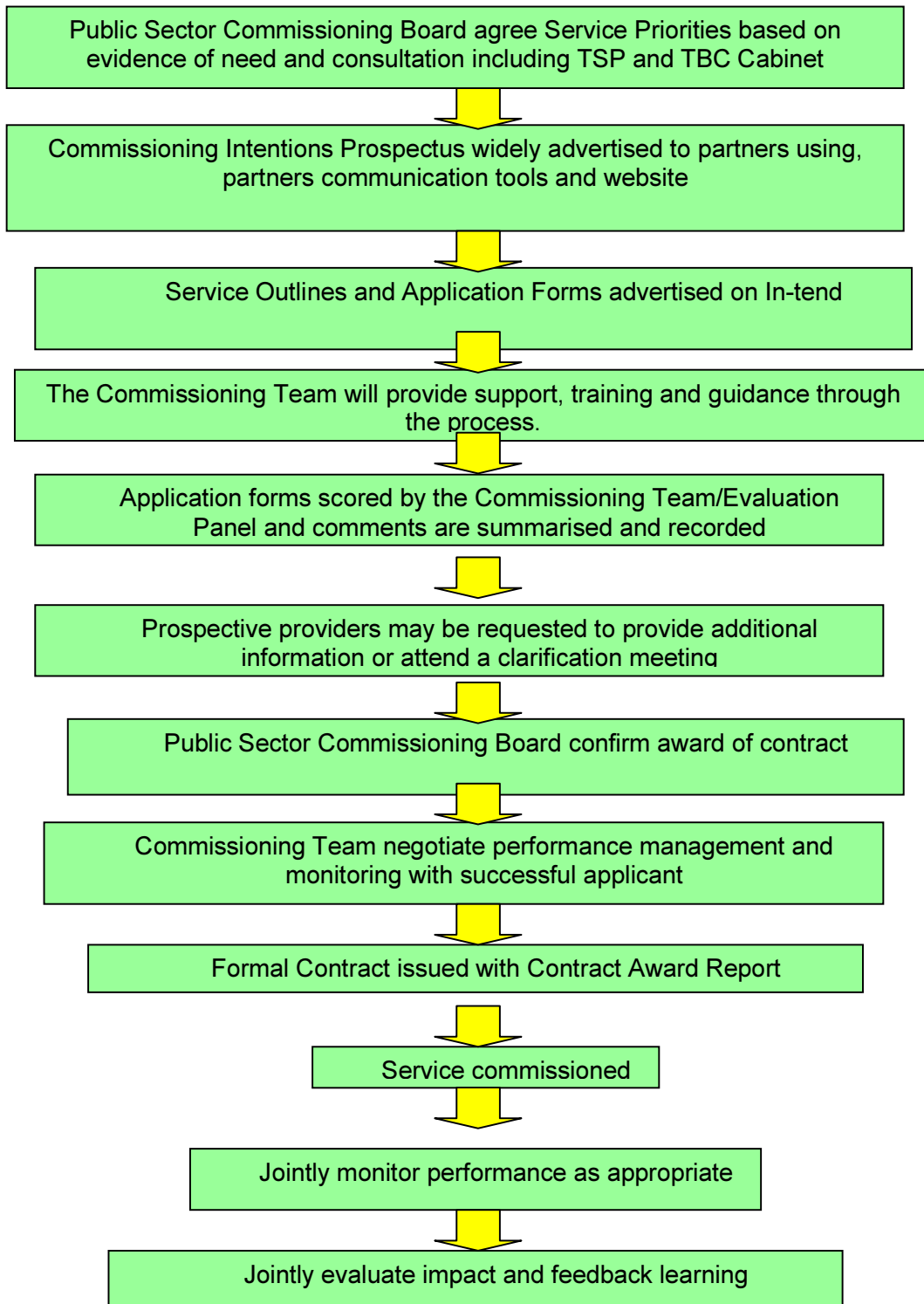
This involves the Council and all partners working together in an open, mutually respectful and honest manner to reach agreement on the delivery of services. This applies across the full funding spectrum. The objective for this method of commissioning is to ensure that both the Commissioner and the provider have joint ownership of the services delivered to the users, mutual respect for each other and contracts/SLAs that are driven by the performance of both parties and the mutually recognised needs of the clients. Partner organisations will be engaged in all parts of the Commissioning cycle from initial consultation and needs assessment through to monitoring and evaluation, where possible we will seek the views of the community and service users.

Successful partnership commissioning will enable an on-going successful relationship. The relationship and expectations of the parties is set out in **Figure 1. Expectations of commissioners and providers<sup>2</sup>**



## 5. Commissioning Services

Figure 2: Commissioning Process Flow Diagram



The Public Sector Commissioning Board will ensure that the rigour of the process **will be proportionate** to the value of the commission. **Therefore it is possible that not all stages of the process would apply to all commissions**, this decision would be made during the needs assessment stage before the Service Outlines are advertised.

## 6. Commissioning Process Management

For the purpose of this Framework, the term commissioning process covers the process from the needs assessment to the monitoring and evaluation of services. Effective commissioning process management is critical to the commissioning of services whether it is from the private, public or Voluntary and Community Sector. The circumstances of the provision, its size, complexity and sensitivity will inform how the service should be run and how formal the decision-making and documentation needs to be.

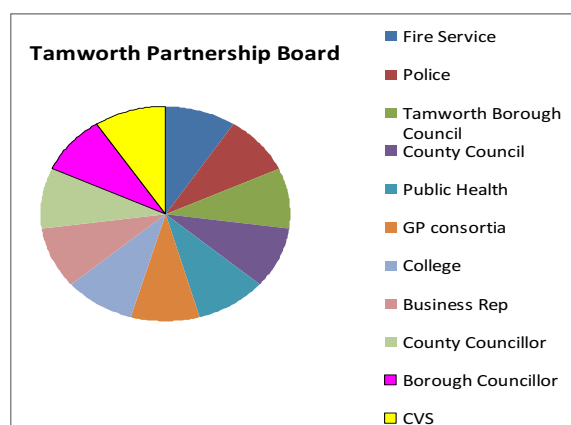
The commissioning process will involve the following roles:

**Commissioning Sponsor:** This role involves providing strategic direction for the commissioning of services. Internally, the role will interface with the TSP’s Executive Board and the Public Sector Commissioning Board. The role is empowered to authorise funding proposals.

**Commissioning Manager and Team:** This role, supported by a wider team including Procurement, HR, service professionals and commissioners from partner agencies, is responsible for the operational delivery of the commissioning processes.

**Commissioning Support:** This role will support the application process and also follow up on monitoring and evaluating the commissioned services.

**Public Sector Commissioning Board:** The Public Sector Commissioning Board includes representatives from the key partners from the TSP outlined below in addition to Councillors from TBC. Decisions will be made virtually and also formally at meetings. Dependent on the funds available and subsequent financial regulations the membership of the Public Sector Commissioning Board will vary accordingly. Terms of Reference of the Board are part of this framework.



## 7. Risk Identification and Management

An important tenet of risk management is that risk “should be managed by the party best able to manage it”. Hence it is advisable not to try to transfer all risk to the provider. In fact it may be beneficial to retain as much risk as possible with the Public Sector Commissioner rather than attempting to transfer risks that are either not properly understood or cannot be effectively managed by providers. However, an equally important tenet of risk management concerns the ‘ownership of risk’. It is vital that each party accepts ownership of the risks they are responsible for, that these are clearly identified and an action plan is in operation to deal with significant risk.

There are several steps for risk to be fully addressed through the Commissioning Process:

1. The Public Sector Commissioning Board has an up to date and annually reviewed risk assessment for the Commissioning process
2. The provider organisations carry out a risk assessment on the services they wish to provide and that this is submitted at tender stage.
3. When contractual arrangements are made with organisations joint risk assessments will be undertaken and subsequently monitored and reviewed.

Risk can be defined as uncertainty of outcome (whether opportunity or threat). Risk is inherent in any action the TSP takes. The most common reason for Services failing is that in the planning stage, a thorough risk profiling exercise is not carried out, resulting in poor management of significant risks. Risks should be considered in three specific categories:

- **Existing service risk.** The current strategic and operational risks within the existing in house service or service provider. The existing service should be reviewed to identify the risks already carried by the Council, their current impacts and likelihood of risk occurring and look to see if by redesign of the service delivery the risks could be mitigated or eliminated in a cost effective way. This review should include the identification of any relevant insurance cover carried by the authority in relation to the existing service.
- **Commissioning risk.** The risks that could occur during the Commissioning process that would damage the achievement of a successful outcome. Some risks are inherent in the contracting process; for example, poor tender specifications and evaluation criteria may lead to potential contractors not offering the level or quality of service envisaged and/or legal challenges being mounted against the results of the process.
- **New risk.** Any new risks that may emerge after the commencement of the contract. When the new provider of the goods or service is in place, there will be a new set of risks that the Council will have to address and these need to be categorised, documented and assessed; for example the provider may go out of business. This could include the impact on the charitable objects of the Voluntary and Community Sector organisations.

Once the risks have been identified it is important to establish their **significance** both in financial terms and with regard to their potential to cause damage to the Councils reputation and ensure relevant steps are taken to reduce the likelihood of risk occurring.

## 8. Marketing

TSP wishes to work pro-actively to develop and support a varied supplier market. TSP wishes to act fairly to ensure that all prospective suppliers are able to bid for work where appropriate. This may include the packaging of services, use of umbrella groups and / or consortia. TSP will adhere wherever possible to the guidelines within the Tamworth COMPACT.

Some of the services TSP may seek to have delivered by the voluntary and community sector and business sector will be either outside or peripheral to the current operations of the voluntary and community Sector and business organisations in Tamworth. TSP needs to generate a wide interest from these sectors by marketing its commissioning activity. This can be undertaken in a number of ways however, the recommended process is as follows:

1. The **Public Sector Commissioning Board** oversees the production of the **Service Outline** for the services it wishes to commission. Important information for the Service Outline can be extracted from the needs assessment stage; this will include meeting corporate and sustainable community priorities, aims and objectives, specific desired outcomes, budget and the proposed timetable. It is good practice to identify (if possible) at this stage whether there may be a Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE, see section 16 for more information) or Asset transfer issue as part of the commissioning, or if the service provider will require specific types of insurance e.g. Professional Indemnity Insurance. An indication as to whether the Board wishes to commission the services in a single or consortium package is also required.
2. The **Service Outline** will be advertised on In-Tend (the electronic procurement system) which can be accessed via [www.in-tendhost.co.uk/tamworthbc](http://www.in-tendhost.co.uk/tamworthbc). A Commissioning Intentions Prospectus will have been published on the Council's website and forwarded to appropriate organisations i.e. National Council for Voluntary Organisations, the Staffordshire & Stoke-on-Trent Consortium of Infrastructure Organisations (SCIO), Staffordshire Third Sector Network (S3SN) and the local Council for Voluntary Service (CVS) and Think Local for Business, for distribution to their members to advise them of the forthcoming procurement opportunities. Where organisations do not have access to the internet the Commissioning Team will work with them to enable them to submit tenders. See the **Needs Assessment Matrix** and **Service Outline** templates at Appendix E & F.
3. There will be various workshops after the tenders are put out to support the organisations through the application process and address any training

requirements to ensure accessibility to the commissioning process and further develop and enhance the local market.

## 9. Award Criteria

An application form (see sample at Appendix G) criteria scoring/weighting information, with accompanying service development plan outlines, risk and equalities impact assessment forms should be sent to all organisations expressing an interest in the commission.

It is very important that the prospective provider can satisfy and demonstrate their match to these critical areas:

- They have “local knowledge” that is relevant to the proposed service
- They have a commitment to equality in service delivery
- They understand the risks inherent in service delivery
- They have the management capability and financial stability to deliver the services
- Additional resources they may bring to the delivery of the services e.g. local volunteers are recognised

The application form will be issued with the **Service Outline** and **relevant criteria scoring**. The weighting of the criteria questions for decision-making purposes shall be provided to prospective suppliers at this stage along with the closing date of applications which should be at least 20 working days after the Service Outline is distributed.

On return of the application form, the decision regarding the successful provider will be based on their answers to the relevant criteria questions. The assessment of the returned application forms will be undertaken by the Commissioning Team/Evaluation Panel. An assessment will also be undertaken of their Health & Safety and Equalities policies, financial standing and insurance. Any issues arising from this assessment should be raised with the applicants in order to be resolved. Service providers may be requested to attend a clarification meeting.

The recommendations will then be considered by the Public Sector Commissioning Board for approval and final decision.

Organisations can request a debrief whether they are successful or unsuccessful and this will be given within 15 working days either verbally or in writing. If prospective providers have any complaints with the Commissioning process they can formally address these with the chair of the Public Sector Commissioning Board who will respond within 15 working days. The Chairman’s decision will be final.

## Social Value

Ensuring value for money in public service delivery is now a more pressing concern than ever before. Measures of social value, which take into account wider 'value added' impacts and softer outcomes are becoming more sought after. The recent Best Value Guidance directs local authorities to consider social value when commissioning services. The guidance also provides a definition of Social Value.

**Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision. As a concept, social value is about seeking to maximise the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves.**

*DCLG, 2011*

The additional benefits created may fall within the following seven domains<sup>3</sup>

Housing, Environment, Education, Health, Employment, Income and Crime

Social gains may be seen through increased social participation, civic engagement including volunteering, local employment, training, community cohesion etc. It is important however that social value is considered in relation to the service to be delivered and should be relevant to the contract.

This approach has been strengthened by the Public Services (Social Value) Act 2012 which came into force on 31 January 2013. This requires public authorities to have regard to economic, social and environmental well-being in connection with public service contracts. Public authorities are required to consider how what is procured may improve the social, economic and environmental wellbeing of the Borough, how the Council may secure any such improvement and to consider the need to consult. The Act applies to service contracts, which must be advertised through the EU Journal but, the principles can be of wider application and support the principles of this framework.

## 10. Performance Measurement and Service Specification

It is intrinsic to the success of the service, that the specification developed in partnership with the successful provider, identifies performance measures that will deliver against the TSP's priorities.

An essential element in the development of commissioning partnerships is **the joint ownership** of the service specification and the outcomes/outputs of the service.

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<sup>3</sup> Seven Domains taken from the North West Social Value Foundation, Social Value Toolkit



This process is a commercially confidential process between the successful applicant and the TSP. Both parties must acknowledge this fact and respect the confidentiality of the information shared<sup>4</sup>.

### Outcomes Based Service Outline

Many traditional contracts have been developed around the outputs (activities and processes) that should be delivered. Whilst this can provide clarity about the types of activity required it does not encourage sufficient attention to the outcomes of activity. It is important to know 'the difference' the work has made. Therefore an effective service outline will use outputs and both short and long term outcomes.

The Commissioning Team will negotiate the development of these with the organisation awarded the contract. Where possible we will seek to align reporting requirements with those of other Commissioners.

It is an acknowledged principal of good management that all effective organisations measure their performance in order to know how well they are performing and to identify opportunities for improvement. In the initial development of Key Performance Indicators (KPIs) a few matters are critical:

- Are the KPIs relevant to the required outcomes and outputs of the service or essential to its proper management?
- Are they measurable?
- Is the measurement objective enough to make comparison with some base position relevant?
- Can the KPI's be collected efficiently and cost-effectively?
- Are soft outcomes also being measured and evidenced?

The development of the Key Performance Indicators will be a collaborative process between the Commissioning Team and the successful service provider, although, there may be statutory and other performance indicators that must be met which may be listed in the Service Outline. This will enable an informative process to take place in which the TSP identifies its objectives and the prospective providers define their capability to meet these objectives in terms of measurable performance. Providers will be expected to demonstrate the results of their activity both in terms of the outputs and the short and longer term outcomes. As part of this process of developing a performance measurement framework the Contract/SLA for the service will also be developed. Additionally the resource implications for the provider may be confirmed through this negotiated process.

## 11. Contract Award

Following the evaluation of application the award of a contract/SLA will be made. A **Contract Award Report** will be completed and signed by the relevant Director or other authorised officer. An outline of such a report is attached at Appendix H. The ability to

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<sup>4</sup> The TSP must comply with the Freedom of Information Act 2000 in disclosing information to third parties. Please see Section 16 for further details.

award contracts is set out in the Councils Financial Regulations and Standing Orders in relation to Contracts. We will publish the Commissioning decisions in order to be fair and transparent.

## **12. Contract Length**

When commissioning services under this framework it is recommended that, where possible, contracts are for a **minimum period of 3 years**. However if either party is in breach of contract, early termination, as per the contract, is enforceable by either party. This period is chosen as this reflects the Council's Medium Term Financial Strategy. This enables the provider to recover any investment it makes to deliver the service. Investment in this sense includes assets, training and additional management support. It also enables the provider to plan for the long term.

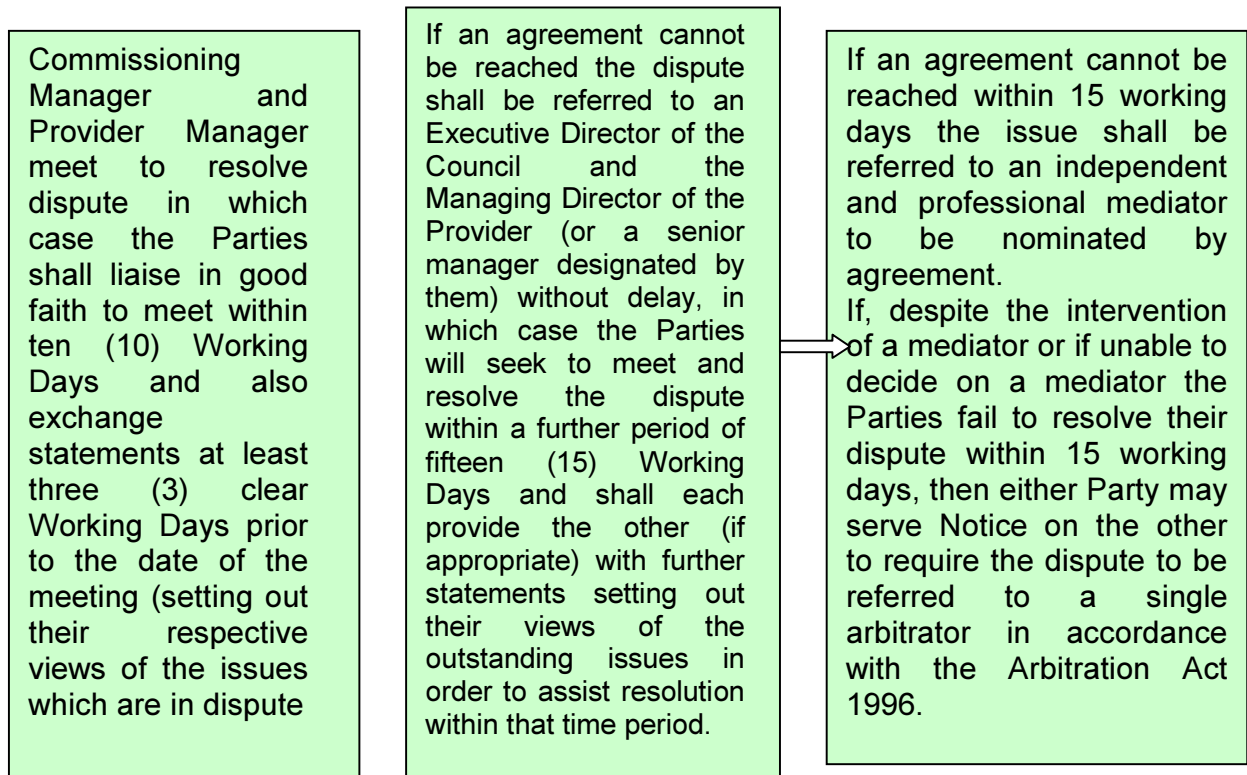
## **13. Contract Management and Performance Review**

Effective contract management is fundamental to the delivery of high quality services. The Public Sector Commissioning Board and the provider will **jointly monitor performance** on an ongoing basis [bi-annually unless otherwise negotiated at the approval stage] with a formal review on an annual basis. This review must be completed within the third quarter each year so that a report can be provided to the Public Sector Commissioning Board on the performance of each service and enable officers to confirm or withdraw funding for the following financial year. To develop trust and reinforce transparency it is imperative that an open and honest procedure is in operation on both sides.

Public Sector Commissioning Board reserves the right to carry out an audit of commissioned organisations at its sole discretion and cost.

## **14. Dispute Resolution**

All agreements will incorporate a dispute resolution mechanism which needs to be time limited. This will follow the outlined Dispute Resolution Procedure. If any dispute arises between the Parties in relation to the Contract which can not in the first instance be resolved by the Appropriate Officer and the Provider's Representative the procedure will be as follows.



## 15. Legal and Compliance Issues

All commissioning must comply with relevant TSP members' own Financial Regulations and Standing Orders in relation to Contracts.

**The EC Procurement Directives are applicable to all procurements.**

Where the value of the commission is less than the current thresholds for a Part B service, there is no need to advertise in the European Journal. However under EU law TBC is bound to act in an open and transparent manner and *not* discriminate against any organisation from outside Tamworth (including all the European Union) that may wish to bid for services. In the case of Part B services over the set threshold TBC must observe rules on specifications and place an award notice in the Official Journal of the European Journal (OJEU).

### **Data Protection Act 1998 and Freedom of Information Act 2000**

The Public Sector Commissioning Board is fully committed to compliance with the requirements of the Data Protection Act 1998 which came into force on 1 March 2000. The Public Sector Commissioning Board will therefore follow procedures which aim to ensure that all employees, elected members, contractors, consultants, partners or other servants of the council who have access to any personal data held by or on behalf of the Public Sector Commissioning Board, are fully aware of and abide by their duties under the Data Protection Act 1998.

The Public Sector Commissioning Board regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between The Public Sector Commissioning Board and those with whom it carries out business. The Public Sector Commissioning Board will ensure that it treats personal information lawfully and correctly.

To this end the Public Sector Commissioning Board fully endorses and adheres to the principles of Data Protection as set out in the Data Protection Act 1998.

The Freedom of Information Act 2000 (FOI) came into force in January 2005 and under it any member of the public, company, charity or organisation, may make a request for information to the Borough Council.

Voluntary and Community Sector organisations are exempt from the act. However, government would “expect charities to respond as openly and promptly as possible to reasonable requests for the information they hold”.<sup>6</sup>

### **Protecting your organisational interests**

When tendering or entering into a contract with the Authority, organisations may wish to ensure that their commercial interests are protected or this could result in sensitive information being disclosed. Applicants should consider what information may be confidential or sensitive and advise the Commissioning Team in writing.

Organisations may wish to identify sensitive information when tendering and forwarding material to the Council. It is the responsibility of the tenderer to clearly mark any information contained in their tender proposals or contracts that is commercially sensitive or may be:

- Classed as secret within their sector and bring this to the attention of the Commissioning Team in writing. Reasons why the information is sensitive and/or secret must also be included.
- Organisations may wish to agree a list of potentially exempt information to attach to a contract e.g. pricing, innovative or original processes.
- The Commission Team will also, where possible, notify organisations of information requests and seek the agreement of the organisation before disclosing the information to someone else.

The Freedom of Information Act 2000 is enforceable by the Information Commissioner, for more information please visit [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk). For specific procurement related guidance see the FOI (Civil Procurement) Policy and Guidance document.

<sup>6</sup> The Ministry of Justice 2009.

## TUPE & Pensions

In January 2000, the Government issued Guidance on 'Staff Transfers in the Public Sector'. This document outlined the Government's expectation that all public sector organisations are expected to ensure that staff are treated fairly and consistently and have their rights respected in outsourcing exercises. The document talks of a consensus in favour of applying TUPE in all situations where services are: contracted out; re-tendered; brought back in-house or reorganised/transferred within the public sector.

As a matter of good practice, trade unions (or independent employee representatives) should be provided with adverts, the broad strategy to be used in tendering for services and the likely timetable. Additionally, there is a statutory duty to inform and consult with Trade Unions (or independent employee representatives) in respect of any TUPE transfer. Where there is a decision to outsource services, staff and unions should be involved in the selection process and in subsequent detailed work around the transfer.

When dealing with the transfer of staff and/or services, local government employers are required to take account of a number of pieces of legislation or guidance issued by the Government over the years, such as HM Treasury's guidance 'Fair Deal for Staff Transfers' and the Best Value Authorities Staff Transfers (Pensions) Direction 2007 (referred to as the '2007 Direction').

The 2007 Direction specifies that: "The contract must provide:

- (i) That the contractor shall secure pension protection for each transferring employee and
- (ii) That the provision of pension protection is enforceable by the transferring employee."

'pension protection' is regarded as having been secured if: "after that change in employer he has ..... rights to acquire pension benefits and those rights –

- (a) are the same as,  
or
- (b) count as being broadly comparable to or better than, those that he had, or had a right to acquire, as an employee of the authority.'

Accordingly, authorities must now ensure that contractors provide a broadly comparable pension scheme for all employees being transferred to a new employer as a result of a transfer of services.

The Public Sector Commissioning Board will, where appropriate, seek to provide assistance to organisations either:

- In obtaining Admitted Body Status (ABS) to the Local Government Pension Scheme, to ensure that any employees who transfer from TBC can be provided with pension benefits comparable with those available to TBC employees

or

- In providing a broadly comparable pension through an external scheme which as a 'passport' issued by the Government actuary confirming the new scheme is broadly comparable.

The under performance of pension schemes can result in substantial liabilities for providers. The Public Sector Commissioning Board will ensure that obligations of contractors in meeting the costs of any such liabilities are clearly defined in any contract/agreements.

### **Assets**

Where assets are offered to the provider on lease, rental or transfer, the Commissioning Team will provide sufficient information on their condition, quality and operational cost to enable providers to assess their liability. This information will be provided during the specification development phase at the latest.

## Glossary

**Best Value** - The policy for delivering services of excellence within available resources which respond to both local and national priorities. 'A Best Value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' (LGS 1999, section 3 [1]).

**Commissioning Manager** - The Commissioning Manager's responsibilities will include: Supporting and liaising with potential providers, managing the application and delivery process, resolving shortfalls in the delivery of the service.

**Commissioning Team** - The Commissioning Team refers to a virtual team who share responsibility for the operational delivery of the commissioning process and may comprise of Council representatives from the Commissioning Directorates, Legal Team, Human Resources the Commissioning Manager and the Partnership Funding Officer as well as Commissioners from partner agencies. This list is not exhaustive.

**Community Groups** Membership based member-led groups usually focussed on a neighbourhood, village or community interest which tend to be informal in structure, based on mutual support and have limited income.

**Consultation** The process of seeking and listening to views in order to assess opinions on a particular issue.

**Contract/SLA** The document awarded on the completion of the tendering process recording the agreement between the parties. It specifies the service to be delivered and the arrangements for delivery, paying for it together with arrangements for monitoring and ending the contract. This is a legally binding document.

**Evaluation** The assessment of the value of the service that is provided. It helps organisations to see whether they are achieving what they want to achieve or if they need to do anything in a different way.

**Full Cost Recovery** Full Cost Recovery is an essential financial management concept that gives accurate and complete project costing when applying for funding. Full cost recovery means the service provider must 'recover' the full cost of a project or service they provide including direct costs and a relevant proportion of the overhead costs of the organisation. Every organisation needs to recover all its costs to generate surplus to rent office space, pay employees and plan for the future and the continued development of its services. Full cost recovery will therefore include appropriate overhead costs activities or services provided. These costs may include:

- Premises – rent, mortgage, heat, light, management, insurance
- Equipment – telephone, fax, photocopying, IT
- Staffs costs
- Finance management

- Research and development
- Support of membership structure/volunteers/trustees
- Project management
- Monitoring and evaluation, quality assurance
- Travel and subsistence
- Training and supervision
- Human resources
- Fund-raising

**Funding** A general term used to describe money for a project, person, business etc. or the way in which that money is provided e.g. via a grant.

**Grant** A grant is a financial transfer used to fund activity that is in broad alignment with the Funder's objectives.

**JSNA** Joint Strategic Needs Assessment

**Tamworth Strategic Partnership** An overall partnership of people that brings together organisations from the public, private, community and voluntary sectors within a local authority areas, with the objective of improving people's quality of life.

**MEAT** Most Economically Advantageous Tender often used in the same way as Best Value.

**Monitoring** The collection and recording of information against performance indicators on the activities of an organisation. It provides information on what the organisation is doing.

**Participation** A process in which individuals, groups and organisations can be actively involved with others in a variety of activities or processes.

**Partnership** Two or more organisations working together to achieve a shared goal. There is a clear understanding of what each organisation is contributing whilst taking into account their differences. There is equal respect for all partners and its success depends on the sharing of decision making and information.

**Procurement** The acquisition of goods or services from third party suppliers under legally binding contractual terms where all the conditions needed to form a contract have been met. Procurement is the process that public bodies use to obtain goods and services necessary for the delivery of the services it provides to the public. This may involve a competitive bidding process which any organisation has the right to bid on equal terms.

**Public Sector Agencies** Central and Local Government agencies established by statute or law.

**Tender** A competitive procedure by which a bid is made to provide goods, services and works at a certain price, volume and standard.



**Third Sector** Registered charities, voluntary organisations, and community groups, faith groups engaged in voluntary social action, not for profit organisations, community interest companies and social enterprises.

**The Public Sector Commissioning Board** The group that is responsible for Commissioning Services and oversee the whole process.

**TUPE** Stands for Transfer of Undertakings (Protection of Employment) Regulations. These protect people when their employer changes such as when a company is taken over or a public service is contracted out.

**Value for Money (VFM)** The optimum combination of whole life costs and quality to meet the user requirement. VFM is an overarching principle of the UK Governments Procurement Policy and all public procurement decisions should be made on the basis of VFM.

**Voluntary organisation** An organisation which is non-profit distributing, non-statutory, autonomous and often of charitable status.

## **APPENDICES**

### **APPENDIX A:**

#### **PRIORITIES FOR TAMWORTH**

##### **CORPORATE PRIORITIES**

**“One Tamworth, Perfectly Placed”**  
(the people)      (the place)

##### **Strategic Priority 1**

To Aspire and Prosper in Tamworth

##### **Primary Outcome**

To create and sustain a thriving local economy and make Tamworth a more aspirational and competitive place to do business.

##### **To achieve this, we will:**

1a Raise the aspiration and attainment levels of young people

1b Create opportunities for business growth through developing and using skills and talent

1c Promote private sector growth and create quality employment locally

1d Brand and market “Tamworth” as a great place to “live life to the full”

1e Create the physical and technological infrastructure necessary to support the achievement of this primary outcome.

##### **Strategic Priority 2**

To be healthier and safer in Tamworth

##### **Primary Outcome**

To create a safe environment in which local people can reach their full potential and live longer, healthier lives.

##### **To achieve this, we will:**

2a Address the causes of poor health in children and young people;

2b Improve the health and well being of older people by supporting them to live active, independent lives;

2c Reduce the harm and wider consequences of alcohol abuse on individuals, families and society;

2d Implement 'Total Place' solutions to tackling crime and ASB in designated localities;

2e Develop innovative early interventions to tackle youth crime and ASB; and

2f Create an integrated approach to protecting those most vulnerable in our local communities

There have been ten factors prioritised which if addressed will significantly improve the above priorities these are:

1. Reduce alcohol misuse by tackling both the inappropriate availability and consumption of alcohol
2. Ensure access to good, quality, suitable and affordable Housing
3. Reduce the number of residents who live significantly more time in ill or poor health
4. Improve levels of enterprise and job creation in the local economy
5. To develop a joint Infrastructure Delivery Plan and oversee its implementation
6. Improve the capacity and skills of parents
7. Reduce the harm and health inequalities caused by tobacco consumption
8. Increase aspiration and educational attainment levels
9. Increase levels of physical activity amongst children and adults
10. Improve positive nutrition choices and promote healthy eating

## **Appendix B: Core components of a Service plan (scoring matrix)**

### **Priorities for funding – scoring matrix on chosen priorities**

- 1) Priority area/Outcome**
- 2) Evidence of need (up to date analysis of local need through various strategic documents)**
- 3) Evidence of Community Demand**
- 4) Alignment with TSP priorities and underlying factors.**
- 5) Cross cutting impact**
- 6) Existing Service Provision**
- 7) Gaps in current provision**
- 8) Likelihood of achieving Significant impact**
- 9) Consequences of not funding service**

## **Appendix C: Sample Service Outline template**

Priority areas/outcomes for the service

Aims and Objectives of the Service

Background & Evidence of need

Alignment with TSP priorities

Cross cutting impact

Existing Service provision

Gaps in current provision

Financial Information (where applicable)

- Budgetary information
- Number of years service will continue for
- Number of transferring staff and wage bill (if applicable)
- If a consortium bid is acceptable

Indicative Commissioning Timetable

Application Form

Relevant Criteria Scoring

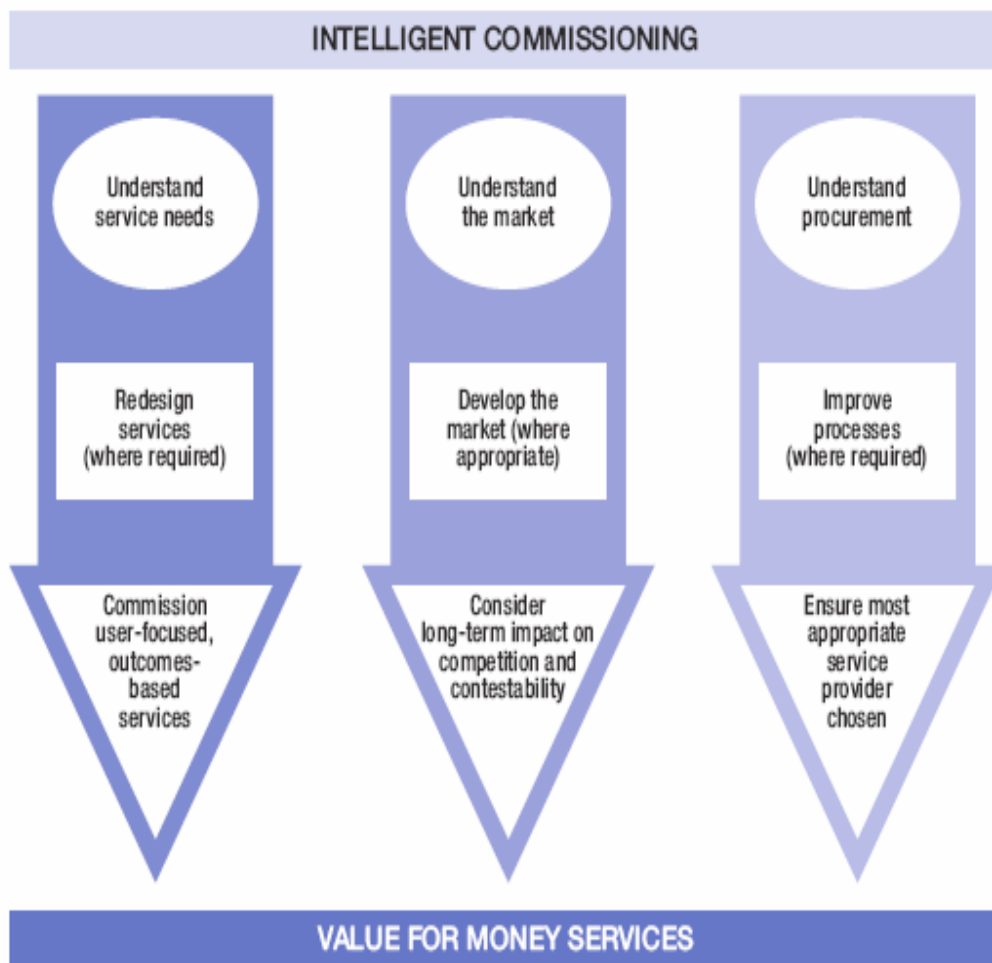
## **Appendix D: Eight Principles of Good Commissioning**

*Partnership in Public Services: An action plan for Third Sector involvement, Office of the Third Sector, 2006*

### **Eight principles of good commissioning**

- 1. develop an understanding of the needs of users and communities by ensuring that, alongside other consultees, they engage with Third Sector organisations as advocates to access their specialist knowledge;**
- 2. consult potential provider organisations, including those from the Third Sector and local experts, well in advance of commissioning new services, working with them to set priority outcomes for that service;**
- 3. put outcomes for users at the heart of the strategic planning process;**
- 4. map the fullest practicable range of providers with a view to understanding the contribution they could make to delivering those outcomes;**
- 5. consider investing in the capacity of the provider base, particularly those working with hard-to-reach groups;**
- 6. ensure contracting processes are transparent and fair, facilitating the involvement of the broadest range of suppliers, including considering subcontracting and consortia-building where appropriate;**

## Appendix E: Intelligent Commissioning Model



## Appendix F: Sample Application Form

**FOR OFFICE USE ONLY**

Tender ref:



## FUNDING APPLICATION FORM

### IMPORTANT NOTES

#### THE DEADLINE FOR APPLICATIONS IS 2pm on \*\*\*\*\* 2013

- Please read the guidance notes before completing this application form.
- Ensure your application form and accompanying documents are returned by the deadline date.
- Please ensure that you complete all sections of the form. If you are unable to provide the necessary information, you must provide an explanation.
- Incomplete or late applications will not be considered.
- If you have any specific communication or special needs e.g. sign language, other language, please let us know on the telephone numbers or email address below.
- We welcome applications from all sectors of the community. This authority is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment. Disclosure & Barring Service (DBS) Checks required for relevant posts.
- Information on this form may be held on computer. We will observe strict confidentiality and disclosures will only be made for recruitment, personnel administration and statistical purposes.
- The council expressly reserves the right to issue further instructions and clarifications and to alter and amend any of the documents up to the final date for receipt of tenders.
- Should the Tenderer have any queries requiring clarification prior to the submission of their Tender in respect of any part of the Tender Documentation, they must submit a written request via the correspondence facility on in-tend. Any such requests must be made in writing at least forty-eight (48) hours prior to the submission return time and date deadline. Queries and/or requests for clarification will NOT be answered after the 2 day deadline. Replies will be sent to all Tenderers as a Clarification Notice via in-tend, although the anonymity of the person raising the query will be maintained.



## HOW TO SUBMIT YOUR APPLICATION

Should you have any queries relating to the Service Outline or questions on the Application Form, please address them via the correspondence facility on the in-tend website:

If you require this information in another language or formats such as larger print or Braille, please contact the Communities, Planning & Partnerships Team on 01827 709615.

Applications must be submitted electronically via the In-tend website at <https://in-tendhost.co.uk/tamworthbc> in either pdf format or a format which is compatible with Office 2003. Electronic links to other websites, or similar, where completed Applications or associated documentation may be viewed or downloaded by Tamworth Borough Council will not be accepted.

Where any attachments to the Application documentation are unable to be submitted electronically by the Applicant, one (1) hard copy of each of the attachments will be accepted provided they are received in an envelope that is clearly marked as "Private and Confidential – Application" together with the Tender Reference Number. There must be no indication on the envelope of the Applicant's name. The address where any hard copy attachments must be received is:

Jane Hackett  
Legal & Finance  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
B79 7BZ

Applicants **MUST NOT** replicate and submit attachments in both electronic and hard copy format. For the avoidance of doubt and in the event of any conflict between the received electronic and any hard copy Application documents the electronic documents shall take precedence.

Should you experience any difficulty in uploading completed documents you **MUST** contact and inform the procurement officer named below in good time before expiry of the submission time and date. Where Applicants are unable to upload their Application submission and the report of the problem is received after the submission deadline, this will result in the disqualification of the Application submission.

Applications together with any supporting hard copy attachments or documentation **MUST** be received at the electronic address by no later than:

**2pm on \*\*\*\*\* 2013**

Late receipts of electronic documentation will result in the disqualification of the submission. Applicants are advised, wherever possible, to submit their documents electronically well before the submission deadline as submissions attempted close to the deadline may result in some documentation not being received and accepted. The Council accepts no liability of any kind for any submissions that are incorrectly addressed or delivered. It is the Applicant's responsibility to ensure that their Application is submitted electronically together, where applicable, with any supporting hard copy attachments to the correct address before the closing date and time indicated above.

If you have any technical questions or problems regarding use of the in-tend system please contact:

Dave Onion

Corporate Procurement Officer

Tel: 01827 709371

Email: [david-onion@tamworth.gov.uk](mailto:david-onion@tamworth.gov.uk)

## Section A – Details of your Organisation

Name of Organisation:

Address:

Postcode:

Telephone Number:

Fax Number:

A1

E-mail Address:

Web Address

Name of Chief Executive or Director

Name of person to contact regarding this application:

Title:

First Name:

Surname:

Position in organisation

Contact Details if different from above

<b>A2</b>	Legal Status of your organisation	
	Please tick as appropriate:	If applicable – Registration No.
	Unincorporated body	
	Trust	
	Faith group engaged in voluntary/social action	
	Community interest Company	
	Social enterprise	
	Company Limited by guarantee	
	Registered Charity	
	Registered friendly society	
	Registered social landlord	
	Public Sector Organisation	
	Other	

<b>A3</b>	Are you a sole organisation or applying as lead organisation as part of a consortium? If consortium list partners names?

<b>A4</b>	When was your organisation set up? If you are a new organisation, are you receiving start up support from any organisation?

Please provide two referees													
<b>A5</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; background-color: #cccccc;"><b>Referee 1</b></td> <td style="width: 50%; background-color: #cccccc;"><b>Referee 2</b></td> </tr> <tr> <td>Name:</td> <td>Name:</td> </tr> <tr> <td>Agency:</td> <td>Agency:</td> </tr> <tr> <td>Position:</td> <td>Position:</td> </tr> <tr> <td>Phone:</td> <td>Phone:</td> </tr> <tr> <td>Email Address:</td> <td>Email Address</td> </tr> </table>	<b>Referee 1</b>	<b>Referee 2</b>	Name:	Name:	Agency:	Agency:	Position:	Position:	Phone:	Phone:	Email Address:	Email Address
	<b>Referee 1</b>	<b>Referee 2</b>											
Name:	Name:												
Agency:	Agency:												
Position:	Position:												
Phone:	Phone:												
Email Address:	Email Address												
<p><b>I give my permission for Tamworth Borough Council to discuss this service/activity with these referees in relation to this application.</b></p> <p>Name: Position: Signed: Date:</p>													

<b>Section B – Priorities, Aims and Objectives</b>	
<b>B1</b>	What is your Mission Statement?

<b>B1.1</b>	What are your Organisations primary aims and objectives?

<b>B1.2</b>	Describe your organisations experience and knowledge relevant to the proposed service

<b>B2</b>	Which of Tamworth Strategic Partnership (TSP), Staffordshire County Council (SCC) & the Clinical Commissioning Group (CCG) priorities will your service meet? <i>(Please tick all that apply)</i>	
	TSP Priorities	Tick as appropriate
	<b><u>Strategic Priority 1</u></b>	
	To Aspire and Prosper in Tamworth <b>Primary Outcome</b>	
	To create and sustain a thriving local economy and make Tamworth a more aspirational and competitive place to do business.	
	<b>To achieve this, we will:</b>	
	a Raise the aspiration and attainment levels of young people	
	b Create opportunities for business growth through developing and using skills and talent	
	c Promote private sector growth and create quality employment locally	
	d Brand and market “Tamworth” as a great place to “live life to the full”	
e Create the physical and technological infrastructure necessary to support the achievement of this primary outcome.		
<b><u>Strategic Priority 2</u></b>		
To be healthier and safer in Tamworth <b>Primary Outcome</b>		
To create a safe environment in which local people can reach their full potential and live longer, healthier lives.		
<b>To achieve this, we will:</b>		
a Address the causes of poor health in children and young people;		

	b	Improve the health and well being of older people by supporting them to live active, independent lives;	
	c	Reduce the harm and wider consequences of alcohol abuse on individuals, families and society;	
	d	Implement 'Total Place' solutions to tackling crime and ASB in designated localities;	
	e	Develop innovative early interventions to tackle youth crime and ASB;	
	f	Create an integrated approach to protecting those most vulnerable in our local communities	
		<b>Staffordshire County Council Priorities: The people of Staffordshire will:</b>	
		<ul style="list-style-type: none"> <li>• Be able to access more good jobs and feel the benefits of economic growth</li> </ul>	
		<ul style="list-style-type: none"> <li>• Be healthier and more independent</li> </ul>	
		<ul style="list-style-type: none"> <li>• Feel safer, happier and more supported in and by their community</li> </ul>	
		<b>South East Staffs and Seisdon Peninsular Clinical Commissioning Group Priorities/Goals:</b>	
		<ul style="list-style-type: none"> <li>• We will support people to make healthy life choices and reduce health inequalities</li> </ul>	
		<ul style="list-style-type: none"> <li>• People will be supported to take control of their health problem and reduce the impact of this on their life</li> </ul>	
		<ul style="list-style-type: none"> <li>• People will feel safe and supported in times of crisis</li> </ul>	
		<ul style="list-style-type: none"> <li>• Services will be safe, consistent and patient focused; patients, carers and staff will be empowered to provide feedback</li> </ul>	
<b>B2.1</b>	From the Service Outline which outcomes, aims and objectives will your proposed service provide?		

<b>B3</b>	Please provide us with the Service Delivery Plan, outlining key service timescales, milestones, outcomes and outputs. <i>(Please attach as a separate document)</i>
<b>B3</b>	<b>See example (Appendix A)</b>

<b>B3.1</b>	Describe your proposed service/activity
<b>B3.1</b>	<ul style="list-style-type: none"> <li>Summarise the Service Activity you will deliver?</li> </ul>
<b>B3.1</b>	<ul style="list-style-type: none"> <li>How will you involve service users in the consultation, planning, delivery and evaluation of services?</li> </ul>
<b>B3.1</b>	<ul style="list-style-type: none"> <li>How will you monitor and evaluate the outcomes of the service/activity?</li> </ul>
<b>B3.1</b>	<ul style="list-style-type: none"> <li>How will you measure service user satisfaction?</li> </ul>
<b>B3.1</b>	<ul style="list-style-type: none"> <li>How will you market/publicise the service?</li> </ul>
<b>B3.1</b>	<ul style="list-style-type: none"> <li>Any other relevant information?</li> </ul>

<b>B4</b>	Completed Risk Assessment and Equality Impact Assessment
<b>B4</b>	Appendix B & Appendix C



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<b>B5</b>	How will you ensure that this project is delivered effectively and is well managed? Include:
	<ul style="list-style-type: none"><li>• How you will ensure that the people working on the project have the relevant skills and knowledge.</li></ul>
	<ul style="list-style-type: none"><li>• How will they be managed and supported?</li></ul>
	<ul style="list-style-type: none"><li>• How will the budget be managed?</li></ul>

<ul style="list-style-type: none"><li>• How will you involve customers/service users and provide feedback?</li></ul>
<ul style="list-style-type: none"><li>• How will we know when outcomes have been reached and what Performance Management information is collected?</li></ul>
<ul style="list-style-type: none"><li>• Evaluation &amp; Sustainability, please outline your exit strategy.</li></ul>

	<ul style="list-style-type: none"> <li>If working in partnership, tell us about the track record of your lead organisation. (ensure the track record described is both relevant and recent)</li> </ul>

<b>B6</b>	If working in partnership, complete the table below for all organisations that will be working together to deliver the project.	
	Organisation Name	Areas of expertise (e.g. health, housing)
		Their role, including any service they will deliver

	<p>How many volunteers does your organisation support?  <i>(Please provide details of volunteer involvement, training and roles)</i></p>
<b>B7</b>	<p>How many partner organisations do you support/work alongside?  <i>(Please give their names and involvement)</i></p>

**Section C – Financial Information**

	Is there any other added value you will provide/bring to the project?

	Which localities will your Service be targeting? Below are our four priority locality areas for Tamworth (preference will be given to projects covering these areas)	%
<b>B8</b>	Amington	
	Belgrave	
	Glascote	
	Stonydelph	
	Other Tamworth Areas (Please state)_	

<b>C1</b>	<b>a</b> How much funding are you applying for from Tamworth Borough Council?			
	<b>Funding Period</b>	<b>Year 1</b> 1/04/14-30/03/15	<b>Year 2</b> 1/04/15-30/03/16	<b>Year 3</b> 1/04/16-30/03/17
	<b>Request</b>	£	£	£
	<b>b</b> Please provide a breakdown of the budget for your service?			
	<b>Item</b>	<b>Year 1</b> 1/04/14-30/03/15	<b>Year 2</b> 1/04/15-30/03/16	<b>Year 3</b> 1/04/16-30/03/17
	<b>Accommodation</b>	£	£	£
	<b>Staffing Total</b> <i>(please detail numbers of staff and individual salaries and titles below i.e. Admin, Chief Officer etc..)</i>			
	<b>Capital</b>			
	<b>Volunteer expenses</b>			
	<b>Core Costs</b>			
	<b>Other items</b> <i>(please list)</i>			
	<b>Total Budget</b>	£	£	£



<b>C4</b>	Yes		No	
	If you answered yes to the above question, please give further details of the funding below:			
	<b>Funding Type:</b>	<b>Amount:</b>	<b>Purpose:</b>	<b>Funding Period:</b>
	i.e. Annual	£2500	Kitchen garden project	2014-15

Have you applied to any other Funders to deliver this service? <i>(If Yes , please give details)</i>				
<b>C5</b>	<b>Funding Type and Period:</b>	<b>Amount:</b>	<b>Confirmed</b>	
			<b>Yes</b>	<b>No</b>
	i.e. Big Lottery Fund 2013– 2015	£150k	x	

Is the project reliant upon funding from another source which may be due to end prior to completion of this contract?			
Yes		No	
<b>C6</b>	If you answered yes to the above question, please give further details below:		

<b>C7</b>	<b>a What is the total annual income and expenditure of your organisation for the financial year 2012-2013?</b>			
	Income	£	Expenditure	£
	Are you able to provide audited accounts for this period ( <i>please tick the appropriate box</i> )?			
	Yes		No	
	If you answered No to the above question, when will audited accounts be available?			
	<b>b What is the predicted total annual income and expenditure of your organisation for the financial year 2013-2014?</b>			
	Income	£	Expenditure	£
	<b>C8</b>	<b>c What is the predicted level of your free reserves (undesignated and unrestricted) for the financial year 2013-2014?</b>		
£				
Please indicate the broader added value your organisation and this service/activity brings to Tamworth and the wider community, and environment e.g. Softer Outcomes - inclusive networks, voluntary activity, membership in formal and informal groups, trust, social participation and civic engagement including volunteering.				



### Section D - Checklist

Your organisation and partners where applicable must have the following documents for your application to pass the initial assessment. Please tick the boxes to confirm you have these documents in place and submit copies with your application.

<b>D1</b>	a	Constitution, rules or other governing document	
	b	Equal Opportunities/Equalities Policy	
	c	Child/Vulnerable Adults Safeguarding Policy (if appropriate)	
	d	Health & Safety Policy	
	e	Service Delivery Plan (Appendix A)	
	f	Risk Assessment (Appendix B)	
	g	Equality Impact Assessment (Appendix C)	
	h	Appropriate licences, insurances and registration certificates as required to operate legally	
	i	In order to assess financial stability of your organisation, we require one of the following:	
		<ul style="list-style-type: none"> <li>• Last 2 years full final year-end signed accounts</li> <li>• Management accounts since last annual accounts, or, if a new organisation, from the commencement of trading.</li> <li>• New Groups to provide supporting information e.g. Cash Flow forecast, Bank statements</li> </ul>	

### Section E- Declaration

I confirm that to the best of my knowledge and belief, all the information in this application form is true and correct. I understand that Tamworth Borough Council may ask for additional information at any stage of the application process.

<b>E1</b>	<b>Signature:</b>	
	<b>Print Name:</b>	
	<b>Position in Organisation:</b>	
	<b>Date:</b>	

## **Appendix G: Service Agreement & Specification**

The Contract Award Report will by its nature vary dependent on the complexity of the contract. However it should include the following:

### **Contracting Authority**

- 1) Name, address and contact points.
- 2) Name of the Service
- 3) Purpose
- 4) Description of Service
- 5) Outcomes expected
- 6) Places where provided
- 7) Day, times & accessibility
- 8) Key PI's
- 9) Date for Performance returns
- 10) Price Schedule
- 11) Period of Contract
- 12) Joint Risk Evaluation
- 13) Contractual/Legal Evaluation
- 14) Authorised Officer details
- 15) Agreement signature page

## APPENDIX H: Risk Assessment Template



<b>Service</b>	
<b>Name of Assessor</b>	
<b>Organisation</b>	
<b>Contact Details</b>	
<b>Completion Date</b>	

**Please identify the key risks to service delivery under the following areas, and show measures and further actions in place to control these risks**

Each risk must be scored before and after control measures are in place to identify whether the risks are low, moderate, high or extreme (significant) in nature.

Please note: the impact rating of the risk will always remain the same. The likelihood rating can be reduced with control measures being put in place.

**Areas to consider risks in are:**

**Areas to consider risks in are:**

- 1. Service users** (e.g. lack of engagement; not meeting stakeholders' needs)
- 2. Staff** (e.g. capacity of staff, skills, recruitment, retention)
- 3. Partners** (e.g. lack of engagement; duplication of services; risks involved in sub contracting)
- 4. Financial** (e.g. match funding, full cost recovery)
- 5. Organisational** (e.g. changing internal structures, policies and procedures, time restraints)

RISK SCORE		RISK RATING		
Potential Impact (I) (worst outcome)	Likelihood/Probability (L)	Score		
5 – Catastrophic	5 – Frequent	16+	<b>EXTREME (E)</b>	Must be managed down as matter of urgency
4 – Critical	4 – Probable	9 - 15	<b>HIGH (H)</b>	Must be closely monitored & managed down as quickly as possible
3 – Serious	3 – Possible			
2 – Marginal	2 – Remote chance	3 - 8	<b>MEDIUM (M)</b>	Seek to influence medium term/monitor
1 – Negligible	1 – Extremely unlikely	1 - 2 (review)	<b>LOW (L)</b>	Live with and monitor

Service Objective in relation to commissioned service	Risk identified	Potential consequence	Risk Score IxL	Risk Rating	Special Existing Control Measures	Final Score IxL	Final Risk Rating	Further action required	Owner	Target Date
<b>Example</b> Deliver service within budget to agreed specification.	Failure to accurately cost project	Unable to deliver agreed service. Unable to recover overhead costs. Financial implications	4 x 3	H	Use of full cost recovery to ensure accurate project costing.  Procedures / processes in place to control financial spending	4 x 2	M	Plan quarterly finance meetings to show ¼ spending and projected spending	Jane Smith	01/03/12

## Appendix I:

### Equality Impact Assessment Template

5 Steps	Comments	Hints and Tips
<b>Step 1:</b> <b>What do we want to achieve?</b>		Describe the outcomes rather than the process  Who is the intended 'audience'?  Who else might be affected?  Think about the needs of the people the service or project is aimed at.

5 Steps	Comments	Hints and Tips
<p><b>Step 2:</b> <b>What do we know?</b></p>		<p>If we were doing it 'for real' what kind of evidence and data might we look at to help inform the development of the project or activity?</p> <p>E.g. local knowledge, Census data, local research, feedback from previous consultation exercises, place survey etc</p> <p>Think about the following factors:</p> <ul style="list-style-type: none"> <li>Disability</li> <li>Ethnicity</li> <li>Gender</li> <li>Sexuality</li> <li>Religion/Belief</li> <li>Age</li> </ul>

5 Steps	Comments	Hints and Tips
<p><b>Step 3: Finding out what people want</b></p>		<p>How will we find out what local people want and what the issues are?</p> <p>Think about the following factors:</p> <ul style="list-style-type: none"> <li>Disability</li> <li>Ethnicity</li> <li>Gender</li> <li>Sexuality</li> <li>Religion/Belief</li> <li>Age</li> </ul>

<b>5 Steps</b>	<b>Comments</b>	<b>Hints and Tips</b>
<b>Step 4: Doing it!</b>		<p>What will we do as a result of what we've found out?</p> <p>How will we design the service to make sure needs are met?</p> <p>Think about the needs of the people the service or project is aimed at. Think about the following factors:</p> <ul style="list-style-type: none"><li>Disability</li><li>Ethnicity</li><li>Gender</li><li>Sexuality</li><li>Religion/Belief</li><li>Age</li></ul>



5 Steps	Comments	Hints and Tips
<b>Step 5:</b> <b>What difference have we made?</b>		<p>What monitoring will we need to do, to make sure actions are undertaken?</p> <p>How will we collect evidence of outcomes?</p> <p>Think about the following factors:</p> <ul style="list-style-type: none"><li>Disability</li><li>Ethnicity</li><li>Gender</li><li>Sexuality</li><li>Religion/Belief</li><li>Age</li></ul>

**Appendix J:**

**SERVICE DELIVERY PLAN**

<b>Outcomes</b>	<b>Milestones/actions planned</b>	<b>Date By</b>	<b>Lead person/organisation</b>	<b>Evaluation Date</b>
i.e. reducing debt (these <b>MUST</b> include those in the service outline as a minimum)	i.e. <ul style="list-style-type: none"> <li>• Debt website published</li> <li>• 20 clients supported</li> </ul>	i.e. September 2010	i.e. Name	i.e. October 2010

# Appendix K:



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 Tamworth Borough Council Licence CA 100018287 (2009).



Date: 26.08.09	Scale: 1:45000
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**TAMWORTH PUBLIC SECTOR COMMISSIONING**  
**DECOMMISSIONING GUIDANCE FOR ENDING A CONTRACT**  
**COMMISSIONED, PROCURED OR GRANTS FUNDED**

### Contents

1. Definitions
2. Introduction
3. Legal Considerations
4. Key Principles for Good Decommissioning
5. Risk
6. When to Decommission
7. Roles and Responsibilities
8. The Decommissioning Process
  - Strategic Commissioning and Decision Making
  - Operational Decommissioning Process
  - Exit Strategies and Planning Transition
9. Additional Considerations
10. Appendices
  - Appendix 1 Flowchart of Operational Decommissioning Process
  - Appendix 2 Key Related Policies to Consider
  - Appendix 3 IPC Commissioning Cycle
  - Appendix 4 Risk Matrix
  - Appendix 5 Additional Reading

Version Control			
Document Author		Karen Adderley – Head of Partnerships & Commissioning	
Version	Date Amended	By	Significant Changes
1	08/04/13	FF	
2	21/06/13	FF	
3	17/09/13	KA	

## SCOPE OF GUIDANCE

This guidance forms part of the Public Sector Commissioning Framework, and sets out processes and standards to adhere to when reaching the end of a contract, end of grant funding arrangement and decommissioning services.

The process and considerations for decommissioning must be considered during the commissioning cycle and form part of any contract and service level agreement.

Implementation of this guidance will ensure that the expectations of all parties are clear and reduce the risks of failing to comply with legal or financial requirements, of letting down service users, or of destabilising the provider market.

This Policy applies to all services, including those jointly commissioned with partners, whether they are delivered internally or by an external contractor, and regardless of the 'sector' (e.g. VCS) in which the Provider is operating.

## 1. DEFINITION

The term decommissioning commonly covers all instances and is defined as:

**“The process of planning and managing a reduction in service activity or terminating a [service or] contract in line with commissioning objectives.”**

*Improvement & Development Agency, IDeA*

## STRATEGIC / OPERATIONAL

Decommissioning can be considered as having two key stages that are used when defining the key roles, responsibilities and tasks

1. **Strategic Decommissioning:** the business case for change and decision-making.
2. **Operational Decommissioning:** implementing good change management, including contract termination and transition to new delivery arrangements.

Providers and interested stakeholders of existing services must be consulted and engaged with throughout the strategic decommissioning process.

Essentially, successful decommissioning is about good **change management**, ensuring that the transition to new ways of delivering services or the cessation of service delivery is well managed.

## 2. INTRODUCTION

Tamworth Borough Council has adopted, in its Public Sector Commissioning Framework, recognition that decommissioning is an integral part of the commissioning process.

Considerations for decommissioning must be carried out at the Analyse, Plan, Do and Review stages as shown in the diagram example in Appendix 3

The resources available to commissioners for investing in achieving outcomes will on the whole be finite<sup>1</sup>, and in times of financial hardship funding may often be reduced.

This requires commissioners to look for the most efficient ways of investing to achieve the best outcomes for adults, children and young people in Tamworth; increasingly this will be seen in the integrating of budgets and frontline service delivery across partner organisations, seeking more efficient delivery models from existing suppliers as well as looking for new models of service delivery.

Inevitably, any decisions to change service delivery and move resources will require change to, or termination of the current service delivery. This can happen when a contract reaches the end of its agreed term, grant funding has finished, where national or local changes in priorities or funding requires a service review that alters the scope of work or poor performance by providers needs addressing.

In addition, immediate decommissioning can result where a provider has breached a contract, for instance where a service is not safe or compliant with legal duties.

Service cessation and contract termination could impact on provider sustainability and the future of their workforce affecting therefore the market's future availability of providers from which to commission.

Market development can be stifled by poor decommissioning practices, as providers are more wary of dealing with the Authority or are detrimentally impacted upon by commissioning decisions.

Robust exit strategies should be considered at both the tender and contract negotiation stages; in order to reduce any detrimental impact of commissioning or decommissioning and to best prepare parties for changes to funding or commissioning demand.

High quality and appropriate monitoring and evaluation requirements must also be in place to determine how well a current service is delivering outcomes. The evidence provided by good contract management must be used in all decommissioning processes.

<sup>1</sup> Although on occasion new funding streams are identified, these are on the whole short-term and overall the resources available are likely to remain the same or reduce over the next few years.

### 3. LEGAL CONSIDERATIONS

At the beginning of any contractual relationship it is essential to set out clear legal terms for the termination of contracts.

Before any decommissioning work commences it is **paramount** to check the legal position of the service under review and to adhere to contractual terms. Legal services must be consulted at all stages of the process.

### 4. KEY PRINCIPLES FOR GOOD DECOMMISSIONING

By undertaking the decommissioning process well we are seeking to:

- Prioritise the changing needs of service users, particularly the most vulnerable
- Improve service quality
- Continuity of service provision
- Secure transition to new delivery arrangements
- Managing the process of service cessation
- Make the best possible use of limited resources to secure positive outcomes
- Base change on a clear and evidence based business case
- Consider the impact of change on the ‘whole system’
- Minimise risk of compliance failure with legal, financial and statutory duties
- Maintain good partnership working and relationships with providers and stakeholders
- Consider and mitigate the impact on equalities groups
- Maintain the skills, experience and knowledge of the workforce
- Support the future market
- Demonstrate transparency and openness in decision-making
- Be aware of the broader social and economic impact of change – e.g. on local employment and other investment
- Continue to meet our statutory duty

#### FOUR KEY PRINCIPLES

Good decommissioning embeds the following key principles and identified activity:

Principles	Processes
Focus on achieving outcomes	Base change on evidence of need and shared aspirations
	Effective inclusion of all, focusing on vulnerable and equalities groups
	Engage service users in decision making
Build Consensus	Communicate, within a clear structure and process, with all stakeholders

	Be open, transparent, timely and respectful
	Develop a shared understanding of both processes and outcomes
	Secure political and senior management ownership
	Manage expectations
Informed and robust decision making	Use accurate data in information, communications and documentation
	Establish a clear and credible evidence base
	Clarify ownership of the decision-making process
	Fully understand the impact of the 'whole-system'
	Clearly identify and forecast resources
	Understand the impact on equalities communities
	Be transparent
High quality project management	Set out and communicate a well planned process
	Clearly define roles and responsibilities
	Undertake good quality risk management
	Identify adequate timescales, resources and capacity for the process
	Undertake robust transition planning
	Review and learn for the process

## 5. RISK

All change has both intended and unintended consequences. It is important that commissioners are aware of the risks and the likely impacts of the decommissioning activity, and ensure that appropriate actions are taken to reduce the potential negative effects wherever possible.

A risk matrix is a useful tool to help clarify the importance of each action. It demonstrates in a grid format the level of likelihood against impact of each decision, highlighting clearly those in high and critical areas.

An example is shown in appendix 4.



Likelihood ↑	4	Green	Yellow	Red	Red	
	3	Green	Yellow	Yellow	Red	
	2	Green	Green	Yellow	Yellow	
	1	Green	Green	Green	Yellow	
			1	2	3	4
			Impact →			

### Assessing the risk

The risks are listed down and then mapped on the grid in the appropriate sector. This starts to build a picture of how the process will affect the service to be decommissioned.

Examples of what questions should be considered are:

1. What will be the impact of loss of funding for the provider?
2. What are the impacts upon other services?
3. What will be the impacts upon working relationships between provider and the Council?
4. What will be the impacts upon the market of provision/altering the balance of power?

Whilst these risks cannot be mitigated because of the need to decommission has to happen, it is paramount that the implications are understood and accepted within the process.

## **6. WHEN TO DECOMMISSION**

Service decommissioning can be initiated either by the actions of a provider or a commissioner / contracting officer.

### 1. Planned decommissioning

Results either from the scheduled end of an existing contract/funding arrangements

and/or a service or strategy review process. Where the strategy review process takes place during the life of the contract, the **legal** implications need to be checked first. Depending how the service was contracted will determine what type of exit strategy will need to be applied.

## 2. Unplanned decommissioning

May result where a current service or provision fails – this could be due to consistent poor performance; other difficulties for the provider which require them to pull out of delivery; or a major incident which places service users at immediate risk.

Unplanned decommissioning is likely to require swift and robust action and accentuates the need to have a process in place at the start up of a contract. Plans to aid decommissioning are part of the contract terms.

## 7. COMMISSIONING TEAM – THE FOLLOWING TABLE OUTLINES THE KEY ROLES AND RESPONSIBILITIES TO BE INVOLVED IN A COMMISSIONING TEAM

Role	Responsibilities	Timescale
<b>Commissioning Board</b> Defined by the specific commissioning / decommissioning process e.g. could be a Programme or Project Board, Work stream Group.	<ul style="list-style-type: none"> <li>• Determines the appropriate decision making process</li> <li>• Approves the commissioning and decommissioning recommendations;</li> <li>• Provides quality assurance and challenge to the commissioning and decommissioning process</li> </ul>	At least 6 Months prior to end of contract
<b>Lead Commissioner</b> Service Manager or equivalent	<ul style="list-style-type: none"> <li>• Leads stakeholder engagement and communications</li> <li>• Leads on the commissioning and decommissioning process and development of service review or strategy;</li> <li>• Develops, with providers, Business Case for Change and presents cases to the Commissioning Body for decision;</li> <li>• Identifies the scope, requirements and makes recommendations to the Commissioning Body;</li> <li>• Ensures that the data, evidence base and other information is accurate and robust;</li> <li>• Signoff business cases for individual service decommissioning;</li> <li>• Provides direction and support to the contract manager;</li> <li>• Implements stakeholder engagement</li> </ul>	At least 6 Months

	and communications plan	
<b>Officer performance managing the contract</b>	<ul style="list-style-type: none"> <li>• Manages communications with individual providers;</li> <li>• Ensures existing information on performance and emerging needs informs the commissioning / decommissioning process;</li> <li>• Manages the operational decommissioning process;</li> <li>• Manages a transition plan to new service delivery arrangements.</li> </ul>	At least 3 months
<b>Finance Officer</b>	<ul style="list-style-type: none"> <li>• Ensures availability and use of accurate information on existing spend and forecasted available spend to correctly inform commissioning and decommissioning;</li> <li>• Provides support to the contract manager in mitigating any risks related to funding in contract wind down and transition to new arrangements;</li> </ul>	As and when required
<b>Legal Services</b>	<ul style="list-style-type: none"> <li>• Provide appropriate legal advice when consulted by lead commissioner /procurement/ contract manager.</li> </ul> <p><i>Note: remember to factor in the costing for legal services</i></p>	As and when required

## **The Review Process**

Whether the decommissioning requirement stems from a planned or unplanned occurrence the review process is still the same. The process consists of the following determinants:

### **Needs of Service Users (Demand)**

- Changes in service users' needs
- Service user satisfaction or dissatisfaction
- Level and trend of demand from service users

### **Financial**

- The need to improve value for money;
- Making required efficiency savings;
- A reduction in the available resources;
- Service costs become unsustainable

### **Policy and Practice**

- Legislative, national or local policy changes
- Integration of services to increase efficiency and better meet needs, including the pooling of partners resources
- The drive for personalised budgets and devolving of resources to users
- New research or improved evidence base changes required practice

### **Market Provider Factors (Supply)**

- Service landscape change – i.e. impact of change to other, related services
- Changes or developments within the market
- Ability of current service(s) to deliver expected outcomes
- New technology available to support delivery

## **8. THE DECOMMISSIONING PROCESS**

### **Strategic Commissioning & Decision-Making**

Clarity on the formal decision-making processes is essential for any decommissioning activity, and particularly when working in partnership.

However, depending on the scope of the decisions, investment level, funding source, degree of change and political sensitivity decisions may also require consideration at the Executive Board, Cabinet and/or Boards of individual partner agencies.

The decision-making process must be clearly set out to all parties, including the opportunities for influence or appeal by providers. It needs to have clear ownership by all those engaged and clear documentation (e.g. through Business Case for Change).

It is important to identify and have early communications with your Executive Member /sponsor to ensure buy in and alignment to decision making.

### Stakeholder Participation

A good commissioning process clearly identifies the relevant stakeholders and undertakes a proportionate level of stakeholder mapping – their needs, requirements, issues and concerns. This is essential to building consensus amongst stakeholders to underpin likely change. The key stakeholders in the process may include:

- Service Users
- Service Users' family, carers or friends
- Wider community
- Provider organisation(s)
- Provider staff
- Provider forum organisations/groups
- Multiagency working partners
- Trade unions
- Senior management
- Lead Members and Councillors
- Locality Partnerships / neighbourhood Partnerships
- Other partnership bodies
- Agencies in neighbouring areas (to ensure permeable borders for service users; value added across borders; provider viability etc)
- Central government civil servants

Once decommissioning implications have been identified it is advisable for the Lead Commissioner and Contract Manager to revisit this stakeholder mapping to review the needs and concerns of stakeholders in light of these potential changes and identify the actions required.

## Existing monitoring and evaluation information

Existing provision has a wealth of information to contribute to any service review. This underlines the importance of engaging existing providers throughout the strategic commissioning process and undertaking effective contract management. Information needed from existing providers will include:

- Provider specific performance data on outcomes achieved;
- Service user numbers, satisfaction and views;
- Depth and breadth of service reach and relationships, e.g. capacity to reach hard to engage/hard to reach groups;
- Pathways into and out of existing services and other multiagency working arrangements;
- Financial information – e.g. costs per service user, overall level of current investment;
- Qualitative information on emerging needs and gaps in current provision;

## Resourcing and Planning Change

Commissioners need to consider the impact of the change process itself, including:

- Financial and nonfinancial costs of the change process;
- The potential risks of the change;
- The transition of service users, particularly where they may be vulnerable due to any break in service;
- Resources required for commissioning and decommissioning processes;
- Ensuring the pace of change delivers effectively and minimises risk to service users, without prolonging uncertainty and/or potentially poor performance by providers.

## **OPERATIONAL DECOMMISSIONING PROCESS**

The operational decommissioning process can be divided into two main phases and is covered in more detail below:

**1 Business Case for Change/Impact Assessment** – some significant change to service delivery has been identified as an option (e.g. service cessation, re-tendering, service redesign), and the impact of that needs to be established and must be fed into strategic decision making before services are decommissioned.

**2 Service Exit and Transition** – formal decisions have been taken to end the service and either transition to new arrangements or cease delivery entirely.

## **BUSINESS CASE FOR CHANGE**

Producing a clear business case or rationale for decommissioning a service is an essential part of the decision-making process, whether as an individual service or as part of a wider change strategy. It is important that there is dialogue with the existing provider to ensure that all relevant information on impact and risk has been considered in defining the change required.

The business case needs to provide robust information on the impact of changing (decommissioning or remodelling) a service and offers the opportunity for the Contract Manager and existing Provider to:

- Focus on ensuring the changes proposed will improve the outcomes
- Gather intelligence to ensure the case for change is accurate and has considered all relevant information – e.g. impact on other services, match funding, vulnerable groups, unintended consequences of change
- Flag early, factors that need to be incorporated into transition and exit planning
- Identify training or development support that may be required by providers e.g. to compete for any recommissioning opportunities
- Provide information on other contextual issues that will impact on service users and/or the provider organisation in light of the proposed decommissioning

There are no formal timescales for this process, however, it should always allow for effective dialogue with the provider and service users. The Staffordshire Compact provides guidance, for example, on the timeframes of best practice in consultation and engagement of VCS providers. This process may run parallel to a formal consultation on a new commissioning strategy and also be informed by the results of this.

## **EXIT STRATEGIES & PLANNING TRANSITION**

Once a formal decision with regards to decommissioning has been made it will result in one of a number of options for individual services:

1. No change to service delivery required
2. Remodelling or variation of existing service, with existing provider
3. Service cessation
4. Tender or other procurement process to secure the new service

The Provider will require formal notification in each of these circumstances.

For external contracts the notice period, of extension, variation or termination will be in line with that given in the contract terms and conditions (usually a minimum of 3 months).

However, this is a minimum reasonable notice period and the length of time given for service wind down and/or transition to new arrangements will need to be appropriate to the individual situation and overall commissioning project plan.

Unless the decision is that absolutely no change is required to service delivery (an unlikely event as most review processes will require some modifications) some form of transition and/or exit plan will be required for the service.

An exit strategy or risk management plan will ideally have been put in place as part of the original contract negotiation, although it will need reviewing for appropriateness at this stage.

The dialogue with the provider on the Business Case for Change will have provided a lot of the information required for consideration in the exit plan or transition. An exit or transition plan needs to be agreed between commissioner and provider.

It is important that, even if a service is to be retendered and a current provider will bid, a transition plan is in place in the event that they are not the successful provider. In this case it is important to consider TUPE implications – see information regarding TUPE in ‘additional considerations’ below.

## IMMEDIATE DECOMMISSIONING

The need for immediate decommissioning may arise because of one of the following:

- 1 The Provider has failed to comply with an improvement action plan owing to poor performance
- 2 A significant service failure on the grounds of risk to service users and/or the organisation is no longer viable.
- 3 A swifter process of decommissioning may be required as a result of the withdrawal of external funding or policy, e.g. a government grant.

In any of these circumstances the same decommissioning principles and processes apply, but will need to be tailored to the individual situation and timescales. For example, the provider dialogue and exit planning are likely to occur at the same time.

In circumstances of poor performance, it is important that all actions that have been taken to address performance with the provider are clearly evidenced and that the provider has been informed with the appropriate information, in writing, that the contract is on performance related notice.

It is essential in such circumstances to prioritise the needs and outcomes of those using the service by producing a robust risk management strategy and appraising the options for moving service delivery to another provider, if required.

## REVIEWING THE DECOMMISSIONING PROCESS

The Contract Manager should keep notes around challenges, learning and best practice throughout the process that will form both part of the evaluation and the method of reviewing this policy and process guidance.

## 9. ADDITIONAL CONSIDERATIONS

### **Equalities Impact Assessments**

It is important that all decisions regarding change to services funded or delivered by Tamworth Borough Council are subject to the appropriate equalities impact assessment. The screening questions for the EqIA are built into the Business Case template but decisions will also be required on whether a full assessment is required in line with the EqIA guidance.

### **Providers with multiple contracts or multiple funding streams**

It is not uncommon, particularly with VCS providers for organisations to be in receipt



of a number of funding streams and/or contracts with Tamworth Borough Council. The Lead Commissioner and Contract Manager should ensure they are aware where this is the case and consider the impact of decommissioning with other relevant funders.

Where a provider has a number of contracts, where these are all at risk, it is also worth considering the cumulative impact of this on the provider and whether this requires a specific approach to managing the relationship.

### **Transfer of Undertakings Protection of Employment – TUPE**

The potential impact of TUPE (cost and timings) should have been considered within the strategic commissioning process, as it is a criterion in assessing new delivery options. This is a complex legal area and legal advice should be sought if decommissioning involves the retendering, or other means of securing, the same or similar service as a provider currently delivers.

\*Note: ensure that you consult with legal service for current advice.

### **Conflicts of Interest**

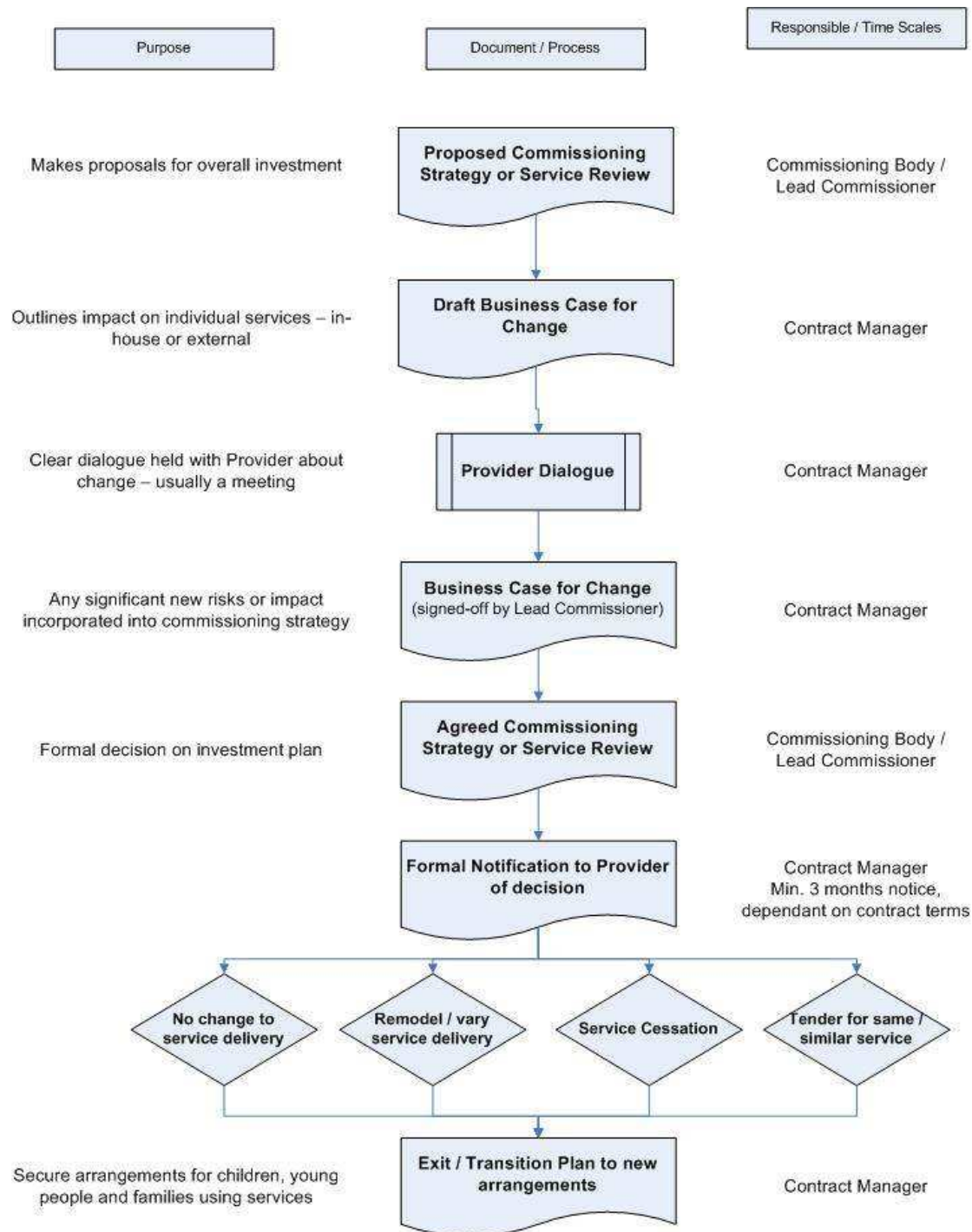
Both Lead Commissioners and Contract Managers should be careful to ensure that any potential conflicts of interest are carefully considered and steps taken to address these appropriately and transparently. For example, if the contract manager or other interested parties are also users of the service.

### **Confidentiality**

It is important that the need for confidentiality throughout the process is clear – providers should not be in a position where information is shared regarding their organisation unnecessarily or without their permission. Similarly, they should be clearly notified of any decisions or proposals prior to other parties as far as possible within the decision-making process.

# APPENDICES

## Appendix 1: Flowchart of Operational Decommissioning Process



## **Appendix 2: Key Related Policies to Consider**

### **Tamworth Public Sector Commissioning Framework**

**Staffordshire Compact** – The Staffordshire Compact is the agreement between Staffordshire’s public sector and voluntary, community and social enterprise sector, which described standards and best practice in relationships and partnership activities.

<http://www.staffordshirepartnership.org.uk/Compactandcodesofpractice.htm>

**Tamworth Borough Council Financial and Procurement Regulations** – these regulations define the required financial practice and level of decision-making required for purchasing services for the Local Authority; which in itself is dependent on the level of investment, source of funding and the type of services being commissioned. It is therefore important that Lead Commissioners are clear about the required level of decision-making and related obligations within these regulations.

[http://www.tamworth.gov.uk/tsp\\_home/commissioning.aspx](http://www.tamworth.gov.uk/tsp_home/commissioning.aspx)

**Change Policy** – this policy governs the process of making change to services delivered by Bristol City Council where these changes will affect the terms, employment or roles of employees. This policy has been agreed with Trade Unions and must be complied with where changes are made to internal services. This Decommissioning Guidance does not replace or affect the Managing Change Policy and where and Lead Commissioners will, therefore, need to ensure that any decommissioning of internal services incorporates the Managing Change Policy clearly and complies with all of the necessary requirements.

**Equality Impact Assessment** – Equality Impact Assessments are required in law for any change that the Local Authority makes which may impact on service users and stakeholders.

**Community Impact Assessment** – Are a wider impact assessment and consider social value and the wider community

**Environmental Impact Checklist** – this checklist seeks to clarify any environmental impact, risks and mitigating actions needed to be addressed due to change in services.

<http://intranet.bcc.lan/ccm/content/filestorage/cyps/infomationforcypsstaff/rt-environmentimpactchecklist.en>

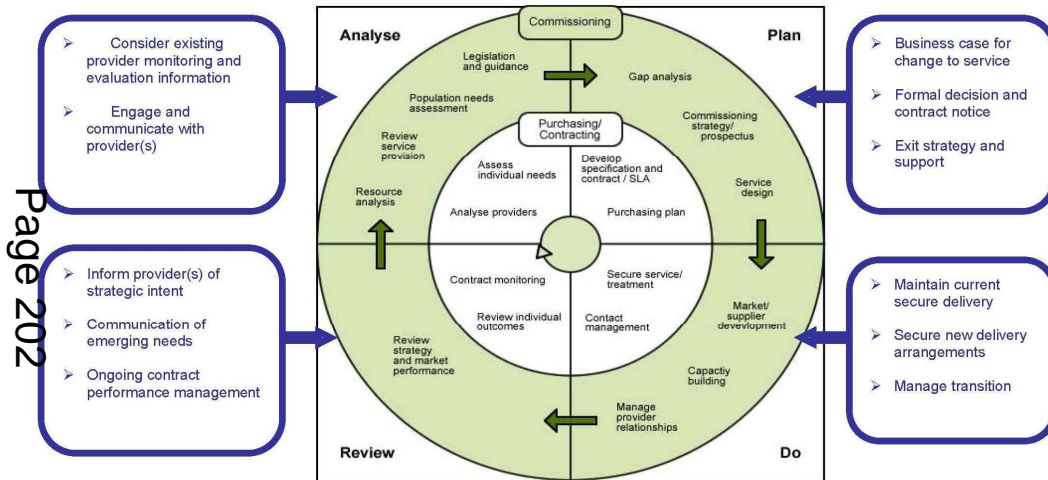
**The Social Value Act** - An Act that requires public authorities to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes.

<http://www.legislation.gov.uk/ukpga/2012/3/contents/enacted>

### Appendix 3

## IPC Commissioning Cycle with Decommissioning Actions areas

### Key areas for consideration when decommissioning



**Appendix 4 Risk Matrix**

Likelihood ↑	4				
	3				
	2				
	1				
		1	2	3	4
		Impact			

## **Appendix 5: Useful Additional Reading**

BCC Select Committee on Third Sector Commissioning  
<http://www.bristolcompact.org.uk/publicsector/contractsvcs>

Change Management – Business Balls – current –  
<http://www.businessballs.com/changemanagement.htm>

Risk Management [http://en.wikipedia.org/wiki/Risk\\_Matrix](http://en.wikipedia.org/wiki/Risk_Matrix)

World Class decommissioning – October 2009 – Paul Corrigan –  
<http://www.paulcorrigan.com/Blog/octs/worldclasdecommissioning>

Social Return on Investment – all publications and network membership – current – the SROI network  
<http://www.sroiuk.org>

Staffordshire Compact – Making the Staffordshire Compact a reality – new codes of practice.  
<http://www.staffordshirepartnership.org.uk/Compactandcodesofpractice.htm>

The Challenge of CoProduction – NESTADec 2009 –  
[http://www.nesta.org.uk/areas\\_of\\_work/public\\_services\\_lab/assets/features/the\\_challenge\\_of\\_coproduction](http://www.nesta.org.uk/areas_of_work/public_services_lab/assets/features/the_challenge_of_coproduction)

Public Services Inside Out – New Economics Foundation – April 2010 –  
<http://www.neweconomics.org/publications/publicservicesinsideout>

A Risk Management Standard AIRMIC (The Association of Insurance and Risk Managers) ALARM (The National Forum for Risk management in the Public Sector), & IRM (Inst of Risk Management) – 2002  
[http://www.theirm.org/publications/documents/Risk\\_Management\\_Standard\\_030820.pdf](http://www.theirm.org/publications/documents/Risk_Management_Standard_030820.pdf)

A Practical Guide to integrated Working (2<sup>nd</sup> edition) – Integrated Care Network and care Services Improvement Partnership – 2007  
<http://icn.csip.org.uk/library/ICNdocument.pdf>



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## Public Sector Commissioning Board – Terms of Reference

### 1. Purpose

To oversee public sector commissioning in the Borough of Tamworth.

### 2. Function

The Board will:

- ensure joined up and collaborative approaches to public sector commissioning for Tamworth and its communities
- ensure fair and transparent processes in the commissioning cycle which includes: the needs analysis/assessment stage, tendering and procurement, the decision making, contractual agreements, the monitoring and evaluation of commissioned services
- report to relevant bodies including the Tamworth Strategic Partnership and Cabinet as required
- ensure that funding is used to improve outcomes for the residents of Tamworth
- challenge partners and service providers to deliver quality outcomes
- Meet twice a year or as required

### 3. Membership

The Public Sector Commissioning Board membership will consist of:

Voting members of the Board:

- Tamworth Borough Council Cabinet member
- Tamworth Borough Council Councillor representative from the administration
- Tamworth Borough Council Councillor representative from the opposition party
- Staffordshire County Councillor or the District Commissioning Lead for Staffordshire County Council
- Director of Communities, Planning and Partnerships

Substitutions will be allowed.

Advisory members:

The following may attend the Board:

- 2 representatives from the Voluntary and Community Sector
- Head of Partnerships and Commissioning
- Representatives from other TSP members i.e. CCG, PCC, Police, Fire Service as appropriate
- Tamworth Borough Council officers as necessary

Co-opted members:

The Board can co-opt additional voting members to the Board when funding from other agencies is included in a tender process under the Public Sector Commissioning Framework.

Support:

Administrative support to the Board will be provided by the Partnership Funding Officer.

#### 4. Quorum

A minimum of three Board members represents a quorum. One of the three Board members must include the Commissioning Sponsor; the Director of Communities, Planning and Partnerships.

#### 5. Chair

The Chair will be the Commissioning Sponsor; Director of Communities, Planning and Partnerships. The Chair will have the casting vote.

#### 6. Probity and Declaration of Interest

Should a member of the Board or adviser to the Board recognise that a conflict of interest may arise, they must advise the Chair as soon as possible. Depending on the nature of the potential conflict of interest the Chair may decide that there will be no further involvement by that member or adviser in that particular matter.

#### 7. Key Relationships and Accountabilities

The Commissioning Sponsor as chair of the Commissioning Board has delegated authority from Tamworth Borough Council to authorise funding proposals in conjunction with the Commissioning Board on behalf of Tamworth Borough Council.

Tamworth Borough Council's liability insurance will cover the Commissioning Board.

The Commissioning Sponsor will take reports to Tamworth Borough Council's Cabinet and Tamworth Strategic Partnership as appropriate.

#### 8. Complaints

Complaints relating to the Commissioning Board or any of its members and advisers will be dealt with via Tamworth Borough Council's complaints process.

24th October 2013

**REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION****TAMWORTH GOLF COURSE FUTURE OPTIONS SHORTLIST****EXEMPT INFORMATION**

N/A

**PURPOSE**

To seek Members approval for the proposed short listed options for Tamworth Golf Course and to develop the short listed options through the next stage of the process.

**RECOMMENDATIONS**

- 1, That Members approve the short listed options as detailed in this report and the attached report by FMG Consulting**
- 2. That Members endorse the progression (including further soft market testing with developers and service providers) of the short list to enable Cabinet to make a decision on a final preferred option**

**EXECUTIVE SUMMARY**

Following Cabinet approval the Council took on the interim operational management of the Golf Course in March 2013 for a period of two years till April 2015 and in parallel began work to consider the future options for the facility. In consultation with the Portfolio Holder officers initiated work streams and established a project group to develop the long list of options which were approved by Cabinet on 30th May 2013.

An external consultancy service FMG Consulting was appointed to provide additional capacity and specialist advice. Working with the internal project group the external consultancy has under taken an evaluation of the long listed development options and the three management options associated with each option (Cabinet Report May 2013).

Officers have also held two consultation workshops with users and non users of the Golf Course and the discussions and findings of these workshops have been fed into the process. The evaluation process took into account the key issues relating to each option and assessed them against a set criteria which produced the following recommended options for short listing. The short listed options if approved by Cabinet will move to the next stage and be examined in more detail and be financially modelled to explore the capital and revenue costs / income and overall financial impact on the Council.

## **Recommended Short list**

- **Option G** - Part disposal of the site, retention of 18 – hole golf course through remodelling of holes to reduce land take ( all 3 management options to be assessed)
- **Option I** - Complete disposal of the entire site to generate capital receipt to be utilised for wider strategic aims.
- **Option B** – Retention of a 18 hole golf course, plus development of ancillary provision ( only outsourced management option to be considered)
- **Options D / F** – Disposal of 9 holes for development, with the retention of 9 holes plus development of ancillary provision using part of any capital receipt. (in – house and outsourced management options to be assessed)

## **RESOURCE IMPLICATIONS**

Cabinet approved a £50k budget to support the options appraisal and implementation of the preferred option once selected. Stage 1 and stage 2 of the project are currently within budget. The costs identified with stage three- implementation, still remain indicative as previously reported in May 2013.

The project will continue to draw heavily on existing officer time.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

As previously identified there will be significant risk involved in the process specifically at the implementation stage. These risks will be determined by the nature of the option selected but good project management and consideration of future implications can be used to help mitigate such risks. Specialist legal and procurement advice will be sought at the appropriate stages. There is also a significant risk to the Councils reputation and this will be managed by operating a transparent process with appropriate communication and consultation with stakeholders and the public.

## **SUSTAINABILITY IMPLICATIONS**

There will be sustainability issues arising from the options which will be addressed and considered by the project and in the decision making process.

## **BACKGROUND INFORMATION**

Cabinet 26/3/13

Cabinet 30/5/13

FMG – Needs Analysis

## **REPORT AUTHOR**

Neil Mason – Head of Community Leisure

## **APPENDICES**

Appendix 1 FMG – Stage 2 long list options evaluation



**GOLF COURSE FUTURE OPTIONS APPRAISAL  
STAGE 2 LONG-LIST OPTIONS EVALUATION**

**TAMWORTH BOROUGH COUNCIL**



**A**

**DRAFT REPORT**

**BY**

**FMG CONSULTING**

**SEPTEMBER 2013**

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Appendix A - Description of Development Options

Appendix B - Evaluation Criteria - Project Outcomes

Appendix C - Long-List Options Evaluation Matrix

## 1. Introduction

### 01

- 1.1 FMG Consulting Ltd ('FMG') was commissioned by Tamworth Borough Council ('the Council') to carry out a needs assessment and initial options appraisal for the future management of Tamworth Golf Course ('the Golf Course').
- 1.2 The Golf Course is owned by the Council and was leased by the Council to Tamworth Golf Centre Ltd in 2006 but the course closed in February 2013 after the management company went into liquidation. The Council re-opened the course and is currently managing it on a short-term, in-house management basis.
- 1.3 FMG has been commissioned to help identify the most suitable option for the future long-term management of the golf course. The first stage of our work involved a Needs Assessment which defined the outcomes required from the project (which in turn formed the project drivers against which the options have been assessed in Stage 2) and determined a long list of options for the future delivery of the golf course.
- 1.4 Following Officer and Member approval of the Stage 1 report, a high-level Options Appraisal has taken place involving a more specific analysis of the long list options against the key project drivers, from which a shortlist can be identified and tested in more detail.
- 1.5 The long list testing process comprised a weighted scoring of the options against the project drivers which has been informed by consultation with key Council Officers and Members, soft market testing with potential golf course operators in the market and consultation workshops with both members of the golf course and members of the Tamworth Citizens Panel.
- 1.6 The short list testing at the next stage will involve financial modelling of each shortlisted option to understand the capital and revenue costs / incomes and overall financial impact on the Council in more detail. A preferred option will then be recommended for approval and implementation.
- 1.7 This report provides a high level summary of the results of the long-list evaluation process and makes recommendations for the options to be shortlisted for further more detailed assessment at the next stage. The remainder of this report is structured as follows:
  - Section 2 -Evaluation Methodology;
  - Section 3 - Long-List Evaluation Results; and
  - Section 4 - Recommendations and Next Steps.

### ***Basis of information***

- 1.8 It is not possible to guarantee the fulfilment of any estimates or forecasts contained within this report, although they have been conscientiously prepared on the basis of our research and information made available to us at the time of the study. Neither FMG as a company nor the authors will be held liable to any party for any direct or indirect losses, financial or otherwise, associated with any contents of this report. We have relied in a number of areas on information provided by the client, and have not undertaken additional independent verification of this data.

## 2. Evaluation Methodology

### 02

- 2.1 This section sets out the methodology utilised to evaluate the long-list options and recommend the shortlist for further consideration. It includes a summary of the long list options, the project outcomes each option was evaluated against and the raw scoring scale used to score each option.

#### Long-List Options for Evaluation

- 2.2 As a result of the Stage 1 work the following long-list options were identified for evaluation in Stage 2 of this project. The options have been split between physical development options and management options.

**Table 2.1 - Physical Development Options**

Option	High-Level Description
A	Retention of 18-hole golf course (status quo).
B	Retention of 18-hole golf course, plus development of ancillary provision (clubhouse / health & fitness gym / complimentary leisure facilities).
C	Disposal of front 9 holes for development, with retention of back 9 holes.
D	Disposal of front 9 holes for development, with retention of back 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).
E	Disposal of back 9 holes for development, with retention of front 9 holes.
F	Disposal of back 9 holes for development, with retention of front 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).
G	Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take.
H	Part disposal of site for development, but retention of 18-hole golf course through purchase of additional land adjacent to eastern boundary of the course and re-provision of lost holes.
I	Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims.

- 2.3 A more detailed description of each of these development options was developed as part of the Stage 2 work and can be found at Appendix A.



2.4 In addition, three different potential management options were applied to each of the development options and evaluated. These were as follows:

- **Option 1** - Continued in-house management of the golf course;
- **Option 2** - Outsourced management of the golf course via a lease / management contract;
- **Option 3** - set up of a local social enterprise management vehicle (Company Limited by Guarantee / Charitable Incorporated Organisation / Community Interest Company).

2.5 As a result of the Stage 1 work a number of project outcomes were identified and weighted (in agreement with Council Officers and Members) which the development and management options have been evaluated against. The project outcomes and their weightings are summarised in the table below. Appendix B contains a more detailed description of each project outcome used in the evaluation process.

**Table 2.2 - Evaluation Weightings of Project Outcomes**

Project Outcome	Weighting
Potential for and likely level of contribution to the Council's annual revenue deficit from 2016/17 onwards.	20%
Contribution to economic regeneration and growth in the Borough (including the provision of new housing development).	15%
Potential for the option to generate a capital receipt for the Council and likely level of capital receipt.	15%
Promotion of exercise and healthy lifestyles and contribution to increasing participation and reducing obesity.	15%
Ability to meet the leisure needs of the Borough's residents and the Council's wider vision / strategy for sport and leisure provision.	15%
Cost and timescales of implementation and level of risk involved / likelihood of delivery.	10%
Contribution to the delivery of the Council's environmental and sustainability objectives including protecting green and blue spaces.	10%

2.6 Each development / management option was awarded a raw score between 0 and 5 for its contribution to each of the above evaluation criteria. The raw score was then multiplied by the appropriate weighting for the evaluation criteria to produce the weighted score for the option. The 0 - 5 raw scoring scale utilised is set out overleaf.

**Table 2.3 - Raw Scoring Scale**

Raw Score	Description
0	The Option is unlikely to make any positive contribution to the successful achievement of the Project Outcome. It may even have a negative impact on the achievement of the Project Outcome.
1	The Option is likely to make a very minimal contribution to the successful achievement of the Project Outcome. It will not have a negative impact on the achievement of the Project Outcome.
2	The Option is likely to make a contribution to the successful achievement of the Project Outcome however the level of the contribution is uncertain and may not be fully realised even if the Option is pursued.
3	The Option is likely to make a reasonable contribution to the achievement of the Project Outcome however it does not provide enough benefits to guarantee a significant contribution to the achievement of the Project Outcome.
4	The Option is likely to make a significant contribution to the achievement of the Project Outcome but does not provide enough benefits to fully achieve the Project Outcome.
5	The Option is likely to maximise the ability for the Council to fully achieve the Project Outcome.

2.7 Draft raw scores were proposed by FMG and discussed with Council Officers at a project workshop before a final moderated score was agreed. The final agreed scores are summarised in the next section.

## 3. Long-List Evaluation Results

### 03

- 3.1 This section sets out an overview of the long-list evaluation results. The table below summarises the key issues and results for each option. The detailed evaluation commentary for each option can be found in Appendix C.

**Table 3.1 - Summary of Evaluation Findings**

Option A - Retention of 18-hole golf course (status quo)
<p>This option has been scored as zero for all management options as it is unlikely to remove the requirement for the Council to subsidise the golf course by 2015/16 onwards (identified as a minimum pass / fail criteria by the Council).</p> <p>Based on the historical trading costs and the current on-going subsidy attached to the operation of the golf course it is highly unlikely that the course will breakeven from a revenue position with no investment into the course. The net cost may even increase in the long-term as maintenance costs are likely to increase in the future as the asset ages. This verdict is supported by the results of the soft market testing with specialist golf management companies.</p>
Option B - Retention of 18-hole golf course, plus development of ancillary provision (clubhouse / health & fitness gym / complimentary leisure facilities)
<p>This option has the potential to remove the operating subsidy for the Council by 2015/16 because the capital investment and subsequent improvements to the course under this option will increase the commercial viability of the course. Other strengths of this option include a positive impact on healthy lifestyles, meeting the leisure needs of local residents and the environment as the course is being retained and improved facilities are being offered onsite which should increase participation and have a minimal adverse environmental impact. The option is also deliverable by 2015/16 with lower levels of risk compared to some of the other development options.</p> <p>Disadvantages associated with this option are that it does not produce a capital receipt for the Council or make a contribution to the new housing required within the Borough.</p> <p>The outsourced management option scores highest when combined with this development option as it will bring greater opportunities to benefit from external expertise, economies of scale and NNDR / VAT savings (if the organisation has a charitable structure). An established organisation could also potentially bring access to capital to fund the ancillary facilities and the widening of the offer is likely to attract wider market interest from leisure operators (with golf experience) who can bring increased expertise and are less likely to be subject to financial pressure from fluctuations in the golf market when compared to golf-only operators.</p> <p>The in-house operation has less access to entrepreneurial skills and less freedoms when compared to the other management options and does not have access to VAT / NNDR benefits that some external organisations can bring so is less likely to improve the revenue position. The option of establishing a new organisation has higher levels of risk as such a company will be untested and will not have other contracts and funds to rely on if the financial projections for the golf course are not achieved. A new company will also need to provide its own senior management team and central support services which will increase costs. Access to capital may also be more limited under these management options.</p>

### Option C - Disposal of front 9 holes for development, with retention of back 9 holes

This option has been scored as zero for all management options as it is unlikely to remove the requirement for the Council to subsidise the golf course by 2015/16 onwards.

Whilst there would be savings in expenditure from reducing the course to a 9 hole course this would be likely to be cancelled out by the lost income from the loss of members / users. Consultation with members of the golf course indicated that they would not use the course in the future if it was converted to a nine hole course.

In addition, the lack of investment into new facilities to improve the offer to the public under this option would restrict the ability of a 9 hole course to generate enough income to cover the operating costs. This verdict is supported by the results of the soft market testing with specialist golf management companies.

### Option D - Disposal of front 9 holes for development, with retention of back 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities)

Under this option the on-going course maintenance costs would decrease significantly as the course would be halved in size however the savings in course maintenance expenditure would need to be balanced against the lost income as a result of having to reduce the cost of a round of golf and the loss of some members / users who would move to another 18 hole golf course rather than play on a 9 hole course.

This lost income would be offset somewhat with the investment into improving the existing facilities and providing new complementary facilities (as opposed to options C/E where no additional investment is envisaged). These facilities would be likely to generate additional income required to ensure that the revenue subsidy is removed however the key risk is the amount of lost golfers as a result of losing 9 holes and whether the improved ancillary provision would be enough to retain / replace the income from these users. It is likely that the golf course would become more of a junior development course / casual pay and play user course although it should be noted that current statistics show that the number of rounds on the course are approximately split 50/50 between 9 hole rounds and 18 hole rounds.

This option will allow the development of circa 500-600 homes on the site which will generate significant revenue under the New Homes Bonus scheme and a large capital receipt.

This option would result in the loss of members at the site (consultation with members of the golf course indicated that they would not use the course in the future if it was converted to a nine hole course) however this may be offset by the increased users for the ancillary facilities provided onsite. Other disadvantages are the impact on the environment from losing half of the course and the implementation and delivery risk as the development is subject to planning permission and authorisation from the Coal Board Trust.

In terms of the management options under this development option, outsourcing to an existing company has not been scored higher in this scenario because the soft market testing revealed that there is not strong interest in managing a 9 hole course (although the potential to incorporate improved ancillary provision such as a health and fitness suite may positively influence some of the leisure operators who have golf experience). The option of establishing a new organisation has been scored slightly lower because of the higher levels of risk as such a company will be untested and will not have other contracts and funds to rely on if the financial projections for the golf course are not achieved. A new company will also need to provide its own senior management team and central support services which will increase costs.

### Option E - Disposal of back 9 holes for development, with retention of front 9 holes

This option has been scored as zero for all management options as it is unlikely to remove the requirement for the Council to subsidise the golf course by 2015/16 onwards.

Whilst there would be savings in expenditure from reducing the course to a 9 hole course this would be likely to be cancelled out by the lost income from the loss of members / users. Consultation with members of the golf course indicated that they would not use the course in the future if it was converted to a nine hole course.

In addition, the lack of investment into new facilities to improve the offer to the public under this option would restrict the ability of a 9 hole course to generate enough income to cover the operating costs. This verdict is supported by the results of the soft market testing with specialist golf management companies.

### Option F - Disposal of back 9 holes for development, with retention of front 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities)

Option F is very similar to Option D as there are no major differences between developing the front or back 9 in terms of evaluation at this stage. Under this option the on-going course maintenance costs would decrease significantly as the course would be halved in size however the savings in course maintenance expenditure would need to be balanced against the lost income as a result of having to reduce the cost of a round of golf and the loss of some members / users who would move to another 18 hole golf course rather than play on a 9 hole course.

This lost income would be offset somewhat with the investment into improving the existing facilities and providing new complementary facilities (as opposed to options C/E where no additional investment is envisaged). These facilities would be likely to generate additional income required to ensure that the revenue subsidy is removed however the key risk is the amount of lost golfers as a result of losing 9 holes and whether the improved ancillary provision would be enough to retain / replace the income from these users. It is likely that the golf course would become more of a junior development course / casual pay and play user course although it should be noted that current statistics show that the number of rounds on the course are approximately split 50/50 between 9 hole rounds and 18 hole rounds.

This option will allow the development of circa 500-600 homes on the site which will generate significant revenue under the New Homes Bonus scheme and a large capital receipt.

This option would result in the loss of members at the site (consultation with members of the golf course indicated that they would not use the course in the future if it was converted to a nine hole course) however this may be offset by the increased users for the ancillary facilities provided onsite. Other disadvantages are the impact on the environment from losing half of the course and the implementation and delivery risk as the development is subject to planning permission and authorisation from the Coal Board Trust.

In terms of the management options under this development option, outsourcing to an existing company has not been scored higher in this scenario because the soft market testing revealed that there is not strong interest in managing a 9 hole course (although the potential to incorporate improved ancillary provision such as a health and fitness suite may positively influence some of the leisure operators who have golf experience). The option of establishing a new organisation has been scored slightly lower because of the higher levels of risk as such a company will be untested and will not have other contracts and funds to rely on if the financial projections for the golf course are not achieved. A new company will also need to provide its own senior management team and central support services which will increase costs.

### Option G - Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take

This option has the advantage of retaining 18 holes and, if combined with the development of new ancillary provision (as per Option B, D and F), would also potentially be able to deliver the Council's desired revenue neutral position by 2015/16. Not investing in the course and ancillary provision under this option has been ruled out because it is clear that the course is not sustainable in its current condition without investment.

The remodelling of the holes to allow housing development will have minimal impact on the current revenue position of the facility in terms of direct golf related revenues streams. This option will also allow the development of circa 100 homes on the site which will generate a small capital receipt and additional revenue income under the New Homes Bonus scheme.

This option scores the highest of all options as it combines the above economic benefits with protecting and improving the 18 hole golf course and so should have a positive impact on healthy lifestyles and participation.

The disadvantages associated with this option are that it does not maximise the potential for housing and regeneration in the area and that it has an element of risk associated with it as the development will require planning permission and authorisation from the Coal Board Trust (although this risk is lower than under any of the other options that involve more substantial development).

The outsourced management option scores highest when combined with this development option as it will bring greater opportunities to benefit from external expertise, economies of scale and NNDR / VAT savings (if the organisation has a charitable structure). An established organisation could also potentially bring access to capital to fund the ancillary facilities and the widening of the offer is likely to attract wider market interest from leisure operators (with golf experience) who can bring increased expertise and are less likely to be subject to financial pressure from fluctuations in the golf market when compared to golf-only operators.

The in-house operation has less access to entrepreneurial skills and less freedoms when compared to the other management options and does not have access to VAT / NNDR benefits that some external organisations can bring so is less likely to improve the revenue position. The option of establishing a new organisation has higher levels of risk as such a company will be untested and will not have other contracts and funds to rely on if the financial projections for the golf course are not achieved. A new company will also need to provide its own senior management team and central support services which will increase costs. Access to capital may also be more limited under these management options.

**Option H - Part disposal of site for development, but retention of 18-hole golf course through purchase of additional land adjacent to eastern boundary of the course and re-provision of lost holes**

This option has been scored as zero for all management options as it is unlikely to remove the requirement for the Council to subsidise the golf course by 2015/16 onwards.

This option may be an acceptable long-term option if an improved quality golf course could be re-provided with the development of complementary ancillary facilities (beyond the replacement of the existing) through the use of a land swap agreement which could help the course to reach a breakeven position from purely golf course related revenues.

In addition, there is potential for a capital receipt and New Homes Bonus received in return for the development of the site. However, considering the amount of time and risk associated with implementing this option it is clearly not able to achieve the minimum requirement of removing the revenue subsidy for the course by 2015/16.

This development option has therefore been ruled out as unaffordable in the short term. It may be a viable long-term option for the Council depending on the progress of the planned wider development of the area adjacent to the golf course and it may be an option that the Council wishes to investigate in parallel with the implementation of the eventual preferred option with a view to a long-term solution for the course.

**Option I - Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims**

This option will guarantee the removal of the subsidy for the golf course as there will no longer be a golf course operating on the site. A significant number of houses could be developed on the site of the golf course (circa 1,000) which would generate a significant New Homes Bonus, some of which would be reinvested into the achievement of the Council's wider strategic aims which may off-set some of the negative impact on participation and healthy lifestyles that the disposal of the course would result in.

It will also generate a major capital receipt for the Council (estimated at over £13m) and will provide in the region of 1,000 new homes.

The primary disadvantages of this option are that it will result in the loss of the golf course which could have a negative impact of healthy lifestyles and participation in physical activity and a large amount of lost open space with consequential negative environmental implications. The intention would be that some of the capital receipt is used to invest in new provision, activities and programmes that would mitigate the lost open space and negative impact on participation.

There is risk involved in this option relating to the need to secure planning permission and the amount of time that it will take to deliver the development and reap the associated financial benefits.

The three different management options were not assessed under this development option as there would be no golf course to manage in the future.

- 3.2 The table overleaf summarises the weighted long-listing evaluation results for each option. The scores awarded for each option under each evaluation criteria can be found in Appendix C.

**Table 3.1 - Weighted Long-List Evaluation Results**

MANAGEMENT OPTIONS	SUMMARY	MAX SCORE	DEVELOPMENT OPTIONS								
			OPTION A	OPTION B	OPTION C	OPTION D	OPTION E	OPTION F	OPTION G	OPTION H	OPTION I
IN-HOUSE	Raw Score	35	0.00	19.00	0.00	19.00	0.00	19.00	21.00	0.00	21.00
	Weighted Score	100	0.00	51.00	0.00	55.00	0.00	55.00	58.00	0.00	64.00
	Rank		14	13	14	6	14	6	5	14	2
OUTSOURCED	Raw Score	35	0.00	21.00	0.00	19.00	0.00	19.00	23.00	0.00	N/A
	Weighted Score	100	0.00	59.00	0.00	55.00	0.00	55.00	66.00	0.00	N/A
	Rank		14	4	14	6	14	6	1	14	N/A
SOCIAL ENTERPRISE	Raw Score	35	0.00	19.00	0.00	18.00	0.00	18.00	21.00	0.00	N/A
	Weighted Score	100	0.00	53.00	0.00	53.00	0.00	53.00	60.00	0.00	N/A
	Rank		14	10	14	10	14	10	3	14	N/A

3.3 The table above shows that the lowest scoring development options (highlighted in green) are as follows:

- Option G - Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take;
- Option I - Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims;
- Option B - Retention of 18-hole golf course, plus development of ancillary provision; and
- Options D / F - Disposal of 9 holes for development, with retention of 9 holes plus development of ancillary provision using part of any capital receipt.

3.4 Options A, C, E and H (highlighted in red) were scored as zeros because they did not meet the minimum pass / fail criteria set by the Council that they need to be potentially capable of removing the need for a revenue subsidy for the course by the end of 2014/15.



## 4. Recommendations and Next Steps

### Recommendations

- 4.1 Utilising the findings from Stage 2 of this project, we recommend short-listing the following options for further detailed analysis:
- Option G - Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take (all 3 management options to be assessed);
  - Option I - Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims;
  - Option B - Retention of 18-hole golf course, plus development of ancillary provision (outsourced management option only to be assessed); and
  - Options D / F - Disposal of 9 holes for development, with retention of 9 holes plus development of ancillary provision using part of any capital receipt (in-house and outsourced management options to be assessed).
- 4.2 These are the highest scoring development options, combined with the highest scoring management options under each option. Options A, C, E and H are to be ruled out at this stage because they did not meet the minimum pass / fail criteria set by the Council that they need to be potentially capable of removing the need for a revenue subsidy for the course by the end of 2014/15.
- 4.3 It should be noted that Option H may be a viable long-term option for the Council depending on the progress of the planned wider development of the area adjacent to the golf course and it may be an option that the Council wishes to investigate in parallel with the implementation of the eventual preferred option with a view to a long-term solution for the course.
- 4.4 Options B and G were the two favoured options from the user and public consultation sessions and are both being recommended for progression to the short-list phase.

### Next Steps

- 4.5 The next step is for the Council to sign-off the short-listed options. These options will then be the subject of a more detailed assessment which will include:
- Further consultation with users and members of the public;
  - Consultation with Sport England and England Golf;
  - Financial modelling of each shortlisted option to understand the capital and revenue costs / incomes and overall financial impact on the Council;
  - An equalities impact assessment; and
  - A headline risk assessment.

- 4.6 A preferred option will then be recommended to Members for approval and implementation based on the financial modelling and the non-financial advantages and disadvantages (from consultation, risk assessment, equalities impact assessment etc.) of each option in early 2014.
- 4.7 Any queries on the contents of this Stage 2 report should be directed to Damien Adams at [damienadams@fmgconsulting.co.uk](mailto:damienadams@fmgconsulting.co.uk) or Andy Farr at [andyfarr@fmgconsulting.co.uk](mailto:andyfarr@fmgconsulting.co.uk).

## Appendix A – Description of Development Options

- 1.1 This Appendix describes the long-list development options for the future of Tamworth Golf Course. It builds on the workshop held on Monday 22<sup>nd</sup> July 2013 in which the potential development options for the site were discussed with Officers from the Council.
- 1.2 The development options to be evaluated at the long-list stage are summarised in the table below.

Option	High-Level Description
A	Retention of 18-hole golf course (status quo).
B	Retention of 18-hole golf course, plus development of ancillary provision (clubhouse / health & fitness gym / complimentary leisure facilities).
C	Disposal of front 9 holes for development, with retention of back 9 holes.
D	Disposal of front 9 holes for development, with retention of back 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).
E	Disposal of back 9 holes for development, with retention of front 9 holes.
F	Disposal of back 9 holes for development, with retention of front 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).
G	Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take.
H	Part disposal of site for development, but retention of 18-hole golf course through purchase of additional land adjacent to eastern boundary of the course and re-provision of lost holes.
I	Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims.

- 1.3 Each development option will be analysed and evaluated (in combination with the three potential management options) through the agreed evaluation matrix to enable the highest scoring options to be shortlisted for further detailed assessment and financial modelling.
- 1.4 The development options have been explained in more detail over the following pages. These descriptions will form the basis of the options for evaluation.

## Description of Option A

### **Retention of 18-hole golf course (status quo).**

Option A involves the continued operation of the site as an 18-hole golf-course for the foreseeable future. Under this option there are no short or medium term plans to totally or partially dispose of / develop on the course for housing or any other use. The currently unused area allocated as a potential driving range will remain out of use in its current format and the layout of the 18 holes will not be significantly altered.

No major investment is planned into the course with the exception of the general on-going maintenance costs and capital investment required to ensure that the golf course continues to be fit for purpose. This on-going investment would need to be sufficient to ensure that the shop and changing facilities continue to be available to users and that any essential investment required in order to keep the golf course open, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, is made.

## Description of Option B

### **Retention of 18-hole golf course, plus development of ancillary provision (clubhouse / health & fitness gym / complimentary leisure facilities).**

Option B involves the continued operation of the site as an 18-hole golf course for the foreseeable future. Under this option there are no short or medium term plans to totally or partially dispose of / develop on the course for housing but capital investment will be required to develop new ancillary facilities to increase the attractiveness and commercial viability of the offer (whilst retaining the current format of the golf course).

The development of ancillary provision could include:

- Refurbishment or redevelopment of the clubhouse to ensure provision of new changing facilities, a pub / restaurant with an external play area, meeting / conference facilities and a new pro-shop;
- Development of a health and fitness suite;
- Development of a 9 hole, par 3 junior development golf course (either on the current driving range area or the land above the old mine shafts);
- Development of a driving range on the unused area currently allocated for this use on the site (potential for dual usage as an archery range).
- Inclusion of a crazy golf course on the site, linked to the pub / restaurant and external play area offer;
- Development of other sporting/leisure facilities based on the learning from multifunctional golf courses. This could include walks, cycle tracks etc.

The final list of ancillary provision to be developed will be refined if this option is shortlisted following the long-listing evaluation process.

In addition to the investment into the ancillary facilities there will need to be on-going investment into the maintenance of the golf course, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, to ensure that the course continues to be fit for purpose.

## Description of Option C

### **Disposal of front 9 holes for development, with retention of back 9 holes.**

Option C involves the disposal of the front nine holes of the golf course for development. The development on the front nine holes will provide between 500 and 600 units (based on development densities from similar sized sites) plus any associated infrastructure required by planning policy.

Access to the housing development would most likely be via an extension off one of the existing roads (e.g. Mercian Way or one of its adjoining side roads), or via the existing golf course entrance.

Permission to develop on the front nine holes would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission. Other issues that would need to be addressed as part of the development include the presence of old railway sidings, an oil pipeline and pylons on the eastern edge of the course and the old mining shafts to the west of the car park.

The back nine holes of the course will be retained as a golf course for the foreseeable future with no significant layout alterations. The currently unused area allocated as a potential driving range will remain out of use in its current format.

No major investment is planned into the course with the exception of the general on-going maintenance costs and capital investment required to ensure that the 9 hole golf course continues to be fit for purpose. This on-going investment would need to be sufficient to ensure that the shop and changing facilities continue to be available to users and that any essential investment required in order to keep the golf course open, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, is made.

## Description of Option D

**Disposal of front 9 holes for development, with retention of back 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).**

Option D involves the disposal of the front nine holes of the golf course for development. The development on the front nine holes will provide between 500 and 600 units (based on development densities from similar sized sites) plus any associated infrastructure required by planning policy.

Access to the housing development would most likely be via an extension off one of the existing roads (e.g. Mercian Way or one of its adjoining side roads) or via the existing golf course entrance.

Permission to develop on the front nine holes would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission. Other issues that would need to be addressed as part of the development include the presence of old railway sidings, an oil pipeline and pylons on the eastern edge of the course and the old mining shafts to the west of the car park.

The back nine holes of the course will be retained as a golf course for the foreseeable future. Capital investment will be required to develop new ancillary facilities to increase the attractiveness and commercial viability of the offer (whilst retaining the back nine holes of the golf course).

The development of ancillary provision could include:

- Refurbishment or redevelopment of the clubhouse to ensure provision of new changing facilities, a pub / restaurant with an external play area, meeting / conference facilities and a new pro-shop;
- Development of a health and fitness suite;
- Development of a 9 hole, par 3 junior development golf course;
- Development of a driving range on the unused area currently allocated for this use on the site (potential for dual usage as an archery range).
- Development of other sporting/leisure facilities based on the learning from multifunctional golf courses. This could include walks, cycle tracks etc.

The final list of ancillary provision to be developed will be refined if this option is shortlisted following the long-listing evaluation process.

In addition to the investment into the ancillary facilities there will need to be on-going investment into the maintenance of the golf course, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, to ensure that the course continues to be fit for purpose.

## Description of Option E

### **Disposal of back 9 holes for development, with retention of front 9 holes.**

Option E involves the disposal of the back nine holes of the golf course for development. The development on the back nine holes will provide between 500 and 600 units (based on development densities from similar sized sites) plus any associated infrastructure required by planning regulations.

Access to the housing development would most likely be via an extension off the existing access road to the golf course (Eagle Drive). Other options include access through the business park or via the existing access road to the go-kart track.

Permission to develop on the back nine holes would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission. Other issues that would need to be addressed as part of the development include the presence of, an oil pipeline and pylons on the eastern edge of the course. There is significant land fill on the back 9 holes which would need to be either moved/remodelled or removed from the site.

The front nine holes of the course will be retained as a golf course for the foreseeable future with no significant layout alterations. The currently unused area allocated as a potential driving range will remain out of use in its current format.

No major investment is planned into the course with the exception of the general on-going maintenance costs and capital investment required to ensure that the 9 hole golf course continues to be fit for purpose. This on-going investment would need to be sufficient to ensure that the shop and changing facilities continue to be available to users and that any essential investment required in order to keep the golf course open, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, is made.



## Description of Option F

**Disposal of back 9 holes for development, with retention of front 9 holes plus development of ancillary provision using part of any capital receipt (clubhouse / health & fitness gym / complimentary leisure facilities).**

Option F involves the disposal of the back nine holes of the golf course for development. The development on the back nine holes will provide between 500 and 600 units (based on development densities from similar sized sites) plus any associated infrastructure required by planning regulations.

Access to the housing development would most likely be via an extension off the existing access road to the golf course (Eagle Drive). Other options include access through the business park or via the existing access road to the go-kart track.

Permission to develop on the back nine holes would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission. Other issues that would need to be addressed as part of the development include the presence of, an oil pipeline and pylons on the eastern edge of the course. There is significant land fill on the back 9 holes which would need to be either moved / remodelled or removed from the site.

The front nine holes of the course will be retained as a golf course for the foreseeable future. Capital investment will be required to develop new ancillary facilities to increase the attractiveness and commercial viability of the offer (whilst retaining the front nine holes of the golf course).

The development of ancillary provision could include:

- Refurbishment or redevelopment of the clubhouse to ensure provision of new changing facilities, a pub / restaurant with an external play area, meeting / conference facilities and a new pro-shop;
- Development of a health and fitness suite;
- Development of a 9 hole, par 3 junior development golf course;
- Development of a driving range on the unused area currently allocated for this use on the site (potential for dual usage as an archery range).
- Development of other sporting/leisure facilities based on the learning from multifunctional golf courses. This could include walks, cycle tracks etc.

The final list of ancillary provision to be developed will be refined if this option is shortlisted following the long-listing evaluation process.

In addition to the investment into the ancillary facilities there will need to be on-going investment into the maintenance of the golf course, such as day to day maintenance and the significant upgrading required to at least part of the irrigation system, to ensure that the course continues to be fit for purpose.

## Description of Option G

**Part disposal of site, retention of 18-hole golf course through remodelling of holes to reduce land-take.**

Option G involves the retention of an 18 hole golf course on the site for the foreseeable future but incorporating the remodelling of several holes to allow part of the site to be released for development.

The primary development area would be the land to the south east of the Mercian Way roundabout, currently occupied by the second half of hole 8 (fairway and green) and the first half of hole 9 (tee and fairway) plus land leading up to the club house along the boundary of the site. The site is likely to be able to accommodate circa 100 houses based on development densities from similar sized sites. Access to the housing development would most likely be via a new road off Mercian Way or potentially via the existing golf course access.

The golf course could be retained at 18 holes by remodelling the 8th and 9th holes (probably as par 3s). The cost for remodelling the holes was estimated at circa £53,000 in May 2013.

Permission to develop on the golf course would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission.

This option could be considered alongside the following:

1. With the ancillary provision (as per options B, D and F); or
2. With minimum capital investment just to keep the course going (as per options A, C and E).

## Description of Option H

**Part disposal of site for development, but retention of 18-hole golf course through purchase of additional land adjacent to eastern boundary of the course and re-provision of lost holes.**

Option H involves the sale of some (or all) of the site for development but the retention of an 18-hole golf course through the purchase (or land swap) of additional land and re-provision of an 18 hole golf course on this land.

The developer Hallam Land Management ('Hallam') currently has an option to develop on the site immediately adjacent to the eastern boundary of the golf course, including the length of the majority of the eastern boundary of the golf course up to the boundary of the M42 motorway. This option would involve negotiating an agreement with Hallam to develop some or all of the golf course as part of its planned development as long as an 18-hole golf course is retained within the overall development.

The Council would receive a capital receipt for the development of the golf course. In exchange, Hallam would be able to develop on the golf course which would provide the opportunity to link into existing infrastructure (access roads, services etc.) and increase the number of houses within the development as the golf course could be re-provided on a smaller area of land (whilst still retaining 18-holes) through an improved course layout / design.

This may involve Hallam developing on part of the golf course and extending the remaining golf course into the immediately adjoining land (e.g. the go-kart site) or developing the whole of the golf course and re-providing the golf course elsewhere within the development, most likely on the site running immediately adjacent to the west of the M42.

The golf course re-provision would incorporate an 18-hole course (pending assessment of the public and commercial demand for an 18 hole course) and a clubhouse that would provide a like for like replacement of the ancillary facilities currently available on the site. No major on-going investment would be planned for the new course with the exception of the general on-going maintenance costs and capital investment required to ensure that the course is fit for purpose. This on-going investment would need to be sufficient to ensure that any essential investment required in order to keep the golf course open, such as day to day maintenance, is made.

Permission to develop on any part of the golf course would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission. Other issues that would need to be addressed as part of the development (depending on which part of the site is developed) include the presence of old railway sidings, disused mining shafts to the west of the car park and pylons on the eastern edge of the course. There is significant land fill on the back 9 holes which would need to be either moved / remodelled or removed from the site if the intention is to develop on this area of the course.

## Description of Option I

**Complete disposal of entire site to generate capital receipt to be utilised for wider strategic aims.**

Option I involves the complete disposal of the golf course site to generate a capital receipt for the Council with no planned re-provision of the golf course within the Borough. Part of the capital receipt could be reinvested in the development of regeneration schemes to contribute to the local economy and future sustainability of public services. An example of how the capital receipt could be used to support health and wellbeing could be investment in a new leisure facility within the town centre to meet the wider strategic needs for leisure and support town centre regeneration. It is projected that due to ageing pools and general leisure facilities that replacement pool and leisure facilities will be required in the future. It is likely that a modern leisure facility would have greater throughput and contribute more effectively to health outcomes than a golf course.

The capital receipt could also be used to support the proposed Cultural Quarter, Castle (Mercian Trail development) or other priorities such as disabled facilities grants. A significant sum of the capital receipt should be re-invested to support future need.

The existing golf course site would be developed for housing (or appropriate commercial alternative use) including any associated infrastructure required by planning regulations.

Permission to develop on the golf course would need to be obtained from the Coal Authority as it has a covenant on the site which ensures that the land cannot be developed on without its permission and they would expect a proportion of the value of the site. Other issues that would need to be addressed as part of the development include the presence of old railway sidings, disused mining shafts to the west of the car park, pylons and an oil pipeline on the eastern edge of the course and the land fill on the back 9 holes which would need to be either moved / remodelled or removed from the site.

## Appendix B - Evaluation Criteria - Project Outcomes

Project Outcome	Description of Project Outcome
Revenue Contribution	<p><b>Potential for and likely level of contribution to the Council's annual revenue deficit from 2016/17 onwards</b></p> <ul style="list-style-type: none"> <li>• The Council has balanced its General Fund MTFs for the next 3 years by utilising £5m it holds in balances to meet the funding deficit. There is likely to be a deficit in the region of c.£2m per annum from 2016/17 onwards.</li> <li>• There is an £80k per annum contingency budget for the operation of the golf course which runs out in 2014/15. There is then a funding gap for the golf course from 2015/16 onwards which needs to be met.</li> <li>• The Council has also lost £36k per annum that it was budgeting to receive from Tamworth Golf Centre Ltd which needs to be replaced in the budget.</li> <li>• Any remaining cost for the golf course from 2015/16 onwards will be added to the c.£2m corporate deficit.</li> <li>• What is the likely revenue impact in years 1, 5 and 10 following implementation of the Option?</li> <li>• Does the Option remove the requirement for the Council to subsidise the golf course from 2015/16 onwards and does it contribute towards the reduction of the Council's c.£2m per annum budget deficit from 2016/17 onwards?</li> <li>• If the Option does not at least reach a breakeven (i.e. £0 revenue subsidy) position for the Council it should be considered unaffordable and automatically ruled out. If none of the options reach a breakeven position they should be assessed on the basis of the most economically advantageous solution.</li> </ul>

Project Outcome	Description of Project Outcome
<b>Economic Regeneration &amp; Growth</b>	<p><b>Contribution to economic regeneration and growth in the Borough (including the provision of new housing development)</b></p> <ul style="list-style-type: none"> <li>• The Strategic Review as part of Stage 1 of this Options Appraisal identified key corporate priorities for the Council relating to promoting growth, employment and business, and improving physical infrastructure.</li> <li>• The provision of new housing and new businesses are two of the Council's three work streams under the Sustainability Strategy aimed at bridging the future budget deficit. New housing will bring Council Tax income and central government grant funding and new businesses will generate increased business rates.</li> <li>• There are an additional 4,500 houses required to be delivered within the Borough but there is limited land availability.</li> <li>• Does the Option strengthen the local economy and make a significant contribution to as many of the above corporate priorities as possible?</li> <li>• Does the Option protect existing jobs and maximise the opportunity to create new jobs?</li> </ul>
<b>Capital Receipt</b>	<p><b>Potential for the option to generate a capital receipt for the Council and likely level of capital receipt</b></p> <ul style="list-style-type: none"> <li>• The Council's capital programme for 2013/14 totals £7.5m (£7.0m Housing, £0.5m General fund). Over 3 years, the General Fund Capital Programme totals £3.7m and the Housing Capital Programme totals £55.2m (including c.£21m relating to Regeneration Projects) over 5 years.</li> <li>• There are not significant capital funds available from the General Fund Capital Programme. If capital funds are to be made available to support some of the Council's wider strategic needs and / or further investment into housing they will need to be generated by releasing capital from other sites under Council-ownership (such as the golf course) through development.</li> <li>• Does the Option generate a significant capital receipt for the Council to reinvest as necessary?</li> </ul>
<b>Healthy Lifestyles &amp; Participation</b>	<p><b>Promotion of exercise and healthy lifestyles and contribution to increasing participation and reducing obesity</b></p> <ul style="list-style-type: none"> <li>• There are major issues with health and obesity in Tamworth. Levels of obesity, poor health, teenage pregnancy and alcohol-related crime and alcohol-related violent crimes are all above the national average. Increasing participation and physical activity is a major part of addressing these issues.</li> <li>• Does the Option make a significant contribution to increasing participation and therefore improving the long-term health of local residents by facilitating opportunities to take part in sport and physical activity?</li> </ul>

Project Outcome	Description of Project Outcome
<b>Strategic Vision for Sport &amp; Leisure</b>	<p><b>Ability to meet the leisure needs of the Borough's residents and the Council's wider vision / strategy for sport and leisure provision</b></p> <ul style="list-style-type: none"> <li>• The Council has identified a strategic need for a new community leisure centre that could incorporate a new swimming pool, sports hall and health and fitness facilities. However, land and capital funds are not readily available to support the delivery of this new facility at this time.</li> <li>• The existing demand for the golf course is uncertain as the number of members it currently has is significantly down on the national average, however market segmentation data from Sport England identifies additional potential players in the Borough who do not currently play.</li> <li>• The conclusion from the Council's Joint Indoor and Outdoor Sports Strategy in 2009 was that the golf course should continue to be provided and public access protected. The equalities impact of any potential change on the residents of the Borough must be considered so as not to discriminate against any one particular group.</li> <li>• Does the Option facilitate the delivery of the Council's future vision for sport and leisure provision for sport in the Borough whilst being mindful of the needs of the existing and potential golfers in the Borough?</li> <li>• Does the Option ensure equality of opportunity for the residents of the Borough and not discriminate against any one particular group?</li> </ul>
<b>Implementation &amp; Delivery</b>	<p><b>Cost and timescales of implementation and level of risk involved / likelihood of delivery</b></p> <ul style="list-style-type: none"> <li>• The golf course is currently under in-house management by the Council and each of the development and management options under consideration that involve a change to the current management arrangements would have an implication for the Council in terms of the time required to implement the option, the associated costs of implementing the option and the level of risk that the option may subsequently fail.</li> <li>• If the option implemented was to subsequently fail, it would be likely that the golf course would close as the Council cannot afford to keep operating the golf course at the current subsidy level considering the medium-term budget position of the Council.</li> <li>• The Council's Local Plan sets out an approach to planning that prioritises town centre locations and protects open spaces if possible although the lack of available land within the Borough needs to be taken into account.</li> <li>• Is the Option likely to achieve planning permission, is it capable of being implemented quickly, does it have a minimal cost involved in the implementation and, most importantly, will it have a low likelihood of failing in the foreseeable future?</li> </ul>

Project Outcome	Description of Project Outcome
<b>Environmental &amp; Sustainability</b>	<p><b>Contribution to the delivery of the Council’s environmental and sustainability objectives including protecting green and blue spaces</b></p> <ul style="list-style-type: none"> <li>• The Local Plan prioritises the protection of Tamworth’s network of green and blue infrastructure. The emphasis is on making the best use of existing open space through enhancement and appropriate management.</li> <li>• The Sustainable Community Strategy aims to protect and enhance the Borough’s open spaces and increase recreational use of these areas.</li> <li>• The provision of affordable housing to meet the needs of the growing population is also stated as an important sustainability objective for the Council.</li> <li>• Does the Option contribute to the achievement of as many of the objectives within the Council’s Sustainable Community Strategy and Sustainability Appraisal / Strategic Environmental Assessment as possible? Particularly focussing on the protection of open spaces whilst acknowledging the need to provide sustainable living spaces within the Borough.</li> </ul>



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