

Leisure and Environment Committee

Thursday 17 June 2010 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors M J Brown (Chairman), Mrs R M Denby and J J Wilson (Vice-Chairmen), J Broadhead, C J Chapman, Mrs M T Harnden, Mrs G M Kingerley, M T Kusneraitis, A M Moore, and Mrs G Warner.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Administration and Leisure Department, Committee Section, Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
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LIST OF MATTERS FOR CONSIDERATION

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a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign as a correct record the Minutes of the meeting of the Committee held on 18 March 2010, which were included in the April 2010 Minute Book previously circulated.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. SERVICE PLAN – OUTTURN PERFORMANCE 2008/10 AND REVISED PLAN FOR 2010/2011 (DAL/DTS)

1. Purpose of Report

1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2008/10 Service Plan for services under the remit of this Committee and to seek approval for a revised Service Plan for the period up to 31 March 2011.**

2. Background Information

2.1 In late 2008, a new strategy, planning and performance management framework of Sustainable Community Strategy and Corporate Plan was agreed for the Council and Committee-based Service Plans have continued to be produced since then.

2.2 The current Service Plans have been based on an 18 month cycle rather than the previous yearly programme to give greater continuity and avoid the need to update what are often ongoing targets.

2.3 In the June 2009 cycle of meetings, reports were brought forward noting the outturn position for the period up to 31 March 2009 and the November 2009 cycle reported the position as at 31 October 2009. This report and Appendix 'A' now notes the outturn position as at 31 March 2010.

3. Report

3.1 Members are invited to note the outturn position, as attached at Appendix 'A'. The Service Plan provides a control document for senior managers and the responsible Committees to monitor and review, as well as highlighting where slippage or other difficulties are occurring, and appropriate recovery strategies need to be put in place.

3.2 Members will be aware of the Service Review programme that was commenced at the start of this year and which is due to be completed by the autumn. It is anticipated that the collective outcome of these will lead to the creation of a new Sustainable Community Strategy and Corporate Plan in 2011.

- 3.3 The means by which targets in this new Corporate Plan will cascade to individual Committees will also be reviewed as part of this process. This may change the format of Service Plans, or indeed replace them altogether. It is therefore recommended that the Service Plan (as revised) for this Committee continues until 31 March 2011.
- 3.4 Targets which are no longer applicable have been deleted, completed targets have a ✓ next to them and will be removed from the plan. Where new targets have been added 'new' appears next to them. The Committee is invited to approve this revised Service Plan.
- 3.5 At the end of the Service Plan Members will find updated Equality Action Plans for the Administration and Leisure and Technical Services departments.
- 3.6 Members will recall that the Leisure and Environment Service Plan covers Leisure Services, aspects of Engineering and Environmental Protection.
- 3.7 Members are asked to note that the section on Safer Runnymede has been removed from the plan now that these matters are reported to the Crime and Disorder Committee.

OFFICERS' RECOMMENDATION that –

the Service Plan outturn report for 2008/10 as attached at Appendix 'A' be noted and the Service Plan for 2010/11, as incorporated in the existing plan, be approved.

(TO RESOLVE)

Background Papers

None stated.

- 7. LEISURE SERVICES REVIEW (DAL)
(Ref: Minutes of Corporate Management Committee, November 2009, page 412, para 437 and April 2010, page 734, para 700)

1. Purpose of Report

- 1.1 The purpose of this report is to update Members on progress to date on the review of Leisure Services and specifically the Leisure Centres and Parks.**

2. Background Information

- 2.1 In November 2009, Corporate Management Committee agreed that a series of Service Reviews would be undertaken. One of these reviews covers Leisure Services and includes all the sections of the service including Leisure Centres, Parks, Community Halls, Chertsey Museum, Leisure Development, Allotments and Cemeteries.
- 2.2 The two largest spending areas are Leisure Centres and Parks. After consultation on the initial project document it was agreed that these two services would be targeted first with work starting in January 2010. The other smaller service areas would then be looked at over the following six to nine months.
- 2.3 A project group was set up including the Director of Administration and Leisure, Head of Leisure, Service Managers and 'critical friends' including the Head of Law, Head of Community Services, Director of Technical Services and the Business Transition Manager.
- 2.4 The project group, together with those for other service reviews, reports to a project board of Directors and Members and there have been two updates to the group. In addition, there has been an interim update and consultation process involving the Chairman of this Committee and Councillor P Taylor. A report on the options to be further pursued was agreed at Corporate Management Committee in April 2010. This report aims to explain the recommendations and outline the progress that has subsequently been made.

- 2.5 Leisure Services are multi-faceted and make an important contribution to many objectives of the Community Strategy, in terms of:
- Health and Wellbeing
 - Quality of Life
 - Community Cohesion
 - Diversionary Activities
 - Employment and volunteer opportunities

3. Report

- 3.1 The larger Leisure project group has met on a number of occasions since inception but the bulk of the background work has been carried out by smaller teams who identified the options available and the advantages and disadvantages of these.

Leisure Centres

- 3.2 Egham Leisure Centre (ELC) and Addlestone Leisure Centre (ALC) are still operated in house. However, the management of Leisure Centres across the country is still mixed. There are a number of authorities who continue to manage their facilities in house and local examples include Woking and Guildford, although both are currently going through a joint options analysis. Some authorities use leisure trusts, including Tandridge and Slough, while private operators are also a major player in the market; for example Elmbridge and Spelthorne use DC Leisure and SLM respectively.
- 3.3 A number of options were considered for the leisure centres. These were:

- Status Quo
- Enhancement of the Status Quo
- Partnership Working
- Closure
- Demolish and re-provide
- Outsourcing
- Leisure Trust

Status Quo

- 3.4 This would maintain operations as they are and carry out minor refurbishments to enable the centres to continue developing their offer and retain members. The risk in this case is still with the Council if the market changes and there is no prospect of any savings being made.

Enhancement of the Status Quo

- 3.5 The enhancement option would see the centres continuing to be run in house but making a change to the offer through improved facilities. One of the possible enhancements, and one of the things that residents always ask for, is a swimming pool which could be provided along with other additional facilities. In addition to the capital costs (upward of £2.5m), there would be ongoing revenue implications through additional staffing and other costs incurred. Additional costs could be offset to some extent by increased usage; however, there is no guarantee and it could be some time before the full financial implications of any developments could be provided.

Partnership Working

- 3.6 The use of partnership working would enable overheads and management costs to be shared, however, there would be a need to agree the service delivery, which varies in each Borough. With many authorities in Surrey and the surrounding Counties already tied to external service suppliers the scope is limited. Woking and Guildford have looked at a joint options appraisal and could end up procuring a service together. However, currently it is not guaranteed and this Council was unable to get involved in the process due to the timescales. At the present time with disposable household income being squeezed, as well as the Council's financial position, this option was not explored any further.

Closure

- 3.7 The closure of both Leisure Centres would save all the direct costs but leads to lost income of approximately £1.4m per year. The direct net saving of closure would be approximately £100,000 for ALC and £30,000 for ELC. Savings from central costs could also be achieved but structural changes would be required within the relevant departments. This will be addressed once the outcome of all the service reviews has been undertaken and the implications of the Surrey First initiative are known. Disposal of the sites and consequent realisation of capital receipts could also be problematic as Egham is in the Green Belt, making disposal other than for the current or similar use uncertain, and Addlestone is at Jubilee High School with a number of practical and legal issues to overcome in order to achieve a disposable asset. Closure would also have a negative impact on a number of performance indicators; for example participation in sport and anti social behaviour as well as leading to negative feedback locally from customers and residents.

Demolish and re-provide

- 3.8 A radical idea would be to demolish the existing facilities and provide new ones that are fit for purpose. This could be combined with an outsourcing, trust or partnership option. It would require substantial capital investment of up to £15m and there would be a significant lead in time. It is something to consider for the future as ELC will ultimately need replacing. The dual use centre at ALC has had considerable investment in the fitness facilities but improvements to the school's main hall and outdoor facilities will be required in the future.

Outsourcing

- 3.9 Outsourcing the centres would lead to a contract for their management being let to the private sector. There are a number of experienced contractors, some of whom work locally. Included in any agreement could be some form of capital investment for refurbishments. Any management fee agreed could provide some financial certainty but there could be a request to re-negotiate this if circumstances change. The Council would still have some form of control over the service through the contract monitoring required and existing Leisure Centre staff would initially be protected through TUPE. One thing that may put off potential applicants is the lease through which Azzurri runs the 5-a-side pitches at Egham. It is likely that any contractor would wish to operate the pitches but the current operation is guaranteed annual income to any contractor and the Council has made a capital provision to replace the pitches in the future. ELC was last subjected to market testing in 1997 and the in-house bid won by some margin.

Leisure Trust

- 3.10 The final option considered was passing the services provided at both leisure centres to a Leisure Trust. This involves management of the services by an outside not-for-profit body, most likely with charitable status. Popular vehicles include companies limited by guarantee, and Industrial and Provident Societies. The Council has a number of options here which are to set up its own local Trust (the preferred option), link up with an existing Trust or tie up with the Trust arm of a private sector operator.
- 3.11 There are a number of advantages of setting up a Trust. There is the managerial ability to focus on a single service area, and more freedom and flexibility than is available to a local authority. Funding for improvements or new initiatives may be obtained more readily by a charity than by a local authority or commercial business, particularly with tax relief available on donations. Privately accessed finance would not affect the authority's capital finance allocation or revenue expenditure. If the objects are drawn appropriately, the Trust can take on additional facilities and services in the future and this is not limited to leisure centres or to Runnymede, so it could expand beyond the Borough. The Trust, once established as a charity, would be entitled to mandatory business rates relief of 80% and could apply (subject to the Council's policies), for discretionary relief on the remaining 20%. The net result of VAT exemption on entrance fees and other changes in VAT treatment would be favourable. Officers estimate that savings of at least £150,000 are available from the business rates and VAT changes. The Trust as a charity is not able to make a profit so all income over and above running costs will need to be invested back into the service for example with improvements to the facilities. Furthermore, it would be less directly affected by financial pressures imposed on Local Government.

- 3.12 There are disadvantages for the Council and the most significant is that, whilst it will retain some influence, it loses control over the operation as it will only be able to have 20% of the board membership of an external company without becoming subject to a number of the same controls which apply to local authorities. A charity must be independent and the Charity Commission will closely scrutinise attempts to maintain control by other means, such as contractual or grant conditions. (The corollary of this is that there is greater potential for harnessing local public and private expertise and involvement of community interests in running the Trust). There will have to be careful compliance with the regulatory regime for charities as well as any others applicable, such as company law. If property is given to the charity, the transfer is irreversible. If the Trust should fail the Council would face a public expectation that it would continue the operation at least until another provider was identified. Some costs, for example public liability insurance, might increase for a stand-alone operation. Furthermore, the task of planning the handover, managing internal and external expectations of the new operator, and defining a clear identity and role for the Trust, should not be underestimated. It will be critical to identify the best vehicle, set up sound governance and managerial arrangements, and create a good business plan. The Committee may be aware that when the Trust option was last reviewed during the 1990s, Members were unwilling to accept the loss of control over a service which the public might still expect the Council to provide were it to fail.
- 3.13 Notwithstanding the disadvantages and need for caution, the project group believes that the balance of advantage in the current circumstances favours the setting up of a Runnymede Leisure Trust. This option should allow the delivery of the same level of service to the public at a clear financial saving, along with the other advantages identified in paragraph 3.11 above. A change to Trust operation is also recognised as relatively benign by both public and staff. A suitable entity will take approximately 12 months to set up and begin operation. During this time arrangements must be put in place to comply with the EU procurement law and the nature of the contract between the Council and the Trust settled.
- 3.14 It is envisaged that initially the Council would support the Trust with grant aid to approximately the level of its previous net expenditure on the Leisure Centres, less the savings that the Trust can realise from business rates relief and VAT changes. This sum could be tapered to reduce over the first few years of operation, depending on the content of an agreed service/business plan which would also be aimed at ensuring that the Council's key policy aims and objectives were met. As these would be compatible with charitable objectives, there would not be a problem with this in principle.
- 3.15 The Trust would also be free to employ or buy in its own support services from whomever it wished. The impact on the Council would not be known until the Trust had determined what services it would purchase from the Council and those it would source externally. If there was a significant reduction in the level of support work required from the Council, the authority would need to reprioritise or reduce its resources in the affected areas.

Addlestone Leisure Centre

- 3.16 Since its refurbishment in 2006, ALC has been slowly improving in terms of its financial performance. However, it is unlikely to ever meet the projections of the original over optimistic business plan produced by consultants.
- 3.17 Opening hours were increased when the new facilities were built. However, many dual use Leisure Centres operate on the basis that they are open evenings and weekends only and it is proposed that Addlestone does the same to make savings. Use of the centre during the day is limited to a few classes, gym usage and school use of the gym. A breakdown of customer off peak usage showed that 44 members used the centre more than 30 times over a 12 month period and only one member used it 3 times a week over that year. One of the regular complaints about using the centre during the day is the lack of car parking, owing to the two schools on site which is a particular problem at the start and end of the school day.
- 3.18 The impact on many centre members is likely to be limited, as the majority of members use the centre during peak hours. However, it is appreciated that some people do like to use the facilities during the day. Taking into account savings from the need to reduce the staffing hours and any potential loss of income from customers ceasing to attend or cancelling their memberships, it is estimated that closure during the day could save approximately £50,000 per year.

- 3.19 There are some key groups that need to be consulted on both the Trust and Addlestone day time closure options. The first is staff and a meeting has been held with staff from both sites to outline the options and deal with any questions. Subsequently, meetings have been held with specific staff groups at Addlestone i.e. duty managers, fitness and reception. The proposal is not to make any redundancies but with reduced hours available staff will be required to cover at Egham to make up their hours and new shifts have been discussed. It is anticipated that any future changes would occur through natural wastage as staff move on to new posts. The second group will be customers who will need to be advised of changes to the operation of the facilities and opening hours. At Addlestone specifically the school will need to be consulted on the impact the changes may have on their curriculum and arrangements made for the use of the gym which is convenient to both parties.
- 3.20 At Corporate Management Committee in April 2010 a supplementary estimate of £70,000 was approved to obtain legal services to progress setting up the Leisure Trust. This will include advice on the best vehicle and its constitution, regulation, and tax position, securing charitable status, ensuring the lawful availability of support services from the Council, transfer of staff and the protection of their pension rights, advising the trust as it prepares for operation and settles documentation with the Council, and briefing and training for Council and Trust staff. Once the Trust has been created the solicitors will be advising it rather than the Council. Officers hope to have appointed a firm of Solicitors with an appropriate track record and expertise before the Committee meets.

Parks

- 3.21 The net parks budget is £1.6m per year and the service area includes 361 hectares (892 acres) of open space including 5 manned parks at which 9 staff work, and 84 unstaffed open spaces managed by 2 members of staff. The service also provides a Tree Officer (offering advice for Planning purposes as well as oversight of Council trees) and a Project Officer who works on play area developments and other improvements. The budget for 2010/11 includes a savings target of £15,000 from the staffing budget agreed as phase 3 of the net revenue reductions programme approved in December 2008. At the meeting of Corporate Management Committee in April it was agreed that £50,000 be saved from the parks budget in 2011/12 through changes to working practices inclusive of the £15,000 already agreed.
- 3.22 The review of the service area focused on a number of key issues:
- Was the service fit for purpose?
 - What are the potential different models of provision?
 - The management structure
 - Asset management and disposal
 - Economies that could be made
 - Potential to increase the level of income.
- 3.23 The parks are well regarded. In the 2009 place survey reported to Corporate Management Committee in September 2009, for quality of life, Parks and Open Spaces were overall the second most important service to residents provided directly by Runnymede (the first being clean streets). 74% of residents were satisfied with the provision available. The parks and open spaces are used by 75% of residents at least monthly, with about half using them at least weekly. The fact that the main parks are staffed has always been seen as a positive feature of the provision. The use of permanent staff on site is one that a number of other Councils dispensed with some years ago, deciding to use contractors or handing facilities over to clubs to do all the fine turf works such as preparation of bowling greens and cricket pitches. The danger of this can be a deterioration of the facilities over time. However, savings can be delivered if the authority is prepared to accept a lowering of standards.
- 3.24 When looking at the manned parks, the project group was always conscious of the wider public views. Set against this was the need to look for savings and best use of resources. To continue with the current structure and manning parks throughout daylight hours all year round would not deliver any savings, unless there were cuts in other areas for example maintenance and improvements to the facilities.

- 3.25 Another option looked at was to develop roving maintenance teams with staff working in teams across the 5 manned parks preparing the facilities for use and carrying out maintenance. Any savings would be related to a potential reduction in the number of staff. The actual staffing levels required have not been investigated and if this were to be considered there would be additional ongoing vehicle costs as well as the one off capital cost for the purchase of transport. These mobile teams could also be used to do other maintenance works across the parks that may currently be done by contractors. After considering the option it was felt any savings would be limited and staff would lose the affiliation they have to their individual parks which leads to a high level of commitment and very good standards of work.
- 3.26 It was felt that savings could be made by reviewing the current staffing of the five manned parks. Currently most of these are staffed by at least one person all the time they are open (8.30am to around dusk). During normal working hours the permanent staff carry out maintenance within the parks, ensuring they are well presented and safe to use; they also prepare sports facilities for use. Outside normal working hours (weekends and light evenings) an Attendant is present on site. They prepare sports facilities, oversee games, sell tickets and provide an official presence. They also lock up at the end of the day. Some of the Attendant duties are covered by permanent staff working additional hours and some by casual staff. Savings on casual staff wages could be realised by reducing the cover provided when there were no formal games being played on site. Permanent staff who currently have the opportunity to make up their income through doing attendance duties outside normal working hours would retain this option.
- 3.27 Discussions have taken place with the permanent staff on this change and also the possibility of moving towards staggered working hours when the days are longer and the parks are open later. Out of these discussions it was identified that locking up the parks in the evening, if no staff were on site, would need addressing. During the winter this is not a problem as it can be done as part of the park supervisors' normal duties. With the lighter evenings there would be occasions when there are no formal games and therefore no Attendant to lock up. One option is to look at using a member of staff as a mobile supervisor at these times and at weekends where duties would include locking up. The mobile supervisor would also be tasked with monitoring the use of all the parks so, even if there is no one on site, there will be regular visits during a shift period. This would also allow for opening up and checking paddling pools, as required during the summer. One other option may be to keep the parks open permanently as at Heathervale but this would have implications locally and some extensive consultation would be required with local residents.
- 3.28 The changes in staffing of the parks could deliver a saving of up to £30,000 through the removal of a significant proportion of the casual budget. As part of the negotiations with staff the rate of pay for attendance duties will be reviewed, especially in light of the new mobile supervisor position being paid for out of the attendance budget. There would also need to be access to a vehicle from the Leisure Division.
- 3.29 The facilities available at the manned parks are well regarded. There are regular cricket, football and bowls teams utilising the pitches and greens provided, however, the prices charged do not really reflect the true cost of the provision. This is particularly true of the cricket and bowls clubs. One thing that will be investigated is whether there is scope to increase charges to recoup more of the costs, bearing in mind that the Council cannot afford to lose users due to the service being too expensive. Current lease agreements for the use of pavilions are also being looked at again to see if there is scope to re-negotiate agreements.
- 3.30 A considerable amount of maintenance work is carried out in the parks by external contractors. For example maintaining machinery and minor works such as fencing. There is a proposal to look at bringing some of this work in house for the parks staff to carry out, equipment and skills permitting. Some of the tasks will require staff to attend training courses. However, it is estimated this could deliver a small annual saving and provide staff development opportunities. This proposal originated with the staff and is supported by management.

- 3.31 There are a small number of open spaces around the borough, which are under used and may be of little amenity value, which could be incorporated into the Council's disposal strategy. A full assessment of their value, location and use would need to be made before disposal could be recommended and this option does rely on a number of factors, including the status of the land (for example is it held in trust), however, it is something to consider and could provide a capital receipt and reduction in maintenance costs if a site was sold.
- 3.32 More likely income streams are through the development of links with commercial operators, for example paint balling and adventure facilities. Some initial discussions have taken place with providers and this will continue to be investigated. An agreement with an ice cream vendor has recently been entered into for delivery across all the manned parks and this will be monitored in the coming months. The Valuer's section has also started looking at the possibility of promoting parks and open spaces as filming locations and have started speaking to producers. Some of these options are not likely to produce regular guaranteed income but could provide more flexible use of the resources.
- 3.33 Within the parks service a number of options are being considered to deliver the savings required. Negotiations will continue with staff as to where changes in service can be made without having too detrimental an effect on the quality of service. There is also a need to ensure that permanent staff will not be disadvantaged financially by any changes introduced.
4. Resource Implications
- 4.1 The aim of the review of leisure services has been to identify opportunities to operate more cost effectively and various savings have been identified.
- 4.2 Transfer of the Leisure Centres into a Trust will deliver savings through the 80% relief on non domestic rates as a charity and the changes to the VAT treatment of some income streams. These will be savings to the Trust and not the Council but are likely to be in the order of £150,000. There is also additional potential tax relief for capital gains tax, corporation tax, stamp duty land tax, and donations.
- 4.3 Moving to a Trust will mean there are initial set up costs through the use of legal experts to draw up the relevant documentation and a sum of £70,000 has been allocated for this as a supplementary estimate.
- 4.4 Changes in the opening hours of ALC are estimated to deliver a saving of £50,000. This figure has been arrived at by looking at savings in the running costs less the loss of income anticipated due to cancellation by members who use the facility primarily during the day. Officers will try to minimize any loss of income by offering the option of off peak use of Egham Leisure Centre initially at no extra cost. Changes in operating hours are likely to take place in September 2010. There will be no redundancies so staff who are not required at ALC will cover at ELC, which may mean that in the short term savings may be limited. However, once there is turnover of staff, savings will be achieved, as they will not need to be replaced in specific roles such as duty managers and fitness instructors.
- 4.5 Changes to the operation of the manned parks is expected to deliver savings of £50,000 through reduction in casual staffing levels at the parks and reduced use of external contractors to carry out some maintenance tasks. £15,000 of these savings has already been factored into the 2010/11 budget as part of the phase 3 revenue reductions approved in December 2008.
- 4.6 A saving of £10,000 per annum has been secured by disestablishing the Grounds Maintenance post at Egham Leisure Centre following the ill-health retirement of the postholder, and its incorporation into the Council's general ground maintenance arrangements. This will result in the loss of some cover and service specific to Egham, but overall the effects are manageable.
- 4.7 All changes will be built into the 2011/12 budget during the estimates exercise later in the year.

5. Equality

- 5.1 Any changes to the operation of the parks and leisure centres will require an Equality Impact Assessment. This will be developed once firm proposals have been made on any changes to the operation of the service areas.

6. Council Policy

- 6.1 The Community Strategy states that the Council will take any opportunities to improve access to and enhance provision of parks and open spaces. The proposals for changes in the parks are not aimed at reducing the services provided. However, there cannot be a guarantee that they will not have an impact.
- 6.2 'Take opportunities to enhance formal leisure facilities' is another key action in the Community Strategy. The establishment of a trust would improve the opportunity of the Leisure Centres to access external funding to further develop provision and also re invest surpluses back into the service. This is important in a market which can change over short spaces of time.

7. UNISON Comments

- 7.1 UNISON has been involved in detailed discussions with the Parks staff and their Line Management regarding proposals for the manned parks and will continue to represent their interests and those of staff in the Leisure Centres in the event of their transfer to a Leisure Trust.
- 7.2 UNISON looks forward to further consultation on these issues and those areas to be covered in the next stage of the service reviews, as firm proposals are developed, with the aim of safeguarding the service and the staff.

(FOR INFORMATION)

Background Papers

Service Review Notes and Presentations to Members held on DAL files.

8. REFUSE AND RECYCLING SERVICE REVIEW (DTS)
(Ref: Minutes of Leisure and Environment Committee, May 2004, page 1648, para 931, Corporate Management Committee, November 2009, page 412, para 437, April 2010, page 731, para 699 and Council, April 2010, page 761, para 734)

1. Purpose of Report

- 1.1 **The purpose of this report is to inform the Committee of the outcome of the Refuse and Recycling Service Review and seek approval for its recommendations.**

2. Background information

- 2.1 In November 2009, Corporate Management Committee gave approval to a programme of six Service Reviews which had a threefold purpose as follows:

- (a) To set out a way forward in identifying how the Council can meet a required financial target of £1m of savings in addition to those already identified.
- (b) To ensure that once all service reviews are completed, the Council has the basis for a new Corporate Plan (which in turn will have an important influence on the Community Strategy).
- (c) To lay down new arrangements for working in partnership with other local authorities, statutory and voluntary organisations.

- 2.2 It was also agreed that these Reviews would be carried out in-house, with the relevant Director leading, supported by a 'critical friend' Director. A corporate group of Officers was to undertake the work required with support from the Business Transition Manager. A further level

of challenge was to be provided by the Chief Executive and a small Member Working Group of three Members.

3. Report

Recycling

3.1 It was accepted at the outset of the Service Review (SR) that the future direction for recycling would be set by the retendering of the recycling service which was already in train and indeed bids for this had been received at the end of 2009.

3.2 The outcome of analysis of these bids was reported to the last meeting of this Committee in March 2010 and recommendations made on the nature of the future recycling service and preferred bidder. Those recommendations were endorsed by Corporate Management Committee and agreed by Council in April 2010.

3.3 The new contract is for a seven year period commencing in February 2011 and is being awarded to Biffa Waste Services Ltd. It retains a weekly recycling collection service; however the range of products collected is to be expanded to include the following materials:

- | | |
|------------------------|---------------------|
| • Paper | • Cardboard |
| • Glass | • Tetrapak |
| • Cans | • Batteries |
| • Textiles | • Ink cartridges |
| • Plastic bottles | • Mobile telephones |
| • Other plastics | • Spectacles |
| • Kitchen (food) waste | |

3.4 At the same time it was appreciated that collecting such a wide range of recyclables on a weekly basis would reduce the amount of household residual waste considerably. To accommodate this, encourage others to join the recycling system and to reduce costs to enable such a comprehensive recycling service to be introduced, it was also agreed that from the start of the new service, the refuse collection frequency should be reduced from the current weekly, to a fortnightly service.

Refuse

3.5 A move to fortnightly refuse collection would facilitate a reduction in main rounds from the current five, to three. This would mean the loss of two drivers and four loaders. The ambition is that this would be facilitated by natural wastage or redeployment and this is being monitored. Consultation with staff and UNISON took place prior to this decision being taken and Members considered the comments and views put forward.

3.6 It was considered that options for future delivery of the refuse service needed to be considered as part of the Service Review process. The Direct Service Organisation (DSO) also includes street cleansing, task group, housing group, transport, public conveniences and graffiti gang. The full range of tasks undertaken by the DSO is attached at Appendix 'B'.

3.7 Four options were considered by the Service Review Group. The first option is to retain the DSO in-house with no external comparisons for delivering the service by means of a tender exercise. There are a number of advantages to this:

- RBC has the most cost-effective refuse and street cleansing services in the County. Substantial cost savings are unlikely to be achieved from alternative options
- The December 2009 Services Survey showed the refuse collection service as the most important to local residents, but few thought it in need of improvement
- Range of tasks shows that the workforce is flexible and this can be added to or changed without financial penalty
- Response available to a range of emergencies

- Other changes to working practices or options for partnership working or future out-sourcing are not precluded
 - Provides resilience (staff, vehicles and depot) if recycling contractor withdrew
 - Retention of depot as strategic resource
- 3.8 Two main disadvantages were identified. Firstly, unless formally tendered it cannot be shown that an external contractor could not deliver a more cost-effective service. Secondly, it prevents possible alignment between refuse and recycling services if this is seen as being desirable, although a retained DSO does give a resource if the recycling contractor withdrew or failed.
- 3.9 The second option is to go through a tender process for all the DSO functions. This could either be compared against existing costs or against an in-house bid. This was perceived to have a range of advantages and disadvantages as set out below:

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • Unless formally tendered it cannot be shown that an external contractor could not deliver a more cost-effective service • If won by the recycling contractor it would facilitate single delivery of all street scene services • Potential for savings in support services • Risks in relation to service provision are out-sourced • Provides core staff retaining flexibility to perform a range of roles 	<ul style="list-style-type: none"> • RBC has most cost-effective refuse and street cleansing services in the county. Substantial cost savings unlikely to be achieved • Change to service provider may reduce currently high public satisfaction levels • Range of tasks undertaken by DSO means that bids may be expensive • Range of tasks undertaken by DSO means it is likely that any bidder would seek to sub-contract these making contract management more difficult • There would be substantial work in putting together a proper specification that accurately reflected all the tasks performed by the DSO • There could be no changes to the contract (without financial penalty) for its duration (7 years?) • It would preclude partnership working for the period of the contract • Might be won by different contractor to recycling service making contract management more complicated • Current flexibility of tasks and working practices would be lost, especially in relation to emergencies

- 3.10 The third option is to go through a tender process for the refuse collection and street cleansing functions of the DSO, but to retain the other functions (see Appendix 'B') in-house. The advantages and disadvantages of this are examined below:

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • Unless formally tendered it cannot be shown that an external contractor could not deliver a more cost-effective service • If won by the recycling contractor it would facilitate single delivery of all street scene services • Potential for savings in support services • Risks in relation to service provision are out-sourced • Relatively standard specification for tender 	<ul style="list-style-type: none"> • RBC has most cost-effective refuse and street cleansing services in county. Substantial cost savings unlikely to be achieved • Change to service provider may reduce currently high public satisfaction levels • It would preclude partnership working for the period of the contract • Might be won by different contractor to recycling service making contract management more complicated • There could be no changes to the contract (without financial penalty) for its duration (7 years?) • Current flexibility of tasks and working practices would be lost, especially in relation to emergencies

3.11 The final option is based around retaining the current in-house arrangements, but moving towards future partnership working with one or more neighbouring authorities. This could be on the basis of extending the DSO to cover one or more adjoining Boroughs, joining with an adjoining DSO to deliver the service or jointly tendering the services across one or more Boroughs. The advantages and disadvantages of this are examined below:

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • Gives greatest flexibility in terms of timescales for change and implementing change • Fits with Surrey First initiative • Does not preclude any future form of service delivery • RBC has most cost-effective refuse and street cleansing services in county. • Response available to a range of emergencies 	<ul style="list-style-type: none"> • Short-term savings may be lost • Partnership working made more difficult as recycling is excluded • Substantial cost savings unlikely to be achieved

4. UNISON Comments

4.1 UNISON will continue to represent the interests of all staff affected by the outcome of the Refuse and Recycling Service Review. UNISON endorses the advantages stated in the report of retaining the many and vital DSO functions in-house, whilst exercising caution with regard to the (as yet unknown) implications that Surrey First might have for the future provision of these services. UNISON looks forward to receiving the consultant's report on further efficiencies and savings that might be made in the DSO and agrees that investigating the future provision of a commercial recycling service is a sound option.

5. Conclusion

- 5.1 Improvement & Efficiency South East has funded a consultant to offer advice to all the DSOs in the South East and discussions have taken place with both Runnymede and Spelthorne. Their final report has yet to be received and will be reported to a future meeting.
- 5.2 In May 2004, this Committee considered a detailed report on the future of the refuse collection and street cleansing services which was informed by external consultancy advice. It was concluded that the service offered good value for money, being cost-effective, efficient and well-regarded by the public. The consultant estimated that to outsource the service would be likely to increase costs. The Committee resolved to retain the service in-house.
- 5.3 It is possible that the combined discharge of recycling and refuse collection and street cleansing services would give greater efficiencies and cost savings. This option has not been tested. This could have been addressed had the tender invitations last year included all the functions combined. However, the Council had already taken the decision to retain refuse collection and street cleansing in-house (partly because of their low unit costs) and therefore the recycling function would only have been combined if the DSO was the successful bidder.
- 5.4 However, retention of the DSO in this context also has the advantage that if the recycling contractor either failed or threatened to withdraw from the contract, then there would be a ready resource that could step in to deliver some sort of interim service. This is thought to have been partly the reason why the current contractor's previous threat of withdrawal was not pursued. A separate DSO therefore helps to both mitigate risks and enforce contracts.
- 5.5 The Council is not in a position to ask the successful recycling tenderer to offer a contract price to take over refuse collection and street cleansing as well, as this would be contrary to procurement law. It would require a repetition of the full tender process which would jeopardize the timescale for implementation of the recycling contract.
- 5.6 The Service Review Group was mindful that the core refuse collection and street cleansing functions of the DSO were the most cost-effective in the County, with relatively high levels of public satisfaction. It was felt unlikely that substantial cost savings could be made and if tendered now, had the danger that it might be won by another external contractor (other than Biffa) which would take the Council no further forward in terms of aligning these functions, if felt desirable.
- 5.7 Perhaps the overwhelming view was the flexibility that an in-house workforce with council-owned depot offered. This has been reflected over the years in terms of changed working practices and additional functions which have been introduced with a co-operative workforce, without having the legal and financial consequences that would have been the case in negotiating changes to a contract with an external provider.
- 5.8 Equally it was felt that simply retaining the service as it is would be seen as unacceptably complacent. There are undoubtedly further efficiencies (several likely to be identified by the external consultant) which can be implemented as part of the preparations for moving to fortnightly refuse collections next year.
- 5.9 The particular role of partnership working was perhaps the greatest influence and this has two main strands. Firstly, joint working across the County, in particular, future working with Surrey County Council as Waste Disposal Authority, in seeking to utilize the new facilities being pursued at Charlton Lane in Shepperton. The commissioning of these should be completed prior to the end of the recycling contract in 2018.
- 5.10 Secondly, pursuing partnership working with neighbours, especially Spelthorne, which also has an in-house DSO and where discussions have been ongoing for some time. This option also ties in with the Surrey First Initiative, which has identified waste as being a key area for partnership working and it is recommended that this be pursued. This is particularly applicable to vehicle procurement which holds the prospect of savings.

- 5.11 Item 10 on the agenda sets out the future transport requirements of the DSO. Progress with those proposals is subject to the approval of the recommendations in this report.
- 5.12 The Service Review Group recommended that the fourth option, retaining the current in-house arrangements, but moving towards future partnership working with one or more neighbouring authorities be adopted. This was reported to, and agreed by the Service Review Programme Board. Formal endorsement by this Committee is now being sought.
- 5.13 An element that came out of the Service Review was the possible introduction of a commercial recycling service that could become a source of income for the Council. It is recommended that the feasibility of this be further investigated.

OFFICERS' RECOMMENDATION that -

- i) in terms of the Refuse and Recycling Service Review, it be noted that the future arrangements for recycling have already been agreed by Council, with Biffa Waste Services delivering the service from February 2011; and that the move to fortnightly refuse collection from February 2011 has also been agreed;**
- ii) the DSO functions be retained in-house as at present and that work progresses with the Surrey First Initiative on partnership working with other Boroughs and Districts and the County Council;**
- iii) further improvements and efficiencies in the DSO be pursued; and**
- iv) the provision of a commercial recycling service be investigated.**

(TO RESOLVE)

Background Papers

None Stated.

- 9. NEW WEEKLY RECYCLING AND FORTNIGHTLY WASTE COLLECTION SERVICE – COMMUNICATIONS PLAN AND PURCHASE OF KERBSIDE CONTAINERS (DTS)
(Ref: Minutes of Leisure and Environment Committee, March 2010, page 656, para 663, Corporate Management Committee, April 2010, page 731, para 699 and Council April 2010, page 761, para 734)

1. Purpose of Report

1.1 The purpose of this report is to

- i) seek approval of a draft Communications Plan for the new weekly recycling and fortnightly waste collection service; and**
- ii) seek approval to purchase additional kerbside containers for the new kerbside collection service.**

2. Background Information

- 2.1 At the meeting of full Council on 22 April 2010 the recommendation from both the Corporate Management Committee of 8 April and the Leisure and Environment Committee of 18 March to award the recycling contract to Biffa Waste Services, commencing on 31 January 2011 was agreed.
- 2.2 At the last meeting of this Committee in March it was resolved that a further report outlining a communications strategy be brought forward to a future meeting of this Committee.

3. Report

Communications Plan

3.1 A draft Communications Plan is attached at Appendix 'C' and is divided into the following sections:

- Introduction
- Promotion to date
- Communication Aims and Objectives
- Strategic Approach
- Branding and Campaign values
- Target Audience
- Communications Mix
- Additional Staff
- PR
- Estimated costings
- Timetable of activity
- Breakdown of specific actions outlined in the plan

3.2 Officers considered it is essential that adequate and repeated information is provided to the public about the new service. Given the changes to service and different containers, the public need to be fully aware of what materials will be collected from which container and when. This information applies to refuse, green waste and recycling collections.

3.3 The strategy/plan is based on experience elsewhere and Officers have sought to understand from other Surrey districts that have recently gone through this process what works and what does not. Many of the leaflets will be based on those that other councils have developed which represents a considerable saving in design costs.

3.4 A large element of cost is in respect of additional temporary staffing, which Members will recall has been highlighted before. It is recommended that six staff are employed – two for six months, two for four months and two for two months. This is considered sufficient to deal with enquiries from before implementation until afterwards, with all six staff employed when the new arrangements are rolled out in February 2011. These staff will not only answer telephones, but also visit the public at home to deal with particular issues. There will also be occasions when they accompany refuse crews to deal with immediate issues.

Purchase of kerbside boxes

3.5 As reported previously, the new kerbside collection service will require additional containers and kerbside boxes to be purchased.

4. Council Policy

4.1 The Council's Communication Strategy confirms that it wants to do everything possible to achieve good communication with the people it serves. It indicates that the aim is to keep residents and partner organizations truly informed as to what is happening in the Borough.

5. Resource Implications

5.1 The costs associated with the draft Communications Plan are set out in the strategy, and summarised below:

Description	Estimated Costs £
Introductory leaflet	5,000
Essential Guide to Recycling	3,000
Recycling at a glance	3,000
Introduction hanger	5,000
Home visit hanger	5,000

Christmas hanger	5,000
Incorrectly placed out container	2,000
Details of roads and new collection days	7,000
Posters	100
Design	3,000
Display board	500
Additional temporary staff costs	46,800
Transport costs	8,000
Labour costs to deliver hangers	8,000
Letters to assisted collection customers	300
Data load from ROCC database	1,000
TOTAL	102,700

The overall cost is estimated at £102,700 of which £46,800 is related to the temporary staff. This does not include the opportunity costs for existing staff involved in these arrangements.

5.2 It is proposed that this expenditure can be met from the following sources:

- The first of the £98,000 revenue contributions from Surrey County Council (see below)
- A submission for funding to WRAP (Waste & Resources Action Programme) which has a specific funding stream for communications.
- Biffa Waste Services (ongoing discussions for some direct funding)
- Biffa Waste Services (ongoing negotiations over potential savings from container delivery.)

5.3 As previously reported to this Committee, support is being offered by the County Council to provide three years of revenue funding (£98,000 per annum) to assist with the running costs of a kitchen waste collection service, and an additional one-off lump sum of approximately £250,000 towards capital set up costs.

5.4 There is currently no provision in the Capital Programme for the purchase and delivery of the additional containers and kerbside boxes required to carry out the contract and formal approval along with a capital estimate will therefore be required. This purchase will be met using the capital contribution being offered by Surrey County Council.

6. Equality Issues

6.1 A draft Equality Impact Assessment is attached at Appendix 'D' and will be submitted to the Equality Working Group subject to this Committee's approval of the draft Communications Plan.

6.2 Experience elsewhere has shown that the best publicity material is pictorial, which is more easily understandable than text, especially so for those whose first language is other than English. The additional temporary staff will be instructed to prioritise assistance to disabled or elderly residents or those with specific issues such as families with young children in nappies.

6.3 A meeting of the Member Working Group for Waste and Recycling has been scheduled to discuss the publicity material, including the logos to be used, to help inform the public of the new service as well as promote recycling across the borough. A verbal update of their discussion will be given at the meeting.

7. UNISON Comments

7.1 UNISON has received a copy of the draft Communications Plan and is pleased that the employment of additional staff, albeit on a time limited basis, is being recommended.

7.2 UNISON will continue to monitor workloads and make representations where necessary to safeguard the health, safety, welfare and continued job security of all staff affected by the change in service.

OFFICERS' RECOMMENDATION that –

- i) the draft Communications Plan for the new weekly recycling and fortnightly waste collection service be approved, as attached at Appendix 'C';**
- ii) the proposed expenditure of £102,700 be approved, to be met as detailed in this report; and**
- iii) Corporate Management Committee be requested to approve a Capital Estimate in the sum of £250,000 for the purchase and delivery of additional boxes and kerbside containers to be funded by the capital funding of £250,000 from Surrey County Council.**

(TO RESOLVE)

Background Papers

None stated.

10. DSO VEHICLE REQUIREMENTS (DTS)

1. Purpose of Report

1.1 The purpose of this report is to

- i) outline the future vehicle requirements of the DSO to provide a cost effective residual, trade, green waste and street care services, to run alongside the new 7 year recycling contract recently awarded to Biffa UK; and**
- ii) seek approval to retender the vehicle maintenance contract for the repair and maintenance of the DSO and Community Transport fleets.**

1.2 The proposals set out in this report are subject to the approval of the recommendations arising from the Refuse and Recycling Service Review (item 8 on this agenda).

2. Background Information

2.1 Following a Service Review the recommendations of the Member Working Group on Waste and Recycling were:-

- i) In terms of the Refuse and Recycling Service Review, it be noted that the future arrangements for recycling have already been agreed by Council, with Biffa Waste Services delivering the service from February 2011; and that the move to fortnightly refuse collection from February 2011 has also been agreed.
- ii) The DSO functions be retained in-house as at present and that work progresses with the Surrey First Initiative on partnership working with other Boroughs and Districts and the County Council
- iii) Further improvements and efficiencies in the DSO be pursued; and
- iv) The provision of a commercial recycling service be investigated.

2.2 The Council's Transport Manager has carried out a detailed assessment of the condition of the existing fleet. The options available are:-

- i) Do nothing and risk an unreliable alternative weekly collection residual waste service
- ii) Carry out a major refurbishment of the existing fleet with a view to extending its life by approximately three years

- iii) Replace key front line vehicles.
- 2.3 Various repair and maintenance (R&M) contracts were procured with the new vehicle fleet in 2005. These contracts all expire in July 2010. The main contract with Heil (Europe) Ltd includes for an onsite fitter based in the Council's work shop at the Chertsey Depot. The new tendering process was delayed due to the uncertainty of the recommendations of the Service Review on waste and recycling.
- 2.4 A six month extension of the current contract has been negotiated with Heil (Europe) Ltd who have agreed to maintain current rates until February 2011. Ad hoc arrangements have been put in place to cover the mechanical sweepers and some specialist vehicles and plant.
3. Report
- 3.1 Following a detailed assessment of the entire fleet the Council's Transport Manager recommends the following vehicles should be acquired as close to the roll out of the new frontline services in February 2011 as possible to ensure a robust service is provided to the residents:
- i) Two 26t refuse collection vehicles (RCV) for two of the three revised main residual waste rounds.
 - ii) One 26t RCV for the trade collection round.
 - iii) One 15t RCV for the proposed new rural/restricted access waste round, combined with a street cleansing litter/dog bin round.
 - iv) One compact mechanical sweeper
 - v) One graffiti vehicle, excluding pressure washing equipment.
 - vi) One small supervisors' van
- 3.2 The justification for replacing three 26t RCV's is that they will be 6 years old in 2011 and regardless of any refurbishment work will have to be replaced part way through the 7 year contract period of the new recycling service. To extend the life of the existing vehicles by 3 to 4 years would be uneconomic.
- 3.3 A further advantage of replacing at this time is that the new vehicles will be fully depreciated in 2018 when the recycling contract ends. The opportunity will then be available to tender all the waste services as a single contract.
- 3.4 In the Communications Plan (elsewhere on this agenda), for the roll out of the enhanced recycling service it is proposed to advertise the changes to the service on all of the Council's RCV's. While the advertising boards could be fitted to the older vehicles it would make financial sense to have these fitted at time of build. This cost has been included in the overall estimate for purchasing vehicles. The proposed systems will allow regular changes to update residents on relevant information.
- 3.5 Replacing these vehicles at this time will also facilitate the fitting of in cab technology to make full use of the ROCC waste management computer system and improve back office efficiency.
- 3.6 The 15t RCV will effectively replace two 7.5t vehicles and reduce cost. The DSO currently runs a 7.5t RCV 5 days each week for a rural/restricted access waste collection service and a 10 year old non compaction vehicle for a litter/dog bin round.
- 3.7 Unfortunately, the 7.5t RCV has more down time than any other DSO owned vehicle and has proved extremely costly to run. When fortnightly refuse collection is introduced, combining both services is realistic if a more robust vehicle is deployed with a capability of an increased payload. A 6 day working week may need to be introduced or split shifting, subject to consultation with staff and UNISON.

- 3.8 The existing 7.5t RCV will make a cost effective spare and provides an opportunity to open up the green waste collection service to restricted access properties. The old non compaction litter/dog bin vehicle can be disposed of after serving well for the past 10 years.
- 3.9 The proposal is to acquire one new compact mechanical sweeper, keep the two 6 year old machines but dispose of two pedestrian sweepers.
- 3.10 Down time with compact sweepers is notoriously high, however, three machines in the fleet should keep two permanently in operation. As much as Officers would like to keep the pedestrian sweepers for town centre work, current staffing levels do not allow effective use of these high cost items of plant.
- 3.11 Three compact sweepers will be of huge benefit during the grass cutting and leaf collection seasons.
- 3.12 The graffiti van was purchased in 1993 with the help of Home Office funding. A new vehicle was in the capital programme for the current financial year. Officers are confident the pressure washing equipment mounted in the vehicle could be over hauled and reinstalled in the new vehicle. The current van is only rated at 3.5t which is too light for the vehicle's payload when the tank is full of water. Therefore, it is proposed to upgrade to a 4.5t chassis.
- 3.13 The small supervisors' van is a direct replacement for a transit type vehicle used by one of the area supervisors. The 4 year contract hire agreement on the current vehicle expires on August 2011. Due to the relatively low mileage of these vehicles, contract hire has proven to be an expensive means of procurement.
- 3.14 The introduction of 7 new vehicles will allow the disposal at auction of 8 vehicles and 2 pedestrian operated sweepers.
- 3.15 The tender for vehicle acquisition will include the following options:-
- a) Outright purchase with an extended 3 year "bumper to bumper" warranty.
 - b) Contract hire with maintenance.
 - c) Operational lease without maintenance.
- 3.16 An alternative to renewing the front line fleet would be to keep the 2 RCV's which will be surplus to requirements from February 2011 as additional spares. However, these extra vehicles will attract considerable overheads and still need regular inspections and servicing to comply with the requirements of the Council's vehicles operators licence. The limited parking space at the Depot is another factor against keeping large numbers of spare vehicles to support an aging, unreliable fleet. Perhaps of more importance is the likely damage to the reputation of the new recycling and waste collection service if frequent breakdowns occur, resulting in missed collections within the service. Whilst there is a tolerance acceptable with a weekly waste collection service this must ultimately reduce with the introduction of a fortnightly residual collection service.
- 3.17 Irrespective of whether these 7 new vehicles are purchased, there will still be a requirement for maintenance facilities at the Depot to deal with over 60 other DSO and Community Transport vehicles.
- 3.18 Officers propose retendering the vehicle maintenance requirements on a pay as you go basis rather than a fixed cost repair and maintenance contract. A detailed analysis of repair and maintenance contracts over the past 5 years has proved that although there is a risk factor involved, by shopping around for specialist services, operating services can be reduced.
- 3.19 It is considered essential to have a fitter on site at the Depot with specialist experience in repairing refuse collection vehicles but who also needs wide experience of a diverse range of vehicles from Community Transport buses to mechanical sweepers.

- 3.20 Efficient, well managed fleet maintenance is essential to protecting the Council's vehicle operating licence.
4. Partnership Working
- 4.1 Spelthorne Borough Council has expressed an interest in a combined procurement tender as they are proposing a new waste collection fleet to coincide with the introduction of food waste. Subject to this Committee's approval to proceed with the procurement exercise Officers will commence negotiations for a joint bid but will need to proceed unilaterally if Spelthorne has not made a decision to join this Council by 1 September 2010.
- 4.2 The Council's Procurement Manager advises that a joint procurement exercise for 10 RCVs could produce additional savings of between £5k and £8k per RCV.
5. Financial Implications
- 5.1 There is currently a sum of £1.1 million in the capital programme for replacement refuse and green waste vehicles, £36k for the graffiti vehicle and a figure of £400k for street cleansing vehicles, but the latter figure has been allocated for the 2011/12 financial year. A capital estimate of £665k will be required if the new vehicles are purchased but contract hire and leasing arrangements will also be considered.
- 5.2 The vehicle maintenance contract will be funded by existing revenue provision.
6. Environmental Impact
- 6.1 All new vehicles will comply with Euro 5 emission standards and run on low sulphur diesel. Officers have investigated both hybrid and compressed natural gas (CNG) refuse collection vehicles. The cost of a CNG fuelling facility at the Depot will be in the order of £250k and add approximately £40k to each vehicle for the adaption to run on gas.
- 6.2 Hybrid diesel/battery powered vehicles are showing promise but regular battery replacement is still prohibitively expensive. A full life costing can be provided should Members wish to consider this option.
7. Legal Implications
- 7.1 The value of the vehicle procurement contract is subject to the EU Procurement Directives, and a draft timetable is attached at Appendix 'E'. Unfortunately, the EU procedures are far from a quick process and assuming a 6 month lead time for delivery of vehicles the new vehicles are unlikely to be delivered before August 2011.
- 7.2 There are two framework contracts available for purchasing refuse collection vehicles – Yorkshire Purchasing Organisation (YPO) and Eastern Shires Purchasing Organisation (ESPO). However, these arrangements are likely to increase costs as YPO charges a 1% commission and ESPO 0.5%.
- 7.3 Vehicle maintenance is a Part A service and therefore is also subject to the full EU procurement regime. The draft timetable for this is attached at Appendix 'F'. This would allow the new contract to commence 1 April 2011. As our contract extension will have run out by then we will have to consider a short term interim contract.
8. Resource Implications
- 8.1 In spite of the DSO Management team being heavily involved in rolling out the revised recycling and waste collection services there is a high level of confidence that the tender documents can be produced without Consultancy input. Nevertheless support will be required from both the Procurement and Legal teams.

OFFICERS' RECOMMENDATION that –

- i) tenders for the procurement of 4 RCV's, 1 compact sweeper, 1 graffiti van and 1 supervisors' van be invited; and**

- ii) **tenders for vehicle maintenance using the Council's facility at Chertsey Depot for the DSO and Community Transport vehicle fleet also be invited.**

(TO RESOLVE)

Background papers

None stated.

- 11. MEMBER WORKING GROUP ON WASTE AND RECYCLING (DAL)
(Ref: Minutes of Leisure and Environment Committee, November 2008, page 455, para 321)

Members will recall that at the meeting of this Committee in November 2008, it was resolved to extend the life of the Member Working Group on Waste and Recycling by a period of two years (until June 2010), so that it might be involved in work concerning the re-tendering of the recycling contract and oversight of developments with refuse collection and recycling generally.

The Working Group has met on a number of occasions, and the Minutes of those meetings have been reported to this Committee for information.

Officers consider it appropriate to continue with the Working Group for another 12 months (until June 2011) by which time the new refuse and recycling regime will be in place.

OFFICERS' RECOMMENDATION that –

the Member Working Group on Waste and Recycling be continued for a period of 12 months (until June 2011).

(TO RESOLVE)

Background papers

None.

- 12. EGHAM LEISURE CENTRE IMPROVEMENTS (DAL)

- 1. **Purpose of Report**

- 1.1 **The purpose of this report is to seek approval to utilise the Egham Leisure Centre equipment replacement reserve to:**

- i) **fund heating improvements to the first floor studios;**
- ii) **purchase new bikes for the fitness suite;**
- iii) **purchase new dumbbells,**
- iv) **purchase new dividing nets in the main hall; and**
- v) **replace three doors in Egham Leisure Centre.**

- 2. **Background Information**

- 2.1 In 1999, work was carried out on Egham Leisure Centre to create a larger gym. At the same time a new floor was put in to provide an upstairs space to create two new fitness studios for classes. The studios are used extensively for a variety of classes including Yoga, Pilates and Aerobics. At the time of the refurbishment new heating and ventilation was introduced to enable the studios to be kept at the required temperature for the activities.

- 2.2 In 2006 the Egham Leisure Centre Gym was refurbished and new life fitness equipment installed. To cover the cost of the refurbishment and equipment, £200,000 was allocated

from the capital programme. This has subsequently led to a significant increase in the membership and income generated from the gym in the facility.

- 2.3 It was recognised that the gym would need to keep up with changes and developments in the fitness market and have the ability to purchase new equipment in the future. In recognition of the increase in the amount of equipment purchased the existing annual transfer to the fitness equipment replacement reserve account was increased from £25,000 to £40,000. No new equipment has been purchased since the refurbishment.

3. Report

Studio heating

- 3.1 Over the last 12 months there have been problems with the heating system in the studios on the first floor, in particular the smaller studio, which it is difficult to get warm due to the heaters not working effectively. This is a significant problem as it is used for the less strenuous activities such as Yoga and Pilates. This has led to complaints from customers and could potentially result in lost business and income.
- 3.2 The issue has been raised with the Council's Building Services section who have investigated the problem. It has been identified that the current units that provide both heating and chilled air will soon become obsolete. Therefore, the units do need to be replaced to ensure temperatures can be controlled and with a system that is less harmful to the environment.
- 3.3 The discussions with Building Services have focused on cost. The current maintenance budget will only cover reactive and essential planned maintenance and despite this work being the replacement of an existing service within a building, there is insufficient funding in the maintenance budget to cover the cost of the works.
- 3.4 On investigating the problem in the studio, Building Services identified that there were three main options available. The first and preferred option is to install a new large air conditioning unit to serve both studios with heating and cooling and re-use the existing duct work. The estimated cost of this work would be £10,000.
- 3.5 The second option is to install separate heating and cooling units in both studios, the cost of which has been estimated as £15,300.
- 3.6 A short term fix, but cheapest option, would be to install 6 radiant heaters in the small studio at a cost of £2,000. However, these are not energy efficient and would be redundant once the main unit was replaced in the future.

Replacement equipment

- 3.7 One of the aims of the leisure centre is to keep up with customer demand on new facilities and activities. One of the activities that has been frequently requested and is popular at other centres is spinning. This is done on specifically designed indoor bikes.
- 3.8 The introduction of spinning can be accommodated by using the upstairs area of the gym where there is currently some cardio vascular equipment such as treadmills and rowing machines. The existing machines would be re-located to the main part of the gym to create the space. The area would then be set up for regular spinning classes during the week with 21 bikes and some additional audio equipment.
- 3.9 Some indicative costs have been provided from suppliers and based on the quotes received it is estimated that a budget of £13,500 would be required for the purchase of the equipment.
- 3.10 There is also a requirement to purchase new dumbbells to replace some of the existing equipment that is starting to show signs of wear and tear. The estimated cost of replacement is £1,500.
- 3.11 The dividing net which helps to split the main hall for alternative use during busy periods is now in a very poor condition and there have been a number of customer complaints about it

not being fit for purpose. In an effort to limit the cost to the Council of replacement an application was made through AIR to the landfill tax operators. Unfortunately the request for funds has been unsuccessful so it is being requested that a sum of £2,500 be made available from the equipment reserve to cover this cost.

- 3.12 There is also a need to replace some of the main doors into the gym and outside the squash courts. The doors need to be of a specific standard to meet fire regulations and the estimated cost of replacement is £5,000. The cost of the replacement doors is not in the maintenance programme so needs to be funded from the leisure centre revenue budget. In previous years the virement from another budget would have been undertaken to cover the costs, unfortunately all the slack from budgets has now been removed in order to meet the Council's revenue reductions targets. The only viable option is to use the replacement reserve for their purchase.

4. Council Policy

- 4.1 One of the key actions of the Community Strategy and Leisure Service Plan is to take opportunities to enhance formal leisure facilities.

5. Financial Implications

- 5.1 The Egham equipment replacement reserve was established to ensure that the fitness equipment at the centre was kept up to date and in top condition. There has been no call on the reserve since the leisure centre was refurbished in 2006 and the balance in the reserve now stands at £151,000.
- 5.2 The introduction of the spinning bikes adds a new and popular activity to the programme for existing members, many of whom have requested it in the past. It also provides an additional selling point for any prospective new members. The new dividing nets in the main hall will ensure that it can continue to be used flexibly and safely cater for more than one activity at the same time.
- 5.3 Due to the lack of funding in the revenue budget, the use of replacement reserve funds would seem to be the only way of completing the heating system and replacement door works and preventing a potential reduction in use and loss of income.
- 5.4 The total cost of the works and equipment as set out in this report is set out in the table below and could be funded from the £40,000 provision in the Capital Programme for replacement equipment.

Item(s)	£
Heating and cooling units in both studios	10,000
Introduction of spinning cycles	13,500
Replacement dumbbells	1,500
Dividing nets in main hall	2,500
Replacement internal doors	5,000
	<hr/>
	32,500

- 5.5 Members are asked to note that the equipment replacement fund was set up to purchase equipment over a five year period. Funding the additional equipment and maintenance works from this fund could therefore reduce the future availability of funds for replacements. However, the existing equipment is now four years old and could last for approximately two more years, hence the recommended course of action.

OFFICERS' RECOMMENDATION that-

Corporate Management Committee be requested to approve a capital estimate in the sum of £32,500 for a new heating system in the fitness studios, the purchase of 21 spinning bikes, replacement dumbbells, new main hall dividing nets and specified new internal doors, to be financed from the provision for replacement of equipment in the Capital Programme.

(TO RESOLVE)

Background Papers

None stated.

13. EGHAM MUSEUM TRUST – LOAN OF ARTEFACTS (DAL)

1. Purpose of Report

- 1.1 **The purpose of this report is to advise Members of a historical situation that requires regularising and to seek approval of recommendations in relation to the loan of these and other artefacts in the future.**

2. Background Information

- 2.1 In or about 1980, three watercolours depicting Egham scenes (copies of which will be displayed at the meeting), were given, by the Council, to the Egham Museum Trust, as the Trust understand, 'on permanent loan'. The precise circumstances are not clear. The term 'permanent loan' has no obvious meaning and current practitioners do not use it. However, it is reasonable to assume that the authority did not intend, or perhaps was not able, to make an outright gift but did anticipate that the pictures would be displayed for the benefit of the people of Egham. Unfortunately, no written note of the arrangement, nor any formal loan agreement was made or entered into at the time.
- 2.2 Over the intervening years, and with various changes in personnel, the current situation has provoked much concern and discussion and it is now essential that steps are taken to regularise it and to make recommendations for the future.

3. Report

- 3.1 The Egham Museum Trust is an independent body from the Council and operates a popular facility from rooms within the Literary Institute in the High Street, Egham. It houses a variety of photos, documents, objects, maps, etc. relating to the history of Egham, the Hythe, Englefield Green, Virginia Water and Thorpe and consequently is very keen to retain custody and control of the watercolours. Ideally, it would like ownership of the pictures transferred, as it believes this was what was really intended by the reference to 'permanent loan'. However, Officers have pointed out that the use of the word 'loan' would not be consistent with a gift, and that no authority can be traced to transfer the Council's property to the Trust.
- 3.2 Chertsey Museum is, with external funding assistance, run by the Council. The Curator and staff based at Chertsey, in addition to operating the museum, also offer formal curatorial advice to the Council. They have been asked to assist in this matter and their professional views (particularly on current and future display and storage requirements) are reflected in this report.
- 3.3 The Museums, Libraries and Archives Council (MLA) is a Government funded organisation that sets the standards to which museums must adhere. These include provisions relating to display, storage and disposal and best practice overall. Egham Museum and Chertsey Museum are currently recognised by the MLA and operate to that organisation's standards.
- 3.4 The options open to the Council are:
- 3.4.1 to transfer ownership of the watercolours to the Egham Museum Trust. There are no records that indicate how the pictures came into the ownership of the Council and it is possible that the original donor or his/her relatives, if they were given to the former Egham Urban District Council and not bought, might object to their disposal, albeit to a local museum. Whilst this course of action would, in theory, ensure that the pictures would be held and managed for the benefit of the people of Egham, the Council would not be able to guarantee this. Furthermore, in the unlikely event that the Egham Museum Trust did not have MLA accreditation, the Council would be unable to prevent any future disposal of the watercolours unless it imposed a condition on the gift that the pictures be returned to the Council in these circumstances.

3.4.2 to offer a loan of the pictures to the Egham Museum Trust for a defined period on clear display, custody and security conditions to safeguard them. The usual practice would be to formally offer a 5 year loan, which would be documented, and which would incorporate all the specific requirements the Council might wish to make reference to. These would include all usual recommendations made by the MLA in these circumstances together with any additional specific advice the Council's own museum staff might feel pertinent. Loan conditions would most probably include those matters referred to at Appendix 'G'. There would also be an additional provision that should the Egham Museum Trust be unable to meet any of these requirements, then the items must be returned to the Council for safekeeping until the conditions could be fulfilled. There would be an expectation that the loan could be renewed but only after the pictures had been returned for examination and all necessary paperwork concluded.

3.4.3 to request that the pictures be returned to the Council for examination and resting, pending any future consideration of the matter. In these circumstances, the Council would utilise the facilities offered by Chertsey Museum. The Council would also have to give consideration as to whether, in this case, the pictures could or ought to be displayed in that museum.

4. Financial Implications

4.1 The watercolours have not been valued. It is understood that they do not have any great monetary value (although similar sized watercolours by the same artist were valued at £800 each in 2001), but are representative of Egham in or about the mid 1600's.

5. Legal Implications

5.1 It is important that the ownership and status of the watercolours is confirmed to allow those who wish to ensure their integrity to plan accordingly.

OFFICERS' RECOMMENDATION that –

- i) the option for the loan of artefacts set out at paragraph 3.4.2 of this report and the conditions as attached at Appendix 'G' be approved; and**
- ii) for the future, it be stated as a policy that where Council-owned artefacts are made available to another party for display, this shall be by way of time-limited loan (which may be agreed by the Director of Administration and Leisure) on suitable conditions unless the Committee resolves explicitly to make an outright transfer and the Council has the power to do so.**

(TO RESOLVE)

Background Papers

Exchange of relevant electronic communications on DAL file 45.22

14. ADDLESTONE PLAY BUILDER PROJECT (DAL)
(Ref: Minutes of Leisure and Environment Committee, September 2009, page 268, para 290)

1. Purpose of Report

1.1 **The purpose of this report is to update Members on the consultation that has been carried out in identifying the preferred location for the second Play Builder project proposed for the Addlestone area.**

2. Background Information

2.1 The Play Builder Programme is a Department for Children, Schools and Families funding stream offered to all authorities enabling the provision of play spaces for children in the 8-12 age group. Surrey is part of the wave 3 funding round and £1.1 million was allocated to the County to be spent in the 2009/10 and 2010/11 financial years.

- 2.2 Play Builder funding has been allocated to the top tier authorities. Surrey County Council are expected to work closely with Boroughs and Districts, who over recent years have developed local play strategies linked to the recent Big Lottery funding made available to all authorities.
- 2.3 The Surrey Play Builder bid is led by an Officer from the Early Years and Childcare Service who met with Districts and Boroughs through the Surrey Chief Leisure Officer Group to produce the applications for the funding. A County and Borough group was set up to lead on the project, which put in an initial application for funding in February 2009 and the final application in April 2009.
- 2.4 At the meeting of this Committee in September 2009, it was agreed that Officers would look at potential locations for the second Runnymede project in the Addlestone Bourneside Ward, reporting back on proposals at a future meeting, to be no later than March 2010, to ensure that funding deadlines were met for the completion of the second project.
- 2.5 At the last meeting of this Committee in March 2010, Members were advised that consultation would take place with children on the preferred location for the new project. The shortlisted sites being Aviator Park, Hamm Moor and Sayes Court Open Space.

3. Report

- 3.1 The first project at the Frank Muir Memorial Field in Thorpe was delayed, owing to some extent from problems with sourcing materials, but was due for completion at the end of May 2010. The skate facilities have been delayed because certain information from the contractors regarding the proposed surface and sub contractor was not forthcoming. It is hoped that this will be dealt with in the near future to allow installation by the end of July. The funding for the skate element of the project was primarily from other sources so it will have no impact on the funding.
- 3.2 As previously stated, the location of the second project proposed for Addlestone has been shortlisted to three. Consultation has taken place with local schools to ascertain the most popular site for the new play facility.
- 3.3 Sayes Court Primary School, Ongar Place Primary School and St Paul's Primary School were consulted on the proposals. There were 233 responses and the preferred sites identified as set out below:

Aviator Park	73
Sayes Court	152
Hamm Moor	18
- 3.4 Based on the responses provided the most popular site is Sayes Court Open Space with 65% of the responses. The next stage will be to write to residents whose properties back onto the open space advising them that this is the likely site for the project and to ask for any comments on the proposal. This consultation will be taking place during the first two weeks of June and any comments will be fed back verbally to the Committee.
- 3.5 The design of the play area will be dictated by the terms of the Play Builder grant in that it should be designed to encourage natural play with the use of sustainable products and offering a mix of activities. In addition, the design should take into account the need to be inclusive and cater for children and young people with disabilities.
- 3.6 The need for planning permission will be investigated and Planning colleagues will also be provided with details of the designs, once tenders have been submitted. The contract will be let on a fixed price design and build basis.
- 3.7 The next stage of the process, assuming Members concur with the consultation responses and there is no significant or insurmountable negative feedback from residents, will be to advise the Play Builder Steering Group of the proposed location.
- 3.8 A design brief for the play area will be developed through workshops with young people to identify the type of equipment to be provided. This will then form part of the normal tendering process which will be undertaken to shortlist designs. There will then be further

consultation with children and young people on the selection of the final scheme. As the level of funding is limited to a maximum of £50,000 the project will be tendered on a fixed price basis unless additional external funding is made available through other sources.

3.9 At this stage it is anticipated that the tender documents will be sent out in early July with work starting on site in the Autumn. As with all such schemes delays are possible but at this stage Officers see no problem with meeting the March 2011 deadline for completion.

4. Council Policy

4.1 The service plan identifies that the Council will:

"Continue to invest in the parks, maintain the current high standards of provision, and improve where identified by need. Includes play area refurbishments and new builds."

4.2 The Play Builder funding will allow the Council to continue to develop play areas despite the capital budget for a planned replacement programme being frozen.

5. Resource Implications

5.1 Capital funding for the project of £50,000 will be sourced via Surrey County Council as part of the Play Builder programme. Ongoing revenue costs, which will primarily consist of ongoing repairs and inspections, will be incorporated into the existing parks revenue budget. There may be a requirement to vire money from elsewhere in the parks budget to meet the additional costs

6. Equality Implications

6.1 The design brief for the play area will incorporate the need to make it accessible to as wide a range of users as possible including those with disabilities. The target age group will be 8 to 13 year olds, so it is likely that there will be equipment and facilities unsuitable for under 8's.

7. Sustainability Implications

7.1 The emphasis of the Play Builder programme is on natural play. The design brief will ask for proposals that incorporate natural play and should also include sustainable products.

OFFICERS' RECOMMENDATION that-

i) Sayes Court Open Space be confirmed as the location for the second play builder project and Officers progress the installation of the play space on site; and

ii) consultation on the exact location in the open space and design be carried out with local residents and young people.

(TO RESOLVE)

Background Papers

Minutes of the Play Builder Steering Group held on relevant Leisure Services files.

15. BUSKING AND STREET ENTERTAINMENT – POLICY REVIEW (DAL)
(Ref: Minutes of Leisure and Environment Committee, June 2009, page 88, para 109)

1. Purpose of Report

1.1 The purpose of this report is to review the Council's informal busking and street entertainment policy and to recommend a way forward.

2. Background Information

- 2.1 At the meeting of this Committee in June 2009 an informal busking and street entertainment policy was approved. This has been operating for the last 12 months and is now due for review.
- 2.2 Members will recall that persons busking or providing street entertainment for a charitable purpose are covered by the Street Collections and House to House Collections legislation and would, if suitable, be issued with the appropriate permit or licence depending on where their activities were taking place, with the caution that they might still get moved on if they were deemed to be causing a nuisance.
- 2.3 If the Council is served with a legally correct Temporary Event Notice, Officers have no choice but to accept it. A Temporary Event Notice covers entertainment in a particular place, on a limited number of dates and for an audience limited to less than 500 people. A small fee is also payable (currently £21), which might preclude busking for charity.

3. Report

- 3.1 Since the informal busking and street entertainment policy and voluntary code of conduct was introduced, four busking permits have been issued. These were for:
- an electronic keyboard player in Egham on 19 September and 3 October 2009;
 - promotion of a musical production by Royal Holloway UCL students in Egham on 21 November 2009;
 - an acoustic violin player from Royal Holloway UCL in Egham on 2 December 2009; and
 - Royal Holloway Chamber Choir, carol singing in Englefield Green on 7 December 2009
- 3.2 Two other enquiries have been dealt with. In the first case the purpose of the busking event was in fact for charity and they were issued with a street collection permit and in the other case the enquirer was directed to Windsor and Maidenhead Council as having a more suitable venue for the entertainment proposed as there were too many involved to be accommodated in the pedestrianised area of Egham.
- 3.3 On all occasions in the last year Officers have advised individuals to seek the prior permission of the relevant retailer before pitching up outside their premises, to not cause a nuisance by blocking the highway (footpath), and to move on if requested to do so either by the retailer, the Police or an authorised Council Officer.
- 3.4 The Committee is reminded that all Councils operating a formal or informal policy allow authorised Officers or the Police to stop the event if it is causing a nuisance.
- 3.5 Last year, the County Council stated it had no objection to busking and street entertainment providing there was 'no obstruction of the highway (by either the entertainer(s) or those watching) or danger to any highway users.'
- 3.6 The County Highways Department also stated that busking was not something the County Council would look to enforce or manage and from the information provided it appeared to them to be a function for district councils. However, Officers were happy to discuss and agree locations for busking in due course.
- 3.7 Officers from the Highways Department have confirmed that they have not been aware of any highway related problems occurring on the limited number of occasions that Busking permits have been issued. As such, their comments remain unchanged from those set out above.
- 3.8 In the event, the first enquiries to busk were received very quickly after the informal policy was approved. These related to Egham and Officers gave consideration to appropriate locations for busking and consulted businesses in the immediate location that was identified.

- 3.9 There was some concern at first, but the first event went smoothly with no negative feedback, and some positive feedback, according to the buskers involved, and no complaints were received after the next three events.
- 3.10 This would suggest in Egham at least a fairly relaxed approach and justifies some of the following comments made in the original consultation about buskers bringing a 'splash of colour' and being a 'good forum to encourage good music making for young people', 'an opportunity to liven the street scene, bring a 'continental feel' to the area' and busking being 'particularly lovely in the summer', especially live music of quality.
- 3.11 Given the low incidence of busking, Officers consider it appropriate to continue with the low-key and less resource hungry approach to busking, where street entertainment is viewed more from a cultural and leisure related perspective.
- 3.12 The informal policy states what the expectations of buskers are and there have been no problems with compliance with the voluntary code of conduct. Buskers have been dealt with on a case by case basis, and by exercising some form of control some of the concerns expressed in the consultation exercise have been allayed.
4. Council Policy
- 4.1 'Runnymede – Making a Difference, Runnymede Borough Council's Sustainable Community Strategy 2009-2020' has a principal aim to play an effective role in enhancing the quality of life for residents and visitors and to provide an attractive environment for those who conduct their business in the borough.
- 4.2 Under the section 'Healthier and Safer Communities' of the strategy, the Council aims to maintain clean and safe streets and encourage community activities and events by supporting locally focussed events and encouraging and reinforcing community identity and engagement.
- 4.3 Officers consider that the existing informal policy which seeks to promote legitimate entertainment and regulate it through a proportionate system of licensing and a voluntary code of conduct is complementary to Council Policy, as long as it does not become an industry that diverts Officers from other work.
5. Resource Implications
- 5.1 The more low key approach which was adopted last year has worked very well so far and it is still considered appropriate that Officers within the Committee Section of the Department of Administration and Leisure, administer the system. In practice the Buskers Diary has been very straightforward and a simple badge was designed and implemented without any objections being raised.
- 5.2 As individuals sometimes also busk for charity this has sat nicely with the administration of charitable collections, also undertaken in the Committee Section, with less potential for applicants to fall between departments, and, as reported, the difference between busking for private gain and charity has been established with applicants who have been licensed appropriately.
6. Legal Implications
- 6.1 Members need to bear in mind Article 10 of the Human Rights Act which enshrines the freedom of individuals to express themselves balanced against the rights of peaceful enjoyment of home etc set out in Article 8 of the European Convention of Human Rights.
- 6.2 Although it has not been borne out in practice over the last year, busking could be an obstruction for the purposes of the Highways Act 1980 if performed on the highway without the approval of the highway authority. They have raised no objections to the busking policy nor reported any difficulties.
- 6.3 Officers still consider it is appropriate not to exempt buskers from the provisions in respect of street trading under the Local Government (Miscellaneous Provisions) Act 1982.

Therefore, it is recommended that buskers should not be allowed to sell their wares on the street.

7. Planning and Technical Considerations

- 7.1 In the last year, no enforcement issues have arisen. Officers have a good relationship with Safer Runnymede, Environmental Protection, local beat Officers and Community Support Officers. Should any problems arise of obstruction or crime and disorder it is anticipated they would be dealt with swiftly and effectively by the appropriate agency.

8. Environmental Implications

- 8.1 Under the Environmental Protection Act 1990 (as amended), noise in the street may be a statutory nuisance. The code of conduct for buskers and street entertainers makes it clear that if a potential nuisance occurs it could result in the serving of a noise abatement notice.

9. Crime and Disorder Implications

- 9.1 Regulated busking and other street entertainment contributes to the development of a safe and enjoyable street scene, thus reducing the potential for crime and disorder.

- 9.2 Unregulated activity would not be welcomed from a crime and disorder perspective.

- 9.3 CCTV could be used for evidence gathering as operated now in relation to unauthorised street collections.

10. Conclusion

- 10.1 Based on the low level of busking in the borough it is recommended that the informal policy and Code of Practice adopted last year be continued and enforcement action only taken by the appropriate agency or department if an issue of crime and disorder or obstruction arose or there was a breach relating to the Environmental Protection Act 1990 (as amended), Highways Act 1980 or Local Government (Miscellaneous Provisions) Act 1982.

11. Equalities

- 11.1 The impact on staff as service provider and the public, including buskers, will vary and a screening Equality Impact Assessment (EIA) has been undertaken, as attached at Appendix 'H'. It was considered by the Equalities Working Group at its meeting in May 2010 who recommended that the policy be amended to preclude under 16 year olds from busking (rather than under 14 year olds), unless accompanied by an adult.

- 11.2 Officers have no objections to this because the Street Collections Regulations preclude under 16 year olds from collecting money, which makes this policy consistent with that.

- 11.3 In addition, from a safeguarding point of view, raising the age from 14 to 16 is sensible, with the inbuilt flexibility to allow younger people to busk as long as they are accompanied by an adult.

- 11.4 An amended version of the policy and voluntary code of conduct are attached at Appendix 'I' accordingly and recommended for approval.

OFFICERS' RECOMMENDATION that –

the informal busking policy and associated voluntary code of conduct introduced last year, as amended, be approved and continued and the Director of Administration and Leisure be authorised to make minor amendments thereto in consultation with Surrey Police and other relevant parties from time to time as necessary.

(TO RESOLVE)

Background Papers

Relevant e-mailed correspondence with Surrey Highways, Surrey Police and colleagues held on DAL file 64.14.11.

16. APPOINTMENTS TO LEISURE SUB GROUPS AND LEISURE RELATED EXTERNAL BODIES (DAL)

THE COMMITTEE IS ASKED to consider the following appointments to the Leisure Sub-Groups for the Municipal Year 2010/11:-

1. **Two Officers** to serve on the **Cabrera Trust Management Committee**. The Management Committee comprises the three Virginia Water Councillors ex officio, and two Officers acting as the Honorary Secretary and Honorary Treasurer for the Trust. The term of these appointments runs from the end of the Cabrera Trust's Annual General Meeting on 16 June 2010 to the end of the said same meeting in 2011. The retiring Officer appointees are the **Director of Administration and Leisure and the Director of Finance**.
2. **Two Members** to serve on the **Chertsey Meads Management Liaison Group**. The Constitution of the Group provides that 'the meetings of the Liaison Group shall be chaired by a Member of the Council representing the Leisure and Environment Committee, but the other Member need not be a member of this Committee and Members might consider it appropriate to appoint a Member representing one of the Chertsey or Addlestone Wards. The Group meets twice a year and the next meeting is scheduled to take place on 7 September 2010. The retiring Members are **Councillors C J Norman and L C Pouyanne**.
3. **Two Members** of the Leisure and Environment Committee to serve on the **Runnymede Arts Development Steering Group**. The Group meets four times a year in July, October, February and April. The next meeting of the Group is scheduled for 6 July 2010. The retiring Members are **former Councillor A J Davis**, and current Member, **Councillor J J Wilson**.
4. **One Member** of the Leisure and Environment Committee to serve on the **River Thames Alliance** which was set up in June 2003 and is a partnership of public and private sector organisations which help manage the future of the non-tidal Thames. There are 81 member organisations in the Alliance which is chaired by David Suchet. The main aim of the Alliance is to implement the Thames Waterway Plan and encourage co-ordinated planning to rejuvenate the River Thames. The next meeting of the Alliance is likely to be its AGM in early July. The retiring Member is **Councillor Mrs M T Harnden**.
5. **Six Members** to serve on the Member Working Group on Waste and Recycling to oversee the introduction of fortnightly collection of waste and weekly kerbside collection of recyclables and related matters. The retiring Members are **Councillors M J Brown, Mrs F J Barden, former Councillor A J Davis, Mrs E Gill, Mrs G Warner and J J Wilson**. The appointees do not need to be Members of the Leisure and Environment Committee.

(TO RESOLVE)

Background Papers

None.

17. CHERTSEY MEADS MANAGEMENT LIAISON GROUP – MINUTES – 2 MARCH 2010 (DAL)

The Minutes of the meeting of the Liaison Group held on 2 March 2010 are attached at Appendix 'J'.

(FOR INFORMATION)

Background Papers

None.

18. RUNNYMEDE ARTS DEVELOPMENT STEERING GROUP – MINUTES – 6 APRIL 2010 (DAL)

The Minutes of the meeting of the Steering Group held on 6 April 2010 are attached at Appendix 'K'.

(FOR INFORMATION)

Background Papers

None.

19. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private session, it is the

OFFICERS' RECOMMENDATION that –

where appropriate the press and public be excluded from the meeting during discussion of report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)