



EXECUTIVE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE EXECUTIVE TO BE HELD IN THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 22ND OCTOBER 2003 AT 18:00.

AGENDA

1. Apologies
2. Minutes
3. Call Forward Items
4. Public Question Time
5. Proposed Compulsory Purchase of Land for footpath link at Craig Lea, Taunton
Report of Chief Solicitor (enclosed)
6. Local Public Service Agreement
The Cost Effectiveness Target
Joint Report of the Head of Finance and Head of Performance (enclosed)
7. Implementing Electronic Government return 2003 (IEG)
Report of e-Government Manager (enclosed)
8. Leisure Trust
Report of Chief Executive (enclosed)

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

14 October 2003

Executive - 24 September 2003

Present: Councillor Williams (Chairman)
Councillors Bishop, Mrs Bradley, Mrs Bryant, N Cavill, Edwards, Garner, Hall and Mrs Lewin-Harris

Officers: Mrs P James (Chief Executive), Mr A Hartridge (Director of Development), Ms S Adam (Head of Finance), Mr C Brazier (Head of Housing), Mr D Woolnough (Community Services Policy Unit Manager), Mr M Western (Housing Manager - Private Sector and Development), Mr J Seabrook (Housing Manager - Property Services), Mr D Harrison (Housing Strategy Manager), Mrs K Dyson (Leisure Development Manager), Mrs N Heal (Public Relations Officer) and Mr G P Dyke (Member Services Manager)

Also Present: Councillors Gill and Lisgo

(The meeting commenced at 6.00 pm).

40. Minutes

The minutes of the meeting of the Executive held on 27 August 2003 were taken as read and were signed.

41. Subsidising Children's Tickets for the Proms and Pop Concerts in Vivary Park 2004

Reported that the Health and Leisure Review Panel had considered a full report on the outcome of both of these concerts. As a result, it had recommended that the Executive consider agreeing that children's tickets for the annual Proms and Tribute Band concerts in Vivary Park be subsidised to a greater extent than was the case in 2003.

The organiser of the Proms and Pop Concerts, Performing Arts Management, had increased the ticket prices for these events to a commercial level but had indicated that if the Council wished to cover the costs it might extend the reduced prices for children's tickets.

The current children's ticket prices at the concerts were as follows:

Proms Concert		
Under 5 years	-	Free
5 - 16 years in advance	-	£12
5 - 16 years on the night	-	£16
Tribute Concert		
One child under 14 years	-	Free per adult
14 - 16 years in advance	-	£8
14 - 16 years on the night	-	£15

Details were considered of a number of options for possible methods of further subsidy for child tickets. It was apparent that operating a discount for children was both quite difficult and potentially costly to operate. It was felt that a better way of

helping all young people would be to ensure that any income received by the Council from ticket sales be reinvested in activities in the Park for young people.

During the ensuing discussion of this item, members felt that the relatively high cost of tickets, especially for children, made the events too exclusive. It was thought therefore, that an alternative organiser who would ensure wider access should perhaps be considered.

However, as it would be very difficult to identify another party who would be able to manage the concerts in time for 13 and 14 August next year, it was accepted that Performing Arts Management should be invited to agree a further one year contract. It was also felt that no alteration to the ticketing structure, which was used nationally by Performing Arts Management, should be made in relation to the 2004 concerts.

RESOLVED that:-

1. The method of subsidising children's ticket prices remain unchanged;
2. A one year contract to organise the concerts in Vivary Park in August 2004 be offered to Performing Arts Management;
3. Consideration be given to other potential operators, including local organisations, regarding who should run the concerts in 2005; and
4. The income received by the Council for ticket sales be reinvested in activities in the Park for young people.

42. Updated Housing Strategy and HRA Business Plans

Consideration was given to the updated Housing Strategy and Housing Revenue Account (HRA) Business Plans documents which would contribute towards establishing the Council's baseline position for the HRA stock option appraisal process. This matter had also been considered in detail by the Housing Review Panel at its meeting on 17 September 2003. Details of its recommendations were submitted.

Since these documents had been produced last year, a number of issues had emerged or the circumstances relating to a range of existing policies and procedures had changed. It had been necessary therefore to modify and update the documents to reflect the latest positions. Details of the various modifications were submitted.

During the next financial year it was proposed to revise the two documents and submit them to the Government Office for the South West to seek approval under the "Fit for Purpose" criteria which, if achieved, would reduce the need for the Council to write detailed plans for housing each year.

RESOLVED that Council be recommended to adopt the updated Housing Strategy and HRA Business Plan documents.

(The meeting ended at 8.05 pm).

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE - 22 OCTOBER 2003

Report of the Chief Solicitor

This matter is the responsibility of Executive Councillor C Bishop

Proposed Compulsory Purchase Order (CPO) in respect of footpath link at Craig Lea

Executive Summary

The purpose of this report is to consider the request from the Planning Committee of the 1 October 2003 that a CPO be made in respect of land at Craig Lea, Taunton to enable a footpath link to be re-established, together with the making of a request to the Council for a supplementary estimate of £5000 to finance it.

Background

At its meeting on the 30 July 2003 the Planning Committee resolved to recommend to the Executive that a CPO be made under the Town and Country Planning Act to acquire a piece of land at Craig Lea, Taunton to enable a footpath link to be re-established, and a request be made to the Council for a supplementary estimate of £5000 to finance the making of the proposed order.

Following the initial consideration by the Planning Committee two further factors arose, on the basis of which the responsible Executive Portfolio Holder referred the matter back to the Planning Committee for further re-consideration. These issues were the receipt of a further representation from the Police, and concerns that had arisen over the likely cost. Both the initial issues and the two additional factors are set out in detail in the two reports to the Planning Committee meetings of the 30 July 2003 and 1 October 2003 which are appended hereto.

At its meeting on the 1 October 2003 the Planning Committee resolved to endorse its recommendation to the Executive made at the meeting of the 30 July 2003.

Conclusion

The Executive is therefore required to consider the Planning Committee's request of the 1 October 2003:

1. To authorise the making of a Compulsory Purchase Order under S226 of the Town and Country Planning Act 1990 to acquire the land comprising the former footpath link adjacent to 36 Craig Lea, Taunton to secure a public footpath link between Craig Lea and the adjacent public footpath and to secure the objectives of RPG10 and PPG 13, policies STR1 and 42 of the Somerset and Exmoor National Park Structure Plan Review and Policy H1 of the Taunton Deane Local Plan Revised Deposit which is necessary to achieve the proper planning of the area, and
2. To request the Council for a supplementary estimate of £5000 to finance the same.

Chief Solicitor

Contact officer Judith Jackson
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PLANNING COMMITTEE - 1 October 2003

Report of the Chief Solicitor

Miscellaneous Item

FOOTPATH ADJACENT TO 36 CRAIG LEA, TAUNTON

Background

This Committee has twice considered the question of the provision of a footpath link adjacent to 36, Craig Lea, Taunton linking the new development at Craig Lea to an existing public footpath known as the Cinder Track and running north/south from Turner Road to Greenway Road.

In November 2002 the Committee resolved to take enforcement action to secure the removal of a bank and fence panel, which had been erected along the boundary line between the footpath link and the Cinder Track, in order to re-instate the footpath that had been blocked off.

At its meeting on 30 July 2003 the Committee was advised that enforcement action had been taken but had not resulted in securing the re-instatement of the footpath link into the Cinder Track. The Committee was advised that the only way to secure this would be by the compulsory purchase of the land comprising the footpath and its subsequent transfer to the Highway Authority. The Committee therefore requested the Executive to authorise the making of an appropriate Compulsory Purchase Order (CPO) to purchase the land, which would enable the re-instatement of the footpath, and to request the Council to make a supplementary estimate of £5000 which was the estimated cost of doing so.

The matter was referred to the Executive Councillor for Planning Policy and Transportation but, in the meantime, two additional factors which have a bearing on the proposal have arisen.

Firstly, a further representation has been received from the Police, expressing concern at the decision to seek the re-instatement of the footpath and asking the Council to re-consider its decision in the light of its duties under Section 17 of the Crime and Disorder Act. Secondly, when the matter was previously considered by the Committee, members of the public at the meeting and written representations received, suggested that the figure could be well in excess of the estimate of £5000 if all those who lived in Craig Lea and considered themselves to be adversely affected made a claim.

In those circumstances the Executive Councillor has referred the matter back to the Planning Committee, asking that the Committee be further advised in respect of both issues, and that in the light of such further information, they re-consider their recommendation to the Executive.

History of the site

In 1991 the Somerset County Council granted outline planning permission for the residential development of the former Bishop Fox's School site. Subsequently reserved matters applications were sought by two developers in respect of different parts of the site. The area which was to include Craig Lea was subject to a reserved matters application by David Wilson Homes in 1995. That application was approved on 9 November 1995 and the approved plan showed a footpath link running from the proposed development (adjacent to what is now 36 Craig Lea) into the adjacent public footpath known as the Cinder Track.

The development subsequently proceeded and was essentially completed by the end of 1997. The roads, footpaths and the footpath link in question were all constructed to an adoptable standard but when the Section 38 Highways Act Agreement was considered the Developer did not propose the footpath link for adoption. The footpath link has therefore never been adopted but was used for a period of several years without complaint.

However, in February 2001 a letter was received from David Wilson Homes expressing concerns about the level of vandalism and crime associated with the footpath link and asking if the footpath could be "stopped up" and the area of land over which the footpath ran transferred to the owner of the adjacent property.

The Planning Officer advised that planning permission would be needed to take the footpath land into the adjacent garden area. At the same time however, approaches were made to the Community Safety Officer from the Neighbourhood Watch, the local Beat Officer and a local resident, requesting that the footpath be closed because of the level of vandalism and crime associated with the footpath link. She in turn referred the matter to the County Council as Highway Authority asking that the request be investigated and an assessment made as to whether the link needed to be retained. The Highway Authority confirmed to David Wilson Homes that as the footpath did not have definitive status, and in view of the representations received, they would have no objection to its closure.

David Wilson Homes then closed off the link with an earth bank and fence and transferred the area of the footpath to the adjacent home-owner. Complaints immediately arose that the footpath had been blocked. This led to the taking of enforcement action in January 2003 requiring the removal of the fence and bank blocking the footpath. This was done but was replaced by a hedge, which is not subject to planning control.

The matter was therefore referred to the Committee again in July 2003 when the Committee was advised that the enforcement action had not been successful in securing the re-opening of the footpath link and that the only way to secure this would be by the compulsory purchase of the land. An estimate of the likely costs of such action was put at £5000. The Committee resolved to recommend the Executive to authorise the making of the necessary CPO and to request the Council to make a

supplementary estimate of £5000 to fund this action. A copy of that report is appended (**APPENDIX A**) setting out the recommendation and the reasons for it.

The current position

Since that decision was made, the Sector Commander at Taunton Police Station has written in support of the footpath remaining closed and asking the decision to be revisited “taking into consideration Section 17 of the Crime and Disorder Act”. No further evidence of the level of crime or vandalism was submitted with the letter.

Also at the meeting of the Committee on 30 July during representations made to the Committee, doubts were cast as to the accuracy of the figure of £5000, with local residents indicating that all those people living in Craig Lea who felt they would be adversely affected would make substantial claims in the event that a CPO was successful.

The Executive Councillor feels that in view of the further representations from the Police, and the need for more detailed information concerning the likely level of compensation, the Committee should be asked to re-consider their recommendation taking into account the additional information.

The Crime and Disorder Act

Section 17 of the Crime and Disorder Act states as follows:-

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority.....to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

Members should therefore take into account the representations received from the Police, the Neighbourhood Watch and the local residents as to the level of petty crime and vandalism which has been experienced whilst the footpath link was open.

Representations

At the meeting on the 30 July it was reported that by the date of the meeting 100 letters objecting to the making of the CPO and hence the re-opening of the footpath had been received, including a representation from the Neighbourhood Watch. The vast majority of these said that problems of petty crime, vandalism and anti-social behaviour which they reported suffering whilst the footpath was open, had all but disappeared since the closure of the footpath. The comments from the local Police Constable were also appended to the report.

Further, it was reported that 54 letters in support of the CPO and hence the re-opening of the footpath had been received, generally citing the useful addition the footpath made to the footpath/cycleway network and the fact that the footpath was part of the

original approved plan for the development. One additional letter in support of re-opening has been received since the Committee meeting.

The likely level of compensation

The figure of £5000 referred to as the likely compensation level in the earlier report was based on the legal costs of a one day Public Inquiry for both the Council and the land owner estimated at £4000, together with compensation of £1000 to the landowner for loss of the land.

However, given the level of interest in the proposal it is possible that a Public Inquiry would last for more than one day, which would increase legal costs on both sides.

At the meeting in July it was also suggested that all those living in Craig Lea who would consider their properties adversely affected by the provision of a footpath would make a claim for compensation under the Land Compensation Act 1973 on the basis that there would be the creation and use of a path where none now exists.

Whilst I believe that such claims can be refuted on the basis that the footpath forms part of the approved plans and all those who have purchased have bought with knowledge of that, clearly if such claims are made in large numbers there will be a cost involved in refuting such claims, even if none are payable.

Whilst it is not possible to estimate the likely additional costs at this stage, it is clear that the figure of £5000 is likely to be exceeded if the matter goes to a Public Inquiry and that a request for a further supplementary estimate may well be necessary.

The resolution of 30 July 2003

The resolution of the Committee on the 30 July 2003 stated:-

The Executive be recommended:-

- (1) to authorise the making of a Compulsory Purchase Order under Section 226 of the Town and Country Planning Act 1990 to acquire the land comprising the former link path adjacent to 36 Craig Lea, Taunton to secure a public footpath link between Craig Lea and the adjacent public footpath (the Cinder Track) and to secure the objectives of RPG10 and PPG13, Policies STR 1 and 42 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy H1 of the Taunton Deane Local Plan Revised Deposit which was necessary to achieve the proper planning of the area; and
- (2) to request the Council for a supplementary estimate of £5,000 to finance the Compulsory Purchase Order procedure.

RECOMMENDATION

The Committee is asked to re-consider its decision of the 30 July 2003 in the light of the additional factors which have arisen following the earlier decision.

Chief Solicitor

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j.jackson@tauntondeane.gov.uk

APPENDIX 'A'

PLANNING COMMITTEE - 30 July 2003
Report of the Chief Solicitor

Miscellaneous Item.

FOOTPATH ADJACENT TO 36 CRAIG LEA, TAUNTON

Background

In November 2002 this Committee authorised the service of an enforcement notice to secure the removal of a bank and fence panel that had been erected along the boundary of the property 36 Craig Lea, Taunton. The fence would normally have been permitted development but since permitted development rights had been removed, it required planning permission.

The erection of the fence had caused interest locally as it effectively blocked off a footpath link into the adjacent public footpath running between Turner Road and Greenway Road. However, the new footpath which was blocked off was not a public footpath and the land forming it had been acquired by the owners of the adjacent property who wished the footpath link to be closed because of problems of vandalism and crime.

An enforcement notice was served requiring the removal of the bank and fence and the owner complied with the terms of the notice. However, the hedge and bank were replaced with a hedge, which cannot be controlled by planning legislation and the footpath was effectively re-blocked. In addition, the owners indicated they were not prepared to allow people to cross their land and the footpath could therefore not be effectively re-opened.

The Current Position

Local concern over the blocked footpath remains and the Enforcement Officer receives regular complaints. However, for the reasons set out above the use of enforcement powers will not be sufficient to secure the re-opening and future public use of the footpath. Such re-opening is considered desirable in accordance with policies and Government guidance which promotes walking and cycling and the maintenance and extension of the footpath network.. (RPG10, PPG13, Policies STR1, 42 and 44 of the Somerset and Exmoor National Park Structure Plan and Policy H1 of the Taunton Deane Local Plan Revised Deposit.)

Having considered the options, the only way to secure such would be by the purchase of the land, compulsorily if necessary, and the subsequent transfer of the land to the Highway Authority (Somerset County Council) who have agreed to adopt and maintain it in those circumstances. There are powers under S.226 of the Town and Country Planning Act 1990 to compulsorily purchase land "for a purpose which it is

necessary to achieve in the interests of the proper planning of the area in which the land is situated”.

It seems likely that a compulsory purchase order would be necessary and this would have financial consequences, both in terms of compensation to the owners if successful and the payment of their legal costs incurred in a public inquiry. Whilst it is impossible to give a detailed figure at this stage it is anticipated that any compensation together with legal costs would be in the region of £5000.

Members will see from the attached letter that the Avon and Somerset Police are opposed to the re-opening of the link and, whilst the Highway Authority are supportive of re-opening the footpath on policy grounds, they would wish to ensure that the Neighbourhood Watch and the Avon and Somerset Police are consulted.

All those who have expressed a view in respect of earlier applications or enforcement action have been notified of the proposal. The Neighbourhood Watch object to the opening of the footpath indicating that, since its closure, problems of petty crime and vandalism in the vicinity have all but ceased.

There have also been thirty three letters from those in the vicinity opposing the re-opening of the footpath for similar reasons. However, there have been forty one letters from local residents supporting the proposed compulsory purchase and re-opening of the footpath on the grounds that it provides a useful addition to the local footpath/cycling network and was envisaged within the original plans for the development.

The matter is therefore clearly one of balancing the requirements for the good planning of the area and support for policies promoting cycling and walking, against the problems of crime and vandalism which are attributed to the footpath when it is open. However, the provision of a footpath link was part of the original planning concept for the estate and for that reason, and in view of the policy considerations and the earlier decision of the Committee to pursue enforcement, the balance is weighed in favour of taking steps to re-establish the footpath link.

RECOMMENDATION

It is therefore RECOMMENDED that the Executive be recommended:-

- (1) to authorise the making of a Compulsory Purchase Order under S.226 of the Town and Country Planning Act 1990 to acquire the land comprising the former footpath link adjacent to 36 Craig Lea, Taunton to secure a public footpath link between Craig Lea and the adjacent public footpath and to secure the objectives of RPG10 and PPG13, Policies STR1 and 42 of the Somerset and Exmoor National Park Structure Plan Review and Policy H1 of the Taunton Deane Local Plan Revised Deposit which is necessary to achieve the proper planning of the area.
- (2) to request the Council for a supplementary estimate of £5000 to finance the same.

Chief Solicitor

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26/6/03

To Whom it may concern

I am writing with reference to the ongoing problem in Craiglea, Taunton. I was first made aware of the problem in July 2002 when I started the beat, and PC HOOPER and the Neighbourhood Watch Co-ordinator explained what had previously happened.

There was a number of incidents including burglaries, damage and anti-social behaviour where people had been driving along the footpath through the housing. Initially there was complication over who the land belonged to and any rights of way, and at present the land belongs to Mr and Mrs Jefferies of 36 Craiglea.

Since the whole issue began Mr and Mrs Jefferies have been caused extreme distress and financial loss.

A fence was initially placed but then it had to be moved and a hedge/plants were bedded to cover the gap, however the following recent incidents have occurred –

- ◆ Week prior 17/4/03 2 incidents at fence where damage caused, and a persistent male trying to throw a bike over the hedge and run through it.
- ◆ 27/4/03 Fence broken down and thrown over hedge
- ◆ May 03 Plants all pulled out and damaged, someone determined to get through, and another 2 people approached stating "Dave said we could get through".

The above incidents are at the expense of the Jefferies who bought specific plants recommended by the police crime prevention team, in protection of their own property and the other residents in Craiglea.

From a police perspective I feel the footpath needs to be kept closed as the number of crime related issues have become non-existent.

Please do not hesitate to contact me if you require any further information.

S Welsh
PC 3652

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE 22nd OCTOBER 2003

JOINT REPORT OF THE HEAD OF FINANCE & HEAD OF PERFORMANCE

This Matter Is The Responsibility of Executive Cllr Williams (Leader of the Council)

LOCAL PUBLIC SERVICE AGREEMENT THE COST-EFFECTIVENESS TARGET

1. Purpose of Report

- 1.1 To update Members of the operational targets included within the Local Public Service Agreement (LPSA), and to give details of the agreed cost-effectiveness target.

2. Background

- 2.1 The LPSA is an agreement between the Government and the Somerset County Council whereby the County Council undertakes to achieve more demanding stretched performance targets than those that would be normally expected in the absence of the LPSA.
- 2.2 These targets cover a wide range of services, including education and social services, as well as those service areas which will require partnership working between the County and District Councils. The Somerset LPSA covers a 3 year period from April 2003 to March 2006.
- 2.3 Members considered a report from the Corporate Finance Manager in November 2002 outlining the scope of the draft LPSA and the implications for this Council. The LPSA has now been finalised, and final targets agreed, including the indicators to be considered for the cost effectiveness target.

3. The Final Targets

- 3.1 The final targets for the Somerset LPSA are set out in Appendix A, together with details of how Taunton Deane, as a District Council, will influence the outcome.

4. Cost Effectiveness Target

- 4.1 The Cost Effectiveness Target is one of the twelve performance targets agreed in the LPSA. The target is to ensure continuous improvement in the economy, efficiency and effectiveness of local services through annual improvements of at least 2%.
- 4.2 For the purposes of Local PSAs, cost effectiveness is defined as the relationship between a broad and representative measure of performance and a comprehensive measure of cost. That is:

$$\text{Change in Cost Effectiveness} = \frac{\text{Change in Index of Performance}}{\text{Change in Index of Cost}}$$

Where;

- “Performance” is expressed as an index number derived from a basket of performance indicators;
- “Cost” is expressed as an index number derived from the running costs of the **whole council**; and
- the end point for both indices is the end of the financial year closest to the end of the council’s Local PSA period.

4.2 Councils were given the freedom to tailor the design of their basket to the factors most relevant to their policies and priorities. The only parameters given were that each basket should:-

- ◆ include at least 6 indicators but not more than 14,
- ◆ nationally defined indicators should make up at least 80% of the basket
- ◆ and each basket should include at least one indicator relating to one or more of the following functions: housing management, services to meet housing needs or payment of housing allowances and benefits.

4.3 Corporate Management Team set about selecting a basket of measures that summarised the Council's plans to improve service delivery but at the same time covered the breadth of the council's activities. After much discussion and debate the following basket of indicators was chosen for this Council.

BV Indicator	
BVPI 8	% of Invoices Paid Within 30 Days
BVPI 9	% of Council Tax Collected
BVPI 66a	Rent Collection and Arrears – Proportion of Rent Collected
BVPI 78a	Average Time For Processing A New Housing Benefit Claim
BVPI 82a	% of household waste arisings recycled.
BVPI 109a	% of Major Planning Applications Carried Out In 13 Weeks
BVPI 157	% of Capable Interactions Delivered Electronically

5. Performance Reward Grant

5.1 The maximum performance reward grant an authority can achieve is 2.5% of its net budget. This sum will be payable as a one-off grant in 2006/07 and 2007/08 i.e. at the end of the LPSA period.

5.2 The grant will be dependent upon the achievement of the targets outlined in Appendix A and will be scaled down to reflect non-performance.

5.3 There is the possibility of securing performance reward grant up to 2.5% of the council’s net budget, approximately £290k in total. The possibility of securing the full amount is very remote and it is therefore anticipated that any grant receivable would be significantly lower.

6. Recommendations

6.1 The Executive is requested to note the final targets of the LPSA.

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Background Paper

Executive 20/11/02 – Draft Somerset Local Public Service Agreement

Target Details	District Involvement
<p>TARGET 1 - EDUCATION To improve educational attainment of 11 year olds –</p> <ul style="list-style-type: none"> a) Level 4 or above in KS2 Maths b) Level 4 or above in KS2 English <p>Current Performance</p> <ul style="list-style-type: none"> a) 72% b) 74% <p>2005/06 LPSA Target</p> <ul style="list-style-type: none"> a) 86% b) 87% 	N/A
<p>TARGET 2 - EDUCATION To reduce the average number of days lost to fixed term exclusion within all school types –</p> <ul style="list-style-type: none"> a) No of days lost b) No of incidents <p>Current Performance</p> <ul style="list-style-type: none"> a) 8557 days b) 2701 incidents <p>2005/06 LPSA Target</p> <ul style="list-style-type: none"> a) 7316 days b) 2309 incidents 	N/A
<p>TARGET 3 – EDUCATION To improve educational attainment by children looked after by the LA.</p> <ul style="list-style-type: none"> a) No leaving care at 16 with 5 GCSEs b) No leaving care at 16 with 1 GCSE c) No in year 12 with 5 GCSEs <p>Current Performance</p> <ul style="list-style-type: none"> a) 7 b) 23 c) 3 <p>2005/06 LPSA Target</p> <ul style="list-style-type: none"> a) 30 b) 92 c) 13 	N/A

<p>TARGET 4 – EDUCATION To improve the life chances of looked after children by improving the stability of placements for children looked after by the Local Authority, and improving the health of looked after children.</p> <p>a) % of children looked after with 3 or more placements during year.</p> <p>b) % of children looked after continuously for 12 months who had...</p> <p>1) routine immunisations up to date.</p> <p>2) Teeth checked by a dentist.</p> <p>3) Annual health assessment in last 12 months.</p> <p>Current Performance</p> <p>a) 15.9%</p> <p>b) 1) 76%</p> <p>2) 88%</p> <p>3) 69%</p> <p>2005/06 LPSA Target</p> <p>a) 12%</p> <p>b) 1) 86%</p> <p>2) 91%</p> <p>3) 84%</p>	<p>N/A</p>
<p>TARGET 5 – SOCIAL SERVICES Helping older people to continue to live in their own home.</p> <p>(a) increase in the number of intensive care packages for people aged 65+.</p> <p>(b) reduction in the number of new permanent residential care placements for people aged 65+.</p> <p>Current Performance</p> <p>a. 699 packages</p> <p>b. 570 placements</p> <p>2005/06 LPSA Target</p> <p>(a) 872 packages</p> <p>(b) 416 placements</p>	<p>Careline Support District Councils arrange the Careline service, and provide the call centres. Target looks to increase the number of older people receiving Careline type services, and provide additional outreach support for service users. Anticipated that Social Services will pay for outreach support. Service users will pay the service costs, which may be subsidised by the District Councils. District Councils would fund increase in call centre activity.</p> <p>Extra Care Housing District Councils on their own or via Registered Social Landlords provide extra care housing. The District Council arranges housing support and scheme management. Care is arranged by Social Services.</p>

Target Details	District Involvement
<p>TARGET 6 – SOCIAL SERVICES To reduce the offending of young people who are usually resident in Somerset.</p> <p>Current Performance Re-offending rate equals 39.3%</p> <p>2005/06 LPSA Target Re-offending rate equals 32.3%</p>	<p>The Chief Executive of TDBC represents the five District Councils on the Steering Group of Somerset's Youth Offending Team. The Chief Executives of the five Districts are regularly updated on the work of the YOT and receive minutes of the Steering Group. The YOT has five Senior Practitioners, each of whom is represented on one of the District Crime and Disorder Partnerships. Through these Partnerships, YOT and District Councils work together to identify JOINT crime reduction strategies targeting young people most at risk of committing offences. Data regarding offending patterns is shared in order to maximise effective deployment of staff and interventions.</p> <p>Joint projects which involve District Council staff time and resources include:</p> <ul style="list-style-type: none"> • PROMISE Mentoring Scheme • Reparation Activities (e.g. Mendip and Quantock bird box schemes, "Granny Boot" initiative (making wooden door jars to help prevent crime and fear of crime, assisting with building work in local skate park, assisting in tree planting at Children's Wood). At any one time the YOT is supervising about 500 hours of 'community payback' activities across the Districts • Sport and Leisure Programmes • Supported Housing Schemes through 'Supporting People' • Joint programmes through 'Communities against Drugs' • Parenting programmes • Motor vehicle crime prevention programmes • School Holiday programmes • Joint work on targeted areas of social need through SRB/Building Community/Strategic Partnerships <p>District Councils are key partners with the Youth Offending Team in developing, delivering and evaluating interventions that will prevent offending and reduce the fear of crime.</p>

Target Details	District Involvement
<p>TARGET 7 – SOCIAL SERVICES To reduce the impact of domestic violence. (a) to increase the number of domestic violence incidents reported to the police. (b) to reduce the number of victims experiencing domestic violence who were victims of domestic violence in the previous twelve months.</p> <p>Current Performance (a) 2566 (b) 708</p> <p>2005/06 LPSA Target (a) 3466 (b) 616</p>	<p>District Councils will be supporting the actions identified to deliver this target as follows:</p> <ul style="list-style-type: none"> • Assisting in raising awareness using their extensive local links and developing, implementing and supporting training • Supporting the care provided by the Police by developing links and services to meet needs of victims in particular in the areas of housing, benefits, support (including a Crisis fund) and advocacy • Advocacy support by assisting with the recruitment and support of volunteers and providing a telephone network linking victims to services and support • Increasing the capacity of and access to perpetrator programmes by assisting with the development of referral methods for victims and perpetrators • Development of outreach services which will involve key District Services such as housing and associated services • Supporting the dissemination of promotional material through existing communication channels. <p>In resource terms the Districts will be providing staff, accommodation, training, office resources (including existing channels of communication) and access to equipment and systems (particularly telephone systems) to support the target in their own geographical area.</p>
<p>TARGET 8 – HIGHWAYS Reduction in the number of deaths and serious injuries on the roads.</p> <p>Current Performance 332</p> <p>2005/06 LPSA Target 245</p>	<p>The District Council contribution to this target will involve assisting with the development of the policy frameworks for the area through Local Plans and the strategic partnerships identified in the Target. In appropriate circumstances the District Council may also be involved in any consultation required for the implementation of potential schemes.</p> <p>The primary resource requirement is therefore staff time and associated costs.</p>

Target Details	District Involvement
<p>TARGET 9 – HIGHWAYS Improve the condition of roads. (a) % of non-principal classified road network to be considered for structural treatment. (b) % of non-principal unclassified road network to be considered for structural treatment.</p> <p>Current Performance (a) 25.47% (b) 40.76%</p> <p>2005/06 LPSA Target (a) 15% less (b) 20% less</p>	<p>The District Council contribution to this target will involve assisting with the development of the policy frameworks for the area through Local Plans. In appropriate circumstances the District Council may also be involved in any consultation required for the implementation of potential schemes.</p> <p>In addition to the investment of staff and resources to deliver the planning process for local transport, District Councils have in the past contributed direct resources towards the implementation of schemes that have a strong local interest and similar contributions may be negotiated during the lifespan of the PSA provided that potential liability risks can be managed.</p>
<p>TARGET 10 –WASTE To achieve the 6 Somerset Authorities' statutory household recycling / composting targets in order to contribute to the Govt's national target for the UK.</p> <p>Current Performance 15.6% recycled / composted</p> <p>2005/06 LPSA Target 39.6% recycled / composted</p>	<p>Achieving a countywide 'stretch' target in the percentage of household waste recycled/composted by 2005/06 requires commitment from all five of the District/Borough Councils. SCC has committed to investing in the Household Waste Recycling Centre (HWRC) service to ensure each site has facilities to allow the public to recycle as many materials as possible. Through a Joint BV Improvement Plan and continued partnership working, the District/Borough Councils have committed to invest in new doorstep collection schemes for recyclable materials. Other big issues to be tackled include:-</p> <ul style="list-style-type: none"> • Kerbside Recycling For Glass • Green Waste Issues • Aim To Constrain Waste Arisings <p>Together with the freedoms and flexibilities within the PSA, these measures will ensure Somerset exceeds its Statutory recycling performance target set as 36% by March 2006 and achieves in excess of 10,000 tonnes additional recycling of household waste materials.</p> <p><u>Resources</u></p> <ul style="list-style-type: none"> • County Council investment in its HWRC Service (incl. at least three new state-of-the-art sites and modernisation of existing sites)= £4.4m • District/Borough Council investment in separate doorstep collection services for recyclables (incl. separate fortnightly collection of paper, cans, textiles, and some glass with a recycling crate) = £1.1m <p>In order to assist the District/Borough Councils and encourage them to sustain funding in future years, the County Council has secured an <i>additional £1.1m</i> from DEFRA's Recycling Challenge Fund for 2002/03 (£700,000 for doorstep recycling services and £400,000 for community reuse schemes). District/Borough Councils have agreed to sustain funding for continuation of these new services beyond 2002/03.</p>

Target Details	District Involvement
<p>TARGET 11 – FIRE & RESCUE To reduce the number of accidental deaths and injuries as a result of fire in dwellings.</p> <p>Current Performance 82</p> <p>2005/06 LPSA Target 76</p>	<p>The District Council contribution will arise from their role as major landlords in Somerset. This provides them with the capacity to influence awareness and assist with the installation of smoke detectors and sprinkler systems. In particular the County Council would assist the District Councils to develop policies in respect of their own housing stock that will contribute towards achieving higher levels of home fire safety. The District Councils will also be an important partner in identifying households in the “at risk” category for fire Home Safety checks.</p> <p>The primary resources required from the District Councils to deliver their contribution will be:</p> <ul style="list-style-type: none"> • staff resources to develop and implement good home fire safety policies and identify households at high risk • investment in home safety through their housing development, repairs and maintenance programmes <p>other resources to assist in the promotion of the home fire safety message through existing communications networks.</p>
<p>TARGET 12 COST EFFECTIVENESS</p> <p>Current Performance 100</p> <p>2005/06 LPSA Target 106</p>	<p>All five Somerset District Councils have signed up to this target, and have provided their own basket of performance indicators. Details for TDBC are shown in the body of the report.</p>

TAUNTON DEANE BOROUGH COUNCIL
Executive – 22nd October 2003
Report of the e-Government Manager

(This matter is the responsibility of Executive Councilor T Hall)

Implementing Electronic Government return 2003 (IEG3)

1. Purpose of the report

1.1. This report seeks to bring the executive up to date with progress in Electronic Government and gain support for our “Implementing Electronic Government Return 2003”.

2. Background

2.1. As part of the modernisation agenda, Central Governments is encouraging Local Government to improve by making services available electronically. The government has set a target for all local Government services to be capable of being delivered electronically by the end of 2005. In support of this the Government has offered some funding to support Authorities who have robust plans and can demonstrate progress.

2.2. For the last two years the Government has provided £200,000 per year in support of our plans for implementing electronic government. The expectation is that a further £200,000 will be available to authorities submitting a satisfactory IEG3 return.

3. The Statement

3.1 The Office of the Deputy Prime Minister (ODPM) issued detailed advice on the format and content of the statement. We have sought to follow this advice as closely as possible. The draft of our IEG3 return is attached as appendix one

3.2 As part of IEG3 the Government requires that the “Checklist for Councillors and Chief Executives” be circulated, the checklist is attached as appendix two.

4. The next step

4.1 Subject to approval of the executive, the IEG3 statement will be submitted to the ODPM by the 10th November 2003.

5. Recommendation

5.1 The executive is asked to approve the proposed IEG3 return.

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IMPLEMENTING ELECTRONIC GOVERNMENT RETURN 2003 (IEG3)



IMPLEMENTING ELECTRONIC GOVERNMENT RETURNS 2003 (IEG3)

Introduction

This IEG3 return is an essential part of the national monitoring process for assessing electronic local service delivery capability against the 2005 target and supports the aims of the National Strategy for local e-government (www.localgov.gov.uk). It is also an important feedback mechanism for assessing progress and the use of IEG funding in individual local authorities.

A key objective of the Office of the Deputy Prime Minister's (ODPM) SR2002 Public Service Agreement involves improving delivery and value for money of local services within a framework of national targets and policies. This includes:

- introducing comprehensive performance assessments and action plans, and securing a progressive improvement in authorities' scores;
- overall annual improvements in cost effectiveness of 2% or more; and
- assisting local government to achieve 100% capability in electronic delivery of priority services by 2005, in ways that customers will use.

The above performance targets also form part of the Public Service Agreement for Local Government and the ODPM is working in partnership with local authorities and their representative national organisations to help achieve the specified objectives.

The format of the IEG return is subject to extensive consultation. Last year, this helped to achieve a 100% return rate of IEG2 submissions from local authorities. This year, the format of the IEG3 return is intended to simplify the process further for local authorities and move towards a self-assessment approach. In order to maintain consistency with the statistical elements of IEG2, tables on BVPI 157 and resources remain unchanged from last year. Successful completion of the IEG3 return also demands awareness of the ODPM's National Strategy for Local e-Government published in November 2002 (www.localgov.gov.uk/nationalstrategy).

E-Government is a key tool in delivering local services. Within the CPA process, those councils that have not done well in achievement, investment, capacity or performance management may particularly need to consider the role that e-government can play in delivering improvements as part of a wider strategy for improvement planning.

The new proforma format for IEG3 returns complies with Government commitments to reduce service plan requirements for local authorities, whilst balancing the need for authorities to supply statistical information for the purpose of monitoring national progress on the implementation of local e-government. "Excellent" CPA authorities are requested to complete this plan in order to assist in benchmarking national progress and to demonstrate their commitment to e-government. In particular, the third year of IEGs represents an opportunity for self-assessment, benchmarking and measuring progress on key factors. The use of the IEG process to gather data on key areas was successfully pioneered in IEG2.

This proforma is intended to standardise Implementing Electronic Government (IEG) returns for 2003. It has been prepared for English County, District, Unitary Councils, London Boroughs, National Park Authorities, the Corporation of London, the Greater London Authority, London Development Agency, Transport for London who are subject to the Best Value Performance Indicator 157 and have been requested to prepare these statements.

[Separate guidance is being prepared for Single Purpose Fire Authorities in England on the preparation of IEG Statements for 2003.]

Funding

A formal announcement regarding IEG funding for 2004/5 and 2005/6 will be made later this year. You should complete this return on the basis that it will inform the distribution of £175 million of available capital funding from the ODPM for local e-government in 2004/5 and £96.5million in 2005/6.

Completeness

Failure to complete any elements of this proforma may result in the withholding of IEG3 funding for 2004/5. You should consult with relevant members of the ODPM's local e-government team for clarification of what is required.

Approval

It is important that the information contained in your completed IEG3 proforma is approved by the Council before submission and that adequate time for this is built into the timetable.

Submission

The deadline for the submission of IEG3 statements is **Monday 10 November 2003**.

Please submit them by e-mail to localegov@odpm.gsi.gov.uk. Copies of this IEG3 proforma can be found at www.localegov.gov.uk. An online version of this form can be accessed at the Improvement & Development Agency's (I&DeA) Electronic Service Delivery (ESD) toolkit (www.esd-toolkit.org).

Please do not hesitate to contact relevant members of the ODPM local e-government team should you require further information or clarification. Contact details can be found on the last page of this guidance.

Content

1. Priority Services

In no more than 1,000 words, please give a summary of how e-government will improve services and outcomes for citizens in your authority in terms of the seven shared priorities for local government¹ and any additional local priorities, i.e.

- Raising standards across our schools
- Improving the quality of life of children, young people, families at risk and older people
- Promoting healthier communities by targeting key local services, such as health and housing
- Creating safer and stronger communities
- Transforming our local environment
- Meeting transport needs more effectively
- Promoting the economic vitality of localities

Implementing Electronic Government

Our vision is built on understanding our communities and people aiming to improve their quality of life now and into the future. The Council has published goals for the next three years and helped determine a vision for Taunton to 2025 and beyond.

The Council is harnessing the opportunity that E-Government provides to help deliver the fundamental outcomes that are essential to successful, modern public services by improving access to our services at times and places convenient to customers, supporting more efficient, effective and economic business processes so that service quality increases whilst costs decrease or at least stay the same and encouraging citizen engagement with decision-making about local priorities.

Our six local Corporate Priorities have evolved to be more meaningful, and we have integrated them with our strategies, plans, partnerships, actions, future initiatives, and our performance outcomes. Delivery in particular looks towards E-Government solutions in delivering innovative service improvements. Our Core Values ensure that all services are **accessible** to all people in ways that are convenient to them, **beneficial**, providing services which make a positive difference in our communities and **courteous**, staff are respectful and fair at all times.

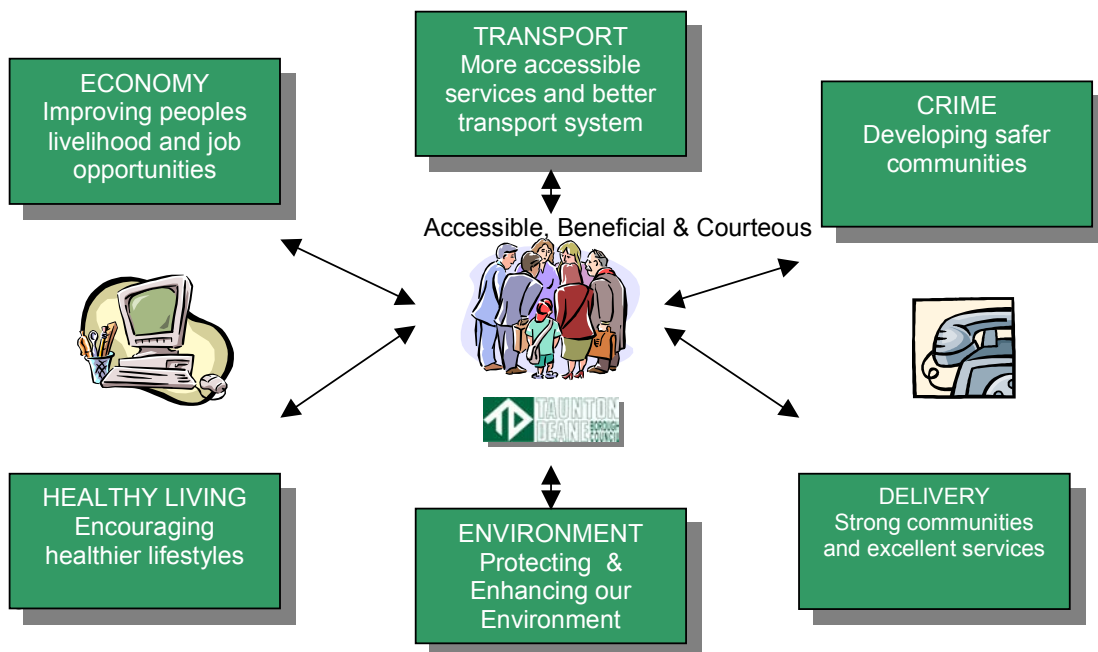


Figure One – Joining up through E-Government

¹ See www.odpm.gov.uk/news/0207/0033.htm

The Council's Corporate Priorities closely match the leG shared priorities between Central and Local Government – Promoting the economic viability of localities; Meeting Transport needs more effectively; Transforming the local environment; Creating safer and stronger communities; Promoting healthier communities and Improving the quality of life of young children, young people, families at risk and older people in particular.

The Council has been, and will continue to respond to needs of today and those of tomorrow through careful planning and coordination of known and likely issues and has demonstrated its ability to cope with the unexpected over the years. Our successes in E-Government enable us to be more responsive and flexible. Within our CPA self-Assessment the impact of leG is well reflected within our Achievements, Investment, Capacity and Performance Management elements success stories and strategic and operational plans for the future.

The potential offered by information technology is recognised and resourced accordingly. We are well on target to meet our leG promises to deliver e-Government by 2005. Achievements include:

<p>☺ As at March 2003, 50% of services available electronically, giving wider community access to our services</p>	<p>☺ Our web site has been recently praised and awarded a ranking of C+ nationally by SOCITIM; only 15% of districts achieved this or better. None of the</p>
<p>☺ As at May 2003, over 1.3 million documents were stored electronically instead of in paper files; this number is growing at over 10,000 documents per week.</p>	<p>Somerset Districts or County achieved as good a result. ☺ Disaster recovery plans tested and found to be robust</p>

8. Over recent years the Council has modernised its corporate and operational arrangements to make them more able to meet these challenges and to focus on what really matters. Our focus is on achieving impact in priority areas and to ensure that this happens we have put into place over a number of years a comprehensive corporate management framework within which E-Government is a key element and catalyst for improvement.

9. The Council is very pro-active on improving e-access to their services and are currently working with their partners, funded by invest to save money from Government of over £2.8 million, on a project known as Somerset Direct. This has a two-year timetable and is aimed at improving access to local services through call centre technology. The Council has an e-Government strategy as a commitment to modernising services and keeping them secure.

10. The Council has always recognised the high importance of well trained and managed staff and has over the years made sound investment in their development and well-being. In delivering our vision for the future proactive and sustained developing support for councillors is key. Significant investment is made in developing and keeping our councillors up to date throughout their four-year tenure. Members are provided with modern laptop computers, enabling them to access electronic resources, and more effectively communicate with others.

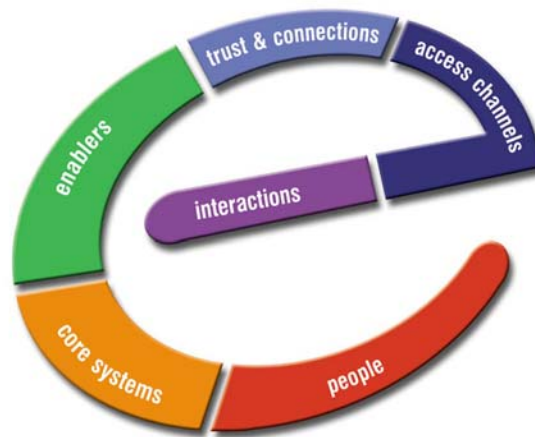
11. Specifically for each of the shared priorities we wish to achieved:

<p>Meeting local transport needs more effectively by providing better telephone and internet services, so that customer no longer are forced to visit our offices</p>	<p>Promoting Healthier communities and narrowing health inequalities by working with our Health partners to provide greater opportunities</p>
<p>Transforming our local environment by providing joined up electronic services via a variety of access chanel</p>	<p>Creating safer and stronger communities by listening to our citizens and local agencies and reflecting their needs.</p>

Finally in reflecting on our leG 2002/03 submission and promises made last year it is good to see that we have:

- ☺ Helped tackle social exclusion from services and communities through improved access and payment methods
- ☺ Supported and enhanced democracy through e-Government initiatives in particular intranet, website and hardware support
- ☺ Better delivered customer services around the needs of citizens
- ☺ Operated open, democratic government and working with our Local Strategic Partnership delivering community strategies that secure local priorities and engage local communities.

1. Self-Assessment of Local e-Organisation



The National Strategy – Model of the local e-organisation

You are asked to summarise the plans and progress of your local authority according to the six parts of model of the local e-organisation, as presented in the ODPM's National Strategy for Local e-Government published in November 2002 (see www.localgov.gov.uk/nationalstrategy). The model provides a checklist of work areas against the e-organisation themes, or building blocks of local e-government - interactions, access channels, trust & connections, enablers, e-business and organisational development. Please refer to www.localgov.gov.uk for further description of the elements of this model, together with associated National Projects. Further information about these building blocks is also available from the I&DeA's Knowledge website at www.idea.gov.uk/knowledge. **Do not amend this form or append any items to it** and please restrict all explanatory notes to the comment column.

Not all the elements in the proforma checklist below will necessarily be a part of your local e-government strategy, but you are expected to be aware of all of these elements and have taken a corporate position in relation to them. It is recognised that your IEG strategy will reflect local priorities and customer preferences, but you are asked specifically to provide accompanying commentary on any areas of the proforma checklist that remain "black" in 2005/6.

Traffic Light Status: availability against 31 December 2005 target date for local e-government	Status at 31/03/02	Status at 31/03/03	Anticipated Status at 31/03/04	Anticipated Status at 31/03/05	Anticipated Status at 31/03/06	
<p>Local e-organisation:</p> <p>Black = Not part of current local e-government strategy or not applicable</p> <p>Red = Preparation & planning – to include projects that are being planned or being piloted</p> <p>Amber = Implementation stage – roll out of approved projects</p> <p>Green = Fully implemented – projects completed & implemented</p> <p>e.g. for progress against a particular element you might enter:</p>	2001/02	2002/03	2003/04	2004/05	2005/06	<p>Comment</p> <p>e.g. “black” status may include elements on the proforma that are not planned, or awaiting the outcome of ODPM National Project work or partnership activity, or areas on the proforma that are not applicable to particular types of authority. Limited areas of “black” are perfectly acceptable on this proforma as a reflection of local circumstances and prioritisation of e-government work and investment.</p> <p>e.g. “red” status should be applied to all elements on the proforma where work is at the research stage, being piloted before wider rollout across the authority/partnership, or planned but not yet approved for funding.</p> <p>e.g. “amber” status should be applied to all elements on the proforma where work has been approved for funding and is actively being implemented.</p> <p>e.g. “green” status should be applied to all elements on the proforma where projects have been actioned and implemented or particular standards achieved with plans for extended rollout on an enterprise-wide basis, i.e. across the authority/partnership.</p>
	Red	Red	Amber	Amber	Green	

<p>Interactions</p> <p>Note: The Best Value Performance Indicator (BVPI) 157 provides a measure of the number of types of interactions (or contact) between the citizen and the council that are enabled for electronic delivery as a percentage of those that are available.</p> <ul style="list-style-type: none"> Progress towards 2005 target for the 100% e-enablement of local services 	Amber	Amber	Amber	Amber	Green	We now use the I&DeA EDS Tool for measuring our progress. We are on target to meet the 2005 target.
<p>Access Channels</p> <p>Note: Access channels are the various routes through which people might contact, or be contacted by, local service providers to undertake electronically enabled interactions.</p> <ul style="list-style-type: none"> Publication of approved strategy for development of access channels Local service websites (tailored to achievement of transactional status² for corporate “.gov.uk” website) Specialist portals for local authority services in two-tier areas Contact centres (e-enabled & dealing with at least 80% of incoming telephone calls to the local authority) Establishment of fully e-enabled one stop shops for face-to-face customer contact Use of mobile technology for home visits / supported access services Establishment of Interactive Digital TV service 	Red	Red	Amber	Green	Green	<p>Delivered through SomersetOnline</p> <p>Delivered through SomersetDirect</p> <p>Delivered through our SomersetDirect</p> <p>Delivered through SomersetOnline</p>

² www.socitm.gov.uk, as defined in SOCITM (2003) *Better Connected 2003: a snapshot of all local authority websites*, Society of Information Technology Management, Northampton, p23.

<ul style="list-style-type: none"> E-democracy – participation in the electoral modernisation pilots for electronic voting or electronic counting E-mail & Internet access provided for all Members Engagement with intermediaries re delivery of e-government services (e.g. Citizens Advice Bureaux) 	<p>Black</p> <p>Amber</p> <p>Red</p>	<p>Black</p> <p>Amber</p> <p>Red</p>	<p>Black</p> <p>Green</p> <p>Amber</p>	<p>Red</p> <p>Green</p> <p>Amber</p>	<p>Amber</p> <p>Green</p> <p>Green</p>	<p>Awaiting the results of the pilot projects</p> <p>SomersetDirect and SomersetOnline offer facilities to trusted partners to deliver services.</p>
<p>Trust & connections</p> <p>Note: For the public sector to share information easily and securely, it is essential to operate within a framework of technical and legislative standards.</p> <ul style="list-style-type: none"> Use of Government Gateway (e.g. for secure authenticated transactions) (see http://www.govtalk.gov.uk/gateway_partnerlink) Compliance with Government Interoperability Framework (e-GIF), including the Government Metadata Standard (e-GMS) (see www.egifcompliance.org & www.govtalk.gov.uk) Adoption of Guidelines for UK Government Websites (see www.e-envoy.gov.uk/oeo/oeo.nsf/sections/webguidelines-handbook-top/\$file/handbookindex.htm) Conformance with level AA of W3C Web Accessibility Initiative (WAI) standards on website accessibility (see http://www.w3.org/WAI) 	<p>Red</p> <p>Amber</p> <p>Amber</p> <p>Amber</p>	<p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p>	<p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p>	<p>Amber</p> <p>Amber</p> <p>Green</p> <p>Green</p>	<p>Green</p> <p>Amber</p> <p>Green</p> <p>Green</p>	<p>When the gateway is ready we will use authentication within SomersetOnline, SomersetDirect and our own website</p> <p>e-GIF compliant 2004/5, e-GMS compliant 2005/6</p>

<ul style="list-style-type: none"> Compliance with Freedom of Information Act 2000, including responding to requests for information from individuals within a reasonable time period (see http://www.lcd.gov.uk/foi/foidpunit.htm & http://www.pro.gov.uk/recordsmanagement/access/default.htm) 	Amber	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> Establishment of corporate information management policy (e.g. covering management of information assets, evidence for accountability, security, assurance, disaster & contingency planning) 	Amber	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> Establishment of Public Services Trust Charter re the use of personal information collected to deliver improved services, including data sharing protocol framework (see http://www.lcd.gov.uk/consult/datasharing/datashare.htm & http://www.govtalk.gov.uk/documents/eTrustguidegovtalk.rtf) 	Red	Red	Amber	Amber	Green	
<ul style="list-style-type: none"> Establishment of partnerships for the joint (aggregated) procurement of broadband services 	Red	Red	Amber	Amber	Amber	SomersetOnline Partnership issue,
<ul style="list-style-type: none"> Compliance with BS 7799 on information security management 	Black	Black	Black	Black	Black	We are working to implement much of the standard but do not believe we will implement it completely

Enablers						
<p>Note: Enablers refers to the computer systems, or 'middle-ware', used to support access channel policy and provide the link to core business and information systems. You should only "green" traffic light the items below where enterprise-wide systems or policies have been implemented.</p>						
<ul style="list-style-type: none"> • Use of smart cards to support service development & delivery 	Black	Black	Black	Black	Black	Awaiting a nation smart card project
<ul style="list-style-type: none"> • Corporate use of Customer Relationship Management (CRM) software 	Red	Amber	Amber	Green	Green	Delivered by SomersetDirect
<ul style="list-style-type: none"> • Corporate use of Geographic Information Systems (GIS) (e.g. for map-based data presentation) 	Red	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> • Corporate ICT support and documented policy for home working (teleworking) by staff 	Red	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> • Use of telemetric systems for remote monitoring & signalling, e.g. helping older people remain in their homes 	Green	Green	Green	Green	Green	
<ul style="list-style-type: none"> • Establishment of corporate Intranet 	Green	Green	Green	Green	Green	
<ul style="list-style-type: none"> • Corporate use of Document Image Processing & Workflow systems 	Green	Green	Green	Green	Green	
<ul style="list-style-type: none"> • Application of Knowledge Management (KM) systems & techniques for service improvement 	Red	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> • Establishment of corporate policy on electronic records management 	Red	Red	Red	Red	Amber	

Core Systems						
<p>Note: Successful e-government comes from integrating corporate office support and processes with e-enabled services. Core systems refer to the core business processes of the e-enabled organisation.</p>						
<ul style="list-style-type: none"> • Use of systems to enable e-procurement 	Black	Black	Black	Black	Black	<p>Most of the process is electronic but not all. We see no cost justification for the rest</p>
<ul style="list-style-type: none"> • Upgrade of financial information systems to support e-government 	Red	Red	Amber	Green	Green	
<ul style="list-style-type: none"> • Upgrade of office systems to support e-government, e.g. web-enabling legacy systems 	Amber	Amber	Amber	Amber	Green	
<ul style="list-style-type: none"> • Upgrade of Human Resources & payroll systems to support e-government 	Red	Red	Amber	Green	Green	
<ul style="list-style-type: none"> • Upgrade of asset management systems to support e-government 	Black	Black	Red	Red	Amber	
<ul style="list-style-type: none"> • Link to National Land & Property Gazetteer (NLPG) (http://www.nlpg.org.uk) 	Red	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> • Automated interface with National Land Information Service (NLIS) hub (http://www.nlis.org.uk) 	Black	Black	Black	Red	Red	
<ul style="list-style-type: none"> • Upgrade of income collection systems to support e-government 	Amber	Amber	Green	Green	Green	

<p>People</p> <p>Note: This part of the e-organisation model refers to the internal organisation and management practices of the council that are required to help deliver the people changes necessary for e-government.</p> <ul style="list-style-type: none"> • Circulation of National Strategy checklist to Chief Executive and all Councillors (see www.localgov.gov.uk/nationalstrategy) • Establishment of formally constituted partnership working to help deliver e-government: <ul style="list-style-type: none"> - Local Strategic Partnership (LSP) - Partnership working with other local authorities - Public Private Partnership (PPP) • Incorporation of e-government into Community Strategy • Appointment of member & officer e-champions • Appointment of officer(s) to lead on corporate governance of information assets and information legislation (e.g. Freedom of Information Act) • Documentation/agreement of corporate risk management strategy for roll-out of local e-government, including regular review of risk mitigation measures • Use of customer consultation/research to inform development of corporate e-government strategy 	<p>Red</p> <p>Amber</p> <p>Green</p> <p>Black</p> <p>Green</p> <p>Green</p> <p>Amber</p> <p>Green</p> <p>Green</p>	<p>Red</p> <p>Green</p> <p>Green</p> <p>Black</p> <p>Green</p> <p>Green</p> <p>Amber</p> <p>Green</p> <p>Green</p>	<p>Green</p> <p>Green</p> <p>Green</p> <p>Black</p> <p>Green</p> <p>Green</p> <p>Green</p> <p>Green</p>	<p>Green</p> <p>Green</p> <p>Green</p> <p>Black</p> <p>Green</p> <p>Green</p> <p>Green</p> <p>Green</p>	<p>Green</p> <p>Green</p> <p>Green</p> <p>Black</p> <p>Green</p> <p>Green</p> <p>Green</p> <p>Green</p>	<p>We understand the importance of external funding, however there have been no suitable projects.</p>
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<ul style="list-style-type: none"> Establishment of policy for addressing social inclusion within corporate e-government strategy 	Amber	Amber	Amber	Green	Green	
<ul style="list-style-type: none"> Establishment of internal targets & measures for e-services, including: <ul style="list-style-type: none"> Customer take up Customer satisfaction Value for money / cost effectiveness 	Red	Red	Red	Amber	Green	
<ul style="list-style-type: none"> Use of project management methodologies (e.g. PRINCE2) 	Red	Red	Amber	Green	Green	
<ul style="list-style-type: none"> Establishment of e-skills training programme for staff (e.g. European Computer Driving Licence) 	Amber	Amber	Green	Green	Green	
<ul style="list-style-type: none"> Use of networked technologies to support e-learning 	Red	Red	Amber	Amber	Green	

3. BVPI 157

Councils are asked to complete the following table using the definition of Best Value Performance Indicator (BVPI) 157 for Electronic Service Delivery (Corporate). You are recommended to validate your local list of interactions against the list of process area interactions for all customer facing local authority services contained in the I&DeA's ESD toolkit (www.esd-toolkit.org).

NB. The method of calculation has changed for 2002/3 onwards the Information is based upon the I&DeA ESD toolkit, 2001/2 information is that reported last year.

BVPI 157 Interaction Type	Actual		Forecast		
	2001/2	2002/3	2003/4	2004/5	2005/6
Providing information:	26	237	348	348	348
• Total types of interaction e-enabled	54%	68%	100%	100%	100%
• % e-enabled					
Collecting revenue:	11	11	11	11	11
• total types of interaction e-enabled	46%	100%	100%	100%	100%
• % e-enabled					
Providing benefits & grants:	0	0	0	0	1
• total types of interaction e-enabled	0%	0%	0%	0%	100%
• % e-enabled					
Consultation:	0	1	1	1	1
• total types of interaction e-enabled	0%	100%	100%	100%	100%
• % e-enabled					
Regulation (such as issuing licences):	0	0	0	0	32
• total types of interaction e-enabled	0%	0%	0%	0%	100%
• % e-enabled					
Applications for services:	16	57	60	120	128
• total types of interaction e-enabled	36	45%	47%	94%	100%
• % e-enabled					
Booking venues, resources & courses:	0	4	4	4	11
• total types of interaction e-enabled	0%	36%	36%	36%	100%
• % e-enabled					
Paying for goods & services:	0	1	25	49	49
• total types of interaction e-enabled	0%	2%	51%	100%	100%
• % e-enabled					
Providing access to community, professional or business networks:	2	0	0	0	3
• total types of interaction e-enabled	60%	0%	0%	0%	100%
• % e-enabled					
Procurement:	0	0	1	1	1
• total types of interaction e-enabled	0%	0%	100%	100%	100%
• % e-enabled					
TOTAL: TYPES OF INTERACTION E-ENABLED	55	310	450	534	585
% E-ENABLED	35%	52%	75%	91%	100%

2. Access Channel Take-Up

In order to demonstrate public take-up of the main e-access channels that you are investing in up to 2005/6, you are asked to complete the table below detailing actual and forecast figures for numbers of e-enabled payment transactions, plus street light failure reports / abandoned vehicles. (County councils and all-purpose authorities should complete figures for street light failure reports, whilst district councils should complete figures for abandoned vehicle reports). It is important that e-access channel investment and rollout also facilitates accompanying improvements in the corporate management capability required to monitor and collect such statistics.

E-enablement & Main E-Access Channel Take-Up	Actual ('000s)		Forecast ('000s)			Comment
	01/2	02/3	03/4	04/5	05/6	
Local Service Websites <ul style="list-style-type: none"> Page impressions (annual) Unique users, i.e. separate individuals visiting website (annual) Number of e-enabled payment transactions accepted via website Number of street light failure reports (county) / abandoned vehicle reports (district) accepted via website 	65	120	250	500	1000	
Telephone <i>(i.e. telephone interactions where officers can access electronic information and/or update records on-line there and then, including interactions in contact centres):</i> <ul style="list-style-type: none"> Number of e-enabled payment transactions accepted by telephone Number of street light failure reports (county) / abandoned vehicle reports (district) accepted via telephone 	0	5.6	6.6	9.4	14.2	
Face To Face <i>(i.e. front-line operations where officers can access electronic information and/or update records on-line there and then, including interactions at reception desks, One Stop Shops & home visits):</i> <ul style="list-style-type: none"> Number of e-enabled payment transactions accepted via personal contact Number of street light failure reports (county) / abandoned vehicle reports (district) accepted via personal contact 	112	112	87	72	67	
Other Electronic Media <i>(e.g. BACS, text messaging):</i> <ul style="list-style-type: none"> Number of e-enabled payment transactions accepted via BACS or other electronic form Number of street light failure reports (county) / abandoned vehicle reports (district) accepted via other electronic media 	340	364	368	380	394	Texting and DiTV
Non Electronic <i>(e.g. cash office, post)</i> <ul style="list-style-type: none"> Number of payments accepted by cheque or other non-electronic form Number of street light failure reports (county) / abandoned vehicle reports (district) accepted via non-electronic form 	21.8	21.3	16.6	13.0	10.0	Taunton & Wellington Cash Offices (Cheques)

3. Delivery of Key Technical Building Blocks & Priority Services

Councils are asked to indicate how key technical building blocks and priority services are to be developed and managed by indicating the relative usefulness of outputs from ODPM Pathfinder Projects, National Projects and/or partnership working with other local authorities and/or use of other means. A sliding scale from 1-5 (i.e. from 1=not useful, to 5=essential) should be used. More information about Pathfinder work and National Projects can be found at www.localgov.gov.uk.

National Project Technical Building Blocks & Priority Service Areas	Use of outputs from ODPM Pathfinder Project (please score between 1-5)	Use of outputs from ODPM National Project (please score between 1-5)	Partnership working with other local authorities (please score between 1-5)	Other Means (please score between 1-5)	Comment (please comment briefly on your plans for developing each named technical building block or priority service area)
Websites	3	3	4	4	Our website will be transactional next year
Smart cards	3	3	5		Until we can cost justify it is not a priority
Interactive Digital TV	5	3	5		Participants in a Pathfinder project (SomersetDirect)
Mobile Technology (i.e. for home/site visits)		3	2	4	Have been using the technology for some time in Housing and carparking
Telemetry (i.e. remote, real time & signalling)		2	3	4	Elderly care line, otherwise no other project t identified
Customer Relationship Management (CRM)	3	2	4	4	Our ISB4 project is due live April 2004
Knowledge Management	4	2	3		Used as part of our ISB4 project
Workflow	2	2	3	4	Our workflow project is progressing satisfactorily
e-Procurement	2	2	2	4	Have implemented those part of e-procurement that are cost justified.
Schools admissions					N/A
Local Planning Services	1	5	3	5	Significant progress made. Further functionality being developed
Electronic exchange of property information with Valuation Office Agency (VOA) for Council Tax & Business Rates		5	1	3	We await results of National Project
Working with business		4	1	4	
Crime reduction / youth offending					keeping watching brief
Claiming benefits		5	2	3	
Local e-Government Standards & Accreditation		5	3	2	e-GIF compliant 2004/5, e-GMS compliant 2005/6
Fire Services					N/A
Trading standards					N/A
Multi Agency Information Sharing		5	5		We share information with Somerset CC
e-Democracy		5	2	1	This is not a priority

4. Resources

Councils are asked to provide a summary of current and forecast expenditure on implementing electronic government up to 2005/6. This should include the standard elements in the table below and brief commentary on the use of IEG money. (Please note that implementing e-government expenditure refers to investment designed to e-enable local services and to transform their accessibility, quality and cost-effectiveness in line with the 2005 target. Cyclical spend related to the maintenance of the existing ICT infrastructure should not be included):

Resources	Actual (£'000s)		Forecast (£'000s)			Comment
	01/2	02/3	03/4	04/5	05/6	
<ul style="list-style-type: none"> £200,000 IEG money in 2002/3 and 2003/4 		200	200	200	200	
<ul style="list-style-type: none"> financial contributions from EU funding 	0	0	0	0	0	
<ul style="list-style-type: none"> financial contributions from other sources of Government funding, such as the Invest to Save Budget (ISB) 	22	187	140	50		
<ul style="list-style-type: none"> financial contribution from public-private partnerships 	0	0	0	0	0	
<ul style="list-style-type: none"> financial contribution to or from partnership projects undertaken with other organisations, including ongoing project work using ODPM Local e-Government Partnership Programme funding and work with other government departments or agencies that have an element of service e-enabling 	(15)	(45)	(50)			
<ul style="list-style-type: none"> resources being applied from internal revenue and capital budgets to improve the quality of services through e-enablement 	191	139	215	175	100	
<ul style="list-style-type: none"> other resources (e.g. training) (please specify) 						
Sub total	198	481	505	425	300	
<ul style="list-style-type: none"> less current and projected savings produced from e-government investment 	0	0	0	0	100	
TOTAL	198	481	505	425	200	

SUBMISSION

Please make sure that your IEG3 return reaches us **by midnight on Monday 10 November 2003**.

We would prefer to receive responses by email at: localegov@odpm.gsi.gov.uk. You may also use the online form facilities at the I&DeA's ESD Toolkit - www.esd-toolkit.org.

General enquiries regarding the submission of IEG3 returns should be addressed to:

Angela Isichei
Local e-Government Team
Office of the Deputy Prime Minister
Zone 3/G5
Bressenden Place
London SW1E 5DU
Tel: 020 7944 4258
Fax: 020 7944 3799

FURTHER INFORMATION

Details of the National Strategy for local e-government can be found at www.localegov.gov.uk

Details of national infrastructure projects can be found at www.e-envoy.gov.uk & www.idea.gov.uk/ljih

Your regional IEG3 contacts at the ODPM are:

Yorkshire & Humberside – Anne Wood – anne1.wood@odpm.gsi.gov.uk

East – Julian Bowrey – julian.bowrey@odpm.gsi.gov.uk

East Midlands – Caroline Stanger – caroline.stanger@odpm.gsi.gov.uk

South West, Fire Authorities – Peter Blair – peter.blair@odpm.gsi.gov.uk

London, South East, North East, National Parks - Janice Morphet – janice.morphet@odpm.gsi.gov.uk

North West, West Midlands - Chris Haynes – chris.haynes@odpm.gsi.gov.uk

PUBLICATION OF IEG STATEMENTS

The ODPM may wish to publish information in connection with IEG3 proformas in due course or deposit them in its own library or that of the Houses of Parliament. Information may also be published as part of a national database to allow other local authorities to use IEG3 data for benchmarking purposes. Should you wish any element of your proforma to be treated in confidence please clearly indicate this in your response. Nevertheless, all responses will be included in statistical summaries.

A checklist for councillors and chief executives

The national strategy aims to set out briefly and clearly the issues that council leaders, members, e-champions, chief executives and senior managers should be considering, the questions they should ask of their organisations and the national framework that is being created to support them.

Local e-government is a core part of the drive to improve and modernise local government. It can help you to:

- **Transform services** – making them more accessible, more convenient, more responsive and more cost-effective.
- **Renew local democracy** - making councils more open, more accountable, more inclusive and better able to lead their communities.
- **Promote local economic vitality** – creating a modern business environment can promote jobs skills, jobs and investment in your area.

The Checklist

The checklist gives you a handy way to prompt your council to think through the issues you will need to address – and to consider them in the wider context of your council's objectives.

Further information, details and guidance can be found at the government's portal for local government information

www.info4localgov.uk

and at the National Strategy Website

www.localgov.gov.uk

Leadership

- 1 Who leads e-government in your council?
Have you appointed senior councillor and manager e-champions?
Do you have a strategy to engage service managers and staff?
- 2 Does your local e-government strategy support:
 - your Community Strategy?
 - your Best Value Performance Plan?
 - your Local Public Service Agreement?
 - your service strategies?
- 3 Do you regularly review progress against your local strategy?

Transforming services

- 4 Do you have a customer access strategy?
Does it identify your customers?
Does it set out how they will deal with the council now and in the future?
Does it set targets for the use of each main access channel?
- 5 How will you help and encourage people to use electronic services?
Are your services easy to use? How could they be made easier?
Do they offer real advantages above traditional services?
Are they secure – and how are you building public confidence in them?
How are you helping your community gain access to technology and skills?

- 6 Are you building services around customers?
How are you joining up council services?
How are you joining up with other public services and councils?
- 7 Are you re-designing administrative processes to make your employees' jobs easier, more productive and more effective?
- 8 Are you planning to use Pathfinder and National Project products to help transform your services and achieve your e-government target?

Renewing local democracy

- 9 Are you using e-government to increase opportunities for more people to:
 - Contact your council?
 - Find out what it is doing?
 - Express their views and make decisions on services and plans?
 - Access the information you hold about them?
 - Complain when things go wrong?
 - Debate issues of local importance with you – and with each other?
- 10 Do your councillors have access to:
 - E-mail?
 - The internet?
 - Information that is comprehensive and easy to use about your area and your council's performance – and how they compare to others?
- 11 Does your e-government strategy promote social inclusion?
How are you making internet access and skills available to all who want them?
How are you using new channels to reach those who have been excluded from services in the past?
Do your electronic services improve access to services for people with disabilities?

Promoting local economic vitality

- 12 How do you present your area as a place to do business?
Does your website really sell your area?
Can investors use it to do business with you?
- 13 How do you do business with local businesses?
Can you make orders and payments electronically?
Are you using e-procurement to make it easier for local businesses to work with you?
- 14 Do businesses in your area have access to a high-speed communications infrastructure?
Are you working with your Regional Development Agency to promote widespread broadband availability?
- 15 Do you have a plan to increase the ICT skills of your workforce and population?

Delivering local e-government

- 16 Do you have a delivery plan to support your local e-government strategy?
Does the plan cover all of the resources you will need, including:
 - *People?*
 - *Skills?*
 - *Money?*
 - *Technology?**Does it include a clear procurement strategy for the technology and services you will need?*
Have you identified the risks in the plan – and how you can manage them?
- 17 Have you set targets and established ways to measure:

- The availability of your electronic services?
- Take up of your services by different delivery channels?
- The value for money of your electronic services?
- Progress in joining up services?
- The participation of more people – and a wider range of people – in local democracy?
- The contribution of e-government to your local economy?

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE – 22ND OCTOBER, 2003

REPORT OF CHIEF EXECUTIVE

**This matter is the responsibility of the Executive Councillor for Leisure,
Councillor Mrs. D. S. Bradley**

**LEISURE TRUST – APPROVAL OF MEMORANDUM AND ARTICLES OF
ASSOCIATION OF TONE LEISURE AND PROGRESS UPDATE**

1. Executive Summary

- 1.1. This report seeks the approval of the Executive to the Memorandum and Articles of Association of Tone Leisure (South West). It also provides a brief update on progress towards the transfer of our leisure assets to Tone Leisure in January 2003.

2. Memorandum of Association

- 2.1. The Memorandum of Association of Tone Leisure (South West), essentially, sets out the Objects of the Company, their Powers and how they may use the income and property of the Company.

3. Articles of Association

- 3.1. The Articles of Association deal broadly with the Rules of the Company and with Trustee and Member issues. It covers the make up of the Board, the holding and proceedings at General Meetings, the appointment of and roles and responsibilities of Trustees and various procedural issues.

4. Key Issues arising for the Council

- 4.1. A copy of both documents are attached at Appendix 1. Once agreed by the Council, they will be considered by the Shadow Board of the Trust, in conjunction with their legal advisers.
- 4.2. Key points to note are:-
- 4.2.1. These are the constitutional documents of the Trust.
- 4.2.2. They govern how the Trust will do business.
- 4.2.3. They have been drafted so as to be broadly acceptable to the Charities Commission. This is in anticipation of submission by the Trust for Charitable Status at a future point in time.

4.2.4. They provide for a high standard of probity which should give comfort to the Council.

4.2.5. Every Trustee is bound to put the interests of the Trust first. The Council will be able to nominate Member Trustees and they will need to be mindful of these constitutional documents.

4.2.6. They have been drafted by and approved by the Council's own external legal advisers.

5 . General Progress Update

Key Documentation

5.1. Much progress has been made by the project team and our external advisers on key documents including the Head Lease, Transfer Agreement and Funding Agreement.

5.2. There are still elements of detail to be completed and some substantive issues to be resolved which are detailed in the next paragraph.

6. Outstanding Issues

6.1. *Pensions*

6.1.1. The County Council are considering a change of policy prior to our transfer which would require this Council to fund a bond as part of the application by the Trust to gain admitted body status to the pension fund.

6.1.2. We are currently looking at options in terms of companies prepared to provide the necessary bond and alternative arrangements should the cost prove prohibitive. A verbal update will be given at the meeting.

6.2. *Facilities*

6.2.1. The County Council has agreed, in principle, to the sub-lease of Wellsprings to the Trust. However, the detail of the agreement is yet to be resolved.

6.2.2. The Council has given 6 months notice of its intention to withdraw from the running of Castle Sports Centre by 31st March, 2004. However, we would hope to agree an earlier disengagement period with the parties involved to align the Notice period with the commencement of the Trust in January 2004. If that is not possible, the Trust will need to run the facility for up to 3 months.

6.3. *Formation of the Company*

6.3.1. It is essential that a target of mid-November is achieved to ensure that Wellsprings staff can be employed by the Trust rather than the Council in the run up to opening.

6.3.2. If the Memorandum and Articles are agreed by all parties by the end of this month, this is achievable.

6.4. ***Business Plan and First Year's Grant***

6.4.1. The first draft of the Trust Business Plan has been produced. However, more work is required to reflect the final details of the landlord/tenant maintenance and improvement responsibilities, the Service Level Agreements, the modelling commissioned to assess impact of the opening of Wellsprings on the Business Plan for Blackbrook and the analysis of the changes in the external market.

6.4.2. All of these factors mean that it is premature for me to give an indication at this stage of the likely level of grant required for the first fifteen months.

7. **Final Council Approval**

7.1. The intention is to resolve the outstanding issues prior to the next meeting of the Executive to allow us to bring all of the remaining key documents to you for approval. If this proves impossible a special meeting of the Executive prior to Full Council in December may be required.

7.2. Full Council will be asked in December to approve the first year's grant. The Council will effectively be agreeing part of the 2004/05 budget ahead of full consideration of the total budget proposals. In future years Business Planning for the Trust and approval of the Council's budget will be aligned.

8. **Impact on Corporate Priorities**

8.1. The creation of the Leisure Trust impacts on Health and Delivery.

9. **Recommendations**

It is recommended that:-

9.1. The Executive approves the Memorandum of Association.

9.2. The Executive approves the Articles of Association.

9.3. The Executive notes the progress of the project.

Contacts:

Penny James, Chief Executive

Tel. No. 01823 356401

Juliette Dickinson, Head of Commercial Services

Tel. No. 01823 356311

Judith Jackson, Senior Solicitor

Tel. No. 01823 356409

Shirlene Adam, Head of Financial Services

Tel. No. 01823 356310

THE COMPANIES ACTS 1985 AND 1989 **APPENDIX 1**

COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

MEMORANDUM OF ASSOCIATION
OF
STONE LEISURE (SOUTH-WEST)

Name

1. The Company's name is 'Stone Leisure (South-West)' and in this document it is called 'the Company'.

Registered Office

2. The registered office of the Company is to be situated in England and Wales.

Objects

3. The objects for which the Company is established (and which are referred to in this document as 'the Objects') shall be to undertake for the benefit of the people who live work or study in or visit the Borough of Taunton Deane and its environs:
 - 3.1 the promotion for the public benefit of urban or rural regeneration in areas of social and economic deprivation within the said area or its neighbourhood by all or any of the following means:
 - 3.1.1 the provision of recreational facilities for the public at large or those who by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances have need of such facilities;
 - 3.1.2 the development of the capacity and skills of those members of the community who are socially or economically disadvantaged in such a way that they are better able to identify and help meet their needs and to participate more fully in society
 - 3.1.3 the promotion of the health and well-being of those in need;
 - 3.1.4 the creation of training and employment opportunities for members of the community who are socially or economically disadvantaged and the provision of workspace, buildings and/or land for use on favourable terms; and

- 3.1.5 the maintenance, improvement or provision of public amenities and the provision of schemes to assist and encourage the use of such amenities by members of the public;
- 3.2 the provision of facilities in the interests of social welfare for recreation and leisure time occupation with the object of improving the condition of life for the said people and to advance the education of the public in leisure and health activities;
- 3.3 the provision or assistance in the provision of facilities for physical activity education and development which will enable and encourage members of the community to play games and sports and thereby to assist in ensuring that due attention is given to the physical education and development of such pupils and students as well as to the development and occupation of their minds and with a view to furthering this object to provide or assist in the provision for the use of such pupils and students of:
 - 3.3.1 games or sports equipment of every kind;
 - 3.3.2 courses, lectures, demonstrations and coaching; and
 - 3.3.3 playing fields or appropriate outdoor or indoor facilities or education;
- 3.4 the provision of or assistance in the provision of recreational and leisure facilities and any associated amenities specially designed or adapted to meet the disabilities and requirements of elderly, disabled (whether mentally or physically), disadvantaged or sick or any persons in need thereof (or their carers) upon terms appropriate to their means;
- 3.5 the provision or assistance in the provision of facilities for staging and rehearsing performances and to educate the public in the arts and all art forms, including music, theatre, film, language, fine arts, local history;
- 3.6 the encouragement of the graphic and plastic arts by all means including the provision of facilities (including studio and exhibition space) for poor artists;
- 3.7 the provision of all types of play services and facilities for children including (but without prejudice to the generality thereof) creche and/or child care, nurseries, play groups, play centres, play buses and 'out of school' facilities and activities for children and young persons and their carers;
- 3.8 the promotion of equal access to facilities and services provided or supported by the Company for persons suffering from any disability or hardship or their carers;
- 3.9 the advancement and provision of education, training, vocational training, re-training, apprenticeships or work experience (particularly, but not exclusively, among unemployed people).

Pursuance of Objects

4. The Objects may only be pursued in a manner and by such means as are lawful and proper for a charity registered in accordance with the law of England and Wales.

Powers

5. In furtherance of the Objects but not further or otherwise the company may exercise the following powers:
 - 5.1 to provide, manage, operate, build and establish theatres, education and research institutions, organisations providing vocational training, arts, libraries, museums, community and cultural activities centres and leisure services and facilities of all kinds including single and multi-purpose buildings, complexes, outdoor areas and public open spaces for the playing and teaching of sports and games of all kinds and the enjoyment of the arts, education, leisure and recreation of all kinds;
 - 5.2 to purchase or otherwise acquire plant, machinery, furniture, fixtures, fittings and all other effects or equipment of every description necessary or convenient or usually or normally used in connection with or for the purpose of all or any of the activities carried on by the Company;
 - 5.3 to make such charges as the Company shall consider fit or provide free of charge any of the services provided by the Company;
 - 5.4 to provide, manage, operate, own, build and establish catering and refreshment services and facilities of all kinds at any arts, sports, library, educational, leisure or community, other location or other facilities provided or operated by the Company;
 - 5.5 to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Company in the shape of donations, bequests, legacies and gifts of any nature together with subscriptions, sponsorship, grants from governmental, local authority and other such public or charitable sources and any other lawful means whereby the funds and assets of the Company may be augmented, but provided that, in raising funds, the Company shall not undertake any substantial or permanent trading activities other than in the course of the actual carrying out of a primary purpose of the Company and shall conform to any relevant statutory regulations;
 - 5.6 to promote, encourage, assist, participate in, give advice on the formation, operation, management fundraising or obtaining grants and other funds and provide all other services for other charitable associations established or proposed to be established for purposes similar to the objects of the Company;
 - 5.7 to establish and support or aid in the establishment and support of any charitable trusts, companies, associations or institutions and to subscribe or guarantee money for any purposes in any way connected with the Objects or

calculated to further the same;

- 5.8 to acquire, purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property and any rights or privileges which the Company may think necessary or convenient for the promotion of the Objects, and to construct, maintain, improve and alter any buildings or erections necessary or convenient for the work of the Company;
- 5.9 to borrow or raise money for the purposes of the Company on such terms and on such security (subject to such consents as may be required by law) as shall be deemed to be necessary or appropriate;
- 5.10 to sell, let, lend, develop, exchange, lease and accept surrenders of leases, mortgage (subject to such consents as shall be required by law), dispose of or turn to account and manage all or any of the property or assets of the Company as may be thought necessary with a view to the promotion of the Objects;
- 5.11 to co-operate with other persons, charities, voluntary bodies, firms, companies, organisations, central or local government authorities and statutory bodies and to exchange information and advice with them;
- 5.12 to invest the money of the Company not immediately required for its purposes in or upon such investments, securities or property as may be thought fit, subject nevertheless to such conditions and such consents as may be imposed or required by law and, in any case in which the Company shall hold or receive any property which may be the subject of a trust, the Company shall only deal with or invest the same in such manner as is permitted by law having regard to such trusts;
- 5.13 to enter into any arrangements with any government or authority (supreme, municipal, local or otherwise) which may seem conducive to the attainment of the Objects or any of them, and to obtain from any such government or authority any charters, decrees, rights, privileges or concessions which the Company may think desirable and to carry out, exercise and comply with any such charters, decrees, rights, privileges and concessions;
- 5.14 to employ (on a full-time or part-time basis), contract with or otherwise commission or engage (whether as employees, officers, advisors, entrepreneurs or the like) such persons as shall be neither members nor Trustees of the Company and (subject to clauses 6 and 7 of this document) to make such reasonable and necessary arrangements as to conditions of service or contract and provision for superannuation, pensions and the like (for staff and their dependants) as are thought expedient for the promotion and attainment of the Objects;
- 5.15 to draw, make, accept, endorse, discount, execute and issue promissory notes, bills, cheques and other instruments and to operate bank accounts in the name of the Company;

- 5.16 to pay out of the funds of the Company the costs, charges and expenses of and incidental to the formation and registration of the Company;
- 5.17 to provide, manage, operate, organise and promote conferences, seminars, workshops, competitions, exhibitions, shows and other events of all kinds at any location;
- 5.18 to publicise and promote the Objects by the publication and dissemination (whether gratuitously or for payment) of written, audible or audiovisual material of any kind;
- 5.19 to lend money, give credit to, take security for such loans or credit from and to guarantee on behalf of another charity and become or give security for the performance of contracts and obligations by any person or company;
- 5.20 to take any gift of property, whether subject to any special trust or not, for all or any of the Objects;
- 5.21 to subscribe to, become a member of or amalgamate or co-operate with any other charitable organisation, institution, society or body not formed or established for purposes of profit (whether incorporated or not and whether in Great Britain or Northern Ireland or elsewhere) whose objects are wholly or in part similar to those of the Company and which by its constitution prohibits the distribution of its income and property among its members to an extent at least as great as is imposed on the Company by virtue of Clause 6 hereof and to purchase or otherwise acquire and undertake all such part of the property, assets, liabilities and engagements as may lawfully be acquired or undertaken by the Company or any such charitable organisation, institution, society or body; furthermore to transfer all or any part of the property, assets, liabilities and engagements of the Company as may lawfully be transferred to any such charitable organisation, institution, society or body;
- 5.22 to purchase indemnity insurance for the benefit of any trustee or officer of the Company, but provided that such insurance shall be limited in extent as required by clause 7.7
- 5.23 subject to such consents as may be required by law, to compromise, settle, conduct, enforce or resist either in a court of law or by arbitration or any other method of dispute resolution any suit, debt, liability or claim by or against the company; and
- 5.24 to do all such other lawful things as shall further the Objects or any of them or shall be considered likely so to do;

and in exercising such powers the Company shall endeavour to work within a community development approach and in partnership with other bodies to achieve its objects.

Use of income and property

6. The income and property of the Company shall be applied solely towards the promotion of the Objects and no portion thereof shall be paid or transferred (directly or indirectly, by way of dividend, bonus or otherwise by way of profit) to Members of the Company and no trustee shall be appointed to any office of the Company paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Company.
7. Notwithstanding the provisions of clause 6, nothing in this document shall prevent any payment in good faith by the Company of:
 - 7.1 the usual professional charges for business done by any trustee who is a solicitor, accountant, stockbroker or other person engaged in a profession, or by any partner of his or hers, when instructed by the Company to act in a professional capacity on its behalf, but provided that at no time shall a majority of the trustees benefit under this provision and that a trustee shall withdraw from any meeting at which his or her appointment or remuneration, or that of his or her partner, is under discussion;
 - 7.2 reasonable and proper remuneration for any services rendered to the Company (other than by reason of acting as a trustee) by any member, officer or servant of the Company;
 - 7.3 interest on money lent by any member or trustee of the Company at a reasonable and proper rate per annum not exceeding 2% less than the published base lending rate of a clearing bank to be selected by the trustees;
 - 7.4 fees, remuneration or other benefit in money or money's worth to any company of which a trustee shall also be a member, but provided that at no time shall a majority of the trustees benefit under this provision and that a trustee shall withdraw from any meeting at which his or her appointment or remuneration, or that of his or her partner, is under discussion;
 - 7.5 reasonable and proper rent for premises demised or let by any trustee;
 - 7.6 reasonable out-of-pocket expenses incurred by any trustee in the performance of their duties; or
 - 7.7 any premium in respect of any indemnity insurance to cover the liability of trustees and any officer of the Company which by virtue of any rule of law would attach to them in respect of any negligence, default, breach of trust or breach of duty of which they may be guilty in relation to the Company, but provided that any such insurance shall not extend to any claim arising from any act or omission which any trustee or officer of the Company knew to be a breach of trust or breach of duty or which was committed in reckless disregard of whether or not it was a breach of trust or breach of duty.

Limited liability

8. The liability of the members is limited.

Amendment of Memorandum

9. No amendment shall be made to clause 3 of this Memorandum without a vote of seventy-five per cent of members of the Company voting at a General Meeting of which fourteen clear days' prior notice has been given, such notice to include details of the change(s) to be proposed at that meeting.

Winding up

10. Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up while he or she is a member or within one year after he or she ceases to be a member, for payment of the debts and liabilities of the Company contracted before he or she ceased to be a member and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding £1.

11. If the Company is wound up or dissolved and after all its debts and liabilities have been satisfied there remains any property it shall not be paid to or distributed among the members of the Company, but shall be given or transferred to any company, organisation or association having objects similar to the Objects (and which prohibits the distribution of its or their income and property to an extent at least as great as is imposed on the Company by the terms of this document) chosen by the members of the Company at or before the time of dissolution, and if that cannot be done then to some charitable object similar to those of the Company.

We, the subscribers to this Memorandum of Association, wish to be formed into a Company pursuant to this Memorandum.

1.

2.

Dated the day of 2003

Witness to the above signatures:

Name:

Address:

Occupation:

THE COMPANIES ACTS 1985 AND 1989

COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

ARTICLES OF ASSOCIATION
OF
TONE LEISURE (SOUTH-WEST)

Interpretation

1. In these Articles:

‘the Act’ means the Companies Act 1985;

‘these Articles’ means these Articles of Association of the Company;

‘clear days’ in relation to a period of notice means the period excluding the day on which the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;

‘the Company’ means the company intended to be regulated by these Articles;

‘executed’ includes any mode of execution;

‘local authority person’ means a person who is associated with a local authority within the meaning of Section 69(5) of the Local Government and Housing Act 1989;

‘the Memorandum’ means the Memorandum of Association of the Company;

‘Office’ means the registered office of the Company;

‘Seal’ means the common seal of the Company if it has one;

‘Secretary’ means the secretary of the Company or any other person appointed to perform the duties of the secretary of the Company, including a joint, assistant or deputy secretary;

‘the Trustees’ means the trustees of the Company (and ‘Trustee’ has a corresponding meaning);

‘the United Kingdom’ means Great Britain and Northern Ireland; and

words importing the masculine gender only shall include the feminine gender.

2. Subject as aforesaid, words or expressions contained in these Articles shall, unless the context requires otherwise, bear the same meanings as in the Act.
3. Any reference to any Act of Parliament shall include any statutory modification or re-enactment thereof for the time being in force.

Members

4. The subscribers to the Memorandum, the Trustees and such other persons as are admitted to membership in accordance with these Articles shall be members of the Company.
5. Subject to Article 4*, no person shall be admitted as a member of the Company unless his application for membership is approved by the Trustees.
6. The Trustees may not admit to membership:
 - 6.1 any local authority person, save where the admission of such person would not result in the total number of members who are Local Authority Persons being 20% or more of the total membership
 - 6.2 any body corporate falling within the definition of a company controlled by a local authority contained in section 68(1) of the Local Government and Housing Act 1989 or that of a company subject to local authority influence contained in section 69(1) of the said Act; or
 - 6.4 any local authority.

Resignation and expulsion of members

7. A member shall cease to be a member if he:
 - 7.1 resigns in by giving notice in writing to the Secretary (provided that after such retirement the number of members is not less than five); or
 - 7.2 fails to pay any subscription due in respect of membership within three months of its falling due; or
 - 7.3 is expelled from membership in accordance with Article 9*; or
 - 7.4 is the nominee of an unincorporated organisation and that organisation replaces him as its nominee or is wound up; or
 - 7.5 being an individual, dies; or
 - 7.6 being a corporate body, is wound up or goes into liquidation; or

- 7.7 being an individual, becomes a Local Authority Person (save where this would not result in the total number of members who are Local Authority Persons being 20% or more of the total membership).
8. In the event of an individual who is the nominee of an unincorporated organisation ceasing to be a member pursuant to Article 7.4*, the nominating organisation may with the express consent of the Board of Trustees nominate another individual to membership in her/his place.
9. A member may be expelled by a resolution carried by the votes of not less than two-thirds of the members present in person at an annual or a special general meeting of the Company of which notice has been duly given, provided that a complaint in writing of conduct detrimental to the interests of the Company has been sent to them by order of the Board not less than one calendar month before the meeting. Such complaint shall contain particulars of the conduct complained of and shall call upon the member to answer the complaint and to attend the meeting called under this Article. At such meeting the members shall consider evidence in support of the complaint and such evidence as the member may wish to place before them. If on due notice having been served upon them the member fails to attend the meeting the meeting may proceed in his absence if the members present so decide by a simple majority of those present at the meeting.
10. A person expelled from membership shall cease to be a member from the date on which the resolution to expel them was carried under the preceding Article.
11. No person who has been expelled from membership shall be re-admitted except by a resolution carried by the votes of two-thirds of the members present in person and voting on a poll at any general meeting of which notice has been duly given.

General Meetings

12. The Company shall hold an annual general meeting each year in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it. Not more than fifteen months shall elapse between the date of one annual general meeting of the Company and that of the next, but provided that so long as the Company holds its first annual general meeting within eighteen months of its incorporation it need not hold it in the year of incorporation or in the following year. The annual general meeting shall be held at such times and places as the Trustees shall appoint. All general meetings other than annual general meetings shall be called extraordinary general meetings.
13. The Trustees may call general meetings and, on the requisition of members pursuant to the provisions of the Act, shall forthwith proceed to convene an extraordinary general meeting for a date not later than eight weeks after receipt of the requisition. If there are not within the United Kingdom sufficient Trustees to call a general meeting, any Trustee or any member of the Company may call a general meeting.

Notice of General Meetings

14. An annual general meeting and an extraordinary general meeting called for the

passing of a special resolution appointing a person as a Trustee or at which a resolution in respect of which special notice has been given to the Company is to be moved shall be called by at least 21 clear days notice. All other extraordinary general meetings shall be called by at least 14 clear days notice. Without prejudice to the foregoing, a general meeting may be called by shorter notice if it is so agreed:

- 14.1 in the case of an annual general meeting by all the members entitled to attend and vote; and
 - 14.2 in the case of any other meeting by a majority in number of members having the right to attend and vote, such majority together holding a proportion of the total voting rights at such meeting being not less than 95% (or such other percentage as the Company may by elective resolution and in accordance with the Act determine).
15. The notice shall specify the time and place of the meeting and the general nature of the business to be transacted and, in the case of an annual general meeting, shall specify the meeting as such.
 16. The notice shall be given to all the members and to the Trustees and the auditors.
 17. The accidental omission to give notice of a meeting to or the non-receipt of notice of a meeting by any person entitled to receive such notice shall not invalidate the proceedings at that meeting.

Proceedings at General Meetings

18. No business shall be transacted at any meeting unless a quorum is present. Unless otherwise decided by the Company in general meeting, three persons entitled to vote upon the business to be transacted, each being a member or a duly authorised representative of a member organisation, or one quarter of the total number of such persons for the time being, whichever is the greater, shall constitute a quorum.
19. If a quorum is not present within half an hour from the time appointed for the meeting, or if during a meeting a quorum ceases to be present, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such time and place as the Trustees may determine.
20. The chair (if any) of the Trustees or in his absence some other Trustee nominated by the Trustees shall preside as the chair of the meeting, but if neither the chair nor such other Trustee (if any) be present within 15 minutes after the time appointed for holding the meeting and willing to act the Trustees present shall elect one of their number to chair the meeting and, if there is only one Trustee present and willing to act, he shall chair the meeting.
21. If no Trustee is willing to act as the chair, or if no Trustee is present within 15 minutes after the time appointed for holding the meeting, the members present and entitled to vote shall choose one of their number (who shall not be a local authority person) to chair the meeting.

22. A Trustee shall, notwithstanding that he is not a member, be entitled to attend and speak (but not to vote) at any general meeting.
23. The chair may, with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than business which might properly have been transacted at the meeting had the adjournment not taken place. When a meeting is adjourned for 14 days or more at least 7 clear days' notice shall be given specifying the time and place of the adjourned meeting and the general nature of the business to be transacted, but otherwise it shall not be necessary to give any such notice.
24. Subject to Articles 25*, 33*, and 35*, each member shall have one vote.
25. In the event of the number of members who are local authority persons representing 20% or more of the total number of members present and entitled to vote ('the Total'), such member or members shall either not be entitled to vote or, if the Total would permit one or more of them to vote without in the aggregate representing 20% or more of the Total they shall be required to decide amongst themselves (by whatever means they shall think fit) which one or more shall be entitled to vote. In default of unanimous agreement declared as such by such members to the chair of the meeting within fifteen minutes of the question being raised, none of such members shall be entitled to vote.
26. A resolution put to the vote of a meeting shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll is duly demanded. Subject to the provisions of the Act, a poll may be demanded:
 - 26.1 by the chair; or
 - 26.2 by a member or members representing not less than one tenth of the total voting rights of all the members having the right to vote at the meeting or by 15 members (whichever shall be the lesser number).
27. Unless a poll is duly demanded, a declaration by the chair that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority and an entry to that effect in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
28. The demand for a poll may be withdrawn before the poll is taken, but only with the consent of the chair. The withdrawal of a demand for a poll shall not invalidate the result of a show of hands declared before the demand for the poll was made.
29. A poll shall be taken as the chair directs and he may appoint scrutineers (who need not be members) and fix a time and place for declaring the results of the poll. The result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
30. In the event of an equality of votes, whether on a show of hands or on a poll, the chair

shall not have a second or casting vote and the resolution shall be deemed to have been lost.

31. A poll demanded on the election of a chair or on a question of adjournment shall be taken immediately. A poll demanded on any other question shall be taken either immediately or at such time and place as the chair directs not being more than 30 days after the poll is demanded. The demand for a poll shall not prevent continuance of a meeting for the transaction of any business other than the question on which the poll is demanded. If a poll is demanded before the declaration of the result of a show of hands and the demand is duly withdrawn, the meeting shall continue as if the demand had not been made.
32. In all cases at least 7 clear days' notice shall be given to all members (whether or not present in person at the meeting at which the poll has been demanded) specifying the time and place at which the poll is to be taken.

Votes of Members

33. A member shall be entitled to appoint another member to be his proxy to vote for or against (or to abstain from voting on) a resolution to amend or replace the Memorandum or these Articles but such proxy shall not be allowed a discretion as to the use of such vote. Any proxy shall be in such form as the Company may from time to time prescribe, shall specify the voting instructions given to the proxy holder and shall be lodged at the Office not later than 48 hours before the time specified for the commencement of the meeting at which it is to be used. Save as provided in this Article, a member shall not be entitled to appoint another person to vote as his proxy.
34. No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting shall be valid. Any objection made in due time shall be referred to the chair whose decision shall be final and conclusive.
35. Any member who (or whose spouse, parent or child) is materially interested, or financially interested, or who has any conflict or duality of interest personally or as a member of a firm, or as a director or other officer of a company, bank or building society, or in any way whatsoever in any contract, arrangement or other transaction about to be discussed by the Company, shall disclose their interest and not vote upon the matter under discussion, nor (unless requested so to do by the other members of the Company) remain during the discussion of such matter, and, if by inadvertence they do remain and vote, their vote shall not be counted.

Trustees

36. The minimum number of Trustees (including any ex officio Trustee and any co-opted pursuant to Article 43*) shall for the period of three months from the date of incorporation of the Company be not less than two and thereafter shall be not less than seven and the maximum number of Trustees shall not at any time be more than fifteen.

Powers of Trustees

37. Subject to the provisions of the Act, the Memorandum and the Articles and to any directions given by special resolution, the business of the Company shall be managed by the Trustees who may exercise all the powers of the Company. No alteration of the Memorandum or the Articles and no such direction shall invalidate any prior act of the Trustees which would have been valid if that alteration had not been made or that direction had not been given. The powers given by this Article shall not be limited by any special power given to the Trustees by the Articles and a meeting of Trustees at which a quorum is present may exercise all the powers exercisable by the Trustees.
38. In addition to all powers hereby expressly conferred upon them and without detracting from the generality of their powers under the Articles, the Trustees shall have the powers to expend the funds of the Company in such manner as they shall consider most beneficial for the achievement of the Objects, to invest in the name of the Company such part of the funds as they may see fit, to expend the proceeds of any such investment in furtherance of the Objects and to enter into contracts on behalf of the Company.

Appointment and retirement of Trustees

39. No person may be elected or nominated as a Trustee:
- 39.1 unless he is a member of the Company
 - 39.2 if he is an employee of the Company or any of its subsidiary or associated companies, save where the election of such person will not result in the aggregate number of Trustees who are employees exceeding two members of the Board of Trustees;
 - 39.3 if he is a local authority person, save where the election of such person will not result in the aggregate number of Trustees who are local authority persons exceeding 19% of the membership of the Board of Trustees or two (whichever is the smaller);
 - 39.4 unless he has attained the age of 18 years; or
 - 39.5 in circumstances such that, had he already been a Trustee, he would have been disqualified from acting pursuant to Article 47*;
40. No person shall be proposed for election as a Trustee unless such person shall be proposed by notice in writing by no less than three members of the Company. Such notice shall contain the particulars of that person which would, if he were so appointed, be required to be included in the Company's register of Trustees and sufficient information to demonstrate such person's satisfaction of any criteria for the selection of Trustees specified in any rules made pursuant to Articles 70* or 72*. Such notice shall be countersigned by the candidate as an acknowledgement of his willingness to accept office if elected.

41. The Chief Executive or Managing Director of the Company (by whatever title described) shall be a Trustee ex officio.
42. At the second and each subsequent annual general meeting one third of the elected Trustees or such number of elected Trustees as is nearest to one third shall retire and shall immediately be eligible for re-election without nomination in accordance with Article 40*. The elected Trustees to retire shall be those who have been in office for the longest period since their most recent election, and if more than one third shall have been elected on the same date those to retire shall be selected by the Board of Trustees by lot.
43. Subject to the provisions of Article 36*, the Trustees may co-opt not more than three additional Trustees to serve as such for such period (not exceeding two years) as the Trustees shall determine. No person who would not be eligible for election as a Trustee shall be eligible for co-option. A co-opted Trustee shall be entitled to vote at meetings of the Board of Trustees.

The Chair of the Board of Trustees

44. At their first meeting and at their next meeting after each annual general meeting of the Company the Trustees shall elect a Chairperson from amongst their own number. Any officer so appointed may be removed or replaced by a majority vote of the Board of Directors at any time, or by a majority vote of the members at a extraordinary general meeting the notices for which specified that the matter was to be raised. No Local Authority Person or employee of the Company shall be eligible for election as Chairperson.
45. The chair of the Board of Trustees shall not have a second or casting vote.
46. No Trustee shall serve as chair of the Board of Trustees for a period or periods amounting in the aggregate to six years in the preceding seven years.

Disqualification and removal of Trustees

47. A Trustee shall forthwith cease to hold office if he:
 - 47.1 ceases to be a Trustee by virtue of any provision in the Act or would be disqualified from acting as a Trustee by virtue of Section 72 of the Charities Act 1993;
 - 47.2 becomes incapable by reason of mental disorder, illness or injury of managing and administering his own affairs;
 - 47.3 resigns his office by notice to the Company (but only if at least two Trustees will remain in office when the notice of resignation is to take effect);
 - 47.4 is absent without the permission of the Trustees from three successive meetings held within a period of twelve months and the Trustees resolve that his office be vacated;

- 47.5 becomes a local authority person and by reason thereof the limit on the number of Trustees who are permitted to be local authority persons contained in Article 39(3)* is breached;
- 47.6 before the date of the first Annual General Meeting of the Company becomes an employee of the Company or any of its subsidiary or associated companies and by reason thereof the limit on the number of Trustees who are permitted to be such employees contained in Article 39(2)* is breached; or
- 47.7 has held office as a Trustee (whether elected or co-opted) for a period or periods amounting in the aggregate to six years in the preceding seven years.

Trustees' expenses and appointments

- 48. The Trustees may be paid all reasonable travelling, hotel and other expenses properly incurred by them in connection with their attendance at meetings of the Trustees or committees of Trustees or general meetings or otherwise in connection with the discharge of their duties, but shall otherwise be paid no remuneration except as provided in Clause 7 of the Memorandum.

Trustees' Appointments

- 49. Except to the extent permitted by Clause 7 of the Memorandum, no Trustee shall take or hold any interest in property belonging to the Company or receive remuneration or be interested otherwise than as a Trustee in any other contract to which the Company is a party.

Proceedings of Trustees

- 50. Subject to the provisions of these Articles, the Trustees may regulate their proceedings as they think fit. A Trustee may, and the Secretary at the request of a Trustee shall, call a meeting of the Trustees. It shall not be necessary to give notice of a meeting to a Trustee who is absent from the United Kingdom. Questions arising at a meeting shall be decided by a majority of votes. Each Trustee shall (subject to Articles 54* and 58*) have one vote.
- 51. The quorum for the transaction of the business of the Trustees may be fixed by the Trustees, but shall not be less than 50% of the Trustees present in person.
- 52. The Trustees may act notwithstanding any vacancies in their number, but, if the number of the Trustees is less than the number fixed as the quorum, the continuing Trustees or Trustee may act only for the purpose of requesting any member to fill any vacancy or of calling a general meeting.
- 53. Upon any Trustee becoming a local authority person such Trustee shall (at the discretion of a simple majority of the remaining Trustees and without prejudice to any other Article) cease to have any rights to vote and shall not be counted in reckoning whether a quorum is present at any meeting of the Trustees.
- 54. No Trustee who is a local authority person shall be entitled to vote at any time during

any meeting of the Trustees if the aggregate number of Trustees who are local authority persons shall not constitute less than 20% of the total number of Trustees present in person at such time. Provided that the number of local authority persons thereby permitted to vote shall constitute less than 20% of the total number of Trustees present at such meeting, those Trustees who are local authority persons may agree among themselves which persons from among their number shall be entitled to vote at such meeting. In default of unanimous agreement declared as such by such Trustees to the Chair of the meeting within fifteen minutes of the question being raised, none of such Trustees shall be entitled to vote.

55. The Trustees may delegate any of their powers (other than the power to make Rules pursuant to Article 70* to any committee of the Trustees. The constitution and proceedings of any such committee shall be regulated by Rules made pursuant to Article 70* (but provided that such Rules shall include provisions to the same effect as those contained in Articles 53* and 54*) and the Trustees shall in addition have power to establish one or more advisory committees consisting of such number of Trustees and other persons as they shall think fit.
56. A resolution in writing, signed by all the Trustees entitled to receive notice of a meeting of the Trustees, shall be as valid and effective as if it had been passed at a meeting of the Trustees duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the Trustees.
57. All bank accounts shall be operated either as specifically authorised by the Trustees or in accordance with any Rules made pursuant to Article 70* and shall indicate the name of the Company. The Trustees shall ensure that appropriate security arrangements are maintained.
58. Any Trustee, committee member or co-opted Trustee who (or whose spouse, parent or child) is materially interested, or financially interested, or who has any conflict or duality of interest personally or as a member of a firm, or as a director or other officer of a company, bank or building society, or in any way whatsoever in any contract, arrangement or other transaction about to be discussed by the Board or any committee, shall disclose their interest and not vote upon the matter under discussion, nor (unless requested so to do by the other members of the Board or committee) remain during its discussion of such matter (and shall not form part of the quorum in respect of such matter) and if by inadvertence they do remain and vote, their vote shall not be counted.
59. Any Trustee or co-opted Trustee who has any financial interest as described in the preceding paragraph of this Rule or who has accepted a payment, or the grant of a benefit from the Company, other than as permitted under Clause 7 of the Memorandum, shall vacate their office, either for a period or permanently, if requested so to do by the majority of the remaining Trustees present at a meeting of the Board of Trustees convened to consider such request. Any Trustee, committee member or co-opted Trustee who fails to disclose any interest required to be disclosed under Article 58* shall vacate their office either for a period or permanently if requested so to do by majority of the remaining Trustees present at a meeting specially convened for that purpose.

60. Any act done in good faith by a Trustee whose office is vacated as aforesaid shall be valid unless prior to the doing of such act written notice has been served upon the Trustee by the Board and an entry has been made in the Board's minute book stating that such Trustee has ceased to be a member of the Board.

Secretary

61. Subject to the provisions of the Act, the Secretary shall be appointed by the Trustees for such term, at such remuneration (if not a Trustee) and upon such conditions as they may think fit, and any Secretary so appointed may be removed by them.

Minutes

62. The Trustees shall keep minutes in books kept for the purpose of all appointments of officers made by the Trustees and proceedings at meetings of the Company and of the Trustees (including the names of the Trustees present at each such meeting).

Seal

63. The Seal (if any) shall only be used by the authority of the Trustees. The Trustees may determine who shall sign any instrument to which the Seal is affixed and unless otherwise so determined it shall be signed by a Trustee and by the Secretary or by a second Trustee.

Accounts

64. Accounts shall be prepared in accordance with the provisions of Part VII of the Act.

Notices

65. Any notice to be given to or by any person pursuant to these Articles shall be in writing, except that a notice calling a meeting of the Trustees need not be in writing.
66. The Company may give any notice to a member either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address. A member whose registered address is not within the United Kingdom and who gives to the Company an address within the United Kingdom at which notices may be given to him shall be entitled to have notices given to him at that address, but otherwise no such member shall be entitled to receive any notice from the Company.
67. A member present in person at any meeting of the Company shall be deemed to have received notice of that meeting and, where necessary, of the purposes for which it was called.
68. Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted.

Indemnity

69. Subject to the provisions of the Act, every Trustee or other officer or auditor of the Company shall be indemnified out of the assets of the Company against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Company.

Rules

70. The Trustees may from time to time make such rules or bye-laws as they may deem necessary or expedient or convenient for the proper conduct and management of the Company, and in particular (but without prejudice to the generality of the foregoing) they may by such rules or bye-laws regulate the procedure at general meetings and meetings of the Trustees in so far as such procedure is not regulated by these Articles and specify criteria for the selection of potential Trustees with the intent of optimising the range of skills and experience available to the Company.

71. No rule or bye-law shall be inconsistent with or shall affect or repeal anything contained in the Memorandum or the Articles.

72. The Company in general meeting shall have the power to alter, add to or repeal the rules or bye-laws and the Trustees shall adopt such means as they think sufficient to bring to the notice of members of the Company all such rules or bye-laws, which shall be binding on all members of the Company.

Amendment of Articles

73. No amendment shall be made to any of Articles 25 or 53 without a vote of ninety per cent of members of the Company voting at a General Meeting of which fourteen clear days' prior notice has been given, such notice to include details of the change(s) to be proposed at that meeting.

1.

2.

Dated the day of 2003

Witness to the above signatures:

Name:

Address:

Occupation: