



EXECUTIVE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE EXECUTIVE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 22ND AUGUST 2007 AT 18:15.

AGENDA

1. Apologies
2. Minutes of the meetings of the Executive held on 18 July 2007 and 19 July 2007 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. A Play Strategy for Taunton Deane
Report of Leisure Development Manager (attached)
6. Review of the Charges to Charities for Hiring Public Open Space for Events
Report of the Leisure Development Manager (attached)

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

7. Wellington Cemetery
Report of Task and Finish Goup (attached)
8. Firepool Development Partner Procurement
Report of Strategic Director (attached)
9. Proposed disposal of land at Wellington
Report of Asset Holdings Manager (attached)

G P DYKE
Democratic Services Manager
14 August 2007



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Executive – 18 July 2007

Present: Councillor Henley (Chairman).
Councillors Brooks, Coles, Horsley, Richard Lees, Mrs Smith and Alan Wedderkopp.

Officers: Ms S Adam (Strategic Director), Ms J Sillifant (ISiS Project Manager), Mrs K Hughes (Leisure Development Manager) and Mr G P Dyke (Democratic Services Manager).

Also Present: Councillors Bishop, Bowrah Cavill, Mrs Court-Stenning, Critchard, Denington, Farbahi, Hall, Hayward, Mrs Herbert, House, Miss James, Mrs Lees, Leighton, McMahon, Meikle, Slattery, P Smith, Mrs Stock-Williams, Stuart-Thorn, Thorne, Watson, Mrs Waymouth, D Wedderkopp, Williams, Miss Wood and Woolley .

(The meeting commenced at 6.15 pm.)

66. Apologies

Councillors Mullins and Prior-Sankey

67. Minutes

The minutes of the meeting held on 20 June 2007, copies of which had been circulated, were taken as read and were signed.

68. Declarations of Interest

Councillors Henley and Brooks declared personal interests in relation to the ISiS item as County Councillors and Councillor Mrs Smith declared an interest in the same item as an employee of Somerset County Council. Councillors Horsley and Mrs Waymouth both declared a personal interest in the item relating to Review of Charges to charities for hiring public open space for events.

69. Public Question Time

Colonel R Homeshaw submitted a statement which asked why Taunton Deane at present considered it necessary to penalise two charities rather than support them. He also asked why the economic benefits of such charitable events were not taken into account in the various reports. He felt that charities were not financially well placed.

Councillor Henley replied that these views would be taken into account when this matter was considered.

70. Review of the charges to Charities for hiring public open spaces for events

Following a request from the Executive, submitted a report on the implications of not charging charitable organisations to hire public open spaces and parks for events.

In March 2005 the Health and Leisure Review Panel considered a report on charging for the hiring of public open spaces. This proposal formed part of the review of charging the public for all services within the Leisure portfolio prior to the setting up of Tone Leisure. A further report, taking into account the views of the Panel, was considered in September 2005.

The Executive, in March 2006 decided to formalise the hiring of public open space by introducing a hiring charged based on the cost to the Council of maintaining the area of land that was hired (and thus not available to the public for use) for the period of the hiring.

This charging structure had been applied successfully since May 2006 and the full list of hirings by charities to date was submitted, together with details of the full calculation method.

The charge in Vivary Park was by far the highest due to the high maintenance costs of an ornamental park.

The hiring charge was waived for:

- hirings by community groups organising an event on behalf of the Council,
- events which were intended to raise funds for the park and
- informal activities which add to the ambience of the park such as band concerts and morris dancers.

Discounts on the hire charge were given if the event delivered a Corporate Priority (eg Taunton Flower Show received a discount of 15% for its contribution to Economy) and if the event was run by volunteers (eg Taunton Flower Show received a 50% discount on this basis).

The income from all hire fees (commercial events and voluntary events) compensated the public for the loss of enjoyment of areas of public open space. The hiring fees were used to improve the parks service and contribute to the funding of the Park Wardens in the town centre parks and to the ability to invest in site improvements that other sources available to the Council could not pay for.

If the charge to charities were to be removed with immediate effect, there would be a loss of around £1,500 income in 2007/8 plus any further hirings this year that were not recoverable as there was not time to take adequate steps to do so.

The following were suggested as possible ways to raise income to cover the potential loss. These could be explored further by the appropriate Panel or Group:

1. Attract more events into Vivary Park: this may be possible in future years, but was not possible in the current financial year. There were staff implications in

handling significantly more events due to the site visits, preparation and checking of documentation etc. There was a limit to how many events Vivary Park could sustain without compromising its role as a public park and damaging the ground and infrastructure

2. Increase the charge to commercial event organisers: our research whilst developing the framework showed that the charges resulting in Vivary Park for commercial events were at the right level to keep Taunton an attractive venue
3. Introduce a profit sharing approach to commercial event hirings: there was a risk that income could go down if ticket sales were poor due to bad weather or poor marketing. The Council would need resources to engage in joint marketing to ensure high ticket sales.
4. Recalculate the charge based on the total cost to the Council of all its public open spaces: all sites would be charged out at the same cost resulting in higher income from site such as French Weir.

RESOLVED that:

- i) charges made to charitable organisations for the hire of public open spaces and parks for events be waived;
- ii) the Council's overview and scrutiny body be used to investigate ways in which additional income could be raised to cover the potential loss which would occur as a result of the decision

71. Improving Services in Somerset

Mr Ian McCulloch on behalf of Taunton Deane Branch of UNISON submitted a statement which drew attention to the views, comments and concerns in relation to this project.

Nigel Behan, of Somerset County Council UNISON Branch also asked that Councillors ensured that the proposals were robustly scrutinised

Shirlene Adam, Strategic Director and Sue Barnes Project Director responded to many of the points raised in the statement.

Members received a detailed presentation which covered the following points. Much of the presentation was in "open" session during which members of the press and public were permitted to remain. However, there were aspects of the second part of the presentation which were classed as "Exempt" information and therefore the following resolution was passed:

Exclusion of Press and Public

RESOLVED that the press and public be excluded from those parts of the meeting because of the likelihood that exempt information would otherwise be disclosed relating to Clause 7 of Schedule 12A of the Local Government Act 1972

In early 2005, Taunton Deane Borough Council (TDBC) and Somerset County Council (SCC) jointly embarked on an ambitious and revolutionary programme to transform public service delivery in Somerset.

The programme aimed to create a shared services environment for back-office functions, which would in turn facilitate the investment in technology, infrastructure and skills to transform the delivery of services to customers.

Members had been briefed on progress of the programme at regular intervals over the last 2 years. The most recent report was considered by both the Executive and Full Council of both TDBC and SCC in late March 2007. The unanimous decision of both Councils was to appoint IBM as the Preferred Bidder on the ISiS Programme, and delegated authority to the Strategic Director (SA) and the relevant Portfolio Holder to take forward negotiations as necessary to enable the contract to be finalised – focussing on the IBM Variant Bid proposals.

All Members had since had the opportunity to:-

- hear from the short listed bidders directly (Full Council Scrutiny Event (Part1) – Tuesday 26th June 2007); and
- hear a presentation by the Strategic Director (SA) on the contract negotiations and business case (Full Council Scrutiny Event (Part2) – Monday 16th July 2007).

The IBM Variant bid set out to achieve the Councils' broadest objectives and ambitions. The commercial offering was subdivided into elements which focussed on delivering enhanced support services, a major project to transform procurement across both authorities and a "menu" of transformation projects which effectively "translated" the aspirational elements of the Councils' ambitions into projects which could be funded from procurement savings.

At time of contract it was proposed that five "core" transformation projects would be contracted for (known as Wave 1 Transformation Projects). These projects were:

- a) Enterprise wide SAP ERP implementation (and enabling projects)
- b) Replaced Customer Relations Management systems and piloted Customer Access improvement
- c) Roll-out of the People Excellence Model throughout the JVCO, hopefully as a precursor to organization wide roll out.
- d) Full county wide property review commissioned
- e) Procurement transformation

The recommendation presented to Members in March suggested an ambitious target for contract signature by the end of June 2007, with a view to contract commencement mid-July 2007.

For several reasons, the major one being the overall complexity of the negotiations of this unique venture, it was agreed that a revised target for contract signature of 27 September 2007 was more realistic. This would enable the negotiating team to achieve the optimum benefits for the Councils for the Joint Venture, and potentially allow the contract commencement on 1st October to be aligned with that of the Police.

The business case presentation explained the “deal” as it currently stood, and requested Members to approve progression to contract closure on this basis (within agreed tolerances).

In order to fast-track some of the savings required to fund the transformation programme, the Councils were discussing options around fast-tracking elements of the procurement transformation project. This could involve the Councils agreeing to progress some work “up front” of the main contract being signed.

The negotiating process was extremely complex and had involved a large number of the Council’s officers in ensuring the contract eventually signed with IBM delivered according to our needs and aspirations.

Teams of officers had engaged IBM across a range of workstreams. The Commercials Workstream in particular had acquired some specialist negotiating skills which the three founding partners had “bought-in” from KPMG. The “added-value” this had brought to the deal would more than outweigh the costs incurred in bringing these skills to the programme.

The major negotiation strands were:

Commercials (including legal and finance) - to ensure we had an affordable business case that can be delivered within a legal framework.

HR and Governance - dealing with the key staffing issues and how the Joint Venture will be managed and directed.

Communications - reflecting the imperative to keep key stakeholders informed.

Transformation - to develop the key transformation projects into business cases.

Operational – to respond to the due diligence work to ensure the core services provided by the Joint Venture will effectively deliver to agreed standards and performance.

Programme Management – to support all of the above in terms of project planning, document management, administrative support, and meeting support.

As with earlier stages of the ISiS Programme, the Joint Members Advisory Panel (JMAP) had been closely involved in progress of the negotiations. In addition, the Joint Programme Board (made up of the corporate management team of the two Councils) had met regularly and provided guidance on points of principle for the negotiating progress.

It was proposed to continue this high intensity governance during the remainder of the negotiation process. Thereafter, the governance arrangements would change to support the “live” partnership. Details of the future governance arrangements were submitted.

MAANA Consultancy had very recently undertaken a Strategic Investment Review on the ISiS Programme. Informal feedback suggested that the programme was progressing well and Members were informed of the most up to date information.

The framework arrangements for the Partnership were drawn up so that other public sector organisations in the South West could also join, or benefit from the services that the Partnership would offer. To date, over 30 local authorities had expressed an interest in joining the arrangement. This particular initiative was being supported and developed on a regional basis through the South West Centre of Excellence. National interest was also gathering a head of steam, including interest from the Cabinet Office, at whose request a case study article had been written and published in their national Shared Services Bulletin.

Staff who fell within the scope of the ISiS Partnership and who would move to the Joint Venture arrangement needed to be properly prepared for, and supported through this significant change. Work was already taking place within these services to ensure there was a smooth and successful transition to the new arrangements and that staff and managers were properly prepared for this new environment.

Planning and preparation for change was not confined purely to these services that are “in scope” – setting up the Partnership was intended to help the whole Council transform the way that customers accessed and received its services.

The ISiS update report to Members in January 2007 predicted an overspend on the programme budget. This was based on “best estimates” of expected costs to bring the programme to closure by 1st July 2007. As requested, Officers looked at ways of funding this within existing approved budgets. As at the end of the financial year 06/07, TDBC had fully funded its share of the predicted overspend (by using salary vacancy savings etc). It was now appropriate to review this position, in light of the extended timetable, and the new negotiation resources.

The latest predicted budget position (again based on “best estimates” of expected costs (staff and consultancy) needed to bring the programme to closure by the end of September 07) also showed an overspend. The Council could part fund this predicted overspend from existing approved budgets – however it was unrealistic to assume that this would fully fund the overspend.

RESOLVED that Council be recommended that:-

- a. Taunton Deane Borough Council confirms its commitment to entering into a Joint Venture with IBM, subject to the satisfactory conclusion of the final negotiations based on the Variant A/B bid submitted by IBM;
- b. Delegated authority be given to the Chief Executive, together with the lead Portfolio Holder and the Leaders of the political Groups;
 1. To conclude those negotiations to enable the proposed contract with IBM to be finalised and to authorise the execution of the proposed contract (subject to the final deal being within the tolerances outlined at the meeting);
 2. To enter into such ancillary contracts and agreements as they may consider appropriate to achieve or facilitate the objectives of the ISiS programme and give effect to the negotiated terms;
 3. For avoidance of doubt, to agree to the creation of a Joint Venture company with IBM on such terms as the Strategic Director (SA) and Portfolio Holder consider appropriate;
 4. To commission IBM to commence interim work on the procurement transformation project on such terms as the Strategic Director (SA) and Portfolio Holder consider appropriate.
- c. a Supplementary Estimate of £130,000 from reserves be made to fund ISiS programme costs (£65k from General Fund and £65k from the HRA).
- d. The Strategic Director (SA) be authorised to approve the execution of a certificate under section 3 of the Local Government (Contracts) Act 1997 in relation to the contracts being entered into;
- e. That the five projects listed in the report be approved as the Wave 1 Transformation Projects and that the Strategic Director (SA), in consultation with the lead Portfolio Holder, be authorised to approve terms for the commissioning of these projects.
- f. the detailed governance arrangements (in particular member engagement) be developed through a Member Workshop and finalised by Strategic Director (SA) in consultation with the lead Portfolio Holder, and the Joint Members Advisory Panel.

(The meeting ended at 8.55p.m.)

Executive – 19 July 2007

Present: Councillor Henley (Chairman).
Councillors Brooks, Mullins Mrs Smith and Alan Wedderkopp.

Officers: Mrs P James (Chief Executive) Ms J Wishlade (Strategic Director), Mr J J Thornberry (Strategic Director), Mr R I Taylor (Chief Solicitor) Mr B Carpenter (Waste Services Manager), Mr P Carter (Financial Services Manager) and Mr G P Dyke (Democratic Services Manager).

(The meeting commenced at 2.00 pm.)

This meeting ran concurrently with meetings of the Executives and Cabinets of Mendip District, Sedgemoor District, South Somerset District, Somerset County, and West Somerset District Councils, as the partners in the Somerset Waste Partnership. All meetings considered the same recommendations for the Governance Arrangements and the Award of Refuse and Recycling Collection Contract.

72. Apologies

Councillors Coles, Horsley, R Lees and Prior-Sankey

73. Declarations of Interest

Councillors Henley and Brooks declared personal interests in relation to this item as members of Somerset County Council. Mr B Carpenter (Waste Services Manager) declared a personal interest as he was an officer reporting on an issue (Waste Partnership) which would affect his future employment.

74. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during item 7 on the agenda as this would involve the disclosure of financial and business information defined as exempt by paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 (as amended).

75. Somerset Waste Partnership Presentations

Detailed presentations were received from the Directors Implementation Group, on behalf of the Waste Partnership, on the proposed governance arrangements for the Somerset Waste Board and on the award of the recycling and refuse collection contract.

Following presentations, the partner authorities returned to their separate meetings to discuss the recommendations on the following items.

76. Governance Arrangements for the Somerset Waste Board

Submitted report, previously circulated which dealt with all aspects of the future governance arrangements for the Somerset Waste Board. It highlighted the effects of previous decisions of the Executive in relation to the preparation of an associated Inter Authority Agreement and Constitution and reaffirmed decisions in respect of the creation of a Joint Committee and the divesting of waste responsibilities to it.

Consideration was also given to the appointment of two elected Members to represent the Council on the Somerset Waste Board and the approval of a "Commencement Date" on which the Somerset Waste Board would be established.

RESOLVED that:

1. the adoption of the Inter Authority Agreement and Constitution detailing the contractual, financial and operational arrangements between all the Partner Authorities and the administrative arrangements for the Somerset Waste Board respectively, and attached as Appendices A and B to the report be agreed;
2. the decision, that together with (Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset District Council, and West Somerset District Council) and pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, to establish a Joint Committee to be called the Somerset Waste Board be reaffirmed;
3. the decision, that pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, to arrange for the statutory functions in respect of the recycling and collection of waste to be discharged by the Somerset Waste Board be reaffirmed;
4. 31 August 2007 or the date on which the contract is signed, whichever is the sooner, be agreed as the "Commencement Date" on which the Inter Authority Agreement and Constitution will come into force and on which the Somerset Waste Board will be established ;
5. Councillors Mullins and Brooks be appointed as the two Elected Members to represent the Council on the Somerset Waste Board, (one of whom must be the Portfolio Holder for Waste in accordance with the Constitution).
6. the Chief Executive be authorised to execute the Inter Authority Agreement on behalf of the Council.

As agreed in Minute 74 above the next item was taken in private session.

77. Recycling and Refuse Collection for the Somerset Waste Board – Award of Contract

Considered the outcome of negotiations between the “Negotiation Team” (which had been nominated by the Directors Implementation Group (DIG) and authorised by the Executive) representing the partner authorities and representatives of ECT, the “Preferred Bidder” (appointed by the Executive).

The Negotiation Team, comprised of officers from the partner authorities and external consultant advisers had highlighted the major outcomes of the negotiations with ECT in “The Negotiations Report”, a copy of which was circulated with the agenda.

RESOLVED that

1. the “The Negotiation Report” be agreed;
2. the recommendation of “The Negotiation Report” be agreed and the contract for Recycling and Refuse Collection for the Somerset Waste Board be awarded to ECT. The contract initially to be for a period of seven years, commencing on 14th October 2007;
3. Somerset County Council, acting as the Administering Authority, be authorised to sign the contract with ECT on behalf of the Partner Authorities. In accordance with the “Alcatel Judgement” in relation to Public Services Contract Regulations this should not be before ten days had elapsed from the date of this report;
4. Council be recommended to agree a Supplementary Estimate from the General Fund reserves of £80,000 to fund the one off costs of the trials of the new methods of plastic and card kerbside collections.
5. SITA, who had been retained as the “Reserve Bidder” during the period of involvement in the negotiation be formally notified of the decision to award the contract to ECT, and thanked for their procurement process.

The meeting adjourned at 3.30p.m. All the partner authorities then met in joint session to report their decisions.

78. Decisions

All 6 Councils reported that they had agreed the necessary resolutions to:

- i) Establish a joint committee to be known as the Somerset Waste Board;
- ii) Delegate their waste management functions to it;
- iii) Delegate authority to portfolio holders and/or officers to complete the Constitution and Inter Authority Agreement;
- iv) Appoint 2 members to represent their Councils on the Somerset Waste Board;
- v) Award the county wide recycling and waste collection contract to ECT subject to finalisation of the terms and conditions of the contract.

On behalf of the meeting the Chairman, Councillor Woolcombe-Adams thanked all concerned for their hard work in bringing this momentous agreement to fruition, and particularly those who had been involved in the Waste Partnership since its inception in 1992.

(The meeting ended at 4.10p.m.)



Executive: 22 August 2007

A Play Strategy For Taunton Deane

Draft Report of Leisure Development Manager

(This matter is the responsibility of Executive Councillor for Community Leadership, Mr Alan Wedderkopp and addresses the corporate priorities of healthy living, crime and environment.)

Executive Summary

Over the past year work has been underway to develop a new play strategy for Taunton Deane. The purpose of this strategy is to guide our actions in areas impacting on childrens' play and to provide a framework for decisions about "play" for children from 0 to 19 years for the next five years. In the short term it will also enable us to apply for an allocated sum of money from the Big Lottery Fund for the delivery of play for children up to 16 years.

1 Purpose of the report

To explain the need for a play strategy, the consultation and development process for the strategy and to seek comments and endorsement from the Executive.

2 Development of the strategy

- 2.1 The strategy takes a fresh look at the importance of play in children's lives and sets a new agenda for the future seeking collaboration between organisations.
- 2.2 The work has included a review of relevant policy, a comprehensive audit of play opportunities, a review of existing consultation, new consultation with play providers, parish and town councils, children and young people and with agencies and Council Members. From this the key issues were identified and an action plan developed.
- 2.3 In order to ensure that the Taunton Deane play strategy meets the criteria of the BIG Lottery, a consultancy The Community First Partnership has been working with the Council and the Play Partnership. In addition the national body "Play England" has given advice and we have shared experiences with colleagues in the other Somerset districts.

3 **The Play Partnership for Taunton Deane**

3.1 To guide the development of the strategy, a Play Partnership was set up. This has met regularly over the last year to monitor and consider progress and includes:

- Taunton Deane Borough Council (planning, housing, community safety, parks, leisure)
- Somerset County Council (youth service, education, childrens services)
- Barnardos
- Connexions
- Taunton Deane Play Association (representing the voluntary sector)
- Somerset Children and Young Peoples Partnership
- Children and Young Peoples Partnership
- Somerset Play Forum
- Tone Leisure
- Taunton East Development Trust

3.2 The Play Partnership has an ongoing role in monitoring the delivery of the strategy and new members will be encouraged to join.

4 **A Definition of play**

The Play Partnership recognises that older children and young people do not use the term play. The strategy takes the definition of play from the Dobson Report

“ what children and young people do when they follow their own ideas and interests in their own way and for their own reasons”

5 **The Strategy documents**

5.1 The Strategy is a set of five documents entitled “Play in Taunton Deane” and includes:

- Document 1: The Play Policy - setting out the vision for play and expressly adopting a position on the approach on risk (attached as Appendix 1)
- Document 2: A Strategy Development Document - setting out the policy context, the current position of play provision in the district, summarising the consultation and audit outcomes and setting out the five priorities identified
- Document 3: The Needs Assessment - giving full findings of the research undertaken (consultation, audit and policy review)
- Document 4: The Issues Analysis - identifying the key issues arising from the research.

- Document 5: The Action Plan - setting out the proposed actions to be taken by the partners to address the issues. (attached as appendix 2)
- 5.2 These five documents are available as hard copies in the Members room, individual hard copies of documents 2,3 and 4 are available on request and all are available by hyperlink on <http://www.tauntondeane.gov.uk/tdbcsites/parks/playstrategy.asp>.
- 5.3 All the actions identified in the Strategy will be delivered within existing resources or with the funding allocation from the BIG Lottery.
- 5.4 The performance indicators in the Action Plan are not yet complete but this will be done by the end of August prior to submission of the application for funding to the BIG Lottery. They will then be updated annually.

6 Priorities Identified for Play in Taunton Deane

- Priority 1: Ensuring all children and young people have access to play opportunities in their local area
- Priority 2: Making play more exciting and challenging
- Priority 3: Making play inclusive
- Priority 4: Funding
- Priority 5: Raising the profile of play and its value

The delivery of these priorities is set out in detail in the Action Plan.(appendix 2)

7 Consultation on the draft documents

- 7.1 The five draft documents are on the Taunton Deane Borough Council website. The public and a wide range of organisations were invited to comment. All elected members were informed of the website link and asked to respond as part of the consultation process.
- 7.2 All officers, partners and organisations with any potential interest or influence on play have been invited to comment. Following best practice and the BIG Lottery guidance we have also distributed requests for consultation feedback to the following: -
- Parish Councils,
 - Tenants and Residents Associations
 - North Taunton Partnership
 - Friends of Parks groups
 - The members of the Taunton Deane Play Partnership

- County Councillors for Taunton Deane and members of the County Council's Area Working Group
- Play England
- Barnardos
- Corporate Management Team
- Senior Officers of Taunton Deane Borough Council and Somerset County Council
- Primary Care Trust
- Crime and Disorder Partnerships
- Local Action Teams
- Area Working Group for Taunton Deane
- Community Learning Partnerships
- Local Strategic Partnership
- Area Planning Group for Children's Services.

The responses to the consultation exercise are set out below with the recommended action or amendment to the draft strategy.

Comments received on the draft strategy

Respondent	Comments summary	Response or Action
<p>Ben Ward, Regional Programme & Development Manager Play England South West</p>	<p>Overall it looks like a really strong strategy and reflects a great deal of hard work on your behalf so well done. The Strategy reads very clearly and shows a strong commitment from the council and play partnership post BIG funding. The Play Policy shows excellent understanding of play and its value and a commitment to inclusion. I think this a really strong strategy and it is great that TDBC is looking to include a play development post.</p> <p><u>Areas of Excellence:</u></p> <ul style="list-style-type: none"> • Clear evidence based priorities, based on strong analysis • Understanding of play and barriers • Identified key partners • Consultation with young people and commitment to their involvement • Policy • Section on managing risk • Links to planning, section 106, (mention PPG 17) • Sustainability through looking at funding and commitment to play officer • Action Plan <p><u>Areas for consideration:</u></p> <ul style="list-style-type: none"> • Policy context – Nationally (cleaner, greener, safer / Obesity / youth matters) Locally (local community plan, GYM plan) how can you show that you are 	<p>The Play Strategy will be amended to include a paragraph in the Policy Review on each of these and on how the Strategy contributes to each of these as it</p>

Respondent	Comments summary	Response or Action
	<p>plan, CYP plan,) how can you show that you are contributing to these?</p> <ul style="list-style-type: none"> • Discrepancy between age in policy and strategy • Workforce development • Inclusion: refer to Kids Playwork Inclusion Project, checklist and strategy www.standards.dfes.gov.uk/eyfs/resources/downloads/kids-inclusion-framework.pdf • Quality: Frameworks like quality in play, first claim, quality assessment tool being developed • Leadership of the strategy, key officer, play champion? 	<p>undoubtedly does. They were all reviewed but this was omitted from the supporting document.</p> <p>The age discrepancy will be amended as 0-19 years and 0-25 years for people with disabilities. Workforce development is not a major focus of the Strategy and has not emerged as a concern among play providers. Inclusion training will be provided.</p> <p>These will be referenced in the document.</p> <p>Noted and we will consider these when they are available. The Executive Councillor for Community Leadership is the play champion. Propose to add a Foreword written by the champion. Key officer is the Senior Leisure Officer for the TDBC.</p>
<p>Lisa Redston, Antisocial Behaviour Coordinator TDBC</p>	<p>We have a duty to consider the prevention of crime and anti-social behaviour in exercising our functions under the Section 17 of the Crime and Disorder Act 2000 as amended by the Police and Justice Act 2006. Poor design of play areas can contribute to an increase in anti-social behaviour making the area unusable by the age group it was designed for.</p>	

Respondent	Comments summary	Response or Action
	<p>Guidance or SPD for the provision of play areas/activities should emphasise the need for quality facilities for young people to ensure that they are not attracted to those areas designed for younger children.</p> <p>We should state in the strategy that anti-social behaviour and its reduction will be considered when planning or developing play provision.</p> <p>One of the actions in the plan is to provide developers with a Supplementary Planning Document (SPD). I suggest we ensure this includes a section on designing out crime and anti-social behaviour when considering play opportunities.</p>	<p>This will be part of the brief for developing the SPD.</p> <p>A statement to this effect will be inserted in the Strategy.</p> <p>This will be part of the brief for developing the SPD.</p>
<p>Roger Tolley Neighbourhood Inspector Taunton Section Avon and Somerset Police</p>	<p>The major issues appear to have been covered. There is limited information on how the strategy plans to involve voluntary/community based organisations. Does / will the strategy include a plan for prioritising the areas for roll out relating the areas that feature highest in the IMD? The most important actions come in priority areas 1 and 2 - the provision of training for volunteers and providing destination parks. A review of suitability, usability and development opportunities of existing play sites, making amendments and improvements where they are necessary would be beneficial.</p>	<p>The full Action Plan lists all partners involved.</p> <p>The Action Plan point LP4 makes this statement.</p> <p>The Audit covered quantity, quality and accessibility and every play area in the Borough was visited as part of this process. We have a record of where improvements are needed. Funding will be the issue.</p>

Respondent	Comments summary	Response or Action
Fiona Phur	<p>The research and methodology for this project seems sound - I feel it evidences a need.</p> <p>The Action Plan is admirable but challenging. The difficulty may be that you come too far away from the original intention to offer unstructured and unsupervised play for children to allow them to become less risk-averse and to develop within their own set boundaries.</p> <p>The other problem may be how to introduce an educational programme around taking responsibility for play areas.</p> <p>I live next to Hamilton Park which has many of the stated components that make up an ideal play area. The age range that your study has researched is the same age range that use the park. However, we routinely watch children of all ages drop litter in the park, despite bins being provided. Also, there is an alcohol problem with children as young as 12 years meeting in the park to drink, the result being more litter especially broken glass and anti social behaviour. The police's opinion is that the youngsters are bored and have nothing else to do - yet you are recommending areas like the park being ideal for unstructured and unsupervised activity. We (the residents) see the results!! And our police force act as babysitters - marshalling youngsters who have a clear aim to get drunk from one play environment to another. I would welcome any plan that incorporates an aspiration to change the culture surrounding under age drinking in Taunton.</p>	<p>The Play Rangers project (Action Point LP1) is intended to ensure that this is not the case.</p> <p>Again Play Rangers will help to encourage this.</p> <p>Litter and alcohol issues need a multi-agency approach and cannot be dealt with entirely within this Strategy. One of the reasons why play has now been recognised as being so important is that a whole generation of children have lost the ability and confidence to play outdoors; they are used to being told what to do and when, being taken to organised activities and often kept indoors. The Strategy overall is intended to restore this ability by addressing the barriers to free play, but it will take time and commitment from many agencies.</p>
John Lewis , Parking and Civil Contingencies Manager TDBC	<p>This is good. I particularly like the acceptance that play has to involve risks or it's pointless. The Action Plan is dependant on some people who might not fully realise they have a part in play provision.</p>	<p>All named agencies have been involved in the development of the plan and/or consulted on its contents and intentions.</p>

Respondent	Comments summary	Response or Action
Tony Brown, Clerk to Wellington Town Council	<p>The town council considered the draft play strategy at its August meeting last night when the council decided it was generally in favour of the proposals in the plan.</p> <p>There were two issues that the council would like to flag up</p> <ol style="list-style-type: none"> 1 the provision of more indoor play facilities; 2 giving town/parish councils more say on how/where Section 106 money is spent in their area. 	<p>The scope of the Strategy is free play – free to come and go, free of charge and freely chosen. Indoor play tends not to fulfil these criteria. The Strategy is aiming to make children more visible in the community out doors not less.</p> <p>The Council spends Section 106 funds in accordance with the legal agreement and with the appropriate adopted Strategic Plans.</p>
Jayne Hares Tenant and Resident Involvement Manager TDBC	<p>This strategy captures everything the Play Partnership has worked on and you are to be congratulated for pulling this large piece of work together so succinctly.</p>	

7.3 An involvement exercise with children and young people to prioritise the Action Plan was held at the French Weir Fun Day on 12 August 2006. This helped to confirm the priority of the items in the Action Plan which will form the Play Project Portfolio to be submitted to the BIG Lottery for funding.

7.4 The top priorities for the children at the Fun Day were:

- EC4 involving children and young people in designing play areas
- LP4 filling the gaps in play provision
- EC3 build a destination play ground
- EC1 let children play in wild/natural places
- LP1 Play Rangers
- EC2 include natural features in play areas (rocks, flowers, logs, humps)
- I 2 have play days around the borough

7.4 Health and Leisure Panel considered the draft strategy in July. The Panel endorsed the Strategy and Policy. Members also individually scored the actions in the Action Plan which enabled a priority list to be made to ensure that work begins on the most important actions first. The scoring is attached as Appendix 3. The top actions for HLRP Members are:

- LP4 (filling the gaps in provision),
- LP1 (Play Rangers)
- F1 (supporting organisations to access funding) and
- P4 (Play Development Coordinator)

8 **Application to the BIG Lottery**

8.1 The application to BIG Lottery will be made by the end of August with the outcome expected in early January 2008. The application will be for £208,000 over three years to fund direct play provision. This sum has been allocated to the Council based on the number of children and young people living in the borough and the levels of deprivation. It is part of the £124million for play from the BIG Lottery Childrens' Play Initiative. The Council has to submit a Play Strategy and a portfolio of projects for approval in order to receive the funding. The projects must arise from the needs identified in the Strategy.

8.2 The Play Partnership has identified two key projects in the Action Plan which fulfil the BIG Lottery criteria: Play Rangers and Play Days.

8.3 Play Rangers' work is described in the Action Plan. We estimate that the service will cost around £170,000 over three years. In other areas Play Rangers have already proved to be very effective. Aspects of their work will include: -

- Enabling children to play freely
- Empowering children through free choice and open activities
- Enabling children to feel safe within the play environment
- Increasing usage levels in play and open space areas
- Promoting children's self esteem
- Helping to increase local community cohesion

- Creating an environment in which children can relate to positive role models in the community
 - Helping to develop children' social skills
 - Enabling children to be challenged (mentally and physically), and to take (suitable) risks
 - Positively contributing to decreasing levels of anti social behaviour
 - Enabling an inclusive approach to play – ensuring that there is inclusion of children who may be experiencing a degree of social and/or educational exclusion (including disabled children and families on low incomes)
 - Increasing confidence levels in parents to let their children “play out”
- 8.4 The proposed Play Days will be focussed on giving children new experiences of play in natural environments either in their local parks or by taking them to a wild/natural space for play. It is likely that around £18,000 over three years will be applied for to fund the Play Days project.
- 8.5 The Council's responsibilities in making this application to BIG Lottery are:
- To co-ordinate the production of a play strategy for the district which includes a project list to be funded by the BIG Lottery funding
 - To be responsible for the financial accountability of these projects
 - To be responsible for monitoring effective delivery of the funded projects
 - To champion play across the Borough
- 8.6 If the Council is not awarded its allocation the two projects will not go ahead. All other Actions in the Strategy are fundable within existing budgets or are officer time.

9 Recommendations

Members are recommended to:

- a) adopt the Play Strategy including the Taunton Deane Play Policy
- b) delegate the Executive Councillor for Community Leadership to approve the final alterations to the Play Strategy documents resulting from the consultation and the outcomes for the Action Plan when they as they are developed
- c) give approval for the officer to submit a bid to the BIG Lottery for £208,000 to fund Play Rangers and Play Days in the borough over three years from 2008/9.

Appendix 1

Play in Taunton Deane: Document 1: The Play Policy

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A Play Policy for Taunton Deane

1. Introduction

Children and young people love to play. Playing is also how they learn what cannot be taught about the world they live in, about themselves and the other people who may live there.

In Taunton Deane we have formed a Play Partnership of the organisations which represent those involved in providing play for children and young people. We have talked to the voluntary agencies involved in play, to local communities, to children and to young people.

We have produced this framework or Play Policy for making sure our Borough has free play opportunities for all children and young people.

The Play Policy will be referred to whenever there are decisions to be made about play provision issues in Taunton Deane. Local Authority Services including those delivered by Planning, Leisure, Parks, Libraries, Schools, Highways, Housing, Youth, Connexions others and will all be involved as will the voluntary play sector, health services and the police. Venues and locations used by children for play such as leisure centres, parks, school playgrounds, shopping precincts, roads, and dedicated play spaces are all covered by this policy.

For the Play Policy to be successfully implemented, the contribution to play made by the partners in the Play Partnership and by the voluntary sector must be supported and understood by the public.

1.1 The Members of The Play Partnership

Currently (May 2007) the membership draws from the following organisations:

- Taunton Deane Borough Council
- Somerset County Council
- Barnardos
- Connexions
- Taunton Deane Play Association
- Somerset Children and Young Peoples Partnership
- Somerset Play Forum
- Tone Leisure
- Taunton East Development Trust

1.2 Definitions

1.2.1 Play

The policy takes three definitions that help to explain play:

“Play is freely chosen, personally directed, intrinsically motivated behaviour that actively engages the child....Play can be fun or serious. Through play children explore social, material and imaginary worlds and their relationship to them, elaborating all the while a flexible range of responses to the challenges they encounter.”

NPFA, Play link and Children’s Play Council in 2001

Play is: “what children and young people do when they follow their own ideas and interests in their own way and for their own reasons.”

The Dobson Review

Play provision is “provision that is open and accessible to all, and that takes positive action in removing disabled barriers so that disabled and non-disabled children can participate.”

“Better Play”

1.2.2 Age Groups

The policy applies to play for all children and young people means aged 0-19 years, or 0-21years with additional needs.

1.2.3 Accessibility

Play must be inclusive and we adopt the definition used in the Better Play Programme from Alison John’s definition: “Provision that is open and accessible to all, and takes positive action in removing disabled barriers so that disabled and non-disabled children can participate.”

1.2.4 Play Environments

The places where children play in the area of Taunton Deane covered by this Play Policy include:

- formal settings (play schemes, child minders, parks, hospitals).
- informal settings (streets, and public areas).
- supervised settings (after school clubs, evening and weekend activities).

1.2.5 Free Play

The policy defines “free play” as play that is freely chosen, free of charge and where children are free to come and go as they please.

2. The Value of Play

2.1 Play and Development

“From an early age, play is important to a child’s development and learning. It isn’t just physical. It can involve cognitive, imaginative, creative, emotional and social aspects. It is the main way most children express their impulse to explore, experiment and understand. Children of all ages play. Some may need support to get the best out of play. While few teenagers would describe what they do as play, they need time, space and freedom associated with play for younger age groups.”

(DCMS, 2004 Getting Serious About Play, A Review of Children’s Play.)

“Play is how children develop the architecture of their mind.” Synaptogenesis -the brain is wired up during play in childhood. Connections are made: those that are active are maintained and those that are less active are destroyed. John Byers, University of Idaho.

2.2 Play and Health

The British Medical Journal Feb 10th 2001 reflected on an obesity epidemic and concluded children need more play and less TV. Behind structured school PE lessons play is the next best form of calorific activity.

Research from University College London.

2.3 Play and Community

New evidence shows that children are active directly and indirectly in forging neighbourly relationships and connections for their parents. The more parents are involved in the lives of their neighbours the more freedom they give their children and the more social networks children have, the greater the parents confidence in the safety of that area.

Economic and Social Research Council 2007

2.4 Play and “Every Child Matters” Outcomes

Play contributes to each of the Every Child Matters outcomes

- Staying safe,
- Staying healthy,
- Enjoying and achieving,
- Making a positive contribution,
- Economic well-being,

2.5 Good Play Provision

Good play provision will:

- Extend choice and control in play
- Recognise the need to test boundaries
- Manage the balance between risk and safety
- Maximise the range of opportunities for play
- Foster independence and self-esteem
- Foster respect for others
- Offer opportunities for social interaction
- Foster well-being, healthy growth and development, knowledge and understanding, creativity and the capacity to learn. “Better Play”

3. A Vision for Play

The Play Policy recognises that:

- children and young people love to play.
- there must be local “free play” opportunities for all children and young people.
- play provision must be inclusive and meet the needs of all children and young people from 0 to 19 years irrespective of age, religion, gender, disability, sexual orientation, race or background of themselves or their carers.

The Play Partnership believes that:

- The views of children and young people should be heard and taken into account.
- Children and young people should be actively and continuously involved in decisions affecting the provision of play opportunities or the ability of children and young people to play freely .
- Children and young people should be able to play in secure environments free from unacceptable levels of risk.
- Children and young people should have choice in the range of play environments available to them.
- Children and young people should be able to freely chose to play, play should be freely available and they should be free to come and go from play provision.

4. The Objectives of the Play Policy

Overall it will:

- increase the quality and range of “free play” opportunities,
- ensure that these opportunities will be free from unacceptable levels of risk and
- ensure that all children and young people have access to these opportunities.

The Play Partnership has adopted the seven ‘Best Play’ objectives outlined below and published in *‘Best Play: what play provision should do for children’*, by the Children’s Play Council. The objectives set out how to put into practice the definition of play. The underpinning values and principles form the basis against which play provision can be evaluated.

Objective One: Play provision will extend the choice and control that children and young people have over their play, the freedom they enjoy and the satisfaction they gain from it.

Objective Two: Play provision will recognise that children and young people need to test boundaries and will respond positively to that need.

Objective Three: Play provision will manage the balance between the need to offer risk and the need to keep children and young people safe from harm.

Objective Four: Play provision will maximise the range of play opportunities.

Objective Five: Play provision will foster independence and self-esteem.

Objective Six: Play provision will foster children and young people's respect for others and offer opportunities for social interaction.

Objective Seven: Play provision will foster children and young people's well-being, healthy growth and development, knowledge and understanding, creativity and capacity to learn.

5. What Play Provision Should Be for Children and Young People

Best Play again has been adopted by the Play Partnership to set out the standard of what play provision should provide for children and young people overall. Not all play activities will be suited to all play environments and the understanding of this is part of the socialising experience for children and young people. The standards are:

- Varied and inspiring environments for example Objects and things at different levels, spaces of different sizes, places to hide, trees and bushes, things that have been made, places to inspire mystery and imagination.
- Challenge in relation to the physical environment for example any activity which tests the limits of capabilities, rough and tumble, sports and games, chase.
- Playing safely with the natural elements earth, water, fire, air for example campfires, digging, playing snowballs, flying kites.
- Movement - running, jumping, rolling, climbing, balancing for example beams and ropes, soft mats, bike riding, juggling equipment, ladders, space.
- Manipulating natural and fabricated materials for example materials for art, cooking, making and mending of all kinds; building dens; making concoctions; using tools; access to bits and pieces of all kinds.
- Stimulating the five senses for example music making, places where shouting is fine, quiet places, different colours and shapes, dark and bright places, cooking on a campfire, rotting leaves, a range of food and drink, objects that are soft, prickly, flexible, large and small.
- Experiencing change in the natural and built environment for example experiencing the seasons through access to the outdoor environment; opportunities to take part in building, demolishing, or transforming the environment.
- Interacting with each other for example being able to choose whether and when to play alone or with others, to negotiate, co-operate, compete and resolve conflicts. Being able to interact with individuals and groups of different ages, abilities, interests, gender, ethnicity and culture.
- Playing with identity for example dressing up, role-play, performing, taking on different kinds of responsibility.

- Experiencing a range of emotions for example opportunities to be powerful/powerless, scared/confident, like/disliked, in/out of control, brave/cowardly (These criteria are adapted from those given in B. Hughes 'Play Environments: A Question of Quality', published by PLAYLINK)

6. Play Settings

6.1 Parks and Open Spaces: unstaffed play provision

The Play Partnership believes that the quality of the play provision reflects the quality of life and health in our communities. Children and young people should be able to play safely in a range of public spaces, not just play grounds as a visible indicator of a safe and healthy community.

Children and young people should be able to access a range of play environments in public spaces that are near to their homes.

The Partnership will seek to ensure that public open spaces provide stimulating challenging environments where the level of risk is managed to avoid the unacceptable risks of death or permanent disabling injury. Parents or carers can expect that play environments are free from unacceptable levels of risk.

Public perceptions or fears of risk both to and from children and young people are an issue that will be addressed.

The Play Partnership will require a high quality of design in playgrounds to ensure exciting, accessible and safe fixed equipment is integrated into the environment in which the play or youth area is located.

Playgrounds will be managed to be safe and attractive to children.

6.2 Staffed play provision

Play workers should help to create the sort of play environment set out in "Best Play" and assist children and young people to direct their own play activities.

Some staffed play opportunities such as after school clubs or childcare, are not run exclusively to provide play opportunities in the way that a play scheme is. They may be intended to teach skills or enable parents to work. The Play Partnership will require that all such play opportunity providers strive to create as good a play environment as possible.

6.3 The wider built environment

The built environment must be managed and designed to enable play to take place whenever possible. All agencies represented in the Play Partnership will ensure that all their services take the need for children to play into account. This is of particular importance for Highways, Planning and Housing especially when negotiating with developers about the design of the built environment and the provision of public spaces and facilities.

6.4 The Natural Environment

The Play Partnership considers that access to natural spaces is important for children's development and that they can offer a valuable play space. All agencies represented in the Play Partnership will ensure that all their services take the need for children to play into account. This is of importance to services such as Planning, Countryside and Nature Conservation functions.

7. Barriers to Play

The Play Partnership will identify anything which prevents children and young people from making full use of play opportunities and seek to address these barriers.

A major barrier is the perception of risk and the lack of freedom children are given by parents to be out in the community without adults. Research by the Economic and Social Research Council has shown that parents acknowledge this, but that the degree of freedom reflects the local school culture and parents' experiences about the local area. Children who have been bullied or racially harassed are less likely to be allowed out alone. ESRC 2007: "Children's Place in the development of neighbourhood social capital".

8. Safety and Risk

The members of the Play Partnership endorse the Play Safety Forum's Position Statement (see appendix for full statement). In summary the statement is:

Children need and want to take risks when they play. Play provision aims to respond to these needs and wishes by offering children stimulating, challenging environments for exploring and developing their abilities. In doing this play provision aims to manage the level of risk so that children are not exposed to the unacceptable risks of death or serious injury.

The Health and Safety Executive has commented on this Position Statement:

"We consider Managing Risks in Play Provision to be an important document that will contribute to the debate on the provision of children's play. It articulates the balance between the benefit and the need for children to play against the duty of play providers to provide safe play. We must not lose sight of the important developmental role of play for children in the pursuit of the unachievable goal of absolute safety. It makes clear that the safety must be considered at all stages of play provision but that, inevitably, there will be risk of injury when children play, as there is risk of injury in life generally. The important message is though that there must be freedom from unacceptable risk of life-threatening or permanently disabling injury in play."

The Play Partnership acknowledges that, for play to be of value to the development of children and young people, there must be the chance for them to be creative, to experience personal challenge, to take risks, to stretch and test themselves as well as to have fun. By allowing children and young people to take risks in play settings they are less likely to search out less acceptable challenges for themselves elsewhere.

The risks should be made obvious to children and young people of all abilities. The level of risk will be assessed by making a judgement of the value, benefits, rewards and outcomes of the play experience to the individual, the likelihood of coming to harm and the severity of that harm. The value of play is set out above in this Play Policy. Where the presence of a risk is considered to be justified, it will be managed and controlled as far as is reasonably practicable while allowing the potential benefits to be delivered.

Disabled children and young people have an "equal if not greater need for opportunities to take risks since they may be denied the freedom of choice enjoyed by their non-disabled peers" (Play Safety forum). The needs of this group should receive particular consideration.

The Partnership considers that it is acceptable that children and young people

may be exposed to the risk of minor injuries. On occasions it may be unavoidable that there is a very low risk of serious injury or death but only if the hazards are clear to all users, the likelihood is very low, there are obvious benefits that would be lost if the risk were removed and there are no other ways to reasonably manage the risk.

These judgements will be made by using a Risk Assessment based on a holistic approach which looks at all elements in the play environment. The Risk Assessment includes judgements made on play provision and the benefits it provides. The Play Partnership acknowledges that what is acceptable in one environment may not be so in another. Factors affecting this judgement will include the ages and capabilities of the children and young people the play provision is for, the level and types of accidents that have occurred and the level of supervision provided.

The Partnership will ensure that training is provided for all play providers to carry out effective risk assessments and target scores for risk assessments will be agreed for different play settings to reflect their environment and the children and young people who will use them.

9. Involving Children and Young People

The Play Partnership will actively involve children and young people in decisions that affect play provision to ensure that it meets their needs, provides a quality experience and involves them in local democracy. This includes the design, location and management of play provision.

10. Distribution of Play Provision

Children and young people need to be able to play close to home in designated play areas, streets, parks, school grounds, indoor venues for organised play provision and other areas of the public realm. Such spaces and venues should be easily and safely accessible. The Play Partnership will support and advocate measures to ensure this by investigating and supporting proposals such as changes to the management of public spaces or public buildings to enable play to take place, new play spaces in areas where there is insufficient provision, traffic calming, opening of school premises out of hours.

A standard for the distribution of different types of play environment in relation to children's homes will be set out in the Play Strategy.

This need is supported by a range of documents including: Taunton Deane Local Plan, various planning documents (PPG1; PPG 13 Transport; PPG17 Open Space); NPFA Six Acre Standard; The Greenspaces Strategy for Taunton Deane; Sport England Planning policies for Sport.

11. Quantity of Play Provision

The Play Partnership sees the value in an up to date audit of all play

opportunities and will adopt a standard for play provision that reflects the needs for play in terms for quality, design and management, reflecting the findings of the audit.

Appendix 1a: The Play Safety Forum Position Statement: Managing Risk in Play Provision

The Play Safety Forum Membership

The Play Safety Forum brings together the main national organisations in England with an interest in safety and children's play. Members include providers, regulatory bodies, expert agencies and insurers. The aim of the Play Safety Forum is to build consensus on issues around risk and safety in relation to play provision. It is an independent body hosted by the Children's Play Council at the invitation of the Department for Culture, Media and Sport.

Association of Play Industries
Child Accident Prevention Trust
Children's Play Council
Health and Safety Executive
Institute for Sport and Recreation Management
Institute of Leisure and Amenity Management
Kidsactive
Local Government Association
National Early Years Network
National Playing Fields Association
National Family and Parenting Institute
National Society for the Prevention of Cruelty to Children
PLAYLINK
Royal Society for the Prevention of Accidents

Adviser: David Ball, Middlesex University

Observers: Department for Culture, Media and Sport Play Wales

Introductory remarks

Intended audience and scope

- This statement is written for those involved in play provision of any kind (for example play areas, playgrounds, adventure playgrounds, play centres and holiday play schemes). These include local authorities, voluntary organisations, play equipment manufacturers and inspection agencies.
- The statement has equal relevance to children and young people of all ages from 0 to 18, and it uses the term 'children' to cover the whole age range.
- The statement has relevance to other settings and environments in which children play, such as childcare provision, schools, parks and public open spaces.
- The statement will also be of interest to those involved in insurance and litigation in relation to play provision.
- The statement focuses on physical injuries resulting from accidents. However the overall approach, namely that a balance should be struck

between risks and benefits, is also relevant to agencies concerned with other issues such as the personal safety of children.

- The statement is in two forms: a summary and a full statement. The summary aims to state the key points of the full statement in a more accessible form, for a non-technical audience.

Purpose

There is growing concern about how safety is being addressed in children's play provision. Fear of litigation is leading many play providers to focus on minimizing the risk of injury at the expense of other more fundamental objectives. The effect is to stop children from enjoying a healthy range of play opportunities, limiting their enjoyment and causing potentially damaging consequences for their development.

This approach ignores clear evidence that playing in play provision is a comparatively low risk activity for children. Of the two million or so childhood accident cases treated by hospitals each year, less than 2 per cent involve playground equipment. Participation in sports like soccer, widely acknowledged as 'good' for a child's development, involves a greater risk of injury than visiting a playground. Fatalities on playgrounds are very rare - about one per three or four years on average. This compares with, for instance, over 100 child pedestrian fatalities a year and over 500 accidental fatalities overall.

In response to this situation, and in order to ensure that children's needs and wishes are properly acknowledged, the Play Safety Forum has prepared this statement.

How this statement should be used

All those involved in play provision should give close and explicit consideration to the issues raised by this statement. This would most effectively be done through reviewing policies and procedures, preferably as part of an overall review of policies on play. Providers are encouraged to use the statement to stimulate discussion and debate amongst key stakeholders when reviewing and developing their policies and procedures. Providers may want to explicitly adopt the statement, in full or summary form, in policy statements.

Summary statement

Children need and want to take risks when they play. Play provision aims to respond to these needs and wishes by offering children stimulating, challenging environments for exploring and developing their abilities. In doing this, play provision aims to manage the level of risk so that children are not exposed to unacceptable risks of death or serious injury.

Full Statement

Acceptable and unacceptable risk

In any human activity, there is an element of risk. Three factors are central to determining whether or not the level of risk is acceptable or tolerable:

- the likelihood of coming to harm;
- the severity of that harm;
- the benefits, rewards or outcomes of the activity.

Judgements about the acceptability of risk are made on the basis of a risk assessment. Risk assessment and management are not mechanistic processes. They crucially involve making judgements about acceptability based on an understanding of the balance between risks and benefits. Even where there is a risk of fatal or permanent disabling injury, this risk may sometimes be tolerable. For instance, going paddling at the seaside involves an unavoidable risk of fatal injury, but this risk is tolerable for most people because in most circumstances the likelihood of coming to harm is very low and there are obvious benefits. Social and psychological factors are also important in risk assessment. Risks that are acceptable in one community may be unacceptable in another, and policies should take this into account.

Almost any environment contains hazards or sources of harm. In many cases the existence of hazards can be justified, perhaps because they are impossible to remove or perhaps because their removal would have undesirable consequences or be too costly. Where the existence of a hazard can be justified, measures should be in place to manage it. In a controlled environment such as a workplace or a playground, those responsible are required by law to identify, and make informed judgements about, the hazards to which people are exposed. They must take steps to ensure that the risks are managed and controlled so far as is reasonably practicable while allowing the potential benefits to be delivered.

Children and risk

All children both need and want to take risks in order to explore limits, venture into new experiences and develop their capacities, from a very young age and from their earliest play experiences. Children would never learn to walk, climb stairs or ride a bicycle unless they were strongly motivated to respond to challenges involving a risk of injury. Children with disabilities have an equal if not greater need for opportunities to take risks, since they may be denied the freedom of choice enjoyed by their non-disabled peers.

It is the job of all those responsible for children at play to assess and manage the level of risk, so that children are given the chance to stretch themselves, test and develop their abilities without exposing them to unacceptable risks. This is part of a wider adult social responsibility to children. If we do not provide controlled opportunities for children to encounter and manage risk then they may be denied the chance to learn these skills. They may also be

more likely to choose to play in uncontrolled environments where the risks are greater.

Almost by definition, any injury is distressing for children and those who care for them. But exposure to the risk of injury, and experience of actual minor injuries, is a universal part of childhood. Such experiences also have a positive role in child development. When children sustain or witness injuries they gain direct experience of the consequences of their actions and choices, and through this an understanding of the extent of their abilities and competences. However, children deserve protection against fatal or permanently disabling injuries, to a greater degree than adults.

Children have a range of physical competences and abilities, including a growing ability to assess and manage risk, which adults arguably tend to underestimate. However children typically have less experience than adults of assessing the broad range of risks and hazards that they may encounter. Hence it is important to give them appropriate controlled environments in which they can learn about risk.

Play provision and risk

Risk-taking is an essential feature of play provision, and of all environments in which children legitimately spend time at play. Play provision aims to offer children the chance to encounter acceptable risks as part of a stimulating, challenging and controlled learning environment. In the words of the play sector publication *Best Play*, play provision should aim to "manage the balance between the need to offer risk and the need to keep children safe from harm". While the same principles of safety management can be applied both to workplaces generally and play provision, the balance between safety and benefits is likely to be different in the two environments. In play provision exposure to some risk is actually a benefit: it satisfies a basic human need and gives children the chance to learn about the real consequences of risk taking.

Hence it is acceptable that in play provision children may be exposed to the risk of minor and easily healed injuries such as bruises, grazes or sprains. On the other hand, play provision should not expose children to significant likelihood of permanent disability or life-threatening injuries. However it may on occasions be unavoidable that play provision exposes children to the risk - the very low risk -of serious injury or even death. But this would only be tolerable in the following conditions:

- the likelihood were extremely low;
- the hazards were clear to users;
- there were obvious benefits;
- further reduction of the risk would remove the benefits;
- there were no reasonably practicable ways to manage the risk.

For example a paddling pool, even if shallow, involves a very low but irremovable risk of drowning (even with parental supervision) but this is

normally tolerable. The likelihood is typically extremely low, the hazard is readily apparent, children benefit through their enjoyment and through the learning experience of water play and finally, further reduction or management of the risk is not practicable without taking away the benefits.

Providers should strike a balance between the risks and the benefits. This should be done on the basis of a risk assessment. Crucially, this risk assessment should involve a risk-benefit trade-off between safety and other goals, which should be spelt out in the provider's policy. Given children's appetite for risk-taking, one of the factors that should be considered is the likelihood that children will seek out risks elsewhere, in environments that are not controlled or designed for them, if play provision is not challenging enough. Another factor is the learning that can take place when children are exposed to, and have to learn to deal with, environmental hazards. Play provision is uniquely placed to offer children the chance to learn about risk in an environment designed for that purpose, and thus to help children equip themselves to deal with similar hazards in the wider world.

Good practice

Clear, well-understood policies, together with procedures that put these policies into practice, are the key to good practice in risk management in play provision. Policies should state clearly the overall objectives. Procedures, including risk assessment, should state how these policies are put into practice, giving guidance but also recognising the need for professional judgement in setting the balance between safety and other goals. Such judgements are clearly multidisciplinary in nature. For example, while they may contain an engineering dimension, of equal or greater importance is likely to be a knowledge of child development and play itself. There are a number of sources of authoritative, relevant guidance on good practice.

One valuable approach to risk management in play provision is to make the risks as apparent as possible to children. This means designing spaces where the risk of injury arises from hazards that children can readily appreciate (such as heights), and where hazards that children may not appreciate (such as equipment that can trap heads) are absent. This is particularly useful in unsupervised settings, where the design of the equipment and the overall space has to do most of the work in achieving a balanced approach to risk.

Conclusion

Safety in play provision is not absolute and cannot be addressed in isolation. Play provision is first and foremost for children, and if it is not exciting and attractive to them, then it will fail, no matter how 'safe' it is. Designers, managers and providers will need to reach compromises in meeting these sometimes conflicting goals. These compromises are a matter of judgement, not of mechanistic assessment. The judgements should be based on both social attitudes and on broadly based expert opinion informed by current best practice. They should be firmly rooted in objectives concerned with children's enjoyment and benefit. And they should take into account the concerns of

parents. Ultimately the basis of these judgements should be made clear in the policies of the play provider as written down in policy documents. These policies should in turn be understood and embodied in practice by all the key stakeholders.

References

Ball D (2002) *Playgrounds -risks, benefits and choices*, Contract Research Report No. 426/2002, Health and Safety Executive. British Standards Institute (1998) *BS EN 1176-1 Playground equipment -Part 1*, British Standards Institute. National Playing Fields Association, Children's Play Council and PLAYLINK 2000, *Best Play: What play provision should do for children*, National Playing Fields Association (available from Children's Play Council).

Appendix 2: The Action Plan

Priority 1: Ensure all children and young people have access to play opportunities in their local area

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
LP1	Play Rangers	<p>A team of trained workers who will specialise in enabling inclusive play and activity programmes with little use of fixed equipment, maximising the opportunities presented by the built and natural environments.</p> <p>Work across the age group – may need to specialise.</p> <p>The focus will be on areas with poor existing provision, limited access to particular types of provision or where there is little take up of existing provision.</p> <p>All opportunities will be as inclusive and accessible as possible, and will be promoted as such.</p> <p>Activities will be wider than traditional concepts of 'play', and will include youth work approaches, challenging and developmental activity and young people's participation in the design, development and delivery of the programmes.</p> <p>Non-traditional venues will be used to promote 'wild' play and partnerships will be developed to make use of the experience of providers of hazardous activities.</p>	TDBC Leisure	Tone Leisure, TDBC Parks, SC Youth Service, TD Play Association, Play Partnership	Big Lottery	<ul style="list-style-type: none"> ▪ x full time jobs created ▪ Play opportunities created for X individual young people and children ▪ X hours delivery in school holidays ▪ X hours mid-week delivery ▪ X hours weekend delivery ▪ X disabled young people involved ▪ X VCS groups supported ▪ X volunteers trained and supported to further develop delivery ▪ X new venues utilised for activity programmes ▪ X young people trained to support delivery <p>X accredited qualifications achieved by young people and volunteers</p>

LP2	Training for volunteers	Motivate volunteers to become play workers to build on the work of the rangers in communities and ensure continuity and development of play opportunities. Develop a play quality evaluation system for young people to be accredited to deliver	T D Play Association	TDBC, Tone Leisure, SC Youth Service, Connexions	Big Lottery	X young people trained to support delivery X volunteers trained and supported to develop delivery X accredited qualifications achieved by young people as volunteers
LP3	Supplementary Planning Document to define good play provision for planners and developers	Document to become adopted as part of the Local Development Framework and to set out standards of quantity, quality, design and accessibility for play provision.	TDBC Leisure and Parks	TDBC Planning, SCYS, Somerset Play Forum	TDBC in kind and existing budget	Written and adopted by March 2009 New developers using SPD to guide developments by April 2009
LP4	Investigate opportunities to address gaps in provision of play.	Take the audit of opportunities and identify areas where there are deficiencies in any type of provision and opportunities to fill them. Support parishes with little or no play provision to develop projects and access funding opportunities.	TDBC Leisure TDBC Leisure and Economic Development	TDBC Planning, SCC, private schools, other landowners	TDBC, Section 106, Crime and Disorder Partnership, External Funding bids TDBC in kind	X new play opportunities created X number of chyp engaged X parishes receive advice on developing projects X chyp engaged in parish projects
LP 5	Investigate the possibility of allowing "private" play opportunities for example schools sites to be used by local communities	Undertake a search of play provision not accessible to all children and negotiate agreements to enable access for the community. Focus particular effort on areas with poor local provision.	TDBC Leisure	SCC schools, Community Learning Partnerships Somerset Children and Young Peoples Partnership, Charitable or public landowners	TDBC in kind, SCC in kind	X schools or landowners with agreements in place in 2008/9

<p>LP 6</p>	<p>Investigate the use of Community Transport take children and young people from areas with no provision to play opportunities</p>	<p>Negotiate improved use of accessible community transport for children and young people to access play opportunities at appropriate times.</p>	<p>TDBC Economic Development</p>	<p>SCC integrated transport,</p>	<p>BIG Lottery, Parish and Town Councils if required</p>	<p>X chyp using new transport provision to access play X communities served by new transport provision</p>
<p>LP 7</p>	<p>Traffic calming, safe crossings and routes to play facilities</p>	<p>Get agreement that traffic calming and safe crossings are part of the cost of future play provision. Seek to make such provision for existing play opportunities. Seek to make improvements for existing facilities</p> <p>Link up public open spaces to create a network of safe spaces and routes for pedestrian or cycle access by working with partners</p>	<p>SCC Road Safety</p> <p>TDBC Leisure</p>	<p>TDBC Planning, Somerset Children and Young Peoples Partnership</p> <p>TDBC Leisure</p>	<p>Section 106, SCC if available</p> <p>Section 106</p>	<p>Identify unsafe roads that could expand the catchment of existing play provision by... X% of urban area with access to play without crossing a major road that does not have a controlled crossing or traffic calming</p> <p>X number of play spaces that are linked together by</p>

PRIORITY 2: MAKING PLAY MORE EXCITING AND CHALLENGING

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
EC1	Provide wilder play opportunities.	Negotiate and organise access to outdoor challenging play activities in natural environments.	TDBC leisure (rangers)	SC Youth Service, Charitable landowners, Tone Leisure	BIG Lottery	X number of wild spaces visited by ranger service X children engaged on natural spaces
EC2	Redesign existing public open spaces to make them more interesting for children and young people to explore	Designs for play in open spaces to include making use of natural materials such as logs, rocks, landforms, wildflowers etc., Links to SPD and Play Council Enriched Play Criteria.	TDBC leisure and parks	Barnardos, BTCV, SC Youth Service, TDBC Arts	BIG Lottery Playful Ideas Fund	Agreed list of sites with potential by... X spaces improved by
EC3	Destination or district level park(s)	Undertake a search of sites that might be developed for challenging outdoor play opportunities.	TDBC leisure	TDBC planning	Section 106, External funding bids	List of sites identified and evaluated for possible development by..... Landowners approached for a reaction by..... Funding identified by..... Development Plans underway by....
EC4	Involving children and young people with designers and constructors of play facilities	Ensure that public open spaces and play facilities are designed with children and young people and where possible facilitate their participation in the construction. Inspire them to think beyond what they already have experience of in the local area	TDBC Leisure and Parks	SC Youth Service, TD Play Association, Parish Councils	TDBC in kind and S106, SC Youth Service in kind	Number of chyp involved Number of sites worked on

PRIORITY 3: MAKING PLAY INCLUSIVE

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
I1	Inclusive Play	Ensure that all new and upgraded built play facilities are fully inclusive.	TDBC Leisure	Barnardos, Disability Forum, Compass	TDBC capital fund	X sites assessed Suggest all district and neighbourhood sites assessed X sites upgraded suggest all sites district and neighbourhood sites upgraded / modified over life of strategy (will get Harriet to supply figures as above) X parks staff trained All staff to attend Disability Equality Training delivered by a disabled person through Compass by.....
I2	Play Days	A series of opportunities to showcase play around the Borough and at different times of the year	TDBC (rangers)	TD Play Association, SC Youth Service	BIG Lottery	X sessions held X parents or carers attended X chyp engaged X opportunities to promote play to other professionals and agencies

PRIORITY 4: FUNDING

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
F1	Access to funding	Monitor funding opportunities and ensure all possible providers are kept informed of them and encouraged/supported to apply to them Make applications to external funders	TDBC TDBC	Play Partnership Members, Somerset Play Forum, Play Association	TDBC in kind TDBC in kind	Biannual information bulletin to all partners needing it Play conference organised annually X applications made per
F2	Grants for providers of play opportunities to be targeted at projects which will be delivering the outcomes of this Strategy	Identify priority areas and actively promote the capital grant scheme. Identify sources of other funding for organisations to access. Assist with the development of projects for funding	TDBC Leisure	TD Play Association, Somerset Play Forum	TDBC capital fund and officer time	New criteria agreed by TDBC by..... Criteria launched to site owners by.....

PRIORITY 5: RAISING THE PROFILE OF PLAY AND ITS VALUE

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
P1	Promotion and information	<p>Make better use of existing sources of publicity or gain agreement to expand them to cover whole age group (for example Gateway project)</p> <p>Improve signage to play opportunities using accessible formats (including pictograms and Braille) where possible</p> <p>Continue and expand on the existing Deano publication which publicises holiday play opportunities</p> <p>Provide information about the location of play facilities</p>	TDBC	TD Play Association, SCC	TDBC in kind	<p>All 8 neighbourhood level parks and 2 district parks to be signed from major access routes by.....</p> <p>Gateway project to have all information gathered from the development of the strategy by...</p> <p>Deano includes x new play opportunities by</p> <p>Website for play to be developed with all information about play opportunities and linked to all partners' sites</p>
P2	Campaign to address parents fears for their children	Organise a programme of activities and press stories to allay fears.	TDBC and SCC	Gazette, Somerset Sound, BBC Local Radio	TDBC and SCC in kind	<p>X press releases</p> <p>X column centimetres in local press on play</p>
P3	Taunton Deane Play Partnership	The Partnership will continue to meet to discuss issues arising about play, agree terms of reference for the future and monitor the delivery of the strategy to ensure coordination of local provision.	TDBC	Partnership members	In kind	<p>Terms of reference agreed by.....</p> <p>Monitoring reports received</p>
P4	Development Worker	<p>Appointment of post to really make it all happen and coordinate funding, promotion and service the Play Partnership.</p> <p>Development Officer located within TDBC Leisure Development, supporting and reporting to Play Strategy Group.</p>	TDBC	Play Partnership, TD Play Association, SCYS, TDBC Parks, TDBC Planning, Barnardo's	TDBC (using existing salary budget)	

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
		<p>The focus will be on developing and implementing documentation to enhance co-ordination and consistency of delivery across the play and youth activity field.</p> <p>Priorities will include:</p> <ul style="list-style-type: none"> • A research programme to explore potential 'destination play' sites and existing under-used facilities (schools) • Working with the Play Association in training and supporting VCS groups and volunteers • Seeking funding to further develop delivery • Lobbying for improved transport links between centres of population and play facilities • Developing and maintaining participation of children, young people and community members in design and development of new play facilities • Co-ordination of publicity and promotion of opportunities • Development and management of a robust QA process for all delivery support through Play Partnership • The production of an annual report on 'The State of Play in Taunton Deane' and accompanying action and funding plan 		<p>SCC Highways, Community Transport Groups</p>		<ul style="list-style-type: none"> ▪ Production of research into destination play sites by..... ▪ 2 new destination sites identified and plans agreed for their development by..... ▪ External funding of £50k drawn in to partnership by... ▪ Participation process developed and agreed by partnership members by ▪ 12 press releases issued to promote delivery per year

Ref	PROJECT	DISCRIPTION	LEAD ORGANISATION	PARTNERS	FUNDING	MEASURES OF SUCESS
		<ul style="list-style-type: none"> • Discussions to improve road safety near play facilities 				<ul style="list-style-type: none"> ▪ Relevant websites updated termly to reflect delivery programmes ▪ QA process developed and agreed by ▪ 12 QA monitoring visits and assessments completed by ▪ Annual report produced with agreed action plan by..... ▪ Meetings with relevant officers arranged and agendas set by.....

Appendix 3

CLlr Scores for Play Strategy Action Plan

Action Ref No									Total	Average
LP 1	4	4	3	5	5	5	5	5	36	4.5
LP 2	3	5	3	3	5	4	5	5	33	4.1
LP 3	3	5	4	4	5	4	1	3	29	3.6
LP 4	5	4	4	5	5	4	4	4	35	4.4
LP 5	5	4	3	5	5	3	2	4	31	3.9
LP 6	4	3	2	5	5	3	5	4	31	3.9
LP 7	5	5	3	5	5	3	1	5	32	4.0
EC 1	3	5	5	5	5	2	1	3	29	3.6
EC 2	4	4	5	5	5	2	2	3	30	3.8
EC 3	4	4	5	5	5	2	2	2	29	3.6
EC 4	3	5	3	5	5	3	1	3	28	3.5
I 1	5	4	3	5	5	4	1		27	3.9
I 2	3	3	2	3	5	3	3	2	24	3.0
F 1	5	5	5	5	5	5	1	5	36	4.5
F 2	5	5	2	5	5	4	2	5	33	4.1
P 1	4	4	3	5	5	3	3	3	30	3.8
P 2	4	4	3	5	5	2	3	3	29	3.6
P 3	4	4	2	4	5	2	5	3	29	3.6
P 4	4	5	4	5	5	3	5	3	34	4.3

Table: 1 = lowest priority
5 = highest priority

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE 22 AUGUST 2007.

Review of the Charges to Charities for Hiring Public Open Spaces for Events (This is the responsibility of Executive Councillor Lees)

Purpose

To give further consideration to a previous decision of the Executive regarding charging charitable organisations to hire public open spaces and parks for events. This decision has been referred back to the Executive by the Review Board.

Background

The Executive at its meeting on 18 July 2007 made decisions regarding these charges. Details of these decisions are attached.

The Executive's decision was subsequently called in by Councillors Edwards and Brockwell and the detailed reasons for the call in are also attached.

Following consideration of the call in by the Review Board the Executive have been asked to :-

1. Give proper consideration to the effect its decision will have on Council resources and how the shortfall would be resourced;
2. Retain a charging structure which can be applied consistently and which is equitable to all charities;
3. Retain a system where a charity is required to demonstrate need before charges are waived; and
4. Consider deferring any decision on abolishing the charging structure for a further year – it was far too early to assess whether the charging structure was having any effect on the ability of charities to stage events on the Council's open spaces.

Recommendation

Members are requested to give further consideration to the decision made by the Executive on 18 July taking into consideration the views and comments made by the Review Board

Greg Dyke

Democratic Services Manager

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Taunton Deane Borough Council

Meeting of the Review Board – 2 August 2007

Call in, by Councillors Edwards and Brockwell, of the decision made by the Executive in relation to the waiving of charges to charities for hiring public open spaces for events

At its meeting on 18 July 2007, the Executive considered a report (which is attached as an Appendix) concerning the implications of not charging charitable organisations to hire public open spaces and parks for events. The resolutions agreed at the meeting were that:-

- “(i) charges made to charitable organisations for the hire of public open spaces and parks for events be waived; and
- (ii) the Council’s overview and scrutiny body be used to investigate ways in which additional income could be raised to cover the potential loss which would occur as a result of the decision.”

The Executive’s decision has now been called in by Councillors Edwards and Brockwell for the following reasons:-

“We wish to call in the decision of the Executive made at their meeting held on the 18 July 2007 to waive charges made to charitable organisations for the use of open public spaces and parks as it was done without any consideration of the likely overall impact on the Councils finances if all charitable organisations are to be truly given fair and equitable treatment.

We believe any charitable body should have to demonstrate “need” as charities have varying levels of status and finance. We also believe that there should be consistency in the charging structure by Taunton Deane Borough Council for all organisations and the decision directly impacts on that principle.”

Once the Review Board has heard the full debate on this matter, it will have two options open to it:-

- (1) **To decide to take no further action** – in which case the decision of the Executive taken on 18 July 2007 will stand; or
- (2) **To support the challenge and refer the decision for further consideration** (stating the grounds for justifying that request) – where the matter will be considered again by the Executive.

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APPENDIX to the Review Board's Report

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE **18 July 2007**

Report of Leisure Development Manager:
REVIEW OF THE CHARGES TO CHARITIES FOR HIRING PUBLIC OPEN
SPACES FOR EVENTS (This is responsibility of Executive Councillor
R. Lees)

Purpose

Executive Members have requested a report on the implications of not charging charitable organisations to hire public open spaces and parks for events.

Background

In March 2005 the Health and Leisure Panel received a report on charging for the hiring of public open spaces. This proposal formed part of the review of charging the public for all services within the Leisure portfolio prior to the setting up of Tone Leisure. A further report, taking into account the views of the Panel, was considered in September 2005.

The final report to Executive in March 2006 includes a summary of the Health and Leisure Panel debate. In brief, the Executive decided to formalise the hiring of public open space by introducing a hiring charge based on the cost to the Council of maintaining the area of land that is hired (and thus not available to the public for use) for the period of the hiring.

This charging structure has been applied successfully since May 2006 and the full list of hirings by charities to date is set out below.

Charges Made To Charitable Organisations

	£ 2006	£ 2007
Events organised by charities		
Flower Show	1,261.45	1,452.00
Diabetes UK		554.40
St Margaret's Hospice		1,986.60
Albemarle Centre	25.00	50.00
Flower Show Private Members Dinner	25.00	50.00
Christian Aid		50.00
Church of Jesus Christ of Latter Day Saints (Mormons)		50.00
Events organised to raise funds for charities		
Taunton Classic Motor Cycle Club	50.00	50.00
Duck Race For Majorette Team	25.00	
Lambrook Local Action Team	25.00	

TOTAL

1,411.45 4,243.00

How the Hire Charge is Calculated

The full calculation method is set out in the Executive report. The charge in Vivary Park is by far the highest due to the high maintenance costs of an ornamental park. The daily cost to the council of all other parks are very low. For example the daily cost of managing the whole of Vivary Park is currently £620, but for French Weir Park it is only £50 per day.

Discounts and Exclusions and reduced costs

The hiring charge is waived for:

- hirings by community groups organising an event on behalf of the Council,
- events which are intended to raise funds for the park and
- informal activities which add to the ambience of the park such as band concerts and morris dancers.

Discounts on the hire charge are given if the event is delivering a Corporate Priority (eg Taunton Flower Show receives a discount of 15% for its contribution to Economy) and if the event is run by volunteers (eg Taunton Flower Show receives a 50% discount on this basis).

Event hirers have the choice of park sites for events and choosing any one other than Vivary leads to very substantially reduced costs.

Charities

Members decided that the issue of a hiring organisation having charitable status was not relevant as many such organisations have paid staff and those which are run by volunteers receive the reduction for voluntary organisations. Not all charities are organisations that Members would automatically wish to subsidise and support and by not make a charge the Council is maintaining land at public expense for a period when there is no public benefit.

An extract from the Charities Commission website setting out its list of charitable purposes is attached as Appendix 4 for clarity.

Implications of not charging charities

The income from all hire fees (commercial events and voluntary events) compensates the public for the loss of enjoyment of areas of public open space. The hiring fees are used to improve the parks service and contribute to the funding of the Park Wardens in the town centre parks and to the ability to invest in site improvements that other sources available to the Council cannot pay for.

This year, to date, the income from charging charitable organisations is £4,143 of which all but £1,500 has been received.

If the charge to charities is removed with immediate effect, there will be a loss of income in 2007/8 of around £1,500 plus any further hirings this year that is not recoverable as there is not time to take adequate steps to do so.

Possible ways to make up for the lost income

The following is a list of possible ways to raise income to cover the potential loss with some initial comments. These could be explored by Health and Leisure Panel:

1. Attract more events into Vivary Park: this may be possible in future years, but is not possible in the current financial year. There are staff implications in handling significantly more events due to the site visits, preparation and checking of documentation etc. There is a limit to how many events Vivary Park can sustain without compromising its role as a public park and damaging the ground and infrastructure
2. Increase the charge to commercial event organisers: our research whilst developing the framework showed that the charges resulting in Vivary Park for commercial events were at the right level to keep Taunton an attractive venue
3. Introduce a profit sharing approach to commercial event hirings: there is a risk that income could go down if ticket sales were poor due to bad weather or poor marketing. The Council would need resources to engage in joint marketing to ensure high ticket sales.
4. Recalculate the charge based on the total cost to the Council of all its public open spaces: all sites would be charged out at the same cost resulting in higher income from site such as French Weir. No figures are available for this option as it needs further research

Recommendation

Members are requested to consider if any alterations to the charging framework are necessary and if so to request Health and Leisure Panel to develop options for consideration.

APPENDIX 1: REPORT TO HEALTH AND LEISURE PANEL
30 SEPTEMBER 2005 – **not attached**

APPENDIX 2:REPORT TO EXECUTIVE 8 MARCH 2006 – **not attached**

APPENDIX 3: MINUTE 22 FROM EXECUTIVE 8 MARCH 2006 – **not attached**

APPENDIX 4: EXTRACT FROM CHARITIES WEBSITE

To be a charity an organisation must have purposes all of which are exclusively charitable; a charity cannot have some purposes which are charitable and others which are not. The Charities Act states

that a charitable purpose is one that falls within the list of thirteen descriptions of purposes contained in the Charities Act and is for the public benefit. Public benefit is the legal requirement that all charities must have charitable purposes which benefit the public. The nature of the benefit provided to the public may look very different depending on what the charity is set up to achieve.

The Charities Act sets out the following descriptions of charitable purposes:

- a) the prevention or relief of poverty;
- b) the advancement of education;
- c) the advancement of religion;
- d) the advancement of health or the saving of lives;
- e) the advancement of citizenship or community development;
- f) the advancement of the arts, culture, heritage or science;
- g) the advancement of amateur sport;
- h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- i) the advancement of environmental protection or improvement;
- j) the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- k) the advancement of animal welfare;
- l) the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services;
- m) other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.