



**WATFORD
BOROUGH
COUNCIL**

CABINET

Monday, 10th October, 2016

7.00 pm

Town Hall Watford

Publication date: 30 September 2016

Contact

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Cabinet Membership

Mayor	D Thornhill	(Chair)
Councillor	P Taylor	(Deputy Mayor)
Councillors	K Collett, S Johnson, I Sharpe and M Watkin	

Agenda

Part A – Open to the Public

1. Apologies for Absence

2. Disclosure of Interest (if any)

3. Minutes of previous meeting

The minutes of the meeting held on 12 September 2016 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. Conduct of meeting

The Cabinet may wish to consider whether there are any items on which there is general agreement which could be considered now, to enable discussion to focus on those items where the Cabinet sees a need for further debate.

5. Investment in Watford's Adventure Playgrounds (Pages 5 - 50)

Report of Head of Community and Customer Services

6. Four year funding settlement (Pages 51 - 54)

Report of Shared Director of Finance

7. Procurement of ICT network services and Revenues and Benefits software support. (Pages 55 - 66)

Report of Shared Director of Finance

8. Procurement of technical/professional support for the procurement of the Parking Management Contract due to commence in 2018 - exemption to contract procedures (Pages 67 - 74)

Report of Transport and Infrastructure Section Head

Agenda Item 5

Report to: Cabinet
Date of meeting: 10 October 2016
Report of: Head of Community & Customer Services
Title: Investment in Watford's Adventure Playgrounds

1.0 Summary

- 1.1 This report sets out proposals for investment in two of the Council's Adventure Playgrounds at Harwoods and Harebreaks to create high quality, modern, creative and challenging Adventure Playgrounds with improved accessibility.
- 1.2 Funding for significant capital investment of up to £1.4 million into the Adventure Playgrounds has been made available by the Council for these new facilities, which will be open to all at all times.
- 1.3 The new Adventure Playground facilities will be designed so that they can be used without supervision. The current staff presence will be withdrawn, which will help the council achieve the significant revenue savings it is required to make.

2.0 Recommendations

- 2.1 Having had full regard to the content of this report, including comments and views expressed by members of the public and users of the current service and having regard to the attached equality impact analysis, and the implications for crime and disorder, that the outline design plans for the investment of up to £1.4 million into the two Adventure Playgrounds be approved.
- 2.2 That Cabinet ratifies the service of termination notices on the Adventure Playground staff issued on 26 August 2016 and that the current staffed service be terminated with effect from 31 October 2016.
- 2.3 That play activities be commissioned for the 2 week Easter break and for 6 weeks in the summer.
- 2.4 That the new adventurous play areas be opened for public use in Spring 2017.
- 2.5 That an additional £150,000 be added to the capital programme of £1.25m for this project.

Contact Officer:

For further information on this report please contact:
Gary Oliver, Section Head, Culture and Play
Telephone extension: 8251, gary.oliver@watford.gov.uk

Report approved by: Alan Gough- Head of Customer and Community Services

3.0 Detailed Proposal

Background

- 3.1 At its meeting on 4 July 2016 Cabinet considered a report setting out proposals to invest £1.25m in the council's two Adventure Playgrounds at Harwoods and Harebreaks (APGs). The proposal was approved and the decision was subsequently called-in and considered by Overview and Scrutiny Committee at its meeting on 21 July 2016, who ratified the Cabinet's decision.
- 3.2 Following this the council received a letter from solicitors acting on behalf of a parent whose children use the APGs seeking to challenge the decision on a number of grounds. Whilst the council is of the opinion that a number of the issues that it has been challenged on are without merit it is considered prudent for the matter to be brought back before Cabinet for a fresh decision.
- 3.3 The council provides the APGs under a discretionary power in section 19 of the Local Government Miscellaneous Provisions Act 1976. Section 19(1) allows a local authority to provide such recreational facilities as it thinks fit, including amongst other things premises, equipment and staff.
- 3.4 The council is not the Education Authority or Social Services Authority for the Borough, this is Hertfordshire County Council and, therefore, it has no statutory duties in relation to the provision of facilities for children and young people and neither does it operate the APGs on behalf of Hertfordshire County Council.
- 3.5 The council has however always recognised that play is an important factor to a child's development and has made considerable investment in many local play facilities across the Borough using its discretionary power under s19. It is proposed that this investment be now extended to the APGs.
- 3.6 The current facilities at both APGs are in need of modernisation and current accessibility to the facilities is restricted to specific opening times. These are:

Summer opening (April to October)

Harebreaks:

Monday, Wednesday, Thursday & Friday

- Term time: 3.30pm - 6pm
- School holidays: 10am - 5pm

Tuesday

- Closed

Saturday and Sunday

- Term time: 11am - 5pm
- School holidays: 11am - 5pm

Harwoods:

Monday, Tuesday, Thursday & Friday

- Term time: 3.20pm - 6pm
- School holidays: 10am - 5pm

Wednesday

- Closed

Saturday and Sunday

- Term time: 11am to 5pm
- School holidays: 11am - 5pm

Winter opening (November to March)

During the winter months, the APGs opening has been reduced from six to four days a week and opening hours have also been reduced as set out below:

Harebreaks

Monday & Thursday

- Term time: 3.30pm – 5.30pm
- School holidays: 12.30 – 3pm

Tuesday, Wednesday & Friday

- Closed

Saturday and Sunday

- Term time: 11.30am - 4pm
- School holidays: 11.30am - 4pm

Harwoods

Monday, Wednesday & Thursday

- Closed

Tuesday & Friday

- Term time: 3.20pm – 5.30pm
- School holidays: 12.30 – 3pm

Saturday and Sunday

- Term time: 11.30am - 4pm
- School holidays: 11.30am - 4pm

- 3.7 The APGs are staffed at these opening times and these staff also provide Play Ranger services to the community at various locations throughout the year. Analysis of attendance figures show that the current take up of the facilities is focused on the local community with reach to other areas of the borough more limited. User registration from 2014 is mapped in the equality impact analysis (EIA) associated with this report: Appendix A

3.8 The reduction and then removal of the Revenue Support Grant by Central Government means that the council has to make savings in its revenue expenditure of approximately £3m by April 2019. When this requirement is balanced against a council desire to create an improved play offer that is high quality, modern, sustainable and more accessible, a transformational change is required.

3.9 This transformational change should not be seen as a reflection on the current Play Services provided. The attendance figures for the period January – June 2016 are shown in Appendix D.

4.0 **The Proposal**

4.1 A company called Southern Green was commissioned to provide design possibilities for the two APGs, with a brief including:

- making the Adventure Playgrounds accessible at all times, for ages 5 – 15 years
- modern, innovative and challenging play experiences
- designs to take into account health and safety guidance
- play areas to be durable and sustainable and equipment to have a 20 year lifespan
- providing a destination for families from across the borough
- specifically in relation to Harebreaks to work with the existing natural environment

4.2 This has given rise to the outline designs shown at appendix B. Please note that these are still only outline proposals and are still subject to change.

4.3 In summary:

Harwoods Adventure Playground will be a number of play zones which encourage different types of adventurous play opportunities in different environments:

- a welcoming space for families gathering together, seating, and play equipment for younger children so that there is a full family offer provided
- a climbing wall
- an iconic tower with aerial tunnel, slides, and bridge
- adventure trail challenges
- double zip wire
- exciting swing area and natural play areas

This all to be integrated and linked to the existing MUGA and other outdoor areas. The whole area will be connected by a landscaping scheme including new planting and walkways. It will be necessary to remove some trees from this site in consultation with the Council's Arboricultural Officer.

4.4 For Harebreaks Adventure playground the same design criteria remain, however the proposals are tailored to the existing habitat. The play zones will include:

- a welcoming space for families gathering together,
- woodland transition, to encourage and intrigue visitors to venture within the woodland
- an iconic tower with aerial tunnel, slides, and walkway
-
- some of the former play area reverting back to a more natural habitat.

Again this will be linked to existing outdoor areas such as the existing playground.

- 4.5 The above proposals are innovative, challenging and creative and represent an investment in play which continues to add value and experiences to children's lives. These proposals are transformational and can be enjoyed all year round by children and families. Examples of some of the specific equipment at each site are in Appendix C.
- 4.6 The above investment of up to £1.4m will create APGs that are not restricted to specific opening hours and do not require staffing. It is proposed that in addition, play activities will be commissioned for the 2 week Easter break and for 6 weeks in the summer. These activities will support use of the two new APGs, Watford's parks and open spaces, the Big Events programme and other locations.
- 4.7 Regular inspection and maintenance of the new APGs will become part of the contract with Veolia. Appropriate signage will be placed at the entrances to the APGs welcoming visitors and advising on use of the equipment.

5.0 Considerations

- 5.1 The council has not undertaken any formal consultation on the proposals with either users of the current APGs or the wider public. The council is under no statutory duty to consult as it is exercising a discretionary power which does not require consultation, and having regard to the nature and likely effect of the proposals it is not considered that this is an exceptional case where non-statutory consultation is required. It has, however, undertaken formal consultation with staff affected by the proposal as an employer.
- 5.2 Although the council has not carried out a formal consultation exercise, staff were notified of the proposals on 23 June 2016 prior to the publication of the Cabinet agenda for the 4 July meeting and all registered users were also notified of the proposals and of the Cabinet meeting by letter dated 23 June 2016.
- 5.3 As a result the council has received e-mails, letters, a petition and representations made by members of the public to both Cabinet and call-in and from staff all questioning the withdrawal of the supervisory element of the APGs - copies of the communications from members of the public will be made available to Cabinet members before the 10 October meeting. After the Cabinet decision the council also held two drop in sessions on 9 and 11 July 2016 to show the community the proposed new equipment and took the proposed designs to the APGs on 16 August (Harwoods) and 18 August (Harebreaks) to allow the current users see what is being proposed as well as to gather suggestions and feedback on

potential activities for the Easter and summer holiday programmes.

5.4 The following is a summary of the representations that have been received from the public by the council since 23 June 2016. Copies of the representations received will be made available to Cabinet members before the 10 October meeting. These were received by: the Elected Mayor of Watford, Partnerships and Performance Section Head and the Community and Customer Services department, which is responsible for the delivery of the current play service. The representations were made by email, phone call and by letter. A number followed the distribution of a letter to the parents/carers of registered users (dated 23 June 2016) and a follow up leaflet (dated 1 July 2016). There were 1,503 email addresses on the mailing list used.

Number of representations received: emails – 15 , phone calls – 3, letters – 5

Number of objections: 22

Number in support: 0

Number where specific question raised: 1

The points that have been raised and officer responses are summarised below.

- Against closure of supervised provision:
- Officer comment: whilst it is recognised that the proposal will end supervised play as currently provided, the investment in new, exciting play equipment will deliver an improved play offer with a wider appeal to local young people with the aim of attracting a broad range of ages and abilities. Furthermore, the proposals for Easter and summer activities mean that young people will still be able to access free play activities.
The annual cost of the current Play Service is approximately £375,000, excluding support service and other costs. The council must find significant savings in its day to day expenditure and these proposals would allow it to enhance the layout and equipment of the APGs using capital funds, which would then be available for use all year round, while helping to reduce revenue pressure on other critical areas of council expenditure.
- Lack of public consultation:
- Officer comment: this is covered in 5.1 of this report.
- Concern over loss of a free service:
- Officer comment: the APGs will continue to be free to use as will be the Easter and summer activities programme. The loss of supervision is the result of the council having to make hard choices at a time of reduced funding.
- Impact on community/social cost of closure:
- Officer Comment: the proposed investment secures play at both Harwoods and Harebreaks and so they will continue to be a focus for play activity for 5-15 year olds within their respective communities. The aim of upgrading the sites is to encourage a greater take up by young people, which will enhance a wider sense of community

across the borough. The proposed Easter and summer activities will be developed to target areas where a demand is identified and will be tailored to meet the needs of young people. These activities will be at a time when young people are not in school and will ensure that they and their parents/carers continue to have options on how they spend this free time.

- Impact on local young people of loss of current service:
- Officer comment: all young people currently using the APGs will be able to access the new provision from spring 2017 and so their opportunity to play, meet other young people and engage in shared activities will not be lost. As outlined above, the Easter and summer programme will take into account the areas identified by young people as being of interest and which they would, therefore, wish to take part in. This could include activities which challenge the young people in terms of adventurous play and those which they would not usually have an opportunity to enjoy without an element of organisation and encouragement. In terms of vulnerable young people, this is the responsibility of Hertfordshire County Council, which works with schools and other agencies to identify and manage issues relating to safeguarding.

- Loss of free supervision/childcare:
- Officer comment: the current service was designed to offer play opportunities for young people rather than childcare provision. Childcare is not a responsibility of a district authority and there is provision available from other agencies and organisations in Watford for parents and carers, which has been set up to meet these specific requirements. The council can signpost parents and carers to appropriate childcare services if this is requested.

- Impact on Harebreaks Wood:
- Officer comment: as part of the development of the designs for both sites, an ecological analysis was undertaken by independent specialists. This has informed the plans/designs and ensures that there is no significant ecological impact on the Wood. Issues considered included key/significant trees (none of which are being removed), bats and woodland fauna.

- Anti-social behaviour and community safety related issues:
- Officer comment: this is covered in 5.6 of this report

- Design of new provision including loss of character and current popular equipment:
- Officer comment: drawing on best practice from around the country, the equipment within the proposed design has been chosen to maximise appeal and excitement for young people as well as providing appropriate challenge for the age range and for differing abilities. Each site has been designed with its own 'character' and to fit into its immediate surroundings. This means more of an urban design for Harwoods, with Harebreaks taking on a woodland and more natural character in keeping with its setting

- Maintenance cost of new equipment:
- Officer comment: a budget of £25k for maintenance has been identified and the works will be included in the Council's contract Veolia, which is responsible for the

maintenance of play areas across the borough

- Volunteering opportunity lost:
- Officer comment: there are a significant number of volunteering opportunities in Watford, including working with young people. Watford and Three Rivers Trust would be able to provide this information if required
- Impact on staff:
- Officer comment: consultation with staff was carried out from 11 July to 8 August 2016. The main feedback related to the impact on the current users and any who are potentially vulnerable. This is covered earlier in this report. Furthermore, two members of staff were involved in the development of the alternative business case/model outlined below.

A petition was presented to the Mayor at Cabinet on 4 July. It was also available online. As of 20 September, this had 1,888 signatures. The petition was titled: 'Stop the proposal to replace staffed Adventure Play Services with fixed equipment parks'.

- Officer comment: the reasons for the recommendation to replace the current supervised service are detailed throughout this report as are the proposals for investing in fixed equipment and the benefits of upgrading the playgrounds and providing greater access throughout the year.

Save Watford Playgrounds (SWAP) submitted its own representation to Call-In Committee on 21 July 2016.

- Officer comment: The SWAP submission raised a number of points, relevant to the proposal, for consideration:
 - Lack of public consultation:
Officer comment: this is covered in 5.1 of this report
 - Long term impact on crime and anti-social behaviour for local communities:
Officer comment: this is covered in 5.6 of this report
 - Consequences for marginalised and disenfranchised communities in Watford
Officer comment: the new play provision is designed to attract a much wider range of users and remains free to users as does the proposed programme of Easter and summer activities. The latter can be tailored to meet the needs of the young people in the borough within the 5-15 years age range, including those with disability and other specific needs. In addition, the programme will ensure it reflects the town's diversity and will identify the key locations where activities will be most appropriate
 - Information to local communities relating to the closure of staffed play services:
Officer comment: the claim was that the council literature sent to parents/carers did not make clear that the new provision would not be staffed. However, the letter dated 23 June 2016 stated: *the new offer does mean that the current, supervised service will end from October 2016* and the leaflet sent on 1 July: *These new facilities are designed so that there isn't a need for staff*

to supervise children's play at Harwoods and Harebreaks. The fact that both sites remain dedicated to young people's play is seen as continuing the commitment at Harwoods and Harebreaks to play.

- Conflicting strategic planning for the maintenance and development of play areas and the protection of green spaces:
Officer comment: the proposal does not conflict with the council's Green Spaces Strategy. Both sites remain designated open spaces
- Under-investment in the current APGs through use of S106 funds:
Officer comment: The current proposal has identified £1.4million investment for the playgrounds. This is capital funding rather than revenue funding, and it is the in the latter that the council is facing pressure on its finances. The proposal generates an annual saving to the council of £250k, which will help it meet savings targets necessitated by government cuts.
- Incorrect calculation of the £250k savings figure:
Officer comment: This saving figure is within the council's medium term financial strategy and is accurate and achievable.
- Comment on involvement of Watford Community Housing Trust:
Officer comment: This was not relevant to the APG proposal.

In addition, a business case (dated 9 August 2016) was presented by staff and users during the staff consultation outlining a proposal to retain the APG provision by the setting up of a body managed by some of the existing staff and others with expertise in the play profession. Council officers undertook an analysis of this business model and are of the opinion that, primarily on the grounds of financial viability, it is not something they would recommend the council pursue. The business model required the council to provide revenue funding of £300k for the first three years of operation under the assumption that the council could use the capital funding identified to deliver its proposals to support the alternative business model instead. Under financial regulations, capital funding cannot be used to support revenue spending. The business model would have also meant the council would not achieve the £250k revenue saving identified in its proposals. Given its need to find a further £3million worth of savings by 2020, the council would need to find a further £750k over the next three years in addition to this sum in order to meet financial targets.

5.5 Officers have undertaken an equalities impact analysis (EIA) which is appended to this report. The EIA addresses the council's public sector equality duty under s149 of the Equality Act 2010 and is intended to assist the council to have due regard in the exercise of its functions to the need to:

- **eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act**

The EIA considers the possibility that the withdrawal of staff from the APGs may lead to increased discrimination, harassment, victimisation or other conduct prohibited by the Act. It notes that measures are in place to deal with these behaviours should they arise within the new playgrounds and also highlights the need for the proposed holiday activity programmes to clearly set out expectations in terms of behaviours and actions. All the borough's outdoor play areas are monitored by the Park Ranger service (managed by Veolia) and the rangers can deal with issues as they arise and as notified. Where incidents

are of a more serious nature, the borough has a very effective, multi-agency approach to tackling anti-social behaviour, which has seen incidents fall significantly over recent years. Any issues that would be deemed anti-social behaviour would be reported through the council's Community Safety Co-ordinator. Organisations and individuals commissioned to run and manage the Easter and summer holiday activities would be expected to demonstrate an understanding and commitment to equalities and the duties as set out in the Equality Act 2010.

- **advance equality of opportunity between persons who share relevant protected characteristics (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation) and persons who do not**

The opportunity provided by the investment means that both APGs can be designed to maximise accessibility for children of all ages. This will include not just the equipment installed but also the pathways and access to and around the site. The provision remains free and so there is no barrier created through affordability. By creating stimulating, challenging and enjoyable play opportunities within safe, well-maintained environments, the council will be providing a service that will appeal to young people across all the protected characteristics.

The play activities commissioned during the Easter and summer holidays will reflect the need to be accessible and to cater for a wide range of young people and abilities. In terms of young people with disability, this will include both physical and learning disabilities. In addition, these activities will be designed to meet the needs and reflect Watford's diverse community. Locations for these activities are yet to be confirmed but they will need to take into account areas which will advance equality of opportunity in terms of diverse neighbourhoods with a high number of young people.

Parents and carers who currently make use of the supervised service will be affected by its withdrawal. As parents and carers with responsibility for children during the day tend to be women, they are likely to be disproportionately affected, as are parents from lower-income households. However, there are other child care services in the borough which the council can direct users to, and during the Easter and summer holidays the council will arrange for a programme of free play activities

- **foster good relations between persons who share relevant protected characteristics and persons who do not share it**

The changes to the playgrounds will broaden the offer available to young people from 5-15 year olds and their families/ carers. By providing facilities 24/7 throughout the year there will be more opportunity for young people to use the facilities and to engage with each other through play. As shown in the analysis of registrations there is a strong correlation between registered users of the facilities compared with the overall population of 5-15 year olds. The aim of the upgraded facilities will be to appeal to a far broader range of young people from across the borough thus meeting the duty to foster good relations between people who share a relevant protected characteristic and people who do not.

The quality and range of equipment on offer will also broaden the APGs appeal and encourage greater usage from across the borough – ultimately providing a ‘go to’ destination for young people and their families. The proposed designs include integrated picnic areas, a meeting space with seating, which will provide more opportunities for families to gather and be part of the new experience.

- 5.6 As Cabinet will note from the objections/comments set out in 5.4 above there have been concerns expressed about the implications for crime and disorder by removing a supervised APG and installing equipment that is unsupervised and accessible 24/7.

The council has a public duty under s 17 of the Crime and Disorder Act 1998 set out as follows:

“(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and
- (c) re-offending in its area.”

Officers would comment that the council has in the region of 52 play areas and 29 parks, gardens and recreations grounds and playing pitches across the borough plus a skate park, all unsupervised. There is no evidence that unsupervised play areas of themselves are a cause of crime and disorder. Whilst some open spaces sometimes have incidents of alcohol and drugs misuse, whenever an area in the borough is seen to be a reporting hot spot for the misuse of alcohol and/or drugs, specific operations are used to deal with and end the identified activity at that location. The Council has a well established community safety action group involving neighbourhood policing and community safety experts that address and prevent issues of re-offending, criminal activity and anti-social behaviour.

The previously raised issue of the removal of fencing and formal boundaries leading to increased drug taking /dealing are not borne out by police mapping for such activities.

The council’s Community Safety Coordinator has also advised:

“all new play equipment/areas or facilities in parks are targeted by vandals in their construction phase. Notable are the instance of arson during the pre- opening or just opened phase, with slides and swings, because of their composite material, being the primary targets. Consideration should be given to the use of CCTV through the construction and initial use phase of the new provision, as experience shows once this time of change has finished the equipment’s presence is normalised and serious attacks on it cease”.

This recommendation will be considered within the project plan.

6.0 Conclusions

- 6.1 Despite the fact that the council has not formally consulted on this proposal, it has been

widely publicised and a number of comments have been received. The substance of these has been set out in this report. Officers have had regard to the council's duties under the Equality Act 2010 and to the implications for Crime and Disorder. Officers are of the view that to continue with the existing supervised service is not sustainable. The council is facing increasing pressure on its limited financial resources and will need to find approximately £3m of revenue savings by April 2019. By making this significant capital investment in adventurous play equipment and making it open and easily accessible the council is continuing to make provision for play whilst having regard to maximising the best use of its resources. Cabinet is asked to approve the recommendations.

7.0 **Implications**

7.1 **Financial**

7.1.1 The Head of Finance (shared services) comments that resources have been allocated in the capital programme 2016/17 to deliver the investment proposals of up to £1.25 million, with an additional £150,000 to be requested as part of the budget setting process. Savings of up to £250,000 per annum will be delivered from the Play Service revenue budget from April 2017. The costs of redundancies (where applicable) will be recovered from the savings within the first 12 months following the redundancies. Once agreed, service budgets will be adjusted to reflect the savings.

The cost of ongoing maintenance of the two playgrounds has been identified from existing budgets.

7.2 **Legal Issues (Monitoring Officer)**

7.2.1 The Head of Democracy and Governance comments that as stated in the main body of the report the provision of recreational facilities by the council is a discretionary power under s19 Local Government Miscellaneous Provisions Act 1976 and not a statutory duty. The Council is not the Education Authority, nor the Social Services Authority; that is Hertfordshire County Council. The council has no statutory requirement to consult either users or the wider public when determining how to exercise its discretion under s19.

In any event users and the wider public have informed the council of their views and these are set out in the report for members to consider.

The Council has complied with its employment policies with respect to affected staff.

The Council has also carried out an equalities impact analysis and has had due regard to the effects of this proposal on its equality duties and crime and disorder as set out in the report.

7.3 **Equalities and Human Rights**

7.3.1 Under s149 (1) of the Equality Act 2010 the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them.
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

In order to have regard to the council's obligations under s149, officers have undertaken an equalities impact analysis, which is appended (Appendix A).

Cabinet is asked to consider the public sector equality duty (see 5.5) and the EIA. Officers would particularly draw members’ attention to the identified positive impact of broadening the play offer for 5-15 year olds in terms of fostering good community relations by bringing together a higher proportion of the borough’s young people in this age range (currently around 12,000 young people) through shared play experiences. The EIA also recognises the importance of the commissioned play activities for the Easter and summer holidays in terms of meeting the needs of Watford’s diverse community and, in particular, for young people with disabilities (both physical and learning) and from black and minority ethnic communities. The change from the current play provision has potential negative impacts or risks for current registered users. These include: the loss of supervised play; potential issues around ASB/criminal behaviour at the sites; and the risk of the specific needs of some users not being taken into consideration when developing the transformed play service. The EIA notes that alternative supervised play activities and childcare are available within Watford and these need to be signposted to parents/carers as appropriate. As in 5.5, the EIA has regard to the Council’s successful approach to tackling ASB (which might also constitute discrimination, harassment, victimisation or other prohibited conduct as set out in the Equality Act 2010) and more serious criminal behaviour, should these occur within and in the vicinity of the two sites once they are re-opened. The impact on users with specific needs will be addressed through the final design stage of the upgraded plans and, as outlined, above the commissioned services should be accessible to all abilities and ethnic groups, and will be at locations where young people will be able to attend and there is an identified need and demand.

7.3.2 Officers do not consider that the proposals in this report engage the Convention rights of any users of the APGs to any significant degree. Even if there was an interference with the rights of users under Article 8 of the Convention (right to respect for the individual’s private and family life), it is considered that the interference would be slight, in accordance with the law and proportionate.

7.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Costs exceed budget	1	4	4
Future revenue savings not achieved	1	4	4
Designs not implemented in time	1	3	3

7.5 **Staffing**

7.5.1 All current play staff have been consulted in accordance with the council’s redundancy restructure and reorganisation policy and notices to terminate their employment were served on 26 August 2016. All staff have been offered outplacement support. A post will be created to continue the commissioning of play activities and provide resilience to the Culture and Play section in responding to future challenges.

7.5.2 In the event the Cabinet decides not to proceed with the proposals in this report the Council will need to consult with affected staff on mutually agreeing that the redundancy notices will be withdrawn.

7.6 **Accommodation**

7.6.1 There are no accommodation implications. The new post will be located at Watford Town Hall.

7.7 **Community Safety**

7.7.1 The council has had regard to the implications of the proposals on crime and disorder and community safety as set out in paragraph 5.6 above

7.8 **Sustainability**

7.8.1 The equipment will have a 20 year lifespan.

Appendices

Appendix A – Equalities impact analysis

Appendix B - Overview of the designs for Harwoods APG

Appendix C – Overview of the designs for Harebreaks APG

Appendix D – Attendance figures

Background Papers:

- letters, e-mails and petition from users, Cabinet report 4 July 2016, overview and scrutiny call-in report 21 July 2016

- ecological assessments for Harwoods and Harebreaks



Equality Impact Analysis

Title of policy, function or service	Improvements to Watford's Adventure Playgrounds
Lead officer	Alan Gough
Person completing the EIA	Kathryn Robson
Type of policy, function or service:	New/Proposed X
Version & Date	June 2016 V4. UPDATE SEPTEMBER 2016

1. Background

UPDATE

A proposal has come forward to enhance the play offer for young people in Watford at two adventure playgrounds (APGs), combined with the withdrawal of staff who currently supervise the APGs. This proposal was originally considered by Watford Borough Council's Cabinet on 4 July 2016 and subsequently upheld by the council's Overview and Scrutiny Committee on 21 July 2016.

Since this time, the council has received a letter from solicitors acting on behalf of a user of the current service threatening a legal challenge to the decision taken by Cabinet on 4 July 2016 (and which was subsequently upheld by Call-in on 21 July 2016), in relation to the proposals for investment in its adventure playgrounds at Harebreaks and Harwoods on a number of grounds.

The council has considered the content of the letter carefully and has taken the view that it would be prudent to retake the decision on the future of the Adventure Playgrounds at its Cabinet meeting on 10 October 2016.

Also in response to the legal challenge, the equality impact analysis has been reviewed and updated where appropriate and where additional information has been made available that is relevant to the issues raised.

Overview of improvements to Watford's Adventure Playgrounds

Whilst significant investment has been made in the town's play areas as part of the delivery of the borough's Green Spaces Strategy, these improved facilities meet the needs predominantly of a younger age range (under 12s).

Extension of provision

A gap in provision has been identified for adventurous play for an older age range than is currently catered for within Watford's play areas. This provision needs to have a wide appeal and meet the demands of today's young people for outdoor play facilities

In addition, a review of the council's two Adventure Playgrounds (APGs) at Harebreaks and Harwoods identified that, whilst offering a good service for those young people who did attend, take up was limited in comparison to the number of young people within the age range of 5-15 years across the borough, with a significant correlation between users and their proximity to the site.

Furthermore, the facilities themselves are outdated, with substantial investment required to bring them up to an acceptable and, in the long term, safe standard. The buildings had a limited life span when erected, which they have now far exceeded.

Financial pressures

The reduction and then removal of the Revenue Support Grant by Central Government means that the council has to make savings of approximately £3m by April 2019. At the same time the council wishes to create an improved play offer that is high quality, modern, sustainable and more accessible.

The Proposal

A company called Southern Green was commissioned to provide design possibilities for the two APGs, with a brief including:

- making the Adventure Playgrounds accessible at all times, for ages 5 – 15 years
- modern, innovative and challenging play experiences
- designs to take into account health and safety guidance
- play areas to be durable and sustainable and equipment to have a 20 year lifespan
- providing a destination for families from across the borough
- specifically in relation to Harebreaks to work with the existing natural environment

This has given rise to outline designs, which, whilst developing towards a final, agreed design, at this stage, are still outline proposals and could be subject to change.

The design proposals in summary:

The playgrounds at Harwoods will include a number of play zones which encourage different types of adventurous play opportunities in different environments:

- a welcoming space for families gathering together, seating, and play equipment for younger children so that there is a full family offer provided
- a climbing wall
- an iconic tower with aerial tunnel, slides, and bridge
- adventure trail challenges
- double zip wire
- exciting swing area and natural play areas

This will all be integrated and linked to the existing MUGA and other outdoor areas. The whole area will be connected by a landscaping scheme including new planting and walkways. It will be necessary to remove some trees from this site in consultation with the council's Arboricultural Officer.

For Harebreaks playgrounds the same design criteria remain, however the proposals are tailored to the existing habitat. The play zones will include:

- a welcoming space for families gathering together
- woodland transition, to encourage and intrigue visitors to venture within the woodland
- an iconic fixed play structure to excite and challenge young people
- adventure trail challenges
- some of the former play area reverting back to a more natural habitat

Again this will be linked to existing outdoor areas such as the existing playground.

The above proposals will lead to improved facilities at the playground sites that can be enjoyed all year round by children and families. This can be contrasted with the current opening times for the APGs, which are as follows:

April to October (summer opening hours)

Harebreaks Adventure Playground

	MON	WEDS	THURS	FRID	SAT	SUN
Term Time	3.30 to 6pm	3.30 to 6pm	3.30 to 6pm	3.30 to 6pm	11am to 5pm	11am to 5pm
School Holidays	10am to 5pm	10am to 5pm	10am to 5pm	10am to 5pm	11am to 5pm	11am to 5pm

Harwoods Adventure Playground

	MOND	TUES	THURS	FRID	SAT	SUN
Term Time	3.20 to 6pm	3.20 to 6pm	3.20 to 6pm	3.20 to 6pm	11am to 5pm	11am to 5pm
School Holidays	10am to 5pm	10am to 5pm	10am to 5pm	10am to 5pm	11am to 5pm	11am to 5pm

November to March (winter opening hours)

Harebreaks Adventure Playground

	MON	THURSDAY	SAT	SUN
Term time	3.30 to 5.30pm	3.30 to 5.30pm	11.30am to 4pm	11.30am to 4pm
School holidays	12.30 to 3pm	12.30 to 3pm	11.30am to 4pm	11.30am to 4pm

Harwoods Adventure Playground

	TUES	FRID	SAT	SUN
Term time	3.20 to 5.30pm	3.20 to 5.30pm	11.30am to 4pm	11.30am to 4pm
School holidays	12.30 to 3pm	12.30 to 3pm	11.30am to 4pm	11.30am to 4pm

Easter and summer holiday play activities

The upgraded APGs would not be restricted to specific opening hours and would not require staffing. It is proposed that in addition, play activities will be commissioned for the two week Easter break and for six weeks in the summer holiday period. These activities would support use of the two new playgrounds, Watford's parks and open spaces, the Big Events programme and other locations in the borough. Following the decision in July, informal engagement was undertaken at two sessions in August with users of the two playgrounds to seek their feedback on what could be included in the Easter and summer holiday activities programme as well as their views on the playground designs.

Maintenance

Regular inspection and maintenance of the new play grounds will become part of the contract with Veolia. Appropriate signage will be placed at the entrances to the play grounds welcoming visitors and advising on use of the equipment.

Impact on current staffing

The major staffing change delivered by these proposals is that the playgrounds will no longer be supervised, which means the members of staff employed to deliver the current service will be affected. Engagement with the staff was initiated in advance of Cabinet in July. Since the decision in July, statutory consultation has been undertaken with staff and, subsequently, redundancy notices have been issued. The threatened legal action has not affected these notices, although if Cabinet decides not to proceed with the proposals the redundancy notices will be withdrawn.

Drop in sessions: July 2016

The proposals will provide play facilities for older children across the borough. In view of this, it was expected that there would be community interest in what is planned at the two sites and people would want to find out more. Two information events were held in July 2016 These were 'drop in' and gave people an opportunity to view the plans, which were also made available via the council's website and to provide suggestions for the Easter and summer programme of play activities

2. Focus of the Equality Impact Analysis

This EIA, therefore, considers the potential equality related impacts, both positive and negative of the investment in Watford's adventure playgrounds on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership

4. What we know about the Watford population

The proposals for the investment in the APGs focus on providing broader adventurous play opportunities for 5-15 year olds.

Age

In terms of Watford, the most recent population figures (mid 2015 estimate) show there are the following numbers of young people in this age category:

5-9 years	6,740
10-14 years	5,692
TOTAL	12,432

This equates to around 12.9% of the population (96,400 in total). We also know that there are 7,424 0-4 year olds in Watford as of 2014. These children will move into the 5-9 years category over the next 5 years, which shows a rising number of young people in the borough within the target age range for these play facilities (the 0-4 years who will be 5-9 years are greater in number than the 10-14 years who will be leaving the 5-15 year age range)

Ethnicity

In terms of Watford overall, the Census 2011 shows the following breakdown for the top five ethnicity groups: White British (61.9%), White other (7.7%), Pakistani (6.7%), Indian (5.5%) and Other Asian (4.4%).

Religion

In Watford overall, the religious breakdown in the Census 2011 between the main belief groups was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

Health

In terms of health, we know that as of 2014/15, 30% of Watford children were classified as 'overweight'. The link between a healthy weight and physical activity (as well as healthy eating) is well signposted.

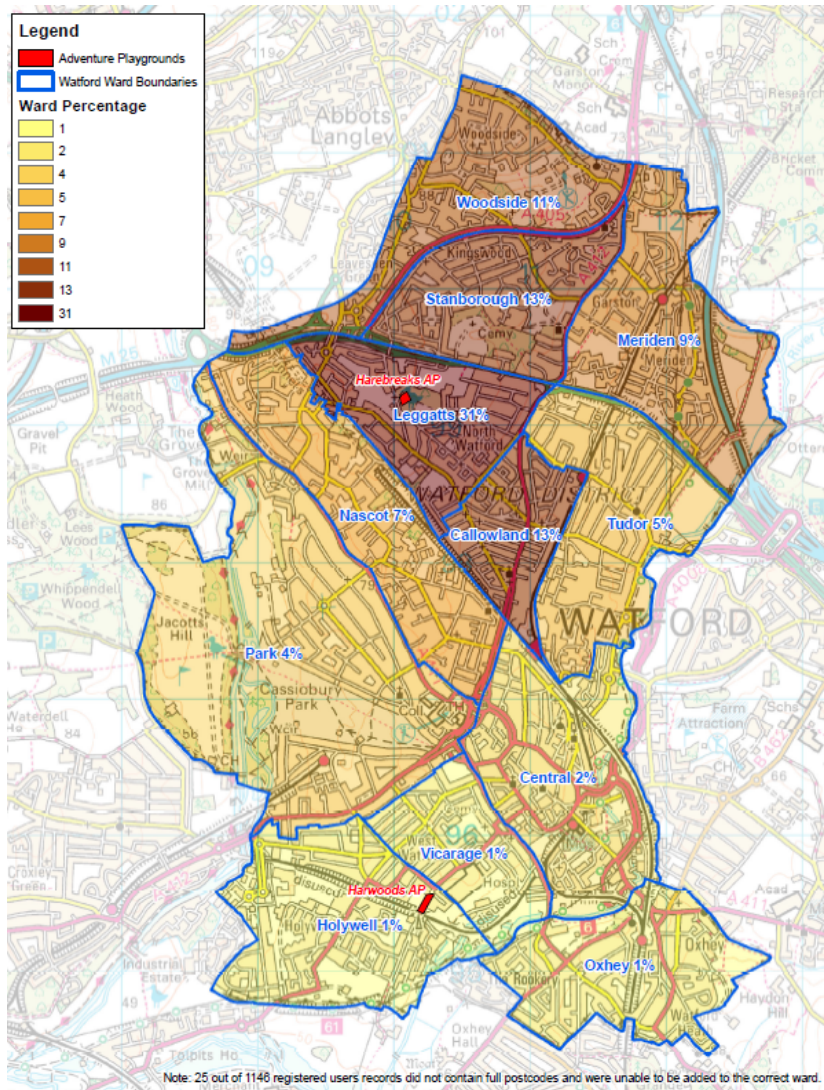
5. What we know about current users

i. Harebreaks

As of end of June 2014 there were 1614 children registered at Harebreaks Adventure Playground. Of these 433 (27%) were not Watford residents.

From the data provided the following is the ward breakdown of registered users who were Watford residents (i.e. the 1171 registered users who stated they were Watford residents 25 did not give details of their ward/postcode):

Callowland	150 (13%)	Oxhey	14 (1%)
Central	28 (2%)	Park	45 (4%)
Holywell	13 (1%)	Stanborough	153 (13%)
Leggatts	361 (31%)	Tudor	57 (5%)
Meriden	105 (9%)	Vicarage	10 (1%)
Nascot	82 (7%)	Woodside	128 (11%)

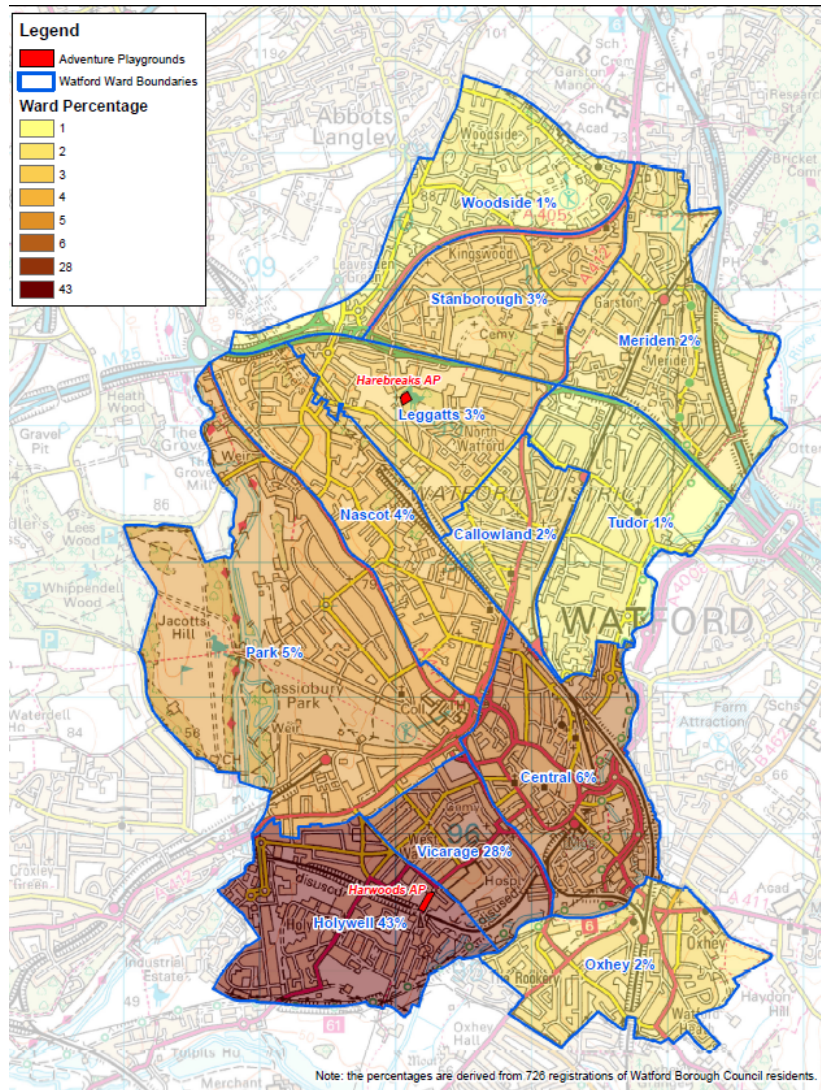


ii. Harwoods

As of end of June 2014 there were 876 children registered at Harwoods Adventure Playground. Of these 133 (15%) were not Watford residents.

From the data provided the following is the ward breakdown of registered users who were Watford residents (i.e. the 726 registered users who stated they were Watford residents). From the data provided (i.e. not all gave postcodes), the following is the ward breakdown of registered users – 71% of registered users are from two wards (Holywell and Vicarage).

Callowland	15 (2%)	Oxhey	18 (2%)
Central	43 (6%)	Park	35 (5%)
Holywell	315 (43%)	Stanborough	22 (3%)
Leggatts	19 (3%)	Tudor	6 (1%)
Meriden	17 (2%)	Vicarage	202 (28%)
Nascot	28 (4%)	Woodside	7 (1%)



iii. Equalities related data available at the time of developing this revised EIA

The following data has been collated from new registrations in 2015/16 at the two adventure playgrounds. It provides the most up to date equalities related information available on users of the centre across: sex, age, disability, ethnicity and religion.

Harebreaks APG

Total registration forms received: 769

a. Sex

	Male	Female	Not reported
Actual	412	353	4
%	54%	45%	1%

There is a slightly higher percentage of males registered than in the population overall.

b. Age

Years	5	6	7	8	9	10	11	12	13	14	15	Not reported
Actual	103	104	100	92	92	76	94	43	39	17	4	5
%	13%	13%	13%	12%	12%	10%	12%	6%	5%	2%	1%	1%

This data shows that the average (mean) age of the children attending is just over 8.5 years – towards the lower end of the age range provided for at the playground. The median age is 8.

c. Ethnicity

Ethnic group	Number	Percentage
White British	444	58%
White Irish	5	1%
White other	49	6%
Indian	26	3%
Pakistani	18	2%
Bangladeshi	0	0%
Chinese	3	0.5%
Other Asian / Asian British	11	1%
African	17	2%
Caribbean	10	1%
Other Black / Black British	0	0%
Mixed	49	6%
Not recorded	137	18%

The level of ‘not recorded’ means that it is difficult to assess the ethnicity data against that for the area and Watford overall.

Harebreaks is within Leggatts ward; from the registration data in 2014 just over 30% of those registered came from this ward. At the time of the Census 2011 Leggatts had the following ethnic make up (largest 3 groups): White British: 61.4%, Pakistani: 11.1% and White Other: 5.9%. The take up shown above for the Pakistani community would be expected to be higher (data shows 2%)

given the population in the immediate area (Leggatts: 11.1% Pakistani residents) from which the highest percentage of registrations is drawn.

d. Disability

	Yes	No	Not reported
Actual	24	703	42
%	3%	91%	6%

There is no breakdown between physical and learning difficulties within the registration information.

e. Religion

Religion	Number	Percentage
Buddhist	0	0%
Christian	256	33%
Hindu	22	3%
Muslim	25	3%
Jewish	8	1%
Sikh	2	1%
Other	45	6%
Not recorded	411	53%

The registration form did not allow for a 'no religion' option, which was an option in the Census 2011 and registered a significant response in both wards.

In terms of the options available, the main religions in the Leggatts ward were Christian (52.6%) and Muslim (13.8%).

Harwoods APG

Total registration forms received: 324

a. Sex

	Male	Female	Not reported
Actual	183	130	11
%	56%	40%	4%

There is a higher percentage of males registered than in the population overall.

b. Age

Years	5	6	7	8	9	10	11	12	13	14	15	Not reported
Actual	48	50	33	45	43	31	34	13	16	7	2	2
%	15%	15%	10%	14%	13%	10%	11%	4%	5%	2%	0.5%	0.5%

This data shows that the average (mean) age of the children attending is just under 8.5 years – towards the lower end of the age range provided for at the playground. The median age is 8.

c. Ethnicity

Ethnic group	Number	Percentage
White British	106	33%
White Irish	3	2%
White other	42	13%
Indian	5	1%
Pakistani	47	14%
Bangladeshi	2	1%
Chinese	0	0%
Other Asian / Asian British	6	2%
African	25	8%
Caribbean	7	2%

Ethnic group	Number	Percentage
Other Black / Black British	0	0%
Mixed	28	9%
Not recorded	53	16%

The level of 'not recorded' means that it is difficult to assess the ethnicity data against that for the area overall.

Harwoods is just within Holywell ward in west Watford, which at the time of the Census 2011 had the following ethnic make up (largest 3 groups): White British: 48.5%, Pakistani: 14.4% and White Other: 9.5%. The neighbouring ward – Vicarage – had the following ethnic make up in 2011 (largest 3 groups): White British: 35.8%, Pakistani: 18.5% and White Other: 12.5%

Registration data from 2014 shows that over 70% were from these two wards so the expectation would be that attendance should reflect the community in which the playground is situated. Overall, this is broadly the case.

In terms of Watford overall, the Census 2011 shows the following breakdown: White British (61.4%), Pakistani (11.1%), White other (5.9%) and other Asian (5%).

d. Disability

	Yes	No	Not reported
Actual	9	277	38
%	3%	85%	12%

There is no breakdown between physical and learning difficulties within the registration information.

e. Religion

Religion	Number	Percentage
Buddhist	0	0%
Christian	110	34%
Hindu	9	3%
Muslim	55	17%
Jewish	4	1%

Religion	Number	Percentage
Sikh	0	0%
Other	137	42%
Not recorded	9	3%

The registration form did not allow for a 'no religion' option, which was an option in the Census 2011 and registered a significant response in both wards.

In terms of the options available, the two main religions in both the Holywell and Vicarage ward were Christian and Muslim with 49.5% Christian and 19.0% Muslim in Holywell and 47.4% Christian and 23.5% Muslim in Vicarage respectively.

Staff

In total, 15 staff would be affected by the change in service provision.

Of these 4 are male and 11 female.

6. Engagement

Engagement and information events were undertaken on 9 July and 11 July to show local people the plans and to take feedback. There was limited attendance at these events and so there is little further information to be added to this analysis.

Overall, feedback received to the council through various routes, such as letters to the Mayor and Mayor's office and in response to the communications sent out on 24 June and 1 July 2016, has been concerned with the loss of the supervised element of the service and the impact this would have on young people. Whilst there will still be opportunities at Easter and summer for young people in the 5-15 years age range to participate in play activities with qualified play workers and without a parent/carer present – thus offering a similar 'discovery' experience, feedback remains concerned with the loss of this service on a daily basis throughout the year.

Easter and summer programme of activities

In August 2016, two sessions were held (one at each APG) to find out young people's views of possible holiday activities. The engagement was informal and the young people were able to choose between a number of activities proposed as well as suggesting any of their own. The engagement highlighted that sports and music related activities were the preferred options for the young people, with sports of particular interest to males.

Also raised were concerns about the age appropriateness of the activities with requests not to mix the younger age group with the older.

Staff

Affected staff were subject to a 30 day consultation period on the proposals from 11 July – 8 August 2016.

7. How will the council ensure equality is promoted through investment in Watford's APGs

Under s 149 of the Equality Act 2010, three areas need to be considered when analysing the equality impact of the investment in Watford's APGs:

The need to:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

Given what we know about the Watford population, the registered users of the APGs and from the feedback that has been received, the following is the assessment of the equality impacts, both positive and negative of the proposed changes to play provision in Watford.

A. Positive impacts

The proposed change to the play provision at Watford's two APGs is likely to have the following positive impacts:

1. **Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it**

The opportunity provided by the investment means that both playgrounds can be designed to maximise accessibility for children of all ages. This will include not just the equipment installed but also the pathways and access to and around the site.

The play activities commissioned during the Easter and summer holidays will reflect the need to be accessible and to cater for a wide range of young people and abilities. In terms of young people with disability, this will include both physical and learning disabilities. In addition, these activities will be designed to meet the needs and reflect Watford's diverse community. Locations for these activities are yet to be confirmed but they will need to take into account areas which will advance equality of opportunity in terms of diverse neighbourhoods with a high number of young people.

2. **Foster good relations between people who share a relevant protected characteristic and people who do not**

The changes to the playgrounds will broaden the offer available to young people from 5-15 year olds and their families. By providing facilities 24/7 throughout the year there will be more opportunity for young people to use the facilities and to engage with each other through play. As shown in the analysis of registrations there

is a strong correlation between registered users of the facilities and the area in which they are located compared with the overall population of 5-15 year olds in the borough. The aim of the upgraded facilities will be to appeal to a broader range of young people from across the borough thus meeting the duty to foster good relations between people who share a relevant protected characteristic and people who do not.

The quality and range of equipment on offer will also broaden the playgrounds appeal and encourage greater usage from across the borough – ultimately providing a ‘go to’ destination for young people and their families. The proposed designs include integrated picnic areas, a meeting space with seating, which will provide more opportunities for families to gather and be part of the new experience.

3. **Sustainable provision**

As outlined above, the council is facing another period of substantial reductions to its revenue budget. This means that all services are under pressure and long-term sustainability cannot be guaranteed under current financial constraints.

Undertaking this investment will ensure there are good quality facilities available for the 5 – 15 age range for the next 20 years – given the lifespan of the equipment being installed.

B. Negative impacts

The proposed change to the play provision at Watford’s two APGs is likely to have the following negative impacts:

1. **Loss of current amenity**

The APG and Play Ranger service as they are currently delivered will cease from October 2016. This means that current service users will no longer be able to access a supervised play service at the two APG sites. This will have an impact on those young people used to accessing a supervised facility with organised activities. Adventurous play will still be available on both sites along with tailored activities during Easter and summer. However, there will not be a staffed service as at present.

It will also potentially impact the parents and carers of those young people. This is because parents and carers will, if they feel the age and ability of their children requires it, need to supervise their children’s play at the upgraded facilities unlike the present service where they are not required to provide supervision. This would be similar to the situation at the borough’s other outdoor play facilities. This change may have a greater effect on those lower-income households that rely on the APGs to provide a form of supervised childcare.

Where parents/carers require childcare provision, including after school provision, this is available at other facilities in the borough that have been established with the specific remit for childcare. Many are in the locality of the current APGs albeit there is likely to be a charge to parents / carers.

2. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act and possible anti-social behaviour/criminal behaviour**

Unsupervised play means there is potential for unacceptable behaviour not to be dealt with directly. This behaviour could take the form of discrimination, harassment or victimisation or other behaviour prohibited under the Equality Act 2010 and related to protected characteristics. All the borough's outdoor play areas are monitored by the Park Ranger service and the rangers can deal with issues as they arise and as notified. Where incidents are of a more serious nature, the borough has a very effective, multi-agency approach to tackling anti-social behaviour, which has a positive impact when incidents are reported. Any issues that would be deemed anti-social behaviour would be reported through the council's Community Safety Co-ordinator. A contact number for the Park Ranger service could be included on the information boards on both sites.

The play activities that will be commissioned by the council will be designed to address issues around accessibility and inclusion and should also clearly set out to those attending what is expected in terms of behaviours and actions. The council should expect any commissioned/organisation to explain their approach to equalities within any submissions and the council should assure itself that the duties under the Equality Act 2010 are understood and actioned by any commissioned organisations.

3. **Disabilities**

The equalities data has identified that there are some young people with disabilities attending the current service. It is not clear from the data as to the exact nature of their disabilities. There is a potential negative impact on these young people from the loss of the current service provision, although the extent of that impact is difficult to gauge without knowing how many children with disabilities were left at the APGs under the supervision of staff.

For those with physical disabilities, it is recommended that the design and equipment within the new provision takes into account issues of accessibility and suitability of use by young people across the spectrum of physical abilities.

For those with physical and learning difficulties, it is recommended that the activities commissioned for Easter and summer take into account the wide range of needs and abilities of the young people who might choose to attend and to be clear about the commitment to accessibility within any marketing/promotional literature.

For those young people with physical and learning difficulties who access the service during term-time, it is recommended that the council signposts their parents/carers to the alternative provision available.

4. **Ethnicity**

The equalities data has identified the range of ethnicities attending the playgrounds. At Harebreaks the diversity recorded does not reflect the immediate area and it would be hoped that the new provision would encourage more representative use as well as encouraging young people of all ethnicities from across the borough. Given the data, there is no disproportionate impact on any one ethnic group.

At Harwoods, the registrations are more reflective of the surrounding community. The EIA does not find that there is a disproportionate impact on any one ethnic group as a result of the closure as there is not one ethnic group which is disproportionately using the facility (i.e. the percentage of Pakistani users and White non British users is in line with the surrounding community). However, given the level of ethnic minority use, this diversity should be encouraged in terms of the use of the new provision so that there is use by all ethnic groups within the community. This can be supported through the appropriate communications materials and channels to ensure that the messages about the provision are received across the community as a whole and targeted where appropriate to specific groups e.g. through community organisations, places of worship.

In addition, the activities planned for Easter and summer need to reflect the ethnic diversity of the borough and this is recommended as a factor to be taken into account in developing the programme.

5. Data on the family make up of the registered users of the APGs is not available. However, it would be expected that some of the registered users are from single parent families, where it is likely that the parent with the main caring responsibility is female. The change to provision is, therefore, likely to have a greater effect on women who are also the main carers of registered users and whose children use the supervised service. If the proposals go ahead, these parents will be able to access the Easter and summer activities programme proposed by the council as well as facilities in the borough that will be supervised including after school clubs.

6. Vulnerability is not identified as a protected characteristic under the Equality Act 2010 and the provision of children's services is a statutory duty for upper and single tier authorities (rather than a district council like Watford BC). In view of this, ensuring there is adequate identification and support for vulnerable young people in Watford is provided for by other agencies/organisations including Hertfordshire County Council and local schools and colleges. In terms of the activities programme that will be commissioned, the expectation would be that any commissioned organisation or individual is appropriately trained, qualified and checked in order to ensure protection for any young people engaging with the activities provided. In addition, the commissioned organisation or individual should be fully aware of where to signpost any issues relating to vulnerability should they arise whilst the programme is taking place.

7. Staff responsible for running the supervised service will be affected by the proposals. Consultation has been undertaken with the affected staff.

8. Overall conclusion

Meeting the Public Sector Equality Duty

This EIA has taken into account the council's public sector equality duty under s149 of the Equality Act 2010 and is intended to assist the council in meeting its duty. The council is required to have due regard to the need to:

- **eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act**

Although the removal of staff could mean that there is greater scope for anti-social and/or discriminatory behaviour between users of the playgrounds, measures would be put in place to deal with these behaviours should they arise. All the borough's outdoor play areas are monitored by the Park Ranger service (managed by Veolia) and the rangers can deal with issues as they arise and as notified. Where incidents are of a more serious nature, the borough has a very effective, multi-agency approach to tackling anti-social behaviour. Any issues that would be deemed anti-social behaviour would be reported through the council's Community Safety Co-ordinator. Organisations and individual commissioned to run and manage the Easter and summer holiday activities would be expected to demonstrate an understanding and commitment to equalities and the duties as set out in the Equality Act 2010.

- **advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it**

The opportunity provided by the investment means that both playgrounds can be designed to maximise accessibility for 5-15 years at all times throughout the year. This will include not just the equipment installed but also the pathways and access to and around the site. The provision remains free and so there is no barrier created through affordability, and by creating stimulating, challenging and enjoyable play opportunities within safe, well-maintained environments, the council will be providing a service that will appeal to young people across the protected characteristics.

The play activities commissioned during the Easter and summer holidays will reflect the need to be accessible and to cater for a wide range of young people and abilities. In terms of young people with disability, this will include both physical and learning disabilities. In addition, these activities will be designed to meet the needs and reflect Watford's diverse community. Locations for these activities are yet to be confirmed but they will need to take into account areas which will advance equality of opportunity in terms of diverse neighbourhoods with a high number of young people.

There is likely to be a negative impact on parents/carers who currently leave children at the APGs under the supervision of staff. If the proposals are adopted they will no longer be able to do this, and this is likely to have a greater effect on women, who tend to be the primary carers of children during the day, and lower-income households. There are, however, other child care services in the borough and during the Easter and summer holidays the council will arrange for a programme of play activities.

- **foster good relations between persons who share relevant protected characteristics and persons who do not share it**

The changes to the playgrounds will broaden the offer available to young people from 5-15 year olds and their families. By providing facilities 24/7 throughout the year there will be more opportunity for young people to use the facilities and to engage with each other through play. As shown in the analysis of registrations there is a strong correlation between registered users of the facilities compared with the overall population of 5-15 year olds. The aim of the upgraded facilities will be to appeal to a far broader range of young people from across the borough thus meeting the duty to foster good relations between people who share a relevant protected characteristic and people who do not.

The quality and range of equipment on offer will also broaden the playgrounds appeal and encourage greater usage from across the borough – ultimately providing a ‘go to’ destination for young people and their families. The proposed designs include integrated picnic areas, a meeting space with seating, which will provide more opportunities for families to gather and be part of the new experience.

Overview of EIA findings

The proposals for the APGs are intended to deliver a universal, adventurous and accessible play offer for 5 – 15 year olds within the borough.

Through the installation of the new range of equipment the appeal of the offer in Watford will broaden, with the aim of attracting wider usage from young people across the town. The new provision will be accessible and designed to appeal to young people of all ages and abilities and remain sited at their current locations, minimising the impact to the immediate community whilst extending the offer to appeal to the wider area. The proposals help secure play provision for the older age range at a time when council budgets are under extreme pressure and when difficult decisions are being taken on services by councils across the country.

The absence of staff might mean that there is greater scope for anti-social and/or discriminatory behaviour between users of the playgrounds, but the Park Ranger service will be available to attend to complaints should they arise. For more serious anti-social behaviour, there is the council’s multi-agency approach, which has been successful in tackling incidents in the borough.

There is a potential negative impact for the current users who are accustomed to a supervised facility delivering play activities. However, there will still be arranged activities in the Easter and summer holidays, which are the most popular time for children to participate in organised play programmes. In addition, there are alternative supervised play facilities available in the borough.

The users of these facilities are the young people themselves and it is envisaged that the upgraded equipment and longer opening hours will appeal and strengthen the current play offer. The current playgrounds were not developed to provide childcare, particularly in terms of an after school offer. They are not promoted as such and alternatives are available to parents and carers looking for this type of amenity.

The overall conclusion of the EIA is that the positive impacts of the proposals outweigh the negative impacts, given the aim to expand take up to a wider number of young people within the borough, but there are recommendations to mitigate the negative impacts where possible. The council will seek to ensure the needs of children with disabilities are taken into account as are those of the

borough's diverse community. In particular, the EIA recommends the commissioned Easter and summer play activities actively respond to the equalities requirements of potential users.

Summary of potential positive impacts and ways in which they can be ensured

Positive Impact	Protected characteristics	Ways to ensure the positive impact
<p>1.</p> <p>Ensure the design and layout of the new APG provision are attractive, challenging and accessible to ensure they offer a 'destination of choice' for young people to enjoy with their families and friends</p>	<p>Age – younger people - 5 – 15 years age group</p> <p>Age – parents and carers of children within the 5 – 15 years age group</p>	<p>Challenge design team to develop proposals that will attract young people and adapt to differing abilities.</p>
<p>2.</p> <p>Ensure the equipment and layout of the new APG provision takes into account young people with disabilities</p>	<p>Age – younger people - 5 – 15 years age group</p> <p>Disability</p>	<p>Finalised proposals to include equipment for all abilities and that the layout is accessible. Test designs with appropriate users to ensure there are no barriers to participation either through the design or layout.</p> <p>New designs should be accessible to young people of all abilities within the 5-15 years age.</p> <p>Appropriate council officer should be able to signpost parents/carers of children with disabilities where a need is identified by the parent / carer for supervised provision.</p>

Positive Impact	Protected characteristics	Ways to ensure the positive impact
<p>3.</p> <p>Ensure that the benefits of the new provision are understood and communicated effectively to maximise take up once open.</p>	<p>Age – younger people - 5 – 15 years age group</p> <p>Age – parents and carers of children within the 5 – 15 years age group</p> <p>Disability</p>	<p>Communications plan to be developed in preparation for launch. Communications to ensure messages relevant to equalities be included and for the design / messages to be developed to ensure inclusion and no barriers to young people taking up the service (e.g. appropriate images / photographs)</p> <p>Undertake on site surveys once opened – recommendation is annually to assess satisfaction of users and to ensure there is take-up across the community.</p>
<p>4.</p> <p>Ensure the commissioned play activities in Easter and summer complement the play offer in the town, are accessible and meet the needs of young people; make sure the council complies with its duties under the Equality Act 2010</p>	<p>Age – younger people - 5 – 15 years age group</p> <p>Age – parents and carers of children within the 5 – 15 years age group</p> <p>Disability</p> <p>Ethnicity</p>	<p>Use data and information on the borough’s profile to support commissioning as well as ensuring a sound understanding of what is already on offer to ensure commissioned services meet the needs in the appropriate locations identified.</p> <p>Programme of activities developed for Easter and summer to take into account the needs of young people with disabilities both in terms of physical and learning disabilities. Also ensure commissioned services are sensitive to cultural and religious requirements and are reflective of the diverse profile of the borough.</p>

Positive Impact	Protected characteristics	Ways to ensure the positive impact
		<p>Feedback received from young people to date (August 2016) indicates an interest in a range of activities and the desire from the young people to ensure they are age appropriate. Location will also need careful consideration in terms of ensuring young people can access activities easily</p>

Summary of potential negative impacts and ways in which they can be removed or mitigated

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
<p>1.</p> <p>The loss of the supervised play service for 5-15 year olds will impact on current users and their families. The new provision will not provide the supervised activities as has been experienced in the past.</p>	<p>Age – younger people - 5 – 15 years age group</p> <p>Age – parents and carers of children within the 5 – 15 years age group</p> <p>Sex – more single parent families have a woman as the main carer</p> <p>Ethnicity – Harwoods APG is situated in an area with a high BME community</p>	<p>Access to challenging and adventurous play for 5- 15 year olds is not diminished by the proposals – it is enhanced given the range of new equipment that will be accessible.</p> <p>Where parents / carers require supervised play provision there is alternative provision across the borough – the council has collated this and is in a position to advise parents / carers if necessary.</p> <p>Where parents / carers require childcare, including after school childcare, there is alternative provision across the borough and within the vicinity of the playgrounds – the council has collated this and is in a position to advise parents / carers if necessary.</p> <p>Continue to provide a programme of play activities during the Easter and summer holidays when young people have free time to take part. These should take into account the needs of young people with disabilities and be sensitive to cultural and religious requirements.</p> <p>Undertake on site surveys once opened –</p>

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
		<p>recommendation is annually to assess satisfaction of users and to ensure there is take-up across the community.</p>
<p>2.</p> <p>Unsupervised play potentially leading to unacceptable behaviour in APGs including ASB and in terms of harassment, victimisation and discrimination and other prohibited conduct under Equality Act 2010</p>	<p>All</p>	<p>Evidence from play areas and parks within the borough shows this is not a major issue in Watford. Where issues do arise, the Park Rangers service run by Veolia is alerted and intervenes. If it is more than a minor incident the council's Community Safety Co-ordinator who helps coordinate a multi-agency response to issues in the borough relating to ASB and criminal activity is alerted and measures are in put in place. Incidents relating to discrimination, harassment victimisation and other prohibited conduct under Equality Act 2010 would be addressed in the same way.</p> <p>It is recommended that the Community Safety Co-ordinator monitors ASB etc and prohibited behaviour (such as discrimination, harassment and victimisation) in the area of the APGs once the supervised service has ended to provide early identification of issues and proactive intervention if necessary.</p> <p>It is also recommended that how to contact the Park Rangers is signposted on the council's website within the section on parks and open spaces and on signage at the playgrounds</p>

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
<p>3.</p> <p>15 staff affected by change.</p>	<p>All</p>	<p>Consultation has taken place with affected staff and they have had an opportunity to feedback their views. The council's relevant policies were applied and assistance provided as requested through the employee assistance programme. Staff redundancy notices have been issued.</p>

This updated EIA has been approved by:

Alan Gough..... Date1 October 2016.....

Appendix B

Overview of the designs for Harwoods APG

Proposed Play Zones

KEY - Proposed Features

- 1 Welcoming Space / Family Gathering Area**
Objective - to encourage visitors and create a welcoming meeting place
- 2 'Urban Play Space'**
Objective - to create an area which has a range of features including a climbing wall and a stand
- 3 Tower & Slides**
Objective - to create a landmark feature within the area and an exhilarating walkway
- 4 Adventure Trail**
Objective - to create an exciting linked trail providing a variety of challenges for all ages
- 5 Double Zip Wire**
Objective - to create an exciting aerial ride through the trees
- 6 Swing Area**
Objective - to provide exciting swings with different qualities

Existing Features

- Existing Circulation
- Existing Recreational facilities including:
 - Play area
 - Outdoor Gym
 - Multi-Use Games Area (MUGA)
- Residential Areas

New / Improved Entrance

Proposed Circulation

[Proposed numbers applicable to both plans and Feasibility Report]

WATFORD PLAY REVIEW - HARWOODS

southerngreen
chartered landscape architects

Overview of the designs for Harwoods APG

Proposed Play Zones

KEY - Proposed Features

- 1 Woodland Transition**
Objective - to create an exciting introduction to the woodland play area
- 2 Welcoming Space / Family Gathering Area**
Objective - to create a welcoming gathering area
- 3 Highlay Features**
Objective - to create a large unit reflecting characteristics of tree and woodland
- 4 Rope / Adventure Trail**
Objective - to create a challenging rope trail to test balance and speed
- 5 Rehabilitation of Natural Club Woodland**
Objective - to remove the old play area and restore the old woodland and building
- 6 New / Improved Entrance**

Existing Features

- Existing Circulation
- Access point to Car park
- Existing Play area
- Residential areas
- Cherry Tree Primary School
- Woodland elements

Proposed Circulation

[Proposed numbers applicable to both plans and Feasibility Report]

WATFORD PLAY REVIEW - HAREBREAKS

southerngreen
chartered landscape architects

Appendix C

Harwoods APG



WATFORD PLAY REVIEW - HARWOODS



WATFORD PLAY REVIEW - HARWOODS



Harebreaks APG



Adventure Playground Attendance Figures

January 2016 to June 2016

Overall Totals

	Jan	Feb	Mar	Apr	May	Jun
Harwoods	662	657	803	2450	2346	2041
Harebreaks	300	386	488	1804	1393	1376

Average By Session*

*NOTE: this is an estimate based on the totals shown above divided by the sessions per month, using a 4 week month, and on the basis that at each site there are:

For January, February & March there are 2 after school sessions and 2 weekend sessions – the weekend sessions are longer than the after school

For April, May & June there are 4 after school sessions and 2 weekend sessions – the weekend sessions are longer than the after school

Please note that school holiday figures are included in those shown.

	Jan	Feb	Mar	Apr	May	Jun
Harwoods	41.4	41.1	50.2	102.1	97.8	85.0
Harebreaks	18.8	24.1	30.5	75.2	58.0	57.3

PART A

Report to: Cabinet / Council
Date of meeting: 10 October 2016 / 11 October 2016
Report of: Head of Finance (shared services)
Title: Four-year funding settlement

1.0 **Summary**

1.1 This report covers the decision on whether to accept the Government's offer of a four-year financial settlement and the requirement to publish an Efficiency Plan.

2.0 **Recommendations**

2.1 The Director of Finance recommends that the offer is accepted.

2.2 If Council accepts the Government's offer then they should also agree and approve the Efficiency Plan at Appendix 1 to allow the four-year settlement to be taken.

Contact Officer:

For further information on this report please contact:

Bob Watson, Head of Finance (shared services)

telephone extension: 7188

email: bob.watson@threerivers.gov.uk

Report approved by: Bob Watson, Head of Finance (shared services)

3.0 Detailed Proposal

3.1 As part of the Local Government Finance Settlement (LGFS) in February 2016, the Government published an indicative four-year settlement, with the settlement for 2016/17 confirmed and a provisional settlement for the three future periods 2017/18 to 2019/20. The Government indicated that it would honour these figures depending on individual local authorities agreeing to publish their Efficiency Plan. At the time of the settlement the full details behind this announcement were not available. In March 2016 the Government wrote to Local Authorities to confirm the requirements for an Efficiency Plan and the timescale for accepting the Government's offer, being 14 October 2016.

3.2 If the Council wishes to accept the Government's offer then it will need to provide an Efficiency Plan by 14th October 2016. The Efficiency Plan will need to be approved by Council – a proposed Efficiency Plan is attached at Appendix 1.

3.3 The Government offer is as follows:

'The relevant lines included with the financial settlement that are protected as part of this offer are;

- Revenue Support Grant
- Transitional Grant; and
- Rural Services Delivery Grant Allocations. [NB: does not apply to WBC]'

3.4 The Director of Finance recommends that the four-year settlement is the best option to follow because this provides an element of certainty and it is difficult to see any authorities who choose not to accept the offer benefiting as a result. It is highly likely that any further cuts to local government funding would fall on those authorities outside of the agreed settlement.

3.5 The table below shows the final settlement as published on 8 February 2016 for Watford Borough Council:

Final Settlement – Watford Borough Council

	2016/17	2017/18	2018/19	2019/20
RSG	£1,311,304	£565,196	£114,299	0
Transition Grant	£92,587	£92,242	0	0
Rural Services Grant	0	0	0	0

3.6 The Council has other funding streams outside of those listed above which are not covered by the offer, including Business Rates and Council Tax. These are therefore not included in this report.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that the recommendations in this report are within the Council's agreed policy. The current Medium Term Financial Strategy reflects the figures in the provisional settlement as the final figures were not confirmed until after the budget-setting Council meeting. The final figures will be included in the revised budget that is taken to Council in January 2017.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no legal implications in this report

4.3 **Equalities**

4.3.1 None

4.4 **Potential Risks**

None

Appendices

1 Watford Borough Council Efficiency Plan 2016-2020

Watford Borough Council Efficiency Plan 2016-2019

The current medium term financial plan is based on the settlement figures provided in the Local Government Finance Settlement in February this year. As such it identifies the use of reserves to offset the expenditure and income figures. This not sustainable and therefore the council has already instigated or is in the process of instigating the following efficiency programme measures:

<u>Efficiency measure</u>	<u>Cumulative revenue cost / (savings) (£'000)</u>			
	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>
<i>Items already included in the Medium Term Financial Strategy</i>				
Service Reviews	0	150	300	300
Letting of Council accommodation	0	70	140	140
Planning performance income	60	100	140	140
Staffing reviews	210	367	522	522
Other efficiency savings	161	422	702	702
<i>Other Projects to be Considered</i>				
Established the Property Investment Board to rationalise and dispose of uneconomic property assets and reinvest to enhance rental returns	197	278	767	767
Development of service transformation programme	0	0	1,000	1,000

In addition the Council is investing in some major redevelopment and regeneration projects that will provide both a capital and revenue return over the medium to longer term. These projects include:

- Consideration of options to reduce temporary accommodation costs
- Watford Health Campus
- Watford Business Park
- Joint Venture with Watford Community Housing Trust

Report to: Cabinet
Date of meeting: 10 October 2016
Report of: Joanne Wagstaffe, Director of Finance
Title: Procurement of ICT network services and Revenues and Benefits software support.

1.0 **Summary**

1.1 The Council has entered into two ICT contracts, one for the support of the Revenues and Benefits (Academy) system and also one for the provision of network support services.

1.2 The Academy software used by the Revs and Bens department is owned by Capita Software Services, who limit the licences to provide support services.

Academy

As such there is only a limited market of vendors to provide support services for the software, with the vendors being limited to Capita Support Services and Civica. Before approaching both, all of the vendors shown on the government framework, (all 4 of them), were approached and asked if they provided support for Academy under the framework, all but Capita Software Services, the software owner declined. Instead offering their own packages.

In order to get competitive costs for support of the Academy package, both Capita Software Services and Civica were invited to put forward costs for a support offering, of these Civica was the cheapest and offering the best value.

1.3 **Network Services**

The tender for Network Services had limited responses, all of which were excessively high in relation to the services being sought. Therefore the council approached the incumbent Service Desk provider to enquire if these services could be provided as an additional cost to the existing contract, so as to ensure that the Council had network services provided for the remainder of the ICT contract. The Service Desk provider, Amicus, provided a substantially lower cost for exactly the same Network Services, as had gone to Tender previously. This exemption therefore seeks approval to appoint Amicus as provider of Network Services on basis of exceptional circumstances to ensure that the Council's ICT service has provision of network services for the remainder of the ICT contract.

1.4 In accordance with the Contract Procedure Rules an exemption can be granted by the Managing Director if there is a limited market or other exceptional

circumstances. Exemptions must then be reported to the next available cabinet and noted on the contract exemption register held by the Corporate Procurement Manager.

2.0 **Recommendations**

2.1 That Cabinet notes the approved exemption to the Council's Procurement Procedures in relation to the appointment of support to the Academy system and also the provision of network services.

Contact Officer:

For further information on this report please contact: Joanne Wagstaffe,
Director of Finance

Telephone extension 8189

email: joanne.wagstaffe@watford.gov.uk

3.0 **Detailed Proposal**

3.1 Details of the exemptions, including the estimated cost can be found at Appendix A to this report along with an extract of the Council's Contract Procedure Rules as they relate to Exemptions.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Director of Finance comments that these services can be contained within the current budgets.

4.2.1 **Legal Issues** (Monitoring Officer)

The Head of Democracy & Governance comments that In accordance with the Contract Procedure Rules an exemption can be granted by the Managing Director if there is a limited market or other exceptional circumstances. Exemptions must then be reported to the next available cabinet and noted on the contract exemption register held by the Corporate Procurement Manager

4.3 **Equalities**

4.3.1 Not applicable in relation to this item.

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Potential suppliers challenge the Council's decision not to procure the supply of the services using a competitive tendering procedure.	1	3	3
Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.			

4.5 Staffing

4.5.1 There are no staffing implications from this report.

4.6 Accommodation

4.6.1 There are no accommodation implications from this report.

4.7 Community Safety

4.7.1 There are no community safety implications from this report.

4.8 Sustainability

4.8.1 There are no sustainability implications from this report.

Appendices

Appendix A Exemption Record Application incorporating an extract from Watford Borough Council's Contract Procedure in relation to Exemptions and signed approval forms dated 13 September 2016.

Background Papers

No background papers were used in the preparation of this report.

File Reference

None

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment” Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules state:

Exemptions:

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable emergency involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional exemption may be considered by the Managing Director in limited and unusual circumstances. This may, for example, apply where a key supplier has gone into Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to a significant disruption to a Council service. In such an event a Head of Service and the Managing Director may jointly approve an exceptional exemption. This may, for example, be a single tender action or the use of a substitute contractor from the original tender responses to complete a contract or part of a contract. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

v1.0 Nov 2013

Approved Exemption Record Form

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • <u>Exceptional Circumstances</u> • Limited market • Prior approval 	<ul style="list-style-type: none"> • <u>Exceptional Circumstances</u>
Details / Circumstances / Explanation of why an exemption was required:	The tender for Network Services had limited responses, all of which were excessively high in relation to the services being sought. Therefore the council approached the incumbent Service Desk provider to enquire if these services could be provided as an additional cost to the existing contract, so as to ensure that the Council had network services provided for the remainder of the ICT contract. The Service Desk provider, Amicus, provided a substantially lower cost for exactly the same Network Services, as had gone to Tender previously. This exemption therefore seeks approval to appoint Amicus as provider of Network Services on basis of exceptional circumstances to ensure that the Council's ICT service has provision of network services for the remainder of the ICT contract.
Approved by (Name and date): <ul style="list-style-type: none"> • MD • HoS 	Manny Lewis 13/09/16
Portfolio Holder informed (Name and Date):	Councillor Mark Watkin – 13/9/16
Date reported to Cabinet:	10 October 2016
Contract Title:	Network Services – Amicus ITS
Vendor / Contractor:	Amicus ITS
Date Contract let:	
Term of Contract:	
End date:	
Total Value of Contract:	Set-up costs £11,925 + VAT Annual service fee £65,419 + VAT
WBC Contract Manager (Name and contact details):	Kevin Mcleod, 01923-727457
Comments / Other Information:	

Date entered onto Exemptions Register:	
Signed by Head of Service:	

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Approved.  13/9/16

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment” Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules state:

Exemptions:

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable emergency involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional exemption may be considered by the Managing Director in limited and unusual circumstances. This may, for example, apply where a key supplier has gone into Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to a significant disruption to a Council service. In such an event a Head of Service and the Managing Director may jointly approve an exceptional exemption. This may, for example, be a single tender action or the use of a substitute contractor from the original tender responses to complete a contract or part of a contract. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

v1.0 Nov 2013

Approved Exemption Record Form

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • <u>Exceptional Circumstances</u> • Limited market • Prior approval 	<ul style="list-style-type: none"> • <u>Limited Market</u>
Details / Circumstances / Explanation of why an exemption was required:	<p>The Academy software used by the Revs and Bens department is owned by Capita Software Services, who limit the licences to provide support services.</p> <p>As such there is only a limited market of vendors to provide support services for the software, with the vendors being limited to Capita Support Services and Civica.</p> <p>Before approaching both, all of the vendors shown on the government framework, (all 4 of them), were approached and asked if they provided support for Academy under the framework, all but Capita Software Services, the software owner declined. Instead offering their own packages.</p> <p>In order to get competitive costs for support of the Academy package, both Capita Software Services and Civica were invited to put forward costs for a support offering, of these Civica was the cheapest and offering the best value.</p>
Approved by (Name and date): <ul style="list-style-type: none"> • MD • HoS 	
Portfolio Holder informed (Name and Date):	Councillor Mark Watkin – 13/9/16
Date reported to Cabinet:	10 October 2016
Contract Title:	Academy Support - Civica
Vendor / Contractor:	Civica
Date Contract let:	
Term of Contract:	
End date:	
Total Value of Contract:	£74,950
WBC Contract Manager (Name and contact details):	Kevin Mcleod, 01923-727457
Comments / Other Information:	

Date entered onto Exemptions Register:	
Signed by Head of Service:	

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Approved



13-9-16

Agenda Item 8

Report to: Cabinet
Date of meeting: 10 October 2016
Report of: Andy Smith, Transport & Infrastructure Section Head
Title: Procurement of technical/ professional support for the procurement of the Parking Management Contract due to commence in 2018 - exemption to contract procedures

1.0 Summary

1.1 In 2018 the Council will commence a new Parking Management Contract following the completion of a procurement exercise in partnership with Three Rivers District Council.

1.2 The tender process is a particularly lengthy and complex one and the Council does not have the specialist technical / professional resources available to fully conduct the procedure in-house so, as in the re-tendering of the parking contract in 2008, there is a need to appoint a specialist parking consultant to work alongside Council Officers to undertake the drafting of the tender documentation and subsequent legal agreement. The support sought is very specialist in nature, requiring expertise and in-depth knowledge of on-street parking management, operations and procedures including knowledge of back office software packages and up to date knowledge of new technology to support a modern parking enforcement service. Recent experience of a similar type along with experience in tender evaluations is also sought. Due to the limited market available for the support sought, the Managing Director has authorised an exemption to the Council's Contract Procedure Rules to allow Parking Associates, a specialist parking management consultancy to be appointed. The application for exemption to the Council's Contract Procurement Rules was made to the Managing Director and approved on 26 September 2016.

1.3 In line with the Procedures, the approval is being reported to Cabinet.

2.0 Recommendations

2.1 That Cabinet notes the Approved Exemption to the Council's Procurement Procedures in relation to the appointment of specialist support for the procurement of a Parking Management Contractor.

Contact Officer:

For further information on this report please contact: Andy Smith, Transport & Infrastructure Section Head, Regeneration and Development
Telephone extension 8115 email: andy.smith@watford.gov.uk

Report approved by: Manny Lewis, Managing Director

3.0 Detailed Proposal

3.1 Details of the Exemption, including the estimated cost can be found at Appendix A to this report along with an extract of the Council’s Contract Procedure Rules as they relate to Exemptions.

4.0 Implications

4.1 Financial

4.1.1 The Director of Finance comments that the cost of the specialist advice sought is estimated at £40k to be met from the Parking Reserve (VFD000 D9000).

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Head of Democracy & Governance comments that under the Council’s contract procedure rules exemptions can be agreed in limited circumstances including where there is a limited market in the number of suppliers who are able to perform the services required. The rules require that all exemptions are reported to cabinet and recorded in a central register held by the Corporate Procurement Manager.

4.3 Equalities

4.3.1 Not applicable in relation to this item.

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Potential suppliers challenge the Councils decision not to procure the supply of the services using a competitive tendering procedure.	1	4	4
Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service’s Risk Register.			

4.5 **Staffing**

4.5.1 There are no staffing implications from this report.

4.6 **Accommodation**

4.6.1 There are no accommodation implications from this report.

4.7 **Community Safety**

4.7.1 There are no community safety implications from this report.

4.8 **Sustainability**

4.8.1 There are no sustainability implications from this report.

Appendices

Appendix A Exemption Record Application incorporating an extract from Watford Borough Council's Contract Procedure in relation to Exemptions and signed approval form dated 26 September 2016.

Background Papers

No background papers were used in the preparation of this report.

File Reference

None



**WATFORD
BOROUGH
COUNCIL**

Town Hall, Watford, WD17 3EX
T 01923 226400 F 01923 278100
DX 51529 Watford 2
enquiries@watford.gov.uk
watford.gov.uk

Manny Lewis,
Managing Director,
Watford Borough Council,
Town Hall,
Watford,
WD17 3EX

Enquiries to: Andy Smith

Phone no: 01923 278115

Our reference:

Your reference:

Date: 22 September 2016

Dear Manny,

Exemption Request for the engagement of consultancy services to support the procurement of the Parking Management Contract 2018 – 28

The Council's current contract for the delivery of parking management services expires in spring 2018. Work on the procurement of the new contract has commenced and the Officer Procurement Project Group has identified the need for specialist external advice to the procurement process to provide the following:-

- Advice on the content of the contract specification and other documents
- Advice on current trends in the parking management sphere to ensure best use is made of technology to reduce operating costs and improve the customer interface with the service
- To advise the Council on the technical aspects of bids received as part of the tender evaluation process

The need for the specialist support was included in the PID. This was submitted to the Project Management Board for consideration and approved in May 2016.

Two options have been identified for the provision of the required support.

OPTION 1

The Council currently has a Framework Agreement for the provision of parking and traffic related services which provide access to 5 consultants when required to support work in the parking and traffic sphere. The nature of the support sought in relation to the procurement of the Parking Management Contract is specialist in nature however and Officers are of the view that none of the existing Framework Consultants have the detailed experience and knowledge of the procurement and operation of on-street parking enforcement services, back-office systems and current technology to provide the degree of support required.

OPTION 2

Officers have consulted the British Parking Association (BPA) Special Services Directory which list consultants/contractors in terms of their specialism's within the parking industry. There are few consultants within the



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directory which provide expertise in on-street parking management as well as expertise in the software packages and hardware available in the market place. Parking Associates have been identified as having the necessary expertise to effectively support the procurement exercise. Parking Associates' main areas of expertise are in notice processing systems and services, on-street parking operations, and parking equipment and specification.

Parking Associates were engaged by the Council in 2007/8 in a similar role and successfully supported the procurement of the current parking management which expires in 2018.

Officers are of the opinion that option 2 should be pursued and in this regard that Parking Associates should be engaged to support the procurement as it possesses the particular areas of specialism required.

Exact cost of the support sought is estimated at £40k. Procurement costs incurred during the last exercise in 2007/8 were shared equally amongst the 3 procurement partnering authorities at that time (WBC/ TRDC/ DBC). Although Dacorum has opted to pursue its own procurement exercise separately, discussion with TRDC to share the cost of procurement is on-going on the basis of an equal split. If successfully concluded TRDC will meet 50% of the costs, reducing the budget required from WBC resources to approximately £20k. Watford's element of the procurement costs would be met from the parking Reserve (code VFD000 X9000), the balance of which currently stands at approximately £700k.

For option 2 to be taken forward, an exemption to the Council's Contract Procurement Rules on the basis of their being a limited market would need to be authorised and an exemption approval is now sought in that regard in relation to the appointment of Parking Associates to provide specialist expertise to support the procurement of the Parking Management Contract.

Yours sincerely,



Andy Smith,
Transport and Infrastructure Section Head

Central Register of Exemptions

The Audit Plan 2013-/14 – “Procurement and Contract Management Baseline Assessment” recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved”.

The Council’s Contract Procedure Rules state:

Exemptions:

- Acquisition or disposal of Land:

These rules do not apply to the acquisition or disposal of land except where a lease or licence is granted as part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to unforeseeable emergency involving immediate risk to persons or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional exemption may be considered by the Managing Director in limited and unusual circumstances. This may, for example, apply where a key supplier has gone in to Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to significant disruption to a Council service. In such an event a head of Service and the Managing Director may jointly approve an exceptional exemption. This may, for example, be a single tender action or the use of a substitute contractor from the original tender responses to complete a contract or part of a contract. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

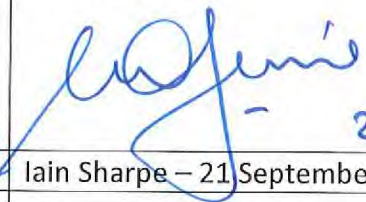
- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting.

Record of Exemptions - Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

Approved Exemption Record Form

	Details
Exemption category <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional circumstances • Limited market • Prior approval 	Please find attached the covering letter which details the limited market exemption
Details/ Circumstances/ Explanation of why an exemption was required:	See letter attached
Approved by (name & date) <ul style="list-style-type: none"> • Managing Director 	Manny Lewis  - 26-9-16
Portfolio Holder informed (name & date)	Iain Sharpe - 21 September 2016
Date reported to Cabinet	
Contract Title:	Parking Management Procurement technical support
Vendor/ Contractor:	Parking Associates
Date contract let:	October 2016
Term of contract:	18 months
End date:	March 2018
Total value of contract:	£20k
WBC Contract Manager (name & contact details)	Andy Smith Transport & Infrastructure Section Head
Comments/ Other information	
Date entered on to Exemption Register	
Signed by Head of Service	

Copies to:
 Contract File
 Head of Service
 Corporate Procurement Manager
 Central Register of Exemptions