

6 August 2008

Dear Councillor

OVERVIEW AND SCRUTINY COMMITTEE - MONDAY, 11TH AUGUST 2008

I am now able to enclose, for consideration at the above meeting of the Overview and Scrutiny Committee, the following reports that were unavailable when the agenda was printed.

Agenda No Item

5. **Matters arising from the Minutes**

b) **Memorial Safety in Closed Churchyards (Pages 113 - 128)**

The Committee at its last meeting requested a report on this subject (Minute 08.OS.40 (4) refers)

Report of Corporate Director (Neighbourhoods) (enclosed)

6. **Neighbourhoods Directorate - Value for Money Review (Pages 129 - 136)**

The Committee at its last meeting, whilst considering the Forward Plan, indicated its wish to have an opportunity to consider and comment on this report in advance of its consideration by the Executive Cabinet.

The report of Assistant Chief Executive (Business Transformation) is enclosed.

The Value for Money Review documents to append the report have not been printed as part of the agenda package due to the large number of pages. A copy of the document is available in the Members Room but it can also be viewed in the Members Library Section on the Loop through the following link:

<http://democracy.chorley.gov.uk/ecSDDisplay.asp?ID=218&RPID=47751&sch=doc&at=12747&path=0,326,12747>

16. **Press and Public Excluded Item**

To consider the exclusion of the press and public for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

17. **Neighbourhood Directorate - Restructure (Pages 137 - 146)**

The Committee at its last meeting, whilst considering the Forward Plan, indicated its wish to have an opportunity to consider and comment on this report in advance of its consideration by the Executive Cabinet.

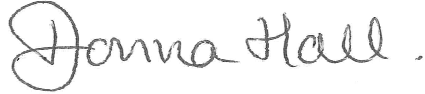
Report of Corporate Director (Neighbourhoods) (enclosed)

The following supplementary item has been added to the agenda for consideration at the meeting.

18. **Performance Monitoring Report - First Quarter of 2008/09 (Pages 147 - 160)**

Report of Assistant Chief Executive (Policy and Performance) (enclosed)

Yours sincerely



Donna Hall
Chief Executive

Gordon Bankes
Democratic Services Officer
E-mail: gordon.bankes @chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Overview and Scrutiny Committee (Councillor Dennis Edgerley (Chair) and Councillors Nora Ball, Mike Devaney, Marie Gray, Harold Heaton, Kevin Joyce, Adrian Lowe, Mark Perks, Rosie Russell, Joyce Snape and Peter Wilson for attendance.
2. Agenda and reports to Eric Bell (Executive Member (Neighbourhoods)) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

This page is intentionally left blank

Report of	Meeting	Date
Corporate Director of Neighbourhoods	Overview and Scrutiny Committee	11 August 2008

MEMORIAL SAFETY IN CLOSED CHURCHYARDS

PURPOSE OF REPORT

1. The report is intended to provide a summary of the Council's present position with respect to the management of closed churchyards for which the maintenance responsibility, including memorials, has been passed to the Council.

RECOMMENDATION(S)

2. It is recommended that the report be noted and officers be requested to update the Committee on progress in the matter in six months time in order to allow the Committee to consider further the work at St Johns and the broader issues.

EXECUTIVE SUMMARY OF REPORT

3. A Church of England churchyard may be "closed" by Order of the Privy Council, effectively ending burials there, subject to appropriate conditions. The maintenance of the site can, then, be passed to the District Council, including the responsibility for maintaining the memorials. There is no associated funding and, therefore, the Council must accept the financial burden.
4. The churchyards at St Laurence's and St George's are maintained by the Council but have no remaining memorials of significance. The churchyard at St John's Whittle-le-Woods was passed to the Council in 2000 and has a large number of memorials, many in a poor state.
5. The Council's officers have assessed the memorials and infrastructure at St Johns and carried out a minimum of work to support unstable memorials at a cost of approximately £25,000. Work is now in hand to stabilise those closest to the church building and access, at a cost of £4,300, and to identify and prioritise further work, within a capital budget of £30,000 in the current year.
6. The report identifies a number of conclusions both specific to the St John's project and, generically, with regard to possible future transfers.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. The Council has statutory obligations for the maintenance of the churchyard and a duty of care to those who enter it. It is necessary to establish a framework within which future transfers may be managed.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 8. The report deals with a situation brought about by the legislative framework governing the management of churchyards. In the short term the Council does not have options, other than in the detail and timing of the actions to be taken. Options for the conduct of future transfers of other churchyards are limited and remain to be clarified.

CORPORATE PRIORITIES

- 9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	✓
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

- 10. At its meeting on the 23 June 2008 the Committee considered the recent and planned expenditure on St John’s churchyard in Whittle le Woods and requested a report on the issue of the safety and maintenance of memorials in closed churchyards and the associated costs.
- 11. An application may be made to the Privy Council for an Order in Council closing a Church of England churchyard. Generally it was intended for the procedure to be used to deal with issues of public health and to relieve the incumbent of the duty to find burial space for parishioners – rather than simply as a means of passing on the maintenance liability. The Order may allow for certain further burials that meet defined conditions, as is the case at St John’s.
- 12. The maintenance of Church of England churchyards that have been closed by Order in Council can be passed to the Borough/District Council – which has no right to refuse. Therefore, the maintenance of any such churchyard in the Borough may in future fall to the Council – even though a defined range of permissions may continue to exist for further burials. This maintenance responsibility includes the maintenance of memorials. The management of the churchyard remains under the control of the incumbent and the Parochial Church Council. So, for example, the Borough Council could not insist on access being limited. (Interestingly, in the case of a churchyard that is not closed, the District/Borough Council is responsible for enforcement of safety requirements.) In addition, the diocese retains control over any works carried out in the churchyard – which require a Faculty (an authorisation from the diocesan registrar).
- 13. Attached as Appendix A is a Legal Opinion, summarising the legal background to the issue and the maintenance responsibilities.
- 14. The management of the safety of the site is clearly closely related to the maintenance responsibility and the Council, in taking over a closed churchyard, must assume considerable responsibility for discharging the maintenance function in such a way as to not compromise the safety of the users of the churchyard. With regard to memorials, there is an established body of good practice in inspection and repair and also in the associated communications and administrative procedures. While the lack of memorial ownership records in churchyards is a handicap, it is not difficult to extend the Council’s memorial testing regime to other, smaller, sites.

15. In the past the Council has take over the closed churchyards at St Laurence's and St George's. Neither of these have any remaining memorials of relevance and the Council's role relates primarily to grounds maintenance. In 2000 the churchyard at St John's in Whittle was closed. Although the Council took over grounds maintenance it did not become clear until 2006 exactly what liability the Council had taken over. The churchyard contains several hundred graves – of which well in excess of a hundred were in need of some attention, some quite urgently. In order to deal with urgent safety issues action has been taken by the Directorate and significant costs incurred. The closure Order allows for further burials under a range of conditions. This further complicates the safety issues and the application of the normal administration of testing and remediation procedures. The poor state of such a large number of memorials still further exacerbated the issue.
16. The maintenance responsibility passed to a Council includes all of the infrastructure in the churchyards including walls, fences and memorials. In the case of St John's there is at least one extensive retaining wall, on the western boundary, for which there is no historical information. It would appear that the wall was built and the land then filled in behind it and subsequently used for burials. Considerable settlement has occurred in this lower area. The cost of putting St John's churchyard in reasonable order (ie to the standard of Chorley cemetery) could be of the order of £200,000 to £300,000 although it is not possible to estimate this accurately. The cost would be higher still if all memorials were restored to their original condition in a stable form. There is clearly an argument that the churchyard could not have been in much better condition eight years ago when it was closed. In this context it should be noted that the Church has no right to expect the maintenance of the churchyard to be to a higher standard than prior to the closure – in effect, the Council does not need to refurbish or restore the churchyard.
17. In the course of 2006 the incumbent of St John's approached the Council on the matter of memorial safety. The Directorate has since done considerable work on the issue. Unfortunately, the Church does not maintain records of grave "owners" as does a cemetery operator and, therefore, it is impossible to trace more than a small number of the owners of the memorials. The Church had made a number of attempts to publicise the need for the owners of memorials to come forward but to little effect. The cost of making safe or restoring graves and memorials thus falls largely on the Council – although our intervention has prompted a number of families to have repairs carried out.
18. The case of St John's highlights the two main issues, given that transfers are not avoidable. The first issue is that the transfer process must be conducted carefully. It is arguable (but unclear) that the transfer requires the churchyard to be in good order. If it is established that the churchyard should be transferred in reasonable order then that standard must be proved by surveys and, logically, reasonable steps taken to deal with any outstanding work. It is a requirement that three months notice is served on the Council – and the accepted norm is twelve months to allow for budgetary provision to be made. However, unless a very careful evaluation is carried out, the only financial provision made may be for grass cutting.
19. The second issue is that the maintenance of the churchyard is inextricably linked to its continued operation as a burial ground. Much of St John's churchyard is the subject of settlement or lateral movement – either generally or because parts are in filled ground or on steep slopes and also because of the situation being exacerbated by graves, necessarily, being dug and filled. This in turn has a major effect on memorial safety. However, it is also possible when gravedigging is not directly controlled, that some burials might take place at depths and in locations that may compromise the future maintenance of the area and of the memorials. The only logical conclusion would be that a Council should have the option to carry out or oversee all grave digging in future. However, the churchyard is not in a Council's control. It would be preferable to have the opportunity to end the use of the site for burials at the time of the order.
20. A further issue related to settlement is the state of certain paths and the steps which provide the only access to the lower part of the churchyard. Mention is also made, above, of the

retaining wall to the western boundary. From a safety point of view it is clear that the steps and some parts of the paths are in need of repair to avoid exposure to reduce the risk of injuries public liability claims. The extent of the work required is at present being quantified.

21. Also in 2006, the Council was approached by members of the Church of St Barnabas at Heapey who were seeking to establish whether the Council might provide financial assistance toward the ongoing maintenance of the churchyard. Officers have met with them and discussed the issue. The Church members have pragmatically agreed to allow the Council to consider the wider issue before pressing for a response. St Barnabas' has a field adjacent to the churchyard bequeathed for the purpose of extending the churchyard. This is unusual and the scale of the asset, even if replicated at a number of churches across the Borough, would not make a material difference to the borough's needs for future burial space.
22. Burials in Church of England churchyards are, we understand, subject to a fixed scale of fees. The additional space at St Barnabas' church is then, in effect, a liability – because it will attract further maintenance costs with little prospect of balancing income. It would appear that a sustainable future for churchyards like St Barnabas' requires either a financial commitment from the Council (or some other third party) or a radically different business model that introduces the freedom to fix charges at an economic level.

WORKS CARRIED OUT TO DATE AND PLANNED

23. In the course of the financial year 2006/07 grounds maintenance work at St Johns was suspended because the risk of injury to the workforce was significant and not quantifiable. Agreement was reached with the diocese that memorial safety inspections would be carried out and appropriate temporary support provided to unstable memorials.
24. The Council's officers carried out assessments of the memorials in accordance with accepted practice. It was not possible to follow guidance on notifications to grave owners because the records did not permit this.
25. In accordance with established good practice and safety requirements a chartered structural engineer should be employed to assess all headstones over 2.5m in height. In view of the instability of the site and the number of complex headstones in the range 1.8m to 2.5m it was decided to extend the structural engineer's assessment to all headstones over 1.8m. This coincides also with the manageable height of memorial that can be stabilised with the normal wooden post and banding method of support. Those over 1.8m have been stabilised using a scaffolding contractor. From examinations by the structural engineer and the Council's officers it was clear that the immediate priorities were the taller memorials, those on the slope west of the church building and the steps to the lower area.
26. Subsequently, Council staff have been trained in erecting scaffold support to tall headstones in order to minimise the risk and cost of the procedure in the future. The total cost of works and consultancy in 2007/08 was £21,541.
27. Council officers and the structural engineer also considered the state of existing structures within the site and identified that the retaining wall to the western boundary is worthy of further examination in the future.
28. The placing of temporary support to the unstable memorials prompted a limited number of families to have repairs carried out to their memorials. The greater proportion of those dealt with remain supported. Grounds maintenance work was allowed to resume and funding was sought for further work. A capital budget of £30,000 has been made available for the current financial year and a local memorial mason has been commissioned to repair the most prominent memorials between the church door and the main road, at a cost of approximately £4,300 from that budget. Memorials that, on being dismantled, are not capable of being safely re-erected, will be laid down. Further work is being done to identify the estimated cost

of urgent remedial work to paths and steps. It is also essential that the retaining wall to the western boundary is assessed in the longer term to determine the likelihood of any further settlement behind it. When these issues have been clarified and priorities established further quotations for the remediation of memorials and infrastructure will be sought and the project will be subject to the Council's project management protocols before proceeding.

FURTHER AND FUTURE ISSUES

29. There does not seem to be any prospect of a change in the legislative framework governing closed churchyards. The issue was discussed by the Select Committee on Environment, Transport and Regional Affairs two years ago, without any significant conclusion. It is, therefore, necessary for local authorities to plan their future management of the problem within the existing rules.
30. An important issue, then, is whether it makes more sense to provide limited financial support (and perhaps some support in kind) to churchyards or to accept the inevitability of their closure and the subsequent financial burden and risk. It may be most helpful at present to open a dialogue with the diocese (and possibly the Roman Catholic Archdiocese which manages these issues independently) with a view to developing options and financial models.
31. In considering the issues involved in the liability for the future maintenance of closed churchyards a wide range of other issues are of relevance. The whole life cost of a churchyard is of the order of £2,500 per grave – although the Council's involvement starts at perhaps half way through that period. While there is little experience to draw on it is possible to re-use such sites a hundred years after the last burial – subject to considerable restrictions.
32. The lack of documentation similar to that of a municipal cemetery is a serious problem in remediating headstones. The possibility of transferring the maintenance to some other form of management, for example a trust, could be considered. The opportunity to use parts of some sites as open space, by removing memorials, should be considered. Future requirements in relation to environmental legislation are indeterminate. Other issues include the limits placed on incumbents in charging for graves in churchyards. This limits severely the individual church's financial options.
33. At present we are dealing with the churchyards of St Laurence's and St George's, both of which are without memorials, as well as St Johns. It would seem logical to try to assess the future liability and the rate at which it would develop as churchyards become full. Given the lack of any clear national norms or policies the way appears to be open to the Council to establish a dialogue with the diocese and other Councils in order to agree protocols and good practice. This would offer the opportunity to predict, if not minimise, the total cost of future churchyard maintenance and to control the proportion that would fall to the Council.

CONCLUSIONS ON THE ST JOHNS CHURCHYARD PROJECT

34. It is acknowledged that the Council has no alternative but to continue to maintain the churchyard to a reasonable standard and, specifically, in a condition that discharges the Council's responsibility for the safety of its employees and others within the churchyard.
35. The Council has dealt with immediate safety issues and is dealing with the maintenance of the churchyard on a risk management basis. Further and future work must be managed to minimise safety issues while maintaining the churchyard to a reasonable standard. Agreement over the longer term objectives of the maintenance regime should be sought from the Diocese.
36. Subsequent to the initial provision of support to dangerous memorials and the commissioning of remedial work to the most prominent ones it is now necessary to prioritise the currently

outstanding work into a programme which may be considered for funding alongside the Council’s other priorities.

CONCLUSIONS ON FUTURE TRANSFERS

- 37. At present the Council has no means of establishing the scale of the long term financial burden that might arise as more churchyards are closed. It is clearly essential that sufficient investigation is done to reduce the financial uncertainty in this respect – even though the costs can only be very approximate. It may also be that other management models might offer a better alternative, both for the churchyard and the Council.
- 38. The actual transfer of the maintenance of a closed churchyard should be managed very carefully in view of the immense whole life cost and the potential existing and short term future maintenance liability.
- 39. The transfer of a closed churchyard should be preceded by agreement on details of the future operation (if any) of the churchyard as a burial ground. The continuation of burials to any limited degree should only be permitted if it is clear that the stability of memorials will not be prejudiced. Consideration should be given to seeking amendments to closure orders where continued burials present a risk to safety through destabilising memorials.
- 40. The transfer should be conditional upon the completion of detailed professional assessments of memorials and infrastructure and necessary remedial works – whether this is by repair, laying down or removal.
- 41. Any transfer should, if possible, be the subject of an accompanying agreement or understanding, which should recognise the considerable whole life cost of maintaining the churchyard and should take into account the possible re-use of the site at some point in the distant future.
- 42. There is no legal reason for the Church not to have a churchyard transferred to the Council. Although the Council is not aware of any immediate prospect of further closures it would be prudent to reach a conclusion on how a “model” future transfer might be managed. In view of the considerable costs, for whoever does retain the liability, the future options should be explored with the diocese, perhaps by a number of authorities together.

IMPLICATIONS OF REPORT

- 43. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (BUSINESS TRANSFORMATION & IMPROVEMENT)

- 44. ***

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Keith Allen	5250	31 July 2008	Report

This page is intentionally left blank

The following is an extract from Legal Opinions Concerning the Church of England, published by Church House Publishing, London. The opinion is copyright The Central Board of Finance of the Church of England 1997 and The Archbishops' Council 1999 and reproduced by permission.

CHURCHYARDS: CLOSED

Meaning of “closed churchyard”

1 A “closed churchyard” is generally taken to mean a churchyard which has been closed for burials by an Order in Council under the Burial Acts, and the term is used in that sense in this opinion. A churchyard may have been entirely disused for many years but it would not on that account be described as a closed churchyard, nor would a churchyard where all further burials have been prohibited by a local Act of Parliament.

2 On the other hand the fact that a churchyard is a closed churchyard does not necessarily mean that no burials may legally take place there, as this will depend upon the exact terms of the Order (or Orders) in Council applicable to it. In some, all further burials are entirely prohibited; in others, the burial of relatives of those already buried in the churchyard may take place, subject to there being three, four or five feet of soil between the coffin lid and the surface of the ground: occasionally, with a tender regard for the individual, the Order provides that the burial of a named person shall be permitted. Burials in vaults are often excepted subject to special conditions. Sometimes part of a churchyard is closed.

3 The proviso to section 3(1) of the Church of England (Miscellaneous Provisions) Measure 1992 provides that a person shall not have a right of burial of his cremated remains in a closed churchyard in the absence of a particular or general faculty authorising such interment.

4 The Ministry of Health (as it then was) expressed the view many years ago that a churchyard which is closed with exceptions is nevertheless a “closed churchyard” for the purpose of recovery of expenses from a local authority.

Tracing Orders in Council

5 If a PCC or a local authority is not sure whether a particular churchyard has been closed or not, or wishes to find the exact terms of the Order in Council, the following are the lines of enquiry which are suggested:

- (a) there will probably be a copy of the Order in Council, or of the issue of the London Gazette in which it appeared, in the church chest, or with the local authority's records;
- (b) the Index to the London Gazette 1839-1883 (available in the bigger reference libraries) will mention the Order if made before 1884;
- (c) if made between 1884 and 1891 it could be traced through the quarterly indices to the London Gazette;
- (d) if made after 1891, the Order will be listed at the end of the annual volumes of Statutory Rules and Orders or Statutory Instruments, but this involves a tiresome search unless the approximate year is known; and
- (e) in the last resort enquiries may be made from the Home Office, ABC Unit, Room 972, 50 Queen Anne's Gate, London SW1H 9AT (telephone 0207 273 2883).

New Orders in Council

6 Most of the Orders in Council for the discontinuance of burials (with or without exceptions or qualifications) in churchyards were made in the middle of the 19th century for the protection of the public health at a time when open sewers and the absence of a piped water supply made it particularly important to prevent the seepage of offensive matter from decomposing bodies into wells or streams likely to be used for drinking water. But section 1 of the Burial Act 1853 does not in fact restrict the making of closing orders to cases where this is necessary for the protection of the public health. The legal advisers of the Ministry of Housing and Local Government (as it then was) agreed with this view of the law, but in practice the Minister will almost invariably only make representations to Her Majesty in Council for the making of a closure order where the Minister is satisfied that discontinuance of burials, with or without exceptions or qualifications, is necessary for reasons of public health, thus adhering to the practice of his predecessors, namely the Ministry of Health, the Local Government Board and the Home Secretary.

7 This does not mean that no closing orders are made today, but orders never have been made for the sole purpose of relieving the ecclesiastical authorities of the burden of maintaining a churchyard.

8 Notice of the representation which the Secretary of State proposes to make and of the date when it will be considered by the Privy Council must be given in the London Gazette and by notices affixed to the doors of the churches affected, and notice is also given to the

incumbent and to the local authority. This does not mean that the relevant Department seeks the consent of the local authority; the notice is sent to it because it has succeeded to the civil powers of the vestry to whose clerk notice had to be sent under section 1 of the Burial Act 1853. The Department often arranges for the churchyard to be visited by one of its civil engineering inspectors.

Restriction on the making of closing orders

9 The former prohibition on making an Order in Council closing a burial ground which had been opened with the approval of the Secretary of State has been abolished for Greater London, but still applies to churchyards outside Greater London (Local Government Act 1972, Sch 26 para 15). Where an Order in Council provided that the opening of a new burial ground required the Secretary of State's approval it must be presumed in the absence of evidence to the contrary that the law was complied with and that the required approval was sought and granted. But if there is any evidence to prove that approval to the opening of the churchyard extension or a new churchyard was not given, the relevant Department may consider the possibility of a closing order being made.

Revocation and variation of closing orders

10 The Secretary of State has received advice from the Law Officers of the Crown to the effect that it is not possible to revoke an Order in Council closing a churchyard. The Law Officers' reasons are that there is no express statutory power to do so, and that the power under section 1 of the Burial Act 1855 to "vary" a previous Order in Council does not extend to revoking the Order altogether, although it can be used, for example, to redefine the boundaries of the churchyard where they have been inaccurately described, or to change the categories of burial which are still allowed.

11 In reliance on that opinion, the relevant Department is not willing to entertain applications to re-open a closed churchyard by revoking the Closing Order. In view of this, a parish thinking of applying for such an Order should be advised to consider carefully whether the churchyard or part of it may be needed for burials at some stage in the future. However, the Department has on occasion been willing to vary an Order to permit specific new burials or categories of burials.

Responsibility of local authorities for closed churchyards

12 The justification for the provision of section 18 of the Burial Act 1855 and the way in which it has led to the transfer of the responsibility for closed churchyards to local authorities was not intended to confer any privilege upon the Church of England but was a

recognition of the fact that until the Burial Acts of 1852 and 1853 churchyards or additional churchyards were the only burial places available, apart from commercial cemeteries and a few denominational burial grounds belonging to trustees. More important, churchyards were (as they still are) the common burial places of the parishioners of any denomination and none. As the churchyard was available for the whole community, and in the first half of the 19th century had sometimes been provided, or extended, by means of a compulsory church rate, it was considered reasonable that when it was closed in the interest of the community, the expense of keeping it in decent order should be reimbursed to the churchwardens from what was then the poor rate.

13 Section 18 of the Burial Act 1855, which was slightly amended for Greater London, and which was repealed by the Local Government Act 1972, s272, Sch 30, except as to the City of London, provided as follows:

“In every case in which any Order in Council has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board or churchwardens, as the case may be, shall maintain such churchyard or burial ground of any parish in decent order, and also do the necessary repair of the walls and other fences thereof; and the costs and expenses shall be repaid by the overseers, upon the certificate of the burial board or churchwardens, as the case may be, out of the rate made for the relief of the poor of the parish or place in which such churchyard or burial ground is situate, unless there shall be some other fund legally chargeable with such costs and expenses.”

14 On that basis it was for the local authority, which succeeded to the functions of the overseers, to reimburse the PCC, which succeeded the churchwardens in this regard.

Transferring responsibility for closed churchyards to a local authority

15 From 1 April 1974 section 215 of the Local Government Act 1972 has provided a much simpler procedure for a PCC to request a local authority at three months' notice to take over the maintenance of a closed churchyard, and section 18 of the Burial Act 1855 (except in its application to the City of London) has been repealed from that date.

16 Where extensive repairs are required to the churchyard three months' notice is too short and can cause difficulties for the local authority's budget. It has been agreed with the Local Authorities Association that, in future, the practice should be to give twelve months' informal notice to the local authority of an intention to serve the three months' statutory notice under section 215 of the 1972 Act.

17 The effect of acting under section 215 is to transfer the functions and liabilities of the PCC with respect to the maintenance and repair of the churchyard to the local authority. This does not mean that the churchyard itself is transferred to the local authority nor are any functions or liabilities transferred except those of the PCC with respect to maintenance and repair. Other rights and powers remain unaffected and the churchyard remains under the control of the incumbent subject to the overriding control of the bishop's consistory court, and the incumbent with the concurrence of the PCC has as free a hand as was the case before the transfer except where questions of maintenance and repair are involved. For example, the local authority cannot restrict the parishioners' access to the churchyard at all reasonable times, this being a matter for the incumbent to decide.

18 A disused churchyard can only become an open space under the Open Spaces Act 1906 by mutual agreement between the incumbent and the PCC and the local authority and usually with the sanction of a faculty from the consistory court (see ss6, 9, 11). But the obtaining of a closing order and transfer of responsibility for maintenance to a local authority may well be the prelude to a subsequent agreement and faculty for its conversion into an open space.

19 Quite apart from conversion into an open space, neither the incumbent, nor the lay rector (if there is one, as happens in some ancient parishes), nor the PCC nor the local authority may alter the layout of a churchyard, whether it is closed or not, without a faculty. Where the responsibility for maintenance has been transferred to the local authority and the incumbent and churchwardens seek a faculty for some alteration to the churchyard which might result in an increase of expenditure to the local authority, the Legal Board (the predecessor of the Legal Advisory Commission) advised many years ago that the local authority should be given notice of the petition in accordance with current faculty procedure.

20 A local authority's responsibility for the maintenance and repair of a closed churchyard is unaffected by the grant of a faculty for the interment of cremated remains within part of the churchyard. The local authority cannot be relieved of its obligation for any part of the churchyard. The interment of ashes in a closed churchyard does not itself make the churchyard or that part of it open again for burials (see also Church of England (Miscellaneous Provisions) Measure 1992, s3).

21 The practical effect of the transfer of the functions and liabilities of the PCC with respect to the maintenance and repair of a closed churchyard to the local authority is that it is for the local authority to decide how and when and by whom the work shall be done. This of course does not preclude a mutual arrangement between the local authority and the PCC whereby the latter voluntarily undertakes some "extra" work in the churchyard such as the planting of bulbs or flowers, care of particular memorials etc.

What is involved in the maintenance and repair of closed churchyard by a local authority?

22 From the preceding paragraph it will be appreciated that when the responsibility for a closed churchyard is transferred to a local authority it succeeds to the functions and liabilities of the PCC. Section 18 of the Burial Act 1855 (see paragraph 11) laid down that the churchwardens (now the PCC) “shall maintain such churchyard ... in decent order, and also do the necessary repair of the walls and other fences thereof”. It is generally relatively easy to determine what is involved in the necessary repair of walls and other fences, but it is sometimes hard to determine what is involved in maintaining the churchyard “in decent order”. According to Prideaux’s *Churchwardens Guide* (16th edn, 1895), p99, the duty of churchwardens (which would seem to apply to a PCC and a local authority) is:

“... to see that [the churchyard] be kept in a decent and fitting manner, that it be cleared of all rubbish, muck, thorns, briars, shrubs and anything else that may annoy parishioners when they come into it ...”.

23 Sometimes an incumbent and his PCC feel that the local authority ought to devote more labour or spend more money on a particular closed churchyard than it does, or, on the other hand, a local authority sometimes feels that the incumbent and PCC are expecting too much and assuming that maintenance in decent order necessarily involves the same standard which it would adopt where a churchyard has been transferred for use as an open space under the Open Spaces Act 1906. Also sometimes a local authority takes refuge in the fact that a neighbouring churchyard, whether closed or not, for which another PCC is responsible is in a worse state than the one about which complaint is made. But although many questions reach the Legal Advisory Commission about closed churchyards, it is significant that relatively few relate to serious disputes about the practical questions of maintenance, and tribute should be paid to the understanding way in which most local authorities see that this task is carried out, especially as it is often difficult and unrewarding.

24 The Legal Advisory Commission appreciates the difficulty of making any general application of opinions given on particular facts, but it may be of assistance to mention that in its view the duty of a local authority to maintain a churchyard in decent order includes the maintenance and repair of the paths and gates, and also the renewal of a gate when, according to the ordinary rules of good management, it should be replaced. On the other hand, if drains which run under the churchyard and whose sole function is to carry off water from the downspouts and gutterings of the church itself become obstructed, the removal of the obstruction is not, in the Legal Advisory Commission’s view, part of the duty of maintaining the churchyard in decent order and, therefore, is the responsibility of the PCC and not of the local authority.

25 Trees and herbage sometimes give rise to peculiar difficulties inherent in the freehold of a churchyard being vested in the incumbent (or lay rector if any). But generally speaking keeping the churchyard in decent order will involve dealing with saplings and bushes as coming within the “thorns and shrubs” mentioned in the quotation from Prideaux above, especially if their continued growth may cause damage to a memorial; it also involved dealing with long rank grass and weeds and brambles, particularly of course any grass overhanging the paths. Exceptionally in rural areas it may occasionally happen that the incumbent (or the lay rector if any) may wish to exercise his rights to have the herbage, and therefore there should be consultation before the grass is cut, to allow the owner of the herbage the opportunity to exercise that right.. No licence is required under the Forestry Act 1967 for felling trees in a churchyard (s9(2)(b)), and consent to felling etc by the Diocesan Parsonages Board is no longer required (Care of Churches and Ecclesiastical Jurisdiction Measure 1991, s6(4)); a faculty will, however, be required. If a tree has fallen by act of nature in a closed churchyard for which a local authority is responsible, the authority should remove it unless the owner of the tree (normally the incumbent or the lay rector, if there is one) wishes to do so. As regards trees, see also section 13 of the Church of England (Miscellaneous Provisions) Measure 1995.

26 The Legal Advisory Commission is of the opinion that the local authority’s responsibility to keep a churchyard in decent, and therefore safe, order can be no greater than that of the PCC. The obligation to maintain the churchyard extends to all things attached to the realty, which includes tombs, monuments, war memorials, churchyard crosses and walls and fences. Decent order will be a matter for the local authority to decide, but if the PCC considers that the authority's standard is too low, the incumbent and PCC may seek to enforce the local authority’s duty by proceedings in the county court.

Petition for faculty for removal of dangerous item

27 The PCC may petition for a faculty for the removal of a dangerous item from the churchyard. (This procedure is probably also available if the churchyard is closed.)

For tombs, monuments, and churchyard crosses *see also* CHURCHYARDS and CHURCHYARDS: OWNERSHIP OF MONUMENTS AND TREES.

(Revised 2003)

This page is intentionally left blank



Report of	Meeting	Date
Assistant Chief Executive (Business Transformation) (Introduced by the Executive Member for Resources)	Overview and Scrutiny Committee	11 August 2008
	Executive Cabinet	14 th August, 2008

VALUE FOR MONEY REVIEW – NEIGHBOURHOODS DIRECTORATE

PURPOSE OF REPORT

1. To present members with the findings, conclusions and recommendations arising from the internal value for money review conducted in the council's Neighbourhoods directorate

RECOMMENDATION(S)

2. That the Final Report be noted and approved for publication
3. That the recommendations within the report be approved for implementation
4. That the learning from this initial review be used to improve the methodology for future reviews carried out within the 3-year programme

EXECUTIVE SUMMARY OF REPORT

5. The final report document presents the detailed findings, conclusions and recommendations from the work undertaken by an internal review team to assess how well value for money is being delivered and improved across the services within the Neighbourhoods directorate. This is a large document, which has not been included with the agenda papers. It can be viewed on the loop through the following link.

http://theloop/upload/public/Files/98/VFM_Report_-_6_June_08.doc

6. The review objectives were as follows;

- To examine service delivery and back-office support systems within the Neighbourhoods Directorate to ascertain whether value for money is being obtained.
- To produce a report setting out the findings against the prescribed evaluation criteria and with recommendations for any improvement or corrective action, which needs to be taken.
- To incorporate a longer-term action plan focussed on the Council's Business Transformation agenda.



7. Using a methodology developed in-house, the team assessed value for money against 5 criteria

Rationale
Efficiency
Economy
Effectiveness
Impact

Each service within the directorate was then scored against the criteria enabling the review team to assess how well VFM was being achieved.

8. Using the corporate themes adopted to direct and underpin the councils drive to improve value for money and customer satisfaction, the report sets out a broad strategic level summary of the Review Team findings and recommendations of what needs to be done if we are to be successful in meeting government targets for efficiency and our aspirations for Neighbourhood working. These are set out below.

9. **Customer Satisfaction**

Although there was considerable evidence that the directorate put a high priority on customer satisfaction, the review team found an inconsistent approach across the Directorate to assessing customer satisfaction. This has to some extent been addressed during the review but a greater focus is needed on monitoring customer feedback to ensure that customer satisfaction remains the directorate's highest priority. Opportunities for self-service and the opportunity for customer feedback needs to be explored and a more active role at directorate level is required with the ongoing implementation of the CRM system.

Procurement

The review team found good practice on procurement. However, significant improvement opportunities were identified against this theme. The need to robustly challenge expenditure before it is committed, opportunities for consolidated invoicing to reduce costs, alternative service delivery models, were identified as areas, which need to be tackled.

Some positive evidence of sustainable procurement being undertaken was identified however this needs a more strategic directorate wide approach to meet the national requirements set by the Government.

Technology

Improved use of technology is critical to the future success of the directorate and there are major opportunities to improve services and to deliver efficiencies in the processes and system that support service delivery. Clarity around the current and future use of the authority system, the deployment of GIS, the use of mobile/home working technology, using technology to improve scheduling and the implementation of CRM are some of the critical areas where a concerted effort is needed.

Asset Management

A review of Asset Management Arrangements was undertaken as part of the VFM review. The review concluded that there was considerable scope to implement AM arrangements to improve the current arrangements for maintenance, utilisation, security, deployment and replacement of the assets managed within the directorate

Unproductive Time/Managing the Service

The ABC rough cut costing review highlighted substantial apparent costs attributed to travelling and preparatory/closedown time in both street cleansing and grounds maintenance. In grounds maintenance for example the total cost of this non-added value actually was calculated at £165,480, which represents almost 23% of the total cost of the function at £730,720. Small percentile reductions to this cost would make significant savings to the operational cost of these services although this would more likely be non-cashable to increase productive outputs rather than reduce costs

This exercise also identified potential staff cost savings of £182k per annum in specific areas of the directorate.

Performance Management

The review team found a somewhat inconsistent picture on performance management arrangements within the directorate. Good practice was found with an ISO 9001 quality assurance system in place to cover neighbourhood quality and public health, however there was no evidence of its use in other service area. Benchmarking data to compare performance with others was only found in 4 of the 10 service areas. An effective framework for performance management needs to be implemented as part of the neighbourhood working changes including a review of service standards.

Workforce Development

The current workforce is based on specific service delivery areas, which creates a lack of flexibility and ‘pigeon-holes’ staff to carrying out a limited range of activities.

There are also high levels of sickness absence in the manual workforce. It is expected these will be higher than white-collar staff however benchmarking shows that we are also considerably higher than our nearest neighbour family group.

SCORING THE SERVICES

10. The scores allocated by the Review Team are shown in the table below and it is felt that they present an overall favourable picture of the directorate. To put the scores in context for members the VFM level bandings are also set out below.

	Waste	Public Health	N/Hood Quality	Service Improvement	CCTV	Community Safety	Parking	Street Cleansing & Residual Highways	Transport	Parks and open Spaces
Rationale	3	3	3	2	3	3	3	2.5	2.5	2.5
Efficiency	3	3	2.5	2	3	3	2.5	2.5	2.5	2
Economy	3	3	3	2	2	2	3	2.5	2.5	2
Effectiveness	3	3	3	2	3	3	2.5	3	3	2
Impact	3.5	3	3	2	3	2.5	3	2.5	2.5	2
Total	15.5	15	14.5	10	14	14	13.5	13	13	10.5

SCORE	JUDGEMENT
6-10	The service is offering limited value for money. There is the potential to improve the service by considering alternative methods of service delivery Options should be explored.
11-15	The service is generally offering value for money. There is the potential to improve efficiency and performance through exploring alternative methods of service delivery, examples of best practice should be explored and alternative methods of service delivery considered where appropriate.
16-20	The service is performing well and offering clear value for money, there is currently no identified need to explore alternative methods of service delivery and potential for increased efficiency or performance is low.

11. Although the results overall are positive there are clearly areas which need to be improved. The final report sets out detailed recommendations both at crosscutting directorate level and against specific service areas to address the issues of concern.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

12. To present members with the final report on the VFM assessment of the Neighbourhoods directorate.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

13. No alternative options considered

CORPORATE PRIORITIES

14. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	X
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	X

BACKGROUND

15. Whilst noting the Council's Strategic Framework for the delivery of value for money, the audit commission use of Resources Assessment for 2006 signposted the need for the Council to undertake a programme of VFM reviews.
16. VFM is a term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it both acquires and provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, cost, resource use, fitness for purpose, timelines, and convenience to judge whether or not, together, they constitute good value.

17. VFM is high when there is an optimum balance between efficiency, economy and effectiveness, known as the three 'e's – relatively low whole-life costs, high productivity and successful outcomes to meet the customer requirements.
18. To this end a detailed programme of Directorate reviews was developed and approved by Executive Cabinet in May 2007. The Neighbourhoods Directorate was scheduled as the first review to be undertaken with a scheduled completion date of April 2008.
19. Careful thought has been given to how the review outcomes should be documented and presented. The review constituted a major piece of work, which embraced both a study of whether value for money was being achieved and improved within the directorate and also created a business transformation programme to drive forward future change.
20. A substantial number of documents were prepared during the course of the review. These are an important part of the work carried out however for presentation purposes and to avoid too much detail in the main report these are referenced as Key Reference Documents (KRD's) and can be made available to any reader of the final report who requires this level of detail.
21. The work on the review was completed to the timescales set for it.

THE REVIEW TEAM AND STEERING GROUP

22. The Review was project managed by my Business Improvement Manager with input from key colleagues in the Neighbourhoods, People, Finance, ICT, HR and Policy and Performance directorates. This team reported to a Steering Group that included the Executive Member (Neighbourhoods).
23. To inform the review process 4 key supplementary exercises were undertaken by the Review Team.

Rough–Cut Activity Based Costing

Rough-cut ABC is a variant of ABC costing developed specifically for the Local Government Market. The exercise involved establishing the salary and associated costs across the directorate. By carrying out interviews with all directorate staff to establish the activities and processes their jobs involved and feeding this information into the model we were able to cost staff activity across the directorate. Activities were then analysed and a judgement made on whether the activities added value in terms of either customer requirements or meeting the needs of the organisation.

Procurement Review

The directorate is the council's largest operational directorate with a substantial spend on goods and services. It was felt important to undertake an analysis of spend within the directorate as part of the review and this task was assigned to the Corporate Procurement Team to establish if proper procurement procedures are being followed.

Benchmarking

Benchmarking can be a useful tool to highlight performance and cost in one council against a number of similar size councils often referred to as the family group. The biggest issue on benchmarking is nearly always that it is difficult to be certain that when doing comparisons on services you are comparing 'like for like' and this can become a very complex issue particularly when on-costs and recharges are introduced into the picture. Our approach has therefore been to seek out within Neighbourhoods any benchmarking data which exists and utilise that information to determine areas where there appear to be issues for further investigation. The benchmarking data has therefore served as a pointer to further investigation rather than being seen as providing a definitive picture and has been

combined with the activity based costing exercise to establish the activity cost rather than purely comparative costs of activity.

The main source of benchmarking data for the Neighbourhoods directorate is the APSE Performance Networks service and is used for 4 of the 10 services operated by the directorate.

The data on these services has been incorporated into the service analysis in Section 4 of the final report and we have also reported on any other useful performance/comparison data found as part of the review process.

Customer Satisfaction/Performance Management

An important part of the review was the work done around customer satisfaction. A working group was formed of corporate and departmental representatives who met to determine the best way forward and what level of attention is needed in each of the service areas.

The group concluded that the transport and service improvement service should be excluded from the review, as they were primarily internal services. It was also decided to exclude CCTV and Community Safety from this exercise as these services are partnership services and much work is already done around feelings of safety in the Borough.

The Council's Customer Access Officer led the project and the detailed outcomes from the assessment are set out in KRD8 and have been fed into the service-by-service analysis in section 4 of the report.

Performance Management was also considered an important consideration for the review team, and we examined what information was available both at national level in the form of Best Value PI's and at directorate level through Quality Assurance systems and contractor management systems. The findings and recommendations are set out against the individual service areas and additionally there is a strategic recommendation on Performance Management in the Directorate wide recommendations table in 4.3 of the final report.

BUSINESS TRANSFORMATION

24. Towards the conclusion of the review, thematic groups were formed following the principles agreed corporately for business transformation. These were as follows;

- Neighbourhood Working
- Technology and Information Management
- Performance Management and Customer Satisfaction
- Unproductive Time
- Strategic Procurement
- Workforce Development
- Asset Management

25. The outputs from these thematic groups were brought together at a workshop held in March this year and this enabled the formulation of a detailed transformation plan for the Neighbourhoods directorate (Appendix1), which also incorporates the recommendations from the review.
26. This will be a substantial programme of work spanning the forthcoming 18 months, however it will provide an essential platform for what we want to achieve as an organisation
27. Governance arrangements for the programme have been established and the proposed organisation structure is set out within the final report

It is suggested that Strategy group act as the sponsoring group with the Neighbourhoods Director and Assistant Chief Executive (Business Transformation) taking on the role of Senior Responsible Owners.

This is suggested to reflect the directorate focus alongside the corporate transformation drive led by the Assistant Chief Executive.

DIRECTORATE RESTRUCTURE

28. The Neighbourhoods director has been involved with the Review Team since joining the council and the review recommendations, including opportunities for staff cost savings, have been considered as part of her Restructure proposals, which are included as a separate item on this agenda.

CONCLUSIONS

29. This review is an important starting point on the 3-year programme of VFM reviews agreed by Executive Cabinet in 2007. The outcomes and learning from the review will benefit future work on the programme and this will support the continuing drive for efficiency savings through the CSR07 review period.

Outcomes from the review have been critical to informing and directing the restructure of the Neighbourhoods directorate. This will deliver significant efficiency savings for the council, which are detailed in the director’s report.

IMPLICATIONS OF REPORT

30. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Customer Services	X	Human Resources	X
-------------------	---	-----------------	---

COMMENTS OF THE CORPORATE DIRECTOR OF PEOPLE

31. There are numerous actions arising from the recommendations that require input from Customer Services. These have been factored into our work programme.

COMMENTS OF THE CORPORATE DIRECTOR OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

32 The employee implications following the Value for Money Review are contained within the Restructuring report for the Neighbourhood Directorates, and consequently the comments of the Corporate Director of Human Resources are contained there.

GARY HALL
ASSISTANT CHIEF EXECUTIVE (BUSINESS TRANSFORMATION)

Background Papers			
Document	Date	File	Place of Inspection
Key reference documents (KRD's) produced in support of the final report	various	***	Business Improvement Office, Union St

Report Author	Ext	Date	Doc ID
James Douglas	5203	24 th July 2008	VFM Review-Neighbourhoods

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Report of	Meeting	Date
Assistant Chief Executive (Policy and Performance) (Introduced by the Executive Member for Policy and Performance)	Executive Cabinet	14 th August 2008

1ST QUARTER PERFORMANCE REPORT 2008/09

PURPOSE OF REPORT

1. This monitoring report sets out performance against the Corporate Strategy and the Council's National Indicators for the first quarter of 2008/09, 1st April – 30th June 2008. In addition, it gives information about the reporting of the new National Indicator Set.

RECOMMENDATION(S)

2. That the report be noted.

EXECUTIVE SUMMARY OF REPORT

3. This report sets out performance against the Corporate Strategy and the Council's National Indicators for the first quarter of 2008/09, 1st April to 30th June 2008. Performance is assessed based on the delivery of Key Projects in the Corporate Strategy and the performance against the National Indicators for which the Council is responsible.
4. The overall performance of the key projects is very good with 25 of the projects (81%) either completed, progressing ahead of plan or on plan.
5. Four projects have been identified as 'amber' and two as 'red' due to varying issues and degrees of over-run on time. However, the project managers involved are confident that the projects rated as 'amber' will be delivered or back on track within the foreseeable future. More details on the projects rated as 'red' are provided in this report and a separate report has been produced for this Executive Cabinet relating to CRM Implementation.
6. This is the first report since the National Indicator Set replaced Best Value Performance Indicators. The National Indicator Set has changed the emphasis of national performance reporting, to look at wider outcomes and quality of life in the borough, rather than service delivery. The Council directly reports far fewer indicators than it did under the BVPI regime, although it is still necessary for the Council to monitor progress and performance against the wider indicators. The report sets out the performance of the indicators that can currently be reported, and gives an update on the indicators that cannot be reported at this point.
7. It is not possible at this point to compare the performance of the National Indicators with previous years or quarters as even with the indicators that were BVPIs, the definitions have been changed. In addition, it is not possible to compare Chorley's performance against other authorities, as this information has not been published. Of those indicators that can be measured at this point, the majority are on target. Action plans have been included for those indicators where performance is lower than anticipated.

REASONS FOR RECOMMENDATION(S)**(If the recommendations are accepted)**

8. To facilitate the ongoing analysis and management of the Council's performance.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. None.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region	✓	Develop local solutions to climate change.	✓
Improving equality of opportunity and life chances	✓	Develop the Character and feel of Chorley as a good place to live	✓
Involving people in their communities	✓	Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

11. The Corporate Strategy is the key strategic document for the authority and is focused on delivering the Council's six strategic objectives that underpin the priorities of: people, place, prosperity and performance. The Corporate Strategy mirrors, and outlines the Council's contribution to, the Sustainable Community Strategy, delivery of which is being taken forward by the Chorley Partnership.
12. The Corporate Strategy identifies a programme of 31 key projects, which contribute to the achievement of our objectives. These key projects will be delivered using the Council's corporate project management toolkit, which has been used successfully to improve performance for other key areas of work, such as the Capital Programme.
13. National Indicators (NIs) are indicators collected in accordance with definitions issued by the Department for Communities and Local Government.
14. Quarterly Business Plan Monitoring Statements have also been produced by directorates separately, and will be sent to the Overview and Scrutiny Committee. Quarterly Business Plan Monitoring Statements outline the performance of key Directorate Performance Indicators and the key messages emerging from Directorates in the first quarter of 2008/09.

REPORT OVERVIEW

15. The report provides information covering the following areas:
- The Council's progress in delivering the 31 key projects in the current Corporate Strategy.
 - The Council's progress in achieving against targets that can be measured on a quarterly basis.

- Action Plans which outline reasons for declining performance, and the action to be taken to improve performance in the next quarter are included for those indicators which are significantly below the anticipated performance at this point in the year.
- Information about the arrangements being put in place to report the new national indicators that are not the responsibility of the Council, but which will have a significant impact on the Council’s work.

KEY PROJECT PERFORMANCE OVERVIEW

16. This section looks at the performance of the key projects for the first quarter of 2008/09, 1st April to 30th June 2008.
17. In order to report on progress lead officers have been asked to complete a high-level project plan, a business case and a highlight report.
18. The highlight reports provide a brief update on the work carried out during the last quarter (1st April –30th June 2008), what achievements are expected in the next quarter, any current risks and issues affecting the project, and an overall rating of either ‘Green’, ‘Amber’ or ‘Red’.
19. If the project is not going as planned, then an exception report is produced instead. This is similar to the action plans used for performance indicators that are below target. They provide a brief analysis of the problem(s), and options for bringing the project back on track.
20. The tables below show performance of the key projects is very good with 81% of the projects either completed, progressing ahead of plan or on plan and the percentage of completed projects has now increased by 16%. The remaining projects are either giving an early indication that there may be a problem or are behind schedule. In all cases plans are in place to address the issues affecting the projects, as described in more detail below.

	No. Projects	%
Completed Projects	13	42%
Projects rated as ‘Green’	12	39%
Projects rated as ‘Amber’	4	13%
Projects rated as ‘Red’	2	6%

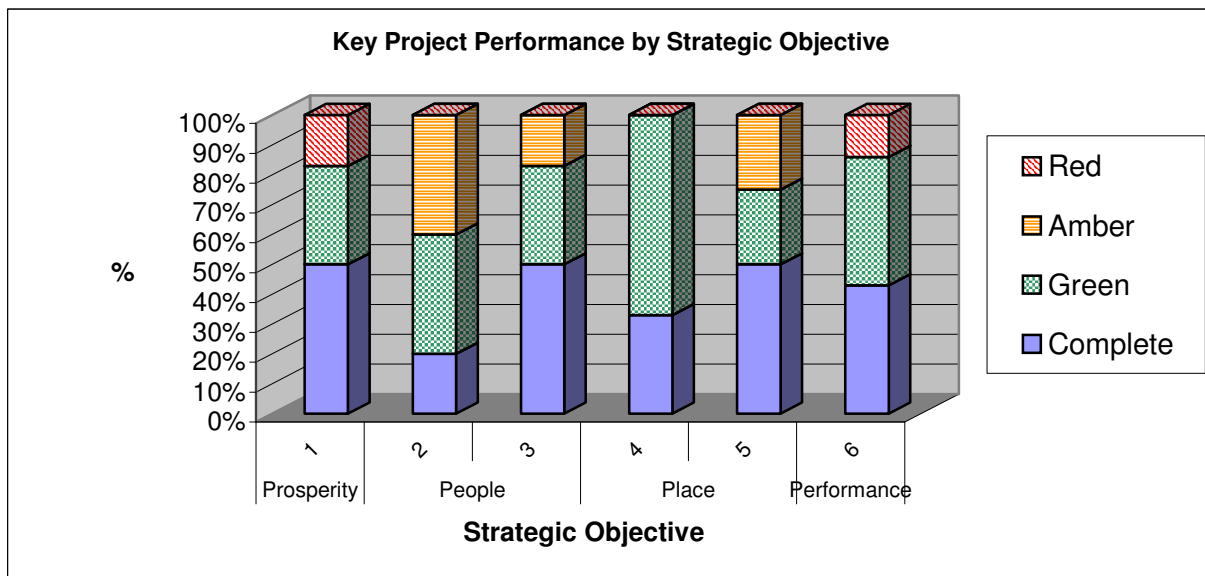
Table 1 - Summary of key project performance for the 1st Qtr (Apr-June 08)

	Year End 07/08 %	1st Qtr 08/09 %	Variance %
Completed Projects	26	42	+16
Projects rated as ‘Green’	55	39	-16
Projects rated as ‘Amber’	19	13	-6
Projects rated as ‘Red’	0	6	+6

Table 2 – Change between 4th Qtr 07/08 and 1st Qtr 08/09 (Apr-June 08)

The table above shows improved performance in comparison with the fourth quarter in terms of project completion, however while there has been a decrease in projects rated ‘Amber’ two projects are now rated ‘Red’.

KEY PROJECT PERFORMANCE BY CORPORATE PRIORITY & STRATEGIC OBJECTIVE



- 21. Of the 31 key projects six have been identified as ‘amber’, which is an early warning that there may be a problem, or ‘red’, meaning the project is behind schedule. The graph below shows that these affect Strategic Objectives; One ‘Put Chorley at the heart of regional economic development in the central Lancashire sub-region’; Two ‘Improving equality of opportunity and life chances’; Three ‘Involving people in their communities’; Five ‘Develop the character and feel of Chorley as a good place to live’ and Six ‘Ensure Chorley is a performing organisation’ as shown in the graph above.
- 22. All projects addressing Strategic Objective Four ‘develop local solutions to global climate change’ have either been completed or are on track. Explanations and recommended actions to address the issues which have delayed projects which are not on track are detailed later in the report.

COMPLETED KEY PROJECTS

- 23. The table below shows the key outcomes from the projects which have completed in the first quarter of 2008/09, 1st April to 30th June 2008. In total 13 (42%) of the key projects in the refreshed Corporate Strategy have now been completed, an increase of 16% on the position last quarter.

Key Project	Key Outcomes
Develop a Climate Change Strategy for Chorley Council	<p>A Climate Change Strategy has been delivered with actions to reduce the Council’s carbon emissions.</p> <p>Future actions include:</p> <ul style="list-style-type: none"> • Supporting businesses to address climate change, in conjunction with the LSP. • Reducing domestic emissions by assisting domestic properties not on mains gas to use low carbon technologies. • Additional work to make Chorley Markets more energy efficient, particularly with regard to water use. • Training for managers to embed addressing climate change into the culture of the organisation. • Enhanced cycle path sweeping to encourage cycle use.

<p>Continue to Develop the Multi-Agency Task and Coordination Project to Improve Community Safety</p>	<ul style="list-style-type: none"> • Successful MATAAC partnership in place: 25 permanent members of MATAAC and a further 10 who attend as required. • Geographic Information System (GIS) commissioned which can use partners data to map crime and issues identify hotspots and trends. • The GIS is now used by a CDRP analyst embedded within the Police service intelligence led deployment of resources in tackling crime on the borough. • Monthly Briefing Report can now be produced based on GIS mapping enabling a multi agency problem solving approach to be commissioned. • All types of crime have been reduced since the introduction of the MATAAC system. <table border="1" data-bbox="555 629 1362 898"> <thead> <tr> <th>April to March</th> <th>06/07</th> <th>07/08</th> <th>Change</th> </tr> </thead> <tbody> <tr> <td>BCS Comparator Crime</td> <td>4,244</td> <td>3,632</td> <td>- 14.4%</td> </tr> <tr> <td>Acquisitive Offences</td> <td>1,387</td> <td>1,155</td> <td>- 16.7%</td> </tr> <tr> <td>Damage Offences</td> <td>1,749</td> <td>1,465</td> <td>- 16.2%</td> </tr> <tr> <td>Violent Offences</td> <td>1,108</td> <td>1,012</td> <td>- 8.7%</td> </tr> </tbody> </table>	April to March	06/07	07/08	Change	BCS Comparator Crime	4,244	3,632	- 14.4%	Acquisitive Offences	1,387	1,155	- 16.7%	Damage Offences	1,749	1,465	- 16.2%	Violent Offences	1,108	1,012	- 8.7%
April to March	06/07	07/08	Change																		
BCS Comparator Crime	4,244	3,632	- 14.4%																		
Acquisitive Offences	1,387	1,155	- 16.7%																		
Damage Offences	1,749	1,465	- 16.2%																		
Violent Offences	1,108	1,012	- 8.7%																		
<p>Produce Workforce Development Plan a</p>	<ul style="list-style-type: none"> • The Council’s first workforce development plan has been produced and adopted. • Full analysis of the current workforce has been undertaken resulting in appropriate action plans being made to increase the number of young people entering the workforce, and to investigate the low number of BME and disabled applicants. 																				
<p>Develop an Affordable Housing Framework</p>	<p>An Affordable Housing Framework has been developed and was adopted by Executive Cabinet in June 08. All objectives were met.</p> <ul style="list-style-type: none"> • Affordable Housing (AH) Policy Document produced • AH Contribution procedure developed. • AH Negotiation Procedure developed. • Shared ownership application procedure developed • AH Needs Based Plan, defining housing needs within each ward developed. • Promotional literature produced • Survey of waiting list data undertaken to identify applicants who may be eligible for shared ownership • Standard section 106 agreement clauses for affordable housing developed • Forward plan of potential development sites produced 																				
<p>Establish Children’s Trust Arrangements</p>	<p>Children’s Trust Arrangements for Chorley have been established. The Children’s Trust will now develop an Action Plan and performance management arrangements in order to plan and monitor its future work.</p>																				

LIST OF KEY PROJECTS RATED ‘GREEN’

24. A 'green' rating indicates that project performance is as planned or ahead of schedule with progress on target and costs within or under budget.

1	Develop a succession strategy for the strategic regional site
2	Develop and deliver a markets action plan
3	To deliver a civic pride campaign (Chorley Smile) including a mayors award for local people
4	Develop a sustainable resources development plan for the Borough
5	Establish a choice based lettings scheme
6	Deliver the five pump primed projects in the LSP
7	Implement Joint Finance Service with SRBC
8	Improve the Councils CPA score
9	Recycling and refuse contract renewal
10	Develop Neighbourhood Action Plans
11	Develop the Chorley SPAA
12	Deliver the 50+ Active People Project

LIST OF KEY PROJECTS RATED 'AMBER'

25. An amber rating indicates that project performance is forecast to overrun on time or cost. It's an early warning that there may be a problem. Four projects are currently rated as amber:

Implement the Chorley Council Elements of the Play Strategy

Progress has been made both with the Coronation Recreation Ground lighting scheme and the Play Rangers. However, there have been delays with both elements of this project. These delays have been communicated to the Big Lottery and appropriate extensions sought. As such the delays will not have an impact on the outcomes for the project.

Two play rangers have been appointed, starting work on Tuesday 27th May. Due to CRB clearance the start dates were later than expected. Unfortunately a further two Play rangers were have had to be re-advertised with a view to having a full compliment of rangers in post in August, dependant on CRB clearance.

The planning application for Coronation Recreation Ground lighting scheme was approved by full Council on 22 April 2008 following the withdrawl of the original application for planning permission to allow for additional consultation with residents. The work has been put out to formal tender by Liberata, tenders are currently being evaluated and a contract will be awardard by the end of July, with work now predicted to commence in Sept/Oct.

Vulnerable Households Initiative

The project is behind schedule, following considerable difficulties relating to the recruitment of a Vulnerable Households Co-ordinator on NCH's part. However a co-ordinator has now been appointed, coming into post towards the end of this quarter (9th June) and progress is now being made.

A sub-group set up in the last quarter is in the process of developing a revised project plan which takes into account the delayed start date of the co-ordinator, and the project will now run for two years from June 08. By the end of July 2 families will be selected from each Borough via the Persistent and Prolific Offenders and Prevent and Deter groups, the remaining families will be identified using the CAF (Common Assessment Framework) methodology which adopts a holistic approach to identifying families in need of extra support, based on the five overarching Every Child Matters outcomes. It is planned that a further 15 families will be referred by Christmas 08 after which full capacity of 30 families will be reached.

The following products have been completed this quarter:

Vulnerable households co-ordinator in post
 Referral panel and advisory panel formed and a programme of panels set up by the co-ordinator, beginning in the next quarter
 Draft Service Specification drawn up
 Governance Arrangements finalised (including administration and procurement)
 Family Assessment interview document created
 Family action plan document created
 Vulnerable households intervention flow chart created
 Time line for selection of all 15 families ratified

When the families are identified family action plans will be drawn up, and assessment interviews carried out using the documentation developed this quarter. A performance management framework is being developed with baselines for individual families to measure improvement at the end of the project. Project performance will be monitored by NCH through their performance management system 'Aspire'.

Development of a Community plan for Buckshaw

There are no financial issues relating to this project. The completion date of the project has been moved to the second half of 2008/09 to ensure that the plan is aligned to that of the neighbourhood working project. An initial project meeting has been held to prepare and plan and a timetable of actions has been produced.

Continue to improve the green corridor of Chorley

This project comprises three significant capital projects. The individual projects are still on target to be completed by the proposed completion dates:

- Astley Park HLF project – September 2009 (HLF have agreed to an extension of 9 months).
- Bigwood/Copperworks Wood - March 2009.
- Duxbury Park Golf Course - March 2009.

The project is rated amber due to some delays in the Duxbury Park Golf Course project and issues with the contingency budget for Astley Park.

Astley Park

Given the delays due to issues with pets corner and the play areas and the need to seek additional funds to provide a much-improved facility HLF have granted an extension of 9 months. The costs for the renewal of the coach house roof has significantly reduced the contingency available for the building contract and remaining contracts yet to be let. The pavilion refurbishment contract tenders are currently high but a value engineering exercise is being carried to reduce costs to within budget. As reported previously the adventure play area may need to be omitted to deliver the project within the HLF budget. In order to mitigate this risk we have sent an expression of interest for Play Builder funding and will submit an application in August. We are also working with Brothers of Charity on other funding bids.

Duxbury Park Golf Course

Elements of the project have slipped due to wet weather conditions, such as the completion of drainage and the start of the clubhouse build (which is one week behind programme). It is expected that course drainage will have been started by Sept 08 and the clubhouse completed by mid Sept 08.

KEY PROJECTS IDENTIFIED AS 'RED'

26. The following key project has been identified as 'red', meaning that it is not on track. This could be that they are behind schedule, over budget, or there is a serious risk affecting the delivery of the project.

Implement CRM

A separate report relating to this project has been prepared for this Executive Cabinet.

Deliver Market Walk Phase 2

The project has been delayed due to unwillingness of the preferred developer RREEF to reach an agreement with the Council. This is due to the repercussions of the credit crunch/sub prime mortgage issue, price rises and the economic slow down. All options are being considered to take the development forward. Some positive progress has been made through entering into discussions with other interested developers, whilst RREEF's preferred developer status has been extended. However, in light of these recent negative developments and the current economic climate on the high street it is likely that the Business Case for original "Market Walk Phase 2" project will have to re-visited and the project may have be remodelled and a revised business case presented.

PERFORMANCE OVERVIEW NATIONAL INDICATOR SET

27. This is the first reporting period for the new National Indicator Set. It is therefore, not possible to undertake the analysis that previously would have been included in this report. This includes, analysis of trend over time and quartile positioning. As it becomes possible to make these comparisons, the information will be included in the performance report.
28. This is a smaller subset of the total number of NIs reported at year-end, as it is not possible to collect and report against the full suite of NIs through the year. All the indicators that the Council is responsible for will be reported at year-end. In addition, a

report will be made on a bi-annual basis to report on the progress made against a wider set of indicators for which the LSP is responsible.

PERFORMANCE AGAINST TARGET

- 29. The performance of the indicators that should be able to be reported at the end of the first quarter is shown in the table in Appendix 1. Some indicators, such as some community safety indicators, cannot yet be reported. This issue has been raised with the police, who supply the Council with the information, and it should be rectified by the end of Quarter 2.
- 30. The majority of the indicators are performing at, or above, target. There are four indicators below target. Action Plans have been prepared for these indicators, to outline the reasons for lower than expected performance and the actions that will be taken to make improvements.
- 31. As the new indicator set introduces a large number of changes to performance indicators and their reporting, there are many changes that will need time to embed properly across the Council. Future Performance Reports will give further updates on the progress made in the reporting of indicators, and how well the Council is performing against target.

DELIVERING ACTION PLANS

- 32. Although performance overall is a picture of continued strong performance, there remains a need to understand and carefully manage performance where it is not meeting our expectations. In this first quarter of the National Indicator Set, action plans have been triggered.
- 33. The following indicators have actions plans:
 - NI 20 Assault with injury crime rate
 - NI 156 Number of Households in Temporary Accommodation
 - NI 157a % of ‘major’ planning applications processed within 13 weeks.
 - NI 181 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events

ACTION PLANS: BELOW TARGET

Indicator Number: NI 20

Indicator Short Name: Assault with injury crime rate

Q1		End of Year Target
Performance	Target	
2.15	1.56	6.26

Please explain the reasons why progress has not reached expectations:

Crime rates in Chorley are very low in comparison to other parts of the County, region and nationally. As a result, very small increases in recorded crime, for example an extra four, cause percentages and rates to change fairly significantly. Due to a small number of extra-recorded crimes our performance is seen to be significantly worse than targets.

In terms of crime trends this particular indicator of assaults with less serious injury rate is showing an 11% reduction when compared with quarter 1 2007/2008.

Please detail corrective action to be undertaken:

The rationale behind this indicator is to enable the Police and Chorley CDRP to monitor its performance against alcohol related violent offences. A number of alcohol specific initiatives are due to be developed over the next three quarters with £10,000 made available through Chorley Partnership. The Police have initiated a programme of activity for the summer months called "Summer Nights" where they and the wider partnership tackle issues associated with alcohol. A number of test purchasing operations have been planned to coincide with other activities across the Borough.

Through the MATAC process the Chorley CDRP are able to effectively deal with any increases in crime through a targeted and multi-agency approach.

Indicator Number: NI 156

Indicator Name: Number of Households in Temporary Accommodation

Q1		End of Year Target
Performance	Target	
42	37	37

NB: This indicator is different to the previous BVPIs on the average length of stay in Bed and Breakfast and Hostel accommodation. There are currently no households in B&B, and this type of accommodation has not been used in the current financial year.

Please explain the reasons why progress has not reached expectations:

- There is currently no mechanism to secure accommodation in the borough for households with history of ASB etc.
- There is a need for greater regulation of the Private Sector within the borough. There are high numbers of eviction from private sector.
- Customers owed a duty under the homelessness legislation who are staying in Temporary Accommodation are creating 'bottlenecking' due to the lack of available social rented accommodation within the borough.
- Low nomination rights to Housing Association stock.

Please detail corrective action to be undertaken:

- Programme of Prevention of Homelessness training for housing option staff
- There are plans to discuss options with partners with a view to change status of identified temporary accommodation units to 'qualifying offer' accommodation.
- The Council intends to develop rental bond scheme, this service would primarily be aimed at households with history of ASB and rent arrears who would not be offered tenancy with a Housing Association.
- The Council intends to work with Housing Associations in order to develop an exclusions protocol to give tenants with problem histories a second chance.
- Liaise with Housing Associations to ensure they are aware of their homelessness obligations and that eviction should be the last resort.
- Develop Private Landlord Accreditation Scheme to improve the service standard that tenants receive within the private sector.
- Revise allocation policy to provide 'prevention points' for those who do not move into temporary accommodation.
- Increase number of social rented accommodation units being provided to ensure that the stay in TA reduces.
- Introduce Choice Based Lettings Scheme to ensure that there is transparency within the allocation procedure and clients can 'bid' for available properties. This will also provide a full range of housing option available including home ownership.
- Increase nomination rights to all partner Housing Association stock.

- Implement new IT system to ensure that households are not overlooked for vacancies when making nominations to Housing Associations.

Indicator Number: NI 157a

Indicator Short Name: % of ‘major’ planning applications processed in 13 weeks

Q1		End of Year Target
Performance	Target	
67%	81%	81%

Please explain the reasons why progress has not reached expectations:

The Council deal with a small number of ‘major’ planning applications, and so the overall percentage is heavily influenced by one application going over time. The current performance relates to two applications, one that has been completed following a number of years, and another that was not completed within the prescribed timescale because of negotiations over a section 106 agreement.

Please detail corrective action to be undertaken:

The performance in this indicator will continue to be monitored. Some work is currently being undertaken to look at the processes around processing planning applications, and this should have a positive impact on the outturn by year end.

Indicator Number: NI 181

Indicator Short Name: Time taken to process changes to benefits

Q1		End of Year Target
Performance	Target	
10.8 days	9.35	9.35 days

Please explain the reasons why progress has not reached expectations:

New claims have taken on average 18.83 days to process and new claims performance form part of this indicator. In order to meet the overall NI 181 local target of 9.35 days, we would have to process new claims in 17 days. The first quarter each year has the highest volume of new claims following annual billing and this always tends to be the worst performing quarter for days taken to process. This should improve by the end of the 2nd quarter.

Please detail corrective action to be undertaken:

Close monitoring will continue, although it is anticipated that the performance in this indicator will improve later in the year.

CONCLUSION

- 34. The performance in this first quarter report shows that Chorley continues to perform well. The progress made in delivering key projects and against performance indicator targets demonstrates that we continue to deliver against our priorities.
- 35. The action plans and other steps to be taken where performance is lower than anticipated should help to drive improvement in performance indicators and project delivery.
- 36. More meaningful comparisons will be able to be made around the National Indicator Set as the year progresses. In addition, the arrangements around reporting performance by partner organisations, such as the police, should be finalised. This will enable us to report on a wider base of performance indicators.

IMPLICATIONS OF REPORT

- 37. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	✓




LESLEY-ANN FENTON
 ASSISTANT CHIEF EXECUTIVE (POLICY AND PERFORMANCE)

There are no background papers to this report.











Report Author	Ext	Date	Doc ID
Chris Sinnott and David Wilkinson	5337 / 5248	15 th July 2008	First Quarter Performance Report 2008 09

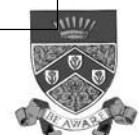
Appendix 1: National Indicators

Performance Against Target

-  = Performance is at least 5% better than the target set for 2008/08.
-  = Performance is within the 5% tolerance set for this indicator.
-  = Performance is significantly worse than the 5% tolerance.

The performance symbols denote year-end performance against the target.

Code	Indicator Title	Target	Quarter 1	Performance
NI 15	Serious violent crime	The Police provide information for this indicator; we are currently working with them to ensure it can be reported in future quarterly reports.		
NI 16	Serious acquisitive crime	2.02	1.5	
NI 20	Assault with injury crime rate	1.57	2.2	
NI 28	Serious knife crime rate	The Police provide information for this indicator; we are currently working with them to ensure it can be reported in future quarterly reports.		
NI 29	Gun crime rate	The Police provide information for this indicator; we are currently working with them to ensure it can be reported in future quarterly reports.		
NI 30	Re-offending rate of prolific and priority offenders	The Police provide information for this indicator; we are currently working with them to ensure it can be reported in future quarterly reports.		
NI 34	Domestic violence - murder	The Police provide information for this indicator; we are currently working with them to ensure it can be reported in future quarterly reports.		
NI 156	Number of households living in Temporary Accommodation	30	42	
NI 157a	Processing of planning applications as measured against targets for 'major' application types	81%	67%	
NI 157b	Processing of planning applications as measured against targets for 'minor'	80%	84%	
NI 157c	Processing of planning applications as measured against targets for 'other' application types	89%	94%	
NI 180 ⁱ	Changes in Housing Benefit/ Council Tax Benefit entitlements within the year	2232	2320	
NI 181	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	9.35	10.8	
NI 182	Satisfaction of businesses with local authority regulation services	80%	91%	
NI 184	Food establishments in the area which	75%	94%	



	are broadly compliant with food hygiene law			
NI 192 ⁱⁱ	Household waste recycled and composted	48%	51.13%	★
NI 193	Percentage of municipal waste landfilled	52%	48.87%	★

ⁱ NI 180 and 181 are taken directly from the Council's systems by the Department for Work and Pensions. Therefore, the outturn at year end may not exactly match this reported outturn, although it should give a good indication.

ⁱⁱ The waste figures are up-to-date in the current position at the end of June. The outturn for these figures will change as more information is received.