
Chief Executive's Office

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Date: 17 May 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:

Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Executive Cabinet is to be held in the Council Chamber, Town Hall, Chorley on Thursday, 26th May, 2005 at 5.00 pm.

Buffet refreshments will be available in the Committee Room from 4.15pm for Executive Cabinet Members and Chief Officers.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Any Interests**

Members of the Executive Cabinet are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the room and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 12)**

To confirm as a correct record the public minutes of the meeting of the Executive Cabinet held on 7 April 2005 (enclosed)

Continued....

OPERATIONAL ITEM

(INTRODUCED BY THE EXECUTIVE LEADER, COUNCILLOR J WILSON)

4. **Appointment and Composition of Various ad-hoc Cabinet Committees and Working Groups (Pages 13 - 14)**

- (a) To appoint / re-appoint members of the following Committees of the Executive Cabinet:
Indoor Leisure Committee
Performance Review Committee
Personnel Appeals Committee

- (b) To consider the appointment and membership of the following bodies whose functions fall within the remit of the Executive Cabinet:

Disability Liaison Group
Economic Development Liaison Panel
Ethnic Minorities Consultative Committee
Housing Shadow Management Group
Housing Joint Selection Panel
Markets Liaison Group
Staff Local Joint Consultative Committee

A list showing the recommended composition of each of the above bodies is enclosed

STRATEGIC ITEMS

CAPACITY AND RESOURCES ITEMS (INTRODUCED BY THE EXECUTIVE LEADER, COUNCILLOR J WILSON)

5. **Revised Sanction and Prosecution Policy - Housing Benefit and Council Tax Benefit (Pages 15 - 24)**

Report of Director of Finance (enclosed)

6. **Training and Development Strategy (Pages 25 - 68)**

Report of Head of Human Resources (enclosed)

ENVIRONMENT AND COMMUNITY SAFETY ITEM (INTRODUCED BY THE EXECUTIVE MEMBER, COUNCILLOR BROWN)

7. **Amendment to Scheme of Delegation - Decisions to seek Anti Social Behaviour Orders (Pages 69 - 70)**

Report of Head of Corporate and Policy Services (enclosed)

LIFE AND LEISURE ITEM (INTRODUCED BY THE EXECUTIVE MEMBER, COUNCILLOR HOYLE)

8. **Local Compact (Pages 71 - 74)**

Report of Head of Leisure and Cultural Services (enclosed)

9. **Extension of ICT Data Network**

10. **Exclusion of Press and Public**

To consider the exclusion of the press and public for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 (Items 12, 13 and 14) of Part 1 of Schedule 12A to the Local Government Act 1972

11. **Non-public Minutes (Pages 75 - 76)**

To confirm as a correct record the non-public minutes of the meeting of the Executive Cabinet held on 7 April 2005 (enclosed)

STRATEGIC ITEMS

CAPACITY AND RESOURCES ITEM (INTRODUCED BY THE EXECUTIVE LEADER, COUNCILLOR J WILSON)

12. **Implementation of a job evaluation and equal pay review (Pages 77 - 92)**

Report of Head of Human Resources (enclosed)

HOUSING AND NEIGHBOURHOOD RENEWAL ITEMS (INTRODUCED BY THE EXECUTIVE MEMBER, COUNCILLOR LENNOX)

13. **Housing Services Restructuring Proposals (Pages 93 - 122)**

Report of Chief Executive (enclosed)

14. **Homelessness Accommodation Service Review (Pages 123 - 160)**

Report of the Head of Housing Services (enclosed)

DEVELOPMENT AND PLANNING ITEM (INTRODUCED BY THE EXECUTIVE MEMBER, COUNCILLOR A LOWE)

15. **Eaves Green Link Road (Pages 161 - 164)**

Joint Report of Head of Planning Services and Head of Property Services (enclosed)

Yours sincerely

Chief Executive

ENCS

Distribution

1. All members of the Executive Cabinet and Chief Officers for attendance.
2. All remaining Members of the Council for information.

CHORLEY BOROUGH COUNCIL**EXECUTIVE CABINET****Public Minutes of meeting held on 7 April 2005**

Present: Councillor J Wilson (Executive Leader in the Chair), Councillor D Edgerley (Deputy Leader of the Council), Councillors K Ball, T Brown, A Gee, C Hoyle, L Lennox, A Lowe and R Snape.

Also in attendance: Councillors D Dickinson, Walker and Mrs Walsh.

05.EC.39 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs M Wilson.

05.EC.40 MINUTES

The public minutes of the meeting of the Executive Cabinet held on 15 March 2005 were confirmed as a correct record for signature by the Executive Leader.

05.EC.41 COUNCIL CONSTITUTION – OVERVIEW AND SCRUTINY PROCEDURE RULES

The Chief Executive submitted a report on proposed changes to the Overview and Scrutiny Procedure Rules in the Council's Constitution in order to clarify the position with regard to the period of time in which Executive decisions may be called-in for scrutiny.

Decisions made:

That the Council be recommended to give approval to the inclusion of the following revised text in Rule 8 of the Overview and Scrutiny Procedure Rules in Appendix 5 of the Council's Constitution:

8. Review of Executive Decisions**8.1 When:**

- (a) a decision has been made but not implemented by the Executive Cabinet, or an individual member of the Executive Cabinet; or
- (b) a decision has been made but not implemented by an officer with delegated authority from the Executive Cabinet

Members of the Council may within ten working days of the decision being made and in accordance with the call-in procedure set out in Annexe Form 1 of the Overview and Scrutiny Toolkit request the Overview and Scrutiny Committee to:

- i) recommend that the decision be reconsidered by the person or body who made it, or
- ii) determine to arrange for the decision to be reviewed or scrutinised by the Council.

(followed by the remainder of the existing text)

- 8.8** For the purpose of assisting Members and informing members of the public about Overview and Scrutiny, the Overview and Scrutiny Committee may prepare and publish and subsequently amend or replace an administrative guidance document on the procedures whereby it will exercise its powers under Article 6 of the Constitution, those procedures are to operate within the framework of these Overview and Scrutiny Procedure Rules and may include procedures whereby members of the public may request the Committee to recommend that an executive decision be reconsidered by the body or person who made it.

Alternative Options considered and rejected:

None

Reasons for Decision:

To enable the changes to the Procedure Rules to be incorporated in the Council's Constitution.

05.EC.42 FORWARD PLAN – FINANCIAL THRESHOLD AND REVISED FORMAT

The Chief Executive submitted a report on proposals for the determination of a financial threshold for the identification of 'key decisions' to be included in the Council's Forward Plan, together with a revised format for the Plan to take into account the views previously expressed by the Overview and Scrutiny Committee.

Decision made:

- 1. That the Council be recommended to give approval to the definition of a Forward Plan Key Decision in paragraph 14.2 of the Access to information Procedure Rules in the Council's Constitution being revised to read as follows:**
 - (a) Any executive decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:**
 - A change in service provision that impacts upon the service revenue budget by £100,000 or more, or
 - A contract worth £100,000 or more, or
 - A new or unprogrammed capital scheme of £100,000 or more.
 - (b) Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in two or more electoral wards - this includes any plans or strategies which are not included within the meaning of the Council's Policy Framework set out in Article 4 of the Council's Constitution.**
- 2. That approval be given to the revised format of the Forward Plan as set out in the appendix to the report, subject to the Council approving the revised definition of a Forward Plan Key Decision.**

Alternative options considered and rejected:

None.

Reasons for decision:

To enable the changes to the definition of a Forward Plan Key Decision to be incorporated in the Council's Constitution.

05.EC.43 INTERNAL AUDIT PLAN

The Director of Finance submitted a report on the Annual Internal Audit Plan for 2005/06, which identified the priority areas to be reviewed during the financial year. The report had been approved by the Audit Committee on 10 March 2005.

Decision made:

That the Internal Audit Plan for 2005/06 be confirmed and adopted.

Alternative Options considered and rejected:

None.

Reasons for decision:

To ensure the Council is making an economic, efficient and effective use of resources.

05.EC.44 CAPITAL PROGRAMME MONITORING

The Director of Finance submitted a report monitoring expenditure in the capital programme for 2004/05 and 2005/06. The Chief Executive and Group Director A reported on the latest position with regard to the Eaves Green Link Road scheme and the Head of Economic Regeneration reported on the formal offer of an Heritage Fund Lottery Grant of £2.004 million for major improvements to Astley Park and indicated that a report on the details of the Lottery Grant and proposed timetable for the scheme would be submitted to a future meeting of the Executive Cabinet.

Decision made:

That the Council be recommended to give approval to:

- a) the slippage of £6,605,600 expenditure, to be added to the 2005/06 capital programme.**
- b) additional capital spending in 2004/05 of £181,400 on schemes funded by grants, contributions and earmarked reserves; and £139,000 on schemes funded by other capital resources.**
- c) the virement of Local Government Online grant resources from CRM Integration to the implementation of the PARIS income system upgrade.**
- d) The addition of the grant-funded CCTV camera at Coppull Leisure Centre to the 2005/06 capital programme.**

Alternative options considered and rejected:

None.

Reasons for decision:

To ensure the effective use of resources in the Council's Capital Programme.

05.EC.45 MEMBER DEVELOPMENT STEERING GROUP

The Head of Human Resources submitted a report on proposals for the establishment of a Member Development Steering Group. The main purpose of the Steering Group is to be member-led and improve member engagement in training and development.

Decision made:

That the Council be recommended to give approval to the establishment of a Member Development Steering Group with a political ratio of 2:2:1:1 as described and detailed in the report.

Alternative options considered and rejected:

None.

Reasons for decision:

The Council has made a commitment to meeting the standards of the North West Employers Organisation Charter for Member Development. The standards make reference to the creation of a Member Development Steering Group comprising of cross party representation.

05.EC.46 OVERVIEW AND SCRUTINY – SELF EVALUATION FRAMEWORK

The Chief Executive submitted a report on proposals for a workshop session to be held to which all Members of the Council, Management Team and the Senior Management Group would be invited to attend, to complete the Centre for Public Scrutiny (CfPS) self-evaluation framework for the Council's Overview and Scrutiny function and enable the production of an Overview and Scrutiny Improvement Plan.

Decision made:

- 1. That approval be given to the proposals for the completion of the CfPS self-evaluation framework by the means of the workshop session, as set out in paragraph 11 of the report to enable the production of an Overview and Scrutiny Improvement Plan.**
- 2. That the Chair and Associate Chairs of the Overview and Scrutiny be requested to give consideration to the involvement of other stakeholders including Partner Organisations in the workshop session.**

Alternative options considered and rejected:

None.

Reasons for decision:

To facilitate a review of the Council's Overview and Scrutiny function and identify areas and means for improvement.

05.EC.47 ANNUAL EFFICIENCY STATEMENT 2005/06

The Group Director A submitted a report which incorporated the forward looking Annual Efficiency Statement for 2005/06, detailing the expected efficiency gains to be achieved by the Council during the financial year.

Decision made:

That the forward looking Annual Efficiency Statement for 2005/06, as set out in the appendix to the report be approved for electronic submission to the Office of the Deputy Prime Minister.

Alternative options considered and rejected:

None.

Reasons for decision:

Local Authorities are required to make efficiency savings for the services that they provide and report the gains made through an Annual Efficiency Statement.

05.EC.48 CUSTOMER ACCESS AND FOCUS BEST VALUE SELF ASSESSMENT

The Group Director A submitted a report which incorporated the draft best value self-assessment for customer access and focus. The report had previously being considered by the Overview and Scrutiny Committee and the Customer Overview and Scrutiny Panel and the views of the Executive Cabinet were invited on the self-assessment document.

Decision made:

That the Best Value Self Assessment document for Customer Access and Focus be approved for submission to the Audit Commission.

Alternative options considered and rejected:

None.

Reasons for decision:

The self-assessment document provides a position statement on the Council's approach to customer accessibility and user focus. This will followed by an on-site inspection by the Audit Commission during the week commencing 6 June 2005.

05.EC.49 DRAFT COMMUNITY STRATEGY 2005 – 2008

The Head of Corporate and Policy Services submitted a report which incorporated the draft Chorley Community Strategy for 2005-2008 which had been produced by the Chorley Partnership.

Decision made:

That the draft Community Strategy for 2005-2008 be received and following adoption by the Chorley Partnership on 15 April 2005, the Council be recommended at its Annual Meeting to endorse the final version of the Community Strategy for 2005-2008.

Alternative options considered and rejected:

None.

Reasons for decision:

The Chorley Partnership, of which the Council is a member along with various other public, private and voluntary sector organisations, has a responsibility to produce a new Community Strategy for the Borough. The Council has been consulted on the latest draft and the Executive Cabinet considers the detailed proposals it contains to be appropriate to the needs and aspirations of the Borough and its inhabitants.

05.EC.50 SECOND GENERATION LOCAL PUBLIC SERVICE AGREEMENTS AND LOCAL AREA AGREEMENTS

The Head of Corporate and Policy Services submitted a report which provided an update on proposals for the second generation of Local Public Service Agreements and developments in respect of Local Service Agreements.

Decision made:

- 1. That the content of the report be noted.**
- 2. That the Executive Member for Customers, Policy and Performance be authorised in consultation with the Chief Executive and other appropriate Executive Members to respond to consultations on the second generation of Local Public Service Agreements for Lancashire.**

Alternative options considered and rejected:

None.

Reasons for decision:

The second generation of Local Public Service Agreements was launched in December 2003. It is expected that they will be more ambitious than the first because they can be informed by the results of the CPA and build on innovation at national and local levels.

05.EC.51 LOCAL AREA AGREEMENT – SAFER AND STRONGER COMMUNITIES FUND

The Head of Corporate and Policy Services submitted a report which provided an update on the Safer and Stronger Communities (SSC) Local Area Agreement and sought approval to nominations to the SSC Working Group.

The national proposals for SSC Funding will mean that the Chorley Community Safety Partnership will no longer receive funding directly from the Home Office. The funding will now go to Lancashire County Council who will allocate it to district councils based on the Local Area Agreement. It is intended that a SSC Working Group be established at County level and that the group will negotiate a final agreement and establish mechanisms for performance management and funding allocation.

Decision made:

- 1. That the report be noted**
- 2. That the Community Safety Co-ordinator be appointed as the Council's representative on the Safer and Stronger Communities Working Group and the Head of Corporate and Policy Service be the substitute representative.**

Alternative options considered and rejected:

None.

Reasons for decision:

Safer and Stronger Communities is one of the three themes of the new Local Area Agreements (LAA). The LAAs are part of the Government's 10-year vision for Local Government and they will aim to improve co-ordination between central and local government and partner organisations.

05.EC.52 KEY PERFORMANCE INDICATORS 2004/05

The Head of Corporate and Policy Services submitted a monitoring report on the performance made against the Council's Key Performance Indicators for the current Municipal Year up to 28 February 2005. The Executive Member for Customers, Policy and Performance (Councillor Edgerley) and the Head of Environmental Services referred to the comments on the poor performance on certain performance indicators set out in the report and a debate took place on the indicators relating to the removal of fly tipping and graffiti.

Decisions made:

That the report be noted.

Alternative options considered and rejected:

None.

Reasons for decision:

The monitoring of the Council's performance against local defined and national performance indicators is necessary to ensure effective performance management within the Authority.

05.EC.53 LANCASHIRE SHARED SERVICES CONTACT CENTRE PARTNERSHIP

The Head of Customer, Democratic and Office Support Services submitted a report which provided an update on the approved strategy for the development of a customer Contact Centre through joint working in the Lancashire Shared Services Contact Centre Partnership.

Decision made:

That the proposals for the operation of the Contact Centre set out in paragraph 59 of the report be noted.

Alternative Options considered and rejected:

None.

Reasons for decision:

The Council has signed up to the Lancashire Shared Services Contact Centre Partnership. This will deliver a fully operational Contact Centre with underlying technology and hardware. Chorley is in the first phase of implementation. The commencement date is currently June 2005.

05.EC.54 ENERGY EFFICIENCY PARTNERSHIP TO MEET THE DECENT HOMES STANDARD

The Head of Housing Services submitted a report seeking approval to enter into a partnering agreement with the Eaga Partnership to provide energy efficient heating and insulation programmes to Council houses in order to meet the Decent Homes Standard.

Decision made:

That subject to the Director of Legal Services being satisfied with the contractual arrangements, approval be given to a partnering agreement being entered into with Eaga Partnership.

Alternative options considered and rejected:

Traditional procurement methods in line with the Council's contract and financial procedure rules have not delivered the economies of scale or the utility contributions that Eaga Partnership can provide.

Eaga Partnership also have the expertise in alternative heading methods including domestic solar and wind powered installations that the Council could implement in working towards a greener, cleaner, safer Chorley.

Reasons for decision:

The partnership agreement will provide the opportunity to explore at no financial risk to the Council a modern procurement process.

05.EC.55 RIGHT TO BUY – DISCRETIONARY POWERS ON REPAYMENT OF DISCOUNT

The Head of Housing Services submitted a report on proposals to amend the terms of reference of the Housing Appeals Committee to include hearing of appeals in respect of Discretionary Repayment of Right to Buy Discount.

Decision made:

That the Council be recommended to give approval to an amendment to the terms of reference of the Housing Appeals Committee in the Council Constitution to include the hearing of appeals in respect of Discretionary Repayment of Right to Buy Discount.

Alternative options considered and rejected:

None.

Reasons for decision:

The Council has a statutory duty under Section 185 of the Housing Act 2004 to consider applications received on or after 18 January 2005 in relation to the repayment of discount under the Right to Buy Legislation.

05.EC.56 CHORLEY MARKETS

The Head of Property Services submitted a report which provided an update on work being undertaken to investigate the management partnering/outsourcing of Chorley Markets and the recommendation previously made by the Customer Overview and Scrutiny Panel for the relocation of the Flat Iron Market to a more central location in the town centre.

The Executive Member for Chorley Town Centre and Risk Management (Councillor A Gee) and the Head of Property Services reported on the recent meeting held with representatives of the Flat Iron Market Traders, to discuss the proposals in the report and indicated that the traders had expressed their opposition to the proposals and requested that the Executive Cabinet consider the following alternative options:

- Deferral of the relocation proposals until the Booths supermarket development had opened
- The Flat Iron Market be condensed in size by excluding non-occupied stalls
- Layout of the Market be changed in line with the new pedestrian flows created following the opening of the Booths development
- New market equipment be purchased to improve the appearance of the Market.

The Executive Cabinet debated the proposals set out in the report and the views expressed by the traders in some detail.

Decisions made:

- 1. That approval in principle be given to applications being made for any necessary consent under planning, highways and licensing legislation to enable stalls to be set up in Market Street, Fazakerley Street and Cleveland Street on a trial basis, with concessionary rents and first choice of allocation going to the longest serving Flat Iron market traders and to the results being reported back for reconsideration by the Executive Cabinet with a view to incorporating any changes into new management arrangements being investigated by the Chief Executive.**
- 2. That a further report on the details be prepared for consideration by the Executive Member for the Town Centre and the Executive Leader for approval and subsequent implementation.**

Alternative options considered and rejected:

None.

Reasons for decision:

To consider the viability of relocating the Flat Iron Market to a more central location in the Town Centre on a trial basis.

(Councillors Ball, Brown, Edgerley and Lowe declared that they had reserved their position, as members of the Development Control Committee, regarding any planning application that may be submitted for determination as a result of resolution (1) and that their support for resolution (1) above did not constitute any commitment at this stage to vote in favour of any planning application relating to stalls being set up on Market Street/Fazakerley Street/Cleveland Street on a trial basis)

05.EC.57 CORE FUNDING – AWARDS IN EXCESS OF £5,000

The Head of Leisure and Cultural Services submitted a report on applications for Core Funding Grant Aid in excess of £5,000 received from non-profit making organisations in the Borough. The report indicated that the Executive Member for Life and Leisure would be recommended to award Core Funding to 8 organisations for amounts of less than £5,000 or less in accordance with her delegated powers.

Decision made:

That the recommendations in sections 13 to 17 of the report be approved, subject to the Head of Leisure and Cultural Services agreeing, and signing off, a Core Funding Agreement with each organisation.

Alternative options considered and rejected:

None.

Reasons for decision:

Core Funding is revenue grant aid to organisations that provide non-profit making services in the Borough that furthers the Council's strategic objectives and the strategic themes in the Borough's Community Plan.

05.EC.58 CHIEF EXECUTIVE – FORTHCOMING RETIREMENT

With the consent of the Executive Leader to the consideration of this urgent item, the Chief Executive reported that he had submitted a letter to the Executive Leader formally giving notice of his intention to retire from his post on 2 January 2006.

The Executive Leader thanked the Chief Executive for the advanced notice of his retirement, which he had given at this time in order to ensure that the Council would have adequate time to appoint a new Chief Executive who would be able to take up the post immediately he left.

Decision made:

That the Council be requested to re-constitute the Special Appointments Committee (with a political ratio of 3:2:1:1) with delegated authority to determine the recruitment procedure, interview selected candidates and make the appointment to the post of Chief Executive.

Alternative option considered and rejected:

None.

Reasons for decision:

To ensure that arrangements are made for the appointment of a new Chief Executive.

05.EC.59 CONFIDENTIAL OR EXEMPT INFORMATION ITEMS

The Executive Cabinet in addition to the items listed above, considered the following items that disclosed exempt information as defined within the meaning of Schedule 12A to the Local Government Act 1972 and made the decisions indicated below

- 05.EC.60 Confirmation of the non-public minutes of the meeting of the Executive Cabinet held on 15 march 2005**
- 05.EC.61 Approval in principle to the use of the Council's Prudential Code borrowing powers to finance the capital investment required to improve Duxbury Park Golf Course**
- 05.EC.62 Approval to consultations being held with affected staff and trade unions on the proposals for the restructuring of the Housing services unit resulting from the housing stock transfer**
- 05.EC.63 Approval of proposals to increase staffing resources in the Leisure and Cultural Services Unit for two years to deal with community management issues and the monitoring of the new Indoor Leisure Contract**

Chair

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**AD HOC CABINET COMMITTEES AND WORKING GROUPS
APPOINTMENT BY EXECUTIVE CABINET**

	LABOUR	CONSERVATIVE	LIB/DEM	INDEPENDENTS
Disability Liaison Group 8(L4/C2/LD1/IND1)	C Hoyle (Chair) R Parr D Gee J Molyneaux	David Dickinson Mrs Case	Mrs Walsh	R Snape
Economic Development Liaison Panel 4(L4/C0/LD0/IND0)	J Wilson (Chair) Edgerley (Vice Chair) A Lowe M Wilson			
Ethnic Minorities Consultative Committee 5(L2/C2/LD1/IND0)	Snow (Chair) M Wilson	Malpas Walker	Mrs Walsh	
Indoor Leisure Committee 3(L2/C0/LD1/IND0)	Edgerley (Chair) Hoyle		K Ball	
Markets Liaison Group 2(L2/C0/LD0/IND0)	A Gee (Chair) M Lowe (Vice Chair)			
Performance Review Committee 3(L2/C0/LD1/IND0)	Edgerley (Chair) A Gee		K Ball	
Human Resources Appeals Committee 5(L3/C0/LD1/IND1)	J Wilson (Chair) A Gee Hoyle		K Ball	R Snape
Staff Local Joint Consultative Committee 10(L5/C3/LD1/IND1)	J Wilson (Chair) M Lees McGowan A Gee Lennox	Mrs Dickinson Mrs Gray E Smith	K Ball	Mrs Snape
Housing Shadow Management Group 4(L3/C1/LDO/INDO) (plus 4 tenant representatives)	Lennox Edgerley Snow	Livesey		
Housing Joint Selection Panel 5(L3/C2/LDO/INDO) (plus 8 tenants & 5 members of staff)	Lennox Edgerley Snow	Culshaw Livesey		

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Report of	Meeting	Date
Director of Finance (Introduced by the Executive Leader and Executive Member for Capacity and Resources, Cllr J Wilson)	Executive Cabinet	26/05/06

REVISED SANCTION AND PROSECUTION POLICY – HOUSING BENEFIT AND COUNCIL TAX BENEFIT

PURPOSE OF REPORT

1. To explain the reason for proposed changes to the Sanction and Prosecution Policy and to obtain approval to adopt the changes. The revised policy is contained in Appendix A.

CORPORATE PRIORITIES

2. This report does not specifically concern with the Council’s key corporate priorities, although some of the revisions in the policy may impact on those priorities.

RISK ISSUES

3. The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation	√	Regulatory/Legal	
Financial	√	Operational	√
People		Other	

4. **Reputation**

- 4.1. It is important that the Council does review and update its Sanction and Prosecution Policy where necessary. Prosecution is a serious step and has implications for the claimant. The reputation of the Council could be compromised if prosecutions were taken based on a policy, which was outdated and did not reflect best practice.

Financial

- 4.2. The Council receives incentive payments for successful prosecutions and where a sanction is accepted as an alternative to criminal proceedings. By making the Council’s policy compatible with DWP policy, this will enable the Council investigators to work successfully towards joint prosecutions and sanctions with DWP.



Operational

- 4.3. If the policy was not updated and revised to take account of the changes in DWP policy, this may cause difficulty where joint action by the Council and the DWP was required.

BACKGROUND

5. In March 2001, the Council introduced a policy, which outlined the general principles to be applied when considering sanctions and prosecution action in cases where Housing Benefit and/or Council Tax Benefit had been fraudulently overpaid. One of the main criteria to satisfy when deciding whether to commence criminal proceedings or to offer a sanction instead, is the seriousness of the offence. This is measured by the amount of the overpayment caused by the offence.
- a) Caution – where the overpayment is greater than £200 but less than £400. The claimant is required to admit the offence at the interview under caution, and confirm this in writing as part of the acceptance of the caution.
 - b) Administrative Penalty – where the overpayment is over £400 but less than £1,500. This is a financial penalty equivalent to 30% of the overpayment and there is no requirement to admit guilt.
 - c) Prosecution – where the overpayment exceeds £1,500
 - d) Prosecution – where the overpayment exceeds £400 and there is evidence of a previous conviction for benefit fraud or other 'like' offence within the last 5 years.
6. A review of this policy has become appropriate for the following reasons:
- a) to reflect changes to guidance on Sanctions and Prosecutions issued by the Department for Work and Pensions;
 - b) to reflect the experience and knowledge gained in operating such a policy;
 - c) to make the policy more flexible

MAIN CHANGES

7. ***The Council will consider the use of Agency Solicitors to conduct prosecutions.***

There may be occasions where our own Legal Department is not able to release resources to take a prosecution and it is not possible for the Police or the Solicitors for the Department for Work and Pensions(DWP) to prosecute. This amendment to the policy will provide the flexibility to consider the use of Agency Solicitors rather than a prosecution to be abandoned. This amendment has been included in response to advice from the Head of Legal Services.

8. ***No minimum overpayment for an Official Caution***

This allows a caution to be considered where there is no overpayment because the fraud has been discovered and stopped before payment is made. That is where there has been an attempted fraud. The offence remains the same regardless of the financial loss.

9. ***Increase in level of overpayment where prosecution would be considered as appropriate***

The increase from £1,500 to £2,000 brings the policy in line with the changes in DWP policy and therefore assists in the continuation of successful joint working with DWP investigators.

10. ***No minimum overpayment to consider offering a Sanction***

The Department for Work and Pensions has abolished the minimum overpayment criteria for Administrative Penalties. However in practice the de-minimis rule would apply where the gross overpayment was less than £50. The Council’s policy has been amended to reflect this change to DWP policy.

11 ***Increase in the maximum overpayment for Cautions & Administrative Penalties***

The maximum overpayment, whether for a caution or Administrative Penalty, is revised and set at £2,000. This will provide the flexibility to offer a caution or an Administrative Penalty, whichever is the most appropriate given the circumstances of the individual case.

12 ***Guidance on appropriate action***

The consideration of previous convictions, whether the offence is minor and the person’s demeanour are all changes that reflect the new guidance issued by the DWP. The Benefit Enquiry Unit has successfully collaborated with DWP investigation service (CFIS). Therefore by making this amendment, the Council’s policy will be compatible with CFIS policy and continue the success of joint working.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

13. There are no apparent HR implications to this report.

RECOMMENDATION(S)

14. Executive Cabinet is asked to approve the amendments to the Sanction and Prosecution Policy and that these be adopted with immediate effect.

REASONS FOR RECOMMENDATION(S)

(If recommendation is approved)

15. To make the Council’s Sanction and Prosecution Policy (Housing and Council Tax Benefit) more relevant and workable and to bring it in line with DWP Policy to enable joint prosecution to be taken in a more effective manner.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

16. None.

GARY HALL
DIRECTOR OF FINANCE

Background Papers			
Document	Date	File	Place of Inspection
Sanction and Prosecution Policy (revised)	April 2005		Appendix A
Report Author	Ext	Date	Doc ID
Margaret Owens	5424	4 April 2005	2005/Revised Sanction & Pros Policy – HB & CTB

CHORLEY BOROUGH COUNCIL**APPENDIX A****SANCTION AND PROSECUTION POLICY**
HOUSING BENEFIT & COUNCIL TAX BENEFIT

In line with the Council's Anti-Fraud Strategy, Chorley Borough Council is committed to fighting fraud.

In considering prosecution or other sanction under this policy, the Council will take into account all relevant legislation including the Human Rights Act 1998.

General

The Council appreciates that each case is unique and must be considered on its own merits. However the general principles set out below will be applied in all appropriate cases. In reaching a decision as to whether a case is appropriate for prosecution, two important criteria should be borne in mind.

1. That there is sufficient admissible evidence to justify prosecution
2. That the prosecution of that case would be in the public interest.

Every case where the evidence is such that it may be prosecuted must still be tested to see whether it is in the public interest to do so.

The Council will use various means to conduct the prosecution in appropriate cases.

These will include: -

- a) The Council's own Legal Department
- b) Lancashire Police
- c) DWP Solicitors Branch in joint LA/BA cases.
- d) Agency Solicitors

(All the above bodies will make reference to "The Code for Crown Prosecutors" produced by the Crown Prosecution Service)

In line with the policy adopted by the Department for Work and Pensions and to ensure consistency in the prosecution process, the following guidelines will apply.

Local Authority Caution

Providing an offence has been committed, there is no lower overpayment limit for prosecution purposes in caution cases. This means that a caution can be considered where the offence has been an attempted fraud.

In cases where the overpayment is less than £2,000 (including other benefits if the case is a joint LA/DWP case) and where evidence indicates

- The person has not offended before, or
- The person has previously committed benefit fraud, but the offence was minor and not subject to a caution or prosecution and the current offence is minor; or
- The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- There was planning involved in the process, or

- There were other persons involved in the fraud, and
- The person's circumstances and demeanour towards the offence indicates that a caution would be the appropriate action.

Then the Council will, in most circumstances issue an official Local Authority Caution (see Appendix 1 for conditions applicable to Local Authority Cautions) in addition to requiring full repayment of the overpayment.

Administrative Penalties

If the total overpayment (including other benefits if the case is a joint LA/DWP case) is more than £50 and less than £2000.00 and where the evidence indicates

- It was a first offence
- There was no planning involved, and
- There was no other person involved, and
- The person's circumstances and demeanour towards the offence indicates that an administrative penalty would be the most appropriate action.

Then the Council will, in most circumstances, make an offer of a 30% Administrative Penalty in addition to requiring full repayment of the overpayment. (See Appendix 2 for conditions applicable to Administrative Penalties.)

Prosecutions

If the total overpayment (including other benefits if the case is a joint LA/DWP case) is below £2,000.00 and where the evidence indicates

- It was not a first offence, or
- The fraud had been deliberate and calculated, or
- The fraud had continued over a long period; or
- The person has failed to attend an interview under caution; or
- There were other persons involved in the fraud, or
- The person has declined the offer of an Administrative Penalty or withdrawn agreement to pay and Administrative Penalty; or
- The person has declined the offer of an official caution

Then the Council will, in most circumstances, prosecute.

If the total overpayment (including other benefits if the case is a joint LA/DWP case) is over £2,000 prosecution will be considered at the outset.

The recommendation to apply any sanction, including prosecution will be made, in the first instance, by the Compliance Manager, or in his/her absence the Investigator after consultation with the Revenues and Benefits Manager. This recommendation will be in the form of a written report.

All recommendation will be authorised/rejected and counter signed by the Director of Finance or by a fellow Unit Head action on the person's behalf.

The Council's Legal Department or other Legal Representative must be consulted where appropriate.

Other Factors

Other factors will be taken into consideration before *prosecution* is recommended.

1. Duration of the Offence

An offence committed over a long period of time should be a factor towards prosecution. The claimant may have had opportunity to declare the correct information when the claim was renewed.

2. Previous Offences

The Council must make enquiries about any previous offences of a similar nature, committed by the offender. If the offender has already been cautioned for deception, a second caution issued by the Council may not be appropriate.

3. Trust

Was the offender in a position of trust? E.g. a member of staff or a Councillor?

4. Collusion

Has the case arisen through collusion e.g. with landlords, managing agents or employers etc? This type of case is considered to amount to serious fraud and should be recommended for prosecution where possible irrespective of the amount of overpayment involved.

5. Offenders Physical and Mental Condition

It would be *inadvisable* to prosecute in the following cases: -

- a) Where the offender is seriously ill
- b) Where the offender is mentally ill
- c) Where the offender is a heavily pregnant (within 3 months of confinement)
- d) Where the offender is over 75 years of age or bedridden
- e) Where the offender is deaf or visually impaired
- f) Where the health of the offender's partner may suffer. This will only apply where the partner suffers from a condition that would be made worse if proceedings were taken.

6. Social Factors

Consideration must be given to social factors when deciding whether or not to recommend prosecution. Instances in which prosecution may be considered inappropriate include cases where: -

- a) The Court would set against the offence such personal or mitigating factors that would make prosecution inappropriate e.g. the person was driven to the offence by a tragedy or domestic situation such as bereavement or sickness.
- b) The offender has already served a prison sentence for benefit fraud and an earlier offence has subsequently been discovered (it is the Court's view that people come out of prison with a 'clean sheet')
- c) The claimant is young (under 21), immature and would appear to the Court as someone who could have been dealt with effectively without proceeding. Youth does not automatically exclude the possibility of prosecution. Prosecution may be desirable where the offender already has a criminal record.
- d) It is known that a prosecution would have a damaging effect upon the defendant's career or employment i.e. the offender would not only lose their job but would not be able to get similar employment if prosecuted successfully by the Local Authority.

7. Voluntary Disclosure

Voluntary disclosure is where a claimant of his or her own free will reveals a fraud. In this case prosecution would not be appropriate. However, a disclosure is not voluntary if: -

- a) the admission is not a complete disclosure of the fraud
- b) It was apparently prompted by the expectation that the fraud would be discovered e.g. they knew the Council was making enquiries of their employer etc
- c) The claimant admits all the facts as soon as they are challenged
- d) The claimant discloses the fraud as a result of being required to complete a review form.

In all the above cases prosecution should be considered in the normal way.

8. Procedural Difficulties/Delays/Failures in the Investigation/Administrative Process

Closure of the case, without prosecution will be the only course of action where: -

- a) The investigation has been deficient and has failed to obtain all the evidence available
- b) Internal checks which should have revealed the offence did not do so e.g. benefit paid on incomplete or inadequate information, failure to observe flaws in a statement or document.

Conclusions

It is essential that each case be treated on its own merit. The decision to prosecute an individual is a serious step. Fair and effective prosecutions are essential to the maintenance of law and order but even in a minor case, a prosecution has serious implications for all involved. Decisions to prosecute should always be fair and consistent.

In exceptional circumstances, an alternative to prosecution (caution or administrative penalty) may be considered without regard to the amount of the overpayment. The reasons for the recommendation to deviate from the policy must be explained in full to the Director of Finance.

Any recommendation of a sanction or prosecution must also include the following details

- **Amount overpaid**
- **Period of overpayment**
- **Case summary**
- **Details of previous convictions, penalties or cautions**
- **Reasons for recommendation**
- **Recommended action**

All sanctions and prosecutions will be subject to a monitoring process.

LOCAL AUTHORITY FORMAL CAUTIONS

A formal caution is an oral warning given in certain circumstances (as described in the Sanction and Prosecution Policy) to a person who has committed an offence.

In any case selected for the issue of a caution, there must be evidence to prove the offence, an admission at an Interview Under Caution and the person being cautioned must give his/her informed consent for the procedure.

Where a person declines a caution, the case should then be recommended for prosecution in the normal way. It is expected that most people who are offered a caution will accept it in preference to being prosecuted.

A formal Caution is a deterrent and does not affect the recipient, unless by re-offending, he/she is prosecuted for a subsequent offence.

It is important to ensure that Cautions are administered and seen to be administered by Senior Officers to prevent their use being devalued in the eyes of the public when compared with Cautions issued by other prosecuting authorities, including the Police.

A Certificate of Caution must be completed detailing the offences committed and the following points made clear to the person at the outset:-

- a) The significance of the Caution itself
- b) That a record will be kept of the Caution for 5 years
- c) That the existence of a previous Caution may influence the decision whether or not to prosecute if the person should offend again
- d) That the Caution may be cited if the person should subsequently be found guilty of a different offence by a Court
- e) That the Caution is being issued instead of their case being passed to the prosecution authorities to consider instituting criminal proceedings
- f) That the Caution is not a criminal conviction

The person agreeing to this course of action must sign a Certificate of Caution. The Cautioning Officer will endorse the certificate and issue a copy. A further copy will be issued to the Professional Standards Unit of DWP. The certificate will contain a reminder that the fact that they have been Cautioned will count against them and the Caution may be cited if they are convicted by a court in future for a different offence.

ADMINISTRATIVE PENALTIES

An administrative penalty is a financial penalty which can be offered to a person who, the Authority believes, has caused benefit to be overpaid to them by a deliberate act or omission on their part and there are grounds for instituting proceedings against them for a criminal offence relating to the overpayment.

Legislation lays down the circumstances in which a penalty can be offered and how the penalty is calculated. The legislation:-

1. Is contained in Section 115A of the Social Security Administration Act 1992
2. Was introduced under the Social Security Administration (Fraud) Act 1997; and
3. Came into force on the 18th December 1997.

The following requirements are mandatory :-

- Offer of a penalty can only be made where the overpayment is recoverable from a person under, or by virtue of Section 75 or 76 of the Social Security Administration Act 1992, and the making of the overpayment was attributable to an act or omission on the part of the person; there must be grounds for instituting criminal proceedings against the person for an offence relating to the overpayment upon which the penalty is based.
- A penalty can only be offered to a person in respect of an overpayment or any part of thereof that has accrued after the commencement date of 18th December 1997.
- If a person agrees to pay a penalty, criminal proceedings cannot be instituted against them in respect of the overpayment on which the penalty is based.
- The amount of the penalty must be calculated at 30% of the amount of the recoverable overpayment (rounded down to the whole penny)
- Once a penalty offer has been accepted, the person may withdraw from the agreement at any time during the period of 28 calendar days beginning with the day on which the agreement was reached
- Where a person agrees to pay a penalty, and the overpayment on which the penalty is based is subsequently revised, then the agreement to pay a penalty no longer applies. Any penalty that has already been recovered must be repaid. However, if a new agreement is made based on the revised overpayment, the amount already recovered by way of a penalty may be treated as recovered under the terms of the new agreement instead of being repaid.
- Where a person declines a penalty, the case should then be recommended for prosecution in the normal way.

**CHORLEY BOROUGH COUNCIL
BENEFIT ENQUIRY UNIT**

SANCTION AND PROSECUTION CHECKLIST

NAME:

D.O.B.:

ADDRESS:

NI NO:

REF NO:

FRAUD REF:

- | | | |
|--|-------|--------|
| | £ | |
| 1. Overpayment Amount | | |
| 2. Duration of offence(s) | Years | Months |
| 3. Any record if similar offences? | YES | NO |
| 4. Any planning involved in the process? | YES | NO |
| 5. Were other people involved in the fraud? | YES | NO |
| 6. Was this person in a position of trust? | YES | NO |
| 7. Any aspects of collusion? | YES | NO |
| 8. Are there any known Mental or Physical Conditions?
(details) | YES | NO |
| 9. Are there any known social Factors which would
Make prosecution undesirable? (details) | YES | NO |
| 10. Aspects of voluntary disclosure? | YES | NO |
| 11. Procedural Difficulties/Delays/Failures in the
Investigation/admin process? (details) | YES | NO |
| 12. Benefit Enquiry Unit Recommendation
Formal Caution / Admin Penalty / Prosecution | | |

Signature Compliance Manager

Date

Chorley

Borough Council



Learning and Development Strategy

2005 - 2008



www.chorley.gov.uk

December 2004

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‘Creating a Learning Culture’

“The business case for learning
could not be more solid.

Learning leads to changes in individual capabilities
which, if properly aligned with business objectives,
will lead to improved performance.

To ask what inspires performance is,
to ask what inspires learning.

The same factors will be at work.”

1. INTRODUCTION

In November 2003 Chorley Borough Council was inspected by the Audit Commission as part of the Governments Comprehensive Performance Assessment process. At the time of this inspection, and in the final report that followed in January 2004, learning and development at the authority was described as follows:

- ..'it is not recognised as a learning organisation'.
- 'the development of a skilled and effective workforce is inhibited by the lack of strategic approach...'
- 'Training for council members is under-developed'
- '...take-up by individual members has been inconsistent'
- 'Arrangements for managing training and development are inconsistent'
- '...current processes relating to provision of training lack transparency and staff are unclear about how decisions on training needs are made'

It is not just in response to this feedback that we have created this strategy. People are an organisations most valuable asset and it is through learning and developing that people can impact enormously on an organisations success, and for Chorley this is our staff and our Councillors.

We have therefore created this document for Chorley Borough Council with one key thought in mind.....YOU and your Learning.

- whatever Political Group you are in and whatever your role
- whether or not you manage people or resources
- whether you wish to progress your career or remain in your current role
- whatever your job is in Chorley Borough Council

Ultimately, its about YOU as part of Chorley Borough Council, as a member of a Political Group or Unit, and especially about YOU as an individual!

Chorley Borough Council values its staff as being the greatest asset it has and recognises that they play a vital role in meeting the ever increasing demands on the services we provide and achieving organisational success. In order to meet those demands, we all need to be equipped with the right knowledge and skills, at all levels, to help us deliver improved services, greater efficiency and better customer focus.

Much work is already being done to lay the foundations for learning and development in the future. However, more will need to be done for us to be able to say with confidence that learning is making a positive and clear contribution to our organisational performance.

It will take the efforts and input of everyone to achieve this.

This strategy document is one of the first steps towards achieving our aim

REMEMBER – THIS IS FOR YOU AND ABOUT YOUR LEARNING!

Aim

Our aim was to create a clear strategy which outlines the development of learning in the future for the authority.

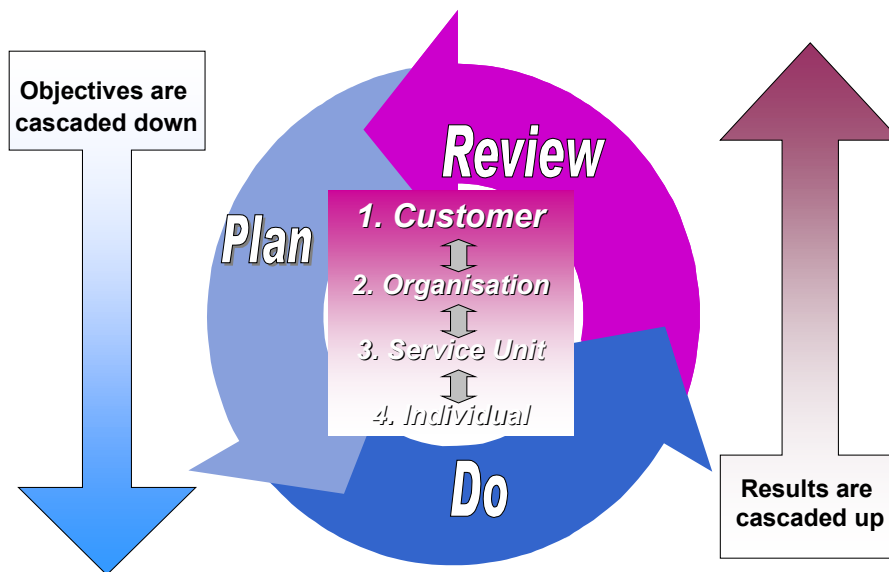
Approach

Our approach was to :

- Assess where we currently are
- Create a vision of where we want to be
- Create a strategy to enable us to achieve that vision

We wanted to use an established and respected model to base our strategy on and we found that the Gerard Egan Model A in Organisational and Leadership Effectiveness (fig.1) provided us with this.

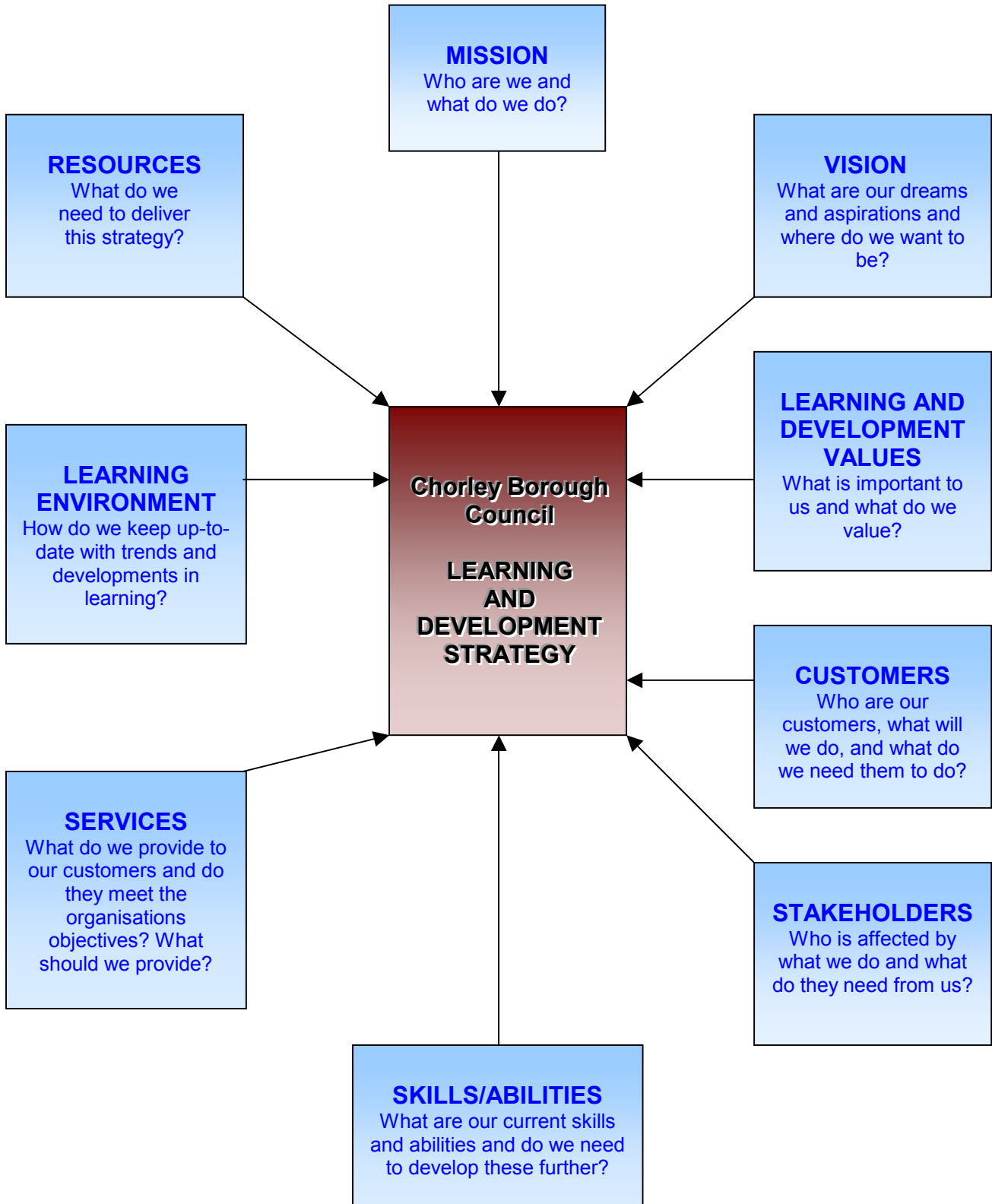
However, after further work we found that an adaptation of this model was more suited to our needs. We also wanted to align the strategy to the way we manage our individual and organisational performance by using our Organisational Performance Model:



To ensure this strategy has real value to the organisation and YOU, we have consulted with the following groups:

- Councillors
- Officers
- Trade Union Representatives
- Management and Senior Management Team

Fig.1



*Adapted from the "Organisational and Leadership Effectiveness Model"
(The Skilled Helper, Gerard Egan 1993)*

2. MISSION

In order to decide on our mission we had to evaluate where we think we currently are. This will give us a base line from which we can move forward. We also needed to focus on the feedback regarding our weaknesses as identified in our Comprehensive Performance Assessment. We do acknowledge that there are pockets of good practice across the authority which we need to build on in order to have a more consistent a structured approach.

Our evaluation focussed on four key levels where Learning and Development occurs. Our assessment of the current situation is:

- **Councillors**

No clear link has existed between organisational priorities and the development of our Councillors. Learning and Development has been unstructured and is organised as a result of needs being collated for a minority of our Councillors. Learning opportunities do not incorporate Corporate events currently available for Officers. Learning focuses on 'tasks' and 'roles' but not on skills. There is no formal evaluation process in place.

- **Organisational**

No clear link has existed between Organisational priorities and the Corporate Programmes we currently deliver (ie ILM, ECDL, H&S). There is no formal evaluation process in place.

- **Unit**

No clear link has existed between Unit Business Plans and Learning and Development solutions that are currently delivered. Learning and Development in this area has been reactive and ad-hoc. There is no formal evaluation process in place

- **Individual**

Individual learning and development is very much focussed on Continuous Professional Development (CPD). Learning and Development is very 'task' focussed and often has technical and legal implications. It is also usually reactive and ad-hoc. There is no formal evaluation process in place.

In the past, the trend in the Public Sector has been to use conferences and tutor led courses as a method to obtain knowledge and skills in relation to job roles. This is not always the most appropriate learning method, and is not always the most cost-effective in terms of the impact on the individual. However, we mustn't lose sight that in some cases it is, especially in relation to very specific technical training.

We therefore aim to provide structure, variety and meaning to Learning and Development for Councillors (through individual Training Needs Analysis), the Organisation (through vision and aspirations from our Corporate Management team, The Corporate Plan, The Community Plan), Units (through Business Planning) and Individuals (through Individual Performance Management).

Level	Planning (Setting Objectives)	Doing (Monitoring)	Reviewing (Measuring)
Organisation	Community Plan Mission Vision/Aspirations Corporate Plan ↓ <i>are broken down into</i>	Organisational Key Performance Indicators, Statutory Indicators, Best Value Indicators, etc. ↑ <i>help achieve</i>	Performance Plus
Service Unit	Service Unit Business Plans ↓ <i>are broken down into</i>	Service Unit Key Performance Indicators, Statutory Management Indicators, etc. ↑ <i>help achieve</i>	Balance Scorecard
Individual	Individual Objectives	Individual Targets monitored via One to Ones	Performance Review

Our mission going forward is:

'to clarify and strengthen the links between learning and development and corporate priorities. This will be through a structured development programme for Councillors, Corporate Initiatives, Unit and Individual development programmes, and to create a culture which supports and encourages ongoing learning'

3. VISION

The current situation in terms of learning and development at Chorley Borough Council is that:

- We have a ‘training’ not a ‘learning’ culture
- We are training ‘course’ focussed
- We see ‘Training’ as the only solution to our learning and development needs
- We currently provide a ‘one fits all’ approach to training and need to move to being a more people focussed training service.

It is acknowledged that the more traditional ways of learning, such as training are not always the most effective, although we must not lose sight that courses have a part to play, especially with regard to maintaining technical skills. As part of the plan to modernise local government, we need to expand the range and variety of methods we use to suit individuals and support and encourage learning using the most effective method to meet that need. These methods may include:

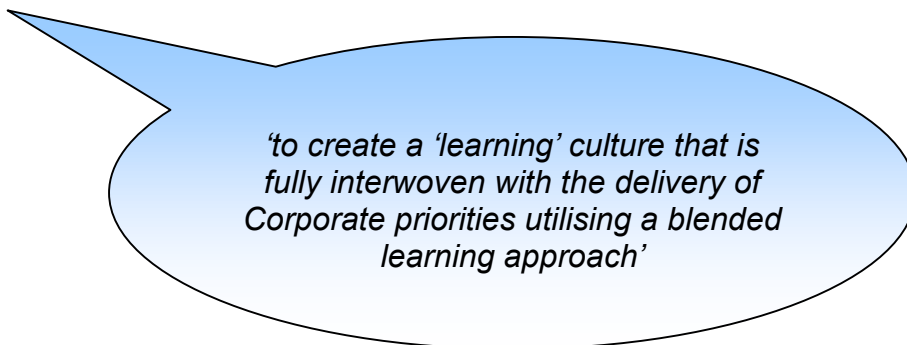
Blended Learning Approaches		
A. Obtaining Best Practice Information	F. Project Work	K. Coaching from others
B. Job Shadowing	G. Talking through issues	L. Attending meetings
C. Learning from Colleagues	H. Continual Feedback	M. Training Courses
D. Action Learning	I. Utilising Knowledge from Internet	N. Professional Training
E. Self study	J. Coaching from manager	O. Computer Based / E-learning

This is what we call ‘Blended Learning’

We also need to ensure that needs are clearly identified and agreed via our Performance management process to ensure that they are clearly linked to the overall aims and priorities of the organisation.

We aim to provide Councillors and Officers with the skills and tools to enable them to achieve their objectives and ultimately Corporate Objectives. Designing competency based learning and development opportunities, initially for staff) using a blended learning approach will assist this.

Our vision is:



4. VALUES

We have a passion for enabling learning. Learning should be accessible to all and should have value to Councillors, the Organisation, Units and Individuals.

We live the 'ATLAST' values through the Competency Framework for staff. These values are:

- I will always do what I say
- I will take responsibility
- I will learn from my mistakes
- I will act on facts
- I will strive for excellence
- I will treat people fairly

We ensure equality by making learning opportunities fair, open and accessible for all Councillors and Officers

We follow an ethical Code of Conduct following professional (CIPD) best practice

We aspire to the standards of the Investors in People (IIP) Award, and will use these standards as a benchmarking tool. We also aspire to the standards laid out in the North West Employers Organisation Charter for Elected Member Development which we have signed up to.

5. CUSTOMERS

You are our customers - Councillors and Officers of the authority. We aim to provide our service to you by acting in an advisory capacity utilising a consultative approach.

CUSTOMERS	CURRENT	STRATEGY
Councillors	Respond to (and organise) training to meet the needs of a minority of Councillors. Training needs are identified via group TNA.	<ul style="list-style-type: none"> ➤ Individual member Training Needs Analysis as a basis to create an informed annual plan of training through a structured programme of training for Councillors. ➤ Respond to findings in CPA through the Corporate Improvement Plan. ➤ Synergy to be created between Corporate Improvement Plan, Community Plan and Organisational Performance Management process. ➤ Increase engagement on training with Councillors.
Organisation	Support and deliver current corporate initiatives that have been identified at that level.	<ul style="list-style-type: none"> ➤ Corporate needs are identified through: <ul style="list-style-type: none"> - Corporate Improvement Plan - Community Development Plan - Best Value Performance Indicators - Optima/Improve4u feedback - Government Initiatives ➤ To respond to these needs in an advisory and consultative capacity. ➤ To provide or arrange solutions to meet identified needs
Unit	Respond to (and approve) unit requests to meet ad-hoc unit specific needs.	<ul style="list-style-type: none"> ➤ Needs are identified during Business Planning and are generated through the Organisational Performance Management process. ➤ To respond to these needs in an advisory and consultative capacity. ➤ Units plan and arrange suitable solutions.
Individual	Respond to (and approve) individual requests that are not always identified through the Performance Management process. These are usually reactive and ad-hoc	<ul style="list-style-type: none"> ➤ Needs are identified through the Organisational Performance Management process. ➤ We respond to these needs in an advisory and consultative capacity. ➤ Individuals have ownership of their needs and are responsible for arranging appropriate solutions

SKILLS AND ABILITIES

In order for us to deliver this strategy, it is essential that within the training team we have the right knowledge, skills, and processes in place to support the authority and make the strategy work.

We have analysed our current knowledge, skills, and processes and have identified areas that will need to be development:

Competencies Current Strengths – Training Team

- Self Awareness and Self Management
- Developing Self and Others
- Interpersonal Skills and Communication
- Team Working and Leadership
- Change Focus and Innovation

Technical training expertise is maintained by continual professional development meeting CIPD standards and status. Other development activity is ongoing to include MSc in People and Organisational Development.

Competencies Development required to achieve strategy - Training Team

- **Strategic Thinking and Commercial Awareness**
More awareness of LG initiatives required
More awareness of the training requirements for Councillors
- **Achieving Results**
Need to develop technical expertise in e-processes in order to produce good M.I. reports
- **Service Focus**
Need to develop technical expertise in e-processes to provide easier access to training services
Need to develop technical expertise in e-learning and blended learning approaches
- **Planning and Organising**
Need to develop technical expertise in e-processes in order to release time from Admin

Competencies Development required to achieve strategy - Other Unit

- **Achieving Results**
DTP need to develop technical expertise in producing learning materials and Guide Books
- **Service Focus**
DTP need to be trained in using whatever e-learning tools are purchased

7. SERVICES

We have identified the range of services we provide as follows:

SERVICES	CURRENT	STRATEGY
Corporate Induction	Folder based and owned by the individual – currently under review. Corporate Health and Safety delivered through a newly established framework of training. IT training delivered through established tutor-led courses	E-enabled process which has corporate health and safety and IT training integrated into the process
Structured Development Programme for Councillors	Annual analysis of needs identified usually for a minority of Councillors. Annual plan produced.	Structured approach to Induction, H&S and IT which integrates with officer programmes. Creation of an informed Development Programme for Councillors with increased Councillor engagement
Corporate Training	Structured training not in place. Training delivery is in response to needs identified, including: - ILM - Project Management - Recruitment and Selection - Performance Management - Customer Focus	Structured Development Programme linked to the Competency Framework using blended learning solutions encompassing the five levels
Internal consultation	Is ad-hoc and when customers request it	To market our services to assist Councillor and Officer development
Coaching	Is ad-hoc and when customers request it	To market and utilise Councillor, Organisation, Unit and Individual coaching as a development tool and promote Action Learning.

Communication of our range of services will be via the Chorley Borough Council intranet which will be updated quarterly, and support by comprehensive and ‘user-friendly’ policies and processes.

Emerging needs will be identified through the Performance Management process, changes in local Government priorities, new Government initiatives and legislation.

8. LEARNING ENVIRONMENT

To keep ourselves abreast with trends and developments in learning and the public sector arena we:

- Network and build alliances with other authorities and consider partnership working
- Obtain information through ODPM, NWEQ, IDeA, LGA and other Public Sector organisations
- Respond to changes and updates in legislation
- Liaise and obtain information and developments from our Trade Union Representatives and other represented bodies
- Obtain information from Management and Senior Management Team members
- Technical updates through training and HR publications and CIPD bulletins
- Networking with other HR professionals (through events such as the CIPD annual exhibition and CIPD regional events)
- Researching latest developments and best practice in the private sector

Information obtained through these channels will be considered as part of the ongoing development of the training function. Key issues affecting learning within Chorley will be communicated appropriately.

9. STAKEHOLDERS

Our stakeholders are our customers - Councillors, Officers, Trade Unions, who ultimately impact on the residents and businesses within the Borough of Chorley.

We consult with our customers and encourage 2-way participation and communication on Learning and Development issues.

We all have a part to play with learning. Our roles and responsibilities are described below:

Councillors:

- Have a responsibility for their own learning and development
- Complete an annual Training Needs Analysis
- Training and Development to be a regular agenda item with in political groups
- Participate in one-to-one discussions with the Training Manager on matters relating to individual development needs
- Support the work and activities of the Member Development Steering Group
- Apply learning to their role as Councillor

Management Team:

- Decides on and provides direction on Corporate Initiatives
- Supports the Learning and Development Strategy and associated processes
- Reviews and provides feedback on the Annual Corporate Training Plan, and Member Development Programme
- Consults with the Training team on all learning and development issues at Organisational level

Senior Management Group:

- Communicates direction and priorities of the Organisation that have a learning impact
- Ensure that all staff within their Unit have an annual appraisal and a six month follow-up review in line with the Training Calendar as part of the Performance Management process.
- Undertake Performance appraisals and reviews with their direct reports in line with the Performance Management process
- Ensure that Personal Development Plans are directly linked to the delivery of the Units Business Plan.
- Encourage their direct reports to 'put learning into practice'
- Consults with the Training team and all learning and development issues at Unit level

Middle and First Line Managers/Team Leaders:

- Ensure that their direct reports have an annual appraisal and a six month follow-up review in line with the Training Calendar as part of the Performance Management process.
- Undertake Performance appraisals and reviews in line with the Performance management process
- Ensure that Personal Development Plans are directly linked to the delivery of the Units Business Plan.
- Encourage their direct reports to learn and to 'put learning into practice'.
- Consult with the Training team on all learning and development issues within their teams

All Staff:

- Have a responsibility for their own learning and development
- Actively participate in the Performance Management process by

- Take ownership and lead on their own learning and development
- Apply their learning to the workplace

Trade Union Representatives:

- Support learning and development for staff
- Liaise with the Training function to promote learning opportunities with the union with support and input from the Union Learning reps

10. RESOURCES

In order for the strategy to be delivered, there are a number of resource implications that are the key to this document. These are identified below:

RESOURCE	CURRENT	STRATEGY
1. The Training Team	2 x FTE's. Part-time administration support resourced from within the HR Unit	2 x FTE's with administration support
2. Learning Materials	Limited range of materials such as surveys, reports, books, research, consultation etc	Improve the range of materials to effectively support the delivery of products and services
3. Staff Capacity	Inconsistencies exist with prioritising and undertaking Performance Management	Priority to be given to Performance Management process in order to deliver Corporate and Community priorities, meet government targets and improve services
3. Idea's	Strategy created	Implement strategy
4. Technology	Developing content to be e-enabled. Training Services Phase 1: - e Training Administration processes - e Performance Management - e Induction Training Services Phase 2 : - eLearning	IT capacity, appropriate software and internal and external expertise to support e-enabling training services as described
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It is designed to meet current and future needs of the Authority. Much of it reflects national trends in training and development, the HR Strategy and incorporate recommendations contained in:

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Learning and Development Strategy 2004-2007

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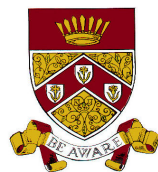
Chorley

Borough Council



Learning and Development Strategy

2005 - 2008



www.chorley.gov.uk

December 2004

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‘Creating a Learning Culture’

“The business case for learning
could not be more solid.

Learning leads to changes in individual capabilities
which, if properly aligned with business objectives,
will lead to improved performance.

To ask what inspires performance is,
to ask what inspires learning.

The same factors will be at work.”

1. INTRODUCTION

In November 2003 Chorley Borough Council was inspected by the Audit Commission as part of the Governments Comprehensive Performance Assessment process. At the time of this inspection, and in the final report that followed in January 2004, learning and development at the authority was described as follows:

- ..'it is not recognised as a learning organisation'.
- 'the development of a skilled and effective workforce is inhibited by the lack of strategic approach...'
- 'Training for council members is under-developed'
- '...take-up by individual members has been inconsistent'
- 'Arrangements for managing training and development are inconsistent'
- '...current processes relating to provision of training lack transparency and staff are unclear about how decisions on training needs are made'

It is not just in response to this feedback that we have created this strategy. People are an organisations most valuable asset and it is through learning and developing that people can impact enormously on an organisations success, and for Chorley this is our staff and our Councillors.

We have therefore created this document for Chorley Borough Council with one key thought in mind.....YOU and your Learning.

- whatever Political Group you are in and whatever your role
- whether or not you manage people or resources
- whether you wish to progress your career or remain in your current role
- whatever your job is in Chorley Borough Council

Ultimately, its about YOU as part of Chorley Borough Council, as a member of a Political Group or Unit, and especially about YOU as an individual!

Chorley Borough Council values its staff as being the greatest asset it has and recognises that they play a vital role in meeting the ever increasing demands on the services we provide and achieving organisational success. In order to meet those demands, we all need to be equipped with the right knowledge and skills, at all levels, to help us deliver improved services, greater efficiency and better customer focus.

Much work is already being done to lay the foundations for learning and development in the future. However, more will need to be done for us to be able to say with confidence that learning is making a positive and clear contribution to our organisational performance.

It will take the efforts and input of everyone to achieve this.

This strategy document is one of the first steps towards achieving our aim

REMEMBER – THIS IS FOR YOU AND ABOUT YOUR LEARNING!

Aim

Our aim was to create a clear strategy which outlines the development of learning in the future for the authority.

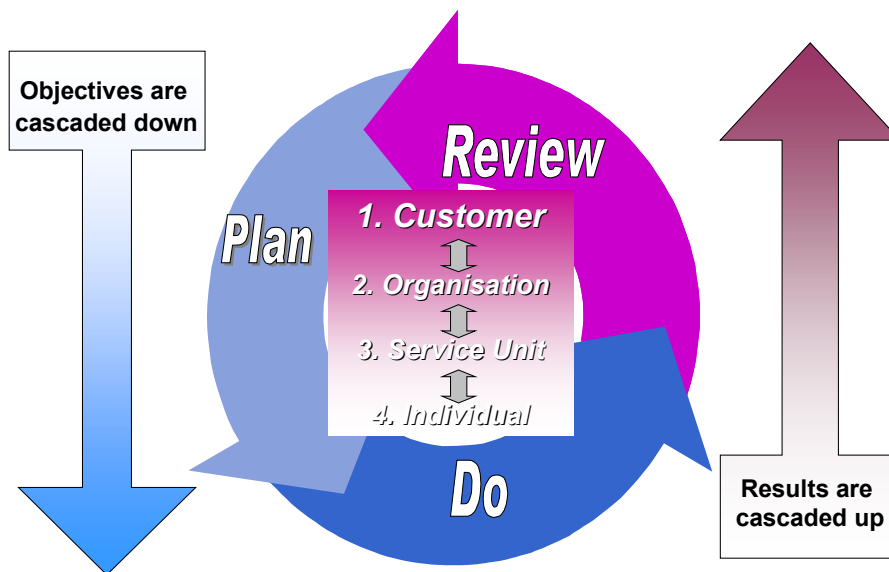
Approach

Our approach was to :

- Assess where we currently are
- Create a vision of where we want to be
- Create a strategy to enable us to achieve that vision

We wanted to use an established and respected model to base our strategy on and we found that the Gerard Egan Model A in Organisational and Leadership Effectiveness (fig.1) provided us with this.

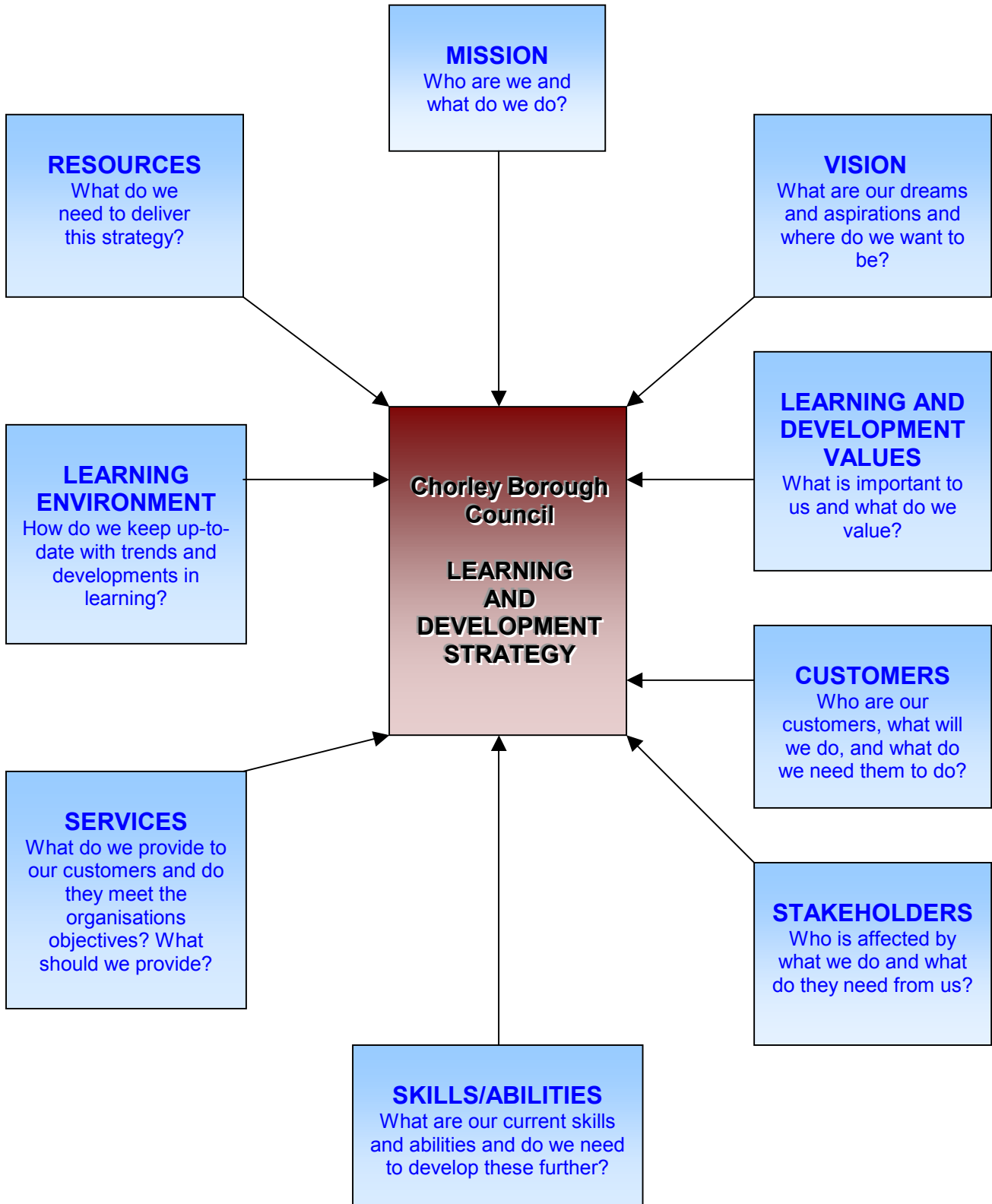
However, after further work we found that an adaptation of this model was more suited to our needs. We also wanted to align the strategy to the way we manage our individual and organisational performance by using our Organisational Performance Model:



To ensure this strategy has real value to the organisation and YOU, we have consulted with the following groups:

- Councillors
- Officers
- Trade Union Representatives
- Management and Senior Management Team

Fig.1



*Adapted from the "Organisational and Leadership Effectiveness Model"
(The Skilled Helper, Gerard Egan 1993)*

2. MISSION

In order to decide on our mission we had to evaluate where we think we currently are. This will give us a base line from which we can move forward. We also needed to focus on the feedback regarding our weaknesses as identified in our Comprehensive Performance Assessment. We do acknowledge that there are pockets of good practice across the authority which we need to build on in order to have a more consistent a structured approach.

Our evaluation focussed on four key levels where Learning and Development occurs. Our assessment of the current situation is:

- **Councillors**

No clear link has existed between organisational priorities and the development of our Councillors. Learning and Development has been unstructured and is organised as a result of needs being collated for a minority of our Councillors. Learning opportunities do not incorporate Corporate events currently available for Officers. Learning focuses on 'tasks' and 'roles' but not on skills. There is no formal evaluation process in place.

- **Organisational**

No clear link has existed between Organisational priorities and the Corporate Programmes we currently deliver (ie ILM, ECDL, H&S). There is no formal evaluation process in place.

- **Unit**

No clear link has existed between Unit Business Plans and Learning and Development solutions that are currently delivered. Learning and Development in this area has been reactive and ad-hoc. There is no formal evaluation process in place

- **Individual**

Individual learning and development is very much focussed on Continuous Professional Development (CPD). Learning and Development is very 'task' focussed and often has technical and legal implications. It is also usually reactive and ad-hoc. There is no formal evaluation process in place.

In the past, the trend in the Public Sector has been to use conferences and tutor led courses as a method to obtain knowledge and skills in relation to job roles. This is not always the most appropriate learning method, and is not always the most cost-effective in terms of the impact on the individual. However, we mustn't lose sight that in some cases it is, especially in relation to very specific technical training.

We therefore aim to provide structure, variety and meaning to Learning and Development for Councillors (through individual Training Needs Analysis), the Organisation (through vision and aspirations from our Corporate Management team, The Corporate Plan, The Community Plan), Units (through Business Planning) and Individuals (through Individual Performance Management).

Level	Planning (Setting Objectives)	Doing (Monitoring)	Reviewing (Measuring)
Organisation	Community Plan Mission Vision/Aspirations Corporate Plan ↓ <i>are broken down into</i>	Organisational Key Performance Indicators, Statutory Indicators, Best Value Indicators, etc. ↑ <i>help achieve</i>	Performance Plus
Service Unit	Service Unit Business Plans ↓ <i>are broken down into</i>	Service Unit Key Performance Indicators, Statutory Management Indicators, etc. ↑ <i>help achieve</i>	Balance Scorecard
Individual	Individual Objectives	Individual Targets monitored via One to Ones	Performance Review

Our mission going forward is:

'to clarify and strengthen the links between learning and development and corporate priorities. This will be through a structured development programme for Councillors, Corporate Initiatives, Unit and Individual development programmes, and to create a culture which supports and encourages ongoing learning'

3. VISION

The current situation in terms of learning and development at Chorley Borough Council is that:

- We have a ‘training’ not a ‘learning’ culture
- We are training ‘course’ focussed
- We see ‘Training’ as the only solution to our learning and development needs
- We currently provide a ‘one fits all’ approach to training and need to move to being a more people focussed training service.

It is acknowledged that the more traditional ways of learning, such as training are not always the most effective, although we must not lose sight that courses have a part to play, especially with regard to maintaining technical skills. As part of the plan to modernise local government, we need to expand the range and variety of methods we use to suit individuals and support and encourage learning using the most effective method to meet that need. These methods may include:

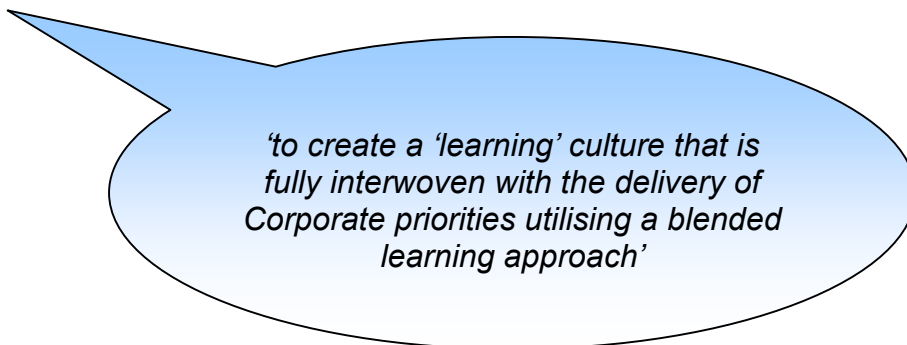
Blended Learning Approaches		
A. Obtaining Best Practice Information	F. Project Work	K. Coaching from others
B. Job Shadowing	G. Talking through issues	L. Attending meetings
C. Learning from Colleagues	H. Continual Feedback	M. Training Courses
D. Action Learning	I. Utilising Knowledge from Internet	N. Professional Training
E. Self study	J. Coaching from manager	O. Computer Based / E-learning

This is what we call ‘Blended Learning’

We also need to ensure that needs are clearly identified and agreed via our Performance management process to ensure that they are clearly linked to the overall aims and priorities of the organisation.

We aim to provide Councillors and Officers with the skills and tools to enable them to achieve their objectives and ultimately Corporate Objectives. Designing competency based learning and development opportunities, initially for staff) using a blended learning approach will assist this.

Our vision is:



4. VALUES

We have a passion for enabling learning. Learning should be accessible to all and should have value to Councillors, the Organisation, Units and Individuals.

We live the 'ATLAST' values through the Competency Framework for staff. These values are:

- I will always do what I say
- I will take responsibility
- I will learn from my mistakes
- I will act on facts
- I will strive for excellence
- I will treat people fairly

We ensure equality by making learning opportunities fair, open and accessible for all Councillors and Officers

We follow an ethical Code of Conduct following professional (CIPD) best practice

We aspire to the standards of the Investors in People (IIP) Award, and will use these standards as a benchmarking tool. We also aspire to the standards laid out in the North West Employers Organisation Charter for Elected Member Development which we have signed up to.

5. CUSTOMERS

You are our customers - Councillors and Officers of the authority. We aim to provide our service to you by acting in an advisory capacity utilising a consultative approach.

CUSTOMERS	CURRENT	STRATEGY
Councillors	Respond to (and organise) training to meet the needs of a minority of Councillors. Training needs are identified via group TNA.	<ul style="list-style-type: none"> ➤ Individual member Training Needs Analysis as a basis to create an informed annual plan of training through a structured programme of training for Councillors. ➤ Respond to findings in CPA through the Corporate Improvement Plan. ➤ Synergy to be created between Corporate Improvement Plan, Community Plan and Organisational Performance Management process. ➤ Increase engagement on training with Councillors.
Organisation	Support and deliver current corporate initiatives that have been identified at that level.	<ul style="list-style-type: none"> ➤ Corporate needs are identified through: <ul style="list-style-type: none"> - Corporate Improvement Plan - Community Development Plan - Best Value Performance Indicators - Optima/Improve4u feedback - Government Initiatives ➤ To respond to these needs in an advisory and consultative capacity. ➤ To provide or arrange solutions to meet identified needs
Unit	Respond to (and approve) unit requests to meet ad-hoc unit specific needs.	<ul style="list-style-type: none"> ➤ Needs are identified during Business Planning and are generated through the Organisational Performance Management process. ➤ To respond to these needs in an advisory and consultative capacity. ➤ Units plan and arrange suitable solutions.
Individual	Respond to (and approve) individual requests that are not always identified through the Performance Management process. These are usually reactive and ad-hoc	<ul style="list-style-type: none"> ➤ Needs are identified through the Organisational Performance Management process. ➤ We respond to these needs in an advisory and consultative capacity. ➤ Individuals have ownership of their needs and are responsible for arranging appropriate solutions

SKILLS AND ABILITIES

In order for us to deliver this strategy, it is essential that within the training team we have the right knowledge, skills, and processes in place to support the authority and make the strategy work.

We have analysed our current knowledge, skills, and processes and have identified areas that will need to be development:

Competencies Current Strengths – Training Team

- Self Awareness and Self Management
- Developing Self and Others
- Interpersonal Skills and Communication
- Team Working and Leadership
- Change Focus and Innovation

Technical training expertise is maintained by continual professional development meeting CIPD standards and status. Other development activity is ongoing to include MSc in People and Organisational Development.

Competencies Development required to achieve strategy - Training Team

- **Strategic Thinking and Commercial Awareness**
More awareness of LG initiatives required
More awareness of the training requirements for Councillors
- **Achieving Results**
Need to develop technical expertise in e-processes in order to produce good M.I. reports
- **Service Focus**
Need to develop technical expertise in e-processes to provide easier access to training services
Need to develop technical expertise in e-learning and blended learning approaches
- **Planning and Organising**
Need to develop technical expertise in e-processes in order to release time from Admin

Competencies Development required to achieve strategy - Other Unit

- **Achieving Results**
DTP need to develop technical expertise in producing learning materials and Guide Books
- **Service Focus**
DTP need to be trained in using whatever e-learning tools are purchased

7. SERVICES

We have identified the range of services we provide as follows:

SERVICES	CURRENT	STRATEGY
Corporate Induction	Folder based and owned by the individual – currently under review. Corporate Health and Safety delivered through a newly established framework of training. IT training delivered through established tutor-led courses	E-enabled process which has corporate health and safety and IT training integrated into the process
Structured Development Programme for Councillors	Annual analysis of needs identified usually for a minority of Councillors. Annual plan produced.	Structured approach to Induction, H&S and IT which integrates with officer programmes. Creation of an informed Development Programme for Councillors with increased Councillor engagement
Corporate Training	Structured training not in place. Training delivery is in response to needs identified, including: - ILM - Project Management - Recruitment and Selection - Performance Management - Customer Focus	Structured Development Programme linked to the Competency Framework using blended learning solutions encompassing the five levels
Internal consultation	Is ad-hoc and when customers request it	To market our services to assist Councillor and Officer development
Coaching	Is ad-hoc and when customers request it	To market and utilise Councillor, Organisation, Unit and Individual coaching as a development tool and promote Action Learning.

Communication of our range of services will be via the Chorley Borough Council intranet which will be updated quarterly, and support by comprehensive and ‘user-friendly’ policies and processes.

Emerging needs will be identified through the Performance Management process, changes in local Government priorities, new Government initiatives and legislation.

8. LEARNING ENVIRONMENT

To keep ourselves abreast with trends and developments in learning and the public sector arena we:

- Network and build alliances with other authorities and consider partnership working
- Obtain information through ODPM, NWEQ, IDeA, LGA and other Public Sector organisations
- Respond to changes and updates in legislation
- Liaise and obtain information and developments from our Trade Union Representatives and other represented bodies
- Obtain information from Management and Senior Management Team members
- Technical updates through training and HR publications and CIPD bulletins
- Networking with other HR professionals (through events such as the CIPD annual exhibition and CIPD regional events)
- Researching latest developments and best practice in the private sector

Information obtained through these channels will be considered as part of the ongoing development of the training function. Key issues affecting learning within Chorley will be communicated appropriately.

9. STAKEHOLDERS

Our stakeholders are our customers - Councillors, Officers, Trade Unions, who ultimately impact on the residents and businesses within the Borough of Chorley.

We consult with our customers and encourage 2-way participation and communication on Learning and Development issues.

We all have a part to play with learning. Our roles and responsibilities are described below:

Councillors:

- Have a responsibility for their own learning and development
- Complete an annual Training Needs Analysis
- Training and Development to be a regular agenda item with in political groups
- Participate in one-to-one discussions with the Training Manager on matters relating to individual development needs
- Support the work and activities of the Member Development Steering Group
- Apply learning to their role as Councillor

Management Team:

- Decides on and provides direction on Corporate Initiatives
- Supports the Learning and Development Strategy and associated processes
- Reviews and provides feedback on the Annual Corporate Training Plan, and Member Development Programme
- Consults with the Training team on all learning and development issues at Organisational level

Senior Management Group:

- Communicates direction and priorities of the Organisation that have a learning impact
- Ensure that all staff within their Unit have an annual appraisal and a six month follow-up review in line with the Training Calendar as part of the Performance Management process.
- Undertake Performance appraisals and reviews with their direct reports in line with the Performance Management process
- Ensure that Personal Development Plans are directly linked to the delivery of the Units Business Plan.
- Encourage their direct reports to 'put learning into practice'
- Consults with the Training team and all learning and development issues at Unit level

Middle and First Line Managers/Team Leaders:

- Ensure that their direct reports have an annual appraisal and a six month follow-up review in line with the Training Calendar as part of the Performance Management process.
- Undertake Performance appraisals and reviews in line with the Performance management process
- Ensure that Personal Development Plans are directly linked to the delivery of the Units Business Plan.
- Encourage their direct reports to learn and to 'put learning into practice'.
- Consult with the Training team on all learning and development issues within their teams

All Staff:

- Have a responsibility for their own learning and development
- Actively participate in the Performance Management process by

- Take ownership and lead on their own learning and development
- Apply their learning to the workplace

Trade Union Representatives:

- Support learning and development for staff
- Liaise with the Training function to promote learning opportunities with the union with support and input from the Union Learning reps

10. RESOURCES

In order for the strategy to be delivered, there are a number of resource implications that are the key to this document. These are identified below:

RESOURCE	CURRENT	STRATEGY
1. The Training Team	2 x FTE's. Part-time administration support resourced from within the HR Unit	2 x FTE's with administration support
2. Learning Materials	Limited range of materials such as surveys, reports, books, research, consultation etc	Improve the range of materials to effectively support the delivery of products and services
3. Staff Capacity	Inconsistencies exist with prioritising and undertaking Performance Management	Priority to be given to Performance Management process in order to deliver Corporate and Community priorities, meet government targets and improve services
3. Idea's	Strategy created	Implement strategy
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Learning and Development Strategy 2004-2007

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Report of	Meeting	Date
Head of Corporate & Policy Services (Introduced by the Executive Member for Environment and Community Safety)	Executive Cabinet	26/05/05

AMENDMENT TO SCHEME OF DELEGATION - DECISIONS TO SEEK ANTI SOCIAL BEHAVIOUR ORDERS

PURPOSE OF REPORT

1. To approve the amended delegations and authorisations to the Head of Corporate and Policy Services necessary to allow the Anti-Social Behaviour Co-ordinator to consult and make applications for Anti Social Behaviour Orders on behalf of Chorley Borough Council.

CORPORATE PRIORITIES

2. This report is relevant to the “safer” corporate priority of the Council

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

Strategy		Information	
Reputation		Regulatory/Legal	4
Financial		Operational	4
People		Other	

BACKGROUND

4. Anti Social Behaviour is a key issue for local communities and the Council that represents them.
5. The crime and Disorder Act 1998 as amended by the Anti Social Behaviour Act 2003 provided new powers for Local Authorities, Policy, Registered Social landlords and British Transport Police to apply to the courts for Anti Social Behaviour Orders and Injunctions.
6. Part 1(2) of the Crime and Disorder Act places a statutory obligation on the Local Authority to consult with the Police on all such applications and likewise the Police must consult with the Local Authority. RSLs must consult with both Policy and Local Authority before making applications to the courts.
7. The current authority to consult and make applications for Anti Social Behaviour Orders lies with the Head of Corporate and Policy Services.
8. The role of Anti-Social Behaviour Co-ordinator began in June 2003 and integral to this role is meeting with the Police and other agencies to discuss anti social behaviour issues.

This process is formalised by SB meetings on the first Tuesday of every month and also at case conferences which form part of the ASBO application process. The Anti Social Behaviour Co-ordinator represents Chorley Borough Council at these meetings.

9. For practical purposes Lancashire Chief Constable has delegated the power to consult and make applications for Anti Social Behaviour Order to the investigating officer. It would seem sensible for Chief Executive to extend this delegated responsibility to the Anti Social Behaviour Co-ordinator who has day to day dealings with these issues and is in contact with the Police also on a daily basis. The Head of Corporate and Policy Services relies totally on the Anti Social Behaviour Co-ordinator to brief him fully prior to any decision making process. Because of the increasing numbers of applications it is not practical for the Head of Corporate and Policy Services to consult with other agencies in each and every application. This is entrusted to the ABO Co-ordinator.
10. I ask that this arrangement be formalised by amending the Delegation of Decisions to seek ASBOs.

COMMENTS OF THE DIRECTOR OF FINANCE

11. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

12. No comments.

RECOMMENDATION(S)

13. That under Section 1 and 2 of the Crime and Disorder Act 1998 the Head of Corporate and Policy Services and the Anti Social Behaviour Co-ordinator be given authority to make applications for Anti Social Behaviour Orders and conduct any necessary consultation with agencies.

REASONS FOR RECOMMENDATION(S)

(If the recommendation(s) are approved)

14. To allow the Anti Social Behaviour Co-ordinator to progress applications for Anti Social Behaviour Orders.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

15. None.

TIM RIGNALL
HEAD OF CORPORATE AND POLICY SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Paul Fairhurst	5216	10 May 2005	W:\CPSREP\88779lm

Report of	Meeting	Date
Head of Leisure and Cultural Services (Introduced by the Executive Member for Life and Leisure, Cllr Cath Hoyle)	Executive Cabinet	26 May 2005

LOCAL COMPACT

PURPOSE OF REPORT

1. This report seeks Members' approval of the adoption of a Local Compact between Chorley Borough Council, South Ribble Borough Council, Chorley and South Ribble Primary Care Trust, and the voluntary, community and faith sectors.

CORPORATE PRIORITIES

2. The Local Compact could potentially have a positive impact on all our Corporate Priorities, especially in improving our services to customers.

RISK ISSUES

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	3	Information	
Reputation	3	Regulatory/Legal	
Financial		Operational	
People		Other	

4. Not adopting the local Compact would risk reducing the effectiveness of partnership working and adversely affect the Council's reputation for commitment to supporting and developing positive relationships with the voluntary, community and faith sector.

BACKGROUND

5. A Local Compact is a written agreement between the statutory and voluntary/community sector that makes a commitment to improve relations between local public bodies, voluntary, community and faith groups, for mutual advantage. Whilst there is no statutory requirement for Local Authorities to produce a Compact, there is a national Compact between the Government and the voluntary, community and faith sectors, which we are encouraged to support with Local Compacts. Developing this type of partnership working could only benefit us in future CPA assessments.
6. Partners from public, voluntary, community and faith sectors have been working to develop a local Compact that builds on existing good relationships. After earlier consultation in March 2004, a questionnaire survey in June 2004 and further consultation



in October 2004, partners developed a final draft Chorley and South Ribble Compact for consideration between December 2004 – March 2005.

The first Local Compact for Chorley and South Ribble is now ready for adoption by partners.

THE VISION

7. The Local Compact will be a living document setting out values, principles and commitments for how we can best work together with and for the local community, and should be adopted throughout all partner organisations.

ROLES WITHIN THE LOCAL COMPACT

8. Our role as a Local Authority will be to strive to adhere to the values, principles and commitments set out in the Local Compact, in the interests of developing a greater understanding of partner organisations, and building upon positive relationships already created.
9. The Compact will provide us with a framework with which we can consider our approach towards partners in the public, voluntary, community and faith sectors, ensuring that our systems and procedures enhance rather than detract from our working partnerships.
10. At the same time, partner organisations will undertake to consider the constraints and demands upon the Council as a service provider, and work with us in a positive way to manage local needs.
11. Statutory organisations and the voluntary, community and faith sectors each have a nominated Compact Champion who will act as a point of contact within their own sector, and for other partners.

FUTURE PLANS

12. Should the local Compact be formally adopted by all partners, it is intended that an official Launch event will be held in July 2005.
13. The local Compact Steering Group will continue to meet regularly to monitor and review progress.

COMMENTS OF THE DIRECTOR OF FINANCE

14. There are no financial implications associated with this report.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

15. For the Compact to be successful there must be joint and shared understanding of, and commitment to, diversity matters. Training is critical for the instilling and maintenance of these values. Provision for this training and the monitoring of its effectiveness must be considered now.

RECOMMENDATION

16. That Chorley Borough Council adopt and sign up to the Local Compact for Chorley and South Ribble.

REASONS FOR RECOMMENDATION(S)

17. To further develop effective partnership working between the statutory, voluntary, community and faith sectors within the Borough.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

18. Not adopting a Local Compact.
19. Adopting a Compact with the voluntary, community and faith sectors in isolation from the Chorley and South Ribble Primary care Trust and South Ribble Borough Council.

JAMIE CARSON
HEAD OF LEISURE AND CULTURAL SERVICES

Report Author	Ext	Date	Doc ID
Liz Morey	5812	6.5.05	LCSREP/88753JM2

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Report of	Meeting	Date
Head of Public Space Services (Introduced by the Leader Councillor J Wilson)	Cabinet	26 May 2005

EXTENSION OF CHORLEY BOROUGH COUNCIL ICT DATA NETWORK

PURPOSE OF REPORT

- To seek approval to carry out urgent work using a nominated contractor.

CORPORATE PRIORITIES

- The provision of the link is an essential element of the Council's Business Continuity Plan which requires the provision of a Portacabin Village.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	
Financial	✓	Operational	✓
People		Other	

- The Council's ICT Data Network is currently susceptible to failure, as there is a single link between each office. Therefore, if the duct from the Town Hall to Union Street is damaged it would also result in a loss of connection to Gillibrand Street. In order to eliminate this single point of failure, it is proposed to create a new cable route around the other side of town to complete the circular route. Any failure would then cause traffic to be routed along the other segment of the network.
- In addition, the Council's Business Continuity Plan requires the provision of a Portacabin Village on the Portland Street car park which requires to be connected to the Council's ICT network. This connection can be achieved by extending the connection from Bengal Street to the car park through the proposed new cabling to be routed around town to Gillibrand Street. Without this connection in place, the Council's Business Continuity Plan will not satisfy the authority's requirements.

BACKGROUND

- Based on a market tested schedule of rates, the cost of providing the necessary ducting/chambers through the Lancashire County Engineering Services has been estimated at £83,487.87. However, the use of Cedar Contract Services (a company specialising in this type of work), at an estimated cost of £53,040.00 is likely to produce substantial savings.

7. It is, therefore, considered expedient to award the contract to Cedar Contract Services, who have confirmed that they can commence work within three weeks of receipt of an order.

COMMENTS OF THE DIRECTOR OF FINANCE

8. The extension of the Council's ICT Network and establishment of the Service Centre at Portland Street car park have been included in the capital programme at a combined budget of £56,000.00. This budget provision has slipped from 2004/05 because the work will now start later than originally envisaged. In addition to the work that it is proposed that Cedar Contract Services perform at a cost of £53,040.00 there are further ICT related costs of around £9,000.00. Finally, internal costs (staff recharges) would be incurred up to a maximum of £6,000.00. Taken together, the budget requirement would increase to £68,040.00 an increase of £12,040.00 compared to current provision. (It should be noted that the staff costs will already have been provided for elsewhere in the budget for 2005/06, so that the real increase in resources required is only £6,040.00.) If the scheme is not implemented promptly, at worst there could be a risk of service disruption and unbudgeted revenue costs following a network or other ICT-related failure. As the Head of Property Services indicates, going to the market for alternative tenders is likely to add a further three months to the length of the scheme. The additional costs can be financed from unallocated resources.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

9. I recommend that an immediate assessment of Cedar Contract Services Health and Safety policies be carried out prior to awarding a contract for this project. There are no other Human Resource implications associated with this report.

RECOMMENDATION(S)

10. To award a contract to Cedar Contract Services in the sum of £53,040.00 for the completion of the ICT Data Network.
11. That the Capital Programme Budget for this project be increased to £68,040.00 in 2005/06, to cover works not included in the Cedar Contract Services contract and internal recharges.

REASONS FOR RECOMMENDATION(S)

12. The cabling work and extension of the Council's ICT network is essential to remove the risk of failure of the network and to provide a facility for the continuation of the Council's business in emergency situations in line with the Business Continuity Plan. The urgent and expeditious commissioning of the work is considered to be justified.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

13. The preparation of tender documents; invitation of tenders; assessment of tenders; and the award of a contract is likely to delay the process by three to four months.

KEITH ALLEN
HEAD OF PUBLIC SPACE SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alan Capstick	5252	24 May	PSSREP/88976AJS

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