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## The Ensuring Council: Transforming the frontline

### APSE service awards special edition



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APSE Direct News is published by the Association for Public Service Excellence

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## Editorial

### Waste not, want not

Whilst much of the focus of the graph of doom theorists has been on adult social care and children's services, local authorities haven't forgotten that they also continue to have statutory responsibilities for collecting waste and that this waste needs to be disposed of in a cost effective and environmentally friendly way.

I recently had an opportunity to examine Barcelona City Council's approach to waste management and found an impressive approach that also links closely to wider ambitions around renewable energy. As a major tourist destination the cleanliness of the city and its air quality are of the highest importance to its political leaders, but sustainability is also at the core of their strategy.

Whilst its street cleansing and refuse collection is split into four contracts, within quadrants of the city, the council's client services are fairly forceful in ensuring compliance with the city's policy objectives.

Entering one of the depots, run by Ferrovial, you can't help but notice the wind turbines above the gatehouse and the silos; the solar panels used to not only generate electricity but also heat water and the biomass plant at the centre of the complex. The gas, electric, hybrid, biodiesel fleet of almost 350 vehicles also underlines the ambition to move away from traditional fuel sources. A later stop at an underground depot (only recognisable as a children's play park from above) identifies how a geothermal source is being tapped into to provide the facilities energy supply.

Visiting an energy from waste plant on Barcelona's waterfront, carefully designed to blend into the local environment, you can see how every effort is made to separate various strands of waste for reuse and recycling, prior to recovering energy from the organic waste stream.

What is noticeable with Barcelona's waste strategy is the amount of effort made at every stage to reduce waste and emissions, whilst also recovering every euro of value from the waste stream to offset cost.

With many UK councils considering their options around significant levels of investment in collecting and disposing of waste in the future, learning some lessons from one of the most forward thinking cities in the world is a must.

Best wishes

Paul O'Brien, APSE Chief Executive



# Better business

**A recent report commissioned from APSE and researched by NLGN explores how councils can encourage 'better business' at a local level. Here Paul O'Brien and Simon Parker, highlight the key findings.**

**A**PSE has developed its 'Ensuring Council' concept for local authorities' which aims to develop a positive model for local government, moving forwards towards 2020. One of the basic tenets of an Ensuring Council is to act as a steward of the local economy; it will seek to have positive relationships by collaborating with its partners in the private, public and voluntary sectors but at the same time it will not be a passive bystander if the local community is being short changed.

As part of the Ensuring Council strand and NLGN's ongoing work into understanding the councils of the future, we sought to explore how councils can ensure they get maximum public value from the markets and businesses that operate within their local areas. The result of this was our report 'Better Business: Councils shaping markets for better public value'.

Local government is leaving no stone unturned in its attempt to transform the services it provides to meet public need, it therefore follows that similar principles should be applicable to local private sector markets. Councils have a fundamental role to fulfil as stewards of local place. If markets operating in that local place are not meeting public need as effectively as possible, or indeed generating unnecessary costs to the public purse, then it follows that local authorities should deploy strategies to encourage better outcomes.

Our report looked at a number of areas of business activity and the impact on local areas. With high energy pricing we know that this leads to some of the most vulnerable in our local communities suffering from fuel poverty. We know there is a direct correlation between fast food, poor diets and obesity. Housing supply is not meeting local needs in many areas of the country. And these are just some of the issues which ultimately impact upon local councils, whether through increasing demand for public services or through rising costs.

To address these issues our report explored what action councils could take. We are clear we are not calling for the blunt instrument of more regulation (though in some circumstances that might prove to be necessary) but we know that now more than ever councils need to coax, coerce or even compete with businesses to ameliorate - if not eradicate - poor business practices that have a negative impact on local economies and on public finances.

Whilst we do not often think of councils as market regulators this is a role that local authorities have in fact historically developed to respond to poor market performance. History tells us of the development of social housing to replace the slums; of sewerage, water and gas works to address public health issues - not to mention the positive contribution of libraries and leisure centres. Whilst these are examples of regulation by direct competition, or even replacement to markets, there are many of other forms of intervention, and not all need to be dramatic, costly or wrapped up in a legislative framework.

This research report makes the argument that we need to reimagine this activity by turning regulation into part of a preventative strategy for the future of public services. Rather than carry the cost of poorly performing markets in terms of poor health, insufficient housing or debt, councils need to find new ways to challenge the private sector to offer people better choices.

That is why the report asks for the full weight of a council's business strategy to be put behind the creation of markets that meet social need. This means using council purchasing power, encouraging pro-social business behaviour and councils setting up their own businesses to cope with gaps in the market, or provide better choices where only poor ones currently exist. This may mean nudging or 'budging' business towards more socially responsible products and marketing practices, and also informing local people about the impact of the choices that they make. Across the board there are opportunities for market shaping activity to be scaled up and

made much more effective. Based on our roundtables and in-depth case studies we have developed a number of recommendations

## **Use local insight and wider evidence to understand local market problems**

Policy and public health staff should use Joint Strategic Needs Assessments to highlight negative outcomes in the area, and liaise with frontline staff, councillors and consumer organisations such as CAB and Which? to highlight how private markets and business practices are contributing to these.

Use existing channels or establish new points of contact such as 'Community Business Challenge' events to allow local residents to directly raise issue with business practices which are leading to problems for them.

Policy staff should review secondary research, including a review of insights on behavioural economics, to understand the drivers of these market problems on both the supply and demand side. Commission local research to understand local drivers to behaviour where necessary.

## **Review current and potential market shaping activities from across the council to address market problems**

Policy and public health staff should bring together other staff from across the council to review current cross-council activity and interaction in relation to businesses within the markets which have been identified as problematic. This should include review of initiatives such as existing information provided to consumers in relation to these businesses, voluntary schemes or 'kite marks' for business, council contracts, and existing taxes, incentives and other regulatory activity.

Council staff from departments ranging from licensing to procurement should collaborate to rapidly identify further tools which might be used to address market failures, or how existing tools might be made more effective. Staff should be gathered either virtually or in-person for short, focused sessions. Responsibility for this should be led by the Public Health Team where relevant, or lead councillors or policy officers, and use the Market Shaping Intervention Typology and Choice Framework within this report as well as examples of innovation from other councils as impetus. In particular attention should be paid to the way in which the council might use its buying power, contract terms and assets to influence businesses; or support new socially beneficial entrants to the market.

## **Assess the impacts of potential market shaping tools on local consumers, the council and the local economy**

Working in partnership with businesses and the academic community, lead officers must pragmatically consider the impacts of potential market shaping tools on local consumers. This should involve using local or national data and cost/benefit analyses, but most importantly should involve an open yet challenging conversation with businesses to gauge the impact of different approaches, as well as discussion with councils already pioneering in their usage of certain tools rapid experimentation and piloting.

Whilst we know that there is no one size fits all approach to the issue of doing better business, we are confident that this timely report highlights how many councils can and perhaps should do more. From case studies such as Liverpool which have campaigned for responsible tanning salons, in the face of growing concerns about rising skin cancer rates, and Flintshire that are addressing gaps in the housing market which impact upon older people, through to Peterborough who are developing renewable energy strategies to tackle cost and supply, local councils are proving that they can do better business.

---

Simon Parker is Director of NLGN  
Paul O'Brien is Chief Executive of APSE



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# Municipal energy is the power of european cities

*Delegates from eight European countries gathered at the end of September in the beautiful Italian city of Brescia nestling in the foothills of the Alps and a short distance from Lake Garda, for a conference looking at energy planning across Europe.*

**B**rescia is a medium sized city in Lombardy which is dwarfed by the largest conurbation in the region, Milan. Yet Brescia has had a functioning district heating network which dates back to 1972, originally based on a small thermal power plant which served a single neighbourhood and was the first example of a functioning DHN in Italy. The network is now 600km long and additional developments are forecast for the future. The city has also implemented a light metro system which is unique for a city the size of Brescia with about 190,000 inhabitants and is an innovative transportation system that is modern, fast and sustainable.

The Spatial Planning for Energy for Communities in all Landscapes (SPECIAL) project is a three year funded EU project designed to help bridge the gap between climate change/energy action planning and spatial and urban planning. It brings together a range of organisations representing professional disciplines such as planning and engineering with representatives of local government and communities, to discuss the opportunities and emerging best practice in planning the sustainable energy needs of localities. SPECIAL is run by the Town and Country Planning Association (TCPA) and APSE is one of the U.K. multiplier organisations working alongside the TCPA.

On the first day of the SPECIAL conference delegates from all the participating EU countries were involved in a series of workshops looking at planning for sustainable energy. What became immediately evident was the difference between most European planning systems and the U.K. In this country there is a complete lack of any regional planning framework which brings together spatial, transport and local planning into a coherent whole and there is a disconnect between planning the energy needs of communities and development, when the two need to be brought much more closely together.

Another key message from the conference was the importance of political leadership both in terms of long-term strategic planning and the delivery of projects on the ground. Short-term political calculations based on the electoral cycle tend to militate against a coherent approach to energy planning, something which we in the U.K. are only too familiar with given the political controversy surrounding on-shore wind and solar energy and the 'feast and famine' approach which seems to have been a hallmark of much Government policy on energy over the past decade.

The second day of the conference included a stimulating presentation by Martin Clerc from the Energy Office of the Canton of Geneva in Switzerland. It showed how energy

policy and town planning could be brought together to develop a coherent long-term master plan for a city. Geneva has developed a 20 year strategy to 2030 aimed at managing and reducing energy needs; promoting renewable and local resources; and developing partnerships amongst a range of stakeholders. What in my view was remarkable about the Geneva example was how a big, bold and ambitious overarching strategy could sit so comfortably with 'bottom up' community led solutions to energy needs, a real blueprint for municipal energy in the 21st Century which has quite rightly won recognition and awards for urban and regional planning across the EU. Much of the energy needs of Geneva can be met by exploiting the considerable natural resources of Lake Geneva obviating the need to develop other forms of energy generation such as nuclear power. Bringing together the Swiss and French Government's, the Cantons and the City of Geneva in signing up to a strategic vision for sustainable energy is in itself a remarkable achievement which illustrates what co-operation, collaboration and political leadership can accomplish.

Apart from the fantastic learning experience for me personally and gaining a much greater insight into the European approach to municipal energy, the Brescia SPECIAL conference exemplified a few important lessons for us in the U.K. in trying to emulate the success of cities such as Geneva in Switzerland and Friburg in Germany, which can be summarised as:

- The need to ensure that energy planning and spatial planning are closely aligned;
- The importance of strong political leadership and cross party collaboration in defining energy needs for the future and designing local solutions which can meet the energy needs of our communities; and
- How renewable and sustainable energy projects can act as a catalyst for economic growth and prosperity in our towns and cities.

Municipal energy is the future and I have had the privilege of a glimpse into that future learning from the work of our European neighbours.

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Visit the APSE Energy web portal [www.apse.org.uk](http://www.apse.org.uk)



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Cllr Colin Lambert, former Leader of Rochdale Council

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# Carbon Management at Gwynedd Council

**The North West Wales Council adopted a 'Carbon Management Plan' in 2010 which set out the strategic direction of carbon reduction within the organisation for the following 5 years. A challenging target to reduce the Council's carbon emissions 30% by 2015 was set, and since 2010, the Council has eagerly put into action the recommendations set out in the CMP.**

**B**uildings are responsible for the vast majority of the Council's carbon emissions; however projects to reduce carbon emissions as a result of street lighting, business miles, vehicle fleet and commercial waste have also been identified.

In fact, the positive approach of the Council's Energy Conservation Team to implement these projects, along with the irrefutable commitment of the Senior Managers has meant that Gwynedd Council have already managed to reduce carbon emissions by 25% compared to their baseline year.

Commitment from Senior Management is so firm at the organisation that a commitment to spend £7.4m was set for carbon busting projects, with 4 full time members of staff dedicated to energy conservation. Finance options such as Salix interest free loans was used to fund projects as well as budget allocated from the Council centrally to establish a self-financing fund, with energy cost savings refunding the budget over a number of years. Financial savings achieved at the Councils has now reached nearly £600,000 per annum due to implementation of the carbon management plan, with only £2.4m investment so far.

Projects implemented as part of the Carbon Management Plan over the past 4 years have focused very much on the largest energy users, such as schools and leisure centres. These include upgrade of old and inefficient equipment such as boilers and lighting systems; energy saving equipment such as voltage optimisation units, combined heat and power units, and pool covers; and an awareness raising campaign to tackle energy wasting behaviours. A software system has also been introduced to the largest office buildings which turns computers and equipment off at the end of each working day, rather than leaving equipment on standby.

Each department within the Council also has a target to reduce business miles by 1% per year to cut down on the 5,700,000 miles travelled by staff in their own cars on business during the 2005-6 baseline year.

The Council even have an 'energy saving league table' for primary schools taking part in the 'Sbarci & Fflic' energy awareness campaign, with the primary school that has managed to reduce the highest percentage of energy compared to the previous year being rewarded with an iPad for the school in recognition. This programme has now been in operation for 3 years, and the carbon footprint of Gwynedd Schools have reduced 19%.

Introducing an energy awareness campaign in schools has two objectives: to reduce the energy consumption and carbon footprint of the schools, contributing to the reduction in the Council's Carbon Emissions, and also, for the pupils to take their energy conservation habits home with them, so as to reduce the carbon footprint of the wider community.

A website and Welsh Language cartoon was developed to support this programme ([www.sbarciafflic.org](http://www.sbarciafflic.org)) in order to engage the pupils.

In July 2014, a primary school was awarded for reducing electricity use by 36% compared to the same period

last year, which was achieved thanks to the hard work and campaigning by the Schools 'Energy Detectives' – a group of 6 pupils responsible for energy matters. Their role includes monitoring energy use, conducting energy surveys of different classrooms, and displaying signs to remind users to turn off equipment when finished using it, keeping doors closed when the heating is on, and ensuring that taps are turned off after washing hands.

The next step for the Council is to develop a 'Carbon Management Plan 2', to be implemented after the end of this financial year, and projects are being identified at present to be included in the programme. The Authority is also planning to focus on water saving measures over the coming years.



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# APSE Annual Seminar 2014

## The Ensuring Council: Transforming the frontline

An opening welcome by Cllr Jon Collins, leader of Nottingham City Council set out the challenges for local authorities; shrinking budgets, increasing demands, and a need to do things differently if local services are to survive. Councillor Collins highlighted the work within Nottingham to develop strategies to help the local economy including a renewed approach to apprenticeships to tackle youth unemployment. Staff are encouraged to take an entrepreneurial and income generation approach to budget conditions rather than simply salami slicing local services, explained Councillor Collins

Michael Lockwood, Executive Director for Local Government at the LGA, continued the theme with an exploration of the challenges of sustaining local government on current funding levels, whilst creating the right environment where the best use could be made of local resources. Paul O'Brien, APSE's Chief Executive responded with an overview of APSE's Ensuring Council model which is a visionary approach for local authorities with a much broader role in acting as a steward of the local place, where essentially councils retain core capacity and increasingly act more innovatively and entrepreneurially.

In support of the Ensuring Council model Mike Bennett of Public Intelligence launched a new research report commissioned by APSE 'Ensuring Change' and he highlighted key findings from the research including strong evidence that councils are using change programmes to build capacity and are keeping control of strategic direction. The importance of political leadership in this context was discussed by Professor

Steven Griggs of De Montfort University. Recent research has found many elected members feeling alienated from core decision making, partly as a result of governance structures at a local level but Professor Griggs argued that in tough times the connection between local democracy and accountability was even more critical than ever.

Rob Whiteman of CIPFA was well received by delegates with his tour of the main issues which threaten local government budgets and the decline in overall spend on local government services. Posing the question as to whether an integrated approach would help, this was answered by Joanne Roney, Chief Executive of Wakefield District Council, and leading figure on skills in the West Yorkshire Combined Authority. Joanne argued that whilst a combined authority would not plug the funding gap it would allow for integrated development and getting the best for the public pound by leveraging in more investment into the regions. In particular Ms Roney, said this would help with the generation of jobs and skills in local areas.

Mark Cullinan, Chief Executive of Lancaster City Council outlined why Lancaster City Council has adopted the vision for an Ensuring Council by retaining an in-house service delivery base combined with taking forward local priorities and continuous improvement into the heart of service delivery. Stewardship of local place was also highlighted by Richard Whittaker of Nottingham City Homes who explained their approach to investment and delivering on high quality housing. Heather Wakefield of UNISON was supportive of the delivery of in-house services and in developing new homes but urged councils to think



Cllr Jon Collins



Michael Lockwood



Paul O'Brien



Mike Bennett



Dr Steven Griggs



Joanne Roney OBE



Mark Cullinan



Richard Whittaker

about the local government workforce as a critical part of the stewardship of local economies. Ms Wakefield stressed that supporting jobs and the local economy were part and parcel of the delivery of excellent local services, and the local economic footprint of public services, but she said councils needed to have regard to decent terms and conditions and pay which were all part of the jigsaw for successful local economies.

Day two of the seminar focussed on operational delivery issues and use of performance data with an opening address by Steven Phillips, Chief Executive of Neath Port Talbot County Borough Council who outlined how they are finding new funding for regeneration whilst at the same time exploiting natural resources in the valley communities to deliver on jobs and growth. Mr Phillips said that public services were at the heart of the growth strategy. Glasgow City Council's David Russell continued this theme telling delegates about their strong performance led culture and how this has helped them to exploit the opportunities from the Glasgow Commonwealth Games, which has put Glasgow on the international map.

Continuing the performance theme Andy Mudd of APSE solutions provided a high level management session looking at the hard data evidence which suggests that it is not necessarily cheaper to 'go large' on public service delivery. Mudd suggested that managers should instead focus on the optimum levels of delivery. This was supported by Audit Scotland with

Claire Sweeney sharing the Audit Scotland approach to gathering source data to evidence service improvements and assess gaps in performance.

Municipal entrepreneurialism is critical to supporting frontline services within a different financial basis and Zena Cooke, of Maidstone Council, outlined their plans for shared services and doing things within a more commercial environment to support financial strategies. This was followed by Anne Donaghy, Chief Executive of Mid and East Antrim Council, who explained their use of cultural and arts venues and local authority assets as delivery hubs for local services. Continuing the entrepreneurial theme Kevin Hadfield of East Riding of Yorkshire Council highlighted how the council run leisure services have attracted new business from contracts commissioned by the health and well-being board. As well as supporting public health outcomes the approach has also secured retention of leisure membership helping with service costs, and Hadfield said that this model could easily be adopted by councils in other service areas such as parks and open spaces.

Service delivery models are never far from local government debates and Fiona Seymour, Managing Director of Olympus Care Ltd, A Northamptonshire County Council wholly owned company explored with delegates the successes and lessons learned from using a wholly owned company model in social care services. Ms Seymour explained how the model was developed to ensure that the local market could meet



Zena Cooke



Anne Donaghy



Kevin Hadfield



Pete Cohen



Heather Wakefield



Steven Phillips



David Russell



Andy Mudd

both current and future social care needs within the local area.

The final seminar session explored the growing opportunities from the green economy with Richard Auton of Walker Morris solicitors advising about the options for renewable energy available to local authorities, creating both new income streams and greening local economies. Delegates were also treated to the national launch of *'Local Water: The challenge and the prize for the ensuring council as a steward of water'*, which is a new research publication produced by APSE in association with Philip Monaghan. The research highlights how councils can design out or minimise flood risk by considering flood options such as developing floodable public open spaces and using water as a resource.

The final seminar plenary session saw a further research launch with Neal Meadows of AMEY introducing a joint piece of research produced by APSE, AMEY and De Montfort University which explores the theme of local government partnerships. 'Ensuring Collaboration: One way ahead for public-private partnerships' is a research pamphlet

which aims to stimulate further discussion over how elected members, local government officers and public service providers can work collectively to manage change and transformation on public-private partnerships. Mr Meadows highlighted how ambition and creativity are important but stressed that good relationships and understanding between the partners will always serve to create the grounds for success within partnerships.

The final speaker of the day was introduced by Councillor Tracey Dixon of South Tyneside Council, winner of the APSE Council of the Year in Service Delivery 2013. Pete Cohen is one of the UKs' leading corporate performance and motivational speakers and coaches business leaders, executives, corporate teams and sporting stars to achieve their best and given the challenges highlighted throughout the seminar was a much needed boost to the delegates!

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Claire Sweeney



Rob Whiteman



Neil Meadows



Philip Monaghan



Richard Auton



Fiona Seymour



# Service Awards 2014



**“The best in local government are in this room tonight. Whether a finalist or winner, be proud of the difference you make each and every day”**

**Cllr Leon Unczur, APSE National Chair 2013/14**



Nottingham City Council

Stockton-On-Tees Borough Council

Fife Council

### **Best Employment & Equality Initiative** **Kindly sponsored by UNISON**

- Department of Regional Development
- Forest Heath District Council and St Edmundsbury Borough Council
- North Lanarkshire Council
- Nottingham City Council
- Royal Borough of Greenwich
- Southampton City Council
- Trafford Council

Winner: Nottingham City Council

### **Tackling Youth Unemployment and Worklessness within Nottingham's Priority Families**

Nottingham has the ambition to reduce unemployment within young people and to develop their skills. Building on an established apprenticeship campaign across the City, Neighbourhood Services have identified how apprentices can help to fill future skills gaps and have made a significant impact on breaking the cycle of worklessness, and increased employability within the City.

This has been achieved by a significant increase in the intake of frontline apprenticeship posts and targeting hard to reach Priority Families groups within Nottingham.

### **Best Housing & Regeneration Initiative** **Kindly sponsored by DWF**

- City of Edinburgh Council
- Corby Borough Council
- London Borough of Havering
- North Ayrshire Council
- Stockton-On-Tees Borough Council
- Swale Borough Council

Winner: Stockton-On-Tees Borough Council

### **Mandale Park – Celebrating 10 Years of Regeneration**

Stockton Council has “big plans for our places and open spaces”, as evidenced by the very successful, £100 million

community-led housing regeneration scheme at Mandale Park, Thornaby.

For over ten years, residents have worked closely with partners and the Council to transform their community into a vibrant, thriving place to live and work. During this period, 578 obsolete properties have been demolished and replaced with 770 quality, mixed-tenure, energy efficient new homes within a safe and secure environment.

### **Best Efficiency Initiative** **Kindly sponsored by ASC Renewables**

- Aylesbury Vale District Council
- Dundee City Council
- East Ayrshire Council
- Fife Council
- Forest Heath District Council and St Edmundsbury Borough Council
- Nottingham City Homes
- Oxford City Council
- Swindon Commercial Services Ltd
- Tameside Metropolitan Borough Council

Winner: Fife Council

### **Fife Council - Smart, Flexible and Productive**

Fife Council is on track to realise £20.8m of evidenced savings by introducing Mobile Flexible Working.

They identified that they needed to make major savings – be more efficient and effective. By changing their processes, giving their front line workers mobile technology, enabling home working and multiple touch-down facilities, they have achieved their goal.,

Fife have completed year 3 of 5 year programme but won't stop here as they can continue to achieve on-going yearly savings of at least £6.7m



Royal Borough of Greenwich

London Borough of Havering

East Renfrewshire, East Dunbartonshire &amp; Angus Councils (Partnership)

### **Best Health & Well-Being Initiative** **Kindly sponsored by UNISON**

- Aberdeenshire Council
- Carmarthenshire County Council
- City of Edinburgh Council
- East Riding of Yorkshire Council
- London Borough of Havering
- London Borough of Tower Hamlets
- Portsmouth City Council
- Royal Borough of Greenwich
- Stockton-On-Tees Borough Council
- Warrington Borough Council

Winner: Royal Borough of Greenwich

### **Royal Greenwich integrated health and social care**

Greenwich's truly integrated health and social care service, offering a single point of access, has now started to develop into care co-ordinated around GP practices. The "care pathway" is underpinned by a strong client and prevention focus, is based on staff engagement, collaborative change, shared resources and a desire to improve outcomes whilst also being more cost-effective. They have acted upon customers' views; saved £900k from care budgets; reduced long term care packages; and cut delayed hospital discharges by 13%.

### **Best Public / Private Partnership Working Initiative**

**Kindly sponsored by AMEY**

- Calderdale Metropolitan District Council
- Corby Borough Council
- Durham County Council
- London Borough of Havering
- Northamptonshire County Council
- South Lanarkshire Council
- Telford & Wrekin Council
- Torfaen County Borough Council

Winner: London Borough of Havering

### **Town Centre Partnership**

Havering is home to Romford Town; the biggest town centre in East London.

Romford's night time economy attracts some 11,000 18 to 25 year olds on Thursday, Friday and Saturday nights to big name venues while the day-time economy attracts shoppers and families.

The Romford Town Centre Safe and Sound Project has significantly reduced the volume of crime and addressed the fear of crime with the aim of encouraging more visitors to both day-time and night-time economies.

### **Best Public / Public Partnership Working Initiative** **Kindly sponsored by IQSS**

- Cardiff Council
- Cherwell District Council and South Northamptonshire Council
- Corby Borough Council
- Denbighshire County Council
- East Renfrewshire, East Dunbartonshire & Angus Councils (Partnership)
- Glasgow City Council
- Greater Manchester Fire & Rescue Service
- North Ayrshire Council
- Renfrewshire Council
- Warwickshire County Council

Winner: East Renfrewshire, East Dunbartonshire & Angus Councils (Partnership)

### **Protecting the Vulnerable Consumer from Nuisance and Scam Telephone Calls**

A joint initiative from Angus, East Dunbartonshire and East Renfrewshire Trading Standards Services

This joint initiative, utilising call blocking equipment to protect vulnerable residents from nuisance and scam calls, was a first in the UK. The results in terms of calls blocked and user feedback formed compelling evidence that appropriate equipment could stop up to 100% of nuisance and scam calls. This increased vulnerable user's ability to live





Derry City Council

Dudley Metropolitan Borough Council

Cherwell District Council

independently, free from concerning, unwanted nuisance and scam calls. Carers also benefited. Over 50 local authorities are now involved with the numbers increasing daily.

### **Best Public / Voluntary Partnership Working Initiative**

**Kindly sponsored by Vision Techniques**

- Cheshire East Council
- Derry City Council
- Durham County Council
- North Lanarkshire Council
- Stockport Homes
- Stockton-On-Tees Borough Council
- Tameside Metropolitan Borough Council
- Walsall Council

Winner: Derry City Council

### **Diwali 2013**

'Diwali – A festival of light' was held in Derry's Guildhall in November 2013. It was the city's first major Indian cultural event (2000 participants) with supporting educational programme (22 schools workshops) - integrating Indian Culture into renowned Halloween festivities, promoting inclusion and diversity and challenging racism. Diwali 2013 brought the locally resident Indian Community from 3 main religions and languages together for the first time in a community planning, capacity building process and joint initiative with Derry City Council.

### **Best Community & Neighbourhood Initiative**

**Kindly sponsored by Helping Hand Company**

- Aberdeen City Council
- City of Edinburgh Council
- Dudley Metropolitan Borough Council
- Falkirk Council
- Fife Council
- Kirklees Neighbourhood Housing
- London Borough of Havering
- Mid & West Wales Fire & Rescue Service
- South Lanarkshire Council
- Stockton-On-Tees Borough Council

Winner: Dudley Metropolitan Borough Council

### **Food for Thought**

The Local Authority Regeneration Project Team had to reduce the Street Cleansing markets waste provision building by a third in size to fit their plans. What happened to reach that goal actually meant Market Traders Street cleansing and a Voluntary Animal sanctuary all coming together and what came out of that had many different values for them all.

### **Best Information Technology & Communication Initiative**

**Kindly sponsored by Toltec**

- Cherwell District Council
- City of Edinburgh Council
- Forest Heath District Council and St Edmundsbury Borough Council
- London Borough of Tower Hamlets
- North Lanarkshire Council
- Peterborough City Council
- Southampton City Council

Winner: Cherwell District Council

### **Your Rubbish Guide to Christmas**

Faced with the challenge of boosting recycling rates on a £250 budget, officers at Cherwell District Council utilised its Facebook presence to launch an innovative social media campaign to increase recycling levels and generate additional income. During a four-week campaign, Cherwell's promoted messages reached an audience of c.160,000, the year-on-year recycling rates increased by 11 per cent and 1,483 recycling bins were sold providing additional capacity for residents to recycle more ... signifying its most successful ever winter bin sale.



Peterborough City Council

### **Best Renewable Energy & Energy Efficiency Initiative**

**Kindly sponsored by Walker Morris Solicitors**

- Durham County Council
- Flintshire County Council
- Northamptonshire County Council
- Nottingham City Council
- Peterborough City Council
- Stafford Borough Council
- Wakefield Council

Winner: Peterborough City Council

### **Peterborough Energy Performance Contract**

Peterborough City Council devised an EU-compliant energy efficiency framework for non-domestic properties allowing authorities, social landlords and educational establishments to take advantage of a fast, efficient and cost-effective procurement route to deliver energy and cost savings that:-

- Make better use of their assets
- Save costs and bridge funding gaps
- Free up cash to protect frontline services
- Meet their environmental carbon reduction commitments and reduce 'green tax' payments
- Improve comfort conditions for occupants
- Create revenue streams by supplying renewable 'green power'

### **Best Service Team Construction & Building**

**Kindly sponsored by LED Planet**

- Carmarthenshire County Council
- Fife Council
- Lisburn City Council
- Oxford City Council
- Peterborough City Council
- South Lanarkshire Council
- Stockport Homes

Winner: Stockport Homes



Stockport Homes



Gateshead Council

### **Stockport Homes Repair 1st Team**

Stockport Homes' innovative Repair 1st service delivers repairs and maintenance for the approximately 11,500 properties managed by Stockport Homes. Repair 1st consistently delivers an exemplary level of customer satisfaction.

### **Best Service Team Catering**

**Kindly sponsored by CRB Solutions**

- Carmarthenshire County Council
- Cordia Services LLP
- Gateshead Council
- North Ayrshire Council
- Plymouth City Council
- Stoke-on-Trent City Council

Winner: Gateshead Council

### **Talk of the Towers**

Gateshead's Civic Catering Service has developed by listening to customers, responding to feedback and adapting and improving the service as a result.

Their innovative approach has led to the development of new food concepts such as pop-up restaurants and an afternoon tea service

In the last 12 months we have expanded the service by acquiring a new business at Saltwell Towers which includes a Tearoom, Wedding and function service.

### **Best Service Team Building / Facilities Cleaning**

**Kindly sponsored by Numatic International**

- Caerphilly County Borough Council
- East Ayrshire Council
- Gateshead Council
- Liverpool City Council
- Stockton-On-Tees Borough Council

Winner: East Ayrshire Council



East Ayrshire Council

Portsmouth City Council

Oxford City Council

### **EAC – Green & Clean**

East Ayrshire Council is definitely Green & Clean with their new Bio Active Cleaning Regime. Proving that even if you are already 2nd top in your APSE group for cleaning M2 per FTE employee, you can still challenge the status quo.

The new cleaning regime has given the opportunity to save over £150,000 in staffing costs, over £12,000 in cleaning supplies, yet improving productivity, customer satisfaction, health & safety and high environmental standards using only 3 products all without chemicals!

### **Best Service Team Highways, Winter Maintenance & Street Lighting**

*Kindly sponsored by Symology Ltd*

- Caerphilly County Borough Council
- Denbighshire County Council
- Durham County Council
- North Ayrshire Council
- Portsmouth City Council
- Rhondda Cynon Taf County Borough Council

Winner: Portsmouth City Council

### **Highways PFI Contract**

Portsmouth City Council, the pathfinders of Highways PFI's, are now 10 years into their 25 year project. Using the new approach to maintenance of the council's assets has enabled Portsmouth's £500m contract to focus on what matters to the people of Portsmouth, Highways and Safety. As a result of upgrading the network during the first 5 years of the contract and the on-going life cycle replacement taking place since, the City of Portsmouth now has some of the best roads in the country.

### **Best Service Team Transport & Fleet** *Kindly sponsored by Wilsons Auctions*

- Durham County Council
- East Renfrewshire Council
- East Riding of Yorkshire Council
- Larne Borough Council
- North Ayrshire Council

- Nottingham City Council
- Oxford City Council
- Rhondda Cynon Taf County Borough Council

Winner: Oxford City Council

### **Motor Transport team improvements**

In austere times, the drive to increase efficiencies and improve services has been greater than ever before. Throughout a significant period of change, Oxford City Councils Motor Transport Team has continued to provide a first class service to customers, and has shown a great amount of versatility in adapting to new challenges and overcoming obstacles.

### **Best Service Team Waste Management & Recycling**

*Kindly sponsored by Big Belly Bins*

- Belfast City Council
- Bolton Council
- City & County of Swansea
- East Riding of Yorkshire Council
- Inverclyde Council
- Monmouthshire County Council
- Southampton City Council
- Stockton-On-Tees Borough Council
- Warwickshire County Council

Winner: Monmouthshire County Council

### **Internal Service Team of the Year – Waste Management and Recycling Service**

In 2013-14 Monmouthshire County Council's Recycling Team oversaw a service transformation resulting in an amazing 63% recycling and composting rate being achieved. Within 4 months the team introduced a chargeable garden waste service and issued the tightest restriction on residual rubbish to their residents.

These changes also helped deliver over £300,000 of savings. The change was delivered through effective leadership at a political and officer level, strong project management and excellent teamwork.





Monmouthshire County Council

North Ayrshire Council

Nottingham City Council

**Best Service Team Street Cleansing & Streetscene**  
*Kindly sponsored by Big Belly Bins*

- Dudley Metropolitan Borough Council
- East Renfrewshire Council
- North Ayrshire Council
- Nottingham City Council
- Oxford City Council
- Rhondda Cynon Taf County Borough Council

Winner: North Ayrshire Council

**Delivering an excellent Streetscene Service through efficient operations and engaging the community.**

Environment and Related Services (EARS) within North Ayrshire Council have delivered £1.68m of savings during the last three years. However, maintaining a clean environment is a Council priority to attract tourists and grow the local economy. An increase in the cleanliness of the area was achieved through making operations more efficient, building community capacity, educating and engaging young people and working with voluntary and public partners to achieve better outcomes for communities.

**Best Service Team Parks, Grounds & Horticulture**  
*Kindly sponsored by Amazone*

- Aberdeen City Council
- Douglas Borough Council
- London Borough of Havering
- Nottingham City Council
- Oxford City Council
- Stockton-On-Tees Borough Council
- Waltham Forest Council

Winner: Nottingham City Council

**Creative partnerships offset budget cuts, create top-class facilities and boost job prospects.**

Imaginative partnerships and entrepreneurial opportunities have been developed to sustain revenue generation and attract opportunities for capital investment, apprenticeships, training and volunteering, whilst creating worldclass facilities and offsetting budget cuts.

The team brings in 50% of the cost of the service and generates almost £10 external capital funding for every £1 of Council funds, with £24.5million investment over seven years and plans for £8million in the year ahead. Resident satisfaction is at a record 87%.

**Best Service Team Sports, Leisure & Culture**  
*Kindly sponsored by Arran Outdoor Education Centre*

- Derry City Council
- Midlothian Council
- Nottingham City Council
- Oxford City Council
- Rotherham Metropolitan Borough Council
- Sheffield City Council
- Stockton-On-Tees Borough Council
- Telford & Wrekin Council

Winner: Oxford City Council

**Oxford's Youth Ambition programme – Reaching for the Stars**

Oxford City Council's award winning Sport and Leisure team have developed a nationally recognised, innovative and inspirational youth engagement programme based on clear need and demand. Young people are integral to each process and through 'youth voice' are at the heart of the decision-making and continuous improvement of the Youth Ambition activity programme. A cross-council, multipartner approach is in place with senior management buy-in. Exceptional impacts are being evidenced with demonstrated pathways and clear social benefits including return on investment.



Oxford City Council

# Overall Council of the Year

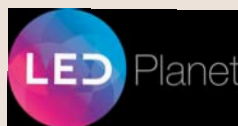
## Fife Council



### Overall Council of the Year in Service Delivery Finalists

Carmarthenshire County Council, City of Edinburgh Council, Fife Council, London Borough of Havering, North Ayrshire Council, Nottingham City Council, Oxford City Council, Peterborough City Council, South Lanarkshire Council, Stockton on Tees Borough Council

## APSE would like to thank all sponsors of the Service Awards 2014 for their support



# Charging and trading: you have the power!

***Councils have powers to charge for their services and to set up a company to trade in the market, but not all are taking advantage of this. David Kilduff and Richard Auton from Walker Morris' Energy, Infrastructure & Government team look at the benefits and suggest ways to minimise the risks.***

The traditional role of councils is that they provide services for the benefit of their communities and in return, residents pay their council tax to cover this. The reality is that, with 28 per cent budget cuts since 2010, restrictions on the raising of council tax coupled with high demands for services from residents hit by the recession, many councils need additional sources of income.

The good news is that councils already have the legal powers to generate income, by way of charging and trading. Of course, these powers must be used in the right way, and there are risks. However, these can be overcome with careful planning and advice from the outset.

## **Powers to charge and trade**

Councils are "creatures of statute" which means that they are created by an Act of Parliament. They are not able to do anything unless legislation gives them a power to do it. Anything they do that legislation does not give them power to do is "ultra vires" (Latin for "beyond the powers"). These days, particularly since the passing of the Localism Act 2011 gave councils (and certain other public bodies) a general power of competence, councils' powers are wide-ranging. However the starting point remains whether there is a specific power to raise money from the activity contemplated. If it gives a power (or imposes a duty) to charge for the activity, the general powers of charging and trading that are discussed below will not be relevant. For example, there is a power to charge for leisure and recreational facilities under section 19 of the Local Government (Miscellaneous Provisions) Act 1976 and a power to sell renewable electricity given by the Sale of Electricity by Local Authorities (England and Wales) Regulations 2010. If legislation forbids charging, neither the charging and trading nor Localism Act powers will override that restriction. A good example is basic domestic refuse collection, which cannot be charged for, but other waste collection, such as commercial waste collection, is chargeable.

Councils also have the power to trade with other public bodies on a commercial basis under the Local Authorities (Goods and Services) Act 1970, and need not form a company (this being a requirement of the Localism Act) in order to do this.

Although often referred to together, charging and trading are two different things in this context. "Charging" means the power to charge for providing a (discretionary) service. "Trading" means carrying on commercial activities; in other words acting like a private sector company on the open market.

The general power to charge for services comes from section 93 of the Local Government Act 2003 and the general power of competence under the Localism Act 2011. What section 93 does is to say if you have the power to provide a service but it is silent as to charges then the council can charge. Councils cannot charge more than is necessary to recover their full costs – and can of course charge less and subsidise the rest.

The general power to trade comes from section 95 of the 2003 Act and the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 and in particular the general power of Competence. Councils can trade on a commercial basis in order to make a profit. The General Power of competence has widened the power to trade so that local authorities can trade in areas that are not connected to their functions; and can also trade outside their own geographic areas. They can do anything that an individual person or PLC can do. The trading must be done through a company structure (a company limited by shares or guarantee or a Community Interest Company, an Industrial and Provident Society or from 1 August 2014 a Co-operative Society or Community Benefit Society). In some cases it may be a legal requirement to approve a business case first.

## **Risks and benefits of charging**

More and more councils are utilising their powers to charge as a way of being able to continue to provide services that might otherwise have been stopped due to budget cuts, or as a way of increasing the range of services that they provide, such as adult education, if there is a demand for this.

Introducing a charge for a service that has up to now been free of charge carries some risks and a council should follow the correct procedure in making its decision to charge, and consult those who will be affected. This should reduce the chances of a judicial review challenge. In particular, equality considerations need to be addressed, to make sure the charges are not impacting on certain groups more than others. This could be dealt with by operating a discretionary charge so that disabled and other vulnerable people do not have to pay, or can pay less, to use the service.

## **Risks and benefits of trading**

Trading allows a council to operate in the market in the same way as a private sector body. Trading must be done through a corporate structure, which ensures that the trading body will be subject to corporation tax and not given an advantage over a private sector equivalent. A council using a trading company will need to take account



of all the issues that private companies have to deal with including:

- Trading risk: as a limited company, there is a risk that it could make a loss and be wound up (but the directors' liability will be limited)
- Contracts: the company will need to enter into contracts in its own name as a separate legal entity from the council
- Regulatory issues: for example, a company wishing to offer credit to consumers will need a consumer credit licence
- Intellectual property and trade marks: these will need appropriate protection
- Employment, TUPE and pensions issues as staff transfer from the council to the new company
- Liability to pay corporation tax and account for VAT.

EU procurement rules may come into play depending on how the company is structured and the work that it does. In essence, if the company has "an industrial or commercial character", it will not be subject to the procurement rules, as it is operating in the open market. If however it is providing a public service and is largely financed and/or controlled by a council, it is likely to be subject to the procurement rules.

There are exceptions where the company provides the majority of its services back to the council rather than on the open market but we suggest specialist procurement advice is sought in each case, to keep within the law.

State aid is another potential risk with a trading company. Any assistance that a council gives to a company that gives it an advantage over its competitors could be illegal state aid

and subject to being clawed back. Such assistance need not be purely monetary but could include providing free (or very subsidised) premises, or even an interest-free loan, if the council would not offer another company such a loan in similar circumstances.

Finally, trading in the open market means a local authority trading company is subject to competition law like any other company. The company must take care to avoid anti-competitive practices and abusing any dominant position it may hold.

If properly thought through, the power to trade offers new opportunities to councils to create new revenue streams and make a profit that can be used to lower council tax bills and improve other council services. It can be a way of filling a gap in the market to both the public and private sector, not only in the council's own area but further afield, and also an alternative to outsourcing public services to the private sector.

### Comment

Think of the powers to charge and trade as like a toolbox. They are there to help councils achieve what they want. The way to approach it is to think through and be clear about what you are trying to achieve and then structure it accordingly, using the most appropriate powers.

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Contact: Richard.Auton@walkermorris.co.uk

## Yorkshire 1,2,3!

At the APSE Housing, Building Maintenance and Construction Seminar in Leeds 3 apprentices were awarded apprentice of the year awards. It was a Yorkshire 1, 2, 3 this year – the first time all the awards have been won by apprentices from the same region. All 3 have been through an interview as well as submitting a portfolio including references, a personal statement, college reports, work diaries and examples and photographic evidence which was marked as part of the process. They can be proud to know they have come out as the best from apprentices that have applied from public service providers across England, Scotland and Wales.

The winners were:

**Gemma Howell**, a joiner from Kirklees Council who won the best female apprentice of the year sponsored by the Construction Youth Trust.

**Riley O'Sullivan**, a roofer from St' Leger Homes Doncaster who was awarded the best male building skills apprentice of the year sponsored by TAAP, suppliers of mobile applications for housing operations.

**Keifer Booth**, an electrician from Berneslai Homes in Barnsley was the winner of the best male mechanical and electrical apprentice of the year award sponsored by UCATT.

Paul O'Brien Chief Executive of APSE said "Our apprentice awards have been in existence now for 14 years and we are very proud of each and every winner and finalist we have had up to collect a award. Most of them have gone on to become skilled tradesmen and women making a real tangible contribution to the everyday lives of ordinary people repairing the fundamental things in life that we all depend on – water supplies, heating systems, gas for cooking, roofs. And all of our finalists should be very proud too – you have acquired skills and will learn further skills that many people are very jealous of. All have shown high standards of both academic and practical work and commitment to their jobs. People like you are the future of your councils."

Andy Jones, Executive Member of UCATT for the Yorkshire Region said "Apprentices have always been a vital cog of local authority housing repair and other teams and even though their numbers have been decreasing in recent years they continue to make a vital contribution to work of the local authority. UCATT understands the benefits of having an apprenticeship in place and Leeds City Council also recognise the advantages to be gained from such a scheme.

We are well aware of the major need the country has for housing as well as other infrastructure projects such as highways and rail improvements and flooding protection and these projects provide an ideal opportunity to train the next generation of tradesman and women at the same time as ensuring many young people gain a job and a skill whilst contributing to an expanding economy".

# Report back

## *A round up of APSE advocacy and events on behalf of our members*

Another busy few months for APSE as we report back on recent events and activity across the UK

## England

### Stop-Go

Dialogue continues with traffic commissioner, Beverley Bell, on further guidance issued on driver hours and the working time directive. A guidance letter from the traffic commissioner has been circulated to APSE members as a briefing note explaining that she is working with APSE on approaches to new guidance.

### Labouring on Energy

APSE held a fringe event with the Town and Country Planners Association (TCPA) during the course of Labour Party Conference in Manchester to explore the use of municipal energy schemes. The meeting was addressed by MP's Andy Sawford and Alan Whitehead. A further meeting between APSE and the TCPA was held in London on Wednesday 15 October 2014. APSE was represented by Paul O'Brien.

### Talking strategy at the Conservative conference

APSE held a strategic forum at the Conservative Party Annual conference in Birmingham looking at Peterborough's approach to municipal energy schemes and its renewables strategy. Peterborough was represented by Cllr Gavin Eley, cabinet member for the environment. The event was also attended by Mo Baines and Rob Bailey.

### Energising training

APSE met with Lord Redesdale a Liberal Democrat peer on Tuesday 14 October to discuss training needs for local authority energy managers. Discussions are ongoing. APSE was represented by Paul O'Brien and Jan Kennedy.

## Wales

### Reform in Wales

The Williams review was published in January 2014 and in July 2014 the Welsh Government issued a white

paper in response 'Reforming Local Government' followed by a consultation period which closed on 1 October 2014. APSE has responded to that consultation paper and has provided a briefing to members.

### The Welsh Climate

APSE Wales has recently introduced a new advisory group for Wales 'Climate Change and Renewables' following a successful pilot and is now running a further pilot group on Sports and Leisure. The programme of APSE Wales advisory groups is ongoing.

## Scotland

### Good food nation

APSE has collaborated with the Scottish Government to promote The Scottish Governments 'Good Food Nation' looking at sustainable procurement in food.

### Bagging it

APSE Scotland and member local authorities have been part of an ongoing dialogue on the introduction of the plastic bag tax and its impact on school meals, following some concerns about how this can be fairly implemented in this sector.

### SWITCH onto waste

Following discussions with SWITCH APSE Scotland will be represented on the SWITCH forum executive board by Andy Malcolm secretary of APSE Scotland's waste and recycling advisory group.

## Northern Ireland

### Organising for reorganisation

APSE's Chief Executive continues to chair the Local Government Reform Joint Forum as part of the preparations for local government reorganisation. Phil Brennan of APSE continues to support the development of the new organisations through an events led programme in Northern Ireland and the active promotion of APSE membership and services such as performance networks, which will greatly assist

the new councils meet the challenges of change.

## At your leisure

APSE Northern Ireland meetings have taken place with high profile council and industry speakers; which has included an event on Friday 17 October at Dungannon, on environmental services and on Friday 13 June 2014 on leisure services at the Lough Neagh Discovery Centre, County Armagh. The themes of these events are exploring the views expectations and realities of reorganisation.

## International

### The Land of Oz

APSE has been referenced in an Australian research study into markets and public services with specific references to APSE's work on insourcing. The report produced by Professor Brian Dollery follows a delegation visit to the UK including meetings with the York Fairness commission.

### Spain 1 Italy 1

APSE's Chief Executive Paul O'Brien recently participated in a study tour of waste management facilities at Barcelona City Council, whilst Director of APSE Energy, Mark Bramah, attended a recent TCPA conference on energy in the Italian City of Brescia.

## A message from Cllr Arwyn Woolcock, APSE National Chair 2014-2015

I am delighted to have been chosen by APSE members and my colleagues to serve as APSE's National Chair once again. I previously held this role in 2008/09. I will be supported in my role by Martin Nicholls from the City and County of Swansea Council who has kindly agreed to act as my National Secretary.

My predecessor Cllr Leon Unczur has been absolutely focussed on ensuring that APSE delivers on its core priorities and under his careful stewardship the organisation has continued to successfully serve its membership through the services it provides.

And with that legacy I would like to set out my own priorities for the coming year.

First of all I intend to deliver on APSE's priority of becoming a louder and more influential voice. Louder, by APSE's voice being heard more clearly in the media, not just by traditional means but by embracing social media in a much more effective way. Influential, by engaging with Governments, Assemblies, Committees, All Party Parliamentary Groups and Civil Servants in a more meaningful way.

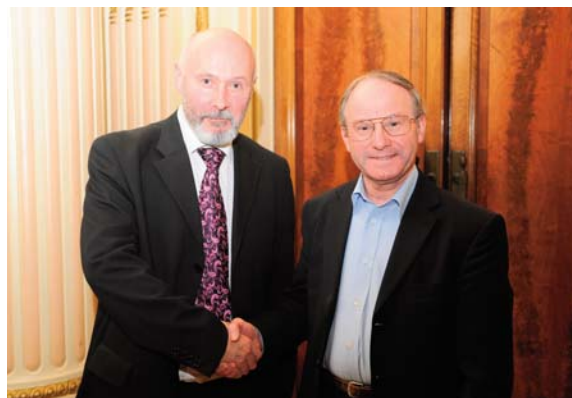
My second priority is that I want to see APSE continuing to invest in its ground-breaking research programme around the Ensuring Council in order to help our member local authorities as they seek to transform and change to more sustainable models fit for the future in spite of the uncertainty of local government finance. The research programme will continue to focus on the key public policy issues set by APSE's National Council.

And finally my third priority is to achieve the growth in APSE's core services of membership resources, performance networks, solutions, training and energy, that the business plan sets out.

We believe that local government is a significant part of the solution to many of the problems which we face. Local government is efficient and lean and the evidence shows it. But we are also innovative, ingenious and entrepreneurial. I see my role as helping to make that case on behalf of APSE's membership.

I will work closely with my colleagues, both fellow councillors and officers, on our National Council and I know that I can always rely on them for good advice. We have built up a strong rapport and camaraderie across the political spectrum and across the nations, based on shared aims and values which transcends any geographic or political divides.

I am looking forward to working APSE's national council our secretariat and of course our loyal member authorities to deliver on our vision for local government.



*Outgoing National Chair Cllr Leon Unczur, hands over to Cllr Arwyn Woolcock at the APSE annual general meeting 2014 in Nottingham*



# Ensuring change: Building capacity in local government

**Mike Bennett, Director of Public Intelligence and Professor Kevin Orr of the University of St. Andrews explain their findings of a recent research study into delivering on change and capacity building in local government.**

For over 140 years local authorities have been innovating in times of hardship as well as in times of growth. In areas as diverse as public health, education, transport, infrastructure, civil engineering, economic development, parks and libraries and commercial asset management, local government has a strong tradition in providing leadership and creating the conditions for social and economic progress.

However in recent times the focus on local authorities throughout the UK has been to meet the financial challenges of austerity. The debate has shifted from developing services to limiting the role of local councils, looking at what has to be provided rather than what many would like to be able to deliver to local communities. And on top of austerity the list of public policy challenges is seemingly endless. From public health to housing, from flagging local economies to climate change, from youth unemployment to the ageing population, councils are limited by resources but creaking under new or growing demands.

While some local authorities believe that divesting themselves of resources and assets is the best approach to meet these challenges, with faith in markets and competition to drive down costs, many are unconvinced by this 'enabling' approach. We set out in partnership with APSE to explore through our research whether there is a willingness to embrace change and develop the future capacity in local councils through the prism of an 'ensuring' rather than 'enabling' council. The APSE ensuring council model is a well-developed concept based upon the principles of stewardship within local economies, maintaining core capacity to deliver services, municipal entrepreneurialism, collaboration, social justice and political accountability. So our research set out to expand on some of those themes, in particular municipal entrepreneurialism and core capacity, with evidence that these approaches can work.

We found that many councils are showing the creativity, imagination and resilience which characterises an entrepreneurial approach within local government, to protect their communities and ensure that they are able to retain the core capacity to deliver local services and steer local economies. The new norm in local government is adaptability and the ability to reinvent continually in the face of never-ending change. Councils are taking a step up, not a step back, from the challenges which they face.

Whilst this municipal spirit is encouraging we are the first to acknowledge that times are very tough indeed and it is not equitable to ask local councils to take a larger proportion of cuts than the rest of the public sector.

Our case studies of Leeds City Council found that, as the council leader Cllr Keith Wakefield, said 'enterprise does not just belong to the private sector'. Following a council driven initiative 'Commission on the Future of Local Government' in 2012 Leeds City Council has gone on to develop Civic Enterprise Leeds a business operating as a trading arm of Leeds City Council to bring in revenue, create additional business and make improvements to services, underpinned by strong civic values of trust and

transparency. In Flintshire the council has adopted a new dynamic operating model at the heart of which is the development of people and capacity building. Instead of picking off the shelf management development solutions the council aligned what they needed from their management teams, against the improvement needs of the council. Throughout they have retained a positive relationship with the trade unions and, in the face of somewhat inevitable reductions in staff, have sought to ensure staff have transferable and accredited skills to help them in their future careers.

Similarly in Telford and Wrekin Council they have adopted a collaborative approach in service delivery aiming to involve employees, residents and service users in a journey to collaborate and integrate delivery. Part of the next steps in their plan is to develop further capacity to support projects which have a social or commercial objective to help deliver local economic growth. The council itself is developing packages of support to SMEs in the local area, providing both an income stream to the council and cost effective support to encourage new businesses. In Glasgow the council brought together a complex range of services and job roles to form a more joined up land and environment department, including fundamental service redesign, which has explored new working patterns and pay arrangements and an extensive staff training programme. Building on the Commonwealth Games legacy is part of the future direction for Glasgow but during the Games they were immensely proud to put their front line services and staff on show to the world.

This study presents real evidence of councils who have made the strategic decision to invest in their own organisations and to build internal capacity. Our case study authorities show that they have embraced entrepreneurialism, innovation and commercialisation as the principles driving their strategic choices, service design and front-line practices.

We are sure that other APSE members will find a real depth of ideas in the case studies and in the research report itself which includes a useful 'Framework for Ensuring Change' which sets out some principles to guide organisations facing up to the challenges. 'Ensuring Change: Building Capacity in Local Government' takes the debate away from salami slicing or outsourcing solutions and reinvigorates the dynamism which we know exists in local government.

Contact: [mike.bennett@publicintelligence.co.uk](mailto:mike.bennett@publicintelligence.co.uk)

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# Anti-Social Behaviour, Crime and Policing Act 2014: Are you prepared?

*The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new obligations and powers on landlords. Gez Kinsella of the Chartered Institute of Housing outlines the key issues for landlords and asks if you are prepared?*

Many in the social housing sector have keenly awaited the arrival of the new Anti-Social Behaviour, Crime and Policing Act 2014 which came into force on the 20 October 2014. Crime and Anti-social behaviour is rarely out of the headlines and it is often landlords, including local councils, which end up in the firing lines from press bullets about supposed inaction or complacency on the part of landlords whilst landlords equally feel frustrated about the mire of regulation.

However already just days into the new act landlords have hit a stumbling block; the Home Office has announced a delay to Part 1 of the Act which is the part of the Act which introduces the new 'civil injunction'. So while the substantive part of the Act has come into force Part 1 has been delayed because of changes to the legal aid legislation, which provides for respondents to be assessed for suitability in injunctions proceedings. It is anticipated that Part 1 will be introduced after the end of January 2015 but in the meantime there are still many things for landlords to consider.

So, what does this minor delay in Part 1 mean for landlords? Well for the time being, the anti-social behaviour injunction (ASBI) and anti-social behaviour order (ASBO) should continue to be used as normal. Landlords are reminded that a breach of the existing ASBI will not satisfy the absolute grounds for possession. But what are the future implications?

## What is Part 1 of the Act all about?

Part 1 of the Act relates to the use of the new injunction that allow courts to issue an injunction against anyone over 10 years old who is 'engaged or threatens to engage in anti-social behaviour'. Currently, courts are only able to issue injunctions against anyone who is 18 years old or over. The new injunctions will prohibit someone from doing anything which leads to anti-social behaviour. It includes powers which will require a person to take 'positive' action to reform themselves, such as undertaking training or joining a rehabilitation programme.

The new injunction can be applied for by a number of agencies. There is therefore a real necessity to work closely with these partner agencies so all parties know who has been issued with an injunction and by whom, with a shared understanding on reporting and acting on breaches.

The fact that this and other powers (e.g. Criminal Behaviour Orders) applies to those under 18 years of age, places a responsibility on landlords and others to consult with Youth Offending Teams (YOTs) and to keep other relevant agencies, such as schools informed. If you do not already have a working relationship with your local YOT, start talking now. A good working relationship with this agency will be critical if landlords are going to be effective in preventing ASB and nuisance where appropriate and taking enforcement action where necessary.

There are of course some obvious sensitivities with the new powers extending to action on considerable lower age groups than previously permitted. Balancing these concerns and sensitivities will be essential. Some YOTs may see landlords as wanting to pursue enforcement action at all costs. It is important therefore, at an early stage, to reassure YOTs that the interest of landlords and the YOT are aligned. Where a landlord's relationship with a YOT is either new or in its infancy, I would suggest identifying shared objectives as well as addressing the more operational issues of responsibilities, actions and timescales. Where younger people are concerned it will also be necessary to show appropriate lines of accountability.

## What else do landlords need to know?

As with all new enforcement legislation successful implementation means knowing what your responsibilities are and then ensuring you have the appropriate processes in place. Take time to review your policies and procedures, especially in relation to absolute possession powers and the associated review process. The Anti-Social Behaviour Act 2003 placed a requirement on landlords to prepare and publish a statement of policy and procedure on anti-social behaviour. A Code of Guidance was then published in August 2004 on the contents of policy and procedure. It may be worth revisiting this in order to refresh your documents.

Here are some other action points you may want to consider

- Review your sign up procedure – the statutory guidance makes explicit reference to this. Does your process include informing the tenant of the new absolute grounds for possession?
- Check your tenancy agreement and warning letters. There are some examples where the wording of tenancy agreements precludes landlords from using absolute grounds. Do your agreements fall in to this category?
- Positive requirements – have you considered using tenancy support teams or working with other landlords/agencies to provide this service for them? There are also opportunities to work locally through the Troubled Families programme. If the assessment criteria for referrals to this programme dovetail with the terms of the positive requirement, funding may be available through the programme.

## Community Protection Notices and Local Authorities

The other substantive change is a delay in the Order enabling local authorities to delegate the issuing of Community Protection Notices (CPNs). We've yet to see how these notices will be used. Some local authorities may restrict the use of these powers for environmental purposes (e.g. untidy gardens). However, if they are used in cases of domestic noise, CPNs could be a powerful tool in the landlord's armoury. However there is a note of caution - we are yet to see how this will work in practice, so given the cash strapped nature of many local authorities, under what circumstances would a local authority wish to delegate powers and/or issue fixed penalty notices and fines to another body?

Two other areas for consideration are the new absolute grounds for possession which again commenced in England on the 20 October and amendments to the court civil procedure rules which came in to force on 1 October.

Anecdotally, CIH practitioners are hearing that there is a lack of awareness within the court system, which may mean landlords need to make good use of court user groups to inform the processes.

As with all new and merging legislative matters there will be varying degrees of certainty. Ultimately new legislation will be interpreted by the courts but sensible preparation, reviewing policies and procedures to ensure compliance, and landlords implementing the new powers, will help to maximise the efficacy of the new powers, in combatting anti-social and nuisance behaviour.



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