

# AGENDA



## CABINET

**MONDAY, 10 MAY 2010**

**11.00 AM**

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,  
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS:	Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships), Councillor Ray Auger (Portfolio: Access & Engagement), Councillor Paul Carpenter (Deputy Leader & Portfolio: Corporate Governance & Housing), Councillor Mrs Frances Cartwright (Portfolio: Economic Development), Councillor John Smith (Portfolio: Healthy Environment) and Councillor Mike Taylor (Portfolio: Resources and Assets)
Committee Support Officer:	David Lambley 01476 406297 e-mail: <a href="mailto:d.lambley@southkesteven.gov.uk">d.lambley@southkesteven.gov.uk</a>

**Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked \*.**

**1. APOLOGIES**

**2. MINUTES**

To confirm the minutes of the meeting held on 12 April 2010.

**(Enclosure)**

- 3. DECLARATIONS OF INTEREST (IF ANY)**
- 4. \*LEISURE MANAGEMENT AGREEMENT**  
Report number AFM143 by the Healthy Environment Portfolio Holder.  
**(Enclosure)**
- 5. \*EQUALITIES REPORT: ANNUAL REVIEW OF THE "CORPORATE EQUALITIES SCHEME" AND PUBLICATION OF THE "COUNCIL'S EQUALITIES IN EMPLOYMENT" MONITORING REPORT**  
Report number CHSC0024 by the Cabinet Champion for Equalities.  
**(Enclosure)**
- 6. SUPPLEMENTARY ESTIMATE TO THE BUDGET FRAMEWORK 2010/2011**  
Report number CHFCS100 by the Assets and Resources Portfolio Holder.  
**(Enclosure)**
- 7. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS**
- 8. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.**
- 9. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)**
- 10. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS**
- 11. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**
- 13. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

# Agenda Item 2



## **MEETING OF THE CABINET** **12 APRIL 2010 - 11.00 AM – 11.26 AM**

### **PRESENT:**

**Councillor Ray Auger**  
**Councillor Paul Carpenter**  
**Councillor Mrs Frances Cartwright**  
**Councillor John Smith**  
**Councillor Mike Taylor**

**Councillor Mrs. Linda Neal - Chairman**

**Chief Executive (Beverly Agass)**  
**Interim Strategic Director (Tracey Blackwell)**  
**Deputy Section 151 Officer (David Scott)**  
**Corporate Head Resources and Organisational Development (Paul Stokes)**  
**Service Manager Assets and Facilities (Liz Banner)**  
**Team Leader Assets and Facilities (Susie McCahon)**  
**Monitoring Officer/Legal Services Manager (Lucy Youles)**  
**Cabinet Support Officer (Lucy Bonshor)**

**Non-Cabinet Members: Councillor Nick Craft**  
**Councillor Stuart McBride**

### **C076. MINUTES**

The minutes of the meeting held on 8<sup>th</sup> March were approved as a correct record.

### **C077. DECLARATIONS OF INTEREST (IF ANY)**

Both Councillors Mrs Cartwright and Auger declared personal interests in agenda item 4 (Lincolnshire Flood Risk and Drainage Management Framework). Councillor Mrs Cartwright as she lived in a flood risk area and Councillor Auger as he was SKDC's representative on the Welland and Deepings Drainage Board.

C078. \*LINCOLNSHIRE FLOOD RISK AND DRAINAGE MANAGEMENT FRAMEWORK

**DECISION:**

**To adopt the Lincolnshire Flood Risk and Drainage Management Framework on behalf of South Kesteven District Council, allowing for confirmation of details of representation on the partnership groupings by the framework Strategy Group on the understanding that any future financial commitment be considered separately.**

Considerations/reasons for decision:

- (1) Report AFM0144 by the Portfolio Holder Healthy Environment.
- (2) The Pitt Review published in 2008, recommending significant changes to the way that flood risk is managed in England and Wales.
- (3) The Flood Risk Regulations 2009 and the Flood and Water Management Bill.
- (4) The Lincolnshire flood risk and drainage management framework is recognised as national best practice by the LGA and IDeA.
- (5) Comments made by Cabinet Members at the meeting.
- (6) Comments made by the Section 151 Officer within report AFM0144.

Other options considered:

Not to adopt the Flood Risk and Drainage Management Framework.

C079. \*ADDITION TO THE SKDC OFF STREET PARKING PLACES ORDER 2002 RESPONSE TO CONSULTATION

**DECISION:**

**That Cabinet recommends to Council**

- 1) **That authority is granted to proceed with the proposed South Kesteven District Council Off-Street Parking Places Order 2009, following the consultation period.**
- 2) **That the order is made.**

Considerations/Reasons for decision:

- (1) Report AFM0137 by the Portfolio Holder for Economic Development.
- (2) No objections received during the consultation period.
- (3) Letters of support in respect of the proposals from Lincolnshire Road Safety Partnership and Lincolnshire County Councils Highways Department.
- (4) Comments made by Cabinet Members at the meeting.
- (5) Comments made by the Monitoring Officer at the meeting.

Other options considered:

- (a) The Police verbally communicating with the people misusing the car parks and written communication with the people involved. Despite both the options being carried out, there are still recurrent problems.
- (b) Possession action can only be taken against the registered owner. The registered owner is not the person operating the car sales. Once proceedings have been started with vehicle has been sold or moved from the Council land and different vehicles are put in their place. Possession action in respect of each vehicle is not an effective remedy.
- (c) Although the DVLA have acquired powers to impound untaxed vehicles found both on and off the highway, they have been unable to take any action in respect of the car parks referred in report AFM0137. In any event some of the vehicles being left on Council car parks are taxed.

#### **CO80. THE TRANSFER OF STAMFORD RECREATION GROUND TO STAMFORD TOWN COUNCIL**

##### **DECISION:**

- (1) **To grant authority to transfer the freehold ownership of Stamford Recreation Ground (“the Property”) shown edged red on the map attached to report AFM0142 to Stamford Town Council.**
- (2) **The transfer of the freehold property to be at a nominal purchase price and the Property to be used for recreational purposes only subject to the Town Council paying the cost of transfer incurred by the District Council.**
- (3) **The Property to be maintained to at least the present standard and a covenant to be included with a right of pre-emption in favour of the District Council in the event that the Property is not used for recreational purposes, all costs associated with a transfer back to the District Council to be incurred by Stamford Town Council.**

Considerations/reasons for decision:

- (1) Report AFM0142 by the Portfolio Holders for Assets and Resources and Healthy Environment.
- (2) Having due regard to the objections received during the consultation period regarding the transfer and the potential future use of the site.
- (3) Comments made by Cabinet Members at the meeting.
- (4) Comments made by the Monitoring Officer at the meeting.

Other options considered:

- a) To retain the Property in District Council ownership. All current maintenance would continue as a cost on the general fund;

b) To sell this land on the open market. Part of the Property is bound by a restriction to use the land for recreational purposes. This use can be best achieved by the transfer to another public authority which has the power to own land for that purpose.

**DATE DECISIONS ARE EFFECTIVE**

**Decisions CO78 &CO80 as made on 12 April 2010 can be implemented on 21 April 2010 unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.**

**Decision CO79 stands referred to Council on 22 April 2010.**

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ**

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## REPORT TO CABINET

**REPORT OF: Healthy Environment Portfolio Holder**

**REPORT NO: AFM0143**

**DATE: 10<sup>th</sup> May 2010**

<b>TITLE:</b>	Leisure Management Agreement	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key Decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Healthy Environment Portfolio Holder	
<b>CONTACT OFFICER:</b>	Paul Stokes – Corporate Head Resources and Organisational Development 01476 406410 <a href="mailto:p.stokes@southkesteven.gov.uk">p.stokes@southkesteven.gov.uk</a> Susie McCahon – Team Leader Asset & Facilities 01476 406423 <a href="mailto:s.mccahon@southkesteven.gov.uk">s.mccahon@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:  n/a
<b>Equality and Diversity</b>	n/a	n/a
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the local democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	LAC 146, LAC 147, LAC 148, LAC 149, LAC 150, AFM040, AFM050, AFM056, CHFR 96,	

### 1. RECOMMENDATIONS

**It is recommended Cabinet consider the proposals detailed in this report and agrees that:**

- 1.1 the District Council enters into a Leisure Management Agreement , associated schedules and related documents for the provision of the management of its' leisure services at Bourne, Deepings, Grantham and Stamford centres with Leisure in the Community (LITC), an industrial provident society (IPS) through a five year contract with the option of a break clause available to either party at the end of year three of the contract term
- 1.2 the District Council grants leases or licences to the IPS for each centre for the term of the Management Agreement

- 1.3 the District Council enters into a collateral warranty between Leisure Connection and the Council by which Leisure Connection will warrant the skill and care of the performance of the services and other obligations in the Management Agreement
- 1.4 the District council agrees the IPS provides the management of the leisure centres through a contract (related to the Management Agreement) between the IPS and Leisure Connection to transfer, for the venues set out below, giving Leisure Connection responsibility for performance of the Services
- 1.5 the Cabinet delegate the negotiations on the terms of the documents required to implement the proposed management provision to the Corporate Head of Resources in agreement with the Portfolio holder for Resources and Assets in consultation with the Portfolio holder Healthy Environment and to the satisfaction of the Council's Statutory Officers.

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

- 2.1 The purpose of this report is to obtain the approval of Cabinet to proposed method of provision of the management of leisure services.
- 2.2 On 17<sup>th</sup> April 2008 Council agreed the following:
  - a) To approve the transfer of the Council's Leisure Facilities to a Leisure Trust for a period of 15 years or for the period of the leisure agreement whichever is the shorter.
  - b) To delegate the negotiations on the terms of the transfer, for the venues set out below, to the Service Manager – Asset and Facilities Management in agreement with the Portfolio holder for Finance and Assets in consultation with the Portfolio holder Healthy Environment and to the satisfaction of the Council's Statutory Officers. The following venues will be transferred by lease:
    - Grantham Meres Leisure Complex (incorporating the Grantham Meres Leisure Centre and the South Kesteven Sports Stadium)
    - Stamford Leisure Centre
    - Bourne Leisure Centre; and
    - the Deepings Leisure Centre will be transferred by Licence
- 2.3 Leisure Connection had previously submitted proposals to manage the leisure facilities on the basis of a Non-Profit Distributing Organisation (NPDO) model.
- 2.4 However due to issues regarding registration of the NPDO with the Charities Commission the decision was taken to shelve the establishment of the NPDO model in the short term and present a new management proposal based on the Industrial and Provident Society (IPS) contract structure. Following subsequent detailed discussions/negotiations with Leisure Connection this report highlights the key commercial terms agreed subject to contract, and based upon the principles of their original submission in providing the most economically advantageous tender, which sought to ensure the best financial performance and value for money from the services whilst at the same time

improving the standards of service based upon a weighting of technical 40% and commercial 60%.

### **3. DETAILS OF REPORT**

- 3.1 Leisure Connection will introduce an Industrial & Provident Society (IPS) called Leisure in the Community (LITC). This IPS is registered under the Industrial and Provident Societies Act 1965 and overseen in a regulatory context by the Financial Services Authority, formerly the Registrar of Friendly Societies. The principal objective of the IPS will be to promote the provision of leisure facilities.
- 3.2 Leisure Connection work under this existing structure in eleven operational council contracts with local authorities, including North Kesteven District Council and South Holland District Council.
- 3.3 The IPS will take a lease/licence or an assignment of the lease/licence. This will result in the IPS being liable for all business rates costs relating to the leisure premises..
- 3.4 The IPS will enter into a Leisure Management Contract with the Council and as such, the IPS will have certain regulatory responsibilities such as those of controlling access, collecting income, monitoring usage, management of long term and lifecycle maintenance, checking the forward community programme and providing an annual report to the Council.
- 3.5 The Council will permit the IPS to sub-contract the provision of the bulk of the required leisure management and maintenance obligations to Leisure Connection. Leisure Connection will account for any VAT.
- 3.6 The IPS will be supported by Leisure Connection through the secondment to it of sufficient staff and administrative resources to discharge its operational role under the contract. Staff seconded will be reception and maintenance staff and an element of management time. Leisure Connection will meet the costs associated with this from within its budget.
- 3.7 This structure allows the IPS to apply for mandatory relief for non-domestic rates at the level of 80%.
- 3.8 The Leisure in the Community Trustees are wholly independent of Leisure Connection whose structure was agreed after discussion with the Financial Services Agency (FSA) when they audited the relationship between LC and LITC through several contractual relationships.

#### **Community Benefit**

- 3.9 One of the principal objectives of the IPS is to provide community benefit. This is usually achieved via the savings levered from rate (NNDR) relief being re-invested within the community locally or the facilities themselves.
- 3.10 We are aware that other councils have utilised the mechanism across a wide variety of services. The IPS has been able to use the LITC brand to obtain

additional funding without using the name of either the local authority or Leisure Connection.

3.11 As LITC is already an established body, and the legal framework to facilitate its introduction to the contract structure is well developed, it is anticipated that it would take a maximum of eight weeks to establish the Council as a member of the IPS once commercial agreement is reached.

### **Principal Commercial Terms**

3.12 In overview the commercial terms of Leisure Connections proposal are as follows:

3.13 The Council to benefit fully from the NNDR savings resulting from the implementation of an IPS contract structure.

3.14 Leisure Connection to waive the initial legal set up costs of £25,000.

3.15 The Council to enter into a five year contract with the option of two-way break clause at the end of year three of the contract term.

3.16 The IPS would receive a Management Fee payable by the Council of £30,000 per month for the provision of the management of its leisure services at Bourne, Deepings, Grantham Meres Leisure Complex (incorporating the Grantham Meres Leisure Centre and the South Kesteven Sports Stadium) and Stamford.

3.17 The management fee is not guaranteed insofar as the Payment Mechanism allows a deduction under a rigorous and robust Performance Monitoring System for failures in performance standards which is all part of the previously tendered continual competitive dialogue process. In addition there will be a gain share mechanism for mutual benefit which will benchmark Leisure Connection's profitability against expectations. This will include any profit after including the management fee which is in excess of 6% of turnover per month being returned to the Council. Any deductions in the management fee are separate to this account and would not affect profitability figures.

3.18 The Asset & Facilities team have worked closely with Leisure Connections over recent months to address operational issues at the Meres Leisure Centre. The contractor has delivered an improved service to users of the site during this period. Enhanced performance monitoring provisions will provide an ongoing incentive to keep standards high under the new contract terms.

3.19 The contract documentation will also incorporate a utilities benchmarking agreement based upon that previously agreed within the proposed NPDO model which will ensure that the council receives financial benefit of investments on energy saving schemes, for example pool covers.

3.20 Under the new agreement Leisure Connection will have no requirement to make capital investment into the centres. However, this will not preclude investment on commercial grounds.

3.21 Leisure Connection will accept responsibility for all repair and replacement items under a £500 threshold.

#### **4. OTHER OPTIONS CONSIDERED**

4.1 The other option considered was to extend the interim agreement with Leisure Connection for a period of time and proceed to a tender process which would incur significant cost. The proposal from Leisure Connection is more economically advantageous than the previous second lowest bid from the original tender procedure. The proposal is considered to provide value for money and is from the company which was selected from the competitive dialogue as preferred bidder to negotiate contractual terms.

#### **5. RESOURCE IMPLICATIONS**

5.1 The budgets for 2010/11 have incorporated the Management Fee payments as detailed within this report and no assumption can be made regarding any reduction in business rates.

#### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

6.1 The nature of the proposed Leisure Management Agreement mitigates the potentially significant risk of non continuity in the provision of leisure services at our centres.

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

7.1 None are specifically identified.

#### **8. CRIME AND DISORDER IMPLICATIONS**

8.1 None are specifically identified.

#### **9. COMMENTS OF SECTION 151 OFFICER**

This is a significant discretionary area of expenditure for the District Council and all efforts have been undertaken to ensure the new contract arrangements delivers best value for money for the community. It is important to ensure that the current 'open book' arrangements between the Council and the contract provider continue under the new contract to ensure there is opportunity to ensure both costs and income are scrutinised. The proposed £30,000 monthly fee is a 'capped' amount and will be reduced under the gain share mechanism should the contract provider perform in excess of 6% profit/turnover ratio. The break clause after 3 years will give the opportunity for both parties to terminate the contract should the financial position or performance fail to meet expectations. In addition the Council should ensure robust contract monitoring arrangements are in place and exercise penalty clauses when necessary.

The IPS will be required to apply to the Council in respect of any business rate relief once the premises have been leased. The application must be able to demonstrate the community benefit of the new arrangements and satisfy all aspects of the application criteria in order to obtain any rate relief (mandatory or discretionary). Members are reminded that mandatory rate relief is 80% of business rates payable and the remaining 20% is a discretionary relief 'top up'. This element is funded 75% from the District Council and 25% from the national business rates pool.

## **10. COMMENTS OF MONITORING OFFICER**

The Council went out to tender for the provision of the management of leisure services throughout the district with the purpose of providing a benefit to the community. As a result of that tender exercise, Leisure Connections Limited was selected as the preferred provider of those services. Leisure Connections Limited proposed provision of the service through a leisure trust. The proposed trust did not obtain the required charitable status. Leisure Connections now propose provision of the service through an existing IPS. The Council has previously considered provision of the management of its leisure services through an IPS. It preferred the provision through a local leisure trust with charitable status. As this cannot be delivered, it must once again consider the IPS provision. This provision was anticipated in the report to Cabinet CHFR96. The future of IPS is uncertain as a legal entity. The term of the proposed agreement with the IPS has been limited to 5 years to allow the Council to review its options for the provision of the service in the near future.

The Council may provide the management of its leisure services in the way proposed by virtue of s.2 Local Government Act 2000 provided community benefit can be established.

Any lease/licence of the premises will be excluded from the provisions of the Landlord and Tenant Act 1954 preventing the creation of business tenancies and avoiding security of tenure. This will ensure that the leases will absolutely terminate on the termination of the contract with the IPS with no automatic rights of renewal.

The lease/licences are proposed at a peppercorn rent. This is a disposal at less than best price. This is permitted in accordance with s. 123 of the Local Government Act 1972 and the General Disposal Consent 2003.. The General Disposal Consent requires the identification and delivery of the community benefit of the proposals and evidence that the difference between the market value and the value received does not exceed £2 million.

The other documents required to introduce the proposals involve:

- a collateral warranty. This allows the Council to achieve a direct contractual relationship with Leisure Connections Limited to ensure the service delivery can be enforced by the Council.
- A parent company guarantee. This provides a guarantee to the Council from the parent company of Leisure Connections Limited guaranteeing the provision of the service to a specified value
- a payment mechanism. This will specify the terms of payments between the parties involved in the proposals.

- Licence to occupy the leisure centres from the IPS to Leisure Connections Limited. These will allow Leisure Connections Limited to occupy the centres to carry out the management. This will have to be approved by the Council.

All these documents have been approved in relation to the provision of the service through a leisure trust. The terms of the documents for the proposed IPS provision should reflect those terms already agreed.

# Agenda Item 5

## REPORT TO CABINET.

**REPORT OF: Cllr Frances Cartwright, Cabinet Champion for Equalities**

**REPORT NO: CHSC0024**

**DATE:**

<b>TITLE:</b>	<b>Equalities Report: Annual review of the 'Corporate Equalities Scheme' and publication of Council's 'Equalities In Employment' monitoring report</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Frances Cartwright, Cabinet Champion for Equalities	
<b>CONTACT OFFICER:</b>	Teena Twelves, Equalities Lead Joyce Slater, Service Manager, Human Resources and Organisational Development	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Local Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Corporate Equalities Scheme	

### 1. RECOMMENDATIONS

It is recommended that the Cabinet approves the publication of the annual review of the Corporate Equalities Scheme and Equalities in Employment monitoring report

### 2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to provide Members with an update on work to meet the commitments made by the Council in the Corporate Equalities Scheme 2009-12, and to meet legal requirements to monitor the Council's workforce under the duties of the Race Relations Amendment Act 1976 (amended 2000).

### 3. DETAILS OF REPORT

A draft of the Annual Review of the Corporate Equalities Scheme and a report on the Equalities in Employment monitoring report were considered by the Engagement Policy Development Group on Thursday 25 March. The meeting was attended by representatives of local community groups who have been invited to join a new

Community Focus group to work with the Council to progress the equalities agenda. The group recommended that Cabinet adopt the report for publication.

#### **4. OTHER OPTIONS CONSIDERED**

The Council was required under previous legislation to produce an annual review of its Corporate Equality Scheme. Following the promulgation of the Equalities Act 2010, this will be reviewed in new regulations expected by the autumn of this year. Similarly monitoring of equalities in employment is a requirement under the current legislation.

#### **5. RESOURCE IMPLICATIONS**

There are no additional resource implications to this report which provides a review of work undertaken to date.

#### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

None.

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

The report deals with equalities and diversity and our approach to providing equality of service to all groups in our community. The Council's action plan for meeting its equality and diversity commitments and obligations is regularly updated and any areas of work still outstanding at the point of this report will continue to be included in the corporate action plan.

#### **8. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications as a result of the review or the monitoring information provided.

#### **9. COMMENTS OF SECTION 151 OFFICER**

I have no specific comments to make in relation to the financial implications of this report.

#### **10. COMMENTS OF MONITORING OFFICER**

The Council has duty to monitor the data contained in this report for the purposes stated. In addition, paragraph 5(3) of the Race Relations Act 1976 (Statutory Duties) Order 2001 requires the Council to publish annually the results of all such monitoring. This report is made as the proposed publication of the results of that monitoring

#### **11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

*Not applicable.*

#### **12. APPENDICES:**

**Appendix 1:**

**2009/10 Annual Review of the Corporate Equality Scheme 2009-2012**

**Appendix 2:**

**Appendix 2:**

**Equalities in Employment Monitoring Report April 2010**

**South Kesteven District Council**

**Corporate Equalities Scheme  
Annual Report 2009-10**

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## **Foreword**

*We are pleased to introduce this first annual review of the Council's Corporate Equalities Scheme 2009-12. The scheme which was published in April 2009 sets out how the Council meets its statutory duties to promote race, disability and gender equality under the Race Relations (Amendment Act (2000), the Disability Discrimination Act (2005) and Equality Act (2006). This review is written as the new Single Equalities Bill is making its passage through Parliament, and will provide a sound foundation for the Council's response to the new emerging legislative framework around equalities and diversity.*

*Whether dealing with our own staff or with members of the public, the Council aims to treat everyone with respect and to be an organisation that values, promotes and celebrates diversity. We want to ensure that we provide services that reflect the needs of all members of our local community. With that in mind, our commitment to equalities and diversity is reflected across our four priority themes, and this review demonstrates how, whilst meeting those priorities for action, we have been able to build equalities and diversity into our mainstream policies, strategies and work programmes.*

*We are grateful for the help of our staff, our partners and community organisations who have supported us in the delivery of our objectives in the Corporate Equalities Scheme.*

Councillor Mrs Linda Neal  
Leader of the Council

Councillor Mrs Frances Cartwright  
Cabinet Equalities Champion

## Corporate priority themes

The Council has four priority themes, all of which have been assessed for their contribution to equalities and diversity in the Corporate Equalities Scheme 2009-12.

This is important to us	This is what we want to achieve	To achieve this we need to manage the following equality and diversity issues
<b>CUSTOMER FIRST</b>  Putting the customer at the heart of all we do	Excellent customer service and customer and community access to services	<p>Ensuring that all people can access our services</p> <p>Ensuring our staff understand the different cultures and service needs of local community groups and individuals, including potential physical, language and geographical barriers that may exist</p> <p>Ensuring that we communicate and engage with people, particularly regarding corrective action being taken to improve services</p>
<b>QUALITY LIVING</b>  Protection and improvement of our environment  Improvement of health and well being  Working with our partners to create communities where people are safe and feel safe	A clear and safe environment in our towns and villages  Improved health and well being  Vibrant and cohesive communities	<p>Working with police and other partners to better understand and respond to differential patterns of crime and anti-social behaviour affecting young people, migrant communities and older and vulnerable people</p> <p>Ensuring that all group and individual reports of crime and anti-social behaviour are treated sensitively and sympathetically and monitored against recognised equalities criteria</p> <p>Ensuring consistent standards of street cleanliness in all parts of the district</p> <p>Understanding fuel poverty and the impact on the health of older and vulnerable people and taking action to address this</p> <p>Working with partners including health authorities, to address recognised health inequalities within the district</p> <p>Engaging hard to reach groups in</p>

This is important to us	This is what we want to achieve	To achieve this we need to manage the following equality and diversity issues
		<p>local democracy and community based services and activities</p> <p>Ensuring appropriate opportunities for young people and low income households in rural communities</p> <p>Ensuring access to housing and benefits and promoting choices for vulnerable people</p>
<p><b>GOOD FOR BUSINESS</b></p> <p>Develop strong, vibrant and inclusive communities with a strong economy</p>	<p>Revitalised local economy and communities</p>	<p>Monitoring trends in financial exclusion and economic divergence in the district (i.e. rich getting richer and poor getting poorer)</p> <p>Understanding and acting on diversity issues in relation to business and employees</p> <p>Supporting everyone to acquire skills to improve employability or encourage entrepreneurship</p>
<p><b>QUALITY ORGANISATION</b></p> <p>A council delivering brilliant service with improved performance and satisfaction levels.</p>	<p>An organisation that is customer focussed, which values its staff, and delivers quality services</p> <p>Increased efficiency through the use of technology and working with others</p> <p>Developed and motivated staff and members. A council that listens, consults and communicates well</p>	<p>Valuing all our staff, their diversity of skills and experience and the contribution that they can make to the Council's priorities</p> <p>Ensuring that we gain staff input to service improvements</p> <p>Ensuring that we train and communicate well with the workforce and elected members on the Equality Scheme.</p>

## **The Council's commitment to equalities and diversity**

The Council recognises diversity as a key strength to the South Kesteven district in the realisation of our corporate priorities, whilst acknowledging the complexity of needs and related issues that can arise.

The Council is therefore committed to understanding, identifying and responding to the equalities and diversity issues that are raised by the corporate priorities as set out above, and to ensuring that robust management and decision making arrangements are in place to demonstrate and deliver this commitment in practice.

### **Section 1: Background**

#### **Overview of South Kesteven district**

##### Location

South Kesteven is located in the southwest corner of Lincolnshire, incorporating the towns of Grantham, Stamford and Bourne and an area known as the Deepings with over 100 villages and hamlets covering 365 sq miles of countryside. The administrative headquarters are based in Grantham and the area was one of the fastest growing districts in the UK. The population of the area is estimated by the Office for National Statistics to be 132,000 for mid 2008 which is an increase of over seven thousand since the Census 2001. The GP registrations for the district show a population of 136,353. There was a 14% increase in population between the census' 1991 and 2001, compared to 4% for the East Midlands and 2.5% nationally. The gender split in 2001 was 49% male and 51% female.

##### Economy

Whilst Grantham has had a long association with the engineering industry, the manufacturing base in all areas continues to expand and diversify along with food processing, cold storage, distribution, agriculture, local government and the NHS, tourism and the service sectors. The unemployment rate for South Kesteven is 3.5% (January 2010) as compared to 4.2% for the East Midlands. The number of VAT registered businesses as at the beginning of 2008 was 5,015 which is an increase on the previous year of 4.37% and indeed has increased year on year for the past ten years or more.

There are a number of major development plans within the district. These include: Grantham for growth, the Bourne core retail area and the Northfield Industrial Estate in the Deepings.

##### Communications

The area lies approximately 100 miles from London, which is just an hour away by train from Grantham and within easy reach of Nottingham, Lincoln and Peterborough by road and rail. The district is skirted to the west by the main A1 traffic artery with the A15, A16 and A52 main road connections to other parts of Lincolnshire and the East Midlands. Whilst there are bus services between the major settlements and the many rural villages, the frequency of the services leaves the population heavily reliant on their cars for transport. The Census 2001

showed that 37.2% of South Kesteven's households have more than one car as compared to the national figure of 29.4%.

### Social Profile of the community

South Kesteven is a mix of urban and rural communities. The average house price is £164,124 (Jun 2009), which is a decrease of 10.7% over the past year which is in line with national trends. Most housing is detached or semi detached.

The employment rate (2009) was 78.9% as compared to 75.2% for East Midlands, with median average gross weekly earnings by residence of £458.70 and £460.50 respectively. Much of the employment within the district, however, is low paid with low skills levels. Average incomes are distorted by very high incomes of those commuting out of the district.

There are excellent high achieving schools in the district with 5 secondary schools achieving a 90%+ pass rate for 5 GCSE A\*-C grades in 2008 and 64.5% of all people had qualifications of NVQ2 or above.

South Kesteven tends to lose many of its young people particularly of college age, when they move away for education and job reasons and then do not necessarily return. We would appear to be starting to attract people of the middle age groups, including families with young children rather than the older residents. There are 14,800 people aged between 15 and 24 and 6,700 people aged 80 or over living in the district.

98.4% of the population, in 2001, were classified as "white" with the remaining 1.6% from ethnic groups such as Asian, African, Caribbean and Chinese. This means there are about 2,000 non-white residents in the district. There are 52 different nationalities living in the area totalling 5,050 persons registered for National Insurance contributions; the majority of whom come from Poland, Hungary, Lithuania, Latvia, Portugal, Slovak Republic, India, the Phillipines and South Africa.

There are two hospitals in the area, one in Grantham with an A&E dept. and the other in Stamford without an A&E facility. The NHS health profile for South Kesteven 2009 shows that drug misuse, hospital stays for alcohol related harm, people diagnosed with diabetes and new cases of tuberculosis are all significantly better than the average for England. The census 2001 showed the overall health of the population to be "good" with 4.1% (5,116 persons) described as permanently sick or disabled as compared to the national rate of 5.5%. The life expectancy rate for females is 82.2 years and for males it is 77.9 years (2009) which is higher than that for the UK.

The number of lesbian, gay, bisexual and transgender (LGBT) people is not known, however, based on national research by Stonewall and HM Treasury, the estimated number LGBT people living in the district is about 8,500.

Figures from the 2001 census show that 82% of the local population are of Christian belief with over 900 people recorded as Buddhist, Hindu, Jewish, Muslim and Sikh (ie less than 1% of the total population in 2001).

The Indices of Deprivation 2007 shows that only one lower level Super Output Area of 1,397 people or 1.1% of the district's population falls into the bottom 10%

of the most deprived areas in the Country. By contrast there are 18 lower level Super Output areas in the top 10% least deprived.

### Geography

The town of Grantham is the largest of the settlements with approximately 16,073 dwellings, Stamford is next largest with approximately 9,326, Bourne with approximately 6,321 and the Deepings with approximately 5,691, leaving almost 21,389 dwellings spread over the remainder of the 350 sq miles of the district.

There are four leisure centres and four libraries each based in the main towns with a mobile library to serve the rural community. Grantham and Stamford also have an arts centre with theatres and tourist information centres.

There are over 600 buildings classed as Grade II and 100 of these are Grade II\*, being of particular importance.

### Source:

Lincolnshire Research Observatory

Nomis

BERR

Land Registry

Office for National Statistics

DCFS

APHO and Dept of Health

## **National context**

### Legal context

As a local authority the Council currently has a range of legal responsibilities to meet general and specific equalities duties which are set by law. These require us to address discrimination, and to ensure that processes are in place to meet the equalities duties laid down for us. The key pieces of legislation currently in force are:

The Race Relations (Amendment) Act (2000)

The Disability Discrimination Act (2005)

The Equality Act (2006)

The Corporate Equalities Scheme 2009-2012 sets out our responsibilities under these laws in more detail, and how we aim to meet these. A copy can be obtained from our website at [link]

The new Equality Act 2010, sets out new duties which will increase the range of equalities action beyond the traditional groups of race, gender and disability, to include strengthen protection for all persons on grounds of age, sexual orientation, and economic disadvantage. This new legislation will inform a full review of the Corporate Equalities Scheme, which will now be brought forward from its programmed date of 2012.

### The Local Government Equality Standard and Equality Framework

The Council was assessed at Level 2 of the Local Government Equality Standard in 2006; following this, during April 2009 the new Equality Framework was introduced to replace the old Standard.

The Equality Framework measures local authorities against three standards:

- Developing
- Achieving
- Excellent

The Council recognises the changes which have occurred in the move from the Standard to the Framework. In particular the Council sees a need to ensure that a full understanding of equalities and diversity is essential across all staff and members in order to progress through the levels of the framework to achieve excellence.

With this in mind, the Council has focussed during 2009 on a programme of significant cultural change within the authority. The purpose of this programme is to ensure that the principles of equalities and diversity are reflected not only in our policies and procedures, but in the culture of the authority - the way that we work, or "the way that things are done around here".

The Council is currently working against a combined action plan which sets targets against the Corporate Equalities Scheme and the "developing" level of the Equalities Framework.

The Council will seek external validation and assessment once sufficient progress has been made to reach "Achieving" level in the Framework. It is anticipated that this will be during 2012 as there will be further additional work now required to bring the elements of the new Equalities Act 2010 into practice in the authority.

## **Managing delivery of the Corporate Equalities Scheme 2009-2012**

The Council has a number of existing and emerging groups that are working together to ensure progress in delivering the commitments in the Corporate Equalities Scheme.

### Corporate Equalities Group and Implementation Team

During 2008, the corporate management of the equalities and diversity agenda was radically overhauled. The Corporate Equality Steering Group, which included members, management and frontline staff, was disbanded, and two new officer groups were formed.

The Corporate Equalities Group has the management oversight for the Corporate Equalities Scheme and the equalities and diversity agenda in general. The Corporate Equalities Group is made up of the members of the management team for the Council; and once every quarter the management team devotes its agenda to equalities and diversity issues, receives an update on progress against the implementation plan, and presentations from staff on key projects, or local interest groups. A member of the management team is the management equalities champion and has the responsibility for the management of the equalities and diversity agenda in the Council.

The Corporate Equalities Implementation Team meets monthly, and is made up of "champions" representing each service in the Council, supported by the Equalities Project Officer and administrative support staff. This team works through task

and finish groups to carry out the actions in the plan, and reports through the corporate management structure to the Corporate Equalities Group. The work of this group is overseen by the management equalities champion, working with the Equalities Project Officer.

#### Community Groups

During 2009 progress has been made with local communities to identify and begin to work with two community based groups:

#### Tenant Equalities Group

This tenant group supports the work in the housing services and all members have been trained in equalities and diversity, and on how to conduct equality impact assessments (EIAs). The service level equality impact assessments for the landlord services have been discussed with the Group ahead of their publication for public consultation. The Group will have an ongoing role in monitoring the progress against the action plans which are drawn up as a result of the service level EIAs, also to assist with setting and monitor progress against the service level equality objectives which are included in the service plan.

#### Equalities Focus Group

This group is being made up of representatives from over 20 community groups and will play a similar role to the Tenant Equalities Group for non-tenancy related services.

### **Section 2: Our achievements during 2009 – 10**

The Council has set out on its voyage to achieve the aims in its Corporate Equalities Scheme 2009-12 and some progress has been made against key aims during 2009-10. The Council is not complacent in the face of these achievements, and this review therefore also outlines in Section 3 the main challenges, and equality actions that the Council still needs to deliver.

The reporting on the Corporate Equalities Scheme is set out in two parts. The first part goes through the actions set out in the statutory equality scheme, and identifies whether these have been achieved, or remain within the action plan for 2010-12. The second part identifies where the Council has made changes and improvements in its service delivery, to the benefit of its customers, in line with the equalities and diversity agenda, whether or not these are specific requirements within the Corporate Equalities Scheme.

### **Meeting our commitments in the Corporate Equalities Scheme**

The table below sets out what we committed to do within the Corporate Equalities Scheme 2009 -12 and the actions that we have taken to date to deliver on this. Where action is anticipated during 2010 – 12 this is also noted.

<b>Our commitment</b>	<b>Our action</b>
Monitor services to establish whether any racial groups, or people with disabilities , or men or women are under-represented and	During 2009-10 the Council has begun to implement a process of Service Equality Impact Assessments. This is a move away

<b>Our commitment</b>	<b>Our action</b>
where necessary take positive action to improve this imbalance	<p>from a policy-based approach to consider the whole service, and involves members of the staff team, and external “critical friends” in an analysis of the way that the service is delivered. As part of this analysis, the services are assessed to establish whether any groups are under represented. In the Tenancy Services group of services, where this work was piloted, results showed that no racial group was under-represented in the services provided, or in any aspect of service delivery.</p> <p>The Council also took part in the Lincolnshire-wide monitoring of customers of services to establish whether any groups were being unfairly treated. The surveys were circulated to customers and put on the SKDC website. A number of returns were received and these are currently undergoing analysis. This information will be added to our in-house data.</p>
Undertake impact assessments on all existing and proposed policies and practices	The Council continues to implement a programme of impact assessments for policies. Going forward, as services are holistically assessed, it is thought likely that the need for individual policies to be assessed will lessen, as any proposed changes would be picked up as part of the regular service assessment.
<p>Continue to provide a translation service for customers on request and ensure that all customer are aware of the service, by attaching the appropriate alternative formats document to all council information.</p> <p>Ensure that all information provided is easy to use and understand and is available in alternative formats such as large print, Braille and audio CD</p>	The translation service is widely available and widely used, and all frontline staff are now aware of the details of this service, and the textline service, through the use of special credit card sized information cards which fit with staff ID badges. The alternative formats document is used on all corporate publications in line with the guidelines in the 2008 Corporate Consultation Toolkit.
Seek to improve the level of engagement and two-way communication with representative	South Kesteven has worked hard during 2009-10 to increase the level of community engagement with

<b>Our commitment</b>	<b>Our action</b>
groups and individuals who have specific needs or concerns in relation to race equality	minority and hard to reach groups. We have also been a founder member of the Lincolnshire Equalities and Human Rights Council.
Set targets and establish appropriate HR policies and practices that reflect our commitment to being an employer of choice to all sectors of the local community	The Council is using the information collected in the annual equalities monitoring report (see Appendix 1) to inform future targets around equalities. Examples of good practice within our existing practices and policies include the flexible hours scheme, and the employee assistance programme.
Tackle discrimination, harassment and bullying, and inform staff on how they can help to make this work in practice	A review of the existing harassment and bullying at work policy is programmed into the Community Focus Action Plan to be completed by July 2010
Provide training for staff to equip them with the necessary skills to fulfil these requirements and provide advice and guidance	All staff have now been provided with and are working through the "Grass Roots" equalities training programme. All Equalities Champions who are members of the Equalities Implementation Group have attended specific training on impact assessment, religious belief, and disability during 2009-10.
Promote our hate crime reporting procedures to ensure that people are aware they can report incidents	A new corporate hate crime reporting procedure was introduced during 2009-10 and training provided to service managers by way of corporate briefing. The reporting forms are available on the Council website for not only staff but also members of the public.
Deal promptly and systematically with any racial incidents or complaints in accordance with the Council's hate crime and incident reporting procedure	The Community Safety team has responsibility for dealing with racial incidents and hate crime in the District. Service Managers were briefed on the work of the team and the hate crime and incident reporting process during 2009.
Deal effectively and consistently with any harassment, victimisation, discrimination and violence towards gay men, lesbians and bisexual people, or people practicing their chosen religion or belief	
Assess levels of new migrants arriving in South Kesteven and support community cohesion projects to develop understanding	Work to assess the levels of new migrants in the district is still outstanding, although there has been some research and analysis carried out to estimate numbers

<b>Our commitment</b>	<b>Our action</b>
	using proxy data sources such as NI and GP registrations. Work is continuing with these communities and during 2009-10 a group of young people from migrant communities in South Kesteven were supported to make a film – “Welcome to Grantham” about their experience of arriving in the town.
Assess the accommodation and other needs of gypsies and traveller and provide support to meet these needs	A Gypsy and traveller accommodation needs assessment was carried out in 2007 and through the Local Development Framework process the Council is ensuring that appropriate levels of land are available to meet the needs of this group.
Consult with disabled people, and our employees, to ensure, where practical, the council adequately meets the needs of our disabled citizens	The Council consulted a range of groups, including those representing employees and disabled people, on the Corporate Equalities Scheme and the commitments made within it. As part of the progress towards the annual review, groups representing people with disabilities have again been consulted.
Make it easy for everyone to use our service and our buildings  Carry out accessibility audits and ensure that we assess our premises to remove any barriers which might hinder access to our services and employment	The Council is ensuring through regular review that its buildings are accessible to people with disabilities. Where this is currently through “reasonable adjustment”, other possible future alternatives to provision are being examined to improve access to services. The Service Equality Impact Assessments (SEIA) programme has already delivered an improvement in this regard: it became apparent through the SEIA of the repairs and improvements service that the hearing induction loop had been removed from the service reception area. Whilst this is not often directly accessed by the public, it was felt to be important that this facility should exist in the event of a customer visit, and the facility has, since the SEIA report, been reinstated.
Undertake periodic equality reviews of our workforce	All staff data was validated during 2009-10 and following this a full Equality Monitoring Report was

<b>Our commitment</b>	<b>Our action</b>
	produced – see Appendix 1.
Carry out annual staff surveys to better understand the experiences of our workforce and take action to address any inequality or discrimination	Annual staff surveys have been regularly carried out since 2007 as part of our corporate briefing sessions using our handheld voting technology. This enables staff to immediately view the results of survey information, as well as ensuring a high level response rate.
Review the training and development needs of all our staff and members	A training review is planned within the community focus action plan for completion by March 2010 and the findings are to be included within our corporate training plan.
Ensure that men and women from all groups within the community feel engaged in decision making	The Council promotes community involvement through the use of community forums across the local area. These open public meetings are attended by representatives from parish/town, District and County Council, plus other community representatives.
Recognise the needs of carers and support appropriate work arrangements to allow them to work effectively.	The Council supports flexible working of its staff, through its annual hours policy, and its support for parents and carers
Carry out an equal pay audit and address any inequalities found	Proposals for the equal pay audit are to be brought before the Equalities and Diversity Implementation Group by March, and a report to Cabinet is timetable for May 2010
Support the formation of groups, networks and services for young people and older people as users of our services within South Kesteven	The Council recognises that there is still work to be undertaken in this area.
Carry out our duties under the Employment Equality (Age) Regulations 2006	The Council has complied with the requirements of these regulations to ensure that there is no discrimination on grounds of age in employment matters.
Carry out our duties under the Equality Act (Sexual Orientation) Regulations, which outlaw discrimination on grounds of sexual orientation in the provision of goods, facilities and services	The Council has introduced and uses standard clauses for the procurement of goods and services which seek to ensure that services are provided in an equal way to all groups. All Council directly provided services may not discriminate on grounds of sexual orientation
Challenge heterosexism and homophobia, religious and other	The Council promotes the equality of all employees and service users

<b>Our commitment</b>	<b>Our action</b>
intolerance by our employees, other organisations and users of our services	regardless of sexual orientation, belief, culture or other needs
Promote positive images of gay men, lesbians and bisexual people and challenge attitudes that patronise or discriminate against them	The Council recognises that there is still work to be undertaken in this area
Support the right of gay men, lesbian and bisexual employees and service users to be open about who they are	The Council is committed to supporting gay men, lesbian and bisexual employees and service users.
Comply with the Employment Equality (Sexual orientation) Regulations (2003)	The Council has complied with the requirements of these regulations to ensure that there is no discrimination on grounds of sexual orientation in employment matters.
Provide suitable facilities for employees to pray and observe their religious needs	Currently we have suitable facilities to meet the needs identified to us. If other needs were to be identified, the Council would endeavour to meet those needs
Justify the need for any particular style of dress to allow where possible employees to observe their religion	Currently we are able to meet these needs. If other needs were to be identified, the Council would endeavour to meet those needs.

### **Improving service delivery, consultation and engagement**

Details of examples where the Council has achieved progress during 2009-10 include:

- A corporate consultation toolkit has been published. The toolkit contains guidance on how to ensure that equalities aspects are considered when undertaking consultation
- A number of major community consultations have been undertaken during 2009-10 to involve the local community in policy making, including consultation events in Stamford and Grantham, including at specific estate locations around green issues such as recycling, energy efficiency and anti-social behaviour
- The Community Safety team have continued to work proactively with a variety of partners and other agencies, including SKDC Housing, Mencap, Social Services and the local Police to address issues of anti-social behaviour
- Handy sized credit card style information cards providing information on language line and text relay services have been produced for all frontline staff. These handy cards fit with staff ID badges to ensure that they are available at all times
- The Council's use of translation services has increased in terms of number of points of use, and also number of languages used
- A range of activities have been provided for young people and youth groups during 2009 including FairPlay Football sessions

- A group of Councillors attended training on Equalities and Diversity at the Holocaust Centre in 2009
- A new standardised corporate equalities monitoring leaflet was developed with the Engagement Policy Development Group and approved by Cabinet. This form will be used alongside new corporate guidance notes for members of staff and service users and it is hoped will increase levels of public participation in surveys and questionnaires
- During 2009-10 the management team and Cabinet received reports on economic trends monitoring. This was prompted by the economic situation but is continuing in light of the emerging duties around economic disadvantage
- Housing statistics from ongoing monitoring has demonstrated clearly that people from black and minority ethnic (BME) communities are not being unfairly treated in new lettings of Council housing
- The economic development service has continued to support youth entrepreneurship/women in business and provided a feature in our local magazine about employment and disability
- Diversion programmes – the Council has worked with its partners include police, community safety teams and local football clubs to provide a programme of "Fairplay Football" across the district
- The Council has made progress during the year towards the implementation of a choice based lettings scheme to offer increased choice to prospective tenants of Council and Registered Social Landlord properties in the district, with a decision by the Cabinet in principle to enter into negotiations with Peterborough City Council to join the sub-regional Peterborough Homes scheme
- A significant change occurred during 2009-10 with the introduction of Service level EIAs. A rolling programme of implementation has now been agreed through 2009-10 and 2010-11. Guidance notes and training were provided to support service managers and equality Champions in carrying out the service level equality impact assessments across the Council's services
- The Corporate Equalities Implementation Team has received training on Equality Impact Assessment, on religion and belief, and on disability during 2009-10
- The Corporate Equality Implementation Team have adopted a new corporate logo (ED the elephant) to promote Equalities and Diversity and he has been the subject of a number of campaigns, including the "Where's ED?" competition, a poster awareness campaign, and featuring on the staff credit card style information cards
- Within the Tenancy Services group of services, a group of tenants within the Housing Consultative Group have received specific training on how to undertake Equality Impact Assessments
- The distance learning "Grass Roots" training has now been rolled out to all staff teams and the majority of staff have now completed the training
- New corporate guidance has been produced on ethnicity and religion for staff and training is to be provided on this subject to members of the Equalities and Diversity Implementation Group during 2009-10
- Equality and diversity has been embedded in service planning with the inclusion of service level equality objectives within the service plan template
- Equality and diversity understanding has also been included as a focus within staff appraisals during 2010

## **Section 3: Our challenges in 2010-12**

### **Review of the Corporate Equalities Scheme**

As we move towards April 2011 and the projected implementation of the new Equalities Bill the Council needs to prepare for the new duties which this legislation places upon it.

A task group within the Corporate Equalities Implementation Group will identify and progress the work needed to ensure that the Council is able to meet the new duties placed upon it from the implementation date of the Act.

The Equality Scheme will be reviewed in line with the promulgation of the Act and to deliver a new framework for the Council with effect from April 2011.

### **Achieving level of the Local Government Equalities Framework**

The Council will seek external verification against the "Achieving" level of the Local Government Equalities Framework during 2011-12.

### **Consultation and engagement**

The Council will further develop its consultation and engagement mechanisms, particularly around community involvement in its Service Equality Impact Assessments programme. In doing this we will work closely with representatives of local community groups through the new Community Focus Forum.

Our thanks go to all those representatives of community groups for their feedback and support in developing this annual report.

## Alternative formats and languages

South Kesteven has a rich and diverse culture - a community made up of people from different cultures, with differing backgrounds, beliefs or experiences. This diversity is one of the things that make South Kesteven such a great place to live and work.

To ensure all residents of South Kesteven have access to our information material, our information is available in a range of different languages and formats, including large print, Braille, audio tape and computer disc.

To request a document in a specific language or format, you can ring us, email us or fax us on:

01476 40 61 27       communications@southkesteven.gov.uk  
 01476 40 60 12

### **Large print, Braille, audio tape or computer disc**

This information can be made available in large print, Braille, on audio tape or computer disc. If you, or someone you know, might benefit from this service, please contact us.

□□□□ / Cantonese

A decorative horizontal bar consisting of a series of small, evenly spaced rectangles, creating a grid-like pattern across the bottom of the slide.

## Česky / Czech

Tato informace může být dostupná i v češtině. Pokud byste Vy, a nebo někdo koho znáte, mohl využít tohoto servisu, obraťte se prosím na nás.

## **Magyar / Hungarian**

Ezeket az információkat magyar nyelven is tudjuk biztosítani. Ha Ön, vagy valaki, akit Ön ismer igényt tart erre a szolgáltatásra, kérem, keressen fel minket.

## Latviski / Latvian

Šo informāciju var iegūt arī latviešu valodā. Ja Jums vai kādai no Jūsu paziņai šādi pakalpojumi nāktu par labu, lūdzu kontaktējet mūs.

## **Lietuviškai / Lithuanian**

Šią informaciją galite gauti lietuvių kalba. Prašome kreiptis į mus, jei jums arba jūsų pažiūstamiems ši paslauga galėtų būti naudinga

## **Polski / Polish**

Informacja ta może być dostępna w języku polskim. Jeżeli Państwo albo ktoś kogo Państwo znają, może z tej usługi skorzystać, proszę nas kontaktować.

## **Português / Portuguese**

Esta informação pode ser disponibilizada em português. Se você, ou alguém que conhecer, beneficiar com este serviço, por favor contacte-nos.

Website: [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

Our website can convert text into speech using ReadSpeaker. ReadSpeaker is a system that reads website pages out loud so you can listen to the content and information on each page.

If you have any comments or suggestions on this Annual Review please write to:

Mrs Teena Twelves  
South Kesteven District Council  
Council Offices  
St Peter's Hill  
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Lincs  
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**SOUTH KESTEVEN DISTRICT COUNCIL**

**EQUALITIES IN EMPLOYMENT**

**MONITORING REPORT**

**APRIL 2010**

## INTRODUCTION AND BACKGROUND

The Council has a legal obligation to monitor its workforce to meet the employment duties of the Race Relations Amendment Act 1976 (amended 2000). This report is produced to meet those requirements and, more importantly, we will use the information to review the way in which we recruit and employ individuals to ensure that the way we work is free from discrimination.

The Council has collected data on its employees and applicants across the key equality strands and the analysis of this data is a tool to use to assess progress in removing barriers to equality of opportunity.

Currently there are differing pieces of legislation relating to the different equality strands and it is expected that in autumn 2010 the Equality Bill will be enacted to consolidate all the strands under the same piece of legislation and include with the 6 equality strands of race/ ethnic origin, gender, disability, age, sexual orientation and religion and belief. new duties in respect of gender reassignment, marriage and civil partnership, pregnancy and maternity.

The collection of data for compliance purposes only would be a missed opportunity. It is crucial that the information gained from undertaking equalities data monitoring of employees is of a meaningful quality to inform policy and procedures to prevent discrimination in the workplace.

We recognised in 2009 that we were not confident about our data as being fully up to date across all 6 of the equality strands. We therefore made the decision to delay composing the 2008 – 2009 report until we had undertaken a significant data validation exercise to check data on record and to add in data that had not been previously requested in relation to religious belief and sexual orientation. This piece of work was started in April 2009 and work was ongoing through 2009 to ensure data quality in line with the Council's policy on Data Quality. It proved to be a very time consuming exercise to ensure a satisfactory response rate. With a response rate of over 96% we are satisfied that the data we are using for monitoring purposes is fit for purpose. We recognised that some of the data could not be obtained from leavers and from staff on long term sick leave and over time the response gap will reduce.

Since the validation exercise was undertaken the Council has redefined its equalities monitoring form as part of its work on the equalities scheme.

### **Race / Ethnic Origin legal requirements**

The requirement of the Race Relations (Amendment Act) 2000 and the statutory code of practice is to monitor and publish, by reference to racial groups a count of:

1. Staff in post
2. Applicants for employment
3. Applicants for promotion
4. Staff who cease employment with the Council
5. Applicants for training
6. Staff who receive training
7. Staff who are involved in Grievance or disciplinary procedures
8. Staff who are the subject of Grievance procedures
9. Staff who benefit or suffer detriment as a result of its performance assessment procedures.

The Council holds data in respect of duties 1, 2, 3, 4, 6, 7 and 8.

The Council does not have a formal process by which individuals apply for training and as training needs are identified in performance and development reviews and there is no process for employees to apply or compete for training places. It therefore has no data in respect of duty 5.

The data relating to duty 6 is based on the validation data and it is recognised that on the job / informal training and coaching is not recorded in detail. The data therefore reflects formal training and development activity.

The Council has a performance and development review process for staff. It has not been designed as a process to determine benefit or disadvantage and it is primarily for the delivery of priority and service plans and for developmental purposes. The Council has no data therefore in respect of duty 8. An analysis has been undertaken on those performance and development reviews undertaken during 2008 and 2009.

Appendix 1 contains the data relating to ethnic origin and the specific legal requirements, Appendix 2 contains the data relating to the other equalities strands.

### **Context**

The data relating to the District ethnic profile is derived from the 2001 census and it is known that the demographic profile for the District has changed considerably recently. Profile data beyond 2001 is based on estimates only. Work is ongoing to establish the current profile of the district in a community mapping exercise so that informed judgements can be made as to the extent to which the employee profile is representative of the district as it is now. The GP registrations data shows an increase in population of some 14%, to 136,353 however the ethnic origin breakdown of this figure is not yet available.

It is a matter of fact that the number of vacancies has fallen considerably since 2008 – 2009 so that the scope for demographic changes to be quickly reflected in the workforce profile is diminished.

## **OBSERVATIONS FROM THE DATA**

### **Race/ Ethnic Origin**

Of concern is the question as to whether applicants from minority ethnic groups are discriminated against in the recruitment process. The high number of people who chose not to disclose this information on the equalities monitoring form, approximately 60% of applicants is significant. The Council is receiving applications from black and minority ethnic community members and initial research shows that many of these applicants are responses to regional and national recruitment to specialist skilled roles rather than derived from local labour market. Further work will be undertaken following on from the Human Resources & Organisational Development service-based equality impact assessment to explore these issues in detail.

The data shows no evidence of discrimination on racial / ethnic origin grounds in relation to disciplinary action or the handling of grievances however it must be noted that the number of cases is low. Evidence of discrimination is not evident in the data relating to training undertaken nor in labour turnover, as the number of leavers from black and minority ethnic community groups is low.

### **Gender**

The gender profile of the Council is not atypical. There are gender stereotypes in relation to certain areas of work and whilst the Council employs women in street

scene and repairs in traditionally male occupations and employs men in supported housing and customer services, regarded as typically female occupations, the numbers are low. In addition the Council is well regarded for its flexible working arrangements and the numbers of individuals who work part time are also those with caring responsibilities and, in the main, female. Further work on the flexible working policy and procedures is scheduled for 2010 and the gender profile will form part of the consultation.

## **Disability**

The Council has a good reputation for supporting staff with a disability and actively works with Access to Work, the Shaw Trust, Jobcentre plus and other agencies to enable both work experience placements and employment of individuals with a wide range of disabilities and makes adjustments to meet individual needs. With 8.3% of employees declaring themselves to have a disability within the meaning of the Disability Discrimination Act the Council is one of the top performing councils in relation to the employment of disabled people and in the CIPFA benchmarking report summer 2008 the Council was the second highest authority.

## **Age**

The Council has an age profile somewhat typical of local government. Of note is that the Council has retained the skills and knowledge of staff and actively considers each request to consider continuing working after the age 65. At the other end of the spectrum it is of significant concern that the Council employs few young people (16 – 20 year olds). As part of the pan Lincolnshire work on Use of Resources and workforce planning. The Lincolnshire Human Resources Network is looking at a collaborative project on apprenticeships. The Council has had apprentices from time to time however the numbers have always been low and there has been a greater focus on trainee schemes for professional skill shortage areas.

## **Sexual orientation**

The validation exercise was used to request this information for the first time, and despite concerns as to how staff might react to the questions, the responses were better than hoped. Many staff chose not to state, commenting that they regarded this as very personal.

The research from Stonewall would suggest that for a district of our size some 8,500 individuals would regard themselves as members of the lesbian, gay, bisexual and transgender community and if these estimates are correct the proportion would be approximately 6.2% of the population. With less than 1% of staff confident to be open about their membership of the lesbian, gay, bisexual and transgender community it is essential that in the Human Resources & Organisational Development service impact assessment the employment issues of the LGBT community is explored in detail to ensure confidence in fair and equitable treatment.

## **Religion and belief**

The validation also requested information about religion and belief. The Muslim community was not represented in our employee profile and this warrants some investigation to ensure that we are not excluding such individuals from seeking and obtaining employment with us.

## **CONCLUSIONS**

The monitoring data has raised some questions regarding specific equality strands and these will need to be investigated in some detail. The data for 2009 – 2010 will become available from June 2010 and it will be examined to note any trends and comparisons to inform consultation and research as part of the human resources and organisational development service impact assessment. The data will also be used to inform the pan-Lincolnshire collaborative workforce planning project supporting the use of resources work.

## **APPENDICES**

**Appendix 1 Equalities monitoring data relating to ethnic origin**

**Appendix 2 Equalities monitoring data relating to gender, disability, age, sexual orientation and religious belief**

## Equalities Monitoring Data – Ethnic Origin

ETHNIC ORIGIN	DISTRICT PROFILE 2001	STAFF IN POST	APPLICANTS FOR EMPLOYMENT	APPLICANTS FOR PROMOTION	PDR'S	STAFF WHO HAVE RECEIVED TRAINING
<b>White</b>	122836	0	21	0	0	0
<b>White: British</b>	120585	662	516	4	159	633
<b>White: Irish</b>	781	0	2	0	0	0
<b>White: Other White</b>	1470	8	18	0	0	8
<b>Mixed</b>	652	0	1	0	0	0
<b>Mixed: White and Black Caribbean</b>	195	1	1	0	0	1
<b>Mixed: White and Black African</b>	69	0	0	0	0	0
<b>Mixed: White and Asian</b>	226	0	0	0	0	0
<b>Mixed: Other Mixed</b>	162	0	1	0	0	0
<b>Asian or Asian British</b>	581	0	1	0	0	0
<b>Asian or Asian British: Indian</b>	389	1	5	0	1	1
<b>Asian or Asian British: Pakistani</b>	60	0	0	0	0	0
<b>Asian or Asian British: Bangladeshi</b>	55	0	0	0	0	0
<b>Asian or Asian British: Other Asian</b>	77	0	2	0	0	0
<b>Black or Black British</b>	192	0	2	0	0	0
<b>Black or Black British: Caribbean</b>	90	1	3	0	0	1
<b>Black or Black British: African</b>	83	1	12	0	0	0
<b>Black or Black British: Other Black</b>	19	0	0	0	0	0
<b>Chinese or Other Ethnic Group: Chinese</b>	952	3	3	0	2	1
<b>Chinese or Other Ethnic Group: Other Ethnic Group</b>	110	0	0	0	0	0
<b>Not Stated</b>	0	0	709	0	0	0
<b>TOTAL</b>	<b>124,792</b>	<b>677</b>	<b>1297</b>	<b>4</b>	<b>162</b>	<b>645</b>

ETHNIC ORIGIN	DISTRICT PROFILE 2001	STAFF IN POST	GRIEVANCES INVOLVED	GRIEVANCES SUBJECT OF	LEAVERS
<b>White</b>	122836	0	0	0	0
<b>White: British</b>	120585	662	9	3	86
<b>White: Irish</b>	781	0	0	0	0
<b>White: Other White</b>	1470	8	0	0	1
<b>Mixed</b>	652	0	0	0	0
<b>Mixed: White and Black Caribbean</b>	195	1	0	0	0
<b>Mixed: White and Black African</b>	69	0	0	0	0
<b>Mixed: White and Asian</b>	226	0	0	0	0
<b>Mixed: Other Mixed</b>	162	0	0	0	0
<b>Asian or Asian British</b>	581	0	0	0	0
<b>Asian or Asian British: Indian</b>	389	1	0	0	1
<b>Asian or Asian British: Pakistani</b>	60	0	0	0	0
<b>Asian or Asian British: Bangladeshi</b>	55	0	0	0	0
<b>Asian or Asian British: Other Asian</b>	77	0	0	0	0
<b>Black or Black British</b>	192	0	0	0	0
<b>Black or Black British: Caribbean</b>	90	1	0	0	0
<b>Black or Black British: African</b>	83	1	0	0	0
<b>Black or Black British: Other Black</b>	19	0	0	0	0
<b>Chinese or Other Ethnic Group: Chinese</b>	952	3	0	0	2
<b>Chinese or Other Ethnic Group: Other Ethnic Group</b>	110	0	0	0	0
<b>Not Stated</b>	0	0	0	0	0
<b>TOTAL</b>	<b>124,792</b>	<b>677</b>	<b>9</b>	<b>3</b>	<b>90</b>

## Appendix 2

### Equalities monitoring data relating to gender, disability, age, sexual orientation and religious belief

#### Gender

		<b>Percentage %</b>
Male	347	46.21%
Female	404	53.79%
	751	100.00%

#### Disability

		<b>Percentage %</b>
Disability	62	8.26%
No Disability	689	91.74%
	751	

#### Age

		<b>Percentage %</b>
Under 20	7	0.93%
20-29	74	9.85%
30-39	140	18.64%
40-49	215	28.63%
50-59	190	25.30%
60-64	87	11.58%
65-69	29	3.86%
70 +	9	1.20%
	751	100.00%

#### Sexual orientation

	<b>Percentage %</b>
Bisexual	0.27%
Gay	0.27%
Heterosexual	56.59%
Lesbian	0.27%
Not Stated	42.61%
	100.00%

#### Religion and belief

	<b>Percentage %</b>
Buddhism	0.13%
Christian	51.00%
Church of England	0.40%
Hinduism	0.13%
Methodist	0.13%
Muslim	0.00%
Non Conformist	0.13%
None	11.05%
Not Stated	10.79%
Other	0.27%
Prefer Not to say	25.97%
	100.00%

# Agenda Item 6

## REPORT TO CABINET

**REPORT OF: RESOURCES AND ASSETS PORTFOLIO HOLDER**

**REPORT NO: CHFCS100**

**DATE: 10<sup>th</sup> May 2010**

<b>TITLE:</b>	Supplementary Estimate to the Budget Framework 2010/11	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Budget Policy Framework Proposal	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Cllr Mike Taylor Resources and Assets Portfolio Holder	
<b>CONTACT OFFICER:</b>	Richard Wyles Tel: 01476 406210 Email: <a href="mailto:r.wyles@southkesteven.gov.uk">r.wyles@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ASSESSMENT:</b>  <b>Equality and Diversity</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Local Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>		

### 1. RECOMMENDATION

Cabinet is asked to provide guidance on the most appropriate use of the one-off backdated VAT refund of £777,411.05. The specific details of the proposals to be presented to Cabinet at the meeting on 7 June 2010.

### 2. PURPOSE OF THE REPORT/DECISION REQUIRED

The Council has received a notification regarding a one-off financial sum in respect of a VAT claim that has been received following its budget setting meeting for 2010/11 on 1<sup>st</sup> March 2010. This report provides further details of the notification and seeks clarification on its proposed use.

### **3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)**

The Council has been working with its VAT specialists in the compilation of a claim with Her Majesty's Revenue and Customs in relation to a back dated one-off claim in respect of Council services where the VAT treatment has changed in previous years. This review has been undertaken following the Fleming VAT case where it was upheld that overpaid VAT could be claimed in excess of a three year period. This has been a particularly successful claim and has resulted in the Council recently being notified of a significant refund back to the Council of £433,164.21 and interest of £344,246.84 totalling £777,411.05.

It is important to recognise that this claim is of a one-off nature and cannot be used to financially support on-going revenue costs but rather should be used in respect of specific one-off initiatives. There are further opportunities to utilise the amount in respect of contributing to Council reserves, either capital or revenue, in order to assist with financing decisions and support the delivery of the Council priority actions.

Cabinet is asked to give consideration to the most appropriate use of the one-off amount received and to provide guidance to officers on potential projects and spending initiatives. The proposals put forward will be reviewed and brought back to the Cabinet meeting on 7 June 2010 for consideration prior to a recommendation to Council.

### **4. OTHER OPTIONS CONSIDERED**

Not applicable.

### **5. RESOURCE IMPLICATIONS**

The resource issues are detailed in the report.

### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

There are no risks identified in the report.

### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

Not applicable.

### **8. CRIME AND DISORDER IMPLICATIONS**

Not applicable.

**9. COMMENTS OF SECTION 151 OFFICER**

My comments are included in the report.

**10. COMMENTS OF MONITORING OFFICER**

All the proposals in this report change the budget set in March. Any change to the budget requires the approval of Council as a supplementary estimate.

**11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable.

**12. APPENDICES:** None