

MEETING OF THE CABINET

TUESDAY 12TH FEBRUARY, 2013

**AT 5.00 PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

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**You can view information about Dudley MBC on
www.dudley.gov.uk**

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

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Our Ref:
SG/KLG

Your Ref:

Please Ask For:
Steve Griffiths

Telephone No:
01384 815235

4th February, 2013

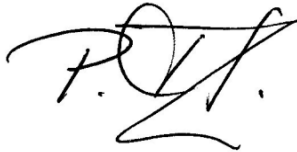
Dear Councillor

MEETING OF THE CABINET – TUESDAY, 12TH FEBRUARY, 2013

You are requested to attend a meeting of the Cabinet to be held on Tuesday, 12th February, 2013 at 5.00p.m. in Committee Room 2 at the Council House, Priory Road, Dudley to consider the business set out in the agenda below.

The agenda and reports for this meeting can be viewed on the Council's website www.dudley.gov.uk (Follow the links to Councillors in Dudley and Committee Management Information System).

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

To report any changes in the representation of Minority Group Members at this meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of interest, in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting of the Cabinet held on 6th December, 2012 (copy attached).

BUDGET, STRATEGIC, POLICY AND PERFORMANCE ISSUES

5. REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2013/14 (KEY DECISION) (TO FOLLOW)

To consider the joint report of the Chief Executive and the Treasurer.

6. DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT AND PUBLIC SECTOR HOUSING CAPITAL (KEY DECISION) (PAGES 1 – 23)

To consider the joint report of the Director of Adult, Community and Housing Services and the Treasurer.

7. A DUDLEY MBC POLICY FOR COMMUNITY ASSET TRANSFER AND THE IMPLEMENTATION OF THE SEPARATE LEGAL PROCESS FOR THE COMMUNITY RIGHT TO BID WITH REGARD TO ASSETS OF COMMUNITY VALUE (KEY DECISION) (PAGES 24 – 32)

To consider the joint report of the Director of Corporate Resources and the Director of Adult, Community and Housing Services.

8. CAPITAL PROGRAMME MONITORING (KEY DECISION) (PAGES 33 – 51)

To consider the joint report of the Chief Executive and the Treasurer.

9. QUARTERLY CORPORATE PERFORMANCE REPORT (PAGES 52 – 53)

To consider the report of the Chief Executive.

10. PAY POLICY STATEMENT (PAGES 54 – 61)

To consider the report of the Director of Corporate Resources.

SERVICE RELATED CORPORATE ISSUES

11. APPROVAL FOR ADOPTION OF THE NEW HOUSING DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT – REVISED 2013 (KEY DECISION) (PAGES 62 – 64)

To consider the report of the Director of the Urban Environment.

12. ERNEST STEVENS TRUST MANAGEMENT COMMITTEE (PAGES 65 – 69)

To consider the report of the Director of Corporate Resources.

13. LOCAL WELFARE ASSISTANCE (KEY DECISION) (PAGES 70 – 91)

To consider the report of the Director of Corporate Resources.

14. NEXT STAGES OF HEALTH REFORM – IMPLICATIONS FOR DUDLEY COUNCIL (PAGES 92 – 98)

To consider the report of the Chief Executive.

15. ADULT SOCIAL CARE – LOCAL ACCOUNT 2011/12 (PAGES 99 – 106)

To consider the report of the Director of Adult, Community and Housing Services.

16. FORWARD PLAN OF KEY DECISIONS (PAGES 107 – 115)

To receive and note the Forward Plan of Key Decisions.

17. ISSUES ARISING FROM SCRUTINY COMMITTEES (IF ANY)

The Director of Corporate Resources to report orally.

To: All Members of the Cabinet:

Councillor Sparks (Leader - Chair)

Councillor Ali (Deputy Leader)

Councillors K Ahmed, Crumpton, Foster, Islam, Lowe, Partridge, Waltho and Wood.

Opposition Group Members nominated to attend meetings of the Cabinet:

Councillors Blood, Harley, L Jones, Mrs Shakespeare, Vickers, Mrs Walker and Wright.

MEETING OF THE CABINET

Thursday 6th December, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Ali (Deputy Leader)
Councillors K Ahmed, Crumpton, Foster, Lowe, Partridge and Wood

together with the following Minority Group Members appointed to attend meetings of the Cabinet

Councillors Blood, Harley, L Jones, Miller, Vickers, Mrs Walker and Wright (Conservative Group)

OFFICERS:-

The Chief Executive, Director of Corporate Resources, Director of Children's Services, Treasurer, Director of the Urban Environment, Director of Adult, Community and Housing Services, Director of Public Health, Assistant Director (Human Resources and Organisational Development), Democratic Services Manager, together with other officers.

OBSERVER:-

Councillor J Martin

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Islam, Mrs Shakespeare and Waltho.

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CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Miller had been appointed to serve as a Minority Group representative in place of Councillor Mrs Shakespeare for this meeting of the Cabinet only.

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DECLARATIONS OF INTEREST

No member made a declaration of interest, in accordance with the Members' Code of Conduct.

MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 31st October and 13th November, 2012, be approved as correct records and signed.

CAPITAL PROGRAMME MONITORING AND EXTERNAL FUNDING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and to seek approval for bids for external funding.

The Cabinet Member for Finance responded to issues raised by the Leader of the Opposition Group concerning the differences between the expenditure to 31st October, 2012 and the forecast and budgeted expenditure for the financial year.

RESOLVED

- (1) That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
 - (2) That the second round application to the Heritage Lottery Fund in respect of the Mary Stevens Park project be supported and approved for submission, as set out in paragraph 4 of the report submitted to the meeting.
 - (3) That the bid for Big Lottery funding for a Community Magazine be supported and approved for submission, as set out in paragraph 5 of the report submitted to the meeting.
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QUARTERLY CORPORATE PERFORMANCE REPORT

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Report for 2012/13, relating to performance for the period from 1st July to 30th September, 2012.

RESOLVED

- (1) That the Quarterly Corporate Performance Report for the period from the 1st July to the 30th September, 2012 be noted and its contents approved.

- (2) That the referral of the report to Scrutiny Chairs be noted.
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DESIGN IN BRIERLEY HILL TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT – APPROVAL TO ADOPT

A report of the Director of the Urban Environment was submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document.

RESOLVED

That the Design in Brierley Hill Town Centre Supplementary Planning Document be approved and adopted.

(This was a Key Decision with the Cabinet being named as Decision Taker)

58

COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE FOR CONSULTATION

A report of the Director of the Urban Environment was submitted on progress on the feasibility work regarding the development of a Community Infrastructure Levy (CIL) and to seek approval for the Preliminary Draft Charging Schedule to be published for a statutory six-week period of public consultation.

In response to issues raised by the Opposition Group, the Cabinet Member for Regeneration emphasised that the document would be subject to full consultation and there was no intention to deter development or investment in the Borough. All views and representations would be taken into account following the consultation. Subject to its formal adoption, Members would review the charging schedule in the light of experience and take account of the views of neighbouring Councils.

RESOLVED

That approval be given to publish the Preliminary Draft Charging Schedule for a statutory six-week period of public consultation.

(This was a Key Decision with the Cabinet being named as Decision Taker)

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FORWARD PLAN OF KEY DECISIONS

A report of the Director of Corporate Resources was submitted on the Forward Plan of Key Decisions for the four-month period commencing 1st December, 2012.

RESOLVED

That the Forward Plan of Key Decisions be noted.

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ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

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EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

Description of Item

Relevant paragraph of
Part 1 of Schedule 12A

Staffing Issues – Directorate of
Children’s Services

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STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of two employees referred to in the report submitted to the meeting, on the grounds of compulsory redundancy, in accordance with the Managing Employees at Risk of Redundancy Policy.

RESOLVED

That the termination of the contracts of employment of the two employees referred to in the report submitted to the meeting be approved, on the grounds of compulsory redundancy, in accordance with the terms and conditions set out in the report.

The meeting ended at 6.16pm

LEADER OF THE COUNCIL

Meeting of the Cabinet – 12th February 2013

Joint Report of the Director of Adult, Community and Housing Services and the Treasurer

Deployment of resources: Housing Revenue Account and Public Sector Housing Capital

Purpose of Report

1. The purpose of this report is:
 - To set a rent increase for council homes.
 - To review rents for garages, garage plots and access agreements.
 - To set charges for sundry services.
 - To set the Housing Revenue Account (HRA) budget for 2013/14 in the light of the latest government determinations for housing finance and our latest spending and resource assumptions.
 - To set a capital expenditure budget for the improvement and programmed maintenance of the Council's housing stock for 2013/14 to 2017/18.
 - To approve the Medium Term Financial Strategy for the HRA.

Background

2. The HRA is a "ring-fenced" revenue account and deals with landlord functions associated with public sector housing¹. The costs of improvement and programmed maintenance of the Council's housing stock are treated as capital expenditure and are accounted for separately.

Rent increase

3. In December 2000 the Government issued a new *Guide to Social Rent Reforms*. This guidance set out a method of restructuring to remove differences between council rents and the rents of registered social landlords (RSLs) over a period of some years. This is known as *convergence*, and the current target is for council rents to achieve this by 2015/16. Previous rent increases have been calculated using the formula in the guidance and were as follows:

¹ The Housing General Fund deals with private sector issues, such as general housing advice, and is included in another report on this agenda. The separation of expenditure and income between the HRA and the General Fund complies with government guidance.

- October 2002, average increase £1.65 (3.4%).
 - October 2003, average increase £1.58 (3.2%).
 - October 2004, average increase £2.00 (3.9%).
 - November 2005, average increase £2.11 (3.9%).
 - August 2006, average increase £2.71 (4.9%).
 - June 2007, average increase £2.91 (5.0%).
 - April 2008, average increase £3.34 (5.5%).
 - April 2009, original average increase £3.91 (6.1%) reduced to
 - April 2009, revised average increase £1.92 (3.0%)
 - April 2010, average increase £1.31 (2.0%)
 - April 2011, average increase £4.52 (6.7%)
 - April 2012, average increase £5.54 (7.7%)
4. The self-financing system introduced in April 2012 for Housing assumes that rent increases will be in line with government guidance, including convergence with other registered social landlords' rents by 2015/16. It is proposed that the next increase be on 1st April 2013. Applying the Government's rent formula to the next increase would generate an average increase of 4.6%, equivalent to £3.59 per week. The range of actual proposed rent increases is as follows:

RANGE OF RENT INCREASES

Range of weekly rent increase	Proportion of properties affected
£2.50 or less	2.32%
£2.51 to £3.00	19.35%
£3.01 to £3.50	24.86%
£3.51 to £4.00	29.45%
£4.01 to £4.50	16.71%
£4.51 or more	7.31%

5. Officers met with the Board of the Dudley Federation of Tenants' and Residents' Associations (DFTRA) on 8 January 2013 outlining the Government's guidance and the effects in terms of the next rent increase. The Board regretted the need for a rent increase but agreed the 4.6% proposed increase in order to maintain services. A formal response has been received, and this will be reported verbally at the meeting.
6. In addition to the rents discussed above, we currently apply service charges in certain properties in respect of items such as furniture and overnight support. It is proposed that all of these charges be increased by 2.6% in line with the inflation factor used in determining general rents,
7. We also apply service charges to 344 properties in sheltered housing schemes in respect of heating and lighting. These charges vary according to the scheme and the size of the properties and may be offset against the winter fuel payment received by tenants, plus any cold weather payments. Housing Benefit will also cover these charges where applicable. In previous

years, inflationary increases in these charges had not kept pace with the level of increase in fuel prices, and Cabinet agreed in February 2009 to implement a 25% increase with further increases in future years to achieve a gradual return to cost recovery. It is now proposed that charges be increased by 10%, from a current average weekly charge of £11.92 to a new average weekly charge of £13.11. At one scheme (The Gables), discussions with the utility provider have resulted in lower charges, so it is proposed that the charges for this scheme be held at 2012/13 rates.

8. The Council currently provides, within its general housing stock, a number of units of furnished accommodation for which a charge of £23.65 per week is made. It also provides six units of accommodation for homeless people in Lye for which management charges and service charges are applied (a two-bedroom flat and five one-bedroom flats). There are three houses for which garden maintenance charges are made. It is proposed that all of these charges be increased by 2.6% in line with the inflation factor used in determining general rents.
9. The Council offers laundry tokens for sale for the use of tenants at five high rise blocks (two in Brierley Hill and three in Dudley). It is proposed that charges are increased from £2.00 to £2.10 per token.
10. It is proposed that pitch licences at Oak Lane be increased by 2.6%, in line with the inflation factor used in determining general rents and that weekly charging for water also be increased by 2.6% to £6.16 per week.
11. The Council currently charges an administration fee of £2 per week to its leaseholders, to cover the costs of managing the properties. It is proposed that there is no increase in the overall level of the fee as this currently covers the cost of the service.
12. The Council currently charges private residents who are in receipt of Telecare services £12.50 per month, and also charges Housing Association tenants varying amounts for this service. It is proposed to increase these charges by £0.50 per month from 1 April 2013. The additional income generated will be used to increase investment in and development of the service.

Garage rents, garage plots and access agreements

13. It was agreed by Cabinet in February 2008 that inflationary increases for garages, garage plots and access agreements be made every three years, with the next increase to take effect from 2014/15. It is therefore proposed that these rents and charges remain at current levels for 2013/14.

Proposed HRA budget 2013/14

14. The proposed HRA budget for 2013/14 (together with a proposed revised budget for 2012/13) is attached as **Appendix 1**. This budget is based on

recent trends and our latest assessment of government policy on housing finance.

The key elements of the self-financing system that now operates in relation to local authority housing are:

- Abolition of the HRA Subsidy system and retention of all rental income.
- A one-off allocation of housing debt based on an affordability calculation.
- A cap on new borrowing above a set maximum level.
- Transfer of investment, borrowing and inflation risks to housing authorities.
- Continued compliance with central government rent policy.

15. The current budget for 2012/13 (approved by Cabinet in June 2012) shows a surplus on the HRA of £0.714m at 31st March 2013. The proposed revised budget for 2012/13 shows a surplus at the same date of £2.032m. Variances arise mainly from
 - Reduced rental income owing to higher than anticipated right to buy sales and voids;
 - Savings in housing management owing to vacant posts and efficiencies;
 - Variations to the balance of revenue responsive repair work and capital expenditure;
 - Efficiency savings around responsive repair and maintenance work.These savings will be rolled forward into 2013/14 to invest further in maintaining the housing stock.
16. The proposed HRA budget for 2013/14 takes account of the proposed average rent increase of £3.59 on the 1st April 2013 (paragraph 4).
17. The proposed HRA budget for 2013/14 includes a budget for housing management of £15.3m. This covers the day to day management of properties including income collection, tenancy enforcement, support for vulnerable tenants and lettings and void management. Additional resources have been identified to establish an Anti-Social Behaviour Team, which will co-ordinate responses to complaints of anti-social behaviour across the borough and will also develop preventive strategies.
18. The proposed HRA budget for 2013/14 includes a budget for repairs and maintenance of £24.2m. This reflects:
 - Maintaining the current responsive repairs service standard;
 - Maintaining the current level of cyclical maintenance such as painting of communal areas;
 - Undertaking all required cyclical statutory responsibilities such as annual servicing of gas appliances, warden call equipment and alarms and periodic testing of water hygiene, lift servicing and inspections.
19. The proposed HRA budget for 2013/14 includes a budget for interest payments of £18.5m. This covers the payments that are due on the debt

taken on as part of the self-financing settlement. It is not currently planned to increase borrowing, as debt is at the maximum allowable under the HRA debt cap.

Public sector housing capital budget 2013/14 to 2017/18

20. A proposed public sector capital budget for 2013/14 to 2017/18 and a revised budget for 2012/13 are attached as **Appendix 2**. Explanations of the budgets are attached as **Appendix 3**.
21. The proposed capital programme follows the principles approved in the current programme and reflects the priorities of the Council Plan and the views of Area Housing Panels and the tenants who participated in the Take Control and Get Involved Conference in September 2012. Investment continues to target keeping homes in good order by maintaining Government targets for the Decent Homes Standard and addressing energy efficiency measures under the Energy Act 2011. The backlog of decency was delivered by December 2010 and the programme now addresses the following priorities:
 - Continuing the investment to target maintaining decent homes;
 - Investing in empty homes to ensure that as many of the Council's homes as possible are available for occupation;
 - Improving energy efficiency to combat climate change and reduce fuel poverty, using the capital programme to match-fund potential external resources such as Energy Company Obligations (ECO);
 - Maintaining investment, at affordable levels, in community safety, environmental and social programmes such as Adaptations for persons with disabilities;
 - Providing new social housing homes within the borough.
22. Whilst the detail of the proposed programmes is included within **Appendix 3**, notable projects over the five year period from 2013/14 to 2017/18 are as follows:
 - Continued investment in Adaptations for persons with disabilities, with an investment of almost £14m over the next five years. This will maintain waiting times for major adaptations at current levels and deal with around 2,000 major adaptations such as level access showers, stairlifts, vertical lifts and ramps, as well as providing over 4,750 minor adaptations such as handrails and grab rails;
 - Investment in efficient central heating systems that help improve fuel poverty, with around £3m more than previously planned for investment in replacing electric night storage heating. In total £10m over 5 years will deliver :
 - 1,600 electric storage heating systems being replaced with new, modern, efficient gas heating systems;

- 350 new heating installations in unheated properties (sufficient to install heating to every unheated home where tenants want central heating provided, and to every unheated home that becomes empty to provide heating before being re-let);
 - 750 replacement central heating boilers or system upgrades.
 - Replacing over £4m of windows each year with modern, energy efficient double glazed units with all homes being fully double glazed by the end of the 5 year programme ;
 - A £17m programme will deliver around 1,000 internal improvements each year, with an additional £5m of investment above previous plans addressing kitchens, bathrooms, plastering and replacement floors;
 - Undertaking over £50m of improvements in empty properties to ensure that they can be re-let;
 - A bid has been made to the Homes and Communities Agency for grant towards providing 14 new homes for people with learning disabilities, and if successful the first two years of the new build programme will deliver this £2.1m scheme which also includes 3 two bedroom general needs houses. If the bid is unsuccessful the resources will be re-allocated to other new build schemes. £1m per year from 2015/16 is also allocated to deliver around 30 more new homes over the remaining 3 years of the programme.
23. Approval is sought to continue discussions with Energy Service Providers and similar organisations and to bid for, enter into negotiations and / or seek tenders as appropriate to progress carbon saving and / or power generating schemes to improve fuel poverty across the borough. Resources will be sought under the Energy Company Obligations (ECO) flowing from the Energy Act 2011, which takes over from existing energy service provider obligations under CERT (Carbon Emission Reduction Target) and CESP (Community Energy Saving Programme). Dudley has used both programmes to successfully secure additional resources in recent years to improve homes, but the funding has now expired. ECO is intended to continue to provide funding for energy saving measures where households most need additional support, particularly in deprived areas, but also in hard to treat (or insulate) houses such as solid wall properties across the borough
24. It is proposed that any additional resources obtained under paragraph 23 be added to the Capital Programme accordingly and the Directors of Corporate Resources and Adult Community and Housing Services be approved to enter into any such grant or funding agreements necessary to deliver the schemes.
25. To ensure effective utilisation of all resources that become available, Cabinet is requested to authorise the Director of Adult, Community and

Housing Services, in consultation with the Cabinet Member for Housing, to manage the five year programme so as to use all the resources that become available and commit expenditure to that amount and to report progress and actions to the Cabinet. In doing this, Cabinet is requested to confirm that all capital receipts arising from the sale of HRA assets (other than those specifically committed to support private sector housing grants) should continue to be used for the improvement of council homes.

26. To facilitate implementation of the programme, the Cabinet is requested to authorise the Director of Adult, Community and Housing Services to prepare specifications and undertake procurement in accordance with Standing Orders and Financial Regulations. Cabinet is also asked to agree that the Director of Adult, Community and Housing Services be authorised to enter into and award contracts on their behalf.

Medium Term Financial Strategy / Thirty Year Business Plan for Landlord Housing

27. With the abolition of the HRA Subsidy system and the introduction of self-financing for housing authorities, the Council now has an increased level of autonomy and flexibility regarding housing finance. The HRA budget is no longer dependent on annual Government settlements, although the rent increase will still be determined annually. It is therefore possible to set indicative budgets for a longer period and to develop a longer-term financial and business strategy.
28. Although the HRA enjoys some increased flexibility, the HRA ring-fence remains in force, and the Council is also expected to continue to follow the Government's national rent policy. Under the self-financing settlement, Dudley has taken on a significant increase in housing debt, which must be serviced. The medium term financial strategy is provided at Appendix 4, which sets out the context of the HRA for the next five years and summarises the overarching financial strategy and risks that will apply to the HRA.
29. The introduction of self-financing for the HRA clearly has implications beyond the medium-term financial strategy. A thirty-year business plan is being developed to address the requirements of the housing service under the themes of finance, governance and asset management.

Finance

30. Section 76 of the Local Government and Housing Act 1989 places a duty on the Council to ensure that no action will be taken to cause a deficit to arise on the HRA at 31st March 2014. There is also a duty placed on the Council to review the financial prospects of the HRA from time to time. Reviews carried out can confirm that the HRA will be in surplus at the 31st March 2014 and therefore complies with the requirements of the Act.

Law

31. HRA finances are governed by Section 74-78B and 85-88 in Part IV of the Local Government and Housing Act 1989. Sections 167-175 in Part VII of the Localism Act 2011 abolish the HRA Subsidy system (Sections 79-84 in Part IV of the Local Government and Housing Act 1989) and introduce self-financing.

Equality Impact

32. Section 149 of the Equalities Act 2010 requires public authorities, including the Council, to
- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
 - advance equality of opportunity between people who share a characteristic and those who don't.
 - foster good relations between people who share a characteristic and those who don't.

The Duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

This is a financial report concerned with forecasting of income and application of resources. Some areas of proposed expenditure (e.g. capital expenditure on adaptations) are intended to promote independence and improve quality of life for protected groups.

Recommendations

33. It is recommended that Cabinet:
- a) approve a rent increase for HRA dwellings on 1st April 2013 with an average increase of £3.59 (4.6%) and a maximum increase of £5.85 in line with government rent guidance (paragraph 4);
 - b) approve an increase of 2.6% in service charges (paragraph 6 and 8);
 - c) approve an increase of 10% in heating and lighting charges for sheltered housing from an average weekly charge of £11.92 to an average weekly charge of £13.11 other than at The Gables where charges will remain at their current rates (paragraph 7);
 - d) approve an increase from £2.00 to £2.10 for laundry tokens (paragraph 9);
 - e) approve the increase of 2.6% to the current charge for pitch licences at Oak Lane as outlined in paragraph 10;

- f) approve an increase of 2.6% in water charges at Oak Lane to £6.16 per week (paragraph 10);
- g) approve maintaining the leaseholders' administration fee at current levels as outlined in paragraph 11;
- h) approve an increase of £0.50 per month for private Telecare clients as outlined in paragraph 12;
- i) approve the maintenance of garage rents at current levels and the dates proposed for future increases (paragraph 13);
- j) approve the maintenance of garage plot rent and access agreements at current levels, and the dates proposed for future increases (paragraph 13);
- k) approve the revised HRA budget for 2012/13 and the HRA budget for 2013/14 outlined in Appendix 1;
- l) recommend that Council approve the public sector housing revised capital budget for 2012/13 and the capital budget for 2013/14 to 2017/18 attached as Appendix 2;
- m) recommend that Council authorise the Director of Adult, Community and Housing Services and the Director of Corporate Resources to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock as outlined in paragraphs 23 and 24;
- n) authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, to manage and allocate resources to the capital programme as outlined in paragraph 25;
- o) confirm that all capital receipts arising from the sale of HRA assets (other than those specifically committed to support private sector housing) should continue to be used for the improvement of council homes (paragraph 25);
- p) authorise the Director of Adult, Community and Housing Services to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 26;
- q) receive the HRA medium term financial strategy attached as Appendix 4.



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Andrea Pope-Smith
Director of Adult, Community
and Housing Services



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Iain Newman
Treasurer

Contact Officer: Catherine Ludwig
 Telephone: 01384 815075
 Email: catherine.ludwig@dudley.gov.uk

Appendix 1

Proposed HRA Budget

	2012/13 current budget June 2012 £000	2012/13 proposed revised budget £000	2013/14 proposed original budget £000
<u>Income</u>			
Dwelling rents	-87,350	-86,785	-88,893
Non-dwelling rents	-691	-696	-696
Charges for services and facilities	-199	-214	-204
Contributions towards expenditure	-1,038	-1,034	-1,013
Interest on balances	-5	-20	-7
Total income	-89,283	-88,749	-90,813
<u>Expenditure</u>			
Responsive and cyclical repairs	25,803	23,407	24,238
Management	15,643	15,093	15,295
Negative Subsidy	0	4	0
Transfer to Major Repairs Reserve	21,487	21,487	21,425
Interest payable	18,427	18,426	18,499
Revenue contribution to capital expenditure	11,847	12,887	11,210
Other expenditure	968	1,019	1,419
Total expenditure	94,175	92,323	92,086
Surplus/deficit for the year	4,892	3,574	1,273
Surplus brought forward	-5,606	-5,606	-2,032
Surplus carried forward	-714	-2,032	-759

Appendix 2

Proposed capital programme 2012/13 to 2017/18

	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000
Adaptations	2,547	2,722	2,693	2,725	2,752	2,780
Central heating	2,245	2,457	1,868	1,890	1,909	1,928
Community Safety and Environmental Improvements	178	661	281	284	287	290
Electrical Installations	1,589	1,476	1,290	907	917	926
External Improvement Programme	7,097	8,409	7,134	7,473	7,550	7,628
Insulation	25	164	164	170	172	174
Minor Works	3,735	4,297	4,135	3,785	3,825	3,865
Internal Improvement Programme	2,170	3,813	2,818	3,408	3,443	3,478
New Council Housing	2,118	1,201	1,677	1,141	1,152	1,164
Tenants Association	77	126	81	82	83	84
Office Accommodation	250	0	0	0	0	0
Void Property Improvements (13,486	11,488	9,488	9,605	9,705	9,808
Grand Total	35,517	36,814	31,629	31,470	31,795	32,125

Resources

	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000
Borrowing	0	0	0	0	0	0
Major repairs allowance	21,487	21,425	21,461	21,400	21,338	21,277
Revenue contribution to capital	12,887	11,210	8,962	8,822	9,328	9,673
Usable capital receipts	1,602	4,651	1,543	1,598	1,438	1,497
Less usable capital receipts transferred to support private sector housing capital	-666	-472	-337	-350	-309	-322
Other	207	0	0	0	0	0
Grand Total	35,517	36,814	31,629	31,470	31,795	32,125

Appendix 3

Detail of the proposed provisional five year housing capital programme 2013/14 to 2017/18

Adaptations

The programme continues to deliver improvements and adaptations to the Council owned homes of persons with disabilities, following referral from occupational therapists.

At current levels of referrals the budget would maintain existing waiting times and would provide around 400 larger adaptations (level access showers, stair lifts, vertical lifts ramps and a limited numbers of conversions) in each year. In addition the budget will provide for around 900 to 1,000 minor adaptations per annum for grab rails, handrails and the like.

The budget for adaptations to void properties is maintained at around £100,000 per annum and will also assist in reducing waiting times and make best use of adapting suitable available properties.

Total budget: £13.7m over the 5 years 2013/14 to 2017/18

Central Heating

Improving energy efficiency and reducing fuel poverty is a major priority for the Council, with the added benefit of also addressing climate change. The Central Heating programme delivers new and improved central heating systems to Council owned homes, providing modern efficient heating to unheated homes and replacing inefficient and costly systems

There are currently around 600 unheated homes in the Borough, all of which where the tenants have been offered central heating on more than one occasion. Budgetary provision has been made to provide heating for all tenants in unheated homes who wish to receive heating, and for installing heating in all unheated properties when they become empty; an estimated 350 homes in total. It is estimated that around 250 homes will remain unheated at the end of the five year programme.

The electric night storage heating replacement programme will continue replacing electric night storage heating with modern, efficient gas heating. Over the five years Council resources will replace around 1,600 storage heating systems where homes already have a gas supply. An additional £1m is allocated for 2012/14, and an additional £500,000 each year thereafter, resulting in around 850 more homes benefiting than previous plans provide for.

Around 750 homes will have a replacement boiler or system upgrade to deal with those gas boilers and systems that cannot be repaired when they break down. These will be replaced with modern energy efficient boilers to ensure heating is made as affordable as possible for tenants.

Total budget: £10m over the 5 years 2013/14 to 2017/18

Community Safety & Environmental Improvements Programme

This programme continues the work commenced in previous years dealing with local environmental schemes and community safety schemes for improvements and refurbishment of Housing (HRA) assets.

The programme will complete schemes already approved to address fire safety issues in flatted developments and dealing with works arising from the Fire Risk Assessments that are being undertaken. From 2013/14 budgets will address local community and environment projects prioritised by Area Panels.

Total budget: £1.8m over the 5 years 2013/14 to 2017/18

Electrical Installations

The budget will continue to address electrical works in domestic dwellings and common / communal areas.

The programme of periodic electrical inspections will continue with subsequent electrical works being undertaken to ensure that electrical installations do not fail the Decent Homes Standard. A budget of around £400,000 per year will deal with full rewires where required but the majority of homes, including empty properties, will only require partial electrical upgrade works.

The programme will also complete the rewiring of communal areas at Tenbury, Malvern and Worcester Houses.

Provision is also made to continue the programme of remedial repairs, upgrades and improvements to lifts in high rise flatted developments with over £1m of expenditure over the 5 years.

The remainder of the programme budget also targets investment in the planned replacement of specialist electrical systems that are beyond economic repair. Limited budgetary provision is made

- To deal with any potential required replacement door entry and high rise fire alarm systems.
- To ensure warden call equipment purchased remains compatible with new Telecare technology to allow wardens to provide the essential Homecall service for vulnerable residents of the community;

Total budget: £5.5m over the 5 years 2013/14 to 2017/18

External Improvement Programme

The programme continues to address Decent Homes' investment and deals with necessary planned maintenance to the external façade of Council owned homes, predominantly replacement windows and re-roofing.

The programme will fund over £4m each year replacing windows and external doors that are in significant need of replacement and pose a health and safety danger. This will continue to address a current investment need of around £2m for windows.

Over £2m each year is proposed to be invested in re-roofing homes to ensure that they remain sound and watertight to the Government's Decent Homes Standard. This work is either replacement of roof coverings such as tiles or slates and/or replacement and/or upgrade of the structural timbers as necessary. The budget will also continue work on a planned programme to replace flat roof coverings on flatted developments with modern energy efficient materials. The budget will also be used for planned improvement works associated with roofing such as fascias and soffits.

As with the central heating budget this programme will be used where possible to match fund any Energy Service Providers' funding obligations received by Dudley under ECO (Energy Company Obligations) which flow from the Government's Energy Act flagship; the Green Deal. This delivers carbon saving schemes such as external wall insulation similar to the Community Energy Savings Programme (CESP) schemes already delivered. ECO is made up of three parts aimed at helping people in certain circumstances to save energy and money. The two areas where the Council's stock can benefit are:

- **Carbon Savings Communities Obligation (CSCO)** - CSCO replaces CESP and is restricted to eligible postcodes in areas of high deprivation. Measures will include solid wall, cavity wall and loft insulation.
- **Carbon Emissions Reduction Obligation (CERO)** - This focuses on properties that are typically harder to heat and is not restricted to deprived areas. These properties must have solid wall or hard to treat cavity insulation installed under CERO, with other improvements such as loft insulation upgrade then available if required.

The match funding contribution is likely to deal with associated enabling and ancillary works not funded by energy companies such as canopies, gates and fencing where and if required. £500,000 provision has been made for this.

Total budget: £38.2m over the 5 years 2013/14 to 2017/18 plus any additional resources received from Energy Service Providers.

Insulation

The programme provides approved resources to supplement any further available match funding for additional measures of draught stripping, increased levels of loft insulation and other targeted carbon emission and energy efficiency programmes to:

- Improve fuel poverty by reducing energy bills by allowing properties to be insulated to meet the Decent Homes Standard, including offering cavity wall insulation where previous tenants have refused insulation.
- Improve the SAP (Standard Assessment Procedure) rating of the housing stock (which measures how energy efficient the housing stock is) and contributing towards reducing carbon emissions.

Total budget: £0.8m over the 5 years 2013/14 to 2017/18 plus any additional energy related resources received from Energy Service Providers

Internal Improvement Programme

This programme is proposed to continue internal improvements such as kitchen and bathroom replacements and plastering and replacement floors. The five year programme will mainly target maintaining the decent homes standard in kitchens and bathrooms and will therefore prioritise those properties where the kitchen and bathrooms fall into non-decency due to their age and where they are also in poor condition.

The programme is around £5m more each year than the previous 5 year programme and will continue to deal with the current investment need of around £2m.

Each year around 1,000 internal improvements will be carried out.

Total budget: £17m over the 5 years 2013/14 to 2017/18

Minor Works

This budget is used to deal with urgent repairs and health and safety issues that arise throughout the year.

Current arising investment need is estimated at over £1m for health and safety issues, communal paved areas, paths and un-adopted roads and other environmental type works.

Works already identified include dealing with high cost structural, subsidence and demolition etc works and works that are required as a result of high rise structural inspections and periodic surveys to flatted developments.

The budget also funds larger repair improvements costing over £1,000 each, to the value of over £1.7m each year.

Total budget: £19.9m over the 5 years 2013/14 to 2017/18

Tenants' Association

The budget is allocated in each of the five years to schemes identified by Tenants' and Residents' Associations, and prioritised by the Dudley Federation of Tenants' and Residents' Associations. Budgets are maintained at current levels which based on previous years is expected to fund around 40 projects each year.

Total budget: £0.5m over the 5 years 2013/14 to 2017/18

Void Property Improvements

This budget is used to fund improvement works to empty properties where the work is of a capital nature to ensure that they are re-let in a reasonable state of repair and have modern facilities for kitchens and bathrooms in accordance with the Decent Homes Standard.

£50m over 5 years will fund necessary improvements to homes when they become empty, dealing with asbestos, rewiring, kitchens, bathrooms, plastering and major re-plumbing.

Total budget: £50m over the 5 years 2013/14 to 2017/18

New Council Housing

A bid has been made to the Homes and Communities Agency (HCA) for grant towards providing 14 new homes for people with learning disabilities, and if successful the first two years of the new build programme will deliver this £2.1m scheme which also includes 3 two bedroom houses. The bids are for schemes utilising existing HRA land, as former DLO depots at:

- The Walk Sedgley – 6 apartments for people with learning disabilities and 3 two bedroom houses
- Norfolk Road, Wollaston – 8 apartments for people with learning disabilities

If the HCA bid is unsuccessful the resources required to match fund the HCA bid will be re-allocated to other new build schemes.

A further £1m per year is allocated from 2015/16 onwards to deliver around 30 more new homes over the remaining 3 years of the programme.

Total budget: £6.3m

Appendix 4

Medium Term Financial Strategy for Landlord Housing (MTFS(LH)) and Thirty Year Business Planning Strategy for Landlord Housing

Purpose

1. The Medium Term Financial Strategy for Landlord Housing (MTFS(LH)) has set out how the Council plans to balance spending pressures and available resources over the medium term, taking into account risks and uncertainties. It relates specifically to the Housing Revenue Account (HRA) and the capital programme for improvement of the Council's own housing stock.
2. The MTFS(LH) should be read in conjunction with the Council's overall Medium Term Financial Strategy (MTFS). The underlying principles set out in the overall document apply equally to the MTFS(LH).
3. In the context of the introduction of Self-Financing for public sector housing, the abolition of the HRA subsidy system, the increased autonomy and flexibility that housing authorities will have to manage their stock and, in Dudley's case, the increased debt taken on, a Thirty Year Business Plan is being developed. This will take into account issues including investment need, treasury management strategy, financial projections and tenants' engagement.

Background

4. The previous financial strategy for landlord housing focussed on the period up to 2010/11 and was determined through the Housing Stock Options Appraisal. This was a year-long consultation process involving a range of stakeholders and culminated in a decision by the Council in April 2005. The key elements of this financial strategy were:
 - delivery of the Government's Decent Homes Standard by 2010 and maintenance of that standard in later years;
 - support to the aims of the Council Plan - promoting strong, caring communities through the provision of decent housing in a safe and clean environment;
 - identifying ongoing savings and efficiency gains, through the use of partnerships where appropriate;
 - the prudent management of reserves and other balances;
 - compliance with government policy on rent restructuring;
 - honouring the outcome of the Housing Stock Options Appraisal and the view of the majority of tenants and other stakeholders that the housing stock should remain under direct council control.

5. This strategy showed that, on the basis of financial trends and government policy known at the time, it would be possible to deliver the Decent Homes Standard and other priorities for council housing by 2010, and this was achieved on time. The Housing Stock Options Appraisal was signed off by the Government Office West Midlands on this basis.
6. A new financial strategy for landlord housing is currently being developed to take into account the delivery of the Decent Homes Standard and the new opportunities and challenges arising from the introduction of the self-financing system. This will be the subject of a consultation process that will include tenants and residents.

The key elements of this new financial strategy, which will cover a rolling five year period, are:

- maintain the Decent Homes Standard;
- Improve the energy efficiency of the housing stock and address fuel poverty;
- invest in housing stock and minimise the number of void properties;
- review the suitability of the housing stock and explore the feasibility of new build to increase stock and / or replace properties that are in poor condition or that do not meet modern requirements;
- support the aims of the Council Plan - promoting strong, caring communities through the provision of decent housing in a safe and clean environment;
- identify ongoing savings and efficiency gains, through the use of partnerships where appropriate;
- continue to undertake prudent management of reserves and other balances;
- comply with government policy on rent restructuring.

The proposed budget 2013/14 and the MTFs(LH)

7. The Decent Homes Standard was delivered by the end of 2010. Resources remain to be required to maintain this standard, and deal with properties where the age of the fittings mean that a replacement is required, and non-decent properties as they become void.
8. This forecast has been based on recent financial trends and our current assessment of the Government's housing finance policy and, like any forecast, should be regarded with caution (risks to the forecast are considered later). In view of our commitment to stock retention and maintenance of the Decent Homes Standard, it is proposed that we continue when necessary to give consideration to the following:
 - ongoing review of spending and resource forecasts;
 - further efficiency and other savings, including those achievable from use of partnerships;

- addition to and replacement of the housing stock via new build programmes;
 - the level of housing debt;
 - service charges².
9. Whilst the volume of responsive repairs has increased since the back-log of routine repairs was eliminated over the past few years, efficiencies in the way these repairs have been delivered and also in the way that capital works are delivered have resulted in significant cost savings.
10. A proposed rolling five-year capital programme has been developed as a continuation of the existing programme to maintain current standards and improvements following the achievement of the Decent Homes standard.

Risks to the financial forecast

11. The main risks to the financial forecast are considered below:

Risk	Impact
Inflation higher than forecast	<p>While increased inflation has an impact on costs, in the case of the HRA, it also affects resources, through the rent formula under government guidance.</p> <p>If cost inflation is lower than general inflation as used to determine the rent increase, this will have a positive budgetary impact.</p> <p>However, if cost inflation is higher than general inflation as used to determine the rent increase, this will have a negative budgetary impact.</p>
Income levels not achieved	<p><u>Rent loss from void properties</u></p> <p>We have been very successful over the years in controlling rent loss on empty properties. We have previously allowed in our forecasts for a rent loss of 1.8% of total rent available.</p> <p>We have seen over recent years an increase in void properties owing mainly to greater tenant mobility and this has resulted in an increased rent loss of up to 2.5% of total rent available.</p> <p>Investment in void property works has been prioritised in the proposed five-year capital programme.</p>

² Government subsidy calculations assume charges over and above the rent for special services to flats and for supported housing – the HRA is financially disadvantaged as a result of not applying these charges.

	<p>The cost for each 1% void loss is around £1m per annum.</p> <p>.</p> <p><u>Rent loss from non-payment of arrears</u></p> <p>As part of the Government's proposed welfare reforms, it is proposed that many tenants will from 2013-14 onwards start to receive Universal Credit direct and will therefore be responsible for paying their own rent. Currently, tenants in receipt of benefit have their rent paid as a transfer from Benefits. This is likely to lead to an increase in arrears and potentially in bad debts.</p> <p>Around 4,000 tenants of working age in receipt of benefits may also be affected by benefit restrictions from April 2013 as they are deemed to be under-occupying their property.</p> <p>We estimate that around £2.7m rent, which was previously paid directly via Benefits, will now be collectable from tenants as a result of the new underoccupancy rules.</p> <p>The impact of Universal Credit on rent collection rates is difficult to assess at this stage, but initial estimates from the pilot projects suggest that the collection rate may fall from the current 98% to 80% - 90%.</p>
Interest rates higher than forecast	<p>Our debt on housing properties is around £465m following the introduction of self-financing. Hence, interest rate risk is much more significant than it was under the subsidy system.</p> <p>Risk will be mitigated by borrowing at fixed rates and spreading repayment dates to minimise refinancing risk.</p>
Reduction in property values in the borough	<p>A 10% reduction in property values would reduce the value of usable capital receipts and would reduce available resources by around £90k per year.</p>
Reduction in council house and land sales	<p>We have seen as a result of the "credit crunch" and the general economic situation a marked decrease in the number of council house sales (however, see Reinvigoration of Right to Buy, below) and also a diminution in the value received for sale of housing land.</p>

	<p>We have currently assumed that present numbers and levels of sales do not increase for the next few years.</p> <p>A reduction of 100 house sales in a year will lead to a loss of usable capital receipts of £1.8m.</p> <p>This would be partially offset by additional rental income of around £400k, but management and maintenance demands will continue.</p>
Reinvigoration of Right to Buy	<p>The Government has increased the cap on Right to Buy (RTB) discount from £26,000 to £75,000 per property. This may result in increased sales.</p> <p>New regulations have replaced the capital receipts pooling arrangements and require councils to build replacement homes for all extra homes sold under Right to Buy.</p>
Timing and amount of capital receipt	<p>We are expecting a substantial capital receipt for the sale of the North Priory estate to our developer partners. This has been built into our forecasts over the period 2009-10 to 2013-14.</p> <p>Any significant reduction in amount will reduce available resources. Any delay in receiving the funds will adversely affect cashflow and if the receipt is delayed there will be a significant adverse effect on the year-end balance on the HRA.</p> <p>A specific risk applies in relation to £700k of this anticipated receipt which is payable as Kickstart grant by the Homes and Communities Agency (HCA) to our developer partners on the successful completion of Phase 1 of the project. This will then be passed on to the Council. We are actively monitoring our developer partners' progress in claiming this grant.</p>
Unforeseen costs or costs greater than estimated	<p>Any unbudgeted costs would have to be met from economies or reductions in planned spending in the year in which they arise or from any balances available in that year.</p> <p>Calculations indicate that any costs to the HRA arising from Single Status can be met within proposed budgets.</p> <p>We anticipate that any Equal Pay settlement costs would be capitalised through a government dispensation.</p>

Prudential indicators

12. The Local Government Act 2003 introduced a system of "prudential borrowing" which allows councils to set their own borrowing limits subject to

criteria of prudence and affordability. These criteria are set out in more detail in the CIPFA Prudential Code which specifically requires us to set a number of prudential indicators. The full range of prudential indicators are to be set as part of another report on this agenda. Those indicators that relate to HRA capital expenditure are set out below:

	Latest budget 2012/13	Forecast 2013/14	Forecast 2014/15	Forecast 2015/16
Ratio of financing costs to net revenue stream: HRA	20.8%	20.4%	19.2%	18.3%
Estimated incremental impact of capital investment decisions on HRA weekly rents	N/A	N/A	N/A	N/A
Capital expenditure: HRA	35.5	36.8	31.6	31.5
Capital Financing Requirement: HRA	£467.1m	£467.1m	£467.1m	£467.1m

13. The ratio of financing costs to net revenue stream shows the costs of servicing housing debt as a percentage of total HRA income. This is a measure of the affordability of debt.
14. The forecast debt charges resulting from anticipated borrowing are fully reflected in the Housing Revenue Account budget at Appendix 1 of the report. There are currently no proposals to undertake new borrowing as this is not possible within the limits imposed on the HRA CFR as part of self-financing. However, rents continue to be determined by government rent restructuring guidance and it is assumed that the Council will continue, as in previous years, to comply with this guidance.
15. The HRA Capital Financing Requirement is a measure of the share of the Council's overall portfolio of debt and investments that results from public sector housing capital expenditure. The limit on the HRA CFR imposed on implementation of self-financing is £467.1m. This is a new indicator.

Partnerships

16. Housing Services is continuing to deliver on its partnership working and currently has a number of such arrangements, for example:
 - Funding partnerships with energy service providers to increase resources under the Government's CESP [Community Energy Savings Programme] and ECO (Energy Company Obligations) - which will replace CESP from spring 2013 - to deliver energy efficient whole house measures to combat climate change and CO2 emissions in Council Homes.

- Strategic partnerships that are being delivered in accordance with the principles of Sir John Egan's report 'Rethinking Construction'. Through innovative payment mechanisms, incentivising good performance and modern methods of collaborative working, three partnerships (gas servicing, maintenance and repair; electrical rewires and upgrades; external painting) are delivering improved services at a measurably lower cost and have allowed valuable and limited resources to be re-invested in the housing stock.
17. Procurement consortia and other partnership arrangements will also be used where appropriate, forming partnerships with established bodies to deliver procurement efficiencies.

Meeting of the Cabinet – 12th February 2013

Joint Report of the Director of Adult Community and Housing Services and the Director of Corporate Resources

A Dudley MBC Policy for Community Asset Transfer

The implementation of the separate legal process for the Community Right to Bid with regard to Assets of Community Value

Purpose of Report

1. To Seek approval from Cabinet of the policy relating to Community Asset Transfer.
2. To note and comment on the procedure established to meet the new legal duty for Council's to manage the Community Right to Bid procedure with regard to Assets of Community Value in accordance with the Localism Act 2011.

Background

3. The Localism Act 2011 introduced the legal process, to be administered by local authorities for the listing of assets of community value and enabling a process of a community right to bid.
4. In addition the Local Authorities are encouraged to adopt their own policies to allow for community asset transfers of their own assets – such as land or buildings – to the voluntary sector. This report firstly introduces a draft Council policy (the Community Asset Transfer Policy) for consideration and approval to allow for the transfer of local authority assets i.e. land or property to a voluntary organisation, subject to the criteria outlined in the policy.
5. It must be noted that this Community Asset Transfer policy is not a legal requirement and allows for a process which is solely for internal decision making when community groups and /or the Council wish to consider such an asset transfer. This policy is totally separate from the legal process of Community Right to Bid under the Localism Act, which is set out in the second part of this report.
6. **Community Asset Transfer Policy**

The Quirk report in 2007, "Making Assets work", established certain principles with regard to maximising the use of publicly owned community assets and as a result the government created an asset transfer unit. Prior to the implementation of key provisions in the Localism Act, Dudley Council, in February 2012, in conjunction with a national asset transfer specialist "Locality ", provided an initial draft policy for consultation with the voluntary sector which included community

centre management groups and internal Directorates of the Council. The responses were used to further develop the policy now put forward for adoption.

7. The policy relates only to Council owned assets which includes land and buildings. These assets must currently be in community use in order to be considered for transfer.
8. The definition of Community Asset Transfer is “The transfer of land or buildings from the Council’s freehold ownership into the stewardship and/or ownership of voluntary and community sector organisations.”
9. Any transfer may be made on the basis of a short term or long term lease; or in some cases full transfer of the freehold.
10. **Advantages of implementing a Community Asset Transfer Policy:**
 - It is a positive way to devolve power to neighbourhoods and encourage local involvement and community action
 - It can contribute to regeneration of communities.
 - It can create new organisations with the ability to generate additional resources which may not be available to the Council.
 - It can create stronger, more sustainable voluntary and community organisations which can create wider benefits for their own communities. This in turn may help to provide financial security recognition and management capacity within the sector.
 - It can stimulate partnership working between the Council and voluntary and community organisations and other partners and improve provision of services in communities and their accountability.
 - It can contribute to efficiency savings by releasing surplus property
 - It can help the Council rationalise its estate and maximise use of its assets with a focus on community outcomes.
 - The activities safeguarded by transfer should contribute to Council objectives.
11. The detailed draft policy is available in the Members room and on the Committee Management Information System on the website.
12. A draft “HOW TO” guide for potential applicants is being developed to assist in the process. This will be available on line and at libraries and council offices throughout the Borough.
13. There will be a single point of contact, within the Council to liaise with voluntary organisations with regard to potential transfers. The Council will regularly review potential assets for transfer and be proactive in its approach to the transfer process. The Policy itself will be reviewed after 12 months in operation.

14. Any potential organisation wanting to have an asset transferred will be required to meet detailed criteria including a strong business case, robust finances and the skills and organisational capacity to deliver. There will also need to be an annual statement of community benefit.

15. Community Right to Bid and Assets of Community Value

The Localism Act 2011, contains provisions which allow local groups such as voluntary organisations; neighbourhood forums; community interest companies; parish councils; or unincorporated local bodies (with at least 21 members eligible to vote locally) to nominate land or buildings of a non residential nature to be placed on a local authority list as an Asset of Community Value. The land and / or buildings can be in private or public ownership

16. The Council has a new duty to administer the statutory process and if it receives a valid nomination it must decide if the land or building meets the definition as set out within the Act:

An actual current use of the building or land (not its ancillary use) furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community.

17. It must be noted that this could include a “recent past” use and 3 years would appear to be a reasonable timeframe for this purpose.
18. Once a building is duly listed and has met all the legal criteria to be included on the list the owners of the land have to be notified and have a right of appeal against the listing. There are also compensation provisions if the owner of the land or building has a financial loss due to potential delays that a community right to bid creates.
19. The Director of Corporate Resources has made arrangements to implement the Assets of Community Value provisions utilising the Council’s Corporate Property Group as a decision making body.
20. If an asset that has been placed on the formal list of Assets of Community Value is then proposed for sale, the local organisations will have up to 6 months to raise capital and bid to buy the asset. This new right is the “community right to bid”. However, there is no requirement on the owner to sell the asset to the relevant nominating body or indeed any other bidding local organisation.
21. The detailed role of the Council is attached at appendix 1, together with the process for nominating an asset at Appendix 2; and the process for asset disposal at Appendix 3.

Finance

22. The development of the Asset Transfer Policy has been achieved within existing budgets, however any costs required to ensure assets are fit for transfer would need to be considered on a case by case basis.
23. The Council to date has received a “new burdens payment “of approximately

£4000 in respect of administering the new legal process of community right to bid.

24. It should be noted that in respect of claims by land owners for compensation, the Council could be liable in any one year for up to £20,000, (on the basis of either a single case, or number of cases), which will not be funded by Government – recompense being made available only when the figure exceeds that amount.

Law

25. The Local Government Act 1972 general disposal consent (England) (updated 2003), enables the Council to dispose of land for less than the best consideration that can be reasonably obtained. The Council may do anything incidental to, conducive to, or which facilitates the discharge of its functions under section 111 of the Local Government act 1972.
26. The Localism Act 2011 and subsequent regulations make provisions in respect of Community Right to Bid / Assets of Community Value and provide a Right of Appeal for asset owners against a local authority decision to list an asset and compensation decisions.

Equality Impact

27. The Community Asset Transfer policy sets out a clear, transparent and fair framework for decisions. Community, voluntary and faith organisations who are applying for an asset transfer will need to demonstrate that their plans meet the needs of, and have the support from the local community.
28. The Community Right to Bid scheme is primarily an administrative process defined by legislation with little discretion for local authorities.

Recommendation

29. That the Community Asset Transfer policy as referred to in this report be approved and adopted
30. To note the new legal duty for the Council with regard to the community right to bid and assets of community value list.
31. To agree the procedure set out in the report and appendices for managing the process for nomination, listings and disposal of Assets of Community Value and determining applications for compensation.
32. That the Director of Corporate Resources, in consultation with the Cabinet Member for Human Resources, Law and Governance, be authorised to make any necessary amendments to the Community Asset Transfer Policy and the Community Right to Bid procedure to reflect any further advice received or in the light of operational experience.



.....
Andrea Pope-Smith
Director of Adult Community and Housing



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Philip Tart
Director of Corporate Resources

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List of Background Papers

Appendix 1 Detailed Role of The Council with regard to Assets of Community Value and Community Right to Bid

Appendix 2 and 3 Process for nomination for list and disposal of Assets for Community Value

http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10171/3835503/NEWS-TEMPLATE and Process for asset disposal

APPENDIX I:

The Role of the Council

Under the 'Community Right to Bid' provisions, the Council is required to:

- Set up a process to enable local community and voluntary groups to nominate assets;
- Adjudicate in accordance with Government Regulations on whether the assets can be included on a list of assets of community value;
- Publish the list of assets of community value and also details of those assets that were nominated but unsuccessful, including the reason why the nomination was unsuccessful and inform the Land Registry accordingly;
- Implement an internal review process should the owner of the nominated asset disagree with the Council's decision that the nomination be successful;
- Set up and monitor a moratorium process so that when an asset from the list comes on to the market, community groups have time to register their intent to bid and raise the necessary capital, and prevent the owner from selling the asset during the moratorium period. This involves notifying the nominating body and ensuring notification goes out within the area local to the asset; and
- Operate a compensation scheme to compensate owners for loss or expense incurred as a result of listing and comply with any of the procedures required by the scheme.

It is proposed that the Council's Corporate Property Group act as the adjudicating body when considering nominations; and as a separate process, reviews from asset owners against a decision to list will be heard by the Director of Corporate Resources.

An additional process has to be established from the point the owner of a listed asset wants to sell. Interaction is largely between the owner and any bidding organisation but the owner must notify the Council of the intention to dispose and the Council must notify the original nominating body and publicise the owner's intention within the local area.

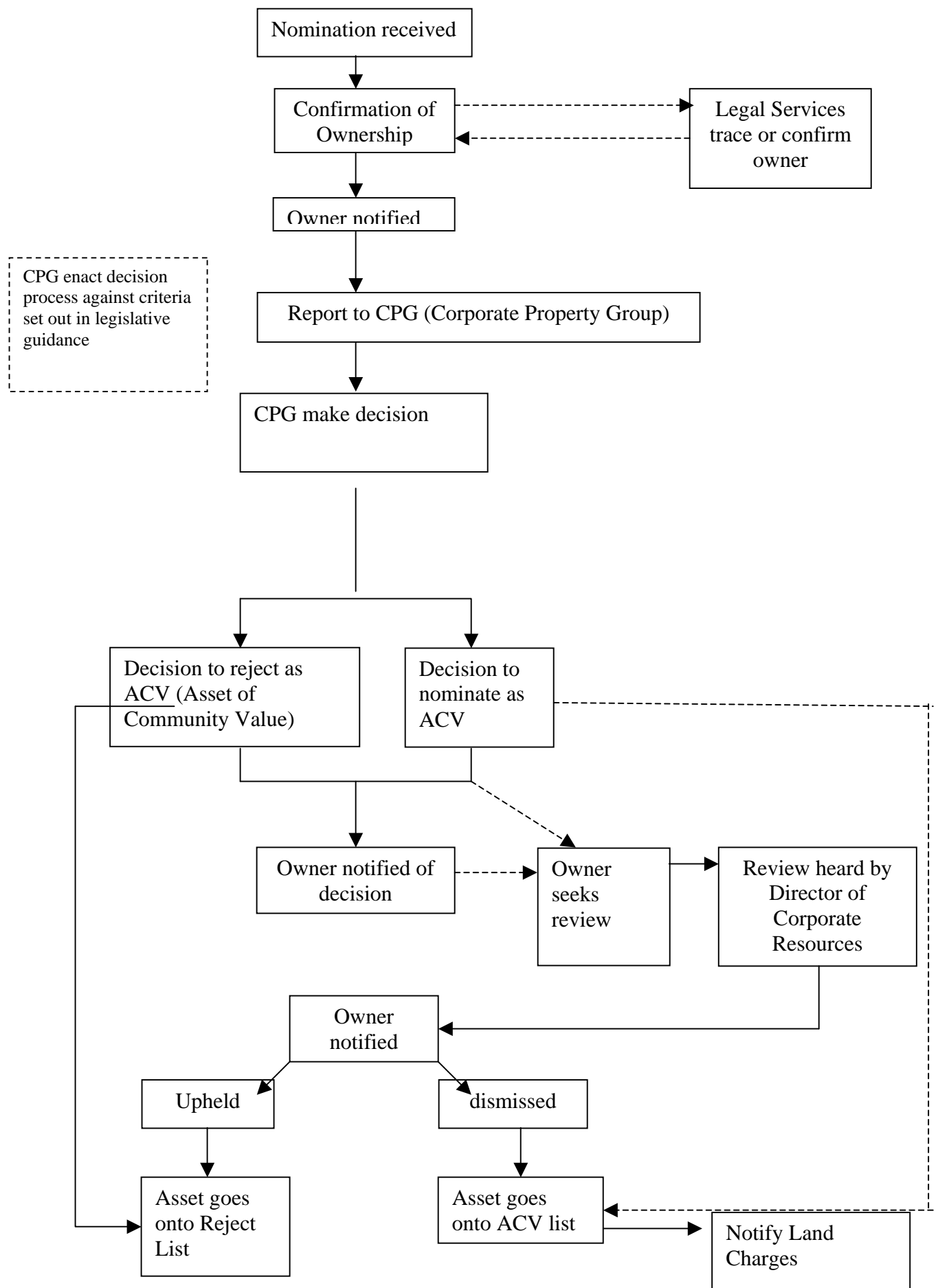
Compensation

Arrangements for the adjudication and payment of any compensation claimed by owners for loss or expense incurred as a result of listing and complying with any of the procedures required by the scheme are to be administered by the Council. The scheme must include an initial decision-making process and an internal review process. It is proposed that a senior officer group comprising 3 Heads of Service act as the Adjudicating body when considering compensation applications and as a separate process, reviews against compensation decisions will be heard by the Treasurer. Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.

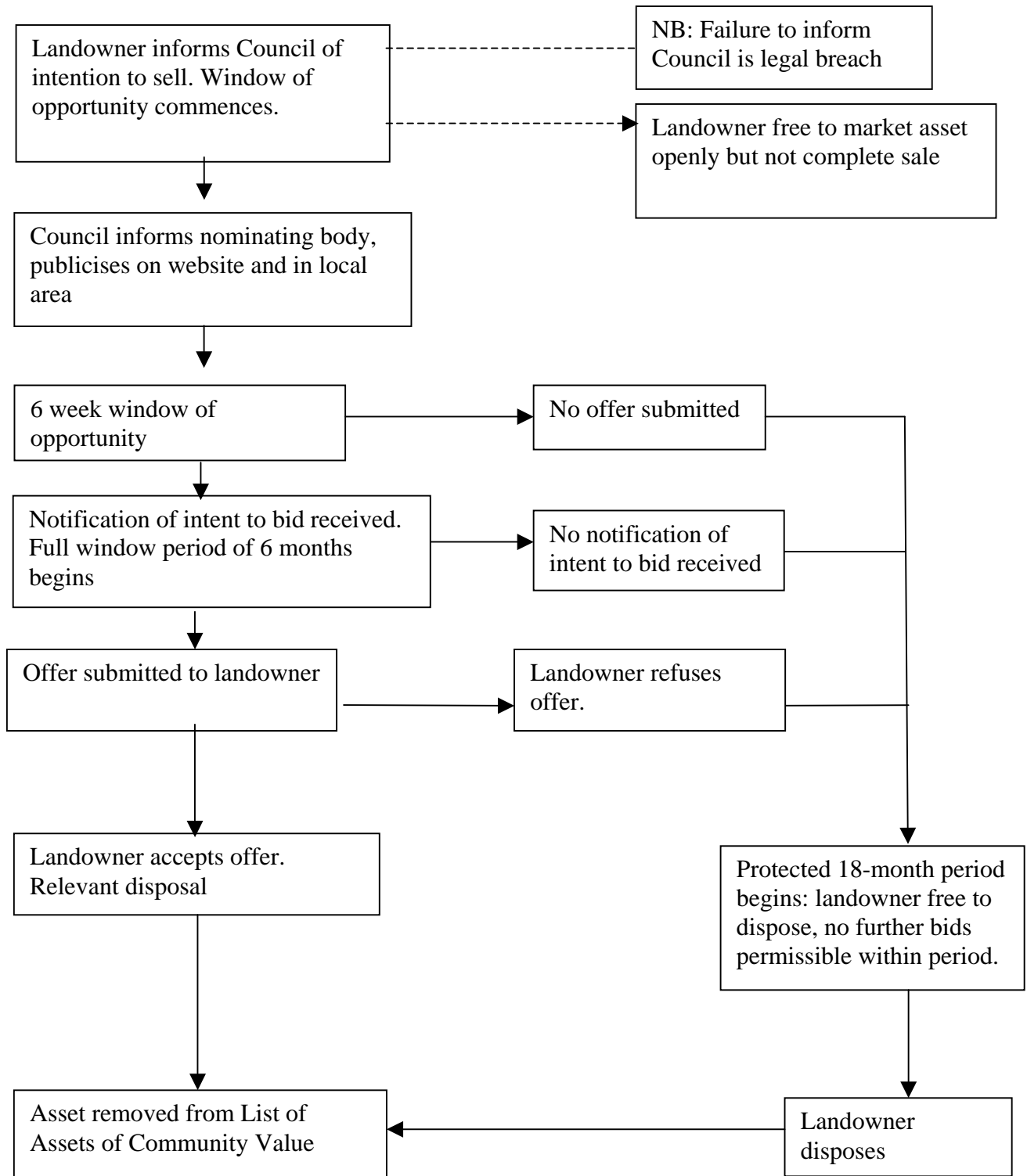
The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.

The Government has reflected the estimated costs of compensation within the new burdens funding, on the basis of 40 successful claims across all administering local authorities over a year. In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20,000 in a financial year – either on one large claim or as a combined total on a number of smaller claims. Any costs incurred by the Council up to £20,000 will not be met by Government.

APPENDIX 2: Process from asset nomination received to decision (8 weeks)



APPENDIX 3: Process for Asset Disposal



Meeting of the Cabinet – 12th February 2013

Joint Report of the Chief Executive and Treasurer

Capital Programme Monitoring

Purpose of Report

1. To report progress with the implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.
3. To propose the “Prudential Indicators” as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003.
4. To propose the Council’s Minimum Revenue Provision (MRP) Policy for 2013/14.

Background

5. The table below summarises the *current* 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

Service	2012/13	2013/14	2014/15
	£’000	£’000	£’000
Public Sector Housing	35,741	29,839	30,861
Other Adult, Community & Housing	8,609	3,662	0
Urban Environment	16,724	23,800	13,350
Children’s Services	12,688	15,452	67
Corporate Resources	2,867	1,755	920
TOTAL	76,629	74,508	45,198

Note that the capital programme for future years is in particular subject to government grant allocations, some of which have not yet been announced. There is a report on the proposed Public Sector Housing capital programme elsewhere on this agenda.

6. In accordance with the requirements of the Council’s Financial Regulations, details of progress with the 2012/13 Programme are given in Appendix A. It is proposed that the current position be noted, and that budgets be amended to reflect the reported variances.

Adult, Community and Housing

Disabled Facilities Grants (DFGs) 2012/13

7. The Council has been allocated further Government grant funding of £263,000 for the above in 2012/13. It is proposed that this be noted and the associated expenditure included in the Capital Programme.

In addition, it is proposed that a further £350,000 of Adult Social Care revenue resources be used to fund DFGs. This will support earlier discharge from hospital and will enable people to remain in their own homes for longer.

Gibbs Road House Redevelopment

8. It is proposed that a one off sum of £100,000 be committed from existing Section 106 (Town and Country Planning Act 1990) monies as a part contribution to the demolition and redevelopment of Gibbs Road House direct access homeless hostel owned by Midland Heart in Lye. The funding contribution recognises Dudley's strategic commitment to this multi-million pound redevelopment programme that is majority funded by Midland Heart. The redevelopment will replace the current 83 unit direct access hostel that is not fit for purpose. It will be replaced by a new 58 unit scheme that will include 24 direct access hostel accommodation units and 34 1 bedroom move-on flats. This accommodation will play a major role in preventing homelessness and rough sleeping in the Borough. On-site facilities will include accommodation, training, education and social enterprise opportunities to help some of Dudley's most socially deprived individuals to gain valuable employability and independent living skills.

It is proposed that the contribution be approved and included in the Capital Programme.

CHADD House, Dixons Green Road

9. It is proposed that a one off sum of £68,000 be committed from existing Section 106 (Town and Country Planning Act 1990) monies as a part contribution to the improvement works being undertaken to CHADD House, Dixons Green Road, Dudley. The building is used as part of a young person's supported housing scheme (On Route Foyer) that is owned by Churches Housing Association of Dudley and District. The funding contribution recognises Dudley's strategic commitment to the provision of a range of supported housing options for young people. The Foyer provides housing and offers support for young people to access training, education and employment opportunities. During their stay in the scheme they develop a range of independent living skills. The improvement works are designed to reduce the reliance on shared facilities such as kitchens and bathrooms and provide self contained housing units to promote greater independence for young people. This accommodation plays a vital role in preventing homelessness and rough sleeping in the Borough whilst improving the employability prospects of some of Dudley's most socially deprived young people.

It is proposed that the contribution be approved and included in the Capital Programme.

Housing Assistance

10. In each of the last two years, £550,000 has been allocated from available revenue funding to support private sector housing grants and loans for renovation and major repair work which will contribute to bringing empty and substandard residential properties back into use. It is proposed that this annual allocation be continued on an ongoing basis and included in the Capital Programme.

Adult Personal Social Services Community Capacity Grant

11. The Council has been notified of its Adult Personal Social Services capital funding allocations for 2013/14 and 2014/15 amounting to £840,000 and £857,000 respectively. This is intended to support development in three key areas: personalisation, reform and efficiency.

It is proposed that the allocations be noted and that the associated spend on relevant Adult Personal Social Services projects be included in the Capital Programme.

Fuel Poverty Fund

12. The Council has been awarded capital funding of £90,000 from the Department of Energy & Climate Change Fuel Poverty Fund. This funding will be used for boiler replacements and other small energy efficiency measures for private sector homes, being targeted at vulnerable people living in “fuel poverty”. It is proposed that this funding allocation be noted and the associated expenditure included in the Capital Programme.

Urban Environment

Saltwells Wardens' Base

13. The Council disposed of a small development site set within the Saltwells Reserve to PSP Dudley LLP, the Council's 50/50 joint venture, in March 2010. The buildings on the site, Saltwells House and the existing wardens' base, were demolished soon afterwards. As a condition of the sale the buyer was to re-provide the wardens' base to the same specification as that demolished. Upon completion the new base and the land it occupies will be transferred back to the Council. In order to provide a base which meets current functional requirements and is sympathetic to the site it sits within, a Council contribution of £120,000 will be required towards the estimated total cost of £300,000. This contribution can be met from Directorate reserves. It is proposed that the Council's contribution be approved and that the project be included in the Capital Programme.

Recycling

14. The Council has recently been awarded £1,808,000 from the Government's Weekly Collection Support Scheme for the retention of weekly residual waste collections (committed for five years), and the enhancement of the recycling collection service to include the collection of plastic bottles and cardboard. Within this there is a capital allocation of £1,073,000 (£1,021,000 for the recycling service and £52,000 for schools) for 2013/14 for the provision of vehicles, equipment and containers etc. It is proposed that the funding allocation be noted, and that the project be approved and included in the Capital Programme.

Wheeled Bins

15. In conjunction with the recycling of plastic bottles and cardboard it is proposed to develop the weekly household waste collection service through the introduction of wheeled bins, to replace the current plastic sack service. This will assist in delivering the directorate savings set out in the revenue budget report elsewhere on this agenda, and should achieve a commensurate service enhancement that will support the recycling service improvement identified above. The service change is proposed to commence from 2013/14 and will require the acquisition of approximately 125,000 wheeled bins at an estimated capital cost of £2.5m.

This will be funded initially through prudential borrowing, the repayment of which can be met from the annual revenue budget of £250,000 currently used to pay for plastic waste collection sacks. It is proposed that the project be approved and included in the Capital Programme.

Recycling Bunker

16. In advance of the recycling collection scheme expansion, and as a consequence of recent changes in waste paper storage arrangements it is necessary to modify the bunkers at Blowers Green Recycling Depot to facilitate and control the storage of waste paper and cardboard. This includes an increase in bunker capacity, and a roof extension to keep the material dry. Planning approval has already been obtained for these works. The cost of £25,000 can be funded from revenue efficiencies generated from within Waste Care in the current financial year. It is proposed that the project be approved and included in the Capital Programme.

Depot Improvements

17. It has become necessary to refurbish and upgrade the welfare facilities for Environmental Management operational staff along with essential enhancements to depot infrastructure and buildings at both Lister Road and Blowers Green in order to meet the requirements and comply with the Workplace (Health, Safety and Welfare) Regulations 1992. In addition, it is necessary to enhance accommodation to facilitate service moves to Lister Road depot. The cost of £257,000 can be funded from one off revenue efficiencies generated from within Environmental Management in the current financial year. It is proposed that the project be approved and included in the Capital Programme.

Stourbridge Crematorium Improvement Works

18. A number of improvements are proposed for Stourbridge Crematorium to ensure that the facility complies with legislative and technical requirement and meets customer expectations. Improvement works are proposed to the cremators and the catafalque to bring them up to industry standards as well as other improvements to the Chapel which will increase standards of comfort and appearance for visitors. The cost of this work is estimated to be £68,000 and can be met from Capital resources available within DUE arising from an underspend on the improvement works at Gornalwood Crematorium. It is proposed the project be approved and included in the Capital Programme.

Highways Maintenance

19. The council has received funding allocations of £473,000 in 2013/14 and £253,000 in 2014/15 as it's share of £215m announced in the Autumn Statement for essential highway maintenance work. It is proposed that the allocation be noted and the associated expenditure included in the Capital Programme.

Local Pinch Point Fund

20. It is proposed to submit a bid in partnership with Wolverhampton City Council to the Government's recently announced Local Pinch Point Fund to improve the A4123 Birmingham New Road / Shaw Road junction. This is one of only two remaining junctions on the A4123 strategic route that has not been upgraded in recent years. The other junction, at Sedgley Road, has been identified for improvements via the Bean Road development.

The scheme cost is estimated at £1,350,000 and bidding authorities are required to provide a 30% local contribution to the overall capital costs. Given the scheme sits on the boundary of the two local authorities the local contribution would be split 50/50 resulting in a contribution from Dudley of £202,500. This could be met from the 2013/14 and 2014/15 Integrated Transport Block of the Local Transport Plan funding.

It is proposed that submission of the bid be approved and that subject to the bid being successful the project be included in the Capital Programme.

The Black Country Local Transport Board – Assurance Framework

21. The Department for Transport (DfT) has announced its intention to devolve funding for local major transport schemes to Local Transport Bodies (LTBs) from 2015. LTBs will be voluntary partnerships between local authorities, Local Enterprise Partnerships (LEPs) and other organisations as deemed appropriate. Their primary role will be to decide which investments should be prioritised, to review and approve individual business cases for those investments, and to ensure effective delivery of the programme. Therefore, while DfT will no longer have a role in the selection and approval of individual schemes, it will need to ensure that the devolved system provides appropriate safeguards for the use of public funds and is able to deliver value for money for the overall level of Government funding. The Department therefore needs a way to ensure that LTBs are fit for purpose and have the necessary arrangements in place to ensure value for money and sound decision making.

The existing arrangements in place governing local authorities' financial management are not adequate for these purposes because it is the LTB and not the local authority that is the effective decision making body. LTBs may involve partners other than local authorities and will, in many cases, make decisions about distribution of resources between local authorities. More specific arrangements are therefore required that are tailored to the requirements of the programme and appropriate to the size and nature of the schemes that are likely to be funded. The DfT has therefore confirmed that all LTBs need to put in place an "assurance framework", setting out their governance and working arrangements. The frameworks will need to be submitted to, and approved by, DfT before any devolved funding will be transferred.

A working group of officers has been tasked by the Association of Black Country Authorities with preparing the Black Country Local Transport Board assurance framework for submission to DfT by the 28th February 2013. It is proposed the development of a Black Country "assurance framework" be supported.

Improvement works to Car Park Infrastructure

22. It is necessary to undertake improvement works on existing Council car parks, including new and replacement pay and display machines, relining of parking areas and surfacing works to hard standing areas. This will improve the overall condition of the car park infrastructure to meet future parking requirements and the needs of users of the facilities. The estimated cost of works of £150,000 can be funded from one-off revenue efficiencies generated within Environmental Management in the current financial year. It is proposed that the project be approved and included in the Capital Programme.

Children's Services

Capital Funding for New 2 Year Old Places

23. Free early education will become a statutory entitlement for eligible two year olds from 1 September 2013, with local authorities having a duty to secure provision. Some 130,000 children in England, around 20% of 2 year olds, are expected to receive free early education from September 2013. The Council has been notified of an allocation of £517,000 for 2012/13 to support implementation and ensure there are enough high quality places available. The grant is not ring-fenced and has no spend deadline.

It is proposed that the allocation be noted and the associated spend included in the Capital Programme.

Corporate Resources

Transforming Our Workplace

24. In March 2012, Cabinet agreed to include the above project in the Capital Programme. Following a review of the project, whilst there is no change in overall cost, the capital element needs to be increased by £472,000, matched by a corresponding reduction in the revenue budget. It is proposed that the Capital Programme be amended accordingly.

Post Completion Review of Capital Projects

25. The Post Completion Reviews required by Contract standing orders have now been undertaken for the following schemes, with copies of the proformas summarising the reviews attached at Appendix B.

Urban Environment

A456 Manor Way Westbound Resurfacing
Bromley Lane Kingswinford Resurfacing
B 4180 Leys Road and High Street, Brockmoor Resurfacing

Children's Services

Oldswinford CE Primary School Re-roofing
Red Hall Primary School Boiler Replacement

It is proposed that these be noted.

The CIPFA Prudential Code for Capital Finance in Local Authorities

26. The Local Government Act 2003 introduced a system of "prudential borrowing" which allows councils to set their own borrowing limits subject to criteria of prudence, affordability, and sustainability. The CIPFA Prudential Code sets out the indicators that authorities must use, and the factors they must take into account, to demonstrate that they have fulfilled this objective.
27. Details of the various indicators required, and the proposed figures to be set in relation to each indicator are set out at Appendix C.

Minimum Revenue Provision (MRP) Policy Statement

28. Before the start of each financial year each authority must agree its policy on making Minimum Revenue Provision (MRP) for repayment of non-HRA borrowing incurred to fund Capital expenditure, in respect of that financial year. (There is no requirement to make MRP in respect of HRA borrowing.)
29. In line with the current policy, it is proposed that the Council agrees the following MRP Policy for 2013/14 as follows. This is unchanged from the 2012/13 Policy.
- For unsupported borrowing to fund capital expenditure incurred from 1st April 2008 onwards, MRP be calculated on the basis of equal instalments or annuity as appropriate over the initial estimated life of the assets - the "Asset Life" method. And in respect of "PFI" schemes and other Finance Leases etc., MRP be calculated on a basis equivalent to the principal element of the unitary/lease payments. This would also apply to such expenditure incurred before 1st April 2008 but only subsequently included on the Balance Sheet as a result of changes to accounting arrangements. *(This means that such borrowing and other credit arrangements will be repaid over the life of the assets for which it was incurred, matching the costs with the benefits received.)*
 - For all supported borrowing, and unsupported borrowing to fund capital expenditure incurred before 1st April 2008, MRP be calculated on the basis of the previous regulations - the "Regulatory Method". *(This means that supported borrowing will mainly be repaid to match the support received from the Government, and that unsupported borrowing will be repaid as was anticipated when it was incurred, avoiding any change to the net impact on annual revenue budgets.)*

Finance

30. This report is financial in nature and information about the individual proposals is contained within the body of the report.

Law

31. The Council's budgeting process is governed by the Local Government Act 1972, the Local Government Planning and Land Act 1980, the Local Government Finance Act 1988, the Local Government and Housing Act 1989, and the Local Government Act 2003.

Equality Impact

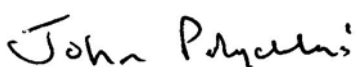
32. These proposals comply with the Council's policy on Equality and Diversity.
33. With regard to Children and Young People:
- The Capital Programme for Children's Services will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
 - Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.

- There has been no direct involvement of children and young people in developing the proposals in this report.

Recommendations

34. That the results of the Post Completion Review of capital projects, as set out in Appendix B be noted.
35. That in response to the Department for Transport's intention to devolve funding to Local Transport Bodies for major transport schemes, the development of a Black Country "assurance framework" be supported, as set out in paragraph 21.
36. That the Council be recommended:
 - That current progress with the 2012/13 Capital Programme, as set out in Appendix A be noted, and that budgets be amended to reflect the reported variances.
 - That the further allocation of Disabled Facilities Grant (DFG) funding of £263,000 be noted and the associated expenditure included in the Capital Programme, and that a further £350,000 of Adult Social Care revenue resources be used to fund DFGs, as set out in paragraph 7.
 - That the contribution of £100,000 to the redevelopment of Gibbs Road House be approved and included in the Capital Programme, as set out in paragraph 8.
 - That the contribution of £68,000 to the improvement works being undertaken to CHADD House be approved and included in the Capital Programme, as set out in paragraph 9.
 - That the £550,000 allocation for Housing Assistance Grants be continued on an ongoing basis and included in the Capital Programme, as set out in paragraph 10.
 - That the Community Capacity Grant allocations be noted, and the associated spend on relevant Adult Personal Social Services projects be included in the Capital Programme, as set out in paragraph 11.
 - That the award from the Fuel Poverty fund be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 12.
 - That the Council's contribution of £120,000 to the re-provision of the Saltwells Wardens' Base be approved and the project be included in the Capital Programme, as set out in paragraph 13.
 - That the Weekly Collection Support Scheme funding allocation for Recycling be noted, and that the related project be approved and included in the Capital Programme, as set out in paragraph 14.
 - That the Wheeled Bins project be approved and included in the Capital Programme, as set out in paragraph 15.
 - That the Recycling Bunker project be approved and included in the Capital Programme, as set out in paragraph 16.

- That the Depot Improvements project be approved and included in the Capital Programme, as set out in paragraph 17.
- That the Stourbridge Crematorium Improvement project be approved and included in the Capital Programme, as set out in paragraph 18.
- That the funding allocation for Highway Maintenance be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 19.
- That submission of the bid in partnership with Wolverhampton City Council for Local pinch point funding to improve the A4123 Birmingham New Road junction with Shaw Road be approved and that subject to the bid being successful the project be included in the Capital Programme, as set out in paragraph 20.
- That the improvement works to Car Park Infrastructure be approved and included in the Capital Programme, as set out in paragraph 22.
- That the allocation of capital funding for New 2 Year Old Places be noted and the associated spend included in the Capital Programme, as set out in paragraph 23.
- That the Capital Programme be amended to include an increase in the capital budget of £472,000 for the Transforming Our Workplace project, as set out in paragraph 24.
- That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C, be agreed.
- That the Minimum Revenue Provision (MRP) Policy for 2013/14 be approved as set out in paragraph 29.



John Polychronakis
Chief Executive



Iain Newman
Treasurer

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List of Background Papers

Relevant resource allocation notifications.
CIPFA Prudential Code for Capital Finance in Local Authorities.

2012/13 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31st December £'000	Forecast £'000	Variance £'000	Reasons for Variance
Public Sector Housing	35,741	17,739	35,741		
Other Adult, Community & Housing	8,609	4,946	8,609		
Urban Environment	16,724	7,579	16,656	-68	See note 1
Children's Services	12,688	8,545	12,688		
Corporate Resources	2,867	1,389	2,867		
TOTAL	76,629	40,198	76,561	-68	

1. Underspend on Gornalwood Crematorium Improvement project.

Post Completion Review of Capital Schemes

Title of Scheme: A456 Manor Way, Halesowen Westbound Resurfacing
Date of Executive / Cabinet approval (As part of Highways Structural Maintenance Programme): Annual grant for detrunked roads direct from DfT (i.e. inclusion in Capital Programme)
Original Budget (as first reported to Executive / Cabinet):.....£166,000 Planned Completion date: 7 September 2012
Outturn Cost£175,000 Actual completion date: 4 September 2012
Variation from Original Budget: Increase of £9,000 Delay: none, completed 3 days early
Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet): Additional surface course regulating material was required where the surfacing was laid in excess of 40mm thick. Also for the section resurfaced at night, additional traffic control was required to control the speed of traffic travelling past the working area for the safety of the workforce. 3 weeks had been programmed for the scheme at the end of the school holidays. However the scheme went well and was completed early.
Original Objectives of Scheme (please indicate when and to whom these were reported): Resurface the westbound carriageway of the A456 Manor Way, Halesowen to overcome the deterioration of the surface course, including transverse cracking.
Have these Objectives been met? (If "No" please provide explanation): Yes. A polymer modified asphalt material has been used to improve the flexibility of the surface course and reduce the likelihood of future reflective cracking.

Signed by: John Millar (Director)

Date: 12/12/2012

Title of Scheme: Bromley Lane, Kingswinford Resurfacing
Date of Executive / Cabinet approval (As part of Highways Structural Maintenance Programme): 27 May 2011 (i.e. inclusion in Capital Programme)
Original Budget (as first reported to Executive / Cabinet):.....£181,000 Planned Completion date: 31 August 2012
Outturn Cost£189,000 Actual completion date: 16 September 2012
Variation from Original Budget: Increase of £8,000 Delay: 16 days
Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet): When the carriageway was planed out, the material at the bottom of the excavation was found to be very loose. As a consequence the depth of resurfacing was increased from 100mm to around 114mm, requiring an additional 278 tonnes of binder course material. The overall cost was higher but it will result in a stronger pavement construction. Laying the surface course over Bromley Bridge was moved to Sundays due to the restricted width. This delayed the completion as the contractor' resources were committed on another scheme.
Original Objectives of Scheme (please indicate when and to whom these were reported): Resurface the carriageway of Bromley Lane, Kingswinford to overcome the deterioration of the pavement layers.
Have these Objectives been met? (If "No" please provide explanation): Yes, although it will be some time before the extended life of the pavement structure is known.

Signed by: John Millar (Director)

Date: 12/12/2012

Title of Scheme: B4180 Leys Road and High St, Brockmoor Resurfacing
Date of Executive / Cabinet approval (As part of Highways Structural Maintenance Programme): 27 May 2011 (i.e. inclusion in Capital Programme)
Original Budget (as first reported to Executive / Cabinet):£220,000 Planned Completion date: 20 July 2012
Outturn Cost£282,000 Actual completion date: 15 July 2012
Variation from Original Budget: Increase of £62,000 Delay: none, completed 5 days early
<p>Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet):</p> <p>When the carriageway was planed out, the material at the bottom of the excavation was found to be very loose. As a consequence the average depth of resurfacing was increased from 100mm to around 125mm, requiring an additional 673 tonnes of binder course material. The overall cost was higher but it will result in a stronger pavement construction.</p> <p>Some 25% of the area was moved to Sunday working to avoid damage to the new surface by heavy vehicles accessing industrial premises. Also the total area resurfaced was 417sq.m greater than the initial estimate.</p>
<p>Original Objectives of Scheme (please indicate when and to whom these were reported):</p> <p>Resurface the carriageway of the B4180 Leys Road and High Street, Brockmoor to overcome the deterioration of the pavement layers.</p>
<p>Have these Objectives been met? (If "No" please provide explanation):</p> <p>Yes, although it will be some time before the extended life of the pavement structure is known.</p>

Signed by: John Millar (Director)

Date: 12/12/2012

Title of Scheme: Oldswinford CE Primary School – Re-roofing project.
Date of Cabinet approval: 09/02/2011 <i>(i.e. inclusion in Capital Programme)</i> This project was funded from the Capital Maintenance Grant and approved by Cabinet on the above date.
Original Budget : £209,000. Planned Completion date: 16/07/2012
Outturn Cost (still provisional): £204,000. Actual completion date: 16/07/2012
Variation from Budget: -£5,000. Delay: Not Applicable.
Reason for Cost Variation and / or Delay in Completion <i>(please indicate if any variation has previously been reported to Cabinet):</i> Competitive tenders were invited in accordance with Council Standing Orders. This project ran to plan and to budget. There were no significant variations therefore the contingencies were not fully spent. Cost variations were reported at regular intervals through PIT (Project Implementation Team).
Original Objectives of Scheme <i>(please indicate when and to whom these were reported):</i> The project was prioritised through the Council's AMP (Asset Management Plan) Scoring Matrix mechanism that targets capital resources where they will have the greatest impact on raising educational Standards and improving the overall quality of school buildings. Also, the School's Governing body and Senior Management Team highlighted the project as a priority in the School's Building Development Plan. Following a meeting of the AMP Consultation Group held on 16 th February 2011 the unanimous decision by the group was to recommend that the Directorate proceed with the Re-roofing Scheme at Oldswinford CE Primary School. The Director of Children's Services agreed to the programme at Capital Board that also took place on 16 th February 2011. The chosen solution was an insulated three ply mineral felt system (20 yr guarantee). The high level windows to the hall and first floor classrooms were also replaced with commercial grade aluminium double glazed units. The completed project has provided a permanent solution to the flat roof failure and a school environment that is equipped for 21st century teaching and learning.
Have these Objectives been met? <i>(If "No" please provide explanation):</i> Yes.

Signed by: Jane Porter (Director)

Date: 20th November 2012

Title of Scheme: Red Hall Primary School – Boiler Replacement Scheme
Date of Cabinet approval: 08/02/2012 <i>(i.e. inclusion in Capital Programme)</i> This project was funded from the Capital Maintenance Grant approved by cabinet on the above date.
Original Budget: £255,000 Planned Completion date: 09/11/2012
Outturn Cost (still provisional): £234,000 Actual completion date: 23/11/2012
Variation from Budget at Tender Stage: - £21,000 Delay: 10 Working Days.
Reason for Cost Variation and / or Delay in Completion <i>(please indicate if any variation has previously been reported to Executive / Cabinet):</i> <p>Competitive tenders were invited in accordance with Council Standing Orders and the lowest valid tender received was under the original budget. This was due to the market conditions prevalent at the time of tendering. Cost variations were reported at regular intervals through PIT (Project Implementation Team).</p> <p>An Extension of Time was awarded as the asbestos removal took longer than anticipated.</p>
Original Objectives of Scheme <i>(please indicate when and to whom these were reported):</i> <p>The project was prioritised through the Council's AMP (Asset Management Plan) Scoring Matrix mechanism that targets capital resources where they will have the greatest impact on raising educational Standards and improving the overall quality of school buildings. Also, the School's Governing body and Senior Management Team highlighted the project as a priority in the School's Building Development Plan.</p> <p>Following a meeting of the AMP Consultation Group held on 18th January 2012 the unanimous decision by the group was to recommend that the Directorate proceeded with the Boiler Replacement Scheme at Red Hall Primary School. The Director of Children's Services agreed to the programme at Capital Board that also took place on 8th February 2012.</p> <p>The new boilers have reduced the overall condition backlog of the school, improved the efficiency of the heating system and also helped provide a stimulating learning environment for pupils, staff and the wider community.</p>
Have these Objectives been met? <i>(If "No" please provide explanation):</i> Yes.

Signed by: Jane Porter (Director)

Date: 14th November 2012

CIPFA Prudential Indicators

The indicators set out below are specified in the CIPFA *Prudential Code for Capital Finance in Local Authorities* ("the Code"), which is required to be complied with as "proper practice" by Regulations issued consequent to the Local Government Act 2003. They are required to be set and revised through the process established for the setting and revising of the budget, i.e. by full Council following recommendation by the Cabinet. Indicators for the forthcoming and following years must be set before the beginning of the forthcoming year, but may be revised at any time following due process.

The first group of indicators (1-5) are essentially concerned with the prudence and affordability of the Council's capital expenditure and borrowing plans in the light of resource constraints. The remaining indicators (6-7) are primarily concerned with day-to-day borrowing and treasury management activity.

The proposed figures for each indicator have been developed in the light of the Council's overall resource position and medium term financial strategy and have regard to the following matters as required by the Code:

- Service Objectives;
- Stewardship of Assets;
- Value for Money;
- Prudence and Sustainability;
- Affordability;
- Practicality.

Affordability and prudence are specifically addressed by the indicators set out below. The other matters listed form a fundamental part of the Council's budget setting, management and monitoring procedures - as summarised in the Financial Management Regime (FMR) which forms part of the Constitution - and with particular relevance to capital expenditure, set out in more detail in the Council's Capital Strategy.

Appropriate procedures have been established for proper management, monitoring and reporting in respect of all the indicators, and the risks associated therewith.

Indicators set for 2012/13, 2013/14 and 2014/15 this time last year have been reviewed and where necessary are proposed to be updated to reflect latest forecasts.

1. Estimated and Actual Capital Expenditure

This indicator forms the background to all the other indicators, given that the overall rationale of the prudential system is to provide flexibility for borrowing to fund capital investment. Estimated capital expenditure is required to be calculated for the next 3 financial years, and actual expenditure stated for the previous financial year, with totals split between HRA and non-HRA capital expenditure.

Subject to the other proposals in this report being agreed, together with those contained in reports elsewhere on the agenda, the proposed indicators are as follows.

	2011/12 £m Actual	2012/13 £m Revised Estimate	2013/14 £m Revised Estimate	2014/15 £m Revised Estimate	2015/16 £m Estimate
Non - HRA	31.6	41.3	52.1	16.0	7.4
HRA	377.2*	35.5	36.8	31.6	31.5
Total	408.8	76.8	88.9	47.6	38.9

*Includes £338.1m payment to DCLG in respect of HRA self-financing settlement.

2. Estimated and Actual Capital Financing Requirement (CFR)

The Capital Financing Requirement is a measure of the Council's underlying need to borrow to fund its capital expenditure once other sources of funding - grants, capital receipts and revenue - have been taken into account. The CFR increases when expenditure is incurred, and reduces when provision is made to repay debt.

The proposed indicators consistent with the level of capital expenditure set out above are as follows.

	2011/12 £m Actual	2012/13 £m Revised Estimate	2013/14 £m Revised Estimate	2014/15 £m Revised Estimate	2015/16 £m Estimate
Non - HRA	305.2	290.4	307.2	296.0	283.1
HRA	464.1	464.1	464.1	464.1	464.1
Total	769.3	754.5	771.3	760.1	747.2

The limit on the HRA CFR imposed on implementation of self-financing is £467.1m.

3. Gross Debt and the Capital Financing Requirement.

In order to ensure that in the medium term, debt can be incurred only for capital purposes, this indicator requires that gross external debt does not (except in the short term) exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years.

It is anticipated that this requirement will be met for the years 2012/13 to 2015/16.

4. Estimate of the Incremental Impact of Capital Investment Decisions on Council Tax and Housing Rents

This indicator is intended to demonstrate the affordability of capital investment decisions in terms of their impact on levels of Council Tax and Housing Rents.

The forecast debt charges resulting from anticipated overall borrowing are fully reflected in the figures set out in the Budget Strategy and Public Sector Housing reports elsewhere on this agenda. There are currently no proposals to undertake new borrowing for Public Sector Housing capital expenditure; this would not be possible within the limits imposed on the HRA CFR as part of self-financing. The only proposal to undertake other new borrowing to fund capital investment is set out in paragraph 15 of this report (Wheeled Bins) and is part of a project that will reduce overall costs. The impact on Council Tax and Rents is therefore as follows.

	2013/14	2014/15	2015/16
	£	£	£
Increase in Annual Band D Council Tax	0	0	0
Increase in Weekly Housing Rent	0	0	0

Note that to the extent that General Fund revenue budgets are limited by overall resource availability and that the Council continues to comply with rent restructuring guidance, the effective impact of any increased borrowing would be to require other expenditure to be constrained, rather than to directly increase Council Tax or rents.

5. Estimated and Actual Ratio of Capital Financing Costs to Net Revenue Stream

This indicator is intended to demonstrate the affordability of capital investment decisions in terms of the ratio of capital financing costs to overall resources, expressed as a percentage. The proposed indicators consistent with the level of capital expenditure set out above are as follows.

	2011/12	2012/13	2013/14	2014/15	2015/16
	%	%	%	%	%
	Actual	Revised Estimate	Revised Estimate	Revised Estimate	Estimate
Non - HRA	17.6	13.1	9.7	10.1	10.4
HRA	8.5	21.6	21.2	20.2	19.3

The increase in the HRA indicator from 2012/13 onwards reflects the extra debt taken on as part of HRA self-financing. The relatively high figures for the Non-HRA indicator for 2011/12 and 2012/13 reflects voluntary early repayment of borrowing thereby freeing up future revenue resources.

6. The Authorised Limit, Operational Boundary, and Actual External Debt

These indicators are intended to ensure that levels of external borrowing are affordable, prudent and sustainable. The Authorised Limit for external debt is a statutory limit (as per section 3 of the Local Government Act 2003) that should not be breached under any circumstances. The proposed limits set out below have been calculated to take account of the Council's capital expenditure and financing plans and allowing for the possibility of unusual cash movements. If this limit is likely to be breached, it will be necessary for the Council to determine if it is prudent to raise the limit, or to instigate procedures to ensure that such a breach does not occur.

The Operational Boundary for external debt is a management tool for day-to day monitoring, and has also been calculated with regard to the Council's capital expenditure and financing plans allowing for the most likely, prudent, but not worst case scenario for cash flow. Temporary breaches of the operational boundary, due to variations in cash flow, will not be regarded as significant.

Both the Authorised Limit and the Operational Boundary are split between conventional borrowing and "other long term liabilities" such as leases and other capital financing arrangements which would result in the related assets appearing on the Council's Balance Sheet. Such arrangements would include for example finance leases for the procurement of vehicles. Provided that the total Authorised Limit and Operational Boundary are not exceeded, the Director of Finance may authorise movement between the constituent elements within each total so long as such changes are reported to the next appropriate meeting of the Cabinet and Council.

	2011/12	2012/13	2013/14	2014/15	2015/16
		Revised	Revised	Revised	
	£m	£m	£m	£m	£m
Authorised limit for external debt:					
Borrowing	n/a	946	951	935	914
Other long term liabilities	n/a	37	45	48	51
Total	n/a	983	996	983	965
Operational boundary:					
Borrowing	n/a	839	842	830	822
other long term liabilities	n/a	37	45	48	51
Total	n/a	876	887	878	873
Actual External Debt:					
Borrowing	749.6	n/a	n/a	n/a	n/a
Other long term liabilities	36.5	n/a	n/a	n/a	n/a
Total	786.1	n/a	n/a	n/a	n/a

7. Adoption of the CIPFA Code of Practice for Treasury Management in the Public Services

This indicator is a fundamental requirement of the system in so far as it relates to treasury management activity. The Council has adopted the Code of Practice.

Meeting of the Cabinet - 12th February 2013

Report of the Chief Executive

Corporate Quarterly Performance Report

Purpose of Report

1. To present the second Corporate Quarterly Performance Report for the financial year 2012-13, relating to performance for the period 1st October to 31st December 2012.

Background

2. The over-riding purpose of the Corporate Quarterly Performance Report is to provide Cabinet a regular update on the management of services and performance levels being achieved within the Council, across the Council Plan priorities and their respective outcomes and targets.

3. The report contains the following sections:

Section 1: a brief introduction

Section 2: a performance summary of key performance indicators and actions

Section 3: more detailed progress on the key performance indicators and the key actions identified to determine our delivery of the Council Plan priorities.

Section 4: Current sickness absence information from April 1st to 31st December 2012.

Section 5: Corporate risk status report

4. A full copy of the Corporate Quarterly Performance Report will be made available on the internet.

Finance

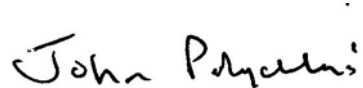
5. There are no direct financial implications

Equality Impact

6. There are no special considerations to be made with regard to equality in noting and receiving this report.

Recommendations

7. It is recommended that Cabinet
 - 1) Receives the Corporate Quarterly Performance Report and approves its content.
 - 2) That Cabinet note that the report has been referred to Scrutiny Chairs for consideration of the future arrangements for scrutinising the quarterly performance management reports.



John Polychronakis
Chief Executive

Contact Officers: Geoff Thomas ext 5270 / Michael Wooldridge ext 4737 / Diane Shenton ext 8191

Meeting of the Cabinet – 12th February, 2013

Report of the Director of Corporate Resources

Pay Policy Statement

Purpose of Report

1. To give an overview of the requirements in the Localism Act 2011 to prepare an annual pay policy statement and approve the annual updated statement for consideration by Council on 27th February 2013. The draft policy statement sets out the anticipated position as at 1st April, 2013.

Background

2. Under provisions contained in the Localism Act 2011, the Council is required to prepare an annual pay policy statement setting out its policies for the financial year relating to the remuneration of chief officers; the remuneration of the lowest-paid employees; and the relationship between the pay of chief officers and that of other employees. These provisions came into force on 15th January, 2012.
3. The statement must cover the authority's policies relating to:
 - the level and elements of remuneration for each chief officer (including salary, bonuses and benefits in kind);
 - remuneration of chief officers on recruitment;
 - increases and additions to remuneration for each chief officer;
 - the use of performance-related pay for chief officers;
 - the use of bonuses for chief officers;
 - the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority; and
 - the publication of and access to information relating to remuneration of chief officers.
4. The pay policy statement has to be approved by a resolution of the Council. The first statement had to be approved no later than 31st March, 2012 and then on an annual basis. Following approval, the statement must be published as soon as possible on the Council's website (and in any other manner the authority thinks fit). The Council may amend its pay policy statement by passing a resolution.
5. The Act's provisions add to the range of transparency obligations already placed upon local authorities. This includes the data required to be published under the Code of Recommended Practice for Local Authorities on Data Transparency and by the Accounts and Audit (England) Regulations 2011. It should be noted that these are separate data publication requirements.

6. The Council's draft pay policy statement, as set out in the Appendix, has been produced on the basis of a model document from West Midlands Councils. The information contained in the draft policy statement refers to the anticipated position at 1st April, 2013 and makes reference to the other terms and conditions, such as Health, with the transfer of the Public Health function to the Council.
7. The statutory guidance states that pay policy statements should be used to explain the Council's approach to the reward of chief officers/directors who were previously made redundant from the authority, or later engaged as chief officers under a contract of service. There are currently no such arrangements in Dudley. Any such proposals would require the approval of the Appointments Committee. Authorities are permitted to include any additional information in the pay policy statement if they consider it appropriate to do so.

Finance

8. The production of the pay policy statement and the associated work arising from the Localism Act 2011 will be undertaken within existing resources.

Law

9. The provisions relating to pay accountability are contained in Chapter 8 (Sections 38 to 43) of the Localism Act 2011 and associated guidance.
10. For the purposes of the pay policy statement, senior management is taken to mean 'chief officers' as defined in Section 43 of the Localism Act 2011.
11. The Act specifies that the functions relating to pay accountability are not executive functions. Section 101 of the Local Government Act 1972, which gives local authorities powers to arrange for the discharge of their functions by committees, officers or other local authorities, does not apply to these functions. This means that full Council must approve the document. In complying with the duties in respect of pay accountability, the Council must also have regard to any guidance issued or approved by the Secretary of State.

Equality Impact

12. In determining the pay and remuneration of all employees, the Council is required to comply with all relevant employment legislation and its own policies on equality and diversity. The pay policy statement includes appropriate references to the legislative framework.

Recommendations

13. That the pay policy statement, as set out in the Appendix, be recommended to Council for approval.



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Director of Corporate Resources

Dudley Metropolitan Borough Council

Pay Policy Statement 2013

Introduction and Purpose

The purpose of this policy is to clarify the Council's strategic stance on pay in order to provide direction for members and officers making detailed decisions on pay and to provide the citizens of Dudley with a clear statement of the principles underpinning decisions on the use of public funds.

The purpose of the pay is to encourage staff with the appropriate skills to seek to work for the Council and then to reward them appropriately for the tasks they undertake in order to maintain their motivation and retain their services.

Under Section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as the authority thinks fit". This Pay Policy Statement (the 'statement') sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding those working in local authority schools) by identifying:

- the methods by which salaries of all employees are determined;
- the detail and level of remuneration of its most senior staff i.e. 'chief officers', as defined by the relevant legislation;
- the persons or bodies responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council.

The full Council approved the policy statement in February 2012 and this has now been subject to the annual review and has been updated.

Legislative Framework

In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. With regard to the Equal Pay requirements contained within the Equality Act, the Council ensures there is no pay discrimination within its pay structures for employees covered by the NJC and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role. Besides NJC terms and conditions, the council also has employees on other terms and conditions e.g. Health & Soulbury

Pay Structure

Based on the application of the Job Evaluation process, the Council uses the nationally negotiated pay spine as the basis for its local grading structure (see table 1) Table 2 shows the distribution of staff across the pay points. This determines the salaries of the large majority of the non-teaching based workforce, together with the use of other nationally defined rates where relevant. There have been no increases in the national pay spine since April 2009. There have been no increases to the pay rates for the Chief Executive or Chief Officers/Directors/ Assistant Director's since April 2008. The Council remains committed to adherence with national pay bargaining in respect of the national pay spine and any annual cost of living increases negotiated in the pay spine.

All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector. Market forces payments when used will be temporary and subject to review.

Senior Management Remuneration

For the purposes of this statement, senior management means 'chief officers' as defined within Section 43 of the Localism Act 2011. In Dudley this is interpreted as posts at Assistant Director level and above. The posts falling within the statutory definition are set out below, with details of their basic salary as at 1st April 2013:

The list of 23 senior officer posts that make up 0.20% of the 11,189 people employed by the Council (excluding 657 Soulbury scale & youth workers. This 11,189 also excludes teachers & tutors who are on national terms and conditions and the public health staff who will transfer to the Council in April 2013. Staff at VA, Foundation & Academy schools are not included as they are not employees of the Council

- (a) Chief Executive
The current salary of the post is £157,000. This includes payment for returning officer duties in connection with local elections.
- (b) Directors
The salaries of posts designated as Directors are as follows:
 - Director of Adult, Community and Housing Services - £104,604
 - Director of Children's Services - £104,604

- Director of Corporate Resources- £104,604
- Director of the Urban Environment- £104,604
- Director of Public Health (non clinical) - £100,395

(c) Treasurer and Assistant Directors

The salaries of these posts are as follows:

- Treasurer – £78,547 to £88,700 (3 point incremental range with progression by yearly increments)
- Assistant Director of Corporate Resources (Human Resources and Organisational Development) - £78,547
- Assistant Director – Chief Executive's Directorate - £70,049
- Assistant Directors of Corporate Resources (2 posts) - £70,049
- Assistant Directors of Adult, Community and Housing Services (4 posts plus one post currently seconded to Corporate project) – £70,049
- Assistant Directors of Children's Services (3 posts) - £70,049
- Assistant Directors of the Urban Environment (4 posts) - £70,049

Recruitment of Chief Officers/Directors

The Council's policy and procedures with regard to recruitment of chief officers is set out within the Officer Employment Procedure Rules as contained in Part 4 of the Constitution. When recruiting to all posts the Council will take full and proper account of its own Equality and Diversity, Recruitment and Redeployment Policies. The determination of the remuneration to be offered to any newly appointed chief officer/director will be in accordance with the pay structure and relevant policies in place at the time of recruitment. Where the Council is unable to recruit to a post at the designated grade, it may consider the use of temporary market forces supplements in accordance with its relevant policies.

Where the Council remains unable to recruit chief officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive chief officer/director post, the Council may, where necessary, consider and utilise engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. The Council does not currently have any chief officers/directors engaged under such arrangements.

At this time there are no market forces supplements paid to any senior managers listed above

Additions to Salary of Chief Officers/Directors

The Council does not apply any bonuses or performance related pay to its chief officers/directors.

In addition to basic salary, set out below are details of other elements of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfillment of duties:-

- Fees are paid for deputy returning officer duties in accordance with the rates approved by the Council's Cabinet and increased in line with national pay

awards. Employees who act as deputy returning officers at local elections are currently paid a fee of £65.50 per ward.

- Car allowances are payable in accordance with the casual user rate of 46.9p per mile and otherwise in accordance with the rules applied to staff. None of the chief officers/directors are designated as lump sum reimbursement car users at 1st April, 2013
- The Council may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to Senior Officers, Directors and Assistant Directors) who perform duties outside the scope of their role over an extended period. These cases will be decided by the Appointments Committee. Such a temporary arrangement would be in the interest of efficient administration of a service(s) and would normally produce a short term financial saving.

Payments on Termination

The Council's approach to statutory and discretionary payments on termination of employment of staff, prior to reaching normal retirement age, is set out within policies on managing employees at risk of redundancy, the discretionary severance payments scheme and any policies adopted in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006, Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

Any other payments falling outside the provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the full Council or relevant elected members, committee or panel of elected members with delegated authority to approve such payments.

Publication

Upon approval by the full Council, this statement will be published on the Council's Website. In addition, for posts where the full time equivalent salary is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount of

- salary, fees or allowances paid to or receivable by the person in the current and previous year;
- any bonuses so paid or receivable by the person in the current and previous year;
- any sums payable by way of expenses allowance that are chargeable to UK income tax;
- any compensation for loss of employment and any other payments connected with termination;
- any benefits received that do not fall within the above.

Lowest Paid Employees

The lowest paid persons employed under a contract of employment with the Council are employed on full time [37 hours] equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure. As at 1st April 2012, this is £12,312 per annum and is one point higher than the National pay spine minimum. The Council employs Apprentices who are not included within the definition of 'lowest paid employees' as they are employed under the terms and conditions and pay rates applicable to the relevant apprenticeship scheme. The relationship between the rate of pay for the lowest paid and chief officers/directors is determined by the

processes used for determining pay and grading structures as set out earlier in this policy statement.

The statutory guidance under the Localism Act 2011 recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton review was asked by the Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce.

The 2012 pay levels within the Council defined the multiple (rounded to the nearest whole number) between the lowest paid full time equivalent employee and the Chief Executive as 1:13 and between the lowest paid employee and average chief officer as 1:6. The multiple between the median (average) full time equivalent earnings and the Chief Executive is 1:9 and between the median (average) full time equivalent earnings and average chief officer is 1:5.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate.

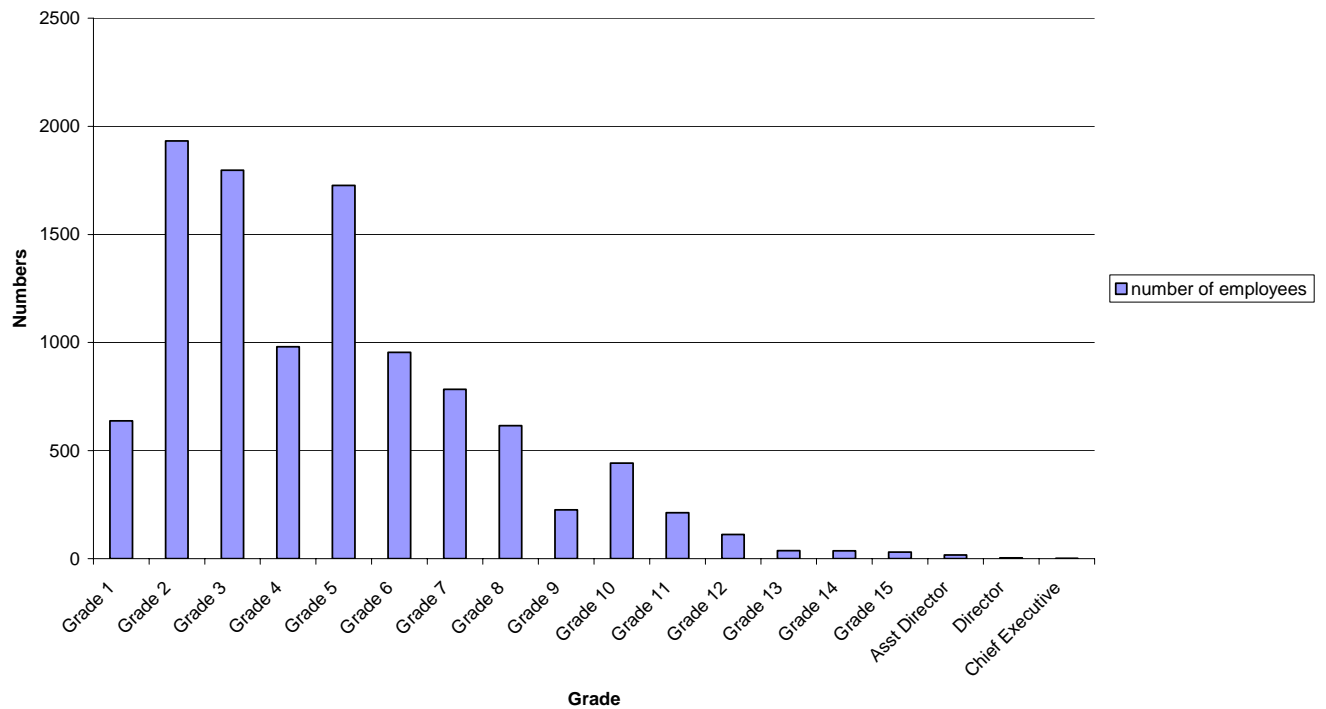
Accountability and Decision Making

In accordance with the Constitution, the Council, the relevant Committee, elected members or officers with delegated authority are responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council.

Main Salary Grades:

Grade	Pay range minimum	Pay range maximum	National Pay spine Points
Grade 1	£12,312	£12,489	5 – 6
Grade 2	£12,787	£13,589	7 – 9
Grade 3	£13,874	£15,444	10 – 13
Grade 4	£15,725	£16,830	14 – 17
Grade 5	£17,161	£19,126	18 – 21
Grade 6	£19,621	£21,519	22 – 25
Grade 7	£22,221	£24,646	26 – 29
Grade 8	£25,472	£27,849	30 – 33
Grade 9	£28,636	£30,851	34 - 37
Grade 10	£31,754	£34,549	38 - 41
Grade 11	£35,430	£38,042	42 - 45
Grade 12	£38,961	£41,616	46 - 49
Grade 13	£42,384	£45,527	50 - 53
Grade 14	£46,717	£49,859	54 - 57
Grade 15	£51,716	£57,323	58 - 61

Staff distribution across grades



Document History:

Approved by Council – 27th February 2013

Updated – 29th January 2013

To be approved by Cabinet – 12th February and Council – 25th February 2013.

Meeting of the Cabinet – 12th February 2013

Report of the Director of the Urban Environment

Approval for Adoption of the New Housing Development Supplementary Planning Document – Revised 2013

Purpose of Report

1. To seek Cabinet approval for the formal adoption of the Council's New Housing Development Supplementary Planning Document (SPD) – Revised 2013.

Background

2. The Council's New Housing Development Supplementary Planning Document (SPD) provides detailed information in relation to the design and density of new housing development, and seeks to ensure development is complementary to existing surroundings.
3. The guidance was originally prepared in 2007, and has been updated to reflect the following:
 - Changes in national policy, in light of the publication of the National Planning Policy Framework (NPPF) (March 2012).
 - To address the removal of the national indicative minimum density of 30 dwellings per hectare, taken forward into the NPPF which indicates local planning authorities should set out their own approach to housing density to reflect local circumstances (Paragraph 47, NPPF).
 - Guidance in relation to the Council's approach to assessing development proposed on private garden land to prevent over development of neighbourhoods and "garden grabbing".
 - The adoption of the Black Country Core Strategy (2011) with reference to relevant policies.
 - Inclusion of reference to understanding historic character and local distinctiveness.
 - To incorporate technical guidance from Dudley Council's Planning Guidance Note 3 (PGN3), relating to the design and layout of new housing development. PGN3 will be cancelled on adoption of the updated guidance.

4. The updated guidance was prepared in consultation with other Council Directorates and member engagement was conducted during a workshop on 17th September 2012. Following cabinet approval on 19th June 2012, the SPD update was subject to a public consultation for a 6 week period between 10th September and 22nd October 2012. During this consultation a total of 8 representations were received and a number of the comments made within these representations have been incorporated into the SPD as appropriate.
5. In accordance with Regulation 12 and 14 of the Town and Country Planning (Local Development)(England) Regulations 2012, the Council must make available for inspection the finalised SPD, the Consultation Statement setting out the main issues raised from representations received and how these have been addressed in the SPD, as well as an Adoption Statement.
6. A list of the comments received from the consultation, the Council's response to them and subsequent text changes to the finalised SPD are included within the Consultation Statement, a copy of which is located with the final SPD in the Members' Room, and can be accessed via the following link <http://cmis.dudley.gov.uk/cm5/>

Finance

7. All costs associated with the review and adoption of the New Housing Development SPD update will be funded from within existing budgets.

Law

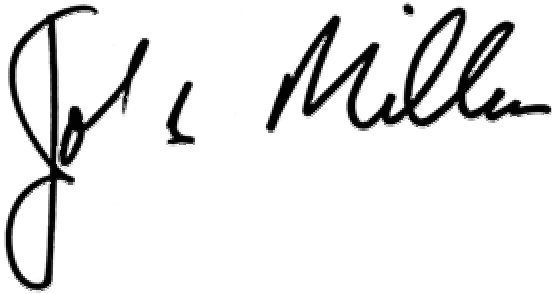
8. The New Housing Development SPD update will become a material consideration in the determination of planning applications. The SPD update is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), and the Town and Country Planning (Local Development) (England) Regulations (2012).

Equality Impact

9. The SPD update has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.
10. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking. The SPD therefore seeks to promote sustainable development and aims to secure high quality housing development that contributes positively to the quality of an area, not just for the short term but over the lifetime of the development.

Recommendation

11. Cabinet Members are asked to approve the adoption of the New Housing Development SPD – Revised 2013 and note cancellation of Planning Guidance Note 3.



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John Millar
Director of the Urban Environment

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Meeting of the Cabinet – 12th February 2013

Report of the Director of Corporate Resources

Ernest Stevens Trusts Management Committee

Purpose of Report

1. To consider governance arrangements for the future management and administration of the Ernest Stevens Trusts.

Background

2. On 26th November, 2012, the Council approved a report on the annual review of the Constitution. The report contained reference to the need for consideration of the arrangements for the future administration of the Ernest Stevens Trusts within the Council's overall Constitution and governance arrangements.
3. The Council is the Trustee and, in recent years, the four Ernest Stevens Trusts have been combined under the delegated powers and terms of reference of the Stourbridge Area Committee. The Area Committees have now been replaced by Community Forums.
4. Ernest Stevens made various donations of property, which were to be used for specified purposes. These have been identified as individual Trusts and detailed below:
 - i. Stevens Park, Quarry Bank.
 - ii. Mary Stevens Park, Recreation Ground and Park, Norton.
 - iii. Stevens Park and Recreation Ground Foundation, Wollescote
 - iv. Mary Stevens Maternity Home and Public Park Charity
5. Only the Stevens Park and Recreation Ground Foundation, Wollescote, has investments, which generate income for disbursement resulting from the decision to exchange the Hob Green Farm gifted in the original deed dated 29th September 1930 for Jordan Field and £88,500.
6. The original deed of gift was to the Urban District Council of Lye and Wollescote and was varied by a scheme dated 24th May 1966. This allows the net income of the Stevens Park and Recreation Ground Foundation to be applied in the following ways:
 - a) Maintenance of the Stevens Park and Recreation Ground Foundation property.
 - b) Acquiring property for the Stevens Park and Recreation Ground Foundation.

- c) Maintenance of property in gifts dated:-
 6th December 1929 Mary Stevens Park
 13th February 1931 Mary Stevens Home and Public Park.
- d) The provision of facilities for recreation or other leisure time occupation, being facilities provided with the object of improving the conditions of life for persons resident in the Borough of Stourbridge (see paragraph 9).
- e) If the net income of the Trust cannot be applied in accordance with a)-d) above, it can be applied for other charitable purposes for the benefit of persons resident in the Borough of Stourbridge.
7. In 2001, the Charity Commission confirmed the opinion that because the Council uses its mainstream budget to maintain all the property in the trusts, it is permitted to give grants under paragraph (e) above.
8. In applying the money the Trustees shall give a preference to the area of the former Urban District of Lye and Wollescote and to meeting the needs of the people resident therein.
9. The Borough of Stourbridge relates to the boundaries in 1966, which currently covers the wards of Pedmore & Stourbridge East, Norton, Wollaston and Stourbridge Town, Lye and Stourbridge North and Cradley and Wollescote. Stevens Park, Quarry Bank is geographically located in the Quarry Bank and Dudley Wood ward.
10. Before the creation of Area Committees, under the provisions of the Local Government Act 2000, the delegated powers for the administration of the Trusts were the responsibility of the former Finance Committee. A Sub-Committee of the Finance Committee was established to administer the affairs of the Trusts. Members may now wish to consider reverting to a similar position to that which existed prior to the establishment of the Area Committees, by the establishment of a separate Management Committee to administer the affairs of the Ernest Stevens Trusts.
11. Any such Committee established by the Council will be subject to the proportionality rules set out in the Local Government and Housing Act 1989. To reflect the geographical areas covered by the Trusts, it is recommended that the Management Committee comprise six elected members, one each from the six wards referred to in paragraph 9 above.
12. Attached as Appendix 1 are the proposed terms of reference for the Ernest Stevens Trusts Management Committee based on the terms of reference of the former Finance Sub-Committee that existed prior to the Area Committee structure being adopted.

Finance

13. This report sets out proposals for the future administration of the Ernest Stevens Trusts, including the financial affairs of the Trust.

Law

14. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
15. Section 139 of the Local Government Act, 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area.
16. The conditions under which a gift is to be administered, are contained in the Deeds creating the Trusts, and any subsequent schemes made by the Charity Commission.
17. The law relating to Trusts, which are charitable, is contained in various Acts, the main ones being the Charities Act, 1960, the Charities Act 1992 and 1993, and the Trustee Investment Act, 1961.
18. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972. The rules on proportionality are contained in the Local Government and Housing Act 1989 and associated regulations.

Equality Impact

19. The Trusts were set up to benefit members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. There are no specific implications for children and young people arising from this report.

Recommendations

20. That the Council be recommended:-

- (a) That an Ernest Stevens Trust Management Committee be established with the terms of reference set out in Appendix 1.
- (b) That the Committee comprise a total of six Members, with one Councillor being appointed to represent each of the following wards in accordance with the overall political balance requirements of the Local Government and Housing Act 1989 (currently Labour 4; Conservative 2) :-

Cradley and Wollescote
Lye and Stourbridge North
Norton
Pedmore and Stourbridge East
Quarry Bank and Dudley Wood
Wollaston and Stourbridge Town

- (c) That the Chair and Vice-Chair and Members be appointed to serve on the Committee for the remainder of this municipal year based on the nominations submitted to the Director of Corporate Resources by the two Group Leaders.

- (d) That no special responsibility allowances be paid to the Chair and Vice Chair of the Committee pending a review of the Members Allowances Scheme during 2013.



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Philip Tart
Director of Corporate Resources

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List of Background Papers

Report to the Council – 26th November, 2012 – Annual Review of the Constitution
Trust Deeds and documents as referred to in the report and correspondence from the
Charity Commission dated 8th August 2001.

Ernest Stevens Trust Management Committee

Terms of Reference

1. To consider and determine all matters that are the responsibility of the Trustee and which fall within the following terms of reference: -
 - (1) The administration of the Mary Stevens Park Trust (Quarry Bank) as regulated by the Deed of Gift dated 29th January, 1921.
 - (2) The administration of Mary Stevens Park Trust (Norton) as regulated by the Deed of Gift dated 6th December, 1929.
 - (3) The administration of the Stevens Park and Recreation Ground Foundation Trust Wollescote as regulated by Deed of Gift dated 29th September, 1930 and by the Scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 24th May, 1966.
 - (4) The administration of the Mary Stevens Maternity Home and Public Park Charity as donated by the Deed of Gift dated 13th February, 1931, and regulated by the scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 3rd October, 1989.
2. To make recommendations to the Council on any matters relating to the Ernest Stevens Trusts which do not fall within the above terms of reference and which are not delegated to the Committee.

Meeting of the Cabinet – 12th February 2013

Report of the Director of Corporate Resources

Local Welfare Assistance

Purpose of Report

1. To consider the implications of local provision of the Social Fund.
2. To seek Cabinet approval to deliver the proposed local service as identified within the report.

Background

3. The Welfare Reform Act 2012 included powers to end the discretionary elements of the Department for Work and Pensions (DWP) administered Social Fund. As part of the coalition Government's wider programme of welfare reform, from April 2013 crisis loans and community care grants will be abolished and replaced by locally based welfare provision delivered by local authorities, to be known in Dudley as "Local Welfare Assistance". Attached as Appendix 1 is a "Quick Guide to Social Fund Changes".
4. Under the current DWP arrangements, recoverable crisis loans are awarded to meet urgent needs and community care grants help Social Fund customers to remain or settle in the community.
5. Under the new arrangements, individual local authorities will be given funding and the flexibility to re-design the locally based provision for vulnerable groups according to local circumstance, in order to meet severe hardship in the way they think best.
6. DWP guidance makes it clear that Government preference is to move away from the current cash and loan arrangements and to develop an infrastructure to provide non financial support to involve charities and voluntary/community groups. No restrictions are placed on how the funding is to be used but the Government have stated that the intention of localising the funding was to 'give [LAs] the flexibility to help those in genuine need'.
7. The latest available information regarding DWP workloads is for 2011/12 and is summarised in the table below:

Number of applications for crisis loans	5960
Applications awarded	4350
Number of applications for Community Care Grants	2420
Applications awarded	1040

Total award expenditure by DWP in 2011/12 was £791,000.

8. The table in itself however is incomplete as it does not include the number of appeals arising from unsuccessful applications. Neither does it give any indication of the people/families involved in making claims. Quoting from the 'Social Fund Commissioner's findings from a desk-based analysis of applications to the discretionary social fund' Karamjit Singh CBE stated:
- 'There is no such thing as a 'typical' Social Fund customer; but what we do know from our wealth of experience, and from our most recent case examination, is that certain experiences are often prevalent. We note that the recently published Government's "State of the Nation Report" highlights poor health, personal indebtedness, gender, age and family breakdown as some of the social disadvantages which are presenting barriers to independence or social mobility. While each case examined....is defined by the customer's personal and very individual circumstances, the findings of this research project highlight some of the underlying social and economic problems facing many of those who approach the fund for assistance. It is also clear that a significant proportion of our customers face multiple disadvantages, as defined in the State of the Nation report'.
9. Dudley's local provision of the Social Fund is being designed to support the most vulnerable customers who are in financial need. It should be noted that the scheme is labelled as 'transitional' as it is acknowledged that it will need to evolve and develop in the light of experience (and the level of ongoing Government funding after 31/3/15). As well as continual monitoring, once the scheme is operational it will be vital to seek views from key stakeholders. This feedback will help further refine the scheme. As such, a new scheme will be required for 2014/15 onwards.
10. There will be two forms of awards under our local welfare assistance scheme:
- Crisis Awards - these awards provide short term access to essential items i.e. food, heating, lighting, clothing, white goods and furniture. Applicants for crisis awards must be without sufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants.
 - Community Care Awards - these aim to help people remain in the community or move back into the community by providing a range of standard items such as beds, bedding, furniture or white goods.
11. A copy of Dudley's draft (transitional) scheme is attached at Appendix 2.
12. The Council is committed to working with the local community and third sector and other interested parties to facilitate the provision of support directly to applicants. Discussions are currently ongoing in this regard and a 'third sector steering group' now meets regularly to discuss building capacity and agreeing a procedural framework e.g. for referrals.
13. After discussion with relevant Cabinet Members, it has been decided that DC+, as the Council's recognised front of house service, should act as the first point of contact for customers. The role of DC+ would be initial screening and to advise the customer on how to proceed. This would involve the consideration of eligibility criteria and the consideration of referrals to appropriate in-house (mainly DACHS and Children's) and external services for vulnerable customers. Determination of awards will be

undertaken by the Council's Benefits Section as many of the customers accessing our Local Welfare Assistance service will already be housing benefit and council tax benefit recipients, so information will already be held on their systems that will assist in the processing of these applications. It should be noted that delivery of the localised service will place additional pressure on the Benefits Section during a period of high workload as a result of other welfare reform changes.

Finance

14. Government funding for Dudley to set up, administer and deliver the service is as follows:

2012/13	Set up funding	£6,932
2013/14	Award funding	£693,159
	Administrative funding	£146,470
	Total budget 2013/14	£846,561
2014/15	Award funding	£693,159
	Administrative funding	£134,255
	Total budget 2014/15	£827,414

15. Total *award* expenditure by DWP in 2011/12 was £791,000 i.e. £98,000 more than the 2013/14 award funding. The *administrative* funding provided reduces in 2014/15 as there is an expectation that local authorities will become more efficient in administering their local schemes.
16. The Government has guaranteed this funding for two years, after which the arrangements will be reviewed as part of the next Spending Review period.

Law

17. The Welfare Reform Act 2012 came into effect in March 2012. Amongst other significant reforms, the Act abolished the DWP's discretionary Social Fund (Crisis Loans and Community Care Grants).
18. There is no statutory obligation to provide this service and Government funding is not ring fenced. However the Government has given indications of the desired outcomes from usage of the funding and our scheme aims to achieve those outcomes.

Equality Impact

19. The purpose of our Local Welfare Assistance scheme is to mitigate poverty by supporting people to live independently and to support the most vulnerable residents in severe hardship.
20. An Equality Impact Assessment has been undertaken, the outcomes of which are attached in Appendix 3. This assessment will be reviewed as the scheme evolves.

Recommendations

21. That Cabinet approve the Transitional Local Welfare Assistance Scheme 2013/14 attached as Appendix 2 and give approval to deliver local welfare assistance as set out in the report.
22. That the Director of Corporate Resources be authorised to administer all aspects of the Scheme.
23. That the Director of Corporate Resources be authorised to make any required amendments to the 2013/14 scheme in consultation with the Cabinet Member for Finance and Opposition Spokesperson for Finance.



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Philip Tart
Director of Corporate Resources

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Appendix 1 – A Quick Guide to Social Fund Changes
Appendix 2 – (Draft) Transitional Local Welfare Assistance Scheme 2013/14
Appendix 3 – Equality Impact Assessment

List of Background Papers

[The Welfare Reform Act 2012](#)

Quick guide to Social Fund changes

	New Scheme April 2013	Part of new Universal Credit benefit system)from October 2013	Notes
Community Care Grants	✓		
Crisis Loan for living costs	✓		
Crisis Loan for household things	✓		
Crisis Loan – while waiting for your first benefit payment		✓	Will be called Short Term Advance from April 2013 and will be part of Universal Credit after October 2013
Budgeting Loans		✓	Will be called Budgeting Advance if you get Universal Credit after October 2013
Sure Start Maternity Grant		✓	
Funeral Payment		✓	
Cold Weather Payment		✓	
Winter Fuel Payment		✓	How Winter Fuel Payments are made may change but the details are not known

Dudley MBC

Transitional Local Welfare Assistance Scheme 2013/14

Draft Policy

Transitional Local Welfare Assistance Scheme 2013/14

Contents

- 1. Introduction**
- 2. Considerations for an Award**
- 3. Eligibility Criteria**
- 4. Scheme Exclusions**
- 5. Crisis Awards**
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- 9. Notifications**
- 10. Awards**
- 11. Reviews**
- 12. Monitoring & Audit**
- 13. Fraud**
- 14. Other Forms of Support**
- 15. Communications**
- 16. Review of the Policy**

Transitional Local Welfare Assistance Scheme 2013/14

1. Introduction

- 1.1 The purpose of this document is to outline how Dudley MBC will operate a transitional 'Local Welfare Assistance scheme', the criteria to be used to decide an award, what assistance can be offered, and what is excluded.
- 1.2 There will be two forms of awards under this scheme
 - Crisis Awards - these awards provide short term access to essential items i.e. food, heating, lighting, clothing, white goods and furniture.
 - Community Care Awards - these aim to help people remain in the community or move back into the community by providing a range of standard items such as beds, bedding, furniture or white goods.
- 1.3 The Council will be responsible for the administration of the application and decision making process and is committed to working with the local community and third sector and other interested parties to facilitate the provision of support directly to applicants .

2. Considerations for an Award

- 2.1 The Council will consider making an award to applicants who meet the eligibility criteria specified in this document and who are not subject to any of the listed exemptions. The operation of the scheme is at the Council's discretion and applicants do not have an automatic right to an award.
- 2.2 The scheme will operate on a non cash basis, so will not directly replace lost or stolen money, or money spent by partners or relatives. Under such circumstances successful applicants will be signposted to relevant crisis support e.g. food banks or be provided with vouchers for heating or light.
- 2.3 Existing statutory or discretionary provision from alternative sources (DWP, Council directorates) will be considered before an award is made, for example if an applicant is entitled to Housing or Council Tax Benefit and is suffering from exceptional financial hardship as a direct result of housing costs, an applicant may be entitled to assistance via the Council's Discretionary Housing Payment scheme.
- 2.4 Applicants will be restricted to no more than 2 awards within a rolling 12 month period, commencing from the date their last award was made (e.g. 1 crisis award & 1 community care award, or 2 crisis awards). In making an award there may be a condition attached, for example, to attend a budgeting course or seek advice and guidance from the Citizens Advice Bureau and it would be expected that the condition had been fulfilled when considering any further application. Exemptions may be granted for applicants with an urgent need, that if unaddressed, will pose a substantial risk to their health and safety.
- 2.5 Consideration will be given to whether an applicant, partner or other household member has sufficient capital resources, and in the case of partners and household

members are willing, to meet their needs . For the purposes of this scheme, capital resources refer to: savings in cash, money in banks or building societies, saving schemes, premium bonds, stocks, shares and investments in property or land.

3. Core Eligibility Criteria for both Crisis Awards and Community Care Awards

3.1 To be considered for either award, applicants must satisfy ALL of the following conditions:

- Be aged 16 or over.
- Be without sufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants.
- A resident of the Dudley Borough for the past 6 months or 3 years out of the past 5 years. Or, if a member of the Armed Forces, then a strong connection to the Dudley Borough is required. However, exceptions will be granted where the applicant requires refuge or care following abuse, harm or an unsettled way of life or where the applicant needs to live in the borough to receive support .
- Legally resident in the UK

4. Scheme exclusions for both Crisis Awards and Community Care Awards

4.1 The following people are excluded for support in all circumstances:

- A person in hospital or care home (independent or local authority), unless their discharge is planned to take place within 8 weeks.
- A person subject to immigration control by virtue of the Immigration and Asylum Act
- Prisoners and people lawfully detained, unless their discharge is planned to take place within 8 weeks.
- Members of a religious order who are fully maintained by the order

4.2 The following people are also excluded from support, except in very exceptional circumstances:

- Full-time or part-time students not on Income Support, Income Based Job Seekers Allowance, Income Related Employment Support Allowance, Pension Credit (including payments on account) or equivalent welfare benefits – they can only receive support for expenses arising out of a disaster (an event causing great distress or destruction e.g. major house fire, flood, explosion or chemical leak) .

- A person from abroad who fails or would fail the habitual residence test for the purpose of welfare benefits and other entitlements.
- A person subject to benefit sanction or disallowance to their Job Seekers Allowance, Employment Support Allowance, Income Support or Pension Credit or equivalent welfare benefits , or a person awaiting a realignment of benefit payments. .

5. Crisis Awards

5.1 Crisis awards cover situations where a household has insufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants.

5.2 Crisis refers to an urgent need as a consequence of an emergency, disaster, unforeseen circumstance or a pressing need.

For example, the following could be considered an urgent need as a consequence of a crisis:

- No access to essential items (food, heating and clothing)
- The imminent risk of homelessness deemed to be unintentional
- A deterioration in health
- The imminent risk of children being taken into care
- Domestic abuse, neglect and harm

5.3 The following situations do not count as a crisis in themselves (but may create an urgent need);

- Minor mishaps or damage / failure of a household item;
- Lost or spent money,
- Accessing capital that is not realisable,
- Benefit disallowance or sanctions.

5.4 The council will give consideration as to whether the urgent need:

- can be met by other sources of help or the possibility that some other person or body may wholly or partly meet the need;
- can be met from the applicants or household savings;
- would not abate without immediate support;

5.5 If the crisis has been caused by an underlying issue, such as deterioration in health, drug and alcohol problems, unemployment or an abusive relationship, then in addition to assessing the immediate crisis, a referral will be made to the appropriate agency/directorate. This is intended to assist people with complex needs and minimise further application(s) to the scheme.

5.6 Applicants must demonstrate the need cannot be met by another source, and the award will have a substantial and immediate effect on improving their circumstances

6. Community Care Awards

- 6.1 Awards for community care are intended to help vulnerable people live independent lives to remain and/or become integrated within their community. Applications can be made by the person requiring care, their appointee, their carer, their advocate or a third party agent acting on behalf of the applicant.
- 6.2 An application may be considered in any of the following circumstances;
- Help for people leaving care to establish themselves in the community
 - Help for people to stay in the community rather than enter care
 - Help to ease exceptional pressures
 - Help for offenders leaving custody to re-adjust to life outside of prison and reintegrate back into the community.
 - Help for people to set up a home as part of a resettlement programme following a period without a settled way of life
- 6.3 To qualify for a community care award, the applicant must be in receipt, or have an entitlement to;
- An 'out of work' related benefit; Income Support, Income Based Job Seekers allowance, Income Related Employment & Support allowance.
 - A disability related benefit;
 - Pension credit.
- However, by themselves, these benefits do not give an entitlement to an award; therefore, regard to all circumstances will be taken into account.
- 6.4 Similar to crisis awards, the applicant must demonstrate the need cannot be met by another source, and the award will have a substantial effect on improving their circumstances.
- 6.5 The Council will assess the application to determine if the applicants circumstances require support under responsibilities that should be funded through existing budgets, and if so they will be referred to the relevant directorate for assistance.

7.0 How to Apply

- 7.1 All applicants will be required to complete an application form and supply information to validate their need, circumstances and eligibility. Applicants will be encouraged to seek assistance from statutory and advocacy agencies should assistance with applying be required or for the purpose of compiling and verifying information.

7.2 An application can be submitted via the following ways:

- Online application form
- By telephone
- A referral via an advocate, agency or statutory authority acting on the applicants behalf;

7.3 If an application is made on behalf of a person, other than the person concerned, that person must give their consent. This, for example, could be a carer making an application on behalf of someone leaving residential care.

7.4 All enquiries and applications will be processed by the Council between the hours of 9.00am – 5.00pm, Monday to Friday.

7.5 In the case of an out of hour's emergency applicants will need to contact the following;

- If a child is at risk of abuse, harm or neglect ; Emergency Duty Team on 0300 555 8574 or contact the Police by telephoning 0345 113 5000;
- If an adult is at risk of abuse, harm or danger to themselves or others ; Emergency Duty Team on 0300 555 8574 or contact the Police by telephoning 0345 113 5000;
- If applicant is at risk of becoming homeless or is actually roofless ; Homelessness Prevention and Response Team on 0300 555 8283
- If applicant is a council tenant and has an emergency repair or housing problems; Repairs Management Centre on 0300 555 8283.

8.0 Verification/Decision Making

8.1 A number of information gathering processes may be undertaken by the council to verify information and reach a decision:

(i) Telephone

The Council may contact the applicant via telephone to: verify information provided; clarify details of the crisis or care need; review the factors that have triggered or maintained an urgent need; and to discuss other types of support that may be appropriate to the specified need.

(ii) An interview

In exceptional circumstances and/or if the applicant requires substantive support, an interview may be required in order to carry out a comprehensive assessment of risks to health and safety. An interview provides no guarantee of an award;

however, it does provide an opportunity to assess what other types of support is applicable.

(iii) Liaison with advocacy services, agencies and statutory authorities

Where appropriate the Council will liaise with statutory authorities and specialist agencies to verify the substantial and imminent risks to the applicants / immediate family members overall health and safety. In doing so, we will evaluate, based on the advice given by lead professionals, whether:

- the person(s) concerned have the resources to meet their own needs
- the items or services applied for will contribute towards an immediate improvement on their circumstances
- and whether broader support will be in place to address the causes that may underlie a crisis or care need.

8.2 Upon completion of verification and consideration of the applicant's circumstances, case details and eligibility; the Council may reject an application on the basis:

- The applicant does not meet the eligibility criteria listed.
- The applicant is subject to one or more of the exclusions listed.
- The urgent need can be met by other sources of help or the applicant has failed to demonstrate how they have sought to address their need through other types of assistance
- The applicant is deemed to have sufficient resources to meet the urgent need
- Following the date the crisis or care need had arisen, the circumstances of the applicant or their family members' have changed in such a way that they no longer satisfy the criteria for an award.
- The applicant is deemed to not meet the considerations for award.
- The item(s) or service(s) applied for are ineligible.
- The application is deemed to be fraudulent.
- Insufficient information is provided to verify the applicants need, circumstances and eligibility.

8.3 In reaching a decision, the council may conclude:

- An application is rejected for the reasons outlined in above section.

- A partial award is made owing to the fact that not all of the requested items or services will directly reduce the health and safety risks associated with the applicants circumstances.
- Under certain circumstances, the applicant's crisis or care needs may satisfy the criteria for an award; however, the items or services requested may be deemed ineligible or will not directly reduce the health and safety risks associated with their circumstances. In such cases, the assessor will use discretion to recommend suitable items or services having consulted the applicant and relevant agencies. Thereafter, an award will be conditional upon the applicant agreeing to the recommendations set out by the assessor but on all accounts, the Council reserves the right to decline an award.
- An award is made in full for the items or services requested on the premise of the applicant satisfying all of the criteria and conditions set out in this policy.
- Not all qualifying applications can be paid as this scheme has a cash limited budget. A decision will take account of monthly budget positions and demand patterns.

8.4 The Council reserves the right to reject applications at any stage of the assessment process.

9.0 Notification

9.1 Applicants will be notified of their decision either in writing, via telephone or via e-mail. The reasons for a decision will be explained as well as the options available to the applicant.

10. Awards

10.1 An award could be in the form of:

- A pre-paid voucher or payment card, which the applicant can use to purchase the agreed items / goods.
- A purchase order being raised for the agreed item / service on behalf of the applicant by Dudley Council
- The use of a third party to provide an agreed item or service on behalf of the council.

No cash awards will be made.

10.2 Depending on applicants' circumstances, awards may be made to:

- The recipient /applicant
- Their partner or immediate family member acting as an appointee
- An advocate service or statutory authority acting on behalf of recipient/applicant.

- 10.3 Local Welfare Assistance scheme awards will be subject to terms and conditions, e.g vouchers, goods or services supplied are for the use of the applicant and their dependants and should not be given or sold to another person.

11. Reviews

- 11.1 An applicant or their appointee can request a review of the decision if they can demonstrate
- There has been a factual error based on the decision made
 - There has been an oversight on a significant piece of evidence
 - New evidence has been provided which was not included with the original application
- 11.2 A request for a review must be made, in writing, within 1 calendar month of the date of the decision to the Council's Head of Benefits Services. The review will be conducted by a manager not involved in the original decision
- 11.3 If, following a review, the applicant remains dissatisfied with the outcome, a request for a second and final review can be made, in writing, within 14 days of the date of the first review decision to the Assistant Director of Customer Services.

12. Monitoring / Audit of the Scheme

- 12.1 To ensure transparency and consistency, there will be regular monitoring of applications, the decision making process and any subsequent awards under the scheme. This monitoring will be undertaken with due regard to the Council's responsibilities under all relevant legislation.

13. Fraud

- 13.1 Dudley MBC has a zero tolerance to fraud. An applicant who attempts to or fraudulently claims a grant by falsely declaring their circumstances, providing a false statement or representation in support of their application, may commit an offence. The authority will investigate suspicions of fraud, and where proven, action will be taken which may include criminal proceedings.

14. Other forms of Support

- 14.1 The Council cannot guarantee an award. We will provide advice and assistance to applicants regarding alternative sources of information, advice and guidance, to ensure people in crisis or in need of community care can get access to support that will safeguard against risks to their health and safety.
- 14.2 In some circumstances we will, as a condition of an award, undertake an assessment of their immediate and additional households needs to identify other relevant sources of support.

This support, for example, could include:

- Help to maximise income - benefit and entitlement checks
- Money & debt management advice
- Employment Support – help to find job opportunities.
- Childcare support
- Referrals to specialist advocacy services
- Referrals to specialist health programmes

14.3 All personal information disclosed by the applicant will be treated with the strictest confidentiality in accordance with the Data Protection Act.

15.Communications

15.1 We will publicise the scheme and work with other interested parties to achieve this. The scheme, its eligibility criteria and exclusions will be publicised on the Council's website and the Council will ensure that key local agencies, front line staff, community and voluntary sector organisations are aware of how the scheme operates.

15.2 All written correspondence should be sent to the Council's Head of Benefits Services

16. Review of the Policy

16.1 This policy will be reviewed during the 2013/14 and will take into account the views of stakeholders.

Appendix 3 - Equality impact assessment

Name of policy, service or decision: Local Welfare Assistance

Lead directorate: Corporate Resources (Dudley Council Plus)

1. Description – what is being assessed? The Local Welfare Assistance scheme (LWA)
2. Lead officer on assessment: Sharon Whale
3. Head of service: Liz Ralph / Jackie Davies
4. Members of assessment team: Sharon Whale – Policy manager
5. Date assessment began: January 2013
Background
<p>6. <i>What are the aims and objectives or purposes of the policy or function/service?</i></p> <p>The Social Fund was introduced over two decades ago and is administered centrally by the Department for Work & Pensions (DWP). Over the years welfare delivery has changed significantly. Current remote administrative processes do not support the high levels of discretion needed to ensure that support is targeted at the most vulnerable. Changes announced by the government will see Community Care Award (CCA) and Crisis Loans (CL) for general living expenses – which are the most discretionary elements of the current scheme – being replaced by the new locally based assistance delivered by Local Authorities, this new scheme will come into force on the 1st April 2013.</p> <p>The new LWA scheme needs to be designed to meet local needs and priorities. The Government funding is not ring-fenced, enabling LAs greater freedom to deliver and dovetail with existing services as they see fit according to local need.</p> <p>The new LWA scheme is designed to provide emergency support for the most vulnerable customers who are in financial need. There will be 2 forms of awards under this scheme:</p> <ul style="list-style-type: none"> • Crisis Awards (CA) - these awards provide short term access to essential items; food, heating, lighting, clothing, white goods and furniture. Customers for crisis awards must be without sufficient resources to meet an urgent need that poses an immediate and substantial risk to their health and safety or that of their dependants. • Community Care Awards (CCA) - these aim to help people remain in the community or move back into the community by providing a range of standard items such as beds, bedding, furniture or white goods. <p>Due to the reduced Government funding for the scheme, we will be unable to replicate the provisions currently in place by the DWP. We need to make sure we are achieving best value for money and helping as many people as possible. As such, a set of core eligibility criteria are being agreed to target spending and ensure needs are targeted, while fitting in with the council's wider commitments to sustainability, tackling inequality and minimising fraud.</p> <p>We are considering a range of options for delivering the scheme including working with local voluntary sector as well as private sector or commercial organisations.</p>

During 2013/14 the scheme will be continuously monitored to ensure transparency and consistency, and that the disadvantaged groups are being targeted; there will be regular monitoring of the applications, the decision making process and any subsequent awards under the scheme.

The government's EIA for localising the Social Fund was considered when determining Dudley's local scheme.
<<http://www.dwp.gov.uk/docs/eia-social-fund-localisation-wr2011.pdf>>

7. Who is it intended to affect or benefit (the target population)?

Due to the very nature of LWA people who access the service are more likely to be classed as vulnerable or having particular protected characteristics.

LWA will potentially affect any Dudley resident but the expectation is that applications will be received from broadly the same customers as previously made claims to the DWP Social Fund.

To be considered for either a CCA or CA the council is developing core eligibility criteria which will be considered for each customer when they make a claim for either award.

8. What are the main issues relating to each protected characteristic?

Consider all three parts of the public sector equality duty:

- eliminating discrimination, harassment and victimisation,
- advancing equality of opportunity, and
- fostering good relations.

All protected characteristics

The council will consider making an award to customers who meet the eligibility criteria, and are not subject to any of the listed exemptions set out in the local policy.

The DWP data regarding Social Fund has been published on the DWP website. The DWP acknowledge that there are some data completeness and data quality issues associated with the information that has been made available. We do not know if there is a bias in the missing data which would impact on protected characteristics.

Due to the reduced funding for the scheme compared with the previous Social Fund arrangements, all protected characteristics may be affected This, however will not disadvantage one particular group over another.

All customers will qualify for awards based on the criteria set out in the local policy

Age

DWP data suggests that

- Over 60% of CA and just fewer than 50% of CCA awards are made to people under the age of 35.
This group is more likely to have lower incomes and limited savings. National evidence shows that younger people are less likely to find employment in the current financial climate. The amount of some welfare benefits are reduced due to age, so weekly income for these groups would be lower
- Very few claims are received from people over the age of 55.
This group is more likely to have recourse to some other funds / support i.e. savings, other external agencies
DWP evidence suggests that some older people are reluctant to seek benefits or financial support until they are in extreme hardship, but localising the scheme may encourage older people to access these funds

Disability	<p>DWP data suggests that fewer than 20% of CAs and 30% of CCAs will be made to people who are disabled. Depending on disability some of these customers are more likely to be unemployed. Additional costs relating to disability mean some people rely heavily on benefits. Some disabled people may be more adversely affected by welfare reform in general. Parents of disabled children are less likely to be in employment. People with mental health problems or learning disability may have difficulty in coping with or understanding a new system.</p> <p>Access to the service maybe difficult due to communication (e.g. visual, hearing, learning disability) or mobility problems.</p>
Sex	<p>DWP data suggests that</p> <ul style="list-style-type: none"> • 10% of CA will be from couples, 30% from females and 60% from males. • 20% of CCA will be from couples, 45% from females and 35% from males. <p>Statistically parents in single parent households are more likely to be female and some single parent households are likely to be less well off. DWP data suggests that 15% of CA awards and 30% of CCA will be made to lone parents.</p>
Pregnancy or maternity	<p>There is no case data for this category available from the DWP as pregnancy was not identified as a qualifying vulnerability for claiming these awards. New single mothers may be more likely to find themselves in an emergency situation requiring support to set up accommodation.</p>
Race	<p>People from some ethnic groups may be less likely to seek assistance from the Social Fund scheme, due to lack of awareness.or cultural issues (<i>any evidence?</i>). Some ethnic groups are likely to be more highly represented in those eligible for awards due to higher rates of unemployment, mental health issues, numbers of ex-offenders etc. However, there is no case data or background research for this category available from the DWP, and race was not identified as a qualifying vulnerability for claiming these awards</p> <p>Individuals whose first language is not English may be unaware of the scheme or have difficulty in accessing it.</p> <p>Some potential customers e.g. migrant workers or the traveller community may be disadvantaged through not being permanently resident in the borough</p>
Gender reassignment	<p>There is no case data for this category available from the DWP as gender reassignment was not identified as a qualifying vulnerability for claiming these awards.</p>
Religion or belief	<p>There is no case data for this category available from the DWP but religion was not identified as a qualifying vulnerability for claiming these awards.</p>
Sexual Orientation	<p>There is no case data for this category available from the DWP but there is a risk that assumed or real, prejudices will prevent applications from people with different sexual orientations if support provided by faith based agencies.</p>

Stage 1 – evidence gathering

Provide details of all information about the policy, service or decision which will help the assessment. Use the headings below as reminders of what may be useful; this is not an exhaustive list.

Equality monitoring data:

The government's statistical data is available.

<<http://www.dwp.gov.uk/local-authority-staff/social-fund-reform/>>

Engagement and customer feedback:

Due to the timescales involved we have been unable to go out to formal consultation for year 1 but we have sought views from:

- Third sector including St Thomas Community Network, Black Country Foodbank, Interfaith Network, CAB, Dudley CVS, Dudley Community Partnership,
- Relevant Cabinet Members
- Other directorates

The Local Welfare Assistance scheme is being shaped by the outcomes of these discussions, including the development of the core criteria, any exclusions, and the delivery process and developing the referral pathways.

Ongoing dialogue will continue with stakeholders / support services during 2013/14 to ensure the processes are working and awards are being received by customers with protected characteristics.

Barriers to access:

Localising the scheme should reduce some of the barriers to access e.g. either through direct applications or referral from third sector advice organisations.

Information about the borough e.g. Census data:

Borough data is available which can provide the basis of comparisons between the level of applicants from different groups and the background population.

Background or comparative information:

The government's have statistical data available.

<<http://www.dwp.gov.uk/local-authority-staff/social-fund-reform/>>

What evidence is missing? What will be done to collect it?

The DWP acknowledge that there are some data completeness and data quality issues associated with this data that has been made available. We do not know if there is a bias in the missing data which would impact on protected characteristics.

It should be noted that our criteria is different to the Department for Work & Pensions so our customer profiles may well change.

During 2013/14 the scheme will be continuously monitored to ensure transparency and consistency, and that the disadvantaged groups identified are being targeted; there will be regular monitoring of the applications, the decision making process and any subsequent awards under the scheme.

Stage 2 – data analysis

Provide details of the analysis completed on the information presented at stage 1 above, identify patterns or trends and compare with other authorities, national research, census data, etc.

The government's statistical data is available at:

<<http://www.dwp.gov.uk/local-authority-staff/social-fund-reform/>>

Stage 3 - assess the impact

Does the policy or function/service have any potential adverse impacts on particular protected groups? If so explain what they are.

The criteria set out in the policy will not result in any protected groups being disproportionately affected. Each claim will be dealt with on an individual basis, it will be the nature of the crisis / difficulty and whether not making the CA would result in a substantial risk to health and safety or not making the CCA would result in the person not being able to remain or become integrated into the community which will determine the award. However all previously eligible groups may be affected because of the reduction in government funding from the national to local scheme.

Stage 4 - reasons for adverse impacts

Outline the reasons identified for adverse impacts

Reduction in government funding from the national to local scheme

Stage 5 - consider alternatives/mitigating actions

How will any adverse impacts identified be reduced or removed? Explain if it is decided that an adverse impact is unavoidable.

Due to the reduction in funding an overall adverse impact is unavoidable but we are seeking to ensure that people with a real need from across protected groups are able to access the awards.

A partial award may be made owing to the fact that not all of the requested items or services will directly reduce the health and safety risks associated with the customers circumstances.

Given that the schemes will develop and may have some adverse impact on particular groups in future years the following process will be followed:-

Any changes to the scheme will be identified and will be assessed taking into account the impact it will have on specific protected characteristics. Changes to the policy will then be developed, appropriate consultation will be conducted, feedback will be considered and a revised policy will be approved and implemented. If any group is adversely affected then how to mitigate that impact will be considered.

The Council cannot guarantee an award. Not all qualifying applications may be paid as this scheme has a cash limited budget. A decision will take account of monthly budget positions and demand patterns. We will provide advice and assistance to applicants regarding alternative sources of information, advice and guidance, to ensure people in crisis or in need of community care can get access to support that will safeguard against risks to their health and safety.

In some circumstances we will, as a condition of an award, undertake an assessment of their immediate and additional households needs to identify other relevant sources of support.

Stage 6 - test the changes

Detail how the mitigating actions to reduce or remove the adverse impacts were tested, piloted or consulted on and the results of this.

See above.

During 2013/14 the scheme will be continuously monitored to ensure transparency and consistency, and that the disadvantaged groups identified are being targeted; there will be regular monitoring of the applications, the decision making process and any subsequent awards under the scheme.

Stage 7 – decision making

Did the test, pilot or further consultation illustrate that the mitigating actions will be effective? What decision is recommended about the policy or service and why?

How will the decision maker be briefed on the EIA?

During 2013/14 the scheme will be continuously monitored to ensure transparency and consistency, and that the disadvantaged groups identified are being targeted; there will be regular monitoring of the applications, the decision making process and any subsequent awards under the scheme.

The Local Welfare Assistance scheme, including the EIA will be considered by members and cabinet.

Stage 8 - monitoring arrangements

How will the equality impact of the policy or service be monitored in the future?

During 2013/14 the scheme will be continuously monitored to ensure transparency and consistency, and that the disadvantaged groups identified are being targeted; there will be regular monitoring of the applications, the decision making process and any subsequent awards under the scheme.

Stage 9 – action planning

The scheme will be publicised over the coming months by DWP and the Council to ensure that customers are aware of the new Local Welfare Assistance scheme.

Training and awareness raising will be provided to staff and service users on the new scheme.

Appropriate methods of delivery will be developed

Core criteria and eligibility will be tested over the coming months

The scheme will be monitored to ensure the referral mechanisms work well, both to the scheme and for the ineligible / unsuccessful customers to potential alternative support.

Provide details of actions or improvements identified during the EIA.

Date completed: 7th January 2013

Signed by assessment lead officer: Sharon Whale

Signed by assistant director/ head of service: Mike Williams

Date: 24th January 2012

Meeting of the Cabinet - 13th February 2013

Report of the Chief Executive

Next Stages of Health Reform – Implications for Dudley Council

Purpose of Report

1. For Cabinet to consider the implications of the next stages of health reform for Dudley Council and to approve action for public health transition.

Background

2. The Cabinet considered overall progress with the implementation of NHS Reform in Dudley Borough in March 2012. A further Report in June 2012 confirmed direction for the role of the public health service within the Council on transfer to support the new Council responsibility for health improvement of Dudley people. The Government's main timescale for many of the changes established through health reform is April 2013 and it is timely for Cabinet to consider implications and subject to consideration approve needed actions.
3. *Dudley Clinical Commissioning Group* .
 - 3.1 Mr. Paul Maubach was appointed as Chief Officer to the Dudley Clinical Commissioning Group in October 2012. The Dudley Clinical Commissioning Group achieved their "authorisation" in December 2012. This formalises the direction of travel of transferring large areas of responsibility for commissioning health services in Dudley Borough to the Clinical Commissioning Group.
 - 3.2 Dudley Council is represented on the Clinical Commissioning Group's Board by the Chief Executive and the Director of Public Health.
 - 3.3 The Clinical Commissioning Group have been active members of the Shadow Health and Well-Being Board. Dr Nick Plant is the clinical lead for partnerships and has attended the Shadow Health and Well-Being Board's meetings in public as well as the Development Sessions. The Council and the Clinical Commissioning Group work together to integrate activity through a range of mechanisms such as Section 75 Agreements of the National Health Service Act 2006 or shared strategies and action plans e.g. for Dementia or Carers.
 - 3.4 With the Council's responsibility for health improvement in mind, it will remain vital that good working relationships are maintained between the Council and the Clinical Commissioning Group.

4. *The NHS Commissioning Board Local Area Team / Black Country Primary Care Trust Cluster*
- 4.1 The NHS Commissioning Board Area Team has been established for Birmingham, the Black Country and Solihull. Wendy Saviour has been appointed as its Chief Executive. Alison Taylor has been appointed Director of Finance. She will be the main point of contact for Dudley Borough and will be a member of the Dudley Health and Well Being Board. The Cabinet will wish to note that Dr Steve Cartwright, a Dudley GP, has also been appointed as Medical Director for the NHS Commissioning Board Area Team for Birmingham, the Black Country and Solihull.
- 4.2 To establish working relationships for the locality, a meeting between senior officers of the Council with Wendy Saviour and Alison Taylor took place on 22nd January 2013. The geographical coverage of the NHS Commissioning Board Local Area Team for Birmingham, the Black Country and Solihull, means that it is important that Dudley can influence the work and decisions of this new NHS body which amongst its remit will be responsible for commissioning primary care GP services, general dental services, community pharmacy and optometry.
- 4.3 The Black Country Primary Care Trust Cluster remains in place legally until the end of March 2013. The NHS Commissioning Board Area Team for Birmingham, Solihull and the Black Country has been managing the remaining statutory responsibilities through transition.
5. *Dudley Shadow Health and Well-Being Board*
- 5.1 The Cabinet agreed to establish a Shadow Health and Well Being Board for the 2011-12 municipal year and has now completed almost two years in shadow form.
- 5.2 Through its meetings in public and its Development Sessions, the Shadow Board has worked through with others as needed a number of required pieces of work related to its purpose including:
 - amendment to the Council's Constitution, clarified the role of the Board as a Council Committee and the role of Cabinet Member for Health and Well Being
 - production of an up-dated Joint Strategic Needs Assessment
 - development of a Joint Health and Well Being Strategy based on that needs assessment and wide engagement with people of Dudley Borough—the Strategy aims to improve the health of the people of Dudley Borough, the quality of health services and reducing health inequalities in Dudley Borough
 - clarifying key relationships with other statutory bodies which promote quality and safety in Dudley health and care services in the Dudley Safeguarding Children's Board, the Dudley Safeguarding Vulnerable Adults Board and the health scrutiny function
 - extending the integration of health and care services such as Intermediate Care Services and Continuing Health Care services starting with co-location of staff;
 - actively engaging with the local community about local priorities as a Board and through individual agency activity

- work amongst partners to respond and manage an innovative “Health and Well Being in Dudley – joint initiatives” funded from the Clinical Commissioning Group
- through its Development Sessions, given broader focus to the implications of issues including equality, diversity and inclusion; prioritisation; needs assessment; engagement and scrutiny; and other Board development issues.

6. *Healthwatch Dudley*

6.1 A formal Tender process has been undertaken led by the Council to identify a provider for Healthwatch Dudley. This is a new organisation in the locality which will carry forward functions currently done by the Dudley Local Involvement Network through three main areas of activity:

- Influencing local health and social care
- Informing and signposting local people on local services
- Providing advice and advocacy

6.2 Work on this process began over a year ago which included two large engagement events and the use of a Reference Group of people using services and other stakeholders to support overall design of a specification for Dudley within the national guidelines.

6.3 The successful provider was confirmed in January as the Dudley Council for Voluntary Service. They are now working to establish Healthwatch in Dudley. It will be independent of the Council and NHS agencies and a Healthwatch representative will be a member of the Health and Wellbeing Board after April 2013 to strengthen the voice of people using care and health services.

7. *Health Scrutiny.*

7.1 A statutory requirement for health scrutiny remains in the changed working environment for the arrangement following health reform in Dudley. Following Consultation undertaken in 2012, it is understood that health scrutiny powers will be conferred onto the local authority directly rather than a local authority Health Overview and Scrutiny Committee (HOSC), but with powers to enable the authority to arrange for the functions to be discharged through a Health Overview and Scrutiny Committee or some other arrangement should it wish to do so. The Shadow Health and Well Being Board and the Health and Adult Social Care Scrutiny Committee has considered the way in which effective relationships will be maintained so that effective democratic leadership for the local health and care systems can be assured.

8. *Public Health Transition*

8.1 As part of its new remit to act as a health improving Council, responsibility for public health strategy and delivery is being transferred to Dudley Council from April 2013.

- 8.2 Work on the transition of the public health service in Dudley has been overseen by a Public Health Transition Group with representation from all parts of the Council including Cllr Zafar Islam, Cabinet Member for Health and Well Being and all relevant stakeholders including the Dudley Clinical Commissioning Group and the NHS Commissioning Board Local Area Team for Birmingham, Solihull and the Black Country / Black Country PCT Cluster.
- 8.3 The Public Health Transition Group has been the main decision-making body for all the transactional elements of the transition including ICT requirements, accommodation, establishing links to all Council support services, financial, contracts and Human Resources work. The Black Country Primary Care Trust Cluster initially used the Auditors, KPMG, to cover the “Due Diligence” process to assure themselves about appropriate exchange of information. Over time, this has delayed necessary work from the Council’s perspective. Nevertheless, as a result of this activity the Cabinet will wish to know the following:
- Financial settlement – the final allocation to Dudley of the ring-fenced Public Health Grant was £18.5m for 13/14 and closer to £19m for 14/15. This is more or less in line with expectations and work is continuing to confirm finally that it will support the Council to meet all current service demands.
 - Accommodation – consideration has been given to relevant venues and the Office of Public Health in the Chief Executive’s Directorate and it is most likely that the service will be located at Falcon House, subject to satisfactorily completion of all necessary leases etc.
 - Human Resources – Department of Health guidance (*“Implementation of transfers through staff transfer schemes, orders or other - what senders and receivers need to do”*) states that formal confirmation of the transfer of staff to the Council is required through appropriate decision-making by 29th March 2013. It is recommended that in consultation with the Cabinet Member for Health and Well Being the Chief Executive be authorised to confirm the transfer of staff subject to Council satisfaction with all aspects of the transition as required.
- 8.4 The Office of Public Health in the Chief Executive’s Directorate will continue to work closely with NHS services in Dudley Borough. In particular, work on a “Core Offer” to the Clinical Commissioning Group may take up to approximately 40% of their work.
- 8.5 The Council has also undertaken further work on its vision for public health in Dudley Borough. It has led with others in the Shadow Health and Well Being Board to publish a Joint Health and Well-Being Strategy based on newly updated Joint Strategic Needs Assessment, widened in scope. The Strategy identifies five key priorities for improving the health of Dudley Borough, the quality of local health services so as to address health inequalities as follows:
- Making Our Neighbourhoods Healthy- by planning sustainable, healthy and safe environments and supporting the development of health-enhancing assets in local communities
 - Making Our Lifestyles Healthy- by enabling people to have healthy lifestyles and working on factors which influence health inequalities- obesity, alcohol smoking and early detection of ill-health

- Making Our Children Healthy- by supporting children and their families at all stages but especially the early years; keeping them safe from harm and neglect, supporting the development of effective parenting skills and educating young people to avoid risk-taking behaviour
 - Making Our Minds Healthy- promoting emotional wellbeing and mental health
 - Making Our Services Healthy- integrating health and care services to meet the changing Dudley demography, starting with urgent care
- 8.6 A very successful Peer Review was held in May bringing together Dudley Council and partners officers with Directors of Public Health from the London Borough of Newham and Wigan Metropolitan Borough Council which has been instrumental in establishing steps through the year.
- 8.7 A Management Forum for all Council managers was held in October 2012 which included presentations from Cllr Zafar Islam and the Director of Public Health. This created a wider understanding of the way in which Council services already contribute to the improvement of health in Dudley Borough and how they might be used to better effect through improved leadership in the Health and Well Being Board.
- 8.8 *Role of the Director of Public Health* - Local Authorities are required to meet their responsibilities to appoint a suitably qualified Director of Public Health under the Health and Social Care Act 2012. In November 2012, the Department of Health requested that we begin formal internal processes for confirming the appointment to the role of Director for Public Health for Dudley from 1 April 2013. It has been accepted nationally that Directors of Public Health who will be transferring to local authorities will not have to go through the formal statutory joint appointment process which has been established. However, a formal joint confirmation to the role as Director of Public Health designate using a nationally agreed abridged process available for use before April 2013 is required. All Directors of Public Health are in the same position as any other member of staff in relation to their transfer rights from sender to receiver and it is recommended that the Chief Executive be authorised to confirm with the Department of Health that Valerie Little as the current post holder within NHS Dudley be confirmed to the role of Director of Public Health Designate for Dudley Council.
- 8.9 Public Health England – the Council will also need to develop its relationship with Public Health England. The structure for Public Health England was announced in July 2012. It will provide support and professional leadership under three areas: health protection, health improvement and population health and Knowledge management. Public Health England will operate through four regions and 15 centres. For Dudley this will be the Midlands and East of England region and the West Midlands centre.
9. *NHS Independent Complaints and Advocacy Service*
- 9.1 Responsibility for the commissioning of the activity currently undertaken for the NHS Independent Complaints and Advocacy is also being transferred to Local Authorities as part of current NHS reform. To date, nationally, there have been three providers of this service under a centralised contract to the

Department of Health. The provider for the NHS Independent Complaints and Advocacy Service in the West Midlands region has been an organisation called "POWhER." They have provided a case-work service using specialist knowledge through a mixture of paid staff and volunteer advocates. In Dudley, in 2011/12, 442 local resident enquiries were received and the service dealt with 35 direct advocacy cases. Funding allocation has been made to Dudley for the on-going service which will be let on a temporary basis for the sum of £60,000. As initial work undertaken to consider a possible Black Country-wide model for this service did not reach agreement, a temporary solution for Dudley has been agreed whereby POWhER will continue to provide the service during 2013/14. This will allow time for further consideration and consultation relating to broader advocacy issues within the Borough and agreeing a service model which takes account of the outcome of wider related issues such as the Winterbourne View Report.

Finance

10. The Department of Health announced their financial grant for public Health services being transferred to Councils in January 2013. Dudley Council has been allocated £18.5m for 13/14 and closer to £19m for 14/15.

Law

11. The Health and Social Care Act 2012 created the statutory requirement for the health reform including the establishment of Clinical Commissioning Groups, Health and Well Being Boards and the transfer of public health responsibilities to local Councils. Further detail in the form of Statutory Instruments/Regulations is awaited/forthcoming.

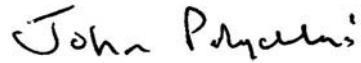
Equality Impact

12. One of the main aims of the health reforms are to place democratically-elected Councils in an even more influential position with local health, care and wellbeing systems, supported by expert public health services. The Council as a health-improving organisation now has even more influence to address issues of health inequality which are fundamental to the

Recommendations

13. That Cabinet:
 - note the progress made on implementing health reform with the Dudley Council area and the issues that the new arrangements raise for the Council as a health-improving Council.
 - Agree that the Chief Executive, in consultation with the Cabinet Member for Health and Well Being, be authorised to agree all matters associated with the transfer of staff and functions from Dudley Primary Care Trust to the Council, subject to Council satisfaction with all aspects of the transition as required and in line with the relevant timescales which apply.

- Agree that the Chief Executive be authorised to confirm with the Department of Health that Valerie Little, as the current post holder within NHS Dudley, be confirmed to the role of Director of Public Health Designate for Dudley Council.



John Polychronakis
Chief Executive

Contact Officer:

Brendan Clifford
Assistant Director – Health Reform Programme Lead

Meeting of the Cabinet - 12th February, 2013

Report of the Director of Adult, Community and Housing Services

Adult Social Care - Local Account 2011/12

Purpose of Report

1. To approve the Adult Social Care Local Account 2011/2012 (document attached).

What is a Local Account

2. As part of the overarching localism agenda, Councils are responsible for their own improvement. The process of local accountability has at its core a strong focus on citizens and carers, their involvement, and how they can help define excellence.
3. The Local Account is a key component of Adult Social Care sector-led improvement. All Councils with Adult Social Services responsibilities are required to produce an annual account to the public outlining how they have performed over the previous year and highlight the areas of improvement.
4. Local Accounts should be a meaningful way of reporting back to citizens and consumers about performance and engaging them in priorities and outcomes.
5. Our approach in developing Dudley's Local Account has been to ensure the following:
 - Provide an authentic and perceptive description of adult social care
 - Build upon a robust and reasonable self assessment to underpin that description
 - Demonstrate the involvement and engagement of local people in informing the Account.
 - Be open and transparent about what we need to improve, this is a self-assessment and not a promotional guide.
 - Ensure it is succinct and easy to read.

Robust and appropriate self-assessment

6. In describing our achievements and our areas of improvement we have used a range of information from a variety of sources which includes: the Adult Social Care Survey; Peer Challenge work undertaken within

the region (Queens Cross session); analysis of local and nationally comparable performance information; complaints and compliments data; other satisfaction surveys and views and comments from the Local Account Reference Group.

Co-ordinating the development of the Local Account, it's tone and ensuring a critical challenge has been the Local Account Reference Group comprised of a group of local representatives and facilitated by Dudley Council for Voluntary Service (DCVS).

7. Feed-back from the 2010/11 Local Account was used to refine this version resulting in a more comprehensive and robust assessment.

Engaging and involving local people

8. We have undertaken extensive consultation and engagement to elicit peoples' views. We set up a Local Account reference group to steer all aspects of developing the local account. We have consulted with a wide range of community groups and people who use our services to ensure that local people are involved and can actively influence the Local Account. In line with best practice, Local Account and budget consultation have been undertaken in tandem.
9. As part of this year's local account we launched our Take Control and Get Involved campaign www.dudley.gov.uk/takecontrolasc. Here we asked people four simple questions about their experiences of receiving care and support; the results and experiences, of this will be included in this year's Account, we sent out 11,000 questionnaires to local people asking for their views and comments.

Summary

10. The Local Account presents our achievements and priorities in realising the following 6 outcomes, which also inform the overarching structure of the document:

- Information and advice: having the information I need, when I need it
- Active and supportive communities: keeping friends, family and place
- Flexible integrated care and support: my support, my own way
- Workforce: my support staff
- Risk enablement: feeling in control and safe
- Personal budgets and self funding: my money

1. Information and advice (outcome 1): ***having the information I need, when I need it***

What we have done and what difference have we made:

Nearly 80% of Dudley people who responded to a national survey said that they find it easy to find information about services. This was the top score amongst other local authorities that we compare with as well as amongst the best response in the West Midlands.

We have worked in partnership with libraries to ensure information and signposting to a range of support and services is provided at a variety of public access points. We have also developed an 'introduction to adult social care' booklet which is now seen as the 'go to' document for all things to do with adult social care.

Our Dudley Community Information Directory (DCID) has almost 3,000 organisations and groups registered and 9,000 people have used the directory to look for information.

Through the essential guide to adult social care course we are ensuring that all staff, partners and local people will have clear and consistent information on personalisation in Dudley, how it should be delivered and what to expect.

Our priorities for improvement:

We will:

- help more people than in the previous year to access support from a whole range of mainstream services and community support. We have set a target of 30% more people to be helped in the community and through other services.
- produce an easy to understand guide on how budgets are arrived at to be given to people when they are being assessed.
- Make sure that the Dudley Community Information Directory (DCID) and www.dudley.gov.uk/asc are both the main means for people to access up to date information on the range of support available for people with different needs.
- improve our systems to make sure that all public information is checked and updated every year.
- help care providers and organisations that help people decide on their care to provide good quality information.
- make sure that all the council's public information will go through a reader's panel prior to publication in order that it is easy to understand and free of jargon.
- improve how we feedback and demonstrate what we have done with consultation information and how it informs services.

2. Active and supportive communities (outcome 2): *keeping friends, family and place*

What we have done and what difference have we made:

Through providing £3.32million of grants to voluntary and independent sector organisations we have helped to support up to 19000 people to remain independent as possible.

We talked to a wide range of people who use services. In particular we held the 'Making it Real' peer review with people who use services. The feedback has now been included in the Making it Real in Dudley Action Plan. This is helping the council to target and improve its overall approach to delivering adult social care.

Together with Age UK Dudley we hosted the Dudley Full of Life Older People's Festival. Over 1200 older people attended these events and celebrated the positive contribution older people make to society. The festival also helped to 'connect' older people to activities and services.

Our priorities for improvement:

We will:

- pilot a 'time banking' service which will allow individuals across communities to volunteer their services. This may be decorating, driving, gardening for example. The time they spend volunteering will be 'banked'. The individual will then be able to 'cash-in' their 'time currency' and use it to recruit the services free (or at a low cost) of another volunteer.
- increase the number of people with Learning/ physical disabilities, mental health needs and their carers, in paid employment.
- work with transport and travel services to promote accessibility and better access.
- help people who use services to be central to all change and decision making activity in adult social care.
- help people to be supported within their community by people from their community.
- place people who use services and carers at the centre of our approach to contact monitoring and review
- develop the "Dudley Gadget Gateway" which will enable people to search for products, like any other retail site; with customer feedback, product comparisons.
- maximise Digi-TV as an important means to provide wide-ranging community information direct to households through their televisions. We will also promote the Dudley Community Information Directory.

3. Flexible integrated care and support (outcome 3) ***my support, my own way***

What we have done and what difference have we made:

Dudley's Dementia Gateway Service has been launched and now provides a tailored care and support to people with Dementia.

Over 8,000 older, disabled and vulnerable people in the borough now benefit from technology provided by the Dudley Telecare Service which allows them to remain independent in their own homes as well as providing peace of mind.

The Living Independently Team has helped people to remain independent for longer. Almost half of those individuals who received a service (which is free and up to 6 weeks) from the team are now less dependent in bathing/showering/washing. 65% were less dependent in using the toilet, 44% less dependent in dressing and 32% in making meals.

We also manage a disabled person 'blue badge' parking scheme which supports over 20,000 individuals in the borough.

Our priorities for improvement:

We will:

- provide all ongoing long term social care support through a personal budget.
- make sure that regardless of eligibility everyone has access to Telecare and equipment
- review all existing assessments and the processes associated with the delivery of social care. We will make sure information is recorded only once and the systems easy to understand and effective.
- give each person who is awarded a personal budget formal correspondence detailing the amount of their award and how this was calculated.
- make sure each young person who receives adult social care support has a positive move into adult social care.
- Understand the market to evidence our progress in commissioning to meet demand. This will increase the variety and availability of care solutions in the borough.

4. Workforce (outcome 4): *my support staff*

What we have done and what difference have we made:

Our older people and people with physical and sensory disabilities services have been changed in line with people's experiences or 'journey' through the adult social care process. This has brought about a greater degree of consistency in relation to individual care.

We have developed and trained over 600 staff from both the council and other organisations, including GP surgeries and libraries, through 'carer aware' and we are now also rolling out the essential guide to adult social care which in turn will provide better over-all support to carers and the individuals they care for.

We have helped people to set up a number of small businesses or 'micro-services' to help people with learning disabilities.

Our priorities for improvement:

We will:

- through an initial workshop and subsequent review programme ensure direct payment organisations provide applicable consistent information to allow the individual to make the right choice when determining their care.
- help people with Council managed budgets to have the same degree of self-direction as people in receipt of direct payments.
- promote and build upon existing personal assistant (PA) directory and support available for people who employ their own personal assistant to provide care and support.
- in partnership with Dudley Council for Voluntary Service roll out an innovation fund to stimulate and grow new and flexible personalised care and support solutions
- make sure that all staff working in adult social care know what personalisation is, how it is being implemented and how they can inform the process.

5. Risk enablement (outcome 5): *feeling in control and safe*

What we have done and what difference have we made:

The Council's Community Equipment Service has delivered increased amount of equipment with 66% of all equipment being delivered within 1-3 days, and 15% within 4-5 days from the day of request. This has helped more people to remain independent and safer for longer.

The council has collaborated with a number of West Midlands councils to develop new 'safeguard and protect procedures'. Launched in July this new procedure has helped to strengthen the borough's safeguarding arrangements of vulnerable adults.

Our priorities for improvement:

We will:

- implement 'Quality of life standards' in- to all relevant contractual arrangements with social care providers which will set minimum standards of care and support.
- make sure that support plans help enable people who use services, with support, to consider risk in relation to opportunities for independence and quality of life.
- carry out a safeguarding awareness scheme across the borough.

6. Personal budgets and self-funding (outcome 6): *my money*

What we have done and what difference have we made:

Welfare benefits officers have brought £2.67million into the borough in previously unclaimed benefits and so have helped over 1300 individuals increase their income.

The number of people with a learning disability whose care is provided through a direct payment has increased. This has helped to improve people's opportunity for control although we recognise we need to do more about making sure there is a suitable amount of alternative and flexible care solutions.

Our priorities for improvement:

We will:

- provide all ongoing social care support through a personal budget
 - make sure everyone receiving ongoing social care support is given the opportunity to receive a direct payment so they can spend their personal budget direct.
 - use the Dudley Community Information Directory and peer reviews to introduce a customer driven quality ratings system that enables people to make informed choices about their support.
 - give each person who is awarded a personal budget formal correspondence detailing the amount of their award and how this was calculated. Support plans will detail any restrictions on budget spend.
 - change our contractual position to enable people with council managed budgets to have the same degree of self direction as people in receipt of direct payments.
11. The full document, which also includes 'my story' case studies, is available on the Internet via the Committee Management Information System and a paper copy is available to Members on request to democratic Services (01384 815238).

Next steps:

12. The next steps are as follows:
- Publish in February in a variety of accessible formats.
 - Commence development of the 2012/13 Local Account from April onwards.

Finance

13. The cost implications of developing the Local Account are primarily related to printing costs and convening consultation sessions.

Law

14. All Councils with Adult Social Care responsibilities are required to produce an annual Local Account

Equality Impact

15. The aims and principles of the Local Account contribute to the equality agenda in its pursuit of improving accountability to local people. The extensive consultation and meeting with community groups has ensured that equality issues are effectively taken on board.

Recommendation

16. That the Adult Social Care Local Account 2011/12 be approved.

A handwritten signature in blue ink, appearing to read 'Andrea Pope-Smith', with a stylized flourish at the end.

Andrea Pope-Smith
Director of Adult Community and Housing Services

Contact Officers

Matt Bowsher
01384 815886

Shobha Asar-Paul
01384 815889

Meeting of the Cabinet – 12th February, 2013

Report of the Director of Corporate Resources

Forward Plan of Key Decisions

Purpose of Report

1. To present the Forward Plan of Key Decisions for the four month period commencing 1st February, 2013.

Background

2. The Access to Information Procedure Rules set out in Part 4 of the Constitution include a requirement for a Forward Plan to be prepared by the Leader covering a period of four months.
3. Attached as an Appendix is the most recent Forward Plan covering four months from 1st February, 2013. The Forward Plan sets out information on key decisions that are likely to be taken by the Council, Cabinet, a Cabinet Member or Chief Officers in the period covered by the Plan.
4. The Forward Plan is available on the Internet via the Committee Management Information System (CMIS).
5. In accordance with the decision of the Council on 26th November, 2012, the Forward Plan will be reported to all ordinary meetings of the Cabinet. Increasing accessibility to the Forward Plan will assist the process of overview and scrutiny of key decisions.

Finance

6. The financial implications associated with individual key decisions will be included in reports submitted on each individual item.
7. A key decision is defined as an executive decision which is likely:-
 - (a) to result in the Council incurring expenditure, or the making of savings, which are £250,000 or more (revenue or capital); or
 - (b) to be significant in terms of its effects on communities living or working in one or more wards in the Borough.

Law

8. The requirement to produce a forward plan is set out under the Access to Information Procedure Rules in Part 4 of the Constitution.
9. The Constitution is adopted by the Council pursuant to the requirements of the Local Government Act 2000.

Equality Impact

10. The equality impact of specific key decisions will be referred to in individual reports on the items concerned.

Recommendation

11. That the Forward Plan of Key Decisions be noted.



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Director of Corporate Resources

Contact Officer: Steve Griffiths
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List of Background Papers
The Constitution

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
0506 Corporate Resources	Localism Act 2011	To consider the implications of the Localism Act 2011 on the governance arrangements adopted by Dudley MBC.	May 2012 - May 2013	Localism Act 2011 and any guidance issued by the Secretary of State	Members of the Council, Cabinet Members and Committees depending on the implications of the Act; any other consultation as may be required by the legislation.	Cabinet; Full Council	Philip Tart Director of Corporate Resources (Phone: 01384 815300)
0519 Urban Environment	Public Consultation - Draft Planning for Health Supplementary Planning Document	To approve the Draft Planning for Health Supplementary Planning Document for statutory public consultation.	Cabinet March 2013	Draft Planning for Health Supplementary Planning Document	Key internal officers and Cabinet Member for Regeneration. Draft document will be available to view prior to the Cabinet meeting.	Cabinet	Annette Roberts Directorate of the Urban Environment (Phone: 01384 - 814172)
0526 Corporate Resources	Acceptance of Tenders or Quotations	Agreement, in consultation with the Cabinet Member for Finance, to accept Tenders or Quotations for the Supply of Goods, Provision of Services or Works (or the Disposal of Goods) with a value in excess of £250,000 per annum - following a procurement exercise by the Directorate of Corporate Resources (Procurement, Contract Management and Credit Services Division). Decisions will be taken throughout the year in accordance with tendering programme. Items will be considered in private session to avoid the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority).	April 2012 - March 2013	Associated documents and reports prepared by Head of Procurement; Summary of Tender Evaluation Report by Head of Procurement	Key stakeholders (directorates, business units, schools etc) participating within the resulting contract are included in the tendering/evaluation processes. Appropriate Legal and Financial advice is also taken. The Director of Corporate Resources is required to consult the Cabinet Member for Finance on proposed contract awards - this occurs through correspondence and discussion as required. Contracts of this value are tendered and awarded in accordance with EU Procurement Directives which require advance publication of proposed contracts and the outcome of the tender exercise following a contract award.	Philip Tart	Philip Tart Director of Corporate Resources (Phone: 01384 815300)

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
0527 Corporate Resources	Monitoring and Review of Capital and Revenue Expenditure or Income	To consider issues which have a significant impact upon the Capital or Revenue Expenditure and/or Income of the Council including those issues arising from the monitoring, review and implementation of the approved Revenue Budget and Capital Programme. [This is a standing item at each Cabinet meeting and the Decision Taker will be the Cabinet and then the Council, or individual members/officers in accordance with relevant delegations].	April 2012 - March 2013	Periodic and ad-hoc reports	Consultation appropriate to individual proposals.	Cabinet; Full Council	John Everson Technical Accountant, Corporate Resources (Phone: 01384-814806)
0528 Corporate Resources	Waiver of Contract Standing Orders	Waiver of Contract Standing Orders by the Cabinet Member for Finance in appropriate circumstances. Certain items will be considered in private session to avoid the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority).	April 2012 - March 2013	Returned tender documents/Council's Standing Orders; Records; maintained by the Chief Executive; Reports/correspondence by the; Director of Corporate Resources	The Scheme of Delegation requires the Cabinet Member for Finance to consult the Treasurer. Where appropriate Stakeholders with an interest in the contract(s) will also be consulted as part of the contract evaluation exercise.	Cllr Peter Lowe	Iain Newman Treasurer (Phone: 01384-814802)
0529 Corporate Resources	Spending Projections 2012/13	To report details of the projected outturn for 2012/13 and to recommend amendments to the revenue budget, funded from General Balances if necessary.	April 2012 - March 2013	Report of the Treasurer	Council Directors	Full Council; Cabinet	Iain Newman Treasurer (Phone: 01384-814802)
0535 Corporate Resources	Revenue Budget Strategy 2013/14	To consider the Revenue Budget Strategy for 2013/14 and future years.	June 2012 - February 2013	Report(s) of Chief Executive, Treasurer and Director of Corporate; Resources	Public consultation and Internet Consultation with representatives of the Non-Domestic Ratepayers.	Cabinet; Full Council	Iain Newman Treasurer (Phone: 01384-814802)
0543 Urban Environment	Adoption of the New Housing Development Supplementary Planning Document	To approve the adoption of the New Housing Development Supplementary Planning Document as part of Dudley's Local Development Framework.	Cabinet February 2013	New Housing Development Supplementary Planning Document	Key internal officers and Cabinet Member for Regeneration. Draft document will be available to view prior to the Cabinet meeting.	Cabinet	Annette Roberts Directorate of the Urban Environment (Phone: 01384 - 814172)
0559 Corporate Resources	Community Asset Transfer Policy and Process for Assets of Community Value	Approval of Policy and Process.	Cabinet February 2013	Draft Community Asset Transfer Policy; Draft How to apply for a Community Asset Transfer; Draft Process for Assets of	Corporate Property Group, Dudley Council for Voluntary Services, Dudley Community Partnership,	Cabinet	Philip Tart Director of Corporate Resources (Phone: 01384 815300)

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
				Community Value	Community Centres Support Group, Corporate Board, DMBC Localism Group, Other Directorates with the Authority.		
0563 Corporate Resources	Budget and Council Tax 2013/14	Set Budget and Council Tax for 2013/14.	Cabinet February 2013; Full Council Meeting March 2013	Joint report of the Chief Executive and Treasurer	NNDR Payers (statutory consultation) Scrutiny Committees as specified by the Constitution Public	Cabinet; Full Council	Iain Newman Treasurer (Phone: 01384-814802)
0564 Corporate Resources	Deployment of Resources: Housing Revenue Account & Public Sector Housing Capital	To set the original budget for 2013/14 for the Housing Revenue Account and the Public Sector Housing element of the capital programme.	Cabinet February 2013; Full Council Meeting February 2013	Report of the Director of Adult, Community and Housing Services and; the Treasurer	Area Housing Panels	Cabinet; Full Council	Iain Newman Treasurer (Phone: 01384-814802)
0565 Corporate Resources	Directorate of Corporate Resources Equality and Diversity Action Plan 2013/14	That the Directorate of Corporate Resources Equality and Diversity Action Plan 2013/14 be approved.	Cabinet Member & Officer Mtg March 2013	Directorate of Corporate Resources Equality and Diversity Action Plan; 2013/14	Consultation was undertaken with the Benefits Customer Focus Group, the Equality and Diversity Advisory Group and other stakeholders.	Cllr Peter Lowe; Cllr Gaye Partridge	Menna Flavell Principal Officer, Corporate Management (Phone: 4807)
0566 Corporate Resources	Citizens Advice Bureau Grant	Approval of Citizens Advice Bureau Grant for 2013/14. This Item will be considered in private session to avoid the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority).	Cabinet Member & Officer Mtg April 2013	Service Level Understanding and CAB Service Outline; CAB Budget for 2013/14, Business Plan 2013/14	CitizensAdvice Bureau-Budget meetings	Iain Newman; Cllr Peter Lowe	Mike Williams Assistant Director, Corporate Resources (Phone: 4970)
0569 Corporate Resources	Staffing Issues	To determine staffing issues in accordance with the Council's budget strategy, including applications for redundancy, premature retirements and the implementation of proposals affecting the staffing establishments of the Council's Directorates. Individual items will be considered in private session to avoid the disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local	September 2012 - May 2013		Consultation with internal officers, employees affected and their representatives, depending on the nature of individual proposals.	Cabinet; Cllr Gaye Partridge	Teresa Reilly Assistant Director (Phone: 01384 814703)

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
		Government Act 1972 relating to any individual or information which is likely to reveal the identity of an individual.					
0571 Chief Executive	Scale of fees payable for election duties	Agree fees to be paid for staff undertaking election duties in connection with Local Elections.	Cabinet March 2013	A report will be prepared by the Chief Executive; along with the proposed scale of fees	A consultation will be carried out by e-mail and verbally with local colleagues within the West Midlands branch of the Association of Electoral Administrators.	Cabinet	Alison Malkin Head of Electoral Services (Phone: 5274)
0572 Adult, Comm & Hous.Services	Borough's Housing Strategy 2013-2016	To approve the Borough's Housing Strategy 2013-2016 which outlines the borough's housing needs and sets the strategic direction for housing in the Borough.	Cabinet March 2013	Housing Market Intelligence Report; Housing Strategy 2013-16; Housing Strategy Supporting Document	Housing Working Group, General Public, DFTRA, housing developers, Dudley Housing Partnership, Homelessness Review Group, Rough Sleepers Group, various community groups.	Cabinet	Andrew Leigh Acting Head of Service (Housing Strategy & Development (Phone: 01384 815007)
0573 Corporate Resources	Repair and Maintenance Budget 2013/14	<p>To approve the Repair and Maintenance budget's programme of expenditure for 2013/14.</p> <p>To authorise the Director of Corporate Resources to establish a programme of works to make minor amendments to that programme and to add individual schemes to it during the course of the year, subject to available resources.</p> <p>To authorise the Director of Corporate Resources to negotiate/extend/agree any contract necessary to facilitate the Council's Repair and Maintenance Procurement System.</p>	Cabinet Member & Officer Mtg April 2013	Repairs and Maintenance Policy	The Corporate Property Group	Cllr Gaye Partridge	Paul Bickerdike Building Surveying Manager (Phone: 01384-814107)
0574 Corporate Resources	Acceptance of Tenders or Quotations	Agreement, in consultation with the Cabinet Member for Finance, to accept Tenders or Quotations for the Supply of Goods, Provision of Services or Works (or the Disposal of Goods) with a value in excess of £250,000 per annum - following a procurement exercise by the	April 2013 - March 2014	Summary of Tender Evaluation Report by Head of Procurement; Associated documents and reports prepared by Head of Procurement;	Key stakeholders (directorates, business units, schools etc) participating within the resulting contract are included in the tendering/evaluation processes.	Philip Tart	Philip Tart Director of Corporate Resources (Phone: 01384 815300)

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
		Directorate of Corporate Resources (Procurement, Contract Management and Credit Services Division). Decisions will be taken throughout the year in accordance with tendering programme. Items will be considered in private session to avoid the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority).			Appropriate Legal and Financial advice is also taken. The Director of Corporate Resources is required to consult the Cabinet Member for Finance on proposed contract awards - this occurs through correspondence and discussion as required. Contracts of this value are tendered and awarded in accordance with EU Procurement Directives which require advance publication of proposed contracts and the outcome of the tender exercise following a contract award.		
0575 Corporate Resources	Monitoring and Review of Capital and Revenue Expenditure or Income	To consider issues which have a significant impact upon the Capital or Revenue Expenditure and/or Income of the Council including those issues arising from the monitoring, review and implementation of the approved Revenue Budget and Capital Programme. [This is a standing item at each Cabinet meeting and the Decision Taker will be the Cabinet and then the Council, or individual members/officers in accordance with relevant delegations].	April 2013 - March 2014	Periodic and ad-hoc reports	Consultation appropriate to individual proposals.	Cabinet; Full Council	John Everson Technical Accountant, Corporate Resources (Phone: 01384-814806)
0576 Corporate Resources	Spending Projections 2013/14	To report details of the projected outturn for 2013/14 and to recommend amendments to the revenue budget, funded from General Balances if necessary.	April 2013 - March 2014	Report of the Treasurer	Council Directors	Cabinet; Full Council	Iain Newman Treasurer (Phone: 01384-814802)
0577 Corporate Resources	Waiver of Contract Standing Orders	Waiver of Contract Standing Orders by the Cabinet Member for Finance in appropriate circumstances. Items will be considered in private session to avoid the disclosure of exempt information as defined in paragraph	April 2013 - March 2014	Returned tender documents/Council's Standing Orders; Records; maintained by the Chief Executive; Reports/correspondence by	The Scheme of Delegation requires the Cabinet Member for Finance to consult the Treasurer. Where appropriate	Cllr Peter Lowe	Iain Newman Treasurer (Phone: 01384-814802)

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
		3 of Part 1 of Schedule 12A to the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority).		the; Director of Corporate Resources	Stakeholders with an interest in the contract(s) will also be consulted as part of the contract evaluation exercise.		
0578 Urban Environment	Dudley Local Enterprise Zone (LEZ)	To approve the management plan for the Dudley LEZ scheme.	Cabinet March 2013	Cabinet Report - Proposed Dudley Local Enterprise Zone - 14th March; 2012; Black Country Local Enterprise Partnership - Submission to DCLG; for a Black Country Enterprise Zone - August 2011	Consultation with property owners will be undertaken in December 2012. Consultation has taken place with the Dudley Business Group on the 19th December, 2012.	Cabinet	Phil Coyne Assistant Director, Economic Regeneration & Transportation (Phone: 4004)
0579 Corporate Resources	Local Welfare Assistance (ex-DWP Social Fund)	Approval of DMBC's (Transitional) Local Welfare Assistance scheme.	Cabinet February 2013; Full Council Meeting February 2013		Consultation with local third sector organisations commenced in December 2012. Further consultation with internal and external stakeholders is planned and will continue after 1st April 2013 as demand for the service becomes clear and proposed working arrangements are refined/improved.	Cabinet	Mike Williams Assistant Director, Corporate Resources (Phone: 4970)
0580 Urban Environment	West Midlands Local Transport Plan	Decision of the Cabinet Member for Transportation and Community Safety in accordance with the resolution of Cabinet at its meeting of 16th March 2011 to approve, in consultation with the Director of the Urban Environment, the distribution to headings of the West Midlands Local Transport Plan - Intergrated Transport Block allocation for the financial year 2013/14.	Cabinet Member & Officer Mtg March 2013	Proposed capital programme allocations for the financial year 2013/14	Cabinet Member for Transportation and Community Safety, Shadow Member for Transportation and Community Safety and the Director of the Urban Environment.	Cllr Foster	Martyn Holloway DUE
0581 Children's Services	Rendered borough wide Young Carers Service	To approve the award of a 3 year contract, with a cumulative value of £288,033, to be let from 1st April 2013 to 31st March 2016, to the preferred provider of a Young Carers Service, following a complaint procurement exercise.	Cabinet Member & Officer Mtg February 2013	Decision No. 1283: approval to award a contract for the provision of a; Young Carers Service by the Director of Corporate Resources	Key stakeholders (Young Carers and Dudley Council for Voluntary Services) participated in the resulting contract award and were included in both the	Cllr Tim Crumpton	Jane Porter Director of Children's Services

Forward Plan of Key Decisions

Decisions due to be made during the four month period from 01 Feb 2013

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
					tender and evaluation processes.		
0582 Adult, Comm & Hous.Services	Exceptions to the Council's Housing Allocations Scheme (Special Cases)	Individual decisions may be made in regard to the housing applications of people with exceptional circumstances not catered for within the Council's Housing Allocations Scheme. Items will be considered in private session to avoid the disclosure of exempt information as defined in paragraph 2 of part 1 of schedule 12a to the Local Government Act 1972 relating to information likely to reveal the identity of an individual.	February 2013 - March 2014	Individual reports; Lettings Policy	Individual cases are not consulted upon. The Council Housing Allocations scheme is subject to statutory consultation with registered providers and informal and formal consultation with other stakeholders.	Andrea Pope-Smith	Diane Channings Assistant Director of Housing (Housing Management) (Phone: (01384) 815063)