

MEETING OF THE CABINET

WEDNESDAY 18TH SEPTEMBER, 2013

**AT 6.00 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

**STEVE GRIFFITHS
DEMOCRATIC SERVICES MANAGER**

Internal Ext – 5235

External – 01384 815235

E-mail – steve.griffiths@dudley.gov.uk

**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.

Thank you for your co-operation.

Our Ref:
SG

Your Ref:

Please Ask For:
Steve Griffiths

Telephone No:
01384 815235

10th September, 2013


Dear Councillor

MEETING OF THE CABINET – WEDNESDAY 18TH SEPTEMBER, 2013

You are requested to attend a meeting of the Cabinet to be held on Wednesday, 18th September, 2013 at 6.00p.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

A G E N D A

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 held on 20th June, 2013 (copy attached).

BUDGET, STRATEGIC, POLICY AND PERFORMANCE ISSUES

5. CAPITAL PROGRAMME MONITORING (KEY DECISION) (PAGES 1 – 9)

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

6. QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT (PAGES 10 – 11)

To consider the report of the Chief Executive

7. LOCALISM ACT 2011 – THE COMMUNITY RIGHT TO CHALLENGE (KEY DECISION) (PAGES 12 – 29)

To consider the report of the Director of Corporate Resources

SERVICE RELATED CORPORATE ISSUES

8. ADOPTION OF THE HALESOWEN AREA ACTION PLAN (KEY DECISION) (PAGES 30 – 32)

To consider the report of the Director of the Urban Environment

9. ADOPTION OF THE STOURBRIDGE AREA ACTION PLAN (KEY DECISION) (PAGES 33 – 35)

To consider the report of the Director of the Urban Environment

10. APPROVAL FOR ADOPTION OF THE “PLANNING FOR HEALTH SUPPLEMENTARY PLANNING DOCUMENT” (KEY DECISION) (PAGES 36 – 38)

To consider the report of the Director of the Urban Environment

11. REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS’ ALLOWANCES (PAGES 39 – 47)

To consider the report of the Director of Corporate Resources

12. LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2012/13
(PAGES 48 – 52)

To consider the report of the Director of Corporate Resources.

13. ISSUES ARISING FROM SCRUTINY COMMITTEES (IF ANY)

The Director of Corporate Resources to report orally.

PRIVATE SESSION

In accordance with Part 1 of Schedule 12A to the Local Government Act, 1972, the Proper Officer has determined that there will be no advance disclosure of the following report because the public interest in disclosing the information set out in the following item is outweighed by the public interest in maintaining the exemption from disclosure

14. RESOLUTION TO EXCLUDE THE PUBLIC

To consider the adoption of the following resolution:-

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 specified 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.

The submission of the following report complies with the requirements of the Local Authorities(Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

<u>Agenda Item Number</u>	<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
15.	Staffing Issue – Directorate of Corporate Resources	1

15. STAFFING ISSUE – DIRECTORATE OF CORPORATE RESOURCES (PAGES 53 – 55)

To consider the report of the Director of Corporate Resources

To: All Members of the Cabinet:

Councillor Sparks (Leader - Chair)

Councillor Lowe (Deputy Leader)

Councillors K Ahmed, Branwood, Crumpton, Foster, Partridge, S Turner, Waltho and Wood.

Opposition Group Members nominated to attend meetings of the Cabinet:

Councillors Harley, James, Mrs Simms, K Turner, Vickers and Wright

MEETING OF THE CABINET

Thursday, 20th June, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Lowe (Deputy Leader)
Councillors K Ahmed, Branwood, Foster, S Turner, Waltho and Wood

together with the following Opposition Group Members appointed to attend meetings of the Cabinet:-

Conservative Group - Councillors Burston, Harley, James, Miller, K Turner and Vickers

OFFICERS:-

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

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Crumpton, Partridge, Simms and Wright.

2 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillors Burston and Miller were serving in place of Councillors Wright and Simms, respectively, for this meeting of the Cabinet only.

3 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 20th March and 25th April, 2013, be approved as correct records and signed.

REVENUE AND CAPITAL OUT-TURN 2012/13

A report of the Treasurer was submitted on the provisional financial results for the year ended 31st March, 2013.

RESOLVED

- (1) That the information contained in the report be noted in relation to:
 - the draft outturn for 2012/13.
 - the effect of the General Fund Revenue outturn on General Balances at 31st March, 2013.
 - the position on earmarked reserves at 31st March, 2013.
 - the latest forecast General Fund Revenue position for 2013/14.
- (2) That the Chief Executive, the Director of Children's Services and the Treasurer, in consultation with the Cabinet Member for Children's Services and Lifelong Learning, the Deputy Leader and the Opposition Spokesperson for Children's Services and Lifelong Learning, monitor the data and costs relating to Looked After Children and submit a further report to the Cabinet in September, 2013.
- (3) That the Council be recommended:-
 - (a) To amend the 2013/14 General Fund revenue budget to reflect:
 - the receipt of £0.511m of Council Tax Support Transitional Grant, as set out in paragraph 4 of the report now submitted;
 - the net saving of £0.170m resulting from economies of scale in the provision of support services to Public Health, as set out in paragraph 16 of the report now submitted.

- (b) To implement a 50% Empty Homes Premium from 1st April, 2014 to properties that have been unoccupied for more than two years.

(This was a Key Decision with the Cabinet and Council named as the Decision Takers).

6

REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Treasurer was submitted on proposed revisions to the Housing Revenue Account (HRA) budgets to reflect the latest financial forecasts; proposed revisions to the Public Sector Housing capital programme and seeking approval to the HRA 30 year business plan.

The Cabinet Member for Housing and Community Safety undertook to provide written responses to questions raised by a Member concerning borrowing availability and Right to Buy applications.

RESOLVED

- (1) That the Council be recommended to approve:-
 - (a) the revised Housing Revenue Account (HRA) budget for 2013/14 as referred to in paragraphs 5 to 11 and Appendix 1 to the report now submitted;
 - (b) the revised Public Sector Housing capital programme for 2013/14 to 2017/18 as referred to in paragraphs 12 to 19 and Appendix 2 to the report now submitted.
- (2) That the HRA 30 Year Business Plan, as referred to in paragraphs 20 to 22 and Appendix 3 to the report now submitted, be approved.

(This was a Key Decision with the Cabinet and Council named as the Decision Takers).

7

COUNCIL PLAN 2013 - 2016

A report of the Chief Executive was submitted seeking endorsement of the Council Plan in accordance with the Council Plan Policy Framework for 2013-16.

RESOLVED

- (1) That the Council be recommended to approve the Council Plan 2013/16 and to note the alignment of Cabinet priorities to the Council Plan and Directorate Strategic Plans.
- (2) That in connection with the regeneration, skills and employment priorities, a report be submitted to the Cabinet in September, 2013 on sub-regional developments including the Local Enterprise Partnership, City Deal and the transfer of strategic transport functions from the Integrated Transport Authority.

(This was a Key Decision with the Cabinet and Council being named as Decision Takers).

8

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and proposing certain amendments to the Programme.

RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report now submitted, be noted.
- (2) That the Council be recommended:-
 - (a) That current progress with the 2013/14 Capital Programme, as set out in Appendix A to the report now submitted be noted.
 - (b) That the budget for Disabled Facilities Grants be approved and included in the Capital Programme, as set out in paragraph 4 of the report now submitted.
 - (c) That the capital schemes to be funded from the disposal of the Gornal Wood Cemetery Lodge be approved and included in the Capital Programme, as set out in paragraph 5 of the report now submitted.
 - (d) That the additional Integrated Transport Authority capital funding be used to increase the Integrated Transport programme, and that the Capital Programme be amended accordingly, as set out in paragraph 6 of the report now submitted.

- (e) That up to £370,000 (subject to final negotiations on land value) be allocated to support the Cradley Extra Care Housing development and that this expenditure be included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
- (f) That the construction of permanent changing rooms at Homer Hill Park, Cradley, be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (g) That the Corbyn Road site be retained for use as a base for a joint Children's Safeguarding Unit and frontline social work teams; that £945,000 of the forecast sale proceeds from the disposal of the Cradley High site be reallocated to contribute to the new Old Park school capital project; and that the cost of refurbishment of the Corbyn Road site of £1,300,000 (to be funded from 14-19/Special Educational Needs capital grant) be approved and included in the Capital Programme, as set out in paragraph 9 of the report now submitted.
- (h) That the loft conversion at a foster carer's property be approved and included in the Capital Programme, as set out in paragraph 10 of the report now submitted.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

CORPORATE QUARTERLY PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on corporate performance for the period 1st January to 31st March, 2013. The Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee had considered the report on 11th June, 2013.

RESOLVED

- (1) That the corporate quarterly performance management report be approved.
 - (2) That the consideration of the report by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee be noted.
-

DOMESTIC COLLECTIVE FUEL SWITCHING – TACKLING FUEL POVERTY

A joint report of the Chief Executive and the Director of Adult, Community and Housing Services was submitted on the Council's domestic collective fuel switching initiative for residents, including a pilot initiative. Approval was sought to explore options and for the Council to formally enter into a collective fuel switching initiative.

Members welcomed the report and supported the need for further work to promote greater take-up of the initiative to reduce energy costs for local residents.

RESOLVED

- (1) That the report be noted.
 - (2) That the approach set out in the report to explore and appraise the various options (including the Black Country approach) for a collective energy switching scheme for Dudley households (including incorporating any findings from the pilot) be approved.
 - (3) That the Chief Executive, in consultation with the Leader and the Cabinet Member for Housing and Community Safety, be authorised to enter into a collective energy-switching scheme.
 - (4) That approval be given for the use of up to £10,000 to support this initiative and to undertake a range of promotional activities.
 - (5) That any referral fees (income paid to the Council through the collective fuel energy-switching scheme) be used as follows:
 - (a) 50% towards continued support for tackling fuel poverty initiatives in Dudley including future promotional activity for successive rounds of collective fuel switching.
 - (b) The remaining 50% be considered as additional income for the Council.
-

SAFER ROUTES TO SCHOOL – 20 MPH UPDATE

A report of the Director of the Urban Environment was submitted on the position concerning the introduction of 20mph zones, following consultation with ward councillors and schools, based on agreed criteria, priority ranking and practical feasibility.

Approval was sought to produce a programme of works for 20mph zones or alternative safety measures where appropriate.

RESOLVED

- (1) That the consultation that has taken place be noted.
- (2) That the Cabinet Member for Transport, in consultation with the Opposition Spokesperson for Transport and the Director of the Urban Environment, develop a programme of 20 mph schemes or alternative safety measures based upon the highest ranking priority locations shown in Appendix A to the report now submitted and any schemes shown in Appendix A that are not completed this financial year be carried over to next financial year.
- (3) That the Cabinet endorse the principle that any ward member queries on the priority ranked programme or specific queries on schools in their ward be channelled via the Cabinet Member for Transport to ensure an investigation and an appropriate response.

LOCALISED COUNCIL TAX REDUCTION SCHEME 2014/15

A report of the Director of Corporate Resources was submitted on the timetable for approving the localised Council Tax Reduction Scheme for the 2014/15 financial year. Approval was sought to undertake consultation on the options in advance of a final decision being made by the Council in due course.

RESOLVED

- (1) That the timetable required to develop a revised Council Tax Reduction Scheme for 2014/15, as set out in paragraph 12 of the report now submitted, be noted.
- (2) That approval be given for consultation to commence based on the options set out in paragraph 16 of the report now submitted.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

13 FOOD SERVICE PLAN 2013/14

A report of the Director of the Urban Environment was submitted on the approval of the Food Service Plan for 2013/14.

RESOLVED

That the Council be recommended to approve the Food Service Plan for 2013/14.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

14 APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Director of Corporate Resources was submitted on the appointment of Council representatives to various outside organisations for the 2013/14 municipal year.

RESOLVED

That the Director of Corporate Resources, in consultation with the Leader of the Council and the Opposition Group Leader, as appropriate, be authorised to determine the appointment of representatives to serve on the outside organisations indicated in the Appendix to the report now submitted.

15 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 June, 2013.

RESOLVED

That the Forward Plan of Key Decisions be noted.

16 ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

17

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.

<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Directorate of the Urban Environment – Waste Care Restructuring Proposals	1

18

DIRECTORATE OF THE URBAN ENVIRONMENT – WASTE CARE
RESTRUCTURING PROPOSALS

A report of the Director of the Urban Environment was submitted on a proposed restructuring in relation to Waste Care services.

RESOLVED

That the restructuring proposals, as set out in paragraphs 7 and 8 of the report now submitted, in relation to Waste Care services in the Environmental Management Division of the Directorate of the Urban Environment, be approved.

The meeting ended at 6.30pm

LEADER OF THE COUNCIL

Meeting Of the Cabinet – 18th September 2013

Joint Report of the Chief Executive and Treasurer

Capital Programme Monitoring

Purpose of Report

1. To report progress with implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.

Background

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

Service	2013/14	2014/15	2015/16
	£'000	£'000	£'000
Public Sector Housing	41,264	31,629	31,470
Other Adult, Community & Housing	9,598	1,488	550
Urban Environment	32,308	18,660	8,344
Children's Services	21,208	7,431	67
Corporate Resources	2,359	1,066	1,428
TOTAL	106,737	60,274	41,859

Note that the capital programme for future years is in particular subject to government grant allocations, some of which have not yet been announced.

4. In accordance with the requirements of the Council's Financial Regulations, details of progress with the 2013/14 Programme are given in Appendix A. It is proposed that the current position be noted.

Adult, Community and Housing

Tiled House Lane Residential Care Home

4. This home currently provides 49 beds to support intermediate care and specialist dementia care, and plays an important role in supporting hospital discharge. In order to modernise the building it is necessary to replace the boiler and heating distribution system and all windows. The estimated cost of £600,000 can be met from resources received by the Council from the PCT prior to its winding up (£500,000) and the unallocated Adult Social Care capital budget (£100,000).

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

5. Oak Lane Traveller Site

The current capital works at Oak Lane involve a new mains drainage system being installed to replace the old sewage treatment plant as it failed to maintain permissible discharge standards. Works are also being carried out to provide three additional plots on the site.

As a result of conditions imposed by Severn Trent Water to obtain discharge consent to pump to the main sewer, extra works are now required to the mains drainage system at an estimated cost of £82,000. It is also proposed to carry out additional works to the site to resurface the internal roadways and temporary storage area following the completion of all refurbishment works to buildings and site drainage. The cost of these works is estimated to be £60,000. The total extra cost of £142,000 can be funded from existing directorate resources.

It is proposed that this additional expenditure be approved and included in the Capital Programme.

Urban Environment

Mary Stevens Park, Stourbridge

6. The Council has been awarded a Heritage Lottery Fund (HLF) grant totalling £2,565,000 for the development and restoration of Heath Pool, the main entrance gates and other ironwork and the bandstand. Improvements will also be made to the war memorial setting and the Tea Gardens, and the former print room will be converted into a café. In addition a heritage ranger will be employed to work with local groups and volunteers to co-ordinate an events and activities programme and to create an archive for the park.

The total project cost is estimated at £2,846,000, with £281,000 of match funding having been secured from the Liveability project, section 106 funding, the Ernest Stevens Trust and former Area Committee funding.

It is proposed that:

- the Director of the Urban Environment be authorised to accept the HLF grant funding;
- the Director of Corporate Resources be authorised to sign the necessary funding agreements with HLF;
- the capital element of the project be included in the Capital Programme.

Rapid Charging Points for Electric Vehicles

7. The Council has made a successful bid to the Office for Low Emission Vehicles (OLEV) for £150,000 to install four rapid charging points in the Borough to support and encourage the use of electric vehicles. The estimated total cost of the project is £200,000 with £50,000 of match funding being provided by Renault-Nissan. There is no capital funding required from the Council.

It is proposed that:

- the Director of the Urban Environment be authorised to accept the funding;
- the project be included in the Capital Programme;
- the Director of the Urban Environment be authorised to agree the locations for the charging points and procure and install the equipment in consultation with the Cabinet Member for Transportation.

Outdoor Gym

8. Following the success of the Outdoor Gyms provided through the Healthy Towns project developed by the (now) Office of Public Health and the Directorate of the Urban Environment, further opportunities to provide additional facilities are being explored. An additional gym can be provided utilising residual project funding of £35,000. Options will be assessed and a site identified in accordance with the Healthy Towns selection criteria.

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

Children's Services

Demographic Growth Capital Fund – Pens Meadow Special School

9. The Council has been awarded £592,000 by the Education Funding Agency (EFA) from the Demographic Growth Capital Fund (DGCF) to create a 45 place post-16 provision at Pens Meadow Special School for learners with learning difficulties and disabilities utilising the adjacent and vacant Shousters building.

It is proposed that the funding allocation be noted and the project included in the Capital Programme.

Post Completion Review of Capital Projects

10. 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

Stourdell Road, Cradley - Kerb, footway and carriageway
A4101 High Street, Pensnett - Resurfacing
A4036 Pedmore Road, Lye - Resurfacing

It is proposed that these be noted.

Finance

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

Law

12. 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.

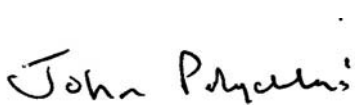
Equality Impact

13. These proposals comply with the Council's policy on Equality and Diversity.
14. 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

15. That the results of the Post Completion Review of capital projects, as set out in Appendix B be noted.
16. That the Council be recommended:
 - That current progress with the 2013/14 Capital Programme as set out in Appendix A be noted.
 - That the expenditure on the modernisation of Tiled House Lane Residential Care Home be approved and included in the Capital Programme, as set out in paragraph 4.
 - That the additional expenditure at the Oak Lane Traveller Site be approved and included in the Capital Programme, as set out in paragraph 5.
 - That in respect of Mary Stevens Park, Stourbridge, the Director of the Urban Environment be authorised to accept the HLF grant funding; the Director of Corporate Resources be authorised to sign the necessary funding agreements with HLF; and the capital element of the project be included in the Capital Programme, as set out in paragraph 6.

- That in respect of Rapid Charging Points for Electric Vehicles, the Director of the Urban Environment be authorised to accept the funding; the project be included in the Capital Programme; and the Director of the Urban Environment be authorised to agree the locations for the charging points and procure and install the equipment in consultation with the Cabinet Member for Transportation, as set out in paragraph 7.
- That the Outdoor Gym project be approved and included in the Capital Programme, as set out in paragraph 8.
- That the funding allocation in respect of the post-16 provision at Pens Meadow Special School be noted, and the project included in the Capital Programme, as set out in paragraph 9.



John Polychronakis
Chief Executive



Iain Newman
Treasurer

Contact Officer: John Everson
Telephone: 01384 814806
Email: john.everson@dudley.gov.uk

List of Background Papers

Relevant resource allocation notifications.

2013/14 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31 st July £'000	Forecast £'000	Variance £'000	Comments
Public Sector Housing	41,264	7,045	41,264	-	
Other Adult, Community & Housing	9,598	1,836	9,598	-	
Urban Environment	32,308	6,417	32,308	-	
Children's Services	21,208	1,733	21,208	-	
Corporate Resources	2,359	387	2,359	-	
TOTAL	106,737	17,418	106,737	-	

Title of Scheme: Stourdell Road, Cradley - kerb, footway and carriageway
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):..... £175,000 Planned Completion date: 14 December 2012
Outturn Cost £172,000 Actual completion date: 19 December 2012
Variation from Original Budget: Reduction of £3,000 Delay: 3 working days
Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet): Budget savings were achieved largely through careful control of finished levels to minimise the quantity of excavation. The footway and carriageway resurfacing was all completed on time. The additional time was required to complete the accommodation works to the substation and to finish the concreting to the one set of remaining steps.
Original Objectives of Scheme (please indicate when and to whom these were reported): 1. Resurface the carriageway and footways of Stourdell Road, Cradley to overcome the deterioration of the pavement layers. 2. Redesign the profile of the road in the area of Nos 28 to 56 Stourdell Road to remove the need for steps and to provide additional parking bays, allowing improved access for waste collection and emergency services.
Have these Objectives been met? (If "No" please provide explanation): Yes.

Signed by: John Millar (Director)

Date: 13/06/2013

Title of Scheme: A4101 High Street, Pensnett 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):.....£282,000 Planned Completion date: 30 April 2013
Outturn Cost£221,000 Actual completion date: 26 April 2013
Variation from Original Budget: Reduction of £61,000 Delay: None
Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet): Budget savings were achieved through: 1. A reduction in the amount of high friction surfacing required. 2. After planing out the existing surface, the condition of the ground was found to be much better than anticipated, so less binder course material was required. 3. An area adjacent to the roundabout could not be resurfaced without a closure and was therefore omitted from the scheme, to be done at a later date. The carriageway resurfacing was completed ahead of programme.
Original Objectives of Scheme (please indicate when and to whom these were reported): Resurface the carriageway of the A4101 High Street, Pensnett to overcome the deterioration of the pavement layers.
Have these Objectives been met? (If "No" please provide explanation): Yes.

Signed by: John Millar (Director)

Date: 01/08/2013

Title of Scheme: A4036 Pedmore Road, Lye 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):.....£270,000 Planned Completion date: 12 February 2013
Outturn Cost£216,000 Actual completion date: 13 February 2013
Variation from Original Budget: Reduction of £54,000 Delay: 1 day
Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet): Budget savings were achieved through: 1. The section of Pedmore Road from Lye Cross to The Railway Pub was omitted from the scheme, to be undertaken on Sundays with the other areas at Lye Cross. 2. A reduction in the amount of high friction surfacing required. 3. After planing out the existing surface, the condition of the ground was found to be much better than anticipated, so less binder course material was required. The delay of one day was a result of heavy snow during the second half of January.
Original Objectives of Scheme (please indicate when and to whom these were reported): Resurface the carriageway of the A4036 Pedmore Road, Lye to overcome the deterioration of the pavement layers.
Have these Objectives been met? (If "No" please provide explanation): Yes.

Signed by: John Millar (Director)

Date: 01/08/2013

Meeting of the Cabinet –18th September 2013

Corporate Quarterly Performance Management Report

Report of the Chief Executive

Purpose of Report

1. To present the first Corporate Quarterly Performance Management Report for 2013/14, relating to performance for the period 1st April to 30th June 2013.

Background

2. The overriding purpose of the Corporate Quarterly Performance Management Report is to provide the Cabinet with a regular update on the management of services and performance levels being achieved within the Council, across the seven Council Plan thematic priorities. Prior to submission to Cabinet the report is scrutinised by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee.

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 for April 1st 2013 to June 30th 2013.

Section 5: corporate risk status report

A full copy of the Corporate Quarterly Performance Management Report is available in the Members Room and on the Internet via the Committee Management Information System. A paper copy can be sent to any Member on request.

A full copy of the Corporate Quarterly Performance Management Report will be made available on the Internet following approval by Cabinet.

Finance

4. There are no direct financial implications.

Law

5. The Council may do anything which is incidental to or conducive to or which facilitates the discharge of its functions under Section 111 of the Local Government Act, 1972.

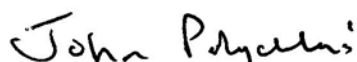
Equality Impact

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

The Corporate Quarterly Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

Recommendation

7. It is recommended that Cabinet
 - 1) Receives the Corporate Quarterly Performance Management Report and approves its content.
 - 2) That Cabinet note that the report has been referred to Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee for consideration.



John Polychronakis
Chief Executive

Contact Officers: Geoff Thomas ext 5270 / Michael Wooldridge ext 4737

Meeting of the Cabinet – 18th September 2013

Report of the Director of Corporate Resources

Localism Act 2011 – the Community Right to Challenge

Purpose of Report

1. This report proposes a policy position regarding the requirement to respond to the Community Right to Challenge, within a wider context of community involvement and adhering to the principles of a Community Council.

Background

2. The Localism Act 2011 allows relevant community-based bodies the right to challenge local authorities to take over a service currently provided by the local authority. Councils are able to exert control over the process by:
 - Declaring a period of time, outside of which any such expression of interest need not be considered;
 - Exercising judgement over a submitted expression of interest against a number of criteria with which it may reject a bid;
 - For those expressions of interest accepted, by conducting a procurement process designed to rigorously test the quality of bids put forward, and deciding whether or not to award a contract;
3. The Community Right to Challenge applies to all relevant services apart from those specified as exempt (detailed in the Policy & Guidance). A relevant service is a service provided by or on behalf of the Council in the exercise of its functions, except services which are excluded from the right in secondary legislation.
4. The right only applies to the **provision** of services. It does **not** provide for delegation of the functions of a Council. **The responsibility for the function itself remains with the Council**, even after the awarding of a service contract to an external body. Should a new provider fail to deliver the service following the awarding of a contract, the Council retains the responsibility to ensure the service continues to be delivered if there is a statutory duty for the service to be provided. In addition it may wish to ensure continuity for discretionary services whose cessation may impact adversely upon certain groups or communities such as the elderly or vulnerable.

The Wider Context

5. This report proposes a new approach by setting the Council's response to Right to Challenge within a wider context of community collaboration. This

would reflect a strong intention to further develop the relationship between the Council, the communities it serves, and the third sector. This is rooted in a key principle which underpins the new Council Plan, namely establishing Dudley as a “Community Council”.

6. The proposal therefore is to embed Right to Challenge within a suite of options that offer solutions to community issues, thus presenting a set of alternatives that may help community organisations to consider various options including taking on, through Right to Challenge, service delivery.

Right to Challenge – specific points to note

7. The Policy and Guidance proposes an annual time window of 2 months’ duration, specifically April and May of each year, starting from 2014. The logic behind this is to provide time to consider the implications in the budget setting process for that year, and enough time for a procurement exercise to run and for any resultant service change to be implemented from the start of the next financial year.

Communication

8. On receipt of an expression of interest, then sequentially the relevant Cabinet Member, Director, management and staff would be informed and will be kept informed from that point until the final outcome. This will range from a straightforward and early rejection of the expression of interest, through to the outcome of a procurement process if the “challenge” progresses that far.

Service Focus

9. The policy proposes that the Council will not seek to identify or promote any individual services through Right to Challenge unless actively looking for alternative delivery models in respect of a specific service.

Decision making

10. There are two decision stages in the process: firstly, whether or not to accept an expression of interest; and secondly, to award - or not - a contract following a procurement exercise. The Act gives no guidance as to the level of seniority or role of decision-maker nor what constitutes a decision-making body and therefore this is at the discretion of the relevant authority.
11. The first decision will be made using clear criteria provided by the Act (see section 6c of the proposed policy). It is important to gain political involvement and awareness at an early stage in the process, and for this reason it is proposed that this decision is made by Cabinet via a report provided by the Director of Corporate Resources following consideration by the Council's Localism Steering Group.

The decision to award or refuse a contract following a procurement exercise shall be taken by the relevant director or directors (in the event of a cross-directorate service proposal) under whom the service is currently provided in consultation with the relevant Cabinet Member(s).

Finance

12. Government has provided a single “new burdens” grant of modest proportions to support additional work taken on by local authorities in respect of community rights legislation.

Law

13. The Community Right to Challenge is a provision enshrined within the Localism Act 2011.

Equality Impact

14. The report takes into account the Council's Equality and Diversity Policy.

Recommendation

15. It is recommended that Cabinet:
 - Approve the detail of the Policy to deal with Right to Challenge and the wider context it is placed in.
 - Approve the proposed level and stages of decision making set out in this report and the attached Policy and Guidance.



.....
Philip Tart
Director of Corporate Resources

Contact Officer: Andy Wright
Telephone: 01384 814147
Email: andy.wright@dudley.gov.uk

List of Background Papers

The Draft local Policy and Guidance on the Community Right to Challenge

Localism Act 2011
Community Right to Challenge

Policy and Guidance

Produced by;
Andy Wright, Head of Corporate Policy & Research, Chief Executive's Directorate
Mohammed Farooq, Assistant Director, Law & Governance, Directorate of Corporate Resources

September 2013

Policy and Guidance regarding the Community Right to Challenge
Contents

- 1 Preface
- 2 Local Policy Context
- 3 Relevant Services
- 4 Roles and Responsibilities
 - a. Decision levels
 - b. Role of Localism Steering Group
- 5 Publication and Communication
- 6 Response Procedure to a submitted challenge
 - a. Timing of the Right to Challenge Process
 - b. Modifying an Expression of Interest
 - c. Grounds for Rejection of an Expression of Interest
- 7 Procedure from accepting an Expression of Interest through to Procurement Exercise
- 8 The Procurement Exercise
- 9 Relevant Bodies
- 10 Information Required from and by the Relevant Body
- 11 Logic Flow Chart
- 12 Submission Form

1 Preface

1. The purpose of this document is to guide action the Council may have to take in response to a challenge, by a relevant body, to take over the delivery of one of its services, under the provisions of the Community Right to Challenge element of the Localism Act 2011.

2. The content of this policy draws heavily from the Statutory Guidance for Community Right to Challenge, issued by the Department of Communities and Local Government, but has been modified to fit within the Dudley context. It is recommended that this policy be used with reference to that statutory guidance.

2 Local Policy Context

3. This policy sits within a wider context of community collaboration which reflects a clear intention to further develop the relationship between the Council, the communities it serves, and the third sector. This is rooted in a key principle underpinning the Council Plan from 2013, establishing Dudley as a “Community Council”.

4. This approach is supported by a number of channels of community involvement developed since 2010 within the context of the Localism Act and in partnership with Dudley VCS and a number of local community volunteer organisations, backed by a set of externally-acclaimed principles and tools around community engagement. These include:

- Establishment of the new **Community Forums** as a key channel for community “voice”;
- Responding to calls to nominate land or buildings as community assets via the **Community Right to Bid** legislation;
- **Community Asset transfer** – exploring ways in which community organisations can assume responsibility for assets held by the Council;
- Exploring opportunities for community groups to have better use of Council-owned assets without transference;
- Making better use of “**community assets**” – i.e. people – thus connecting to the Health and Well-being agenda;
- **Community Enterprise & Innovation Fund (CEIF)** and **Dudley Innovation Fund (DIF)** – both designed to stimulate the local social enterprise sector, and encouraging local entrepreneurs to provide services that support the community and complement the Council’s strategic priorities;
- A drive towards more effective and meaningful engagement, including a focus on service delivery (exemplified currently by the “**Big Question Survey**”);

5. The Community Right to Challenge is therefore embedded within this suite of choices which together present a set of options designed to help community organisations consider the most appropriate and effective solution to issues concerning service delivery, and their level of satisfaction with the way the Council currently provides them.

3 Relevant Services

6. The community right to challenge applies to all relevant services. A relevant service is a service provided by or on behalf of the Council in the exercise of its functions, except services which are excluded from the right in secondary legislation. Exempt services are detailed below.

7. The right only applies to the **provision** of services. It does **not** provide for delegation of the functions of a Council. **The responsibility for the function itself remains with the Council.**

Exempt Services

8. The following services are excluded from the community right to challenge, either for a limited period or permanently:

- i. Until 1 April 2014, a relevant service commissioned in conjunction with one or more health services by a Council or by a Primary Care Trust, NHS trust or NHS foundation trust (in this paragraph 2.8 referred to as an “NHS body”) under a partnership arrangement or by a Council and an NHS body or a Strategic Health Authority, acting jointly.
- ii. Until 1 April 2014, a relevant service commissioned by an NHS body on behalf of a Council.
- iii. A relevant service commissioned or provided by a Council in respect of a named person with complex individual health or social care needs.

Promoting Services for the Right to Challenge

9. The policy does not seek to identify or promote any individual services *unless* the Council is actively looking for alternative delivery models around a specific service.

4 Roles and Responsibilities

a) Decision levels

10. There are two decision stages in the process: firstly, whether or not to accept an expression of interest; and secondly, to award - or not - a contract following a procurement exercise. The Act gives no guidance as to the level of seniority or role of decision-maker nor what constitutes a decision-making body and therefore this is at the discretion of the relevant authority.

11. The first decision will be made using clear criteria provided by the Act (see section 6c of the policy). It is important to gain political involvement and awareness at an early stage in the process, and for this reason it is proposed that this decision is made by Cabinet via a report provided by the Director of Corporate Resources, with advice from the Localism Steering Group.

12. If the expression of interest is accepted, the normal procurement exercise then follows. The decision to award or refuse a contract following a procurement exercise shall be taken by the relevant Director or Directors (in the event of a cross-directorate service proposal) under whom the service is provided in consultation with the relevant Cabinet Member(s).

b) Role of the Localism Steering Group

13. The role of the Localism Steering Group will be to support the Director of Corporate Resources by:

- (i) Ensuring compliance and consistent standards in the consideration of expressions of interest and any subsequent procurement exercises; making links where relevant between service areas where a challenge straddles more than one;
- (ii) Advising through learning picked up from experience elsewhere;
- (iii) Co-ordinate Directorate/service area responses to expressions of interest;
- (iv) Facilitating that process by means of a template to be made available for Directorate leads to complete (with assistant director or director sign-off), and provide officer-level challenge to that process before submitting the outcome recommendation for consideration.

5 Publication and Communication

14. On its website, the Council will announce the timing of the Challenge Window, and also provide information on what this legislation means, with appropriate guidance to assist prospective relevant bodies. Such information will include:

- Eligibility (definition of “relevant body”)
- Exempt services;
- Process to follow;
- Online submission form;
- Point and channel of contact;

Internal Communication

15. At the point of entering into a procurement exercise, the Act requires the Council to “provide employees of the relevant authority, and other relevant bodies,

with a fair, reasonable and realisable opportunity to bid in the procurement exercise for the service”, so that all potentially interested relevant bodies have equal chance to bid.

16. However, the Council also recognises a need to inform employees from the point an expression of interest is received relating to the service area they work in. Therefore, on receipt of an expression of interest, then sequentially the relevant Cabinet Member, Director, management and staff should be informed, and kept informed from that point until the final outcome. This will range from a straightforward and early rejection of the expression of interest, through to the outcome of a procurement process if the challenge progresses that far.

6 Response Procedure to a submitted challenge

a) Timing of the Right to Challenge Process

(i) Challenge Time Period

17. The Act provides for relevant authorities to specify periods (of time) during which expressions of interest can be submitted in relation to a particular relevant service. Specifying a period will help the Council to manage the flow of expressions of interest and allow this to be synchronised with any existing commissioning cycles for services. Without so doing, expressions of interest can be submitted at any time.

18. In response to this, the Council will be open to receiving expressions of interest from relevant bodies to take over the running of a service it currently provides. It will set one period of time per financial year, within which it will consider such expressions. **This is to be of 2 months’ duration in April and May of each year.** The logic behind this is to provide time to consider the implications in the budget setting process for that year, and enough time for a procurement exercise to run and for any resultant service change to be implemented from the start of the next financial year.

(ii) Time Period from Receipt of Expression of Interest

19. The Council must specify the maximum period that it will take to notify the relevant body of its decision on an expression of interest and publish details of the specification including on its website. Different periods may be specified for different cases.

20. The Council must also notify a relevant body that has submitted an expression of interest of the timescale within which the authority will notify the body of its decision.

21. The Council must make this notification in writing. This must be done within 30 days after the close of any period specified by the authority for submitting expressions of interest or, if no such period has been specified, within 30 days of the Council receiving the expression of interest.

22. In specifying periods for notifying relevant bodies of decisions on expressions of interest, the Council should have regard to the following factors:

- The need to notify relevant bodies of a decision within a reasonable period;
- The nature, scale and complexity of the service to which expressions of interest relate (for example is the service shared with one or more other relevant authorities, or jointly commissioned with one or more other public bodies?);
- The complexity of the expressions of interest received (for example, do they propose radical change to the way a service is delivered?);
- The likely need to agree modifications to expressions of interest in order to accept them (see Section 7); and
- The timescales for any existing commissioning cycle relevant to the service which an expression of interest relates to, or any other the Council processes. These may include Council Cabinet decision making or budget setting processes.

23. It is proposed that receipts of Expressions of Interest are acknowledged in writing, and the relevant body informed, within 30 days of the end of the challenge time period, i.e. 31st May.

24. It is further proposed that the maximum period within which the Council will notify the relevant body of its decision in respect of an Expression of Interest is five months from the date of acknowledgement of receipt of the Expression of Interest. This should allow the Council sufficient time to take the recommendation for ratification by Cabinet.

b) Modifying an Expression of Interest

25. If the Council believes it would otherwise reject an expression of interest, it may seek instead to agree to it being modified. Any modification must be agreed with the relevant body. If an agreement cannot be reached, the Council may reject the expression of interest. Some illustrative examples of where a modification may lead to successful submission are given below.

Example 1: Part of a service not subject to challenge

A relevant body submits an expression of interest to run all 20 library services in the area. The authority has taken a decision to stop one of the services, meaning it is no longer a relevant service. The authority proposes modifying the expression of interest to relate instead to the 19 remaining libraries.

Example 2: Inadequate information

A relevant body submits an expression of interest to run the waste collection services. It does not complete the financial information section. The relevant body proposes modifying the expression of interest to include this information.

Example 3: Suitable body

A relevant body submits an expression of interest to run a local youth club. It sets out how the outcomes it proposes to achieve will meet the needs of service users, but bases this on a survey of 3 out of the 250 young people who use the club. The Council proposes modifying the expression of interest to include sufficient information on which it can base its decision to accept or reject.

c) Grounds for Rejection an Expression of Interest

26. An expression of interest can be rejected if it does not meet a given set of criteria. These are set out in the table below. For advice on who makes this decision, see the section headed “Roles and Responsibilities”.

Grounds whereby an Expression of Interest may be rejected

1. The expression of interest does not comply with any of the requirements specified in the Act or in regulations.

2. The relevant body provides information in the expression of interest which in the opinion of the relevant authority, is in a material particular inadequate or inaccurate.

3. The relevant authority considers, based on the information in the expression of interest, that the relevant body or, where applicable-

(a) any member of the consortium of which it is a part, or

(b) any sub-contractor referred to in the expression of interest is not suitable to provide or assist in providing the relevant service.

4. The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service.

5. The expression of interest relates to a relevant service -

(a) provided, in whole or in part, by or on behalf of the relevant authority to persons who are also in receipt of a service provided or arranged by an NHS body which is integrated with the relevant service; and

(b) the continued integration of such services is, in the opinion of the relevant authority, critical to the well-being of those persons.

6 The relevant service is already the subject of a procurement exercise.

7. The relevant authority and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.

8. The relevant authority has published its intention to consider the provision of the relevant service by a body that 2 or more specified employees of that authority propose to establish.

9. The relevant authority considers that the expression of interest is frivolous or vexatious.

10. The relevant authority considers that acceptance of the expression of interest

is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.

7 Procedure following acceptance of an Expression of Interest through to the Procurement Exercise

27. The Council must specify periods between an expression of interest being accepted and a procurement exercise starting. This enables authorities to weigh up the factors below. Depending on local circumstances, this aims to allow relevant bodies the time they need to prepare to compete in the procurement exercise.

28. In specifying these periods relevant authorities should have regard to:

- The need to provide employees of the relevant authority, and other relevant bodies, with a fair, reasonable and realisable opportunity to bid in the procurement exercise for the service;
- The nature, scale and complexity of the service being procured. For example, it may take relevant bodies longer to prepare to bid for larger, complex services than smaller more straightforward ones; and
- The timescales for any existing commissioning cycle relevant to the service being procured, or any other relevant authority processes. These may include Council Cabinet decision making or budget setting processes.

29. The local authority can allow a period of time between accepting the expression of interest and commencing the procurement exercise. This is to allow the challenging body to further develop the business case.

30. It is proposed that the Council allows a period of six months between accepting an Expression of Interest and commencement of a procurement exercise.

8 The Procurement Exercise

31. A procurement exercise will require access to a number of professional disciplines including:

- Procurement;
- Commissioning;
- Legal;
- HR (for TUPE considerations if appropriate);
- Accountancy;
- Relevant service head and/or AD;
- Assessor of social, economic and environmental well-being (this should include equality & diversity)
- If relevant, service design expertise

32. When a relevant authority accepts one or more expressions of interest for a relevant service, it must carry out a procurement exercise for the service. The procurement exercise must be appropriate having regard to the value and nature of the contract that may be awarded as a result of the exercise. As is already the case, authorities will need to comply with procurement law.

33. Where the service is of a value or nature to which the Public Contracts Regulations 2006 apply and/or is not listed as an exempt service in Part B of those regulations, the procurement exercise must follow the procedures for advertising, specifying and awarding contracts set out in those regulations. Further information can be found at:

http://ec.europa.eu/internal_market/publicprocurement/index_en.htm

34. Where the Public Contracts Regulations do not apply – i.e. where the service is worth less than the threshold value, or is listed in Part B of the 2006 regulations, it is for the relevant authority to decide how to procure the service. This applies in the same way to procurement exercise triggered by the community right to challenge as those which are not. Generally, Part B services are those that the EU has considered would largely be of interest only to bidders located in the Member State where the contract is to be performed.

Consideration of social value in the procurement exercise

35. Relevant authorities must consider how both expressions of interest and procurement exercises triggered by one or more expressions of interest being accepted would promote or improve the economic, social or environmental well-being of the authority's area. This must be consistent with the law applying to the awarding of contracts. Authorities may include social clauses in contracts provided they comply with the relevant requirements. These are explained in the European Commission publication *Buying Social: A Guide to Taking Account of Social Considerations in Public Procurement*.

9 Relevant Bodies

36. The Act lists the following as relevant bodies:

- voluntary or community body;
- A body of persons or a trust which is established for charitable purposes only;
- A parish council;
- Two or more employees of the Council; or
- Any other person or body specified by the Secretary of State by regulations.

Voluntary and community bodies

37. A voluntary body is a body that is not a public or local authority, the activities of which are not carried on for profit. It can generate a surplus provided it is used for the purposes of its activities or invested in the community.

Relevant bodies and relevant authorities

38. A community body is a body which is not a public or local authority, the activities of which are primarily for the benefit of the community.

39. The definitions of voluntary and community body are intended to cover a wide range of civil society organisations. They reflect the required characteristics of such bodies rather than referring to types of organisational structure. This allows for flexibility to accommodate future forms of civil society organisation.

40. The Government expects the definition of voluntary and community body to include but not be limited to the following types of organisation:

- Community benefit societies (a type of industrial and provident society);
- Co-operatives whose activities are primarily for the benefit of the community (another type of industrial and provident society);
- Community interest companies;
- Charitable incorporated organisations; and
- Other incorporated forms of body such as companies limited by guarantee or shares where the company's Memorandum and/or Articles of Association state that the company's objects are in the interest of the community, rather than to make a profit for shareholders.

Type of Body	How community benefit is evidenced
Co-operative society	A body must register with the Financial Services Authority. It must set out the society's rules, including its activities, its character and how it is organised. This is where social and community objectives should be demonstrated.
Community benefit society	A body must register with the Financial Services Authority. Its reasons for registering must demonstrate its social objectives. It must state the society's rules and describe its activities, character and how it will be organised. It must also describe how its activities will benefit which communities, and how any surplus will be used. Its rules must not allow profit or the society's assets to be distributed to members, but that they are used to further the society's objectives.

Company limited by guarantee or shares

A body for community interest registering with the Registrar of Companies at Companies House must provide a memorandum of association and articles of association. It may have an objects clause stating its aims and purpose. Although such objects may be commercial, if the business is a social enterprise, they must also relate to social and/or environmental objectives.

Employees of the Council (staff mutual)

41. The Government is committed to giving public sector workers the right to bid to take over running the services they deliver. Two or more employees of the Council are eligible to use the right. Employees are expected to form an employee-led structure to take on running services under the right. Employees using the Right are not expected to have finalised all of their arrangements before submitting an expression of interest but will probably need to form a separate legal entity in order to bid in a procurement exercise (so that management and contractual relationships are clear). The period between an expression of interest being accepted and a procurement exercise starting will provide an opportunity for this.

10 Information Required from and by the Relevant Body

42. The table below sets out the minimum requirement of information to be submitted in an expression of interest.

Information required in an Expression of Interest

1. Where the relevant body proposes to deliver the relevant service as part of a consortium or to use a sub-contractor for delivery of any part of the relevant service, the information in paragraphs 2 and 3 (below) must be given in respect of each member of the consortium and each sub-contractor as appropriate.

2. Information about the financial resources of the relevant body submitting the expression of interest.

3. Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the relevant service.

4. Information about the relevant service sufficient to identify it and the geographical area to which the expression of interest relates.

5. Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular:

(a) How the provision or assistance will promote or improve the social, economic or environmental well-being of the Council's area; and

(b) How it will meet the needs of the users of the relevant service.

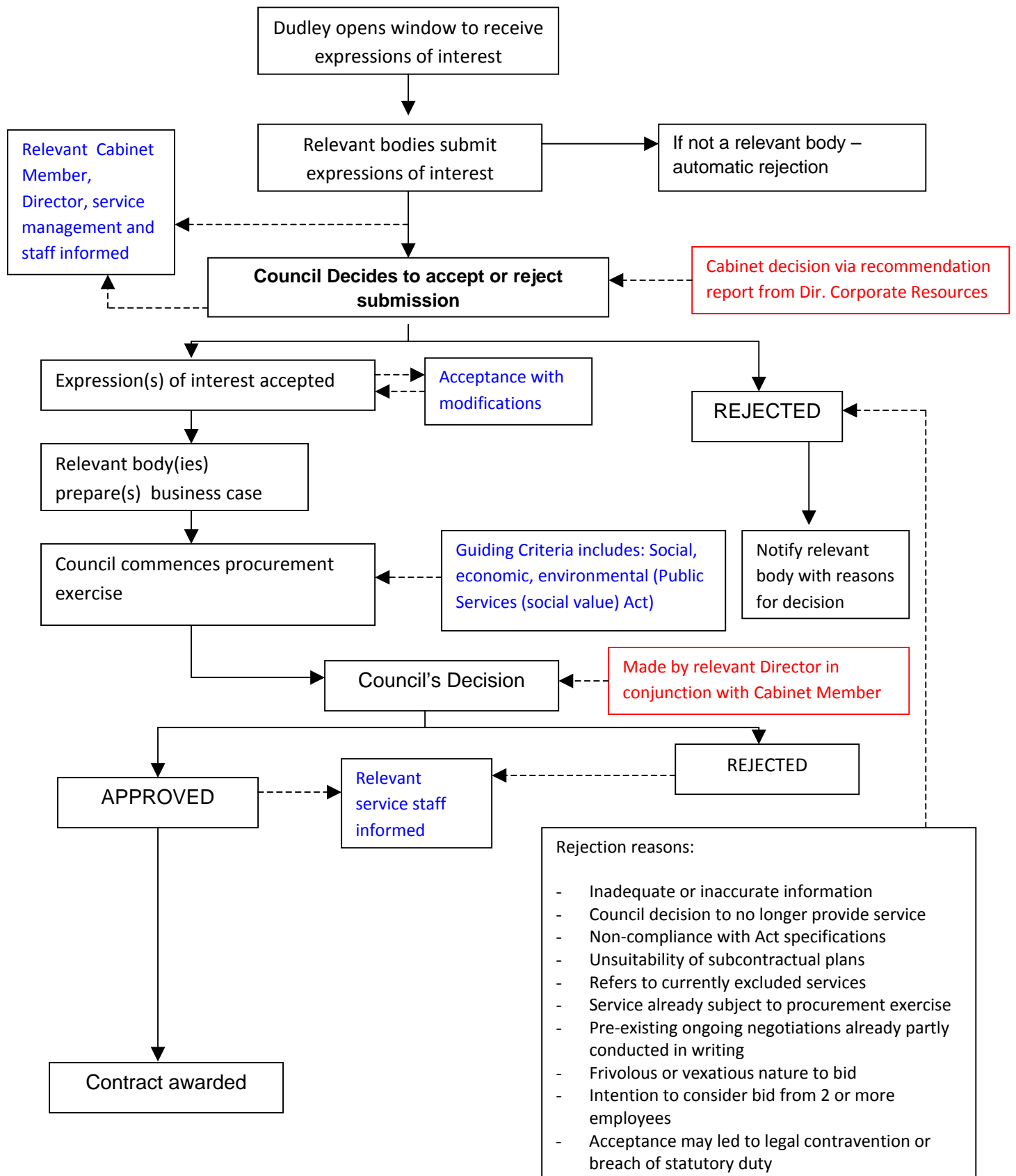
6. Where the relevant body consists of employees of the relevant authority, details of how that relevant body proposes to engage other employees of the

43. Equally a submitting body should expect to access sufficient information about the service in order to do so. From the Council's perspective, it would be appropriate to be able to release a standard set of information for any relevant service. Therefore the Council will make available the following elements:

- Name of service (e.g. waste recycling)
- Full description of scope of service reflecting how this is organised within the Council
- Descriptions of any secondary subdivisions (such as number of libraries within overall library service)
- Identified physical resources if any (equipment and physical assets)
- Relevant Directorate(s) and Cabinet portfolio holder
- Name and position of Assistant Director
- Total number of staff
- Total current annual cost of delivering the service
- Predicted future budget for service including any planned reductions in terms of budget, staff and extent of delivery
- Identified community or communities served
- Income (for chargeable services) including recent trend and predicted future income.

44. By providing such information which relates to the Council's definition of the service, the bidding organisation is able to see the full extent of the service and should be able to demonstrate how much of that service it intends to bid for.

Community Right to Challenge Logic flow Chart



Submission Form Details: (to be developed as an online form)

Questions:

Name of organisation

Type of relevant body

Proof of existence

Acting as a consortium (Y/N)

Intention to Subcontract (Y/N)

Which service (or part service) to be challenged?

What geographical area does your Expression of Interest relate to?

Financial information (financial resources of the relevant body) – also required for any subcontracted bodies or other consortium members – supporting docs allowed

Expression of capability to provide the service

Outcomes: how will provision or assistance in the provision of the service contribute to the social, economic & environmental well-being of the area?

Any other information about outcomes to be achieved (sup docs allowed)

For mutuals only: how you propose to engage other employees of DMBC who are affected?

Supporting material you would like to share to support your Expression of Interest

Contact details (name, address, email, phones, preferred method of contact)

Meeting of the Cabinet – 18th September 2013

Report of the Director of the Urban Environment

Adoption of the Halesowen Area Action Plan

Purpose of Report

1. To recommend to Council, the approval and adoption of the Halesowen Area Action Plan (AAP).

Background

2. Within the adopted Black Country Core Strategy (February 2011), Halesowen Town Centre is identified within a network of town centres, that form a distinctive and valued part of the Black Country's character. The general aim of the Core Strategy is to shape and revitalise these centres to meet the community's needs in the most accessible and sustainable way. The policies of the Halesowen AAP seek to carry forward and provide a focus for these strategic planning aims.
3. The AAP will help provide the catalyst for the wider regeneration of the town centre, and sets out Dudley Council's agreed development strategies and policies, (some of which are site specific), in order to guide new investment into Halesowen Town Centre and its environs up to the year 2026. This is achieved by clearly identifying where new shops and homes should be located as well as highlighting the transport infrastructure and new public spaces which are necessary to help support that growth whilst also benefiting both the local community and the local environment.
4. The AAP is flexible enough to ensure that development proposals are encouraged to come forward, yet robust enough to ensure that all development works towards delivering the key elements of the spatial vision for the area.
5. Following examination of the AAP by an independent Planning Inspector, the Inspector's Report has concluded that the Halesowen AAP is "sound" and therefore provides an appropriate basis for the planning of the AAP area up to 2026, providing that a number of minor modifications are made to the Plan. The modifications can be summarised as follows:
 - Insertion of a model policy stating a presumption in favour of sustainable development, to reflect the provisions of the National Planning Policy Framework (NPPF) (2012).
 - Additional explanatory text to set out the relationship between the AAP and other parts of Dudley Council's Local Development Framework (LDF) (Local Plan).

- Additional policy wording and supporting text to clarify the AAP's position in relation to potential flood risk at development opportunity sites.
 - A number of further minor modifications to improve the clarity of and assist in the interpretation of the Plan.
6. The recommendations and modifications set out in the Planning Inspector's Report do not result in any fundamental changes and are fully supported by the Local Planning Authority and were agreed during the process of the Examination. The plan as modified is available in the Members Room and on the 'Committee Management Information System'.

Finance

7. The development of the AAP was funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

Law

8. This AAP is a Development Plan Document (DPD), produced in accordance with the relevant provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF (2012). When adopted, the Halesowen AAP will form part of Dudley's statutory planning framework, which will replace relevant parts of the Unitary Development Plan (UDP) and will be used as the basis for decisions in planning applications for development in the Town.
9. Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

Equality Impact

10. The AAP will set the detailed planning framework for the development of the Halesowen Town Centre area up to 2026. The AAP will seek to ensure that sufficient homes, shops and employment, social, educational and recreational facilities are planned and provided for in that time to meet the needs of all the communities in the area. This will include meeting the needs of disabled persons as well as children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

Recommendation

11. It is recommended that the Halesowen Area Action Plan be approved and recommended to Council for adoption.

J. B. Millar
Director of the Urban Environment

Contact Officers: Helen Martin (Head of Planning)
Email: helen.martin@dudley.gov.uk
Telephone: 01384 814186
Annette Roberts (Planning Policy Manager)
Telephone: 01384 814172
Email: annette.roberts@dudley.gov.uk

List of Background Papers

Black Country Core Strategy – accessed via <http://blackcountrycorestrategy.dudley.gov.uk/>

Halesowen Area Action Plan and list of modifications – available in the Members' Room

Planning Inspector's Report into the soundness of the AAP

Meeting of the Cabinet – 18th September 2013

Report of the Director of the Urban Environment

Adoption of the Stourbridge Area Action Plan

Purpose of Report

1. To recommend to Council, the approval and adoption of the Stourbridge Area Action Plan (AAP).

Background

2. Within the adopted Black Country Core Strategy (February 2011), Stourbridge Town Centre is identified within a network of town centres, that form a distinctive and valued part of the Black Country's character. The general aim of the Core Strategy is to shape and revitalise these centres to meet the community's needs in the most accessible and sustainable way. The policies of the Stourbridge AAP seek to carry forward and provide a focus for these strategic planning aims.
3. The AAP will help provide the catalyst for the wider regeneration of the town centre, and sets out Dudley Council's agreed development strategies and policies, (some of which are site specific), in order to guide new investment into Stourbridge Town Centre and its environs up to the year 2026. This is achieved by clearly identifying where new shops and homes should be located as well as highlighting the transport infrastructure and new public spaces which are necessary to help support that growth whilst also benefiting both the local community and the local environment.
4. The AAP is flexible enough to ensure that development proposals are encouraged to come forward, yet robust enough to ensure that all development works towards delivering the key elements of the spatial vision for the area.
5. An Examination In Public (EIP) was held on the 21st of May 2013. The Planning Inspector's Report following the EIP has concluded that the Stourbridge AAP is "sound" and therefore provides an appropriate basis for the planning of the AAP area up to 2026, providing that a number of minor modifications are made to the Plan. The modifications can be summarised as follows:
 - Insertion of a model policy stating a presumption in favour of sustainable development, to reflect the provisions of the National Planning Policy Framework (NPPF) (2012).

- Additional explanatory text to set out the relationship between the AAP and other parts of Dudley Council's Local Development Framework (LDF) (Local Plan).
 - A number of further minor modifications to improve the clarity of and assist in the interpretation of the Plan.
6. The recommendations and modifications set out in the Planning Inspector's Report do not result in any fundamental changes and are fully supported by the Local Planning Authority and were agreed during the process of the Examination. The plan as modified is available in the Members Room and on the 'Committee Management Information System'.

Finance

7. The development of the AAP was funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

Law

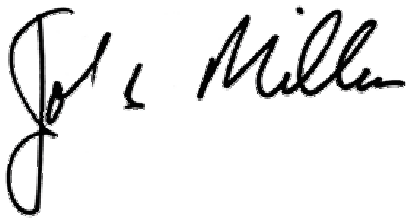
8. This AAP is a Development Plan Document (DPD), produced in accordance with the relevant provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF (2012). When adopted, the Stourbridge AAP will form part of Dudley's statutory planning framework, which will replace relevant parts of the Unitary Development Plan (UDP) and will be used as the basis for decisions in planning applications for development in the Town.
9. Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

Equality Impact

10. The AAP will set the detailed planning framework for the development of the Stourbridge Town Centre area up to 2026. The AAP will seek to ensure that sufficient homes, shops and employment, social, educational and recreational facilities are planned and provided for in that time to meet the needs of all the communities in the area. This will include meeting the needs of disabled persons as well as children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

Recommendation

11. It is recommended that the Stourbridge Area Action Plan be approved and recommended to Council for adoption.



.....
J. B. Millar
Director of the Urban Environment

Contact Officers: Helen Martin (Head of Planning
Email: helen.martin@dudley.gov.uk
Telephone: 01384 814186

Annette Roberts (Planning Policy Manager)
Telephone: 01384 814172
Email: annette.roberts@dudley.gov.uk

List of Background Papers

Black Country Core Strategy – accessed via
<http://blackcountrycorestrategy.dudley.gov.uk/>

Stourbridge Area Action Plan and list of modifications – available in the Members' Room.

Planning Inspector's Report into the soundness of the AAP

Cabinet Meeting – 18 September 2013

Report of the Director of the Urban Environment

Approval For Adoption Of The “Planning For Health Supplementary Planning Document”

Purpose of Report

1. To seek Cabinet approval for the formal adoption of the Council’s Planning for Health Supplementary Planning Document (SPD).

Background

2. The Council’s ‘Planning for Health’ Supplementary Planning Document (SPD) will form part of the Local Plan. The document sets out how health and health inequalities can be positively impacted upon by good planning, and gives detailed guidance on ensuring that the health implications of any new development are considered at the earliest possible stage. It is intended to inform the planning process; to provide a guide for developers, applicants and land owners, and will be taken into account in making planning decisions for the Borough. The document will also be strategically linked to the Dudley Health and Wellbeing Strategy, Dudley’s Obesity Strategy, Joint Strategic Needs Assessment and other public health documents.
3. The SPD sets out the areas where planning influences health outcomes in the form of themes and presents a list of recommendations for each theme.
4. The purpose of this SPD is;
 - a) To offer guidance for addressing the affect of the built and natural environment on health and wellbeing and to tackle the health inequalities and promote healthy lifestyle options with reference for example to the Cycle Forum.
 - b) To demonstrate how social, environmental and economic conditions influence health and wellbeing and health inequalities.
 - c) To clarify the importance of accessibility, its role in creating healthy, sustainable communities and how it helps impart better quality of life including

for example better opportunities for access to facilities through for example cycling.

- d) To provide checklists against which to assess development proposals.
 - e) To prevent a proliferation of food takeaways in centres and to impose distance restrictions (approximately 400 meters) on the creation of new food takeaways in proximity to schools and youth amenities and to reduce the clustering and over proliferation of food takeaways across the Borough.
5. This SPD was prepared in consultation with other Council Directorates and follows a member engagement drop in session on 4th March 2013. Following Cabinet approval on 11th March 2013 the SPD was subject to a 6 weeks public consultation (18th March to 29th April 2013). During this consultation period a total of 8 representations were received and a number of comments made within these representations have been incorporated into the SPD as appropriate. The representations were all generally positive and related to including certain references such as to Environmental Impact Assessments and Strategic Environmental Assessments. It was also suggested that more reference to Green Infrastructure be included and a better explanation of Health Impact Assessments given.
6. 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 the representations received and how these have been addressed in the SPD, as well as an Adoption Statement.
7. A list of the comments received from the consultation, the Council response to them and subsequent text changes to the finalised SPD are included within the Consultation Statement, a copy of which is located within the final SPD in the Members room and on the 'Committee Management Information System'. The Consultation Statement, along with the Adoption Statement, can also be viewed on the Council webpage on the following link:
<http://www.dudley.gov.uk/resident/planning/planning-policy/local-development-framework/health-spd/>

Finance

8. All costs associated with the preparation and adoption of the Planning for Health SPD will be funded from within existing budgets.

Law

9. The Planning for Health SPD will become a material consideration in the determination of planning applications. The SPD has been prepared under the

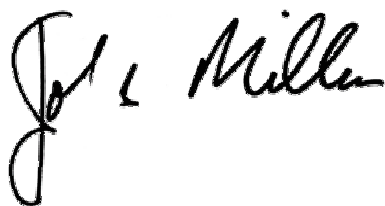
provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2012).

Equality Impact

10. The SPD 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.
11. The SPD seeks to promote healthy sustainable development and ensure that the future residential and commercial growth is delivered through the appropriate mechanisms taking consideration of the health impact of development.

Recommendation

12. Cabinet Members approve the adoption of the Planning for Health SPD.



.....
John Millar
Director of the Urban Environment

Contact Officer: Helen Martin
Head of Planning
Telephone: 01384 844186
Email: helen.martin@dudley.gov.uk

Annette Roberts
Planning Policy Manager
Telephone: 01384 814172
Email: Annette.Roberts@dudley.gov.uk

List of Background Papers

Dudley Health and Wellbeing Strategy
<http://www.dudley.gov.uk/community/initiatives/health-wellbeing/>

Dudley Obesity Strategy
<http://www.dudleylsp.org/jsna/jsna-documents-section/dudleys-obesity-hna/>

Meeting of the Cabinet – 18th September, 2013

Report of the Director of Corporate Resources

Report of the Independent Remuneration Panel on the Members' Allowances Scheme

Purpose of Report

1. To present the report of the Independent Remuneration Panel on a review of the Members' Allowances Scheme.

Background

2. As agreed by the Council on 16th May, 2013, a review of the Members' Allowances Scheme has been undertaken by an Independent Remuneration Panel. This report presents the findings and recommendations of the review.
3. The attached report of the Independent Remuneration Panel sets out recommendations for consideration by the Cabinet and the Council. The Independent Panel recognised that Dudley is a low cost, low spend Authority and Members' allowances are either the lowest or in the lowest quartile compared to other similar Authorities. The Panel recommends that indexing arrangements for Members' allowances should continue, but that there should be no further increase in the levels of allowances taking into account the difficult economic position and budget pressures for the Council. In addition the Panel recommends that no special responsibility allowance is paid to the Chairs and Vice-Chairs of Community Forums or the Ernest Stevens Trusts Management Committee.

Finance

4. The existing Allowances Scheme provides for indexation arrangements linked to cost of living pay increases for local authority staff whose pay award is determined by the National Joint Council. This provision must be reviewed every four years. At the time the Independent Panel's report was written, the 2013 pay increase for local authority staff had not been finalised. The previously agreed indexation arrangements will be applied for 1st April, 2013.

5. The financial implications of the Independent Remuneration Panel's recommendations will be contained within existing budgets. The actual total cost of Special Responsibility Allowances may vary from year to year, depending on the number of Members who are appointed to more than one office.

Law

6. The Local Authorities (Members' Allowances) (England) Regulations, 2003 set out the arrangements for setting Members' Allowances or amending an existing scheme. In making an amendment to the existing scheme, the Council must have regard to the recommendations of a local Independent Remuneration Panel and any amendments to the Scheme must be published in accordance with Regulation 16.

Equality Impact

7. This report complies fully with the Council's policies on equality and diversity and there are no implications for services to children and young people.

Recommendation

8. That the Cabinet consider the attached report of the Independent Remuneration Panel concerning the Members' Allowances Scheme and make recommendations to the Council.



.....
Director of Corporate Resources

Contact Officer: Philip Tart
Telephone: 01384 815300
Email: philip.tart@dudley.gov.uk

Steve Griffiths
Telephone: 01384 815235
Email: steve.griffiths@dudley.gov.uk

List of Background Papers

Documents Attached
Dudley MBC Constitution



Dudley Metropolitan Borough Council

Report of the Independent Remuneration Panel on Members' Allowances

1. Introduction

- 1.1 At the Annual Meeting on 16th May, 2013, Dudley Metropolitan Borough Council endorsed the establishment of an Independent Remuneration Panel concerning the Members' Allowances Scheme and requested that the Panel submit its recommendations to the Council. This report contains recommendations from the Independent Panel, which have been unanimously agreed.

2. Membership of the Panel

- 2.1 The Panel comprised the four independent persons who have been appointed under the standards provisions of the Localism Act 2011, namely the Bishop of Dudley (Rt Revd D Walker), Mrs V Ainsworth, Mr F Bell and Mr T Turner. The Director of Corporate Resources and the Treasurer supported the Panel in its deliberations.

3. Terms of Reference

- 3.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council has a duty to review the indexing arrangements in the Members' Allowances scheme every 4 years.
- 3.2 The Council also has a duty to have regard to recommendations made by an Independent Remuneration Panel when reviewing the Members' Allowances Scheme.
- 3.3 The Panel was requested to review the provisions of the Members' Allowances Scheme in the context of recent changes to the Council's governance arrangements.

4. Background

- 4.1 The Council adopted its current scheme of Members' Allowances on 13th July, 2009. There have been no increases in Members' Allowances since 2009 as the Allowances are linked to pay awards for Council staff.
- 4.2 The Panel received the current Members' Allowances Scheme, the report and resolution of the Council dated 13th July, 2009 and the

reports produced by the Standards Committee and Independent Remuneration Panel at that time. Information was supplied concerning the actual amounts of allowances claimed by Dudley Councillors in 2012/13 and comparator information from other neighbouring Councils and other local authority areas of a similar size.

- 4.3 The Council has made some significant changes to its governance arrangements over the past year. In particular, the former Area Committees have been replaced with 10 Community Forums. New Scrutiny arrangements came into effect from the Annual Council meeting on 16th May 2013. The Panel received information on the Council's revised governance arrangements from 2013/14.
- 4.4 The key issues considered by the Independent Remuneration Panel were:
- The ongoing indexing arrangements.
 - The positions that qualify for Special Responsibility Allowances in the context of the new governance structures.
 - Current and future remuneration levels taking account of relevant factors such as comparisons with other authorities and the financial situation.
 - Local issues concerning the expenses Members are expected to meet out of Basic Allowance.
 - The views expressed by Councillors on the Members' Allowances Scheme in response to consultation undertaken by the Director of Corporate Resources.

5. Findings

- 5.1 The Panel took account of comments submitted by 8 Members of the Council in response to the consultation. The general consensus was that the existing allowances scheme remains appropriate. The majority of respondents accepted that it is not appropriate to increase allowances at this time taking account of the difficult economic position and budget pressures faced by the Council.
- 5.2 The Panel did, however, note specific comments concerning remuneration levels in the context of Members who are in full time employment, the difficulties in attracting younger people to become Councillors, increasing use of mobile technology and the ever-increasing demands placed on Councillors and public services by the community.
- 5.3 The Panel accepted the principle that the indexing arrangements for Members' Allowances being linked to Officer pay should continue.

- 5.4 The Panel considered the changes in the Council's governance structures, most notably the changes in Scrutiny Committees and Community Forums. The Panel felt that, should the Council be minded to make any additional payments for Scrutiny Chairs/Vice-Chairs, this would need to be funded from the overall 'cost envelope' for example, by decreasing other allowances. The consensus of the Panel was against this proposal.
- 5.5 With regard to Community Forums, the Panel considered that no Special Responsibility Allowances should be paid as these are not formal Committees of the Council.
- 5.6 Similarly, the Ernest Stevens Trust Management Committee exists for charitable purposes and would not justify separate Special Responsibility Allowance payments.
- 5.7 The Panel recognised that Dudley MBC is a low cost, low spend authority and that in relative terms, allowances are low compared to other authorities. Of the 19 authorities listed in the comparator data, Dudley was joint 4th lowest in terms of Basic Allowance. The Leader's Special Responsibility Allowance was the 3rd lowest; the Deputy Leader, Cabinet Members and Scrutiny Chairs Special Responsibility Allowances were the lowest; the Chair of the Development Control Committee was 4th lowest and the Opposition Group Leader's Special Responsibility Allowance was the 2nd lowest. The Panel did, however, note that some authorities have fewer members whilst others are considering the overall number of elected Members in the context of their budget positions.

6. Recommendations

- 6.1 That the indexing arrangements for Members' Allowances continue to be on the basis of the agreed cost of living pay increases for local authority staff whose pay award is determined by the National Joint Council.
- 6.2 That there be no further increase in the levels of Members' Allowances taking account of the difficult economic position and budget pressures for the Council.
- 6.3 That no separate Special Responsibility Allowances be paid for the Chairs and Vice Chairs of Community Forums or the Ernest Stevens Trust Management Committee.
- 6.4 That the Scheme for Members' Allowances, as attached to this report, be recommended to the Council for adoption as part of the review of the Constitution in September, 2013.

Background Documents

Minutes and Reports to Dudley MBC dated 13th July, 2009
Minutes and Reports of Standards Committee dated 30th April, 2009
Report of Independent Remuneration Panel 2009
Dudley MBC Scheme of Members' Allowances
Members Allowances Comparison Data – Neighbouring and Other Local Authorities
Minutes and Reports to Dudley MBC – Annual Council Meeting – 16th May 2013
Summary of Members responses to the review of Members' Allowances Scheme – May 2013
Dudley MBC – Members' Allowances Payments 2012/13

DUDLEY METROPOLITAN BOROUGH COUNCIL

LOCAL GOVERNMENT AND HOUSING ACT 1989

**LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND)
REGULATIONS 2003**

**LOCAL GOVERNMENT PENSION SCHEME AND DISCRETIONARY
COMPENSATION (LOCAL AUTHORITY MEMBERS IN ENGLAND)
REGULATIONS 2003**

SCHEME FOR MEMBERS' ALLOWANCES

1. **Effective Date**

- 1.1 This Scheme shall be effective from 1st April, 2014.
- 1.2 Members may elect to forego any part of their entitlement to an allowance under this Scheme by giving notice in writing to the Director of Corporate Resources.

2. **Basic Allowance**

- 2.1 Each elected member of the Council will receive an annual basic allowance, to be paid in monthly instalments in arrears. This shall be £9,300.

3. **Telephone Costs and Travel and Subsistence**

- 3.1 The costs of telephones are incorporated within the basic allowance.
- 3.2 The cost of travel and subsistence in the West Midlands County area is incorporated into the basic allowance.
- 3.3 Regarding travel outside of the West Midlands County area: -
 - (a) Members are required to travel by public transport wherever practicable, the cost of which shall be reimbursed or paid directly.
 - (b) Where the use of public transport is not practicable, the cost of travel will be reimbursed on the basis of casual user car allowances payable to officers.
 - (c) Where members are unable to take main meals in their normal place, the reasonable cost of purchasing a meal and beverage or appropriate refreshments shall be reimbursed, subject to receipts being produced where practicable.

4. Special Responsibility Allowances
 - 4.1 The Special Responsibility Allowances payable under this Scheme shall be those set out in Appendix 1 attached. They will be paid in monthly instalments in arrears.
 - 4.2 The Special Responsibility Allowances payable to Opposition Party Leaders and Deputy Leaders shall be applicable only where their political group is ten or more elected members in number.
5. Multiple Allowances
 - 5.1 Where a Member holds more than one office qualifying for a Special Responsibility Allowance, the Member shall be paid the higher or highest allowance only.
6. Inflation increases
 - 6.1 The allowances in this Scheme shall be varied each year in line with the agreed cost of living pay increases for Local Authority staff whose pay award is determined by the National Joint Council commencing on 1st April, 2014.
7. Pensions for Councillors
 - 7.1 All elected members shall be entitled to membership of the Local Government Pension Scheme, and both Basic and Special Responsibility Allowance shall be deemed to be pensionable.
8. Carer's Allowance
 - 8.1 Where an elected member is required to pay a carer in order to attend official Council business, reasonable actual costs of that care will be reimbursed.
9. Absence
 - 9.1. All the allowances in this Scheme will be withdrawn if a Member has been absent for more than three months without good cause.
10. Processing of Claims
 - 10.1 The Director of Corporate Resources will maintain a Record of all Allowances paid showing the name of the recipient, the amount and the nature of the payment. The record will be available for inspection free of charge by any local government elector for the area of the Borough Council at all reasonable times. Copies of any part of the record may be made.

APPENDIX 1

SPECIAL RESPONSIBILITY ALLOWANCES

	Cabinet/Chair £	Deputy/Vice £
Leader of the Council	23,250	
Deputy Leader		11,625
Cabinet Member	6,975	
Scrutiny Committees (incl. Audit)	4,650	1,550
Development Control Committee	6,975	2,325
Other Committees (ie: Appeals, Licensing & Safety and Taxis)	4,650	1,550
Opposition Leaders	4,650 ¹	1,550 ¹

1. Subject to the provisions of paragraph 4.2 of this Scheme.

Meeting of the Cabinet – 18th September, 2013

Report of the Director of Corporate Resources

The Local Government Ombudsman's Annual Review Letter 2012/13

Purpose of Report

1. To note the Annual Review Letter for 2012/13 from the Local Government Ombudsman and information in respect of complaints received against this Council and dealt with by the Ombudsman's office over the year ending 31st March, 2013.

Background

2. Attached as Appendix 1 to this report is a copy of the Annual Review Letter of the Local Government Ombudsman for the year ended 31st March 2013.

For the reasons outlined in the report the Local Government Ombudsman has only presented the total number of complaints received, 25, about the Council.

3. Based on information held by the Council, the following data can however be given:-
 - The number of complaints received in 2012/13 – 25 – has reduced from the 37 received in 2011/12.
 - Of the complaints received, 7 were in respect of housing, (from 1st April, 2013, the Housing Ombudsman Service will also deal with some types of housing complaint), 7 in respect of various Directorate of the Urban Environment activities, for example pest control, allotments, trees and highways, 4 related to school appeals heard by Independent Appeals Panels, 4 in respect of adult social care, 2 in respect of planning matters and 1 in respect of a licensing matter.
 - In respect of the complaints determined in the year to 31st March, 2013, no formal reports finding maladministration causing injustice were issued.

- There was only 1 case, relating to an adult social care matter, that involved the payment of compensation in the sum of £1,500.
- The timescale for responding to complaints, 28 days, continues to be met.

Finance

4. There are no direct financial implications arising from the content of this report. Any compensation determined, arising from an investigation by the Local Government Ombudsman, is met from existing Directorate budgets.

Law

5. The Commission for Local Administration was created under Parts I and 3 of the Local Government Act 1974.

Equality Impact

6. This report accords with the Council's Equality Policy. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council. Some of the complaints made concern children and young people and so, dependent on the remedy proposed, if any, there may have been either a direct or indirect impact on them.

Recommendations

7. That the information contained in the report, and Appendix to the report, submitted be noted and that the Chief Executive and Directors be requested to:-
 - (a) Review their internal arrangements, as appropriate; and
 - (b) Continue to ensure that requests for information on complaints received are dealt with by the date requested. This will ensure that responses can be submitted to the Ombudsman's office within the timescale set and the Council's excellent performance on response times can be maintained.
8. That all Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
9. That the Annual Review Letter be posted on the Council's website.



.....

Director of Corporate Resources

Contact Officer: J Jablonski – Assistant Principal Officer (Democratic Services)
Telephone: 01384 815243
Email: josef.jablonski@dudley.gov.uk

BACKGROUND PAPERS

The Local Government Ombudsman's Annual Review Letter for the year ended 31st March 2013.

16 July 2013

Appendix 1

By email

Mr John Polychronakis
Chief Executive
Dudley Metropolitan Borough Council

Dear Mr Polychronakis

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 25 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

Future development of annual review letters

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to www.surveymonkey.com/s/annualletters

LGO governance arrangements

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

Publishing decisions

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

Assessment Code

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code

Annual Report and Accounts

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at www.lgo.org.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England