

# **COUNCIL MEETING**

**MONDAY 8<sup>TH</sup> OCTOBER 2012**

**AT 6:00PM  
IN THE COUNCIL CHAMBER  
COUNCIL HOUSE  
DUDLEY**

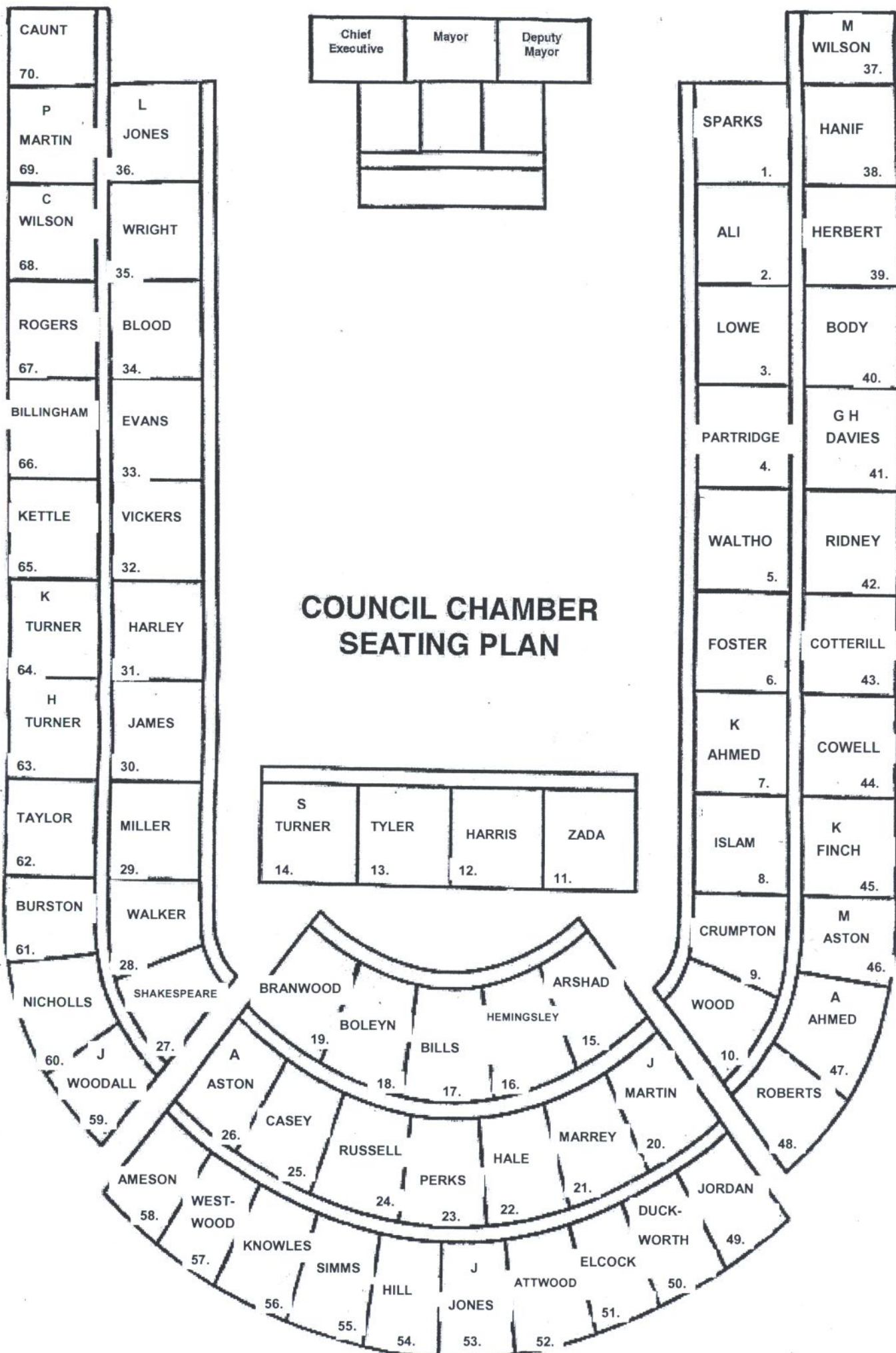
**SUMMONS, AGENDA  
AND REPORTS**

**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  
TEL: 01384 815235**

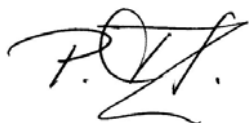
**You can view information about Dudley MBC on  
[www.dudley.gov.uk](http://www.dudley.gov.uk)**

**Members are asked to send advance notice of interests by email to [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk) by 12.00 noon on Friday, 5<sup>th</sup> October 2012**



## DUDLEY METROPOLITAN BOROUGH

You are hereby summoned to attend a meeting of the Dudley Metropolitan Borough Council to be held at the Council House, Priory Road, Dudley on Monday, 8<sup>th</sup> October, 2012 at 6.00 pm for the purpose of transacting the business set out in the in the numbered agenda items listed below.



DIRECTOR OF CORPORATE RESOURCES

28<sup>th</sup> September, 2012

### A G E N D A

#### PRAYERS

1. APOLOGIES FOR ABSENCE
2. TO RECEIVE DECLARATIONS OF INTEREST IN ACCORDANCE WITH THE MEMBERS' CODE OF CONDUCT
3. MINUTES

To approve as a correct record and sign the Minutes of the Meeting of the Council held on 16<sup>th</sup> July, 2012 (Pages CL/17 - CL/23)

4. MAYOR'S ANNOUNCEMENTS
5. PETITIONS
6. TO RECEIVE REPORTS FROM MEETINGS AS FOLLOWS:

#### PAGES

|  | <u>From</u> | <u>To</u> |
|--|-------------|-----------|
|--|-------------|-----------|

Meeting of the Cabinet held on 12<sup>th</sup> September, 2012

Councillor Sparks to move:

- |                                  |   |   |
|----------------------------------|---|---|
| (a) Capital Programme Monitoring | 1 | 6 |
|----------------------------------|---|---|

Councillor Ali to move:

- |  |   |   |
|--|---|---|
| (b) Re-publication of the Stourbridge Area Action Plan | 7 | 9 |
|--|---|---|

Councillor Wood to move:

- |                               |    |    |
|-------------------------------|----|----|
| (c) Food Service Plan 2012/13 | 10 | 18 |
|-------------------------------|----|----|

7. ANNUAL REPORTS OF SCRUTINY COMMITTEES

Councillor Hanif to move:-

- (a) Annual Report of the Environment Scrutiny Committee (Pages 19 - 22)

Councillor Ridney to move:-

- (b) Annual Report of the Health and Adult Social Care Scrutiny Committee (Pages 23 - 31)

8. TREASURY MANAGEMENT

To consider a report of the Audit and Standards Committee (Pages 32 - 41)

9. CODE OF CONDUCT FOR EMPLOYEES

To consider a report of the Audit and Standards Committee (Pages 42 - 59)

10. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

11. TO CONSIDER ANY BUSINESS NOT ON THE AGENDA WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED AT THE MEETING AS A MATTER OF URGENCY UNDER THE PROVISIONS OF SECTION 100(B)(4) OF THE LOCAL GOVERNMENT ACT 1972

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE MEETING HELD ON MONDAY, 16<sup>TH</sup> JULY, 2012**  
**AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:**

Councillor Mottram (Mayor)  
Councillor A Finch (Deputy Mayor)  
Councillors A Ahmed, K Ahmed, Ali, Mrs Ameson, Arshad, A Aston, M Aston, Attwood, Mrs Billingham, Bills, Body, Boleyn, Branwood, Burston, Casey, Caunt, Cowell, Crumpton, Davies, Duckworth, Elcock, Evans, K Finch, Foster, Hale, Hanif, Harley, Harris, Hemingsley, Herbert, Hill, Islam, James, J Jones, L Jones, Jordan, Kettle, Knowles, Lowe, Marrey, J Martin, Miller, Ms Nicholls, Partridge, Perks, Ridley, Roberts, Mrs Rogers, Russell, Mrs Shakespeare, Mrs Simms, Sparks, Taylor, Mrs H Turner, K Turner, S Turner, Tyler, Vickers, Mrs Walker, Waltho, Mrs Westwood, C Wilson, M Wilson, Wood, Wright and Zada, together with the Chief Executive and other Officers.

**PRAYERS**

The Mayor's Chaplain led the Council in prayer.

18      **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Blood, Cotterill, Mrs P Martin and Woodall.

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19      **DECLARATIONS OF INTEREST**

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillors L Jones and Kettle – Minute No. 13 of the Stourbridge Area Committee (Ernest Stevens Trust – Mary Stevens Hospice: Consent for Alterations and to Sub-Let to Lymphcare Ltd.) – Personal interests in view of their Directorship of Mary Stevens Hospice.

Councillor C Wilson – Minute No. 13 of the Stourbridge Area Committee (Ernest Stevens Trust – Mary Stevens Hospice: Consent for Alterations and to Sub-Let to Lymphcare Ltd.) – Personal interest in view of his Trusteeship of Mary Stevens Hospice.

Councillor Harris – Minute No. 16 of Brierley Hill Area Committee (Brierley Hill High Street Working Group – High Street Enhancements) – Personal interest insofar as the report related to the Brierley Hill Sustainable Access Network major scheme as the Honorary Treasurer of Brierley Hill Civic Society.

Councillor Harris – Minute No. 6 of the Health and Adult Social Care Scrutiny Committee (Regulations for the Health and Social Care Act 2012) – Personal interest in view of her involvement in the Department of Health consultation exercise.

Councillor Mrs Walker - Minute No. 8 of the Children's Services Scrutiny Committee (Youth Service – Provision for Targeted Vulnerable Young People) – Personal interest as her grandson attended one of the clubs referred to in the report.

Councillor Mrs Simms – Minute No. 9 of the Children's Services Scrutiny Committee (Action Plans in response to the Ofsted Inspection of Safeguarding and Looked After Children) – Personal interest in view of her employment with Barnardos.

Councillor C Wilson - Minute No. 78 of the Development Control Committee (Planning Application No. P11/1603 - Unit 17A Gainsborough Trading Estate, Rufford Road, Oldswinford) – Personal and Prejudicial interest as he had worked for the applicant in the past.

Councillor K Ahmed - Minutes of the Taxis Committee in relation to Private Hire/Hackney Carriage Drivers – Personal and Prejudicial interests in view of him personally knowing the drivers mentioned in the relevant agenda items.

Councillor Mrs Rogers - Minutes Nos. 53 and 57 of the former Tree Preservation Orders Committee – Planning Application No. P12/0229 (2A Berkeley Drive, Kingswinford) - Personal interest as her son had provided the applicant with a Tree Survey Report in June 2011.

Councillor Cowell - Minute No. 57 of the former Tree Preservation Orders Committee – Planning Application No. P12/0229 (2A Berkeley Drive, Kingswinford) - Personal interest as he nephew had provided the applicant with a Tree Survey Report.

Councillor C Wilson - Minute No. 57 of the former Tree Preservation Orders Committee - Planning Application No. P12/0438 - Personal and Prejudicial interest as he knew the applicant and his family.

Councillor Vickers - Minute No. 33 of the Shadow Dudley Health and Wellbeing Board (Dudley Clinical Commissioning Group – Commissioning Intentions 2012/13) – Personal interest as a member of the Black Country Partnerships NHS Foundation Trust.

Councillor Ali - Minute No. 17 of the Cabinet (Public Health) – Personal interest in view of his employment in the National Health Service in a neighbouring Primary Care Trust.

Councillor Lowe - Minute No. 13 of the Cabinet (Complaint to the Local Government Ombudsman – Enforcement Matter) – Personal interest since he was acquainted with some of the people referred to in the Ombudsman's report.

Councillor Wright – Any references to Midland Heart - Non-pecuniary interest as a tenant of Midland Heart.

Councillor Crumpton – References to Schools - Non-pecuniary interest as a relative worked as a supply teacher.

Councillor A Aston - references to matters affecting West Midlands Ambulance Service (WMAS) - Pecuniary interest as an employee of WMAS

Councillor Boleyn – Agenda Item No. 6(c) – Annual Report of the Regeneration, Culture and Adult Education Scrutiny Committee (Glass Feasibility Stage 2) and Minute No. 8 of the Regeneration, Culture and Adult Education Scrutiny Committee (Work Programme for 2012/13) – Pecuniary interest as an employee of the British Glass Foundation as the Secretary to Trustees.

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20      MINUTES

RESOLVED

That the minutes of the annual meeting of the Council held on 17<sup>th</sup> May, 2012, be approved as a correct record and signed.

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21      MAYOR'S ANNOUNCEMENTS

(a)      Tom Meredith

The Mayor referred in sympathetic terms to the recent death of Tom Meredith. Mr Meredith had been the Council's interim Chief Executive between 1986 and 1988 and previously the Chief Environmental Health Officer. The Council observed a period of silence as a token of respect to his memory.

(b)      Councillor Colin Elcock

The Mayor welcomed Councillor Elcock to his first Council meeting following his election in the Norton ward on 21<sup>st</sup> June, 2012.

(c) Annual Charity Cricket Match

The Mayor reported that a charity cricket match had been held on 29<sup>th</sup> June, 2012 at Stourbridge Cricket Club, raising £700 towards the Mayor's Charity. The Mayor thanked everyone involved in the event. The Mayor presented the winners trophy to Councillor Hanif as the captain of the Members team and the runners up trophy to the Chief Executive on behalf of the officers.

(d) Charity Football Competition

The Mayor reported that a Charity football competition was being arranged at Redhill School on 28<sup>th</sup> August, 2012 in support of the Mayor's Charity.

(e) 100 Miles for Queen and Charity

The Mayor reported that the above Charity challenge had been undertaken by Councillor Waltho in June, 2012, raising over £2,000 for local good causes including the Mayor's Charity.

(f) Mayor's Attendant – "Coast to Coast" Charity Challenge

The Mayor reminded the Council that his attendant, Mike Crannage, would be undertaking the 'Coast to Coast' Challenge in Costa Rica, South America during February, 2013 in aid of the Mayor's Charity. Sponsorship details would be made available.

(g) Charity Crown Green Bowling Match

The Mayor reported that a Crown Green Bowling match would be held on 24<sup>th</sup> August, 2012 at Mary Steven's Park. All Members were invited to attend to support the event in aid of the Mayor's Charity.

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22 DUDLEY COUNCIL PLAN 2013: 2012 ANNUAL REFRESH

A report of the Cabinet was submitted.

It was moved by Councillor Sparks, seconded by Councillor Ali and

RESOLVED

That the refresh of the Council Plan 2012 be endorsed and that the alignment of the Cabinet's priorities to Council Plan and Directorate Strategic Plans be noted.

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23      CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Sparks, seconded by Councillor Ali and

RESOLVED

- (1)      That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report now submitted, be noted.
- (2)      That the additional resources of £0.078m identified from usable housing capital receipts be earmarked for Disabled Facilities Grants, and that the Capital Programme be amended accordingly, as set out in paragraph 6 of the report now submitted.
- (3)      That the Oak Lane Improvements budget be increased by £105,000, and the Capital Programme amended accordingly, as set out in paragraph 7 of the report now submitted.
- (4)      That the MOT Testing Facility project be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (5)      That Area Committee Capital Allocations unspent from previous years and rolled forward into 2012/13 be no longer restricted to funding capital projects, as set out in paragraph 9 of the report now submitted.
- (6)      That the urgent amendments to the Capital Programme, as set out in paragraphs 10 and 11 of the report now submitted, be noted.

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24      REVIEW OF HOUSING FINANCE

A report of the Cabinet was submitted.

It was moved by Councillor K Ahmed, seconded by Councillor Body and

RESOLVED

- (1)      That the revised Housing Revenue Account budget for 2012/13, as set out in paragraph 4 and Appendix 1 of the report now submitted, be approved.
  - (2)      That the revised Public Sector Housing capital programme for 2012/13 to 2016/17, as set out in paragraph 5 and Appendix 2 of the report now submitted, be approved.
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A report of the Audit and Standards Committee was submitted.

It was moved by Councillor Zada, seconded by Councillor Arshad and

RESOLVED

- (1) That the new local Members' Code of Conduct, as set out in Appendix 1 to the report now submitted, be approved and adopted.
  - (2) That the Bishop of Dudley and Mrs Valerie Ainsworth be appointed as Independent Persons for the period ending with the annual meeting of the Council on 16<sup>th</sup> May, 2013, pursuant to the transitional provisions contained in Regulations made under the Localism Act 2011.
  - (3) That Mr Fred Bell and Mr Thomas Turner be appointed as Independent Persons under the provisions of the Localism Act 2011, for a four year period ending with the annual meeting of the Council in May, 2016.
  - (4) That the arrangements for registering and declaring interests as referred to in the Code of Conduct and the form set out in the Appendix to the Code be endorsed.
  - (5) That the Monitoring Officer be authorised to make consequential amendments to the Constitution and Procedure Rules to include references to the revised arrangements for the disclosure of Members' interests.
  - (6) That the Monitoring Officer, in consultation with an Independent Person and the Chair of the Audit and Standards Committee, be authorised to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct subject to individual requests being referred to the Standards Sub-Committee in appropriate circumstances.
  - (7) That the Monitoring Officer be authorised to produce local arrangements and procedures for dealing with standards allegations and complaints made under the Members' Code of Conduct.
  - (8) That the provision of mandatory training to all Members of the Council and Co-opted Members on the provisions of the local Members' Code of Conduct be approved.
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26     ANNUAL REPORT OF THE CHILDREN'S SERVICES SCRUTINY COMMITTEE

The annual report of the Scrutiny Committee was submitted.

It was moved by Councillor S Turner, seconded by Councillor Boleyn and

RESOLVED

That the annual report be received and noted.

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27     ANNUAL REPORT OF THE COMMUNITY SAFETY AND COMMUNITY SERVICES  
SCRUTINY COMMITTEE

The annual report of the Scrutiny Committee was submitted.

It was moved by Councillor Kettle, seconded by Councillor Branwood and

RESOLVED

That the annual report be received and noted.

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28     ANNUAL REPORT OF THE REGENERATION, CULTURE AND ADULT  
EDUCATION SCRUTINY COMMITTEE

The annual report of the Scrutiny Committee was submitted.

It was moved by Councillor Tyler, seconded by Councillor G Davies and

RESOLVED

That the annual report be received and noted.

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29     QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions asked under Council Procedure Rule 11, there were no decisions that the Leader, Cabinet Members or Committee Chairs agreed to have reconsidered.

The meeting ended at 7.05 p.m.

MAYOR

## **Meeting of the Council – 8<sup>th</sup> October, 2012**

### **Report of the Cabinet**

### **Capital Programme Monitoring**

#### **Purpose of Report**

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

#### **Background**

3. At the meeting held on 12<sup>th</sup> September, 2012, the Cabinet considered a report on Capital Programme Monitoring and made a series of recommendations to the Council which are contained in this report. Other recommendations contained in the report were determined under delegated powers. A copy of the report is available from the Democratic Services Section (telephone 01384 815235) or by e-mail to [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk); or on the Council's website (follow the links to Meetings and Decisions).
4. The table below summarises the current 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

| <b>Service</b>                   | <b>2012/13</b> | <b>2013/14</b> | <b>2014/15</b> |
|----------------------------------|----------------|----------------|----------------|
|                                  | <b>£'000</b>   | <b>£'000</b>   | <b>£'000</b>   |
| Public Sector Housing            | 35,741         | 29,839         | 30,861         |
| Other Adult, Community & Housing | 9,658          | 1,953          | 0              |
| Urban Environment                | 24,316         | 15,343         | 12,968         |
| Children's Services              | 22,535         | 4,979          | 67             |
| Corporate Resources              | 2,922          | 1,651          | 920            |
| Chief Executive's                | 1              | 228            | 0              |
| <b>TOTAL</b>                     | <b>95,173</b>  | <b>53,993</b>  | <b>44,816</b>  |

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

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

## **Adult, Community and Housing**

### Dementia Gateways

6. It is planned to undertake a programme of improvements to Brettell Lane Day Centre (£960,000) and Brett Young Day Centre (£650,000) to create new Dementia Gateways to meet the specific needs of people with dementia. The total cost of £1,610,000 can be funded from available resources within the existing Adult Social Care Minor Works budget (£950,000) together with a contribution of £240,000 from next years annual capital Adult Social care grant received from the Department of Health and £420,000 from the estimated capital receipts from the sale of Amblecote House (adjacent to Brettell Lane Day Centre). It is proposed that Amblecote House now also be declared surplus and disposed of; and that the capital receipt be earmarked for this project; and that subject to resource availability the overall project be approved and included in the Capital Programme.

### Adult Social Care Grant

7. In February 2011, the Cabinet agreed that spend to be funded from the above grant be included in the Capital Programme, to be used for initiatives such as the promotion of personalisation, alternatives to residential care, and to support service redesign.

It is proposed that it be noted that the minor works programme to be funded from these resources this year includes £80,000 of investment in Libraries and Archives. These items have been included as Libraries and Archives play an important role in the provision of information and advice which is central to our delivery of the personalisation agenda for which Adult Social Care has the lead role. Libraries are meeting and access points for people and are clearly seen as priorities by the Government in the recent Adult Social Care white paper.

## **Urban Environment**

### Leisure Centre Lockers

8. The 3 main leisure centres in Dudley, Halesowen and Stourbridge attract over 1.5 million visits per year and the lockers used by customers are in need of replacement after 5 years. The cost of replacement is £114,000 and can be met from existing revenue budgets over a four year period. It is proposed that this project be approved and included in the Capital Programme.

### Active Travel Network Development

9. The Council is currently working on a number of initiatives that seek to improve and expand the Borough's Active Travel Networks to provide better facilities for walking and cycling and encourage the use of sustainable modes of travel to access a range of destinations across the borough. Given the importance active travel plays in increasing physical activity, Dudley NHS Public Health have offered a contribution of £120,000 to be spent over the next 2 years (2012/13 – 2013/14).

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

West Midlands Local Sustainable Transport Fund (LSTF) Project -  
Smart Network Smarter Choices

10. Centro, the West Midlands Integrated Transport Authority, has been awarded £33.218m LSTF grant to deliver the Smart Network Smarter Choices project on a number of strategic corridors across the West Midlands over the next few years.

In Dudley the main elements within the project are the A4123/A459 corridor linking Dudley and Wolverhampton, and the route 404 Bus service corridor linking Walsall, Sandwell and Brierley Hill. The overall project includes both revenue and capital elements, with the revenue elements concerning travel planning, training and promotion being co-ordinated by Centro and the capital elements being delivered by the district within which the measures fall.

The capital cost identified for infrastructure improvement works on the corridors in Dudley is £1,326,000. This can be met by a Council contribution of £175,000 (from the Local Transport Plan Integrated Transport Block funding) and £1,151,000 of the Department for Transport LSTF grant. These measures, which are yet to be fully developed and consulted upon, will address network efficiency along the route 404 corridor at Quarry Bank including improved cycle and pedestrian routes. On the A459 corridor it is proposed to improve pedestrian facilities within the existing traffic signals at the Kent Street/Jews Lane junction.

It is proposed that the grant allocation be noted and that subject to detailed confirmation the project be included in the Capital Programme.

**Urgent Amendment to the Capital Programme**

Ward House Refurbishment

11. A Capital project was agreed by the Cabinet at its meeting on 14th March for the refurbishment of Ward House, Himley at an estimated cost of £43,000 to allow the co-location of the Construction and Design Team (formerly Corporate Property) with the Buildings and Estates Team within the Directorate of Children's Services.

In addition to the originally planned works, it became apparent that there was a requirement for the replacement of part of the electrical board and repair work to toilet areas. The extent of the work has been increased to include the redecoration of all of the public corridor areas. Also, to minimise impact to the daily business of the Regional College and officers working within the building, it has, on occasion, become necessary to work out of hours and/or with additional labour on-site.

The total estimated cost of the project is now £96,000. Directorate revenue funds of £83,000 have been set-aside for this purpose and £13,000 can be met from the Repairs and Maintenance budget.

To enable continuity of work with the preferred contractor, minimise disruption to the conference facilities at Ward House during term time, offer better value for money and enable swift co-location, a decision (ref. DCS/28/2012) was made by the Leader of the Council in consultation with the Treasurer on 5<sup>th</sup> July 2012 that the Capital budget for the refurbishment of Ward House be increased to £96,000.

## **Finance**

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

## **Law**

13. 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**

14. These proposals comply with the Council's policy on Equality and Diversity.
15. 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**

16. That the Council be recommended:
  - That current progress with the 2012/13 Capital Programme, as set out in Appendix A, be noted and that budgets be amended to reflect the reported variances.
  - That Amblecote House be declared surplus to requirements and disposed of by the Director of Corporate Resources; that £420,000 from the capital receipts from this disposal be earmarked for the Dementia Gateways project; and that subject to resource availability this project be approved and included in the Capital programme, as set out in paragraph 6.
  - That it be noted that the Adult Social Care minor works programme this year includes £80,000 of investment in Libraries and Archives, as set out in paragraph 7.
  - That the replacement of Leisure Centre Lockers be approved and included in the Capital Programme, as set out in paragraph 8.
  - That the contribution of £120,000 from Dudley NHS Public Health towards Active Travel Network development be noted, and the associated spend included in the Capital Programme, as set out in paragraph 9.

- That the Local Sustainable Transport Fund allocation be noted, and that subject to detailed confirmation, Dudley's element of the Smart Network Smarter Choices project be included in the Capital Programme, as set out in paragraph 10.
- That the urgent amendment to the Capital Programme, as set out in paragraph 11 be noted.



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**Leader of the Council**



## 2012/13 Capital Programme Progress to Date

| Service                             | Budget<br>£'000 | Spend to<br>31 <sup>st</sup> July<br>£'000 | Forecast<br>£'000 | Variance<br>£'000 | Comments           |
|-------------------------------------|-----------------|--|-------------------|-------------------|--------------------|
| Public Sector Housing               | 35,741          | 6,504                                      | 35,741            | -                 |                    |
| Other Adult, Community<br>& Housing | 9,658           | 1,458                                      | 9,658             | -                 |                    |
| Urban Environment                   | 24,316          | 2,526                                      | 24,318            | +2                | Minor<br>variances |
| Children's Services                 | 22,535          | 2,096                                      | 22,535            |                   |                    |
| Corporate Resources                 | 2,922           | 831  | 2,916             | -6                | See note 1         |
| Chief Executive's                   | 1               | -  | 1                 | -                 |                    |
| <b>TOTAL</b>                        | <b>95,173</b>   | <b>13,415</b>                              | <b>95,169</b>     | <b>-4</b>         |                    |

Note 1: Outturn savings on Tower St. ICT Relocation project.

## **Meeting of the Council – 8<sup>th</sup> October 2012**

### **Report of the Cabinet**

### **Re-Publication of the Stourbridge Area Action Plan**

#### **Purpose of Report**

1. To inform the Council of progress on the Stourbridge Area Action Plan (AAP) and to seek approval for the AAP to be submitted to the Secretary of State so that it may be subjected to a Public Examination, following a final six week period of public consultation.

#### **Background**

2. The preparation of an AAP for Stourbridge is a key activity in delivering a priority of the Council Plan (2013) - improving the vibrancy and attractiveness of the Borough's town centres.
3. Within the adopted Black Country Core Strategy (February 2011), Stourbridge 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.
4. The AAP will guide new investment into Stourbridge Town Centre up to 2026, including identifying where new shops and homes will be located, along with the transport infrastructure and new public spaces which are needed to help support that growth and benefit the local community and local environment in general.
5. The AAP Publication Stage policies have been shaped by previous rounds of public engagement. This includes the initial evidence gathering, public consultation on 'Issues and Options' (February 2010) and 'Preferred Options' (July 2011) and a previous 'Publication' consultation (March 2012). This consultation has involved Council Members, landowners, town centre traders, developers and key interest groups, and included the display of information at libraries and at events in The Ryemarket, where officers were present to respond to any questions and views offered by members of the community and ward members who attended.

6. Following Cabinet approval for Publication of the AAP in March 2012, the National Planning Policy Framework was published. The AAP has now been revised to take account of the latest Government policy and now needs to be re-issued for 'Publication' stage consultation.
7. This Publication AAP document sets out Dudley Council's finalised set of strategies and policies, some of which are site specific. This final version is to be subject to a further period of consultation prior to submission.
8. The key themes present in the Publication document are:-
  - Public Realm improvements within the town centre core, including the provision of a more attractive, accessible and pedestrian friendly shopping environment;
  - Greater pedestrian accessibility to the Town Centre across the ring road, and measures to soften the visual impact of the ring road;
  - Improvements to the River Stour (the "rediscovery of the river"), including its de-culverting, and the provision of a green open space corridor centred on it, with pathways along the river banks and improvements which focus on enhancements to the area's nature conservation value;
  - Proposals to shape development on a series of Opportunity Sites, with an emphasis on providing for new residential development within the river corridor to the north of the town, while providing measures to ensure that industry there continues to thrive where it remains viable;
  - The uplift of the Stourbridge Wharf area (at Canal Street) with an emphasis on providing space for creative/cultural industry and visitor economy related businesses, including entertainment and leisure uses, as well as upgrading the environment with measures which are sensitive to the area's historic value.
9. The period of consultation on the Publication Stage document begins on the 1<sup>st</sup> October 2012 and runs for a period of 6 weeks until 12<sup>th</sup> November 2012. During that time, the document will be able to be viewed at the reception areas at 3 St James's Road Dudley, Mary Stevens Park, Stourbridge and Dudley Council Plus, as well as at all main libraries and on the Council's website. It will also be the subject of other, similar publicity measures to those, which were carried out on previous versions of the plan. The document is also the subject of a Member drop in session specifically tailored for all 72 Council Members. Under the Localism Act 2011 the Council has a new 'duty to cooperate' with its neighbouring Councils and key stakeholders. Various meetings continue to be held to ensure that the Council can meet its obligations in relation to this duty.
10. Following this consultation, it is anticipated that the AAP will be submitted to the Planning Inspectorate during early 2013. The submitted plan is then likely to be subject to a formal Examination in Public in summer 2013 and adopted in winter 2013.
11. The Cabinet considered this report at its meeting on 12<sup>th</sup> September, 2012 and recommended the Council to approve the recommendations below.

## **Finance**

12. The AAP will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

## **Law**

13. This AAP is a Development Plan Document (DPD), produced in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2012.
14. 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**

15. The AAP will set the detailed planning framework for the development of the Stourbridge area at least 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.
16. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

## **Recommendations**

17. It is recommended:-
  - That following public consultation, the Stourbridge Area Action Plan be submitted to the Secretary of State so that it may be subjected to a Public Examination.
  - That the Director of the Urban Environment, in consultation with the Leader of the Council and the Cabinet Member for Regeneration, be authorised to agree any minor recommended changes to the document prior to submission to the Secretary of State, following consultation which concludes on 12<sup>th</sup> November, 2012 and that any such changes be notified to all Members of the Council.



.....  
**Leader of the Council**

**Meeting of the Council – 8<sup>th</sup> October, 2012**

**Report of the Cabinet**

**Food Service Plan 2012/2013**

**Purpose**

- 1 To advise the Council of the contents of the Food Service Plan 2012/2013.

**Background**

2. Local authorities are required by the Food Standards Agency (FSA) to produce and implement an annual Food Service Plan that sets out how the authority will deliver food law enforcement functions to ensure national priorities and standards are addressed and delivered locally.
- 3 The food service is located within the Planning and Environmental Health Division of the Directorate of the Urban Environment and provided by officers within the Food and Occupational Safety (FOS) and Trading Standards sections.
- 4 The service consists of inspections of food businesses to ensure compliance with food safety and food standards legislation, investigation of complaints relating to food and premises, sampling of foods for microbiological and compositional requirements, the investigation of food borne disease as well as educational and promotional activities.
- 5 By ensuring the safety of food produced and consumed within the borough and encouraging healthy eating and reducing health inequalities, the delivery of the food enforcement service contributes to the Jobs and Prosperity theme and the Health and Well-being theme of the Council Plan and the Dudley Community Strategy. The service helps maintain public confidence in the standards of our local food industry and provides practical support to businesses in difficult economic times, which helps to ensure fair competition and allow well run food businesses to flourish and contribute to the local economy.
- 6 Service plans are developed under the framework agreement produced by the Food Standards Agency and provide the basis on which local authorities are monitored and audited by the Agency. It is a requirement that food service plans are submitted to Members for approval to ensure local transparency and accountability.

- 7 A report on the Food Service Plan 2012-13 was considered by the Environment Scrutiny Committee on 14<sup>th</sup> June 2012 and endorsed by Cabinet on 19<sup>th</sup> September 2012. A summary of the service plan is appended to this report (Appendix 1). A full copy of the Food Service Plan is located in the Members' Room.
- 8 Regarding performance in 2011/2012 items to note are:
- 1041 food hygiene inspections and 272 food standards inspections were carried out during the year.
  - The proportion of food premises in the borough that are broadly compliant with food hygiene legislation is 89%. Statistics produced by the Food Standards Agency in November 2011 show Dudley to have the highest proportion of broadly compliant food premises in the West Midlands and the 4<sup>th</sup> highest for Metropolitan boroughs in the country (4/37). The national range for metropolitan boroughs is between 64% and 94%.
  - The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. There has been a 10% increase in the number of 4\* and 5\* premises in the 12 months to March 2012, up from 830 to 917. There has also been a 40% reduction in premises rated in the lowest category, zero stars, down from 44 to 26 in the same period.
  - 69 Dudley Food for Health Awards were made to catering establishments in the borough. This included 27 small independent food businesses who achieved the award for the first time. In conjunction with NHS Dudley, additional support is offered to the proprietors of small independent businesses to help them improve their menus to offer healthier nutritional food choices. This work also contributes to the delivery of the Health Inequalities and Obesity Strategies.
  - 423 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis.
  - The Council has a clearly laid down enforcement policy, which focuses on providing advice and guidance for businesses to secure compliance. However, where businesses consistently fail to comply with the law or present a severe threat to public health it is important that action is taken to protect consumers. During the year, 5 prosecutions were completed involving 2 public houses, 2 retailers and one takeaway which failed to achieve minimum levels of food hygiene and safety. All prosecutions are published in the prosecution register on the Council's website.

## **Finance**

- 9 Financial implications from implementing the Food Service Plan are met from within existing budgets

## **Law**

- 10 The Council's duties with respect to protecting consumer interests in relation to food safety and standards are set out under the Food Safety Act 1990.

- 11 Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
- 12 Section 111 of the Local Government Act 1972 authorises the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its statutory functions.

### **Equality Impact**

- 13 This report does not conflict with the Council's policy on equality.
- 14 The Food Service Plan contributes towards reducing health inequalities for all residents in the borough by promoting healthy eating. In particular healthy eating is encouraged for children and young persons and also elderly people through the Dudley Food for Health Award. Many of the premises achieving the award are schools, nurseries and residential homes.

### **Recommendation**

- 15 That the Food Service Plan 2012/2013 be approved and adopted.



.....  
**Leader of the Council**



**Directorate of the Urban Environment**

**Planning and Environmental Health Division**

**Food Service Plan**  
**Summary**  
**2012/2013**



# **Food Law Enforcement Service Plan 2012 – 2013**

## **Summary**

### **1 Service Aims and Objectives**

#### **1.1 Aims**

- To improve and sustain the health of the local people in the borough by contributing to the reduction of the health inequalities gap via the Health Inequalities Strategy.
- To ensure that food and water available in the borough is safe to consume.
- To work to prevent avoidable illness and reduce the spread of communicable disease within the Borough.

#### **1.2 Objectives**

- To carry out a programme of routine inspection of food premises.
- To implement procedures to ensure compliance with the Food Standards Agency Framework Agreement.
- To ensure food offered or exposed for sale is fit for human consumption and to expedite the removal of hazardous/risk product from the food chain.
- To investigate service requests relating to food and the conditions of food premises and where appropriate prepare reports for prosecution.
- To investigate where appropriate cases of communicable disease, including the investigation of practices and processes identified as sources of infection at commercial premises.
- To produce and undertake a food sampling programme and to undertake reactive sampling as required in connection with outbreaks/service requests.
- To ensure that all food service work is carried out in accordance with relevant codes of practice and quality systems.
- To contribute to the work of the Obesity Strategy including encouraging food businesses to apply for and gain the Dudley Food for Health Award and working with schools on issues such as labelling and nutrition.
- To respond to requests for advice, and where appropriate liaise and advise businesses in accordance with the home authority principle and the Primary Authority scheme coordinated by the Better Regulation Delivery Office (previously known as LBRO).

The Environmental Health and Trading Standards Service directly supports and contributes to the themes and priorities in the Council Plan and the Dudley Community Strategy and the objectives and the Health and Well Being Agenda by ensuring the provision of the following:

- Clean and safe food and water,
- A trading environment that is fair and equitable to the consumers and businesses of the Borough.

## **2. Service Delivery**

The food service is located within the Planning and Environmental Health Division of the Directorate of the Urban Environment. The service is provided by officers within the Food & Occupational Safety (FOS) and Trading Standards sections.

To illustrate matters dealt with by the two services and how this works in practice there is a sliding scale of seriousness for breaches of food legislation. A complaint concerning the sale of out of date food which has allegedly caused food poisoning will initially be considered by FOS as the food poisoning is the more serious issue. If the food poisoning allegation proves unfounded then the matter will be referred to Trading Standards for investigation.

Trading Standards deal with issues relating to the labelling of food and compositional requirements. This area of work is important with regard to current concerns surrounding obesity. FOS link into this area of work as they pursue important work in the area of education and nutrition.

The aim of the two Services is to provide a comprehensive and complete food service. It is recognized that they need to work together, avoid duplication and be effective and efficient and have effective referral mechanisms in place to ensure that the best service is provided to the public.

The **Food & Occupational Safety Section officers** are allocated to food legislation enforcement and are responsible for the enforcement of:

1. Issues relating to food which fails to meet the requirements of Section 8 of the Food Safety Act 1990 and Article 14 of General Food Regulations 2004 in relation to unsafe food. Issues relating to food which fails to meet the requirements of Section 14 of the Food Safety Act in respect of substance or quality including extrinsic foreign bodies.
2. Issues relating to the premises, practices and conditions under which food is prepared, stored and handled.
3. The investigation of cases of food borne infectious disease, to identify its source and prevent further cases.
4. To register or approve food premises as legislation requires.

The **Trading Standards Section officers** are involved in food legislation enforcement and responsible for the enforcement of:

1. Issues relating to food which fails to meet the requirements of Section 14 of the Food Safety Act 1990. It must be noted that the Food & Occupational Safety section investigates issues relating to the contamination of food by extrinsic foreign bodies.
2. Issues relating to food that is falsely described or presented in contravention of Section 15 of The Food Safety Act 1990.
3. All regulations relating to the manner of marking and labelling of food. Principally this will be the Food Labelling Regulations 1996 but will also include labelling requirements of regulations relating to specific foods.
4. All regulations relating to compositional requirements.

5. The Agricultural Act and associated regulation relating to the labelling and sale of feeding stuffs.

### **3. Demands on the Food Service**

Dudley has 2345 food premises within its area as of 1<sup>st</sup> April 2012. This is made up of

|            |   |
|------------|---|
| <b>47</b>  | <b>Manufacturers/Producers</b>            |
| <b>38</b>  | <b>Distributors</b>                       |
| <b>660</b> | <b>Retailers</b>                          |
| <b>502</b> | <b>Restaurants, Cafes, other Caterers</b> |
| <b>348</b> | <b>Pubs/Clubs</b>                         |
| <b>17</b>  | <b>Hotels/Guest Houses</b>                |
| <b>263</b> | <b>Takeaways</b>                          |
| <b>125</b> | <b>Schools/Colleges</b>                   |
| <b>228</b> | <b>Caring establishments</b>              |
| <b>114</b> | <b>Mobile traders</b>                     |
| <b>3</b>   | <b>Packers</b>                            |

For Food Safety inspection purposes the ratio of premises in each score banding on 1<sup>st</sup> April 2012 as set out in The Food Standards Agency Code of Practice is as follows:

|   |            |
|---|------------|
| <b>Category A (inspected at 6 month intervals)</b>  | <b>10</b>  |
| <b>Category B (inspected at 12 month intervals)</b> | <b>105</b> |
| <b>Category C (inspected at 18 month intervals)</b> | <b>979</b> |
| <b>Category D (inspected at 2 year intervals)</b>   | <b>530</b> |
| <b>Category E (inspected at 3 year intervals)</b>   | <b>610</b> |
| <b>Unrated premises</b>                             | <b>111</b> |

N.B. Category A are the higher risk premises and E the lowest risk.

There are 2 licensed abattoirs in the Borough.

There are 17 premises approved for the production of meat, fish or dairy products.

For Food Standards Inspection purposes the number of premises in each score banding are as follows

|               |            |
|---------------|------------|
| <b>high</b>   | <b>20</b>  |
| <b>medium</b> | <b>688</b> |
| <b>low</b>    | <b>754</b> |

### **4. Review of Activity from Service Plan 2011/2012**

- **99% (827)** high and **52% (214)** low risk food hygiene inspections that were due were achieved against targets of 100% and 50% respectively.
- **100% (23)** programmed high and **85% (161)** medium risk food standards inspections that were due were achieved against targets of 100% and 85% respectively.

- **319** food samples were procured and examined for microbiological safety. All unsatisfactory samples (56) received appropriate follow up.
- **104** food samples were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards. Fines and costs issued by the courts totalled over £32,000.
- **163** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **603** food service requests were actioned by FOS during the year. Of this total figure, 82 related to food complaints, 204 related to food premises conditions and food hygiene practices and 317 were general requests for service.
- The number of infectious disease investigations for the year was **627**, of which **445** were cases of campylobacter; these were responded to by postal questionnaire or advice. The response time for the remaining cases is 24 hours with some diseases requiring immediate attention. One small outbreak of campylobacter infection linked to a restaurant in the borough was investigated.
- The Dudley Food for Health Award, delivered in conjunction with the public health division of the NHS Dudley (Dudley PCT), proactively encourages premises to provide a healthy eating choice whilst ensuring compliance with food hygiene regulations. This work contributes to meeting targets in the Health Inequalities Strategy and Obesity Strategy. 69 Awards were made during the year to catering premises, including 1 Platinum, 37 Gold, 23 Silver and 8 Bronze Awards.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. The proportion of food premises that are broadly compliant with food hygiene legislation was almost 90% at the year end. Inspections for 1913 food premises were published on the website at the year end of which 454 premises (24%) were 5 star (excellent), 463 (24%) were 4 star (very good), 630 (33%) were 3 star (good), 216 (11%) were 2 star (acceptable), 124 (7%) were 1 star (poor) and 26 (1%) were no star (very poor).
- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included counterfeit spirit drinks and an imported food survey. Projects undertaken in conjunction with the public analyst and other local authorities as part of the Worcestershire Scientific Services Food Projects included meat species in takeaway and pre-packed meat products, levels and labelling of artificial colours in foods and dilution ratios and substitution of diet for full sugar in post mix drinks.
- A project was also carried out in conjunction with the Dudley Food for Health Steering Group to encourage local butchers to use less salt in sausages.

## **5. Issues for consideration during the year 2012/2013**

- Following progress of the transfer of public health functions from PCTs to local authorities by 2013 will be necessary as the service already has close links through partnership working with public health professionals in the areas of obesity prevention and healthy eating and will have important contributions to make to targets in the new Public Health Outcomes Framework.
- The Food Standards Agency's review of official food control delivery needs to be followed and consultation participated in. Options are due to be worked up from April 2012 with formal consultations commencing in Jan 2013 and a decision due by July 2013. Options likely to be considered include no change to current system, amending current system or a centralised model of delivery.
- Consideration will need to be given in 2012-13 to Dudley joining the National Food Hygiene Rating Scheme. Following the introduction of the national scheme in November 2010, it is now receiving support from the majority of local authorities.
- The number of small food businesses changing hands and requiring re-registration and inspection has steadily increased over the past 3 years due to the current economic climate. 457 new food registrations were received in 2011-12, up by 41% in 3 years. In particular there has been an increase in new registrations from home bakers making celebration and cup cakes and from small mobile food traders. Although home bakers are considered to be low risk, they do require an initial inspection before being considered for an alternative intervention strategy. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- There has been an increase in the number of food hygiene cases being progressed for prosecution. During 2011-12, four food hygiene prosecutions and one food standards prosecution were successfully concluded incurring fines and costs of over £32,000 with a further 7 cases being progressed with a view to prosecution. Three food businesses were also closed during 2011-12 using Emergency Prohibition Notice powers. The zero star strategy programme has seen several small food businesses improve over a short period of time by commitment of the proprietor to work closely with an officer as an alternative to imminent prosecution. This has resulted in a 40% reduction in zero star premises in 12 months (down from 44 to 26) However, this work is labour intensive in terms of officer resources.

## **Meeting of the Council – 8<sup>th</sup> October, 2012**

### **Annual Report of the Environment Scrutiny Committee for 2011/12**

#### **Purpose of Report**

1. To submit the Annual Report of the Scrutiny Committee for 2011/2012.

#### **Background**

2. Article 6 of the Council's Constitution requires that Scrutiny Committees report annually to the full Council on the work carried out over the previous municipal year making both recommendations for key areas of future work and any amended working methods, if appropriate, for the forthcoming year.
3. In deciding its work programme for 2011/12, the Committee chose to concentrate on a manageable list of important issues to ensure that they could be properly scrutinised, whilst at the same time giving the Committee some flexibility to add some additional items that arose during the course of the year.
4. Accordingly, items included in the planned work programme for the Committee in 2011/12 were as follows:-
  - (a) The Homelessness Service Annual Report 2011/12;
  - (b) Air Quality Action Plan;
  - (c) Food Service Plan;
  - (d) High Cost Voids;
  - (e) The Outcome of the Recycling Trial and Recycling Proposals;
  - (f) Rogue Traders and Doorstep Crime;
  - (g) Age Restricted Products;
  - (h) Tenancy and Estate Management;
5. The Committee's Work Programme for the 2011/12 municipal year also included the following standard reports:-
  - Quarterly Reports on Corporate Performance Management;
  - Update on the Council's Capital Strategy;
  - Revenue Budget Strategy for 2012/13;

- The Equality and Diversity Report 2011/12 of the Directorate of Corporate Resources.

### **Food Service Plan 2011/12**

6. Reports were submitted and noted on the Food Service Plan for 2011/12 and 2012/13. Copies of the Food Service Plan Summaries were also submitted.

### **Housing Matters**

- 7(a) A report was submitted on the actions taken in respect of high cost voids since the previous report submitted to the Committee in January, 2011 and the actions taken in respect of high cost voids were noted by the Committee.
- 7(b) A report was submitted and noted on homelessness activity during 2010/11. It was also noted that opportunities for additional funding and partnership working in order to meet acute housing needs were always actively pursued.
- 7(c) A report was submitted and noted on Housing Management Activity. The outcomes from the consultation on the Council's Review of Anti Social Behaviour, and the Welfare Reform Key Measures were also submitted.
- 7(d) A report was submitted and noted on the approach taken by Housing Services on the prevention and detection of Housing Fraud. The Housing Counter Fraud Policy was also submitted. Arising from consideration of the report it was agreed that reports would be submitted to a future meeting of the Committee in relation to the Council's participation with the "best use of stock summit" and the actual cost implications to the Council in relation to housing fraud.

### **Progress with Dudley MBC Air Quality Action Plan**

8. A report was submitted and noted on an update with progress with the Dudley MBC Air Quality Action Plan. Details of funding obtained from the Department for Environment, Food and Rural Affairs in relation to re-locating air quality monitoring equipment and the Council resources in relation to the delivery of the Plan were also considered. Support was given to the proposal that the final version of the Air Quality Action Plan be reported to Cabinet for adoption by the Council.

### **Recycling Trial Collection Scheme**

9. A report was submitted and noted on the outcome of the plastic and card recycling trial and containing details in relation to a possible Borough-wide roll out. Details in relation to the new Blowers Green Recycling Depot were also considered.

### **Rogue Traders and Doorstep Crime**

10. The Committee considered and noted a report submitted on the role of the Council's Trading Standards Service in combating the problems of doorstep crime and investigating rogue traders.

### **Age Restricted Products Enforcement**

11. A report was submitted and noted on legislation enforcement and advice activity carried out by the Trading Service, concerning the sale of alcohol to persons aged under eighteen. An annual report on tobacco enforcement activity detailing the current and forthcoming tobacco control legislation was also submitted.

### **Network Management Strategy 2012 – 2015 and compliance with the Traffic Management Act 2004**

12. The Committee considered a report on the Network Management Strategy including legislative requirements imposed on local traffic authorities by the introduction of the Traffic Management Act, 2004. The report also outlined how the Council would respond to the legislation to ensure the expeditious movement of traffic on the road network and achieve compliance with the Act. The Network Strategy Plan incorporating the Speed Management Strategy was circulated to Members.
13. At the meeting held on 14<sup>th</sup> June, 2012, the following items were proposed for inclusion in the work programme for the 2012/13 municipal year:-
  - Matters for information, e-mailed to Members that they may wish to ask questions about.
  - Work Programme for 2012/13.
  - Food Service Plan 2012/13.
  - Housing Fraud.
  - Annual Report of the Scrutiny Committee to Council.
  - Welfare Reforms.
  - Badgers to include residential support and the duties and responsibilities of the Council for dealing with Badgers.
  - Rogue Traders and Age Restricted Products.
  - Anti Social Behaviour Review Update.
  - Proposed Revenue Budget.
  - Trade Waste and Recycling.
  - Air Quality Management Report.
  - The Regulation of Private Landlords.
  - Provisional Work Programme 2013/14



In addition to the above, following a referral from the Cabinet Meeting on 20<sup>th</sup> June, 2012 the Committee also considered report entitled Complaint to the Local Government Ombudsman – Enforcement Matter.

At the meeting on 5<sup>th</sup> September, 2012, it was requested that reports on Housing Fraud and Best Use of Stock Summit be incorporated into the work programme for the 2012/13 municipal year.

### **Conclusion**

14. The areas forming the bulk of the Committee's work continue to concentrate upon issues relating to housing, promoting environmental well-being and consumer issues.

### **Finance**

15. There are no direct financial implications arising from this report at this stage.

### **Law**

16. The requirement for the Committee to submit an annual report to the Council is contained in Article 6 of the Constitution as read with Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

### **Equality Impact**

17. This report complies with the Council's Equality Policy.
18. This report has no specific effect on children and young people. There is no requirement for consultation with children and young people in producing the report or the development of proposals.

### **Recommendation**

19. That the Annual Report of the Environment Scrutiny Committee for 2011/12 be noted.



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**Chair of the Environment Scrutiny Committee**

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## **Meeting of the Council – 8<sup>th</sup> October, 2012**

### **Annual Report of the Health and Adult Social Care Scrutiny Committee 2011/12**

#### **Purpose of Report**

1. To consider the annual report of the Committee, summarising the Committee's activities during the 2011/12 municipal year enabling Members and others to compare performance year on year.

#### **Background**

2. Article 6 of the Council's Constitution requires Scrutiny Committees to report annually to the full Council and make recommendations for future work programmes and amended working methods if appropriate.
3. The Health and Adult Social Care Scrutiny Committee (HASC) has the responsibility of scrutinising the planning, development and provision of health, care and well-being services in addressing health inequalities; and improving overall well-being across local communities.

#### **Work programme 2011/12**

4. HASC's work plan was developed in consultation elected members, the voluntary and community sector and key partners and stakeholders, including Dudley PCT, Dudley Group of Hospitals and Dudley's Local Involvement Network. Matters included:
  - Maternity Capping at Russell's Hall Hospital
  - Progress Report On The Development Of The Black Country Cluster of Primary Care Trusts
  - Update On Care Home Provision
  - Rates of Rescheduled Hospital Appointment Times
  - Local Healthwatch Developments And Update On Dudley Local Involvement Network
  - Improving Trauma Care Across The West Midlands
  - Reconfiguration Of Vascular Services In The Black Country
  - HASC In-depth Review 2010/11: Dignity In Care
  - HASC In-depth Review 2011/12 - Caring For Carers
  - Revenue Budget Strategy 2012/13: Impact on Health and Social Care
  - West Midlands Ambulance Service Transformation
  - Development of Dudley Memory And Dementia Pathways
  - Dudley Pharmaceutical Needs Assessment (PNA)
  - Procedures Of Limited Clinical Value (Plcv) And Aesthetic Policies
  - Update On The Modernisation Of Adult Social Care and Care Home Closure Programme Consultation

- Temporary Overnight Closure Of Accident And Emergency At Stafford Hospital – Local Implications
  - Dudley Walsall Mental Health Trust – Acquiring Foundation Trust Status
  - Rescheduled Outpatient Appointments – 2011/12
  - Housing Adaptations To Private And Public Sector Housing
  - Delivery of agencies against 2010/11 Dudley's Alcohol Strategy
  - Evaluation of Winter Mortality prevalence in Dudley
  - Quality Accounts For Dudley Group Of Hospitals Foundation Trust And Dudley Walsall Mental Health Partnership Trust
  - Transfer Of Sexual Health Provision from PCT
  - Development of Dudley Clinical Commissioning Group and Patient Engagement activity
  - The Development of New Health Facilities In Lye And Pensnett Future configuration of Public Health service in Dudley and Health Improvement role Of The Local Authority:
  - Annual Report of the Director of Public Health
5. The work plan also comprised the following procedural items :
- Update on Council's Capital Strategy within the remit of Health and Adult Social Care.
  - Annual Equality and Diversity and Complaints Reports for the Directorate of Adult Community and Housing Services (DACHS).
  - Quarterly Corporate Performance Management Reporting (in relation to DACHS)
  - Annual Review of Equality and Diversity (DACHS)
  - Directorate Of Adult, Community And Housing, Statutory Adults Social Care Complaints Procedures – Annual Report 2010-11

### **Analysis of Key issues for 2011/12**

#### **Dignity in care Review**

6. In September 2011 HASC considered findings of its 2010/11 in-depth Review on Dignity In Care for Older People. Whilst the review focused on hospital settings HASC wished to identify learning for key partners with a view to drive up dignity standards consistently across the sector.
7. HASC selected this topic in view of the Borough's 'ageing' population and an increasing profile on dignity issues seen nationally. Evidence was gathered through written submissions and a members workshop held with senior nursing practitioners and other Hospital representatives.
8. Evidence received indicated recognition of the importance of dignity principle issues in organisational culture at Dudley Group of Hospitals. Members were encouraged with the commitment shown by the Trust to embed Dignity issues in service planning and use of innovative practices to safeguard dignity of older people.

9. On patient engagement, it was felt there should be an even greater focus on listening to the views of older people and their families/carers when developing services. In terms of good practice, members noted some innovative practice however evidence indicated this may not be implemented consistently across services – this should be explored. Other findings included:
- The development of the Patient Experience Strategy presents the opportunity to work with older people to further embed dignity issues in organisational culture and maximise long-term success of dignity principle practices through greater ownership from leadership downwards. This may also enable dignity issues to be systematically addressed across Hospital services.
  - Members were pleased to see mechanisms enabling relatives to support patients at meal-times but evidence received indicated this was not widely recognised by families.
  - It was recognised a great deal of work is needed to tackle negative attitudes towards older people, to bring about a culture change. Members found there may not be a consistent approach to workforce training on dignity principles resulting in variations in the way people, who deliver services, approach dignity issues. Developing existing training programmes to incorporate dignity type issues - identified in consultation with older people groups - would assist in harmonizing approaches across services and drive up standards to better meet expectations
10. The review arrived at a number of recommendations which were framed in a joint action plan developed with the Trust to ensure effective monitoring of priorities and proposed improvements.

### **Maternity Capping**

11. In July HASC considered an update on discussions between Dudley Group of Hospitals (DGH) and its stakeholders to restrict the number of births in its Maternity Unit to maintain safe operating levels.
12. HASC noted with interest that bookings and deliveries were rising not only for Dudley women but also women from bordering boroughs, highlighting DGH Maternity Service to be the 'Hospital of Choice' for a growing section of the local population.
13. Evidence considered by HASC indicated the main causal factor regarding the rise in bookings at Russells Hall Hospital (RHH) Maternity Unit was the closure of Sandwell Maternity Unit. Members were concerned that difficulties remained in managing increased bookings impacting on patient safety.
14. The Committee felt the most viable option to contain a safe level of activity – impacting Dudley women least- was to restrict bookings based on geographical boundary. In addition, HASC called-for :

- continued discussions to take place with stakeholders (commissioners, GPs and local providers, Dudley Maternity Management Team)
  - a local strategy and supporting action with neighbouring provider units is developed
  - approval of a communication strategy to ensure women aware of alternative choice of units within vicinity– e.g City Hospital proactively marketed available service capacity
15. HASC also sought assurance that costs of births from outside of the Borough were reclaimed on a case by case basis and mothers electing for a home birth were supported in this, if it was their wish.

### **Modernisation Of Adult Social Care (ASC) : Care Home Closure Programme**

16. In September 2011 the Committee evaluated progress of the re-provision of residential care homes programme; and emerging consultation process regarding the planned closure of New Bradley Hall (NBH).
17. It was noted that the three homes closures since 2007 relating to the ASC modernisation were well managed as a result of great care, sensitivity and attention, and resulted in a successful transition of care for all concerned – members were assured residents who were moved have been reviewed and the outcome monitored.
18. With respect to NBH HASC noted experienced social workers were working closely with residents and families, focussing on their individual needs; and received evidence to indicate all work was being undertaken in line with the national good practice guidance provided by Association of Directors of Adult Social Care (ADASS).
19. HASC felt families should be free to explore the options open to them during this difficult period and were assured families and carers of residents would be consulted and engaged closely throughout the process with every effort going into assisting all concerned to look at the options available in order to meet individual needs. Evidence considered also indicated residents will be supported to move to alternative homes that offer similar or better standards of care than that which is being provided by NBH.
20. In January 2012 HASC was pleased to learn that Age UK had been appointed to carry out an extended consultation exercise as it demonstrated a clear commitment to a fair, reasonable and unbiased process to be undertaken.

### **Transfer of Sexual Health Services to Acute Trust**

21. In March 2012 HASC looked at the progress of the integration of The Dudley Group of Hospitals (DGH) Genitourinary Medicine Department (GUM) and the Community Contraception & Sexual Health (CASH) teams following the transfer of Community Services (TCS) into the Acute Trust.

22. HASC were advised following a review looking at the configuration of existing clinics and patient numbers DGH were able to design a more consolidate and consistent service delivery approach; amounting to 45.5hrs of community open access for people using Contraception and Sexual Health Services in various community settings.
23. HASC was assured consultation with patients attending the existing clinics indicated overall support for the proposed changes with an appreciation that the services, although delivered at alternative locations, would be readily accessible due to the extended opening hours.
24. HASC has previously commended the work of young person clinics in the borough particularly as they offer good coverage in areas of largest numbers of teenage pregnancy rates of Brierley Hill and Netherton – members were pleased to learn this service will continue in the new format.
25. Assurances were also given that a Saturday Contraception Clinic service would be part of the new service template, based at the Russells Hall Unit.
26. HASC was also encouraged by the addition of two teenage pregnancy outreach nurses, working in collaboration with the Respect Yourself Team as it helped reach patients who would not normally present to clinics.
27. Sexual Health will remain a priority for HASC and it will be monitoring how the new service template delivers and impacts on sexual health priorities identified in Dudley's Public Health Report 2010 along with key national targets, compared to previous years.

### **Improving Trauma Care Across The West Midlands**

28. The Committee invited the Strategic Health Authority to the January Committee to attain a deeper understanding of a new delivery model for Trauma Care across the region.
29. HASC were advised all regions should be moving trauma service provision into regional trauma systems which look to improve clinical outcomes by concentrating expertise, specialised services and patients into Major Trauma Centres (MTCs) - supported by Hospitals who receive Trauma patients (Trauma Units), Local Emergency Hospitals and rehabilitation services.
30. Members were assured Local Emergency Hospitals will still offer a full Accident and Emergency service however patients assessed with major trauma injuries would not be taken to the local emergency hospital but taken directly to the appropriate specialist centre for treatment.
31. HASC noted the preferred template for regional trauma care system is for three trauma care networks, with a major trauma centre at the heart of each network:

The hospitals that will become major trauma centres for adult patients are:

- Queen Elizabeth Hospital, Birmingham
- University Hospital of North Staffordshire
- University Hospital, Coventry and Warwickshire.

32. Members were assured this model saw the greatest proportion (93%) of patients able to access a Major Trauma Centre within 45 minutes; and that no parts of Dudley would have an access time of greater than 45 minutes – the 45 minute standard access time is one that is set nationally and is regarded as clinically acceptable.
33. It was agreed NHS West Midlands should continue to engage with key stakeholders on shaping the preferred model.

### **Call-ins/pre-implementation scrutiny**

34. A Special meeting of the Committee was held 5<sup>th</sup> April to scrutinise the Cabinet approval of a number proposals regards arrangements configuration of the Public Health function within the Local Authority as per new health reforms:
- Public Health to be located in DACHS - delivered on corporate basis
  - Establishment of a panel to determine whether there should be joint or single appointment (with Sandwell MBC) of the Director of Public Health (DPH)
35. The 'call-in' followed a number of observations by members including:
- Populations in Dudley and Sandwell were not seen as comparative
  - A joint post holder would have to work with 2 different Chief Executives Cabinets and also 2 Health and Wellbeing Boards to advise and engage with potentially 2 different sets of key partners including different CCG's which may result in more complex decision-making processes
  - The complexity and nature of the services that the public health agenda will bring to the council is very different from any of the current services provided or commissioned. Public Health is cross-cutting in nature and therefore may operate more effectively from the centre.
  - Chief Executive of the Black Country Primary Care Trust Cluster and the Regional Director of Public Health recommend Local Authorities should have their own Director of Public Health.
36. HASC noted careful consideration had been given to the number of staff expected to transfer to the Local Authority together with the indicative budget and it had been considered that there was no justification in there being a stand alone Directorate. and that it had been deemed appropriate and correct for Public Health to be placed in the Directorate of Adult, Community and Housing Services.
37. HASC also received evidence indicating all processes had been undertaken in-line with Public Health Guidance that sets out the model and appointment process.
38. Overall HASC agreed to uphold Cabinet's decision with the proviso that:
- a seminar/workshop for all Council members be held in the near future to attain a deeper understanding of the implications of PH integration
  - a minority report be published highlighting issues and concerns raised by members not reaching the same conclusions of the majority.

## **Areas of Focus for the Year ahead – Key Considerations**

### **Committee Reviews**

39. In 2010/11 HASC undertook an in-depth review on the theme: 'healthy workforce' looking at the role of Authority and NHS partners in promoting staff health and well-being. The review encouraged a focus on intervention services to deliver better outcomes related to ill health in the early stages of absence; and preventative measures to promote a healthier workforce. HASC will be tracking recommendations arising from the review in 2012/13 whilst keeping an eye on progress with the joint health and social care workforce strategy in relation to staff health and well-being.
40. In addition, HASC will looking review recommendations arising from its 2011/12 Dignity In Care Review. This work will be guided by the joint action plan developed with DGH mentioned at para 10.
41. The final version of the Committee Review Caring for Carers was considered July 2012. HASC will be developing an action plan based on the review recommendations in conjunction with the Carers Strategy Group and other stakeholders in order to ensure priorities are addressed.

### **Committee Meetings**

42. This year the Committee will be trying a new format where 30-40 minutes will be allocated to a substantive item at each meeting to allow for more detailed discussion and questions and answers; the Chair's agenda-setting meetings will also be used to indicate more clearly the line of questioning. Other items will be heard as usual (Presentation/report and Q&A) but with an expectation that reports will be more succinct and focused, and that the officers attending are well briefed and can deal with most questions at the meeting.

### **Health reforms and emerging relationships**

43. It will be important to further embed the relationship between HASC and the HWWB and align the health scrutiny programme appropriately with the HWWB's planning cycle. HASC will also wish to testing the ambition of the HWBB in the year ahead ensuring all commissioners and providers are working together to tackle inequalities, to achieve agreed outcomes. HASC will also be working closely with the emerging local HealthWatch to provide a reality check on whether patient and users of services experiences actually are improving in the reformed system.
44. HASC will build on its working relationship with DPH during the 'bedding-down' of PH within the Authority in the year ahead; and will look to extend this to other senior public health specialists who will be transferring to the authority in the coming months.



## Care and Support Bill

45. In July 2012 the Government published its long-awaited Care and Support White Paper as well as a draft Care and Support Bill that will consolidate adult care laws into a single statute. The Committee will be keeping a watching brief on parliamentary passage of the Bill which signals significant changes for Adult Social Care and its partners. HASC will have an interest ensuring effective arrangements are in-place to deliver the Government actions locally. These currently include:

### Stroke Care

46. The Committee will be keeping a watching brief on submissions by stroke networks for 'step-change' improvement in stroke care across region as part of wider national programme designed to enhance patient pathways.
47. HASC has previously undertaken an in-depth review looking at the effectiveness of local stroke services which identified a number of challenges and key areas for improvement in Dudley. As such HASC will be keen to identify how best to engage scrutiny in the process with the aim of ensuring the best possible outcomes for Dudley people.

### Information sharing

48. HASC remains represented on the West Midlands Health Scrutiny Chairs Group which meets on a quarterly basis. This continues to be a useful information sharing forum allowing open and constructive discussion on cross-boundary issues.
49. This report was submitted to the Scrutiny Committee at its meeting on 26<sup>th</sup> September, 2012. Any updates will be reported at the Council meeting.

## **Finance**

50. There are no direct financial implications arising from this report at this stage.

## **Law**

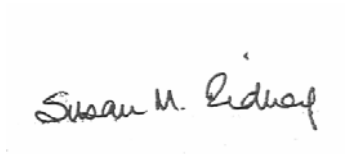
51. The requirement for the Committee to make an annual report to the Council is contained in Article 6 of the Constitution.
52. The relevant statutory provisions regarding the Council's Constitution are contained in Part 11 of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
53. The Health and Social Care Act 2012 provides for democratically accountable oversight of health, care and well-being services by elected members of Local Authorities.

### **Equality Impact**

54. The work of the Committee is an important way for the representatives of local people to ensure that the voice of local people is heard and acted upon in the provision of statutory health and social care services. It also implies a challenge to ensure services meet the needs of all Dudley's communities.

### **Recommendation**

55. That the annual report of the Health and Adult Social Care Scrutiny Committee be noted.



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**Chair of the Health and Adult Social Care Scrutiny Committee**

## **Meeting of the Council – 8th October, 2012**

### **Report of the Audit and Standards Committee**

#### **Treasury Management**

##### **Purpose of Report**

1. To outline treasury activity during the financial year 2011/12 and in the current financial year up to August.

##### **Background**

2. Treasury Management entails the management of the Council's cash flows, its borrowings and investments, the management of the associated risks and the pursuit of the optimum performance or return consistent with those risks
3. The Council undertakes treasury management activity on its own behalf and as administering authority for the West Midlands Debt Administration Fund (WMDAF). We are responsible for administering capital funding of approximately £769m on our own account and another £182m on behalf of other West Midlands councils in respect of the WMDAF. The treasury function is governed by the Council's Treasury Policy Statement and Treasury Management Practices.

##### **Treasury activity in 2011/12 on the Dudley fund**

4. Our treasury activities were undertaken in the context of the Treasury Strategy Statement 2011/12 approved by Audit Committee and Full Council in February 2011. The Strategy Statement stated:

*"The primary factor in determining whether we undertake new long-term borrowing will be cash flow need. We may elect to borrow one or two years in advance of anticipated need if we judge that this is necessary in order to avoid being forced to borrow at higher rates at a later date."*

5. During 2011/12 our investments averaged around £42 million (with significant day to day variation as a result of cash flow). The average return on these investments was 0.85%. The majority of our investments were for less than one month or were in call accounts<sup>1</sup>.

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<sup>1</sup> A call account is a deposit account with a financial institution without a fixed maturity date. The deposit can be "called" (withdrawn) at any time and deposits can also be made at any time. Call accounts and the specific terms associated with them differ depending upon the bank offering the account.

All investments were placed with institutions that satisfied the criteria for credit-worthiness set out in the Treasury Strategy Statement 2011/12. Our investment activity for 2011/12 is set out in more detail in Appendix 1.

6. The average value of long-term borrowings in 2011/12 was £213 million for Dudley's debt (excluding loans taken out in March for Housing Self Financing). The average rate of interest on these borrowings was 5.33% and they were due to mature on dates ranging from 2013 to 2058. The rate for a 50-year maturity loan from the Public Works Loan Board (PWLB) has fluctuated in 2011/12 between 3.98% and 5.35%. In the light of these rates, together with forecasts for future rates and the availability of investment balances to meet cash flow, we did not enter into any new long-term borrowing during the year other than for HRA Self Financing (see below)
7. Due to cashflow requirements, it was necessary to undertake one short-term borrowing at the year end. This loan was for £7m at 0.4% for a duration of only 3 days.

#### Treasury activity in 2011/12 on the WMDAF

8. Our borrowing activities in 2005/6 placed us in a position where it was not necessary to undertake any new longer-term borrowing in the financial years from 2006/7 to 2011/12. Having consulted with our treasury advisors at Arlingclose, we did not identify any opportunities to improve our position by restructuring of debt.

#### Performance comparisons 2011/12

9. We have compared our performance, both for Dudley and the WMDAF, with four of our neighbours in the West Midlands. Two of the neighbours did not send their performance data in time for this report. The results are summarised in the following table:

## West Midlands performance comparisons 2011/12

|  | Dudley | WMDAF | West Midlands average |
|--|--------|-------|-----------------------|
| <b>Gross average borrowing rate</b><br>(the cost of borrowing, ignoring the return on investments)                                     | 5.51%  | 6.47% | 5.10%                 |
| <b>Investment return rate</b><br>(the return on investments, ignoring the cost of borrowing)   | 0.85%  | 0.73% | 0.82%                 |
| <b>Net average borrowing rate</b><br>(a combination of the above, representing the cost of borrowing net of the return on investments) | 6.64%  | 6.48% | 5.69%                 |
| <b>Lender's Option Borrower's Option (LOBO)<sup>2</sup> loans as a proportion of all borrowing</b>                                     | 2%     | 5%    | 9%                    |

10. Our cost of borrowing in 2011/12 was higher than the average and the return on our investments was slightly higher than the average of our neighbours. We were less exposed than the average of our neighbours to the potential volatility of LOBO loans (see footnote). The cash flow position during the year constrained both our investment and borrowing activities and our policy on investments has been very cautious. The performance figures for the four other councils included in the performance comparisons are detailed individually in appendix 4 in an anonymised format.
11. In respect of the WMDAF we have been constrained by the statutory timetable for closure of the fund (March 2026) and have not been able to take advantage of very cheap long-term debt that has been available in recent years.
12. It should be remembered that treasury performance measurement is not an exact science. These statistics represent the cumulative effect of decisions dating back over many years and the performance of our neighbours may have been achieved in circumstances different from our own.

### Prudential indicators 2011/12

13. The 2003 Prudential Code for Capital Finance in Local Authorities sets out a framework for the consideration and approval of capital spending plans. In so doing, it requires the Council to set a number of prudential indicators, some of which concern matters of treasury management. Appendix 2 outlines those indicators for 2011/12. In all cases, actual outturn was within the targets and limits set by the Council.

<sup>2</sup> The lender has the option (at regular intervals stipulated in the loan agreement) to vary the rate of interest. The borrower then has the option to either accept the new interest rate or repay the loan.

### Treasury activity 2012/13 to August

14. Treasury activities in the current year have been undertaken in the context of the Treasury Strategy Statement 2012/13 approved by Audit Committee and Full Council in February of this year. In that document we anticipated that long term borrowing would be required in the next 12 months due to cash flow need.
15. Our investments up to the end of August have averaged around £31 million (with significant day to day variation as a result of cash flow). The average return on these investments was 0.67%. All investments were placed with institutions that satisfied the criteria for credit-worthiness set out in the Treasury Strategy Statement 2012/13. Our investment activity for 2012/13 is set out in more detail in Appendix 3.
16. Consumer and business confidence levels are generally low and it is not easy to see potential for significant economic growth in the short term. As a result, there is unlikely to be a base rate increase in the short-term. Market sentiment towards the Eurozone has remained volatile as successive rescue packages have first raised, and then disappointed, expectations.
17. The past few months have seen Moody's downgrade a number of UK banks, namely Royal Bank of Scotland, Barclays, HSBC and Lloyds due to significant exposure to the volatility in the world's financial markets. The numerous credit rating downgrades have led to local authority lending lists being severely restricted. In order to mitigate this situation, officers are working to open up a Custodian account which will allow the Council to diversify its strategy by buying up Treasury Bills, Certificates of Deposits (CD's) and UK Government Gilts.
18. In the Chancellor's Budget on March 21, a reduction in the PWLB interest rate was announced. The reduction was to be applicable for those councils that provide 'improved information and transparency' on 'borrowing and associated capital spending plans'. The rate would then be reduced by 20 basis points from the current rate of 1% above central government's own borrowing to 0.8% above gilts from 2012/13. The government has also raised the prospect of those councils deemed to be the 'most efficient' being given access to even lower borrowing rates, however the details of these proposals are not yet known. There is no immediate effect on the Council from the above announcements. However, this will impact on future decisions that the Council may make to borrow from the PWLB
19. The average value of long-term borrowings up to the end of August has been £543.4 million of which £335.6 million relate to Housing Self Financing (see below). The average rate of interest on Dudley's loans is 4.11%. The maturity dates for the loans range from the current year to 2061. It has not as yet been necessary to undertake any new long-term borrowing in the current year, but we are monitoring interest rates and cash flow closely. We continue to anticipate that action may be required before the financial year end.
20. It has not been necessary to undertake any short-term borrowing in the current year to date. Daily cash flow has been managed through the use of call accounts.

21. There has been no change to the position on the WMDAF.

### Housing Self Financing

22. The council housing finance system was reformed in the Localism Bill which was passed in November 2011. Under these reforms, the Housing Revenue Account (HRA) subsidy (negative in Dudley's situation) was abolished and replaced with a one-off redistribution of debt amounting to £335.6m. Although releasing councils from the HRA Subsidy system and offering much greater freedom, these reforms have resulted in a significant transfer of risk.
23. The Treasury Management report to Audit Committee on 9th February 2012, set out the strategy for this borrowing as well as the framework for allocating debt financing costs between the HRA and General Fund. Actual borrowing was carried out on 26th March 2012, The Council borrowed £335.6 million broken down as follows :

|                   |         |
|-------------------|---------|
| Variable          | £13m    |
| Fixed 1-10 years  | £0m     |
| Fixed 10-19 years | £20.6m  |
| Fixed 20-29 years | £61.0m  |
| Fixed 30-39 years | £104.0m |
| Fixed 40-50 years | £137.0m |

The average rate of pre-existing HRA debt is 5.33% whilst the average rate of interest on the new Self Financing debt is 3.36%. The combined rate for all HRA debt is 3.90%

24. At its meeting on 20<sup>th</sup> September, 2012, the Audit and Standards Committee considered these matters and agreed to recommend Council as set out in paragraph 28 below.

### Finance

25. Forecasts of performance against budget for treasury management activities are highly sensitive to movements in cash flow and interest rates.

### Law


26. These matters are governed by Part IV of the Local Government and Housing Act 1989 and Section 111 of the Local Government Act 1972, which empowers the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its various statutory functions.

### Equality Impact

27. The treasury management activities considered in this report have no direct impact on issues of equality.

## **Recommendation**

28. That the Treasury Management activity outlined in this report be noted.

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**Chair of the Audit and Standards Committee**



**Investment Activity 2011/12**

| <b>Counterparty name</b>      | <b>Number of investments</b> | <b>Average value<br/>£ million</b> | <b>Average rate<br/>%</b> | <b>Average duration<br/>(days)</b> |
|-------------------------------|------------------------------|------------------------------------|---------------------------|------------------------------------|
| Barclays Treasury Direct      | 17                           | 7.2                                | 0.97                      | 17                                 |
| Debt Management Office        | 57                           | 3.5                                | 0.25                      | 6                                  |
| Nationwide Building Society   | 6                            | 1.0                                | 0.42                      | 15                                 |
| Bank of Scotland Call Account | N/A                          | 5.7                                | 0.75                      | Call                               |
| Yorkshire Bank                | N/A                          | 1.4                                | 0.75                      | Call                               |
| Santander                     | N/A                          | 10.0                               | 0.8                       | Call                               |
| Nat West                      | N/A                          | 7.4                                | 0.8                       | Call                               |
| HSBC                          | N/A                          | 2.9                                | 0.32                      | Call                               |
| Yorkshire Bank                | N/A                          | 2.3                                | 0.50                      | Call                               |
| Salford MDC                   | 1                            | 0.5                                | 11.25                     | Matures in 2020                    |

The table above includes investments that commenced during 2010/11 and matured in 2011/12. It also includes investments that commenced during 2011/12 and were due to mature in 2012/13.

There is also a fixed term deposit of £500,000.00 with Salford MDC at an interest rate of 11.25% that was made in 1985 and is due to mature in 2020.

**Prudential indicators relating to treasury management 2011/12****External debt**

These indicators are intended to ensure that levels of external borrowing are affordable, prudent and sustainable. The authorised limit for external debt is a statutory limit (section 3 of the Local Government Act 2003) that should not be breached under any circumstances. The operational boundary is a lower threshold allowing for a prudent but not worst case scenario for cash flow.

|   | <b>£m</b> |
|---|-----------|
| Authorised limit for external borrowing     | 955.9     |
| Operational boundary for external borrowing | 787.7     |
| Outturn - actual maximum external borrowing | 753.9     |

**CIPFA Code of Practice for Treasury Management in the Public Services**

The Council adopted the Revised CIPFA Treasury Management in the Public Services Code of Practice in February 2010.

**Interest rate exposures and maturity structure of borrowing and investments**

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates.

|   | <b>Indicator</b> | <b>Outturn</b> |
|---|------------------|----------------|
| Upper limit for fixed interest rate exposure  | 100%             | 97.6%          |
| Upper limit for variable rate exposure  | 15%              | 2.4%           |
| Upper limit of principal maturing in any one year for sums invested for over 364 days | £15m             | nil            |
| Maturity structure of fixed rate borrowing:-  |                  |                |
| under 12 months   | 0-10%            | 2%             |
| 12 months and within 24 months  | 0-10%            | 2%             |
| 24 months and within 5 years  | 0-15%            | 5%             |
| 5 years and within 10 years   | 0-25%            | 13%            |
| 10 years and above  | 40-100%          | 78%            |

**Investment Activity 2012/13 to August**

| <b>Counterparty name</b>      | <b>Number of investments</b> | <b>Average value<br/>£ million</b> | <b>Average rate<br/>%</b> | <b>Average duration<br/>(days)</b> |
|-------------------------------|------------------------------|------------------------------------|---------------------------|------------------------------------|
| Barclays Treasury Direct      | 9                            | 4.2                                | 0.51                      | 14                                 |
| Debt Management Office        | 31                           | 7.5                                | 0.25                      | 9                                  |
| Bank of Scotland Call Account | N/A                          | 7.3                                | 0.75                      | Call                               |
| HSBC                          | N/A                          | 6.5                                | 0.32                      | Call                               |
| Nat West                      | N/A                          | 3.5                                | 0.8                       | Call                               |
| Santander                     | N/A                          | 1.4                                | 0.8                       | Call                               |
| Yorkshire Bank                | N/A                          | 0.01                               | 0.50                      | Call                               |
| Salford MDC                   | 1                            | 0.5                                | 11.25                     | Matures in 2020                    |

The table above includes investments that commenced during 2011/12 and were due to mature in the current year. It also includes investments that commenced in the current year before August and were due to mature after August.

There is also a fixed term deposit of £500,000.00 with Salford MDC at an interest rate of 11.25% that was made in 1985 and is due to mature in 2020.

## West Midlands performance comparisons 2011/12

|  | Council |       |       |       |       |       |
|--|---------|-------|-------|-------|-------|-------|
|  | Dudley  | WMDAF | A     | B     | C     | D     |
| <b>Gross average borrowing rate</b><br>(the cost of borrowing, ignoring the return on investments)                                     | 5.51%   | 6.47% | 4.56% | 4.84% | 5.01% | 5.16% |
| <b>Investment return rate</b><br>(the return on investments, ignoring the cost of borrowing)   | 0.85%   | 0.73% | 0.96% | 0.64% | 1.07% | 0.63% |
| <b>Net average borrowing rate</b><br>(a combination of the above, representing the cost of borrowing net of the return on investments) | 6.64%   | 6.48% | 4.92% | 6.62% | 5.27% | 6.40% |
| <b>Lender's Option<br/>Borrower's Option<br/>(LOBO) loans as a proportion of all borrowing</b>   | 2%      | 5%    | 22%   | 16%   | 5%    | 8%    |

## **Meeting of the Council – 8<sup>th</sup> October, 2012**

### **Report of the Audit and Standards Committee**

#### **Code of Conduct for Employees**

##### **Purpose of Report**

1. To consider the current position concerning the Code of Conduct for Employees.

##### **Background**

2. On 13<sup>th</sup> October, 2011, the former Standards Committee approved the current position concerning the Code of Conduct for Employees.
3. Following an internal review, which has taken place over the last 10 months, the Code of Conduct for Employees has now come under the umbrella of the Human Resources (HR) and Organisational Development Division in line with other policies and procedures relating to employees. As a result of a review of the Code a number of suggested amendments are included in the attached Appendix 1 (in bold italics) to address the following points:-
  - To clarify the expectations of Council employees and that a breach of the Code of Conduct may lead to disciplinary action (see paragraph 3).
  - To strengthen the link that a breach of another HR policy may also lead to a breach of the Code of Conduct where necessary.
  - To clarify that an employee's private life may impact on their working life, particularly in relation to social networking. There are also links to the Social Media Policy (see paragraphs 17, 18, 19 and 20).
  - To reinforce the Principal Statement of Employment by aligning it with the Code of Conduct (see paragraphs 6, 7, 10 and 55).
  - To clarify the standards of behaviour expected of Council employees (see paragraphs 2, 3, 4, 5 and 6).
  - To clarify the requirements of employees in roles that require CRB clearance should they be charged or convicted during employment. The Council's policy for 3 yearly CRB renewals is also reinforced (see paragraphs 9, 10, 11 and 12).
  - To clarify the standards set by professional bodies and its relationship to the standards set by the Council (see paragraphs 8 and 49).

- To clarify that documents written by employees in the course of employment for the Council are owned by the Council (see paragraph 56).
  - To confirm the correct procedures when public communication on behalf of the Authority is required (see paragraphs 57 and 58).
4. The Code of Conduct for Employees has been consulted on with the HR Policy Group, Assistant Directors Group, Corporate Equality and Leadership Group, Trade Unions and Corporate Board.
  5. It is important that employees are aware of the contents of the policy and of the implications of not following it, as it may be used for disciplinary purposes. HR will therefore communicate the new Code of Conduct to Directorate Management Teams in November for an implementation date of 1<sup>st</sup> December 2012. The following means of communication will also be utilised:
    - a. Team Meetings
    - b. Message of the Day
    - c. Yourself message
    - d. Message on payslips
    - e. New principal statements being issued
    - f. Use of established communication channels set up with employees who do not have access to ICT
    - g. Executive Summary for Noticeboards
  6. In addition to the changes in this report, all previously agreed amendments to the Code have been implemented and incorporated in the Constitution.
  7. The Localism Act 2011 has made no separate provisions affecting the Council's Officer Code of Conduct. Subject to the recommended amendments in this report, the existing Code for Employees will therefore remain operational until such time as any national code or other amendments are introduced.
  8. At its meeting on 20<sup>th</sup> September, 2012, the Audit and Standards Committee recommended the Council to adopt the revised Code of Conduct for Employees as set out in the Appendix.

### **Finance**

9. There are no financial implications arising from this report.

### **Law**

10. Section 111 of the Local Government Act 1972 enables the Council to do anything that is calculated to facilitate or is conducive or incidental to the discharge of its various statutory functions.

### **Equality Impact**

11. Paragraph 64 of the Code refers to equality and there are no particular issues arising from this report with regard to children and young persons.

### **Recommendation**

12. That the Council adopt the revised Code of Conduct for Employees as set out in Appendix 1 to this report.

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**Chair of the Audit and Standards Committee**

## **Code of Conduct for Employees**

### **Introduction**

The public is entitled to expect the highest standards of conduct from all employees of Dudley Council. It is therefore important that you understand your roles and responsibilities whilst at work. It is also important, where necessary for you to understand how your behaviour and activities outside work may impact upon your ability to do your work during working hours.

This Code of Conduct is based on the Council's Standing Orders and Financial Regulations, the provisions of the general law as well as your conditions of service.

As the Code applies to all employees, please take time to read it fully and ensure that your conduct is at all times consistent with its requirements. This document forms part of your contract of employment and you are required to comply with its contents. School staff employed by Governors will be subject to separate rules. Democratic local government can not be taken for granted – all of us involved in the service have to make a special effort to retain public confidence. Compliance with the Code will help maintain the reputation of local government in Dudley.

I am sure I can rely on you all to play your part in up-holding the highest standards in public life.

John Polychronakis  
Chief Executive



## Standards

- 1 Dudley Council's employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Elected Members and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

In summary employees are required to:

- Attend work in a condition where they are able to carry out their duties safely and effectively
- Act honestly
- Act with dignity and treat all others with dignity and respect
- Be committed to delivering quality services to service users
- Understand and act in accordance with the Council's vision and values as set out in the Council Plan, policy and procedures
- Work in accordance with the terms and conditions of their principal statement of employment and job description
- Understand and apply the Council's rules, policies and procedures applicable to them and their role

## Standards of Behaviour

### Personal conduct and behaviour in the workplace

- 2 ***Employees are expected to treat members of the public, Elected Members and colleagues, with dignity and respect, this is expected in the manner in which they communicate whether verbal or written.***

***More specifically employees must:***

- ***Ensure that their conduct is not discriminatory, bullying or harassing to others***
- ***Ensure that their behaviour and performance meets workplace standards at any time that they are at work, representing the Council or are likely to be identified or associated with their role as a public official (whether or not they are working at the time)***
- ***Make sure that they are familiar with and follow the Council's equality policies and aim to advance equality of opportunity and foster good relations.***

### **Misconduct**

- 3 *The Code of Conduct acts as a guide for employees on the standards expected of them when acting in good faith. This document forms part of their contract of employment and employees are required to comply with its contents. Failure to comply with the Code of Conduct may be considered to be gross misconduct and may lead to disciplinary action under the Employee Improvement and Disciplinary Procedure, including dismissal.*

### **Alcohol and Drugs**

- 4 *Employees must not consume alcohol, use illicit drugs or illegal substances while at work or prior to attending work if likely to impact on their ability to do their job. When an employee is on call or standby they must ensure that any alcohol consumption is within the legal limit for driving in the event that they are recalled to work. Any alcohol consumed outside of work must not affect the employee's ability to do their work.*

- 5 *If an employee is taking legally prescribed or over-the-counter medication, they must ensure that the use of them does not affect their work performance and the safety of themselves and others. Where an employee is prescribed medication that affects their work performance their line manager should liaise with HR to consult with Occupational Health. Further guidance is available in the Substance Misuse Policy and Procedure*  
<http://insidedudley/corporate/info&res/policiesguidanc /personnelpolici /substance misuse/default.htm>.

### **Health, Safety and Well-being**

- 6 *All employees must comply with the Health and Safety Work Act 1974 and associated regulations, Guidance or Approved Codes of Practice. Employees are required to comply with the Corporate Health and Safety Policy and take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions. For specific details of the responsibilities for employees and managers reference to the Corporate Health & Safety Policy must be made*  
<http://insidedudley/corporate/info&res/healthsafety /safetymanagemen /safetypolicy /default.htm>.

## **Protecting the Council and its employees**

### **Other Employment and conduct outside working time**

- 7** *Employees paid at grade 8 to 15 have conditions of service which require them to obtain written consent to take any outside secondary employment. This will be detailed in the employee's principal statement of employment. All employees should be clear about contractual obligations and must not take outside employment which conflicts with their position or with the Council's interests. Any additional employment must be in accordance with any legislation that may apply such as the Working Time Regulations (1998) (as amended). They must also ensure that Council time and/or resources are not utilised in connection with any approved private employment.*
- 8** *Generally, what an employee does outside work is of their own concern (unless professional standards state otherwise), but they must avoid doing anything that might adversely affect the reputation of the Council or impact on the Council's or their profession's confidence in their ability to do their job. This includes use of social media and the Internet. If in doubt, employees should seek the advice of the Council's Monitoring Officer, Head of Communications and Public Affairs.*

*Employees should be aware of the "Guide for Councillors and Officers on Organisations Outside the Council".*

### **Criminal charges and convictions**

- 9** *Unless covered by the Rehabilitation of Offenders Act, all applicants are required to disclose any live criminal convictions or charges. Certain positions are exempt from the Rehabilitation of Offenders Act and require CRB clearance before the applicant is offered a post. Where a post is subject to a CRB clearance, employees in the post will be required to participate in further CRB checks in line with regulatory requirements and/or the Council's Policy. Please refer to the CRB Policy for further guidance.*
- 10** *If during the course of employment with the Council an employee is charged, convicted of a crime or receives a caution or other form of reprimand in relation to a criminal offence, even if the offence does not relate to their employment, they must report the charge, conviction or caution or other form of reprimand within 5 working days to their line manager or the HR team. If they are on leave when they receive the charge, conviction or caution or other form of reprimand they must report it within 5 working days on their return from leave. Failure to notify the Council within the specified timescale may lead to disciplinary action under the Employee Improvement and Disciplinary Policy and Procedure.*

- 11 ***Where an employee is charged, convicted of a crime, receives a caution or other form of reprimand the line manager will consult with the HR team and the Assistant Director for HR and Organisational Development, who will consider the impact upon the employee's position and if there has been a breach of Council Policies and Procedures, and whether disciplinary action under the Employee Improvement and Disciplinary Procedure should be invoked, including dismissal.***
- 12 ***Dependent upon the employee's position, consideration must be given to whether the employee poses a risk to children, or young people or to adults who access any health and social care services and a referral through safeguarding procedures may be necessary.***

#### **Use of Council property, facilities and equipment**

- 13 Council facilities are to be used for Council business and for no other purpose unless the employee has their Assistant Director's approval beforehand.
- 14 Reasonable use of telephones and photocopiers is allowed in exceptional circumstances provided the employee has been authorised to do so by their manager. However, no paid or non council work may be carried out in the Council's time, or on the Council's premises or with the use of the Council's equipment.
- 15 Employees may use the internet for incidental and occasional personal use, as a recognition that familiarity with this technology is imperative to the Modernisation of Local Government. Consequently employees will be able to use the Internet during their own time for personal use i.e. during lunch breaks. Further guidance can be found in the Internet Access and Use of Emails Code of Conduct  
<http://insidedudley/corporate/info&res/corporatepolici /corporateictpol /dmbcstaffintern/default.htm>.
- 16 ***Misuse of the internet may lead to disciplinary action taking place under the Employee Improvement and Disciplinary Policy and Procedure.***  
<http://insidedudley/corporate/info&res/policiesguidanc /personnelpolici /employeeimprove-1/default.htm>

#### **Use of Social Networking Sites**

- 17 ***For most employees the use of social networking sites is prohibited in the workplace. However, such restrictions do not apply when employees are using their own equipment in their own time. Employees must not use council equipment to access social media for personal use, unless equipment is specifically provided for this purpose.***

- 18 ***Comments and messages posted on the internet are available to millions of users worldwide to view and employees of Dudley Council should be aware of this when posting information or making comments that might relate directly or indirectly about their work, customers of the council and work colleagues. Employees who do not directly identify themselves as a Dudley Council employee when using social media for personal purposes at home, should be aware that the content they post on social media websites could still be construed as relevant to their employment at Dudley Council. For example employees must not write or report on conversations, meetings or matters that are meant to be private or internal to Dudley Council. The Council has a duty of care towards its employees and would therefore treat any comments or messages posted on websites which cause offence seriously. This includes messages and comments posted in the employees own time that relate to fellow colleagues and the workplace, even when Dudley Council may not have been specifically referred to but may be linked to the comments.***
- 19 ***Care should be taken to ensure that there is nothing posted that could bring the Council into disrepute or would be potentially dangerous. Posting of defamatory or potentially damaging comments about the Council, its employees or clients would be considered gross misconduct. Posts of either nature on to the internet or social networking sites may lead to disciplinary action for misconduct/gross misconduct under the Employee Improvement and Disciplinary Procedure. A referral through safeguarding procedures may also be necessary.***
- 20 ***Employees must not do anything including inappropriate contact/communication with children, young people or vulnerable adults that puts them in a potentially compromising situation in relation to their employment e.g. accepting friendships with any children, young people who access Dudley MBC services, or adults who access any health or social care services provided by Dudley MBC, on social networking sites. This is potentially a breach of confidence and trust as well as being unprofessional. Any inappropriate relationships within social networking sites that are brought to the Council's attention will be fully investigated and may lead to disciplinary action for misconduct/gross misconduct under the Employee Improvement and Disciplinary Procedure.***

***Further information can be found in the Social Media Policy on the following link:***

***<http://idudley.idudley/policies-and-guidance/social-media-policy/>***

### **Use of Authority**

- 21 Employees must not use their official position, status, powers or authority to seek to improperly influence a decision or action.
- 22 Employees are expected to provide honest, impartial and comprehensive advice regardless of their personal feelings on a matter. If an employee's personal views conflict with the performance of their official duties or if they believe they cannot act impartially, they should contact their line manager and attempt to resolve the conflict.
- 23 In their role of Council employee or personal capacity, employees must not allow their personal interests to conflict with the Council's requirements or use their position to improperly confer an advantage or disadvantage on any person.
- 24 When exercising a discretionary power, employees should ensure that the power is being used properly, impartially, equitably and is consistent with relevant legislation, delegations, procedures or guidelines. In exercising any power associated with their employment, employees must ensure that they are either statutorily authorised to do so or that they have been delegated the power by a person with the necessary authority to issue the delegation.

### **Use of Financial Resources**

- 25 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Council. Employees with budgetary/purchasing control must ensure that they understand and comply with the Council's Standing Orders and Financial Regulations. Employees must ensure that any expenditure is within the limits that they are personally authorised to incur. Failure to comply with the Council's Standing Orders and Financial Regulations may lead to disciplinary action under the Employee Improvement and Disciplinary Procedure. Standing Orders can be found on the following link:  
[http://insidedudley/finance/purchasing/info&res/standingorders\\_/standingordersj-1/default.htm](http://insidedudley/finance/purchasing/info&res/standingorders_/standingordersj-1/default.htm)  
And Financial Regulations can be found on the following link:  
[http://insidedudley/finance/audit/documents/financialregula\\_/financialregula-3/default.htm](http://insidedudley/finance/audit/documents/financialregula_/financialregula-3/default.htm).

## **Contractors**

- 26 Employees are reminded of the requirements of paragraph 5.1. of Contract Standing Orders which states that:-

“No..... officer nor any company, partnership or firm in which any ..... officer has an interest nor any employer, nominee, spouse or other close relative of an ..... officer, shall undertake the execution of works on behalf of the Council or shall accept an order for the supply or disposal of goods or materials from the Council or shall provide services for the Council unless such works or order for goods or materials or services have been offered or secured or provided by competitive Tender or Quotation .....

“Other close relative” includes a person cohabiting on a similar basis to a spouse, a civil partner, a parent, grandparent, uncle, aunt, son, daughter, grandson, grand-daughter, brother, sister, niece or nephew of the officer or their spouse or cohabitee whether the relationship is through blood, marriage or adoption.

- 27 All such relationships of a business or private nature with external contractors, or potential contractors, must be declared to Legal and Democratic Services (using a pro forma provided for this purpose) who will notify the relevant Assistant Director (or in the case of a school, the Headteacher) and any other appropriate employee of this declaration. The requirement to make a declaration under this paragraph also applies to employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor.
- 28 Orders and contracts must be awarded on merit by fair competition and no special favour may be shown to any business run by, for example, friends, partners or relatives, in the tendering process. No part of the local community may be discriminated against.

## **Separation of Roles During Tendering**

- 29 Employees involved in the tendering process and dealing with contractors need to be clear of the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 30 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 31 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

- 32 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 33 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

### **Conflict of Interest**

- 34 Where an employee faces a conflict between their private interests and public duties they must resolve the conflict in favour of their public duties. Where a conflict of interest is likely to occur due to their personal or immediate family private interests the employee must inform their manager, who will ensure that the Council is not compromised. This is particularly pertinent where the employee is involved in making decisions affecting contracting, tendering or regulatory functions.

Examples of possible conflicts of interests are as follows:

- Employees with access to computer databases of customers updating their own personal records or those of close relatives
- Employees being contracted to provide services to the Council outside their paid employment
- In a purchasing capacity liaising with a supplier who employs a close relative
- Generating work which involves travel to provide an opportunity to visit friends
- A supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists
- Involvement with an interview panel when a relationship exists with one of the applicants.

### **Personal Interests**

- 35 Employees must declare to Law and Governance (using a pro forma provided for this purpose) any financial or non-financial interests, whether direct or indirect, which could conflict with the interests of the Council. This would include any cases where the employee is a company director, company secretary or voluntary organisation trustee. Law and Governance will notify the relevant Assistant Director (or in the case of a school, the Headteacher) and any other appropriate employee of this declaration.



### **Appointment and Other Employment Matters**

- 36 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 37 Similarly, employees must not be involved in decisions relating to recruitment, discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

### **Gifts and Hospitality**

- 38 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity as a Council employee. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 39 Employees must only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions must be accepted only when these are part of the life of the community or where the Council must be seen to be represented. They must be properly authorised and recorded in the Gifts and Hospitality Register maintained for this purpose by each Directorate.
- 40 When the hospitality has to be declined those making the offer need to be courteously but firmly informed of the procedures and standards operating within the Council.
- 41 Employees may accept insignificant items of token value [i.e. less than £10] such as pens, diaries, chocolates and flowers. Gifts other than pens and diaries and similar office/stationery items [valued less than £10] must be recorded in the Gifts and Hospitality Register.

Employees must not accept significant personal gifts from contractors and outside suppliers and they should notify their Director or Assistant Director of any such offers.

- 42 When receiving authorised hospitality employees need to be particularly sensitive as to its timings in relation to decisions which the Council may be taking affecting those providing the hospitality.

- 43 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Director or Assistant Director gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees must ensure that the Council meets the cost of such visits and any meals to avoid jeopardising the integrity of subsequent purchasing decisions. All such matters should be recorded in the Gifts & Hospitality Register.
- 44 Employees who are bequeathed gifts or money in the will of a service user that they know from their working capacity must not accept the gifts or money unless they are insignificant items of token value (i.e. less than £10). When the gifts/money has to be declined the executor of the will needs to be courteously but firmly informed of the procedures and standards operating within the Council.

### **Sponsorship – Giving and Receiving**

- 45 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 46 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

### **Political Neutrality**

- 47 Employees serve the Council as a whole. It follows they must serve all Elected Members and not just those of the controlling group, and must ensure that the individual rights of all Elected Members are respected.
- 48 ***Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their personal or political opinions to interfere with their work. They must be seen to be able, to remain unbiased in the performance of their duties. Failure to follow this may lead to disciplinary action under the Employee Improvement and Disciplinary Procedure.***

***For further information on politically restricted posts and restrictions applied to these posts please refer to the policy on the attached link***

***<http://insidedudley/corporate/info&res/policiesguidanc /personnelpolici /politicallyr est-1/default.htm>***

### **Professional and Trade Union Activity**

- 49 ***Members of professions are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. Employees are expected to raise any concerns they may have regarding a conflict of interest between their role at the Council and the standards of their profession.***
- 50 When speaking in the capacity of workplace or trade union representative or profession association, it must be made clear that the opinion is made on behalf of the union or association represented and not the Council.

### **Disclosure of Information**

- 51 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of which information their Council is and is not open about, and act accordingly.
- 52 In the course of their employment employees may obtain information that has not been made public and is still confidential. Employees must never disclose confidential information given in confidence by anyone, or information which they acquire which they believe may be confidential in nature, without the consent of a person authorised to give it unless they are required to do so by law.
- 53 Employees must not use any information obtained through their work for the Council for personal gain or benefit, nor may they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority must not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 54 ***Employees have legal obligations towards privacy and security whilst processing personal information relating to any living individual. Such information must be processed in accordance with the Council's Data Protection Code of Practice and Freedom Of Information Act 2000. Breach of confidentiality may be considered a disciplinary offence under the Employee Improvement and Disciplinary Policy and Procedure.***

55 ***In the event that, during the course of their employment with the Council an employee has been employed within a traded services area and/or during their employment acquired access to confidential information relating to the trade then the following principles will apply:***

- ***The employee shall not for 6 months after the end of their employment, solicit or endeavour to entice away from the Council the custom of a client/customer with whom they have had contact with during the period of their employment, with a view to providing goods or services to that client/customer.***
- ***The employee shall not for 6 months after the end of their employment offer to employ or engage or otherwise endeavour to entice away from the Council and person employed or engaged by the Council who was involved in any capacity within the traded services area and with whom they have dealt with.***

#### **Intellectual Property**

56 ***Under copyright law the Council owns any material made by the Council or under its direction. As an employee or contractor, any material produced in the course of work belongs to the Council unless otherwise explicitly provided for in the contract of employment. Therefore, to use any work owned by the Council the employee must seek permission from their Assistant Director.***

#### **Public communication**

57 ***All media requests for information and enquiries that relate to policy and procedures and operational activities must be responded to by the Communications and Public Affairs Team.***

***When making a public comment in an official capacity employees must:***

- ***Ensure that it is part of their official role***
- ***Ensure that the facts are not misrepresented***
- ***Ensure that the Data Protection Act is not contravened***
- ***Respect the confidentiality of information that has not been approved for release either by Cabinet or through official Council channels.***

58 ***As private citizens employees have the same rights as members of the public to openly discuss or comment on community and social issues. Employees must make it clear that when commenting in this capacity that it is their personal opinion and not that of the Council and they are not abusing their position of knowledge gained from their role as a council officer.***

## **Internal Audit**

- 59 Where an internal audit is conducted on a function all employees are required to contribute to this work. Where an employee has been identified in an agreed action plan to carry out some work, it is their responsibility to ensure that it is undertaken within the agreed timescale.

## **Ways of Working**

### **Working with Elected Members**

- 60 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Elected Members and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Elected Members is essential to good local government.

Employees dealing with Elected Members should be aware of the "Protocol for Relationships between Members and Officers of Dudley MBC" as set out in the Constitution.

### **Working with Local Community and Service Users**

- 61 Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

## **Agile Working**

- 62 Through modernisation of the Council's workforce and working arrangements, the relationship between the Council and its employees relies ever more heavily upon trust and the management of outcomes rather than presence at an office base, where applicable. Any abuse of the policies, procedures, guidance and or flexibility afforded will be fully investigated and may lead to disciplinary action being taken. Please refer to the Agile Working Policy for further information.

## **Whistleblowing**

- 63 ***Since 1999 the Council has had a policy on confidential reporting, i.e., whistleblowing. Under this policy employees who have serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. A copy of the policy can be obtained from your directorate or the Director of Corporate Resources or on the attached link.***  
***<http://insidedudley/corporate/info&res/policiesguidanc /otherpoliciespr /confidentialirep-1/default.htm>***

The policy explains the procedure for raising concerns internally or, if preferred, employees may seek free independent and confidential help from the charity, Public Concern at Work.

### **Equality Issues**

- 64 All Dudley Council's employees must ensure that our policies and practices relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have the right to be treated with fairness and equity.

### **Interpretation**

- 65 If an employee is unsure about any aspect of the Code of Conduct they must raise this with their line manager immediately. Employees of the Council who disagree with the interpretation of this document (as it may affect them) have the right to raise the matter through the Council's Official Grievance Procedure.

## **IMPORTANT NOTICE**

### **COUNCIL MEETINGS**

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.

This meeting is scheduled for live broadcast on the Internet [www.dudley.gov.uk](http://www.dudley.gov.uk). The cameras in the chamber do not record the images of people in the public gallery.

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

Thank you for your co-operation.