

COUNCIL MEETING

MONDAY 26TH NOVEMBER 2012

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

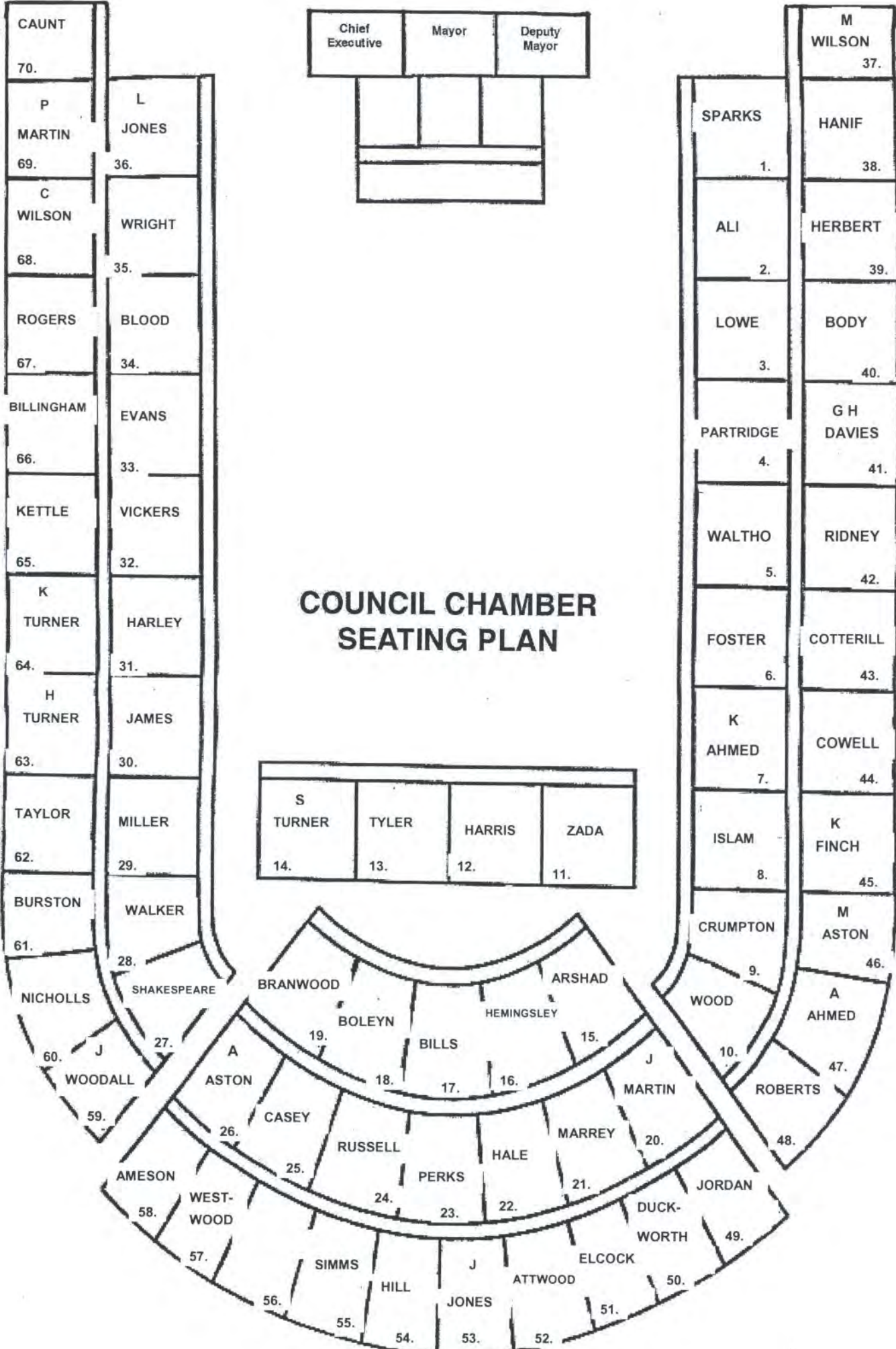
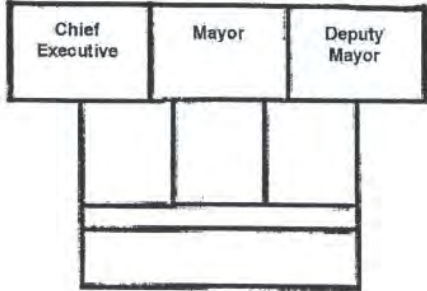
**SUMMONS, AGENDA
AND REPORTS**

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**

Members are asked to send advance notice of interests by email to steve.griffiths@dudley.gov.uk by 12.00 noon on Friday, 23RD November, 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, 26th November, 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

16th November, 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 extraordinary meeting and the meeting of the Council held on 8th October, 2012 (Pages CI/24 - CI/33)

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

PAGES

From To

Meeting of the Cabinet held on 31st October, 2012

Councillor Sparks to move:

- | | | |
|----------------------------------|---|---|
| (a) Capital Programme Monitoring | 1 | 4 |
|----------------------------------|---|---|

Continued....

Councillor Lowe to move:

(b) Revenue Budget Strategy 2013/14	5	8
(c) Localised Council Tax Reduction Scheme 2013/14	9	26

Councillor Ali to move:

(d) Publication of the Halesowen Area Action Plan	27	29
---	----	----

Councillor Partridge to move:

(e) Gambling Policy	30	68
---------------------	----	----

Special Meeting of the Cabinet – 13th November, 2012

Councillor Sparks to move:

(f) Review of Area Committees	69	82
(g) Annual Review of the Constitution	83	114

6. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11
7. 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 AN EXTRAORDINARY MEETING HELD PURSUANT
TO SECTION 249 OF THE LOCAL GOVERNMENT ACT 1972**

**MONDAY, 8TH OCTOBER, 2012 AT 5.45 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, Bills, Blood, Boleyn, Branwood, Burston, Casey, Caunt, Cotterill, Cowell, Crumpton, Davies, Duckworth, Elcock, Evans, K Finch, Foster, Hale, Hanif, Harley, Harris, Hemingsley, Herbert, Hill, Islam, James, J Jones, L Jones, Jordan, Kettle, Lowe, Marrey, J Martin, Mrs P Martin, Miller, Ms Nicholls, Partridge, Perks, Ridney, 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 and Wright, together with the Chief Executive and other Officers.

30 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Attwood, Mrs Billingham, Body, Knowles, Woodall and Zada.

31 **DECLARATIONS OF INTEREST**

No declarations of interests were made in accordance with the Members' Code of Conduct.

32 **HONORARY FREEMAN**

A report of the Chief Executive was submitted on a Freeman of the Borough appointment pursuant to Section 249 of the Local Government Act 1972.

The recommendations, as set out in the report, were moved by Councillor Sparks and duly seconded by Councillor Ali.

The following amendment was moved by Councillor L Jones and seconded by Councillor Wright:-

“That the motion be deferred to a later date so that a small cross party members working group can be formed to draw up a list of criteria for the conferring of the title Freeman. This should be done in time for the next ordinary meeting of the Council after tonight and brought to Council for approval.”

With the consent of the mover of the original motion, and of the meeting, the amendment was accepted and it was

RESOLVED

That the motion be deferred to a later date so that a small cross party members working group can be formed to draw up a list of criteria for the conferring of the title Freeman. This should be done in time for the next ordinary meeting of the Council after tonight and brought to Council for approval.

The meeting ended at 5.50 p.m.

MAYOR

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL AT THE MEETING HELD ON MONDAY, 8TH OCTOBER, 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, Bills, Blood, Boleyn, Branwood, Casey, Caunt, Cotterill, Cowell, Crumpton, Davies, Duckworth, Evans, K Finch, Foster, Hale, Hanif, Harley, Harris, Hemingsley, Herbert, Hill, Islam, James, J Jones, L Jones, Jordan, Kettle, Lowe, Marrey, J Martin, Mrs P 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 and Wright, together with the Chief Executive and other Officers.

PRAYERS

The Mayor's Chaplain led the Council in prayer.

33 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Mrs Billingham, Body, Burston, Elcock, Knowles, Woodall and Zada.

34 DECLARATIONS OF INTEREST

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

Councillor Crumpton – Minute No. 17 of the Halesowen Area Committee (Area Committee Grants) – Non-Pecuniary Interest as a Member of the Homer Hill Friends Group.

Councillor Hemingsley – Minute No.11 of the Health and Adult Social Care Scrutiny Committee (Consultation of the Future of New Bradley Hall) - Non-Pecuniary Interest as he had been part of the Action Team to save the home.

Councillor Mrs Simms – Minute No.16 of the Children's Services Scrutiny Committee (Fostering Service Annual Report) - Non-Pecuniary Interest in view of her employment with Barnardos.

Councillor Mrs Walker – Minute No. 15 of the Children’s Services Scrutiny Committee (Annual Report of the Dudley Local Authority Adoption Service 2011/12) - Non-Pecuniary Interest as a Member of the Adoption Panel.

Councillor Herbert - Minute No.16 of the Development Control Committee (Planning Application P12/0652 - Priory Park) - Pecuniary Interest in view of her being a member of the Friends of Priory Park.

Councillor C Wilson – Minute No. 16 of the Development Control Committee (Planning Application P12/0505 - King Street, Wollaston) - Pecuniary Interest as he knew the applicant.

Councillor Wright – Minute No. 16 of the Development Control Committee (Planning Application P12/0531 – Old Park Inn, Middlepark Road, Dudley) – Non-Pecuniary Interest as a tenant of Midland Heart.

Councillor Wright – Minute No. 21 of the Development Control Committee (Planning Application P12/0751 Hagley Road, Halesowen). Non-Pecuniary Interest as a Member of the West Midlands Fire and Rescue Authority.

Councillor Mrs Westwood – Minute No. 28 of the Development Control Committee (Proposals to Apply an Article 4(1) Direction) – Non-Pecuniary Interest as the property in question was owned by one of the companies she worked for.

Councillor Wright – Minute No. 26 of the Development Control Committee (Planning Application P12/0345 – Ribbesford, Quarry Park Road, Stourbridge). Non-pecuniary Interest as a member the West Midlands Fire and Rescue Authority.

Councillor Wright – Minute No. 34 of the Development Control Committee (Planning Application P12/0759 – Edmore House Care Home, Oakham Road, Dudley) - Non-pecuniary Interest as a member the West Midlands Fire and Rescue Authority.

Councillor Lowe – Minute No. 29 of the Cabinet (Local Government Ombudsman’s Annual Review Letter 2011/12) - Non-Pecuniary Interest as he was acquainted with some of the people referred to in Appendix 3(c) of the report.

Councillors Mrs Shakespeare and Mrs Walker– Minute No 29 of the Cabinet (Local Government Ombudsman’s Annual Review Letter 2011/12) - Non-Pecuniary Interests as Councillor Mrs Shakespeare was the Cabinet Member at the time of the decision and Councillor Mrs Walker had a personal friendship with a resident who was a recipient of compensation awarded.

Councillor Wright – References to Midland Heart – Non-Pecuniary Interest as a tenant of Midland Heart.

Councillor A Aston – Reference to matters affecting West Midlands Ambulance Service – Pecuniary interest as an employee.

Councillor M Aston – Annual Report of the Health and Adult Social Care Scrutiny Committee (Reference to West Midlands Ambulance Service Transformation) – Non-Pecuniary interest as her son was an employee.

Councillor A Finch - Minute No.16 of the Development Control Committee (Planning Application P12/0652 - Priory Park) – Non-Pecuniary Interest as Chair of the Friends of Priory Park.

Councillor K Turner – Annual Report of the Environment Scrutiny Committee (Reference to Welfare Reforms and Housing Benefit) – Pecuniary interest as the landlord of a tenant who received housing benefit.

35 MAYOR'S ANNOUNCEMENTS

(a) Mayor's Chaplain

The Mayor welcomed his Chaplain to the meeting following a recent serious illness.

(b) Olympic and Paralympic Games

The Mayor and the Council paid tribute to the outstanding achievements of all athletes connected with the Dudley Borough in the 2012 London Olympic and Paralympic Games.

(c) Young Advisors – Connexions Service (Directorate of Children's Services)

The Mayor reported that the Young Advisors – Connexions Service (Directorate of Children's Services) had received recognition from the national young advisor team as the 'Best Partnership'. Following remarks from Councillor Crumpton, the Mayor presented the award to representatives of the Young Advisors.

(d) Fairhaven Primary School

The Mayor reported that he had recently attended a blessing at Fairhaven Primary School. The Chair of the Greek Cypriot Assembly of Dudley had asked the Mayor to convey his thanks for the Council's continued support.

(e) Mayor's Charity Crown Green Bowls Match

The Mayor reported that a crown green bowls match had taken place on 24th August, 2012 at Mary Stevens Park, Stourbridge. He thanked everyone involved in the event, which had raised £300 for the Mayor's Charity.

(f) Mayor's Charity Football Competition

The Mayor reported that a charity football competition had taken place on 28th August, 2012 at Redhill School, Stourbridge. He thanked everyone involved in the event, which had raised £800 for the Mayor's Charity.

(g) 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 £450 donated to the Mayor's Charity.

(h) 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.

(i) Former Councillors Jeff Jewkes and Jeff Fletcher and Former Bishop of Dudley, Tony Dumper

The Mayor referred in sympathetic terms to the recent deaths of former Councillors Jeff Jewkes and Jeff Fletcher. He also referred to the death of Tony Dumper, the former Bishop of Dudley. The Council observed a period of silence as a token of respect to their memory and Members paid their own individual tributes.

(j) Armistice Day and Remembrance Sunday – 11th November, 2012

The Mayor reported on the above event in Dudley on 11th November, 2012.

(k) Cheese and Wine Tasting Charity Evening – 28th November, 2012

The Mayor reported on the above event in his Parlour on 28th November, 2012.

36 PETITION

Pursuant to the Council's Petition Scheme, a Petition for Debate containing in excess of 3,000 signatories was received. The Petition stated 'Following a fatal incident, we, the undersigned, residents of Beacon Estate, Sedgley, would like to see the alleyway connecting Beacon Rise to Springfield Grove closed.'

The Petition Organiser, Mrs. Butler, attended the meeting and addressed the Council.

During the discussion, the Leader of the Council requested that the Chief Executive and the Director of the Urban Environment review the procedures involved in considering requests of this nature and report further as to how the process may be expedited. The Cabinet Member for Transportation and Community Safety agreed to consider all the comments and suggestions made in relation to the subject of the petition. A formal response would be given in due course.

Ward Members for Sedgley commented on the ongoing discussions between officers and local residents and noted the consultation exercise undertaken by West Midlands Police, which would be concluded on 31st October, 2012.

RESOLVED

That the petition and the comments made at the meeting, as referred to above, be noted.

37 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 and that budgets be amended to reflect the reported variances.
- (2) 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 of the report now submitted.
- (3) 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 of the report now submitted.
- (4) That the replacement of Leisure Centre Lockers be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (5) 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 of the report now submitted.

- (6) 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 of the report now submitted.
 - (7) That the urgent amendment to the Capital Programme, as set out in paragraph 11 of the report now submitted, be noted.
-

38 RE-PUBLICATION OF THE STOURBRIDGE AREA ACTION PLAN

A report of the Cabinet was submitted.

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

RESOLVED

- (1) 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.
 - (2) 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 12th November, 2012 and that any such changes be notified to all Members of the Council.
-

39 FOOD SERVICE PLAN

A report of the Cabinet was submitted.

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

RESOLVED

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

40 ANNUAL REPORT OF THE ENVIRONMENT SCRUTINY COMMITTEE

The annual report of the Scrutiny Committee was submitted.

The recommendation in the report was moved by Councillor Hanif and seconded by Councillor Herbert.

Following the debate on this report, the Chair indicated that the Committee would carry out a further detailed scrutiny of proposed welfare reforms prior to implementation.

RESOLVED

That the annual report be received and noted.

41 ANNUAL REPORT OF THE HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

The annual report of the Scrutiny Committee was submitted.

The recommendation in the report was moved by Councillor Ridney and seconded by Councillor K Finch.

Following the debate on this report, the Chair undertook to raise questions on the implications of health service reforms in Dudley with the Black Country Cluster of Primary Care Trusts.

RESOLVED

That the annual report be received and noted.

42 TREASURY MANAGEMENT

A report of the Audit and Standards Committee was submitted.

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

RESOLVED

That the Treasury Management activity outlined in the report now submitted be noted.

43 CODE OF CONDUCT FOR EMPLOYEES

A report of the Audit and Standards Committee was submitted.

It was moved by Councillor Arshad and seconded by Councillor Tyler that the recommendations set out in the report be approved and adopted.

An amendment was moved by Councillor Caunt and seconded by Councillor C Wilson to the effect that a further provision be included under paragraph 41 of the Employees Code of Conduct to require that all offers of gifts and hospitality that are refused should be entered into the gifts and hospitality register.

During the discussion on the amendment, it was recommended by the Leader that paragraph 41 of the Employees Code of Conduct be referred back to the Audit and Standards Committee for further consideration. With the consent of the mover of the original motion, the mover of the amendment and of the meeting it was:-

RESOLVED

- (1) That with the exception of paragraph 41, the Council adopt the revised Code of Conduct for Employees as set out in Appendix 1 to the report now submitted.
- (2) That paragraph 41 of the Employees Code of Conduct relating to gifts and hospitality be referred back to the Audit and Standards Committee for further consideration.

44

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 7.57 p.m.

MAYOR

Meeting of the Council – 26th November, 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 31st October, 2012, the Cabinet considered a report on Capital Programme Monitoring and made recommendations to the Council which are contained in this report.
4. The table below summarises the current 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

Service	2012/13	2013/14	2014/15
	£'000	£'000	£'000
Public Sector Housing	35,741	29,839	30,861
Other Adult, Community & Housing	9,513	2,758	0
Urban Environment	23,605	16,631	13,230
Children's Services	22,562	5,003	67
Corporate Resources	2,916	1,651	920
Chief Executive's	1	228	0
TOTAL	94,338	56,110	45,078

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.

Urban Environment

Priory Park Heritage Lottery Fund (HLF) Project

6. The finalisation of this project from the Stage 2 HLF submission through to implementation has led to increased costs associated with additional structural, drainage and disabled access requirements. Consequently additional funding of £90,000 is required to enable the project to proceed, with the HLF prepared to fund £45,000 and the remaining £45,000 to be found from capital resources available within the Directorate of the Urban Environment, principally from an underspend on the Liveability programme.

It is proposed that the Capital Programme be amended accordingly.

Children's Services

Short Breaks

7. The Council has been allocated £398,000 of grant for 2012/13 to fund capital expenditure on initiatives to provide short breaks for disabled children. It is proposed that the allocation be noted, and the associated expenditure included in the Capital Programme.

Finance

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

Law

9. 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

10. These proposals comply with the Council's policy on Equality and Diversity.
11. 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

12. 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.
13. That the Capital Programme be amended in respect of the revised funding of the Priory Park project, as set out in paragraph 6.
14. That expenditure to be funded from the Short Break grant be included in the Capital Programme, as set out in paragraph 7.



.....
Leader of the Council

2012/13 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31st August £'000	Forecast £'000	Variance £'000	Comments
Public Sector Housing	35,741	10,298	35,741	-	
Other Adult, Community & Housing	9,513	2,523	9,513	-	
Urban Environment	23,605	3,898	23,560	-45	See note 1
Children's Services	22,562	4,655	22,562	-	
Corporate Resources	2,916	1,071	2,916	-	
Chief Executive's	1	-	1	-	
TOTAL	94,338	22,445	94,293	-45	

Note 1: Minor underspends, mainly on the Liveability project, that can be used to fund extra costs of the Priory Park project, as set out in paragraph 6.

Meeting of the Council – 26th November 2012

Joint Report of the Chief Executive and Treasurer

Revenue Budget Strategy 2013/14

Purpose of Report

1. To consider a number of decisions required in connection with the Revenue Budget Strategy for 2013/14 and Medium Term Financial Strategy (MTFS) 2014/15 – 2015/16.

Background

2. Reports were submitted to Cabinet on 31st October 2012 concerning the Revenue Budget Strategy for 2013/14, and Staffing Issues relating to budget savings. A number of issues arising from these reports now need to be considered by Council. All reports referred to are available from Democratic Services (telephone 01384 815243) or by e-mail to Josef.jablonski@dudley.gov.uk or on the Council's website (follow the links to Meetings and Decisions).

Forecast 2012/13 Position

3. When the proposed Revenue Budget Strategy for 2013/14 was considered by Cabinet on 31st October 2012, the following issues relating to the 2012/13 budget were noted.
4. Latest monitoring indicates favourable Treasury variances amounting to £1.8m resulting from better than expected cashflows.
5. Councils provide a number of support services to maintained schools funded through the Formula Grant mechanism rather than Dedicated Schools Grant. If a school converts to an academy, these services are no longer provided by the Council as they become the academy's responsibility. The Government top-sliced Formula Grant nationally in 2011/12 and 2012/13 in an attempt to reflect this transfer of function using a formula that did not reflect the actual number of academy transfers in each area. Potential legal challenge has resulted in Councils who were subject to a disproportionate top slice receiving a refund; while figures have not yet been finalised we are expecting a total refund for Dudley of around £1.1m this year.
6. It was proposed that Council be recommended to amend budgets to reflect these variances.

Council Tax Discounts and Exemptions

7. The Local Government Finance Act 2012 gives Councils the power to reduce council tax discounts and exemptions given in respect of unoccupied properties, and the power, in the form of the Empty Homes Premium, to increase the council tax payable on properties that have been empty for more than two years. It was proposed to Cabinet that these flexibilities be used with effect from 1st April 2013 as follows:
- For furnished but unoccupied properties (except where the liable person resides at another property which is job related), e.g. second homes, the current council tax discount of 10% of the applicable charge is removed, resulting in full council tax being payable in these circumstances.
 - For properties which have been empty (i.e. unoccupied and unfurnished) for less than six months, the current exemption from council tax is removed completely, resulting in full council tax being payable in these circumstances, as is currently the case with most properties that have been empty for more than six months.
 - For properties which have been empty and require or are undergoing major repair work to make them habitable, the current exemption from council tax (up to a maximum of 12 months) is removed completely, resulting in full council tax being payable in these circumstances.
 - For properties which have been empty for more than two years, an Empty Homes Premium of 50% is applied, resulting in a 150% council tax charge being payable in these circumstances.
8. These proposals assume that the relevant secondary legislation will be enacted as the Government originally intended. They will all help to incentivise the bringing back into use of some of the Borough's housing stock in line with the Council's Empty Homes Strategy, which should in turn help the local economy. It is anticipated that around £1.5m per annum of extra income will be generated.
9. The decision to make these changes requires Full Council approval, and in order to meet the necessary timescales related to setting the Budget for 2013/14 and so that notice can be given to those likely to be affected, it is now proposed that they be agreed as set out above.

Staffing Issues

10. Cabinet at its meeting on 31st October, also considered a report on Staffing Issues relating to budget savings, and agreed:
- The outline timetable for the next round of employee related budget savings.
 - That the Council seeks expressions of interest in a voluntary redundancy process for 2013/14 savings to further support a reduction in compulsory redundancies and notes the category of posts excluded at this stage.
 - That the Director of Corporate Resources, in consultation with the Cabinet Member for HR, Law and Governance, be authorised to determine all applications for voluntary redundancy including those where there are pension implications, up to a maximum of £3m for direct redundancy costs and £1.5m for the capitalised cost of pension strain.

11. It is proposed that Council endorses this strategy.

Finance

12. This report is financial in nature and relevant information is contained within the body of the report.

Law

13. The Council's budget setting process is governed by the Local Government Finance Acts 1988 and 1992 and the Local Government Act 2003.
14. The Local Government Finance Act 2012 gives Councils the power to reduce council tax discounts and exemptions given in respect of unoccupied properties, and the power, in the form of the Empty Homes Premium, to increase the council tax payable on properties that have been empty for more than two years.
15. The main provisions relating to the redundancy rights and payments for Local Authority employees are contained in The Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 as amended.
16. The Collective Redundancies (Amendment) Regulations 2006 concerns the duty to notify the Secretary of State of the proposal of collective redundancies. This duty has been met with the submission of the required HR1 Form.
17. Relevant employer responsibilities are contained in The Employments Rights Act 1996 and The Equality Act 2010.
18. Section 111 of the Local Government Act 1972 empowers the Council to do anything which is calculate to facilitate, or is conducive or incidental to the discharge of its functions.
19. Pension arrangements for Local Government employees are contained in the Local Government Pension Scheme regulations 1997

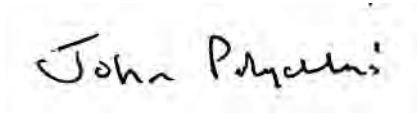
Equality Impact

20. The proposals are consistent with the Council's Equality Policy.
21. With regard to Children and Young People, there is no direct impact on this group.

Recommendations

22. That Council:

- (a) Agrees that 2012/13 budgets be amended as set out in paragraphs 4 and 5.
- (b) Agrees that Council Tax discounts and exemptions be amended, and the Empty Property Premium applied, from 1st April 2013, as set out in paragraph 7 above.
- (c) Endorses the strategy for employee related budget savings as set out in paragraph 10.



.....
John Polychronakis
Chief Executive

.....
Iain Newman
Treasurer

Contact Officers: Jan Szczechowski
Telephone: 01384 814805
Email: jan.szczechowski@dudley.gov.uk

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

List of Background Papers

Reports to Cabinet 31st October 2012

Meeting of the Council – 26th November 2012

Report of the Director of Corporate Resources

Localised Council Tax Reduction Scheme 2013/14

Purpose of Report

- 1 To update members regarding the Coalition Government's proposals for the new localised council tax reduction schemes from April 2013
- 2 Following consideration of the consultation results and equality impact assessment, to approve the adoption of the government's default scheme, as laid out in regulations, as Dudley Council's local Council Tax Reduction Scheme for 2012/13, together with a local provision of full income disregards for war disablement and war widows pensions.

Background

- 3 The Council's Benefits Section currently administers council tax benefit (CTB) on behalf of the Department for Work and Pensions and receives subsidy for the benefit it pays out. Council tax benefit is means tested and is paid to low income households to help them meet their council tax liability. In 2011/12 the Council awarded approximately £24 million of CTB to about 33,000 council tax payers, the average award of benefit amounting to approximately £720 per year.
- 4 In its 2010 Spending Review, the Government announced that it would localise CTB from April 2013, alongside reducing the subsidy it pays to Councils by 10 per cent. This will involve the abolition of the current national CTB scheme and the introduction of new localised 'council tax support' schemes designed and administered by individual councils.
- 5 Localising support for council tax is part of the wider Government policy of decentralisation, intended to give councils increased financial autonomy and a greater stake in the economic future of their local area. The localisation of support for council tax is taking place within a wider programme of welfare reform with the stated aim of helping move people back into work. However, there are certain low-income groups, in particular pensioners, whom the Government does not expect to work to increase their income. The Government therefore intends to protect pensioners from any change in award as a direct result of this reform. It is for individual councils to decide whether to protect other 'vulnerable' groups for example households including someone with a disability or families with young children.
- 6 Councils are expected to develop their local schemes within the following framework :
 - a) Grant allocation will be reduced by 10% nationally (estimated at around £2.4m for Dudley).

- b) The cost of support granted will be determined by local need but funded by a cash limited Government grant (so expenditure may be higher or lower than the amount of grant received).
- c) Pensioners will be protected and must receive the same level of support as currently through CTB.
- d) Councils will be expected to observe their duty to protect certain other vulnerable groups although these are not defined.
- e) Schemes should support incentives to work and avoid disincentives to move into work.
- f) To provide certainty for claimants, schemes may be revised from one year to the next but not within year.

7 At a meeting held on 20th June, the Cabinet resolved that the Council's preferred option for our 2013/14 localised council tax reduction scheme is to match the eligibility rules and award calculations of the existing CTB scheme and that consultation should proceed on this basis.

8 Consultation on Dudley's preferred option commenced on 21st June with emails to our major precepting authorities (Fire and Police). The key points arising from this consultation are as follows:-

- Resource levels (funding) for precepting authorities are affected by the proposals of 7 separate West Midlands authorities with potentially different schemes and consultation / approval timescales (Police).
- Scheme development timescales may conflict with policy decisions as a result of the Police and Crime Commissioner elections in November 2012 (Police).
- Other changes in the Local Government Finance Bill relating to discretion over empty home discounts / exemptions can be used to offset some of the funding reduction and therefore seen as linked to the proposals (Fire).
- Acceptance of challenging timescales and why the authority has chosen it's preferred option (Police).

A full transcript of the email correspondence can be viewed [here](#).

9 Public consultation took place for 8 weeks from 1st August 2012 to 25th September 2012, the results of which are included in Appendix 1.

10 Although consultation is still ongoing in some neighbouring authorities, 4 out of the 7 West Midlands metropolitan boroughs are currently proposing to also replicate the eligibility rules and award calculations of the current CTB scheme in their reduction schemes for 2013/14.

11 The Welfare Reform Act 2012 and the Local Government Finance Act 2012 (LGFA) contain provisions for the abolition of CTB in its current form and pave the way for new localised council tax reduction schemes.

12 The LGFA received Royal Assent on 31st October 2012 and states billing authorities have to formally gain approval from Full Council for their council tax reduction schemes by 31/1/13.

13 As stated in the LGFA, the Secretary of State will issue two sets of regulations (for English billing authorities only):-

- a. **The Prescribed Requirements** - Elements that must be included in any council tax reduction scheme
 - b. **A Default Scheme** – this will automatically become a billing authorities' scheme if they fail in their duty to approve a local scheme by the January deadline.
- 14 Under the current CTB regulations, authorities have local discretion on disregarding (ignoring) some or all of any War Disablement or War Widow's pensions for the purposes of calculating income. The definition of payments, pensions or allowances falling under the definition of War Disablement pensions (WDPs) and War Widow's pensions (WWPs) is prescribed by the government and this also includes payments made under the Armed Forces Compensation Scheme. Currently all prescribed WDPs and WWPs are fully disregarded for the purposes of calculating CTB.
- 15 Due to the late issue of the regulations (expected end of November) it is proposed to proactively adopt the government default scheme as Dudley's Council Tax Reduction Scheme for 2012 / 13 with the addition of the full income disregards for WDPs and WWPs.
- 16 The government default scheme will replicate the eligibility and calculation rules of the current CTB regulations and will already satisfy the 'Prescribed Requirements'.
- 17 The default scheme will contains uprated applicable amounts (allowable living expenses) in line with the Consumer Price Index (CPI) as published in September 2012 ie. a 2.2% increase. This is the same methodology currently used for annual uprating in CTB and consistent with other social security benefits (eg. Housing Benefit).
- 18 Non-dependant charges are contributions expected from other adults living in a household who are not dependant on the claimant or partner for financial support. In the prescribed requirements (see section 13a above) these levels will be set for pensioner claims and in the default scheme the levels will be exactly the same for working age claims (as is currently the case in CTB).
- 19 Although the default scheme is intended for use where authorities fail to set a scheme, proactive adoption of the default scheme as Dudley's scheme will lessen the risk of legal loopholes in the documentation.

Finance

- 20 The preferred option set out in this report means that the Council will have to absorb the impact of the reduction in government grant (approx £2.4m) by increasing income or decreasing expenditure on other services. These impacts and risks have now been taken into account in the development of the **Revenue Budget Strategy 2013/14**.
- 21 On 16th October the Secretary of State announced additional grant funding of £100million to be allocated between authorities who limit the financial impact of their new council tax reduction schemes on working age claimants. Adopting the default scheme as the council's own scheme will satisfy the criteria for the additional funding which will be £511,221 for the council, £45,177 for West Midlands Police and £21,727 for West Midlands Fire.

Law

- 22 The Welfare Reform Act 2012 (Royal Assent on 8th March 2012), contained provision for the abolition of CTB.
- 23 The Local Government Finance Act 2012 (Royal Assent on 31st October 2012) amends the Local Government Finance Act 1992 to introduce localised council tax reduction schemes.
- 24 The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009 updates the definitions contained in The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007.

Equality Impact

- 25 The Government has stated that local schemes should provide support for the most vulnerable. The Government have not prescribed the protection that local authorities should provide for vulnerable groups other than for pensioners, but issued guidance in May 2012 on the existing duties local authorities must take into account in relation to vulnerable groups in designing their schemes. These cover the following:

- the public sector equality duty set out in section 149 of the Equality Act 2010
- the duty to mitigate child poverty under the Child Poverty Act 2010, and
- the duty to prevent homelessness under the Housing Act 1996.

The guidance does not tell local authorities what they must do in their schemes to be compliant with these duties, but states that this needs to be tailored to their own specific circumstances.

- 26 An Equality Impact Assessment has been undertaken, the outcomes of which are attached in Appendix 2.
- 27 There has been no special consideration for children and young people in developing the proposals in this report.

Recommendations

- 28 After considering the outcomes of the consultation and the equality impact assessment, approval is given to adopt the government's default scheme for our 2013/14 localised council tax reduction scheme, with amendments for the full disregard of all war disablement and war widows pensions.
- 29 That the Director of Corporate Resources be authorised to make any required amendments to the scheme arising from the publication of the government regulations expected in November following consultation with the Leader, the Leader of the Opposition Group and the Cabinet Member for Finance subject to the details of any amendments made being reported to all Members of the Council.



.....
Philip Tart
Director of Corporate Resources

Contact Officers: Mike Williams
Telephone: 01384 814970
Email: mike.n.williams@dudley.gov.uk

Appendix 1 – Summary of outcomes from customer consultation
Appendix 2 – Equality Impact Assessment

List of Background Papers

[The Welfare Reform Act 2012](#)
[The Local Government Finance Act 2012](#)
[The Housing Benefit and Council Tax Benefit \(War Pension Disregards\) \(Amendment\) Regulations 2009](#)

Further information regarding council tax reduction scheme can also be found on the following DCLG website :-

<http://www.communities.gov.uk/localgovernment/localgovernmentfinance/counciltax/counciltaxsupport/>

Appendix 1 - Customer Consultation

Formal consultation ran from 1/8/2012 to 25/9/2012 (8 weeks)

The consultation was conducted for a period of 8 weeks; this timescale was decided after consideration of the following:

- Impact of the proposals i.e. proportionate to the level of change
- Budgetary / political timetables
- Time to consider feedback and understand the key themes and impacts
- Time to make changes resulting from consultation through the Internal governance processes

The consultation was intended to reach the following groups:

- Members
- Precepting authorities
- Benefit recipients
- General public
- External stakeholders – tenants associations, Customer Consultation Group, Citizens Advice Bureau, Housing Associations, Tenants and Resident Associations
- Social landlords
- Council Tax payers
- Representatives of the Department for Work & Pensions and Job Centre Plus
- Internal stakeholders - Social care, Housing, Revenues, Dudley Council Plus
- Dudley Council For Voluntary Services

The consultation process included the following activities:

- Briefing
- Emails
- Leaflets distributed via the libraries and Dudley Council Plus
- Information with benefit entitlement letters
- DMBC Website
- Public notices in both 'paid for' and free newspapers
- Twitter
- Facebook

Results of customer consultation

Results of feedback			Feedback received via			Feedback received from		
agree	disagree	other	leaflets	web	email	In receipt of CTB	Not in receipt of CTB	Not known
32	14	6	30	20	2	24	13	15

Of the 32 responses who agreed with the preferred option:

- 20 were in receipt of CTB
- 7 were not in receipt of CTB, but 5 responses were from customers with an above average knowledge of the benefit system i.e. landlord, CAB
- 5 where it is not known if they are in receipt of benefit agreed for the following reasons:
 - Total impact of welfare reform
 - Prepared to pay extra council tax for single unemployed
 - 1st time unemployed so it is good Dudley want to help people like me
 - Timescales too short to change scheme

Of the 14 responses who disagreed with the preferred option:

- 4 were in receipt of CTB and disagreed for the following reasons:
 - Working age should be made to work
 - Unemployed should pay nothing
 - All single parents should be exempt
- 7 were not in receipt of CTB and disagreed for the following reasons:
 - All pensioners should get help and working age should be made to work
 - Given the timescales Dudley should apply an emergency 10% reduction on all CTB claims
- 3 where it is not known if they are in receipt of benefit disagreed for the following reasons:
 - Questioned the definition of vulnerable stating that some people in work are vulnerable
 - Working age should be made to work

NB. 5 out of 14 who disagreed wanted a more generous scheme

Of the 6 'other' the following comments were made:

- Councils preferred option is commendable but where is the money coming from ?
- Everyone should contribute to the community i.e. volunteering
- Just stated disagreed but gave no reasons or reasons given not consistent with the agree / disagree response

Appendix 2 - Equality impact assessment



Name of policy, service or decision: Council Tax Reduction scheme

Lead directorate: Corporate Resources (Benefit Services)

<p>1. Description – what is being assessed? The change from Council Tax Benefit (CTB) to the localised Council Tax Reduction (CTR) scheme, alternatively referred to as Council Tax Support</p>
<p>2. Lead officer on assessment: Sharon Whale</p>
<p>3. Head of service: Jackie Davies / Liz Ralph</p>
<p>4. Members of assessment team: Sharon Whale – Policy manager Jackie Davies – Head of Service</p>
<p>5. Date assessment began: August 2012</p>
<p>Background</p>
<p>6. <i>What are the aims and objectives or purposes of the policy or function/service?</i></p> <p>Tackling Britain's record deficit is the government's top priority. The 2010 spending review focussed in particular on reducing welfare costs, with plans to reduce the total welfare bill by £18billion per year by 2014/15, reducing spending on council tax benefit will contribute to this, saving £470m a year in England.</p> <p>CTB expenditure has increased from £2b to £4b from 1997-08 to 2010-11. A key factor behind the increase in CTB expenditure is increases in council tax levels and the current economic climate.</p> <p>Dudley Council's benefits section currently administers CTB on behalf of the Department for Work and Pensions (DWP) and receives subsidy for the benefit it pays out. Council tax benefit is means tested and is paid to low income households to help them meet their council tax liability. In 2011/12 the Council awarded approximately £24 million of council tax benefit to about 33,000 council tax payers, the average award of benefit amounting to approximately £720 per year.</p> <p>In its 2010 spending review, the Government announced that it would localise council tax benefit from April 2013, alongside reducing the subsidy it pays to councils by 10%. This will involve the abolition of the current national council tax benefit scheme and the introduction of new localised 'council tax reduction' schemes designed and administered by individual councils.</p> <p>Localising support for Council Tax is intended to:</p> <ul style="list-style-type: none"> • Give LAs control over how a 10% reduction in expenditure on the current CTB bill is achieved, allowing councils to balance local priorities and their own financial circumstances. • Give LAs a financial stake in the provision of support for CT and so a greater stake in the economic future of their local area, so supporting the positive work incentives that will be introduced through the Governments wider welfare reforms. • Provide LAs with the opportunity to simplify the system of support for working age claimants. <p>Unlike most other groups, pensioners cannot be expected to seek paid employment to increase their income; the government therefore proposes that as a vulnerable group, low income pensioners should be protected from any reduction as a result of this change. Specifically it proposes that Government will prescribe how pensioners should be treated within local schemes. This will avoid low-income pensioners experiencing any increase in their council tax liability as a result of this change and will ensure that pensioners who become eligible for support with council tax at any time in the future will enjoy support on the same basis as existing eligible pensioners.</p>

Councils are expected to develop their local schemes within the following framework :

- a) Grant allocation will be reduced by 10% nationally (estimated at around £2.4m for Dudley).
- b) The money spent on the new scheme will be determined by local need, funded by a cash limited Government grant (so expenditure may be higher or lower than the amount of grant received).
- c) Pensioners will be protected and must receive the same level of support as currently through CTB.
- d) Councils will be expected to observe their duty to protect certain other vulnerable groups although these are not defined.
- e) Schemes should support incentives to work.
- f) To provide certainty for claimants, schemes must run for a full year.

The government's EIA for localising Council Tax Support was considered when determining Dudley's local scheme. <<http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf>>

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

Due to the very nature of CTR and associated socio-economic and demographic issues, people who access the service are more likely to be classed as vulnerable or having protected characteristics.

CTR will potentially affect any Dudley resident, including their households, of working age who is entitled to, or becomes entitled to help with their council tax costs.

In March 2012 the unemployment rate in Dudley for people aged 16 and over who were unemployed was 9.9%, these people could be affected by any changes to the scheme. With the economic climate these people could have difficulty in finding employment so they are reliant on the welfare benefit system, which includes council tax reduction.

Residents of pensionable age will be subject to CTR but the government believes it is right to protect vulnerable pensioners so they have prescribed that pensioners must be protected. They must receive the same level of reduction under CTR as they do currently through CTB.

After considering a number of issues including:

- Pensioners need to be protected so if saving were to be made all of the cuts would be in benefit for working age households.
- Government legislation will not be passed until autumn 2012 (now expected to be late November 2012).
- The tight timescales to design new rules, assess the impact on low income, working age households and get processes in place to process claims.
- Computer systems will not be available to support local schemes unless they are largely based upon the current rules.

Dudley Council's preferred option for its 2013/14 scheme for working age customers is to continue calculating benefit in the same way under the new scheme as it was under the old national scheme, so providing the same level of reduction for all groups.

The preferred option takes account of legislation e.g. Equality Act 2010, Child Poverty Act

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

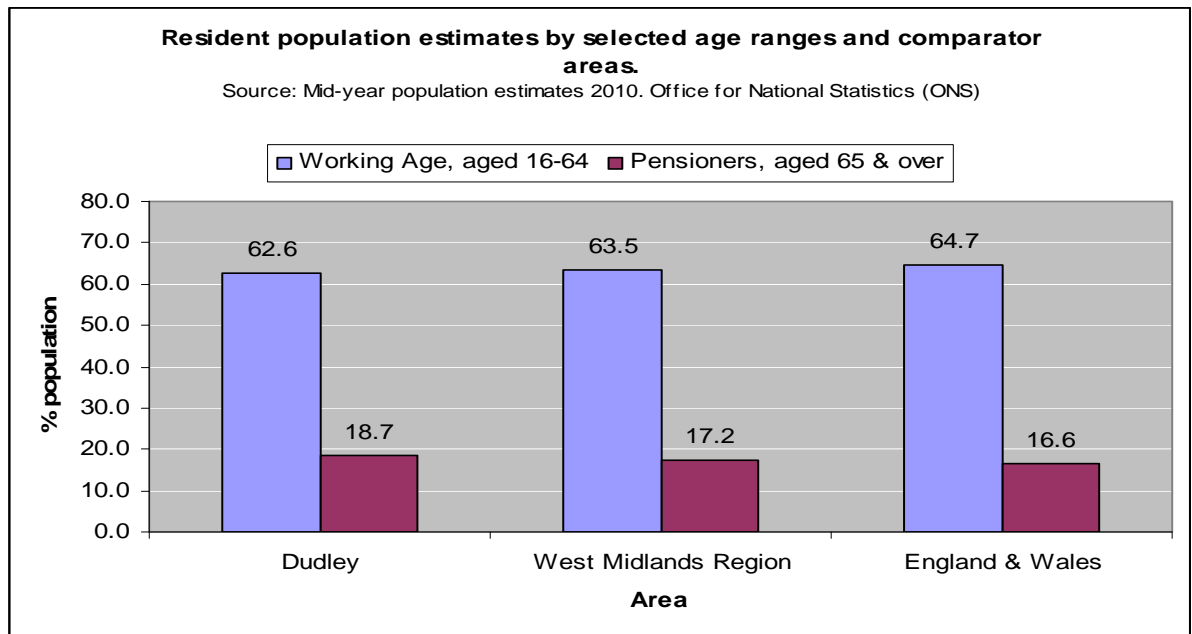
Consider all three parts of the public sector equality duty:

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

All protected characteristics

Continuing to calculate benefit in the same way under the new local scheme as it was under the old national scheme for 2013/14 will ensure that there is no further reduction in household incomes as a result of CTR at a time when households are being impacted by a number of other welfare reforms.

Age



Pension Age

In Dudley, approximately 16,482 (49%) of the current CTB caseload are of pension age and account for approximately £11.8 million of the annual £24 million CTB expenditure, the average weekly award being £13.76.

The rules governing CTR for people of pensionable age will be prescribed nationally by the Government and will ensure that people of pensionable age receive the same level of council tax reduction as they receive under the current CTB scheme.

Nationally it is estimated that up to 40% of pensioners do not receive CTB to which they are entitled. Any communications and publicity generated as a result of the change to CTR will provide an opportunity to encourage take up amongst people of pension age.

The following issues are considered to affect the number of people of pension age failing to claim:

- Stigma
- Financial exclusion
- Bureaucracy
- IT access
- Ability to access services due to age, health or caring responsibilities

Working age

Currently 17,270 (51%) of the current CTB caseload are of working age and account for approximately £12.2 million of annual CTB expenditure, the average weekly award being £13.56.

	<p><u>Under 25s</u></p> <p>CTB is currently a means tested benefit so the income of the customer is set against an 'applicable amount' set by the government on a yearly basis and represent the needs of person claiming benefit and their family, if they have one. Under 25's receive a lower applicable amount which means that they receive a lower award of benefit. Continuing to calculate benefit in the same way under the new scheme as it was under the old national scheme for 2013/14 will mean this group will continue to receive less benefit than someone over 25.</p>								
<p>Disability</p>	<p>It is acknowledged that significant proportions of CTB recipients are themselves disabled or have a disabled household member.</p> <p>In April 12 we had 3,410 working age customers with a disability premium, disabled child premium, or Employment Support Allowance in payment.</p> <p>Depending on disability some of these customers are more likely to be unemployed. Additional costs relating to disability mean some people rely heavily on benefits. Parents of disabled children are less likely to be in employment. People with mental health problems or learning disability may have difficulty in coping with or understanding a new system.</p> <p>Access to the service maybe difficult due to communication (e.g. visual, hearing, learning disability) or mobility problems.</p>								
<p>Sex</p>	<div data-bbox="319 1014 1508 1550" data-label="Figure"> <table border="1"> <caption>Caseload Gender</caption> <thead> <tr> <th>Gender</th> <th>% of caseload</th> </tr> </thead> <tbody> <tr> <td>Couples</td> <td>30%</td> </tr> <tr> <td>Single female</td> <td>48%</td> </tr> <tr> <td>Single male</td> <td>22%</td> </tr> </tbody> </table> </div> <p>Statistically females are more likely to claim CTB and parents in single parent households are more likely to be female and some single parent households are likely to be less well off. This group will still continue to receive family premiums when assessing council tax reduction.</p> <p>Compared to men, older women are less likely to have good pension provision and women are more likely to be carers, thus limiting their employment opportunities.</p>	Gender	% of caseload	Couples	30%	Single female	48%	Single male	22%
Gender	% of caseload								
Couples	30%								
Single female	48%								
Single male	22%								
<p>Pregnancy or maternity</p>	<p>There is no case data for this category as it is not required to be collected for CTB claiming process.</p>								

Race	<p>There is no case data for this category as it is not required to be collected for CTB claiming process.</p> <p>Data shows that people living in areas of above average ethnic diversity are more likely to claim benefit. Language and cultural barriers can also impact on the number of people claiming from Black and Minority Ethnic communities</p>
Gender reassignment	<p>There is no case data for this category as it is not required to be collected for CTB claiming process.</p>
Religion or belief	<p>There is no case data for this category as it is not required to be collected for CTB claiming process.</p> <p>Staff need to be aware of cultural differences within the customer base as this may have an impact on the way services are delivered e.g. religious festivals, dress</p>
Sexual Orientation	<p>There is no case data for this category as it is not required to be collected for CTB claiming process.</p>

Stage 1 – evidence gathering

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

Equality monitoring data:

What systems are in place to monitor current and future impact for each protected characteristic? What monitoring data is collected for each of the protected characteristics? Give details of this data.

Customer satisfaction surveys are conducted for all front line services; enquiry counter, call centre, home visits and investigations and also a general monthly customer satisfaction survey.

Computerised HB&CTB system collects and maintains data on benefit customers in relation to age and gender and the amounts paid out, so information could be extracted to identify cases in different age ranges, gender, single, married, have children etc.

Headline data is included in section 8 above.

Engagement and customer feedback:

The Local Government Finance bill specifies that before adopting a scheme LAs must:

1. Consult any major precepting authorities which has power to issue a precept to it
2. Publish a draft CTR scheme in such a manner as it thinks fit
3. Consult other persons who it considers are likely to have an interest in the scheme

On the 21st June the council wrote to the West Midland's Police and Fire Authorities inviting comments on the design of the new CTR scheme. At the councils cabinet of 20th June approval was sought to calculate benefit in the same way under the new localised scheme as it was under the old national scheme for 2013/14. Formal public consultation ran from 1/8/12 -25/9/12 (8 weeks).

Formal consultation ran from 1/8/2012 to 25/9/2012 (8 weeks)

The consultation was conducted for a period of 8 weeks; this timescale was decided after consideration of the following:

- Impact of the proposals i.e. proportionate to the level of change
- Budgetary / political timetables

- Time to consider feedback and understand the key themes and impacts
- Time to make changes resulting from consultation through the Internal governance processes

The consultation was intended to reach the following groups:

- Members
- Precepting authorities
- Benefit recipients
- General public
- External stakeholders – tenants associations, Customer Consultation Group, Citizens Advice Bureau, Housing Associations, Tenants and Resident Associations
- Social landlords
- Council Tax payers
- Representatives of the Department for Work & Pensions and Job Centre Plus
- Internal stakeholders - Social care, Housing, Revenues, Dudley Council Plus (DCP)
- Dudley Council For Voluntary Services

The consultation process included the following activities:

- Briefing
- Emails
- Leaflets distributed via the libraries and DCP
- Information with benefit entitlement letters
- DMBC Website
- Public notices in both 'paid for' and free newspapers
- Twitter
- Facebook

Barriers to access:

Continuing to calculate benefit in the same way under the new scheme as it was under the old national scheme for 2013/14 will ensure that there are no further barriers to equal access.

Information about the borough e.g. Census data:

The 2011 Census figures show that Dudley has the 24th largest population of the 326 Local Authority Districts (LADs) in England, and the 3rd largest of the 30 LADs in the West Midlands Region after Birmingham and Coventry. Dudley still has the largest population amongst the Black Country LADs, though their populations have seen greater absolute and proportionate increases (see Table below).

**Comparison of 2001 and 2011 Census Population Estimates,
West Midlands Metropolitan Local Authority Districts**

Local Authority District	2001 Census Population	2011 Census Population	Change 2001 to 2011	% Change 2001 to 2011
Birmingham	977,100	1,073,000	+ 95,900	9.8
Coventry	300,800	318,600	+ 17,800	5.9
Dudley	305,200	312,900	+ 7,700	2.5
Sandwell	282,900	308,100	+ 25,200	8.9
Solihull	199,500	206,700	+ 7,200	3.6
Walsall	253,500	269,300	+ 15,800	6.2
Wolverhampton	236,600	249,500	+ 12,900	5.5

Note: Comparison based on population figures rounded to the nearest hundred. Unrounded figures are available from the 2001 Census but are yet to be published for the 2011 Census.

Mid-Year Residential Population Estimates by Ethnic Group, 2001-2009, Dudley Borough

Ethnic Group	2009
White: British	88.65
White: Irish	0.52
White: Other White	1.17
Mixed: White and Black Caribbean	0.85
Mixed: White and Black African	0.10
Mixed: White and Asian	0.39
Mixed: Other Mixed	0.23
Asian or Asian British: Indian	2.28
Asian or Asian British: Pakistani	2.51
Asian or Asian British: Bangladeshi	0.36
Asian or Asian British: Other Asian	0.49
Black or Black British: Black Caribbean	1.01
Black or Black British: Black African	0.55
Black or Black British: Other Black	0.16
Chinese or Other Ethnic Group: Chinese	0.33
Chinese or Other Ethnic Group: Other	0.42
All Groups	100.00

Source: Mid-Year Population Estimates by Ethnic Group, Office for National Statistics (ONS), Release 8.0, Published 18 May 2011

Jobseekers allowance (JSA) figures (which are available for the borough by available protected characteristics), provide some indication of groups with low income levels who may be eligible for CTB. However many of those eligible for claiming CTB, such as pensioners do not of course claim JSA. The census does not include questions on household income

Background or comparative information:

Before recommending the preferred option for the new localised council tax reduction scheme a number of options were considered which are analysed below.

5 of the 7 West Midlands councils have recommended calculating benefit in the same way under the new local scheme as it was under the old national scheme for 2012/13.

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

Each year Local Authorities will be required to consider whether it wants to replace or not its council tax reduction scheme.

Details of ethnic origin may be collected from customers making a new application to inform decision making in future years.

Stage 2 – data analysis

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

All 9 options were modelled against the council tax caseload to identify the groups that would be adversely affected by the changes.

Option 1 - Continue with current CTB scheme & fund 10% reduction in grant (preferred option)

Pros

- No impact on benefit claimants
- Time to adopt a more considered scheme for Yr2 (if required)
- Impact of other LA schemes can be reviewed
- Current collection rate maintained

Cons

- £2.4m savings would need to be found
- Proportional reduction in funding for precepting authorities?
- Funding for transition protection to any less generous scheme in future
- Potential migration of claimants from other LAs with less generous schemes

Option 2 - Continue with current CTB scheme & fund 10% reduction by increasing CT levels

Pros

- Time to adopt a more considered scheme for Yr2 or beyond
- Impact of other LA schemes can be reviewed
- No impact on 100% CTB claimants

Cons

- Already planning to increase CT levels to the max without referendum
- Impacts on all CT payers

Option 3 – Spread the reduction in a equal % across all CTB working age claimants

Pros

- Spreads the reduction across all CTB claimants

Cons

- Would require a benefit decrease of at least 20% (saves £2.4k) across all protected characteristics
- Would require CT collection from an extra 14k households who currently pay no Council Tax
- Additional provision would be needed for non collection (Poll Tax collection rates were 96%)
- Recovery administration costs would increase

Option 4 – Protect local defined ‘vulnerable’ and spread in a equal % across rest of working age CTB claimants

Pros

- Can align protection with local priorities
- Can protect claimants who are not able to work from cuts
- Spreads the cuts across all non-vulnerable CTB claimants

Cons

- The more vulnerable protection applied the larger the % benefit cut to all other claimants
- Any benefit claimants could be argued ‘vulnerable’ due to their low income
- Data (not currently held) may need collecting from passported cases to check vulnerability classes (e.g. unknown number of disabled income support claimants)
- Protecting just households with some sort of (known) disability would result in a minimum 25% benefit cut for all other claimants

Option 5 – Protect passported benefit claims only and apply the cuts across all LA means tested benefit claims

Pros

- Protects some families on the very lowest income
- No extra pre-implementation data collection (Admin easier)

Cons

- Would result in a benefit cut of over 70% to this group
- Provides a disincentive to work
- LA means testing inconsistent with DWP means testing (no protection for 100% standard claims or other LA vulnerable)
- Incompatible with universal credit implementation
- DWP passporting to stop – not a viable option

Option 6 - Protect all current working age 100% benefit claimant (passport & standard)

Pros

- Protects all families on the very lowest incomes
- No extra pre-implementation data collection

Cons

- Even a 100% reduction in benefit to part-claimants would only save around £1.5 million (£0.9m short of required saving)
- Provides a disincentive to work
- Incompatible with universal credit implementation

Option 7 - Limit benefit for working age to xx% of their CT liability – Protects part-benefit claimants

Pros

- Provides an incentive to work
- Similar to Option 3 but protects some part benefit claimants who already contribute up to the xx% due to working
- Encourages work by protecting the low income claimants

Cons

- To save £2.4m require limit to be 75-80%
- Every benefit claimant will be liable for a percentage of their CT liability
- Similar disadvantages to option 3 regarding increased collection

Option 8 – Capping support to maximum liability of property band A

Pros

- Protects families in the lower banded properties

Cons

- Targets the larger families
- Targets asset rich / income poor households
- Would require CT collect from an extra 4.5k households who currently pay no Council Tax

Option 9 – Remove support if working non-dependant present in household

Pros

- More adults in household = higher income = more contribution to CT

Cons

- Disproportionately affects rented properties (more than it does currently)
- Non-dependant charges for HB already increasing rapidly year on year

Other options to model

- Remove second adult rebate
- Lowering capital limits
- Set minimum benefit award

These options were modelled against the council tax caseload to identify the groups that would be adversely affected by the changes should they be adopted.

These options and their affects were considered by officers and members before a preferred option was approved for consultation.

Stage 3 - assess the impact

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

The proposal to adopt the preferred option for the 2013/14 scheme will not result in a change in impact on protected groups as benefit will be calculated in the same way under the new localised scheme as it was under the old national scheme. As shown above other options are all likely to have an adverse impact on particular protected groups and/or a range of other disadvantages.

Stage 4 - reasons for adverse impacts

Outline the reasons identified for adverse impacts

See stage 3 above.

Stage 5 - consider alternatives/mitigating actions

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

Given that other options are likely to have some adverse impact on particular groups in future years should it be proposed that another option be adopted then the following process will be followed:-

Each year options will be developed and these option will be modelled against the current caseload

Once modelling is complete each option will be considered taking into account the impact it will have on a specific group. A preferred option will be developed, appropriate consultation will be conducted, feedback will be considered a revised scheme will be approved and implemented. If any group is adversely affected transitional arrangement will be considered.

Stage 6 - test the changes

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

See above

The experience of other authorities who have adopted other options will be reviewed.

Stage 7 – decision making

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

How will the decision maker be briefed on the EIA?

For the reasons outlined in the EIA, council will be recommended to adopt the preferred option to continue calculating benefit in the same way under the new localised scheme under the old national scheme in 2013/14. The reasons for this will be included in the report to council and members attention will drawn to the public sector equality duty and the contents of this EIA.

Stage 8 - monitoring arrangements

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

The LA has a duty to review the CTR scheme on an annual basis, this review will include reviewing the EIA Data will continue to be gathered and analysed about benefit customers as outlined in stage 1 above

Stage 9 – action planning

Provide details of actions or improvements identified during the EIA.

The EIA sets out the process to be followed in future years in selecting the option to be adopted for a localised council tax reduction scheme.

Collection of ethnic origin data on new claims commenced in October 2012

To include additional questions on the consultation forms in future years

Date completed: 8th October 2012

Signed by assessment leader officer: Sharon Whale

Signed by assistant director/ head of service:

Date: Mike N Williams (Assistant Director)

Meeting of the Council – 26th November 2012

Report of the Cabinet

Publication of the Halesowen Area Action Plan

Purpose of Report

1. To inform the Council of progress on the Halesowen 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 the final six week period of public consultation.

Background

2. The preparation of an AAP for Halesowen 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), Halesowen is identified within a network of town centres that form a distinctive and valued part of the Black Country's character. The general aim of the Core Strategy is to shape and revitalise these centres to meet the community's needs in the most accessible and sustainable way. The policies of the Halesowen AAP seek to carry forward and provide a focus for these strategic planning aims.
4. The AAP will guide new investment into Halesowen 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 is a planning policy document against which decisions on planning applications will be made for the period 2013 to 2026. It considers such issues as:
 - Which areas need regenerating, and which need to be conserved.
 - What new development is needed and where this should happen.
 - Where the primary shopping area of the Town Centre is, thereby guiding retail and non-retail development to appropriate locations.
 - Where new or enhanced infrastructure is needed to service the Town Centre, such as public spaces, streets or green infrastructure.
 - The principles that should guide new development, particularly in terms of urban design.

6. This Publication AAP document sets out Dudley Council's finalised set of strategies and policies, some of which are site specific. This final version will be subject to a further period of consultation prior to submission.
7. The period of consultation on the Publication Stage document began on the 9th November 2012 and runs for a period of 6 weeks until 21st December 2012. During that time, the document is 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 drop in workshops specifically designed for all members of the Council. 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.
8. 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.

Finance

9. 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

10. 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.
11. 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

12. The AAP will set the detailed planning framework for the development of the Halesowen 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.
13. 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

- 14. That following approval of the Publication of the Halesowen Area Action Plan for a statutory period of public consultation, the Council approves the Halesowen Area Action Plan to be submitted to the Secretary of State so that it may be subjected to a Public Examination.

- 15. That authority be delegated to the Director of the Urban Environment, in consultation with the Leader of the Council, the Cabinet Member for Regeneration, and the Opposition Spokesperson for Regeneration, to agree any minor recommended changes to the document prior to submission to the Secretary of State, following consultation which concludes on the 21st December 2012 and that any such changes be notified to all Members of the Council.



.....
Leader of the Council

Meeting of the Council – 26th November, 2012

Report of the Cabinet

Gambling Policy

Purpose of Report

1. To consider the recommendations of the Licensing and Safety Committee and the Cabinet concerning the Gambling Policy.

Background

2. The Gambling Act 2005 requires the Council to prepare and publish a statement of its Gambling Policy every three years.
3. The current Policy was approved by the Council on 30th November 2009 and came into effect on 4th of January 2010.
4. A draft Gambling Policy has been produced. A copy of the draft policy is attached to this report at Appendix 1.
5. The draft policy went out to consultation on 1st July to 30th September 2012 requesting comments by 13th August 2012. A list of consultees is contained within the draft Policy on pages 4 and 5.
6. In response to the consultation, The Amblecote and Kingswinford Royal British Legion both commented that they found the draft gambling policy to be clear and easily understood. The Reverend Simon Fanshaw from Christ Church the Lye and Stambermill was concerned that his church had encountered people with gambling addictions and that the gambling policy should not make gambling any more accessible to the people in his area. The National Casino Industry Forum wanted to assure the Council that their industry is highly regulated, contributes in a positive way to the night time economy of an area by offering different types of entertainment, not centred around social drinking and in addition provides high employment opportunities. Mr Matt Zarb – Cousin of the Fairer Betting Campaign, expressed concern in relation to the Department of Culture Media and Sports select committee report, recommending an increase in the number of fixed odds betting terminals allowed in Licensed Betting Offices. He felt that this would not promote the four licensing objectives.
7. It is planned that, subject to Council approval, the policy will be published. It is a statutory requirement that the policy must be published by 14th January 2013.

8. The Licensing and Safety Committee considered a report on the Gambling Policy at its meeting on 12th September, 2012. The Cabinet considered a report at its meeting on 31st October, 2012.

Finance

9. The costs of publication of the Gambling Policy will be met out of the Licensing budget.

Law

10. The Gambling Act 2005 section 348 (1)(a) and (b) requires all Local Authorities to prepare and publish a Licensing Policy.
11. Statutory consultees on that policy are set out in Section 349(3) of the Gambling Act 2005: -

The Chief Officer of Police
Representatives of persons carrying on gambling businesses
Representatives of persons who are likely to be affected by or otherwise have an interest in the licensing policy.

Equality Impact

12. This report takes into account the Council's policy on equality and diversity.
13. The Gambling Policy will impact equally on all groups.
14. The Gambling Policy will impact on children and young persons through their permitted attendance at certain categories of licensed premises.
15. There has been consultation and involvement of young people in developing this policy as part of the consultation process.
16. This report falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that 'safety matters'.

Recommendation

17. That the Gambling Policy, as set out in Appendix 1, be approved and adopted.



.....
Leader of the Council

DUDLEY METROPOLITAN BOROUGH

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

Draft for Consultation

1st July 2012 – 30th September 2012

CONTENTS

Item	Page
Part A	3
1. The licensing objectives	3
2. Introduction	3
3. Declaration	6
4. Responsible Authorities	6
5. Interested parties	7
6. Exchange of information	8
7. Enforcement	9
8. Licensing authority functions	10
Part B – Premises licences	12
1. General Principles	12
2. Adult Gaming Centres	22
3. (Licensed) Family Entertainment Centres	23
4. Casinos	24
5. Bingo premises	24
6. Betting premises	24
7. Primary Gambling Activity in Betting Premises	25
8. Travelling Fairs	26
9. Provisional Statements	26
10. Reviews	28
Part C – Permits/Temporary and Occasional Use Notices	30
1. Unlicensed Family Entertainment Centre gaming machine permits	30
2. (Alcohol) Licensed premises gaming machine permits	31
3. Prize Gaming Permits	33
4. Club Gaming and Club Machine Permits	34
5. Temporary Use Notices	35
6. Occasional Use Notices	36
7. Small Society Lottery	37

All references to the guidance refer to the Gambling Commission's guidance to Licensing Authorities, third edition, published May 2009.

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing policy

2. Introduction

The Metropolitan Borough of Dudley is a conurbation situated on the western edge of the West Midlands and includes part of the Black Country industrial region. The local authority provides services to approximately 306,000 residents. The Council area is mainly urban. These areas are shown on the map below.

The licensing Section is situated with the Legal Division of the Law and Property Services Directorate.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

Dudley Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

Directorate of Urban Environment

Public Protection

Food and Occupational Safety

Building Control

Trading Standards

Town Centre Managers

Directorate of Children Services

Directorate of Adult Community and Housing Services

West Midlands Police

West Midlands Fire Service
Dudley Primary Care Trust
Gambling Commission
Environment Agency
Gamblers Anonymous
Aquarius Alcohol and Drugs Service
Citizens Advice Bureau
Unison
T & G
G.M.B
Suffragan Bishop of Dudley MBC
Dudley Community Centre and Mosque
Gurdwara Guru Teg Bhadar Temple
British Waterways
Stourbridge Chamber of Trade
Dudley Chamber of Trade
Premises Licence Holders
British Beer and Pub Association
Club Premises Certificate Holders
Bookmakers/Betting Agency Licence Holders
Casino Licence Holders
Bingo Licence Holders
Betting Office Licence Holders
A.W.P Permit Holders
Small Lottery Licence Holders

Our consultation took place between 01/07/2012 and 30/09/2012.

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing Section, 5, Ednam Road, Dudley DY1 1HL/via the Council's website at: <http://www.dudley.gov.uk/business/licences-registrations-and-permits/gambling-licensing/gambling-licensing-policy-consultation>.

The policy was approved at a meeting of the Full Council on _____ and was published via our website on _____. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Janet Elliott, 5 Ednam Road, Dudley, DY1 1HL

E-mail: Janet.Elliott@dudley.gov.uk

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: <http://www.dudley.gov.uk/business/licences-registrations-and-permits/gambling-licensing/gambling-licensing-policy-consultation>.

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:-

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence, if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19. It will also consider the Gambling Commission's Guidance that "has business interest" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department, 5 Ednam Road, Dudley, DY1 1HL email: Licensing.LDS@dudley.gov.uk

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under section 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. This licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and the costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department after 14th January 2010. Our risk methodology is also available upon request: <http://www.dudley.gov.uk/business/licences-registrations-and-permits/gambling-licensing/gambling-licensing-policy-consultation>.

8. Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*

- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on Casinos – page 12) and also that unmet demand is not a criterion for a licensing authority.

The Gambling Commission's interpretation of the framework of the Gambling Act 2005 (the Act) is that holders of general betting standard non-remote operating licences must provide betting as the primary gambling activity on licensed betting premises. We reinforced this understanding of the Act in May 2009 with the introduction of licence

condition 16 to the Commission's Licence Conditions and Code of Practice (LCCP) to all holders of this particular operating licence.

The six indicators in the template are used by the Commission when assessing compliance with Licensing Conditions and Codes of Practice (LCCP) at premises where betting is the primary gambling activity offered. The indicators are based on the requirements of LCCP and what is accepted as typical of commercial betting shop provision in the British market.

(ii) Definition of 'premises' – In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure part, pier, track or shopping mall to obtain discrete premises licence, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authority that 'In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.'

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which state that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

7.16 If the Guidance states with the exception of bingo clubs, tracks on race days and licensed family entertainment centres children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings.

7.20 The proper application of Section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence therefore premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

7.25

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of the café – the whole area would have to be licensed

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises 'ready for gambling'

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

(iv) Location – This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular

attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.67 – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes – This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives – Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels or organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way – This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly

attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term 'vulnerable persons' it is noted that the Gambling Commission does not seek to offer a definition but states that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.' This licensing authority will consider this licensing objective on a case by case basis.

Conditions – Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas

frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories number, or method of operation;

- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes

Door Supervisors – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

- Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of area
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

This licensing authority notices that the Gambling Commission's Guidance states:

18.4. Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.6 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

Betting machines – This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions

available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Primary Gambling Activity in Betting Premises

This is set out in full at paras 19.19-19.23 of the Gambling Commission's Guidance to Licensing Authorities, the most salient points being:

19.21: "...An operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available.

19.22: In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

19.23: The Licence Conditions and Codes of Practice (LCCP) published in January 2009 sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

19.24: Should a licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority should satisfy itself that the reason for the application is in line with the requirements of primary gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') is actually offered at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of

the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

8. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits/Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."(24.6)

Guidance also states "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... Licensing authorities might wish to consider asking applications to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles – This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measure/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice

issued by the Gambling Commission about the location and operation of the machine has been complied with);

- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- Participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI No 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.

In considering whether a place falls within the definition of “a set of premises”, the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commissions Guidance to Licensing Authorities.

6. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

7. Small Society Lottery

The Licensing Authority is responsible for registering societies to run small society lotteries.

Definition of society – Licensing authorities should define ‘society’, as the society or any separate branch of such a society, on whose behalf a lottery is to be promoted, and need to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of a private gain 34.7 of the guidance

Meeting of the Council – 26th November, 2012

Report of the Cabinet

Review of Area Committees

Purpose

1. To invite the Council to consider proposals for a review of Area Committees. This report is based on the recommendations from Scrutiny Chairs and the proposals approved at a special meeting of the Cabinet on 13th November, 2012.

Background

2. In accordance with the decision taken at the annual meeting of the Council on 17th May, 2012, the Scrutiny Committee Chairs met on 18th July and 19th September 2012 to discuss the existing Area Committee arrangements and options for change. They were concerned to address three key questions:-
 - What should area/neighbourhood meetings achieve?
 - How should they operate?
 - How do we move forward to change Area Committees?

This report draws from Members' discussion on these questions and sets out recommendations following the consultation process.

3. The need to change Area Committee arrangements

There is a general consensus that while Area Committees were useful following their establishment in 2000, subsequently they have become less relevant and appropriate. Some of the concerns around Area Committees are set out below:-

- They are too bureaucratic and formal, which is off-putting for local people to become interested and involved in;
- There is insufficient time devoted to local issues, and for the public to have an opportunity to comment on, or raise items;
- Meetings are an unsatisfactory mix of community engagement and council meeting business;
- As there are only three meetings a year, this makes the Area Committees insufficiently responsive to local issues. There needs to be more regular opportunities for local people to discuss issues and engage with Elected Members;

- The Area Committee boundaries are in general, too large, and smaller neighbourhood groupings would be preferable;
- They involve too much officer resource to attend each meeting;
- There is inconsistency in the links with other local events such as the PACT meetings, the Citizen First Panels etc.

4. **Purpose and Format**

It is proposed that in future, Community Forums should be centred around the democratic representational role of local ward Councillors, therefore all Directorates should ensure that ward Councillors are briefed about key issues affecting their wards. The principal focus of Community Forums should be the opportunity for local people to engage with Councillors to discuss local issues.

5. There are clear links to the Government's Localism agenda and the principles of the Localism Act 2011 in terms of effective community engagement. Therefore, while members would take a lead role in a meeting, there should be a clear focus on community engagement and members should encourage community participation.
6. To assist in developing that role, the Council is considering advice from Dudley Council for Voluntary Service (DCVS), drawing on their experience of managing community events and making use of a series of development sessions for Members before the launch of the new Community Forums.
7. In addition, information is available about recent work nationally and locally which considers the democratic role of elected members in the context of the Localism Act. This advice can be used in the future Member/Officer development sessions.

8. **Geography**

The geographic coverage of the Community Forums ideally should be less than those of the Area Committees.

9. Various options have been considered, all based on existing ward geography and all returning a greater number of forum areas focussing on smaller, more local areas. The options put forward were based on 8, 9, 10 and 12 forum areas. Inevitably, some groupings are more naturally aligned than others and are easier to describe. However, any change to one boundary cannot fail to have knock-on consequences across the rest of the Borough.
10. The preferred option following consultation is the 9 forum model in recognition of the need to keep to a manageable level the support resource required. This model is shown as Appendix 1.

11. This proposal creates areas that vary in terms of whole population (2010 estimates). See Appendix 2 for details. The consultation process took place during October and closed on 9th November, 2012. A summary of the responses received is set out in Appendix 3.
12. It is important to note that flexibility can be retained so that, for example, members and the public should be able to attend adjoining forums on matters that transcend boundaries, if they so wish.
13. **Management and Resourcing**
Firstly, the new structure is to be funded from existing resources.
14. Meetings will be less bureaucratic and move away from stereotype “Council Committee” format:-
 - Forums to meet in locally accessible venues (5 meetings per year);
 - Focus on public forum/ward issues and area funding;
 - Standard times of all meetings to be 6.30pm – 8.30pm (making it easier to publicise across the Borough);
 - Removal of microphone/sound system;
 - No special meetings to be called in view of increased frequency;
 - Rooms to be set out informally;
 - Officer attendance to be only one Senior Officer and a Democratic Services Officer to take a note of issues requiring action/response (bullet point informal minutes). In the New Year we will be launching a leadership development programme aimed initially at senior managers. Once managers have completed the first phase of development they will become part of a talent pool where they will be expected to undertake further practical development through working on real projects, shadowing, short term secondment etc. This will include shadowing or working alongside an Assistant Director at a Community Forum with a view to taking on this role in the future;
 - No written committee reports in the traditional style;
 - No separate working groups/pre-meetings (except for discussing funding applications if necessary). However, local ward meetings can take place on specific issues should ward Councillors wish to arrange these.

15. However, it is important to ensure that there is an audit trail of the business of meetings and what happens to issues raised at them, otherwise there is scope for community issues to be lost with no apparent action outcome. For example, an issue might have a number of “destinations” depending on its nature, including:-

- Straightforward service response from the appropriate Directorate;
- Report to a Scrutiny Committee; a Regulatory Committee; a Cabinet Member or the Cabinet and Full Council;
- Referred to local partners such as police, fire, health;
- Bullet point Forum minutes to be reported in the ‘White Book’ to full Council.

16. **Communication and Media**

Community Forums will be publicised through all available channels such as the Council website, Twitter, Facebook and media releases. Other publicity to be more targeted depending on local issues identified by ward Councillors rather than a ‘blanket’ approach.

17. Dates will be programmed in the Council Calendar with all Community Forums meeting during an identified fortnight, but ensuring that neighbouring Forums are not on the same night as far as possible. This makes it easier to publicise meetings during identified ‘democracy weeks’ and councillors can attend neighbouring Forums as necessary. A proposed schedule of dates for meetings is set out in Appendix 4 for the remainder of this municipal year.

18. Agendas will be focussed on local issues, with input from partners when necessary to avoid duplication with other meetings.

19. **Venue**

The proposal is to use existing community centres or venues provided by local groups, although these may need to be augmented by other premises where appropriate. However, this is a matter that can be left to local discretion within the budgets available.

20. **The Way Forward**

The Cabinet considered recommendations at its special meeting on 13th November, 2012. The recommendations set out in paragraphs 28 onwards are submitted for consideration by the Council.

21. If the Council endorses the new Community Forums, it is proposed to undertake a development programme for both members and supporting officers in the coming months. The new Forums will be launched in February 2013 (the Area Committees previously programmed in 2013 will no longer take place).

22. The future arrangements will build in a process of ongoing review to ensure the new arrangements remain flexible. Community Forum Chairs, Vice Chairs and Lead Officers will meet regularly (i.e. after each cycle initially) with a full review after 12 months.

Finance

23. Costs will be met within existing budgetary allocations.
24. Area Grant allocations will remain as £10,000 per ward. Funding is to be allocated by the Director of Corporate Resources on the recommendation of each Community Forum.
25. Members' allowances payments to be retained for the Chair and Vice-Chair of the new Community Forums but these will be contained within the existing budget allocation (pending a review of the Members Allowances Scheme in 2013).

Law

26. Area Committees are currently established in accordance with the provisions of the Local Government Act 1972.

Equality Impact

27. The report takes into account the Council's policies on equality and diversity.

Recommendations

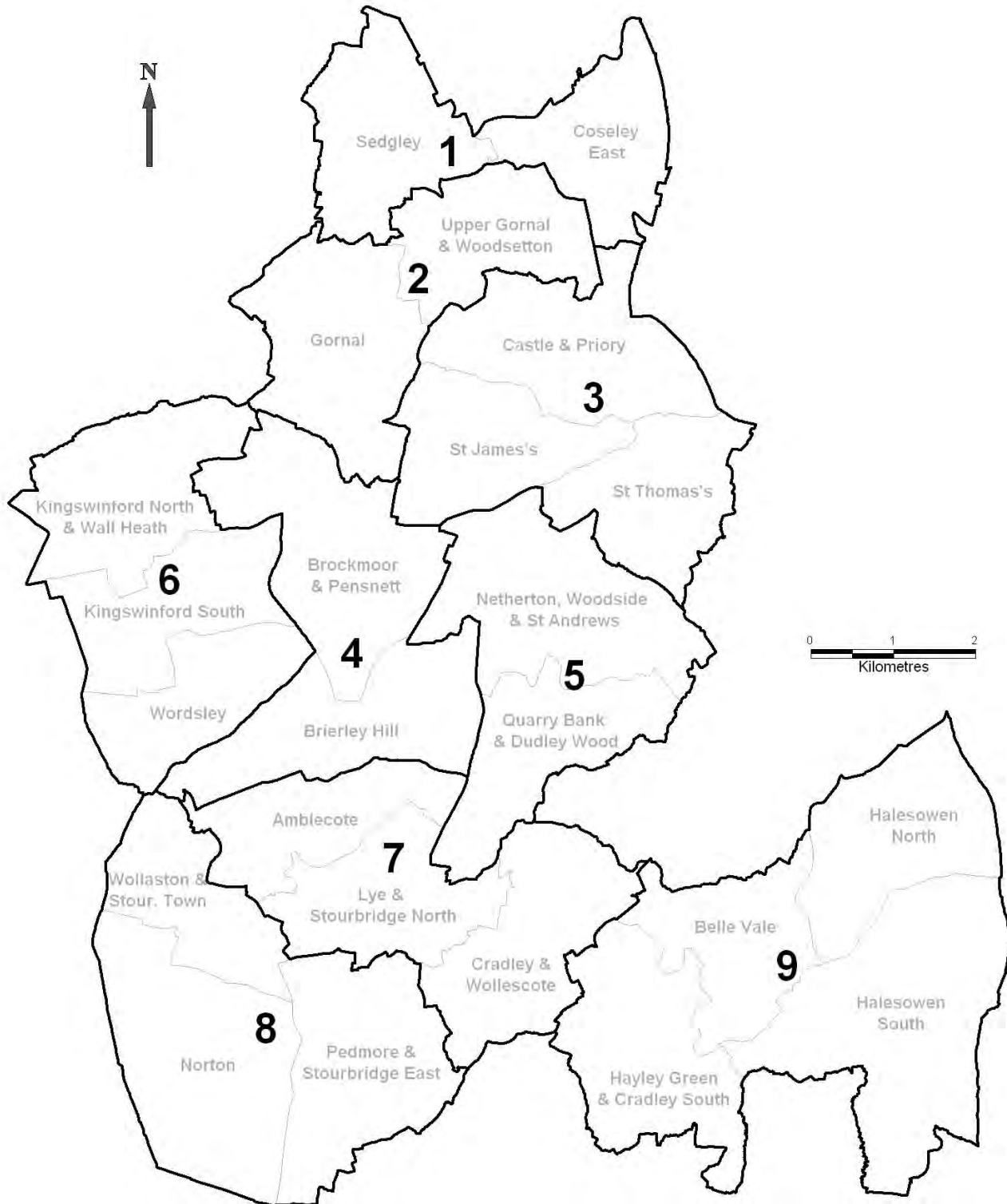
28. That the outcome of consultation be noted and the issues raised be taken into account in the implementation and ongoing review of the proposals.
29. That 9 Community Forums be established, on the basis outlined in this report, to replace the existing Area Committee structure and that the Community Forums maintain a clear focus on community engagement and participation.

30. That the revised structure and area arrangements be funded from existing resources.
31. That the proposed dates of meetings of the Community Forums for the remainder of the municipal year be as set out in Appendix 4 and that the meetings of Area Committees previously programmed in 2013 be no longer proceeded with.
32. That the Council nominate Members to serve as the Chairs and Vice-Chairs of Community Forums initially with effect from the first meeting in February, 2013 until the annual meeting of the Council in May, 2013.
33. That, pending a review of the Members Allowances Scheme in 2013, annual Special Responsibility Allowances be paid to the Chairs and Vice-Chairs of the Community Forums and it be noted that these payments will be contained within the existing budget allocation for the allowances currently paid to the Chairs and Vice-Chairs of Area Committees.
34. That the payment of Special Responsibility Allowances to the existing Chairs and Vice-Chairs of Area Committees cease with effect from the launch of the new Forums on 11th February, 2013 and the Members Allowances Scheme, as set out in the Constitution, be amended accordingly.
35. That the Director of Corporate Resources, in consultation with the Cabinet Member for Finance, be authorised to determine the reallocation of any unspent Area Committee local area budgets to the Community Forums on a ward by ward basis in due course.
36. That the Director of Corporate Resources be authorised to organise development sessions for Members and Officers and to determine any other consequential arrangements to ensure the implementation of the Community Forums from February, 2013.
37. That the revised area arrangements be the subject of an ongoing review to ensure that they remain flexible and a full review of the operation of the Community Forums be undertaken after 12 months of experience.



.....
Leader of the Council

9 Forum Model In Relation To Electoral Ward Boundaries



Source: Corporate Policy & Research, Dudley M.B.C.
 Produced by: NL, 20/09/2012, Corporate Policy & Research Team, Dudley M.B.C.
 © Crown Copyright and database right 2012. Ordnance Survey 100019566.

APPENDIX 2 : Indicative Population Figures For Community Areas: 9 Forum Model

Area No.	No. of Wards	Electoral Wards Covered	Population	Variance From Average Population
1	2	Coseley East / Sedgley	25,044	- 9,107
2	2	Gornal / Upper Gornal and Woodsetton	26,133	- 8,018
3	3	Castle and Priory / St. James's / St. Thomas's	41,848	+ 7,697
4	2	Brierley Hill / Brockmoor and Pensnett	26,483	- 7,668
5	2	Netherton, Woodside and St. Andrews / Quarry Bank and Dudley Wood	27,462	- 6,689
6	3	Kingswinford North and Wall Heath / Kingswinford South / Wordsley	37,597	+ 3,446
7	3	Amblecote / Lye and Stourbridge North / Cradley and Wollescote	38,568	+ 4,417
8	3	Norton / Pedmore and Stourbridge East / Wollaston and Stourbridge Town	36,328	+ 2,177
9	4	Belle Vale / Halesowen North / Halesowen South / Hayley Green and Cradley South	47,899	+ 13,748
		<i>Average Population</i>	34,151	

Source: 2010 Mid-Year Population Estimates, Office for National Statistics (ONS)

Notes:

1. The population figures are based on aggregations of Electoral Wards.
2. 2010 is the latest year for which Mid-Year Population Estimates are available. The scope of these Mid-Year estimates is limited to population figures by age and sex; other demographic and socio-economic data at the ward level is available but must be sourced from the 2001 Census.
3. Data from the 2011 Census at the Ward level is due to be published in the second phase of 2011 Census outputs scheduled for November 2012 - February 2013.
This will enable the data presented here to be updated to give a more accurate picture of the population.
4. The summed variance from average population may not equal the average population due to rounding.

REVIEW OF AREA COMMITTEES

SUMMARY OF ISSUES RAISED DURING CONSULTATION

The following is a summary of the key issues raised during consultation.

Copies of the minutes of meetings and individual responses/replies are available from the Director of Corporate Resources.

AREA COMMITTEES

Central Dudley Area Committee

- Need to publicise the new Forums effectively.
- Consultation period ceased on 9th November to enable new structure to be considered by Cabinet and Council in November 2012.
- Area Committees will cease when new Forums are launched.

North Dudley Area Committee

- Need to publicise the new Forums effectively.
- Use existing community newsletters to publicise meetings.
- Answers to questions raised should be given immediately. If they cannot be replied to straight away, a response should be sent within 48 hours.
- Speedier action should be the priority rather than additional meetings.
- More meetings will increase pressure on people to attend. Area Committees could be retained but increased to 5 per year as before.
- Meetings should be less confrontational.

Stourbridge Area Committee

- Questionable as to whether the proposals address the 'key questions' ie: what should the meetings achieve?
- Although the aims of the review are accepted, doubts were expressed as to whether this would be achieved in practice and within the existing budget.
- Questionable as to whether the proposals will be achieved from the existing 'cost envelope'
- Forum boundaries do not reflect natural communities.
- Equality issues arise as a result of the microphone systems being lost.
- The statement that Area Committees are an 'unsatisfactory mix of community engagement and Council decision-making' is a misunderstanding. Area Committees only make decisions on grants and Trust issues.
- Forum meetings should meet the needs of local communities discussing matters of interest to the community. The Chair has a key role to play in transacting the proceedings in this regard.
- Proposals can be changed if they are not working.
- Meetings should be community focussed.
- There is no consensus that Area Committees are now "less relevant and appropriate."
- Proposal for 50 meetings is a large increase and will not save money

- Councillors can attend neighbouring meetings at present so this point is not relevant.
- Concerns over how the proposed changes will be managed.
- More work will fall on 2nd tier officers and this will cause difficulties given current workloads.
- The proposals are a genuine commitment to consultation.
- Hope to improve communication with communities.
- Members already meet with communities in a number of ways and there will be additional costs associated with extra meetings.
- No consideration given to the adequacy of transport arrangements.
- Will Area grant allocations remain at £10,000 per ward?
- Scepticism as to what will be achieved; meetings may remain bureaucratic, Council led and residents are unlikely to get answers to queries within 48 hours.
- Concerns over various issues concerning the future management of the Ernest Stevens Trusts.

Halesowen Area Committee

- General agreement that changes are required to the existing Area Committees.
- Queried how the proposals can be achieved within the existing budget.
- Queried how money was going to be saved by the introduction of the proposals which would inevitably mean an increase in the numbers of Chairs and Vice-Chairs.
- Concern over the reduction in Officers attending the meetings and the ability for responses to be given.
- Overall there would be an increase in Officers attending meetings due to the substantial increase in meetings.
- Concerns over removal of microphones.
- Special Responsibility Allowances for Chairs and Vice-Chairs could be withdrawn and consideration should be given to offering Chair or Vice-Chairmanship to someone other than a Councillor.
- Layouts of the new boundaries are unfair.
- Councillors do not have the authority to make decisions as decisions are made by Cabinet Members and Officers. The Council should consider returning to the former Committee System.
- Forums are unnecessary for Councillors to communicate with the community, as there are other avenues such as emails and attending Members' surgeries to keep in touch.
- Reference made to the proposal to create 2 Forums covering Belle Vale/Halesowen North and Hayley Green & Cradley South and Halesowen South.

NB: Following the Halesowen Area Committee, a response has been received from the Chair of the Area Committee concerning the possible retention of the 4 Halesowen wards continuing to meet together. If the area is 'split' then we should group Halesowen North and South and Belle Vale & Hayley Green & Cradley South. He also questions the grouping of Cradley & Wollescote with a Forum that includes Amblecote but not Pedmore.

Brierley Hill Area Committee

- Generally welcomed the review as Area Committees are not engaging the general public.
- Police should be involved with the Forum meetings.
- Questioned the continuing payment of Chair and Vice Chair allowances.
- Doubts expressed that the 50 Forum meetings can be met from the current budget.
- Councillors to be able to raise questions on the night rather than having to contact Officers beforehand in order that full responses can be given on the night of the meeting.
- Forums to be well publicised in order to promote public attendance.
- Forums to be subject to ongoing review to ensure that they work effectively.
- Forums not to be solely relied upon for public consultation.
- Local health representative to be present at the Forums.

INSPIRING DEMOCRACY SESSION

An event was organised by Dudley Council for Voluntary Services on 22nd October, 2012 to facilitate a discussion with voluntary, community and faith groups on the proposals for a review of the Area Committee structure. This was a positive session and a report from the session is available for Members on request from the Director of Corporate Resources.

SUMMARY OF ISSUES RAISED IN INDIVIDUAL REPONSES

1. Why not use PACT meetings as the local community forum?
Area Committee meetings should be used to promote and engage the whole community – changes needed to the way Area Committees operate
Why do we need more meetings? Use the existing meetings more effectively.
Splitting area grant allocations could mean that a ward might miss out or be disadvantaged.
There are issues and concerns relating to the future management of the Ernest Stevens Trust
Any increase in cost, time and resources is not necessary or justifiable.
2. Members of the public should be entitled to speak on all items: not just Public Forum. Meetings include too many Council business items – not relevant to local people.
There should be more meetings per year to give more members of the public an opportunity to attend.
Meetings should alternate on different days of the week.
3. Concerns expressed relating to the move of Cradley and Wollescote ward from Halesowen to meet with wards in Stourbridge. Cradley has a greater affinity with the rest of Halesowen than it does with Stourbridge.

4. Although the meetings will be less formal, an agenda with key points likely to be discussed at the meeting would be helpful to generate interest.
5. The Council needs to be aware of its obligations under the Equality Act to ensure participation of disabled members of the public in the future arrangements.
6. Consideration to be given as to how land and property matters are dealt with through the new structures. Ensure ward Councillors are kept informed of matters affecting their ward.
7. Congratulations on the recognition that reform is needed. However, the Council should consider holding ward surgery 'workshops' to hear residents concerns. Smaller groups should compensate for removal of microphones, however, we need to take account of people with disabilities.
8. Objection to Cradley being moved from Halesowen to be joined with Lye, Stourbridge and Amblecote.
9. The new Forums should concentrate on local issues but the structure does not reflect 'local' areas (ie: natural communities). Some of the areas are too large and people would have a way to travel.

Question why 5 meetings a year? 6 meetings would be held bi-monthly, which would give an easily remembered pattern.
6.30pm is too early to start - suggest 7.00pm is a more practical start time, and would allow for travelling.

Communication of dates, times, and locations of meetings through media releases should include advertisements in local press? Not everyone has the internet. Meetings and locations of meetings within the Forum area should be rotated during the year so everyone has a chance to attend at least some meetings.

10. Agree with the ending of the Area Committee system, however, consideration should be given to the positioning of Cradley as this is split as part of separate wards. Historically, Cradley has close links with Halesowen.
11. Safeguards needed to ensure that valuable meetings continue and that the majority of the time spent on these meetings will be questions and answers to members of the public. Need to ensure that meetings do not revert back to being overly bureaucratic.

There must be some form of agenda otherwise it has the potential to become a free for all.

Ceasing PACT meetings would be a backwards step for the community.

Any cost savings should be reflected in council tax.

COMMUNITY FORUMS – DATES OF MEETINGS**FEBRUARY 2013**

Monday	11 th	Coseley East / Sedgley Community Forum Castle & Priory/ St James's/ St Thomas's Community Forum	6.30 – 8.30 p.m.
Tuesday	12 th	Gornal / Upper Gornal & Woodsetton Community Forum Netherton, Woodside & St Andrews/ Quarry Bank & Dudley Wood Community Forum	6.30 – 8.30 p.m.
Wednesday	13 th	Norton/ Pedmore & Stourbridge East/ Wollaston & Stourbridge Town Community Forum Belle Vale/ Halesowen North/ Halesowen South/ Hayley Green & Cradley South Community Forum	6.30 – 8.30 p.m.
Tuesday	19 th	Kingswinford North & Wall Heath/ Kingswinford South/ Wordsley Community Forum Amblecote/ Cradley and Wollescote/ Lye & Stourbridge North Community Forum	6.30 – 8.30 p.m.
Wednesday	20 th	Brierley Hill / Brockmoor & Pensnett Community Forum	6.30 – 8.30 p.m.

APRIL 2013

Tuesday	16 th	Coseley East / Sedgley Community Forum Castle & Priory/ St James's/ St Thomas's Community Forum	6.30 – 8.30 p.m.
Wednesday	17 th	Gornal / Upper Gornal & Woodsetton Community Forum Netherton, Woodside & St Andrews/ Quarry Bank & Dudley Wood Community Forum	6.30 – 8.30 p.m.
Thursday	18 th	Norton/ Pedmore & Stourbridge East/ Wollaston & Stourbridge Town Community Forum Belle Vale/ Halesowen North/ Halesowen South/ Hayley Green & Cradley South Community Forum	6.30 – 8.30 p.m.
Tuesday	23 rd	Kingswinford North & Wall Heath/ Kingswinford South/ Wordsley Community Forum Amblecote/ Cradley & Wollescote/ Lye & Stourbridge North Community Forum	6.30 – 8.30 p.m.
Wednesday	24 th	Brierley Hill / Brockmoor & Pensnett Community Forum	6.30 – 8.30 p.m.

Meeting of the Council – 26th November, 2012

Report of the Cabinet

Annual Review of the Constitution

Purpose of Report

1. To consider the annual review of the Constitution.

Background

2. The Council introduced its written Constitution in May 2002.
3. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution in order to ensure that the aims and principles are given full effect.
4. Full Council is responsible for approving changes to the Constitution after consultation with the Cabinet. An exception to this is that the Leader, with the support of the opposition Group Leader, may approve amendments to the Scheme of Delegation from time to time.
5. The Constitution is an important vehicle by which the Council promotes its overall democratic governance arrangements.
6. The last annual review of the Constitution was undertaken in October 2010. The review in 2011 was deferred in view of the enactment of the Localism Act 2011. All previously approved amendments have been fully implemented. Amendments are routinely made to update legal provisions and reflect ongoing operational issues.
7. This report takes account of ongoing changes in the national and local context and it is recognised that further amendments to the Constitution may be necessary during 2012/13 and beyond.

Localism Act 2011 – The New Standards Regime

8. On 16th July, 2012, the Council approved a report on the new standards arrangements, including a new Members Code of Conduct and arrangements for complying with Government Regulations on registering interests. Training has been organised for all Members of the Council. Article 9 of the Constitution has been amended to reflect that standards functions are now the responsibility of the Audit and Standards Committee.

9. The Council gave delegated powers to the Monitoring Officer to produce arrangements for dealing with standards complaints and these are now available on the Council's website. The standards arrangements are attached in full as **Appendix 1** to this report for endorsement by the Council.

Petition Scheme

10. Since 2009, the Council has operated a Petition Scheme under the provisions of the Local Democracy, Economic Development and Construction Act 2009. The existing scheme is set out in Part 6 of the Constitution. The Localism Act 2011 has now repealed the petitions provisions.
11. It is a matter for the Council to decide locally as to whether a Petition Scheme should remain part of the Constitution to assist with its governance arrangements. The opportunity has been taken to review the way in which the Council deals with petitions to reduce bureaucracy and simplify the previous scheme, which was based on a national model.
12. The Cabinet requested the Chairs of Scrutiny Committees to undertake a review of the procedures for dealing with petitions alongside the Area Committee review. Scrutiny Chairs considered this matter on 19th September, 2012 and the revised scheme set out in **Appendix 2** is presented for approval by the Council.

Localism Act 2011 – Ongoing Work

13. On 20th June, 2012, the Cabinet received a report on progress in ensuring legal compliance with the Localism Act 2011. In particular, this referred to ongoing work in relation to four work streams: (i) governance and constitution; (ii) housing reform; (iii) development planning and (iv) community empowerment.
14. The Cabinet has previously endorsed the ongoing work being co-ordinated by the Localism Act Officer Steering Group. The relevant Cabinet Members, the Chief Executive and Directors have been authorised to pursue the implementation of the various provisions of the Localism Act 2011 as relevant to their areas of responsibility. The Director of Corporate Resources is monitoring progress through the Steering Group.

Review of Area Committees

15. The previous agenda item sets out proposals to replace the Council's existing five Area Committees with more locally based Community Forums based around groupings of electoral wards. The introduction of the new Community Forums will require a complete revision of Article 10 of the Constitution and a draft is set out in **Appendix 3**. The Community Forums will be less formal bodies with a focus on encouraging greater community engagement. This will enable far greater flexibility in how the Forums are able to operate and conduct their business locally.

16. The former Area Committee protocols, as set out in Part 6 of the Constitution, and the references to Area Committees in Part 3 (Responsibility for Functions) will be deleted. The practical operation of the new Forums will be discussed further in the planned development sessions. In relation to the local area budgets, it is proposed that recommendations from ward members comprising the Community Forums be actioned by the Director of Corporate Resources.
17. Area Committees were previously responsible for the administration of local charities where the Council has been appointed Trustee. In practice, this affects the Stevens Trust, which was administered by Stourbridge Area Committee. To ensure the proper administration of the affairs of the Trust, detailed consideration is being given as to how this can best be achieved within the Council's Constitutional arrangements. This matter will be subject of a further report.

Scheme of Delegation

18. Part 3 of the Constitution deals with responsibility for functions. The scheme of delegation is considered each year at the annual meeting of the Council. Following the annual meeting in May, 2012, a review of the functions has been carried out with a view to updating terminology, legislative provisions and statutory guidance. The revised scheme of delegation is available on the Committee Management Information System and in the Members Room. A paper copy can be supplied to any Member on request to Democratic Services. The scheme of delegation has been the subject of consultation with all Directorates and now includes a separate portfolio for the Cabinet Member for Health and Wellbeing.

'Reference Up' of Decisions

19. Within the general scheme of delegation, circumstances may arise, from time to time, where an individual Cabinet Member may decide that it would be more appropriate to refer a matter to the Cabinet although the matter may technically fall within his/her delegated functions. A similar situation may apply to an officer who considers it necessary to refer a matter to a Cabinet Member in appropriate circumstances. To recognise this situation, it is recommend that Article 7.06 (Responsibility for Functions) be amended accordingly.

This provision is, however, intended to reflect exceptional circumstances where, for example, a decision is likely to attract significant public interest. The Monitoring Officer must be consulted in all cases where a Decision Taker intends to use this provision.

Process for calling special meetings of Committees

20. The Constitution currently contains different provisions for convening special (or extraordinary) meetings of Committees. In order to avoid confusion, it is recommended that in all cases the Chair of a Committee, in consultation with the Director of Corporate Resources, shall be authorised to call a special meeting of a Committee at any time. A special meeting may also be called on the written requisition of the required number of members of the Committee concerned. For this purpose, the 'required number' shall be equal to the number of opposition members appointed to the Committee. This process would be consistent with the rules relating to scrutiny call-in approved by the Council several years ago.

Scrutiny Officer

21. The Localism Act 2011 has repealed the statutory requirement for the Council to designate a Scrutiny Officer as previously contained in Section 31 of the Local Democracy, Economic Development and Construction Act 2009. The Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector), Dr Ron Sims, has undertaken this role since its inception.
22. In practice, however, many local authorities are continuing to designate an officer to lead on scrutiny issues. A review of the Council's Scrutiny Committees will be undertaken, with a view to new arrangements being considered in advance of the annual Council meeting in May 2013. It is proposed to retain the existing arrangements pending the review of the scrutiny process.

Access to Information Regulations

23. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10th September, 2012 and apply to decisions taken by the 'executive', namely the Cabinet, Cabinet Members and Officers acting under delegated powers.
24. The main principles behind the Regulations are to increase transparency and promote the transaction of business in public session as far as possible. The presumption of openness underpins the Regulations and will complement the Council's long established decision-making processes.

25. 28 clear days notice is now required of the intention to take an 'executive' decision in private session. In practice, the Council will use the Forward Plan as a practical way of complying with these Regulations. If the 28 clear days notice cannot be complied with, then there is still provision for decisions to be taken: so long as the approval of the relevant Scrutiny Chair is obtained (or the Mayor/Deputy Mayor in his/her absence).
26. The Council must specify the date, time and venue for the signing of decision sheets. The public must be given access to these 'meetings'. The five clear days notice requirement for making all decisions is still in force. Democratic Services will continue to be responsible for ensuring the notice requirements are complied with.
27. Administrative arrangements have been put in place to deal with the practical application of the Regulations requiring all Directorates to give notice to Democratic Services of forthcoming business to be considered in private session. The requirements of the new Regulations will be reflected in the Access to Information Procedure Rules in Part 4 of the Constitution.

Forward Plan of Key Decisions

28. Paragraph 14 of the Access to Information Procedure Rules states that a Forward Plan will be prepared by the Leader to cover a period of four months beginning with the first day of any month. The Plan is available on the Internet via the Committee Management Information System.
29. Directorates routinely notify Democratic Services of key decisions to include in the Plan. As referred to in paragraph 26 above, we are extending the Forward Plan to include any executive decisions that will be taken in private session to comply with new Government Regulations concerning access to information.
30. To make more effective use of the Forward Plan and increase opportunities for prior notification/consultation on items in the Plan, it is proposed that the Forward Plan be reported to all ordinary meetings of the Cabinet. Increasing accessibility to the Forward Plan will also assist the process of overview and scrutiny.

Finance

31. There are no financial implications arising from this report. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

32. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.

Equality Impact

33. This report complies with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendations

34. That the standards arrangements produced by the Monitoring Officer under delegated powers, as set out in Appendix 1, be endorsed.
35. That the Petition Scheme, as set out in Appendix 2, be approved.
36. That Article 10 of the Constitution be revised, as set out in Appendix 3, to reflect the replacement of Area Committees with the new Community Forums.
37. That the Director of Corporate Resources be given delegated authority to action recommendations from the Community Forums in respect of area budgets, as referred to in paragraph 16.
38. That the revisions and updates to the scheme of delegation, as referred to in paragraph 18, be approved and adopted.
39. That the provisions for the 'reference up' of decisions, as set out in paragraph 19 be approved and incorporated in Article 7.06 of the Constitution.
40. That the arrangements for calling special meetings of any Committee, as referred to in paragraph 20, be approved to ensure consistency in all parts of the Constitution.
41. That the Council's existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented to the Council in advance of the 2013/14 municipal year.
42. That the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, be noted and that the Director of Corporate Resources be authorised to make any consequential changes to the Access to Information Procedure Rules in Part 4 of the Constitution.
43. That the Forward Plan of Key Decisions be reported to all ordinary meetings of the Cabinet as referred to in paragraph 30.



.....
Leader of the Council

Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. **Context**

The Localism Act 2011 requires the Council to adopt “arrangements” to deal with allegations that a Member or co-opted Member has failed to comply with the local Members’ Code of Conduct. These arrangements set out how any such complaints or allegations will be investigated and dealt with.

The Council has appointed Independent Person(s). An Independent Persons’ views must be sought before a decision is taken on any allegation that the Monitoring Officer has decided shall be investigated. An Independent Persons’ views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2. **The Code of Conduct**

The Council has adopted a Members’ Code of Conduct, which is attached as Annex 1. The document is also available on the website and from the Council on request.

3. **Making a complaint**

It is a requirement of the Localism Act 2011 that any complaint or allegation that a Member has failed to comply with the Council’s code of conduct must be in writing.

If you wish to make a complaint against a Member or co-opted Member, you will need to complete our complaint form, which is available on the website and on request from the Council. You should send the completed form to:-

The Monitoring Officer
Director of Corporate Resources
Dudley Metropolitan Borough Council
The Council House, Priory Road, Dudley DY1 1HF
E-mail: philip.tart@dudley.gov.uk
Telephone: 01384 815300

The Monitoring Officer has statutory responsibility for maintaining the register of Members’ interests and is responsible for administering the system in respect of complaints about the conduct of Members.

The following points should be noted before you make a complaint:

- You will need to provide us with your name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of your complaint and keep you informed of its progress.
- The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.
- There is a presumption that a complainant will not be allowed to claim confidentiality unless exceptional circumstances exist. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.

4. **Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. He may consult an Independent Person as appropriate. Where the Monitoring Officer has taken a decision, he will inform you of this and the reasons for it.

If the Monitoring Officer requires additional information before coming to a decision, he may ask you to provide such information. He may also request information from the Member against whom your complaint is directed.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where the Member or the Council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to inform the Police and/or any other regulatory agencies.

5. **How is the investigation conducted?**

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Annex 2.

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak with you to understand the nature of your complaint. It will also allow you to explain your understanding of events and suggest what documents the Investigating Officer needs to see, and

whom the Investigating Officer needs to interview. However the conduct of the investigation is in the total discretion of the Investigating Officer.

The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint. He/she will ask the Member to provide his/her explanation of events, and to identify what documents if any he/she needs to see, and whom he/she needs to interview.

In exceptional cases, where it is appropriate to keep your identity confidential, or where disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently. The Monitoring Officer shall keep the issue of confidentiality under review throughout the complaints process.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned. This will allow you and the Member an opportunity to identify any matter in the draft report that you disagree with, or which you consider requires more consideration.

Having received and taken into account any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and consult an Independent Person as necessary. If he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that he is satisfied that no further action is required, providing you both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or is insufficient to determine the complaint, he may ask the Investigating Officer to reconsider his/her report.

7. **What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and either seek local resolution or refer the matter for a local hearing before the Standards Sub-Committee.

8. **Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with an Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution that also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that

his/her conduct was unacceptable and offering an apology, and/or other remedial action. If the Member complies with the suggested resolution, the Monitoring Officer will take no further action.

9. **Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the Member concerned is not prepared to undertake any proposed remedial action (such as giving an apology), then the Monitoring Officer will refer the Investigating Officer's report to the Standards Sub-Committee. The Sub-Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Council has agreed a procedure for local hearings, which is attached as Annex 3.

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of advice from an Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the Member an opportunity to make representations and will consult an Independent Person, but will then decide what action, if any, to take in respect of the matter.

10. **What action can the Sub-Committee take where a Member has failed to comply with the Code of Conduct?**

The Council has given delegated powers to the Standards Sub-Committee to determine the appropriate course of action in respect of any complaints heard.

The action taken by the Sub-Committee, following a finding of a Member breach of the Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify the Member from office or to withdraw Members' allowances.

The Sub-Committee may consider the following (although this is not an exhaustive list):

- Reporting the findings to Council.
- Recommending to the Member's Group Leader that the Member in question be removed from the Cabinet, any or all Committees or Sub-Committees of the Council or Other Bodies subject to statutory and constitutional requirements.
- Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
- Formal censure through a motion.
- Withdrawal of facilities (eg: ICT).
- Arrange training for the Member.

11. **What happens at the end of the hearing?**

At the end of the hearing, the Chair will announce the decision to all parties present along with any other actions that the Sub-Committee decides to take.

As soon as reasonably practicable, the Monitoring Officer will send a copy of the decision letter to you and to the Member concerned. The minutes of the Sub-Committee will be placed on the Council's website and submitted to the next convenient ordinary meeting of the Council for information.

12. **Appeals**

There is no right of appeal for you as complainant or for the Member against any of the decisions made by the Monitoring Officer or by the Sub-Committee in accordance with these arrangements.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Annex 1: Dudley MBC - Members' Code of Conduct

Annex 2: Procedure for Investigations

Annex 3: Procedure for Local Hearings



Members' Code of Conduct

1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub-Committees and Working Groups.
- When acting as a representative of the Council.
- In taking any decisions as a Cabinet Member or Ward Councillor.
- In discharging functions as a Ward Councillor.
- At briefing meetings with Officers.
- At site visits.
- When corresponding with the Council other than in a private capacity.

2. General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

3. **Standards of Conduct**

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member or Co-opted Member of this Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council’s policies, protocols and procedures, including on the use of the Council’s resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- Respecting the confidentiality of information received as a Member by:
 - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - not obstructing third parties’ legal rights to access information.

4. **Members’ Interests**

The Localism Act 2011 provides for registration and disclosure of interests and in Dudley Metropolitan Borough Council this will be done as follows:

Disclosable Pecuniary Interests

Members must:

- Comply with the statutory requirement to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest.
- Ensure that the register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change(s) in respect of disclosable pecuniary interests.
- Make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

“Meeting” means any meeting organised by or on behalf of the Council, including:

- Any meeting of the Council, the Cabinet or any Committee, Sub-Committee or Working Group.
- In taking a decision as an individual Ward Member or Cabinet Member.
- Any briefing with officers.
- Any site visit associated with any business of the Council.

Other Interests

In addition to the requirements above, if Members attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or a non-pecuniary interest” in that item, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item or as soon as the interest becomes apparent.

You have a “non-disclosable pecuniary interest or a non-pecuniary interest” in an item of business where:-

- A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area; or
- It relates to or is likely to affect any of the interests set out in the form attached to this Code, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association;

and that interest is not a disclosable pecuniary interest.

It is the responsibility of Members to disclose interests and to withdraw from participating in meetings as and when necessary in accordance with both the requirements of this Code and the Council’s Constitution.

Sensitive interests

“Sensitive interests” mean those that contain information, the details of which if disclosed publicly, could lead to a Member or a person connected with a Member, being subjected to violence or intimidation.

Where a Member considers that the details of a disclosable pecuniary interest contains sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on the public version of the register, but may include a statement that an interest exists but the details are withheld.

Dispensations

The Council may grant a dispensation, but only in limited circumstances, to enable a Member to participate and vote on a matter in which they have a disclosable pecuniary interest.

Members do not have disclosable pecuniary interests in any business of the Council where that business relates to functions of the Council in respect of-

- housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members; and
- setting the Council Tax or a precept under the Local Government Finance Act 1992 as amended.

Gifts and Hospitality

Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 that has been accepted from any person or body other than the Council. The Monitoring Officer will include the notification in the public register.

LOCALISM ACT 2011 - Section 30(3)

The Relevant Authority (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER'S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

PLEASE NOTE that you are required to register the disclosable pecuniary interests of "relevant persons" which includes:

- (a) yourself as the Member or Co-opted Member;
- (b) the interests of the following persons in so far as you are aware of the existence of the interests of the other person(s):
 - your spouse or civil partner;
 - a person with whom you are living as husband and wife
 - a person with whom you are living as if you were civil partners

PLEASE STATE "NONE" WHERE APPROPRIATE

DISCLOSABLE PECUNIARY INTERESTS

- (a) Employment, office, trade, profession or vocation carried on for profit or gain

- (b) Sponsorship – any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member, or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

- (c) Contracts - Description of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council (a) under which goods or services are to be provided or works to be executed; and (b) which has not been fully discharged.

- (d) Land - Any beneficial interest in land, which is within the area of the Council

- (e) Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council

- (f) Any tenancy where (to my knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest

- (g) Securities - Any beneficial interest in securities of a body where (a) that body (to my knowledge) has a place of business or land in the area of the Council; and (b) either
- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

OTHER INTERESTS

- (h) Gifts and Hospitality - Details of the interests of any person from whom a gift or hospitality has been received with an estimated value of at least £100.

- (i) I am a member or in a position of general control or management of the following body/ies one of whose principal purposes include the influence of public opinion or policy (including any Political Party or Trade Union)

Signed

Dated



Investigations Procedure

Standards Allegations under the Localism Act 2011

1. Purpose

The purpose of this procedure is to ensure that investigations are carried out as quickly and thoroughly as possible in line with the principles of fairness, natural justice and other legal issues.

There are many factors that can affect the time it takes to complete an investigation. Most investigations should be carried out, and a report on the investigation completed, within six months of the original complaint being received by the Monitoring Officer. The timescale for holding a hearing to consider the outcome of an investigation should normally be no longer than three months from completion of the investigation. The Monitoring Officer will oversee the process to minimise delays wherever possible.

All decisions will be made under this procedure in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome, including consideration as to cost);
- due consultation and taking of professional advice;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- taking account and explaining the options considered and the reasons for the decision taken;
- due regard to the Members' Code of Conduct.

2. Procedure for Code of Conduct Investigations

1. A written complaint is received by the Monitoring Officer.
2. The Monitoring Officer acknowledges receipt and notifies the Member of the details of the complaint.
3. The Monitoring Officer decides whether or not further information is required. Both parties to the complaint will be notified if this is necessary.

4. The Monitoring Officer carries out an initial assessment of the complaint and consults with the Independent Person as necessary.
5. The possible outcomes of the Initial Assessment are:
 - **No case to answer** - The Monitoring Officer will notify the Member and the complainant of the outcome of the initial assessment.
 - **Informal resolution** – The Monitoring Officer may seek to resolve the complaint informally in consultation with an Independent Person as necessary. The Monitoring Officer will contact the complainant and the Member to discuss the proposal to resolve the complaint informally.

If both parties to the complaint accept informal resolution, the Monitoring Officer will notify them accordingly. If the Complainant refuses a reasonable offer of informal resolution, the Monitoring Officer will take this into account in deciding whether or not the complaint merits formal investigation. The Monitoring Officer may choose to dismiss the complaint.

If the Member agrees to informal resolution, and subsequently fails to comply with any agreed action to informally resolve the matter, the Monitoring Officer may refer the matter to the Standards Sub-Committee.

The Monitoring Officer will advise both parties of the outcome of the agreed informal resolution, thereby concluding the complaint.

- **The Monitoring Officer decides that the complaint requires formal investigation.**

The Monitoring Officer will consult an Independent Person as necessary and advise the complainant and the Member of this decision.

The Monitoring Officer will appoint an Investigating Officer – who may be another senior officer of the Council, a senior officer from another Authority, or an external investigator.

The Investigator will advise the Complainant and the Member of the scope of the investigation, including proposed timescales, the witnesses to be interviewed and the documents required. The Investigator has sole discretion as to how to conduct the investigation and conclude the investigation report.

At the conclusion of the investigation, the Investigation Officer will produce a draft report, to be forwarded to the complainant, the Member and the Monitoring Officer.

The Complainant and the Member will have an opportunity to comment on the draft report, and identify aspects of the report they disagree with. However the Investigator has sole discretion as to whether or not to amend or alter the report as a result of any comments made. The Investigating Officer will forward the

final report to the Monitoring Officer with any amendments following his/her consideration of any comments received.

The Monitoring Officer will review the Investigating Officer's report and will decide whether or not the report is sufficient. If the report is deemed to be insufficient, the Monitoring Officer will ask the Investigating Officer to reconsider the report.

If the report is sufficient, the Monitoring Officer will send a final copy of the report to the complainant and the Member, and indicate the course of action that he will take in relation to the complaint.

The courses of action will be as follows:

- **The report finds no breach of the Members' Code of Conduct** – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.
- **The report finds a breach or potential breach of the Members' Code of Conduct** – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:
 - (i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.
 - (ii) Referral for a local hearing by the Standards Sub-Committee.



Procedure for Standards Sub-Committee Meetings

1. Interpretation

'Subject member' means the Member of the Council who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.

'Investigator' means the Monitoring Officer or his nominated representative.

'Independent Person' means a person appointed to undertake this role by the Council pursuant to the provisions of the Localism Act 2011.

2. Representation

The subject Member may be represented or accompanied during the meeting by a person of their choice.

3. Advice

The Sub-Committee may take advice, in private if necessary, from officers at any time during the hearing or while they are considering the outcome. The substance of any advice given to the Sub-Committee should be shared with the subject Member and the investigator if they are present.

4. Independent Person

The Independent Person involved in the case shall be entitled to attend the meeting to give advice and views to the Sub-Committee at any stage of this procedure.

5. Setting the scene

After everyone has been formally introduced, the Chair should explain how the Sub-Committee is going to run the hearing.

6. Exclusion of the Public and Press

The Sub-Committee will consider whether the meeting should be considered in public or private session under the provisions of the Local Government Act 1972.

7. **Preliminary Procedural Issues**

The Sub-Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

8. **Making findings of fact**

After dealing with any preliminary issues, the Sub-Committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Sub-Committee can move onto the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Sub-Committee may give the subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The subject Member should then have the opportunity to make representations to support their version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.

At any time, the Sub-Committee may question any of the people involved or any witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the subject Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:

- continue with the hearing, relying on the information in the investigator's report;
- allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary;
- postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.

The Sub-Committee will usually adjourn to consider the representations and evidence in private.

The Chair will announce the Sub-Committee's findings of fact.

9. **Did the subject Member fail to follow the Code of Conduct?**

The Sub-Committee then needs to consider whether, based on the facts it has found, the subject Member has failed to follow the Members' Code of Conduct.

The subject Member should be invited to give relevant reasons why the Sub-Committee should decide that he/she have not failed to follow the Code.

The Sub-Committee should then consider any verbal or written representations from the investigator.

The Sub-Committee may, at any time, question anyone involved on any point they raise on their representations.

The subject Member should be invited to make any final relevant points.

The Sub-Committee will then adjourn to consider the representations.

The Chair will announce the Sub-Committee's decision as to whether the subject Member has failed to follow the Code.

10. **If the subject Member has not failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has not failed to follow the Code, the Sub-Committee can move on to consider whether it should make any recommendations to the Council.

11. **If the subject Member has failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the subject Member as to:-

- Whether the Sub-Committee should take any action.
- What form that action should take.

The Sub-Committee may question all parties and take any advice, to make sure they have the information they need in order to make an informed decision.

The Sub-Committee will then deliberate in private to consider whether to take any action in respect of the subject Member and, if so, what action to take.

The Sub-Committee may also consider whether it should make any other recommendations to the Council.

The Chair will announce the Sub-Committee's decision.

12. **The written decision**

The Sub-Committee will announce its decision on the day. The Monitoring Officer will arrange for a decision letter to be sent to all parties as soon as possible after the meeting to confirm the decision.

PETITION SCHEME

1. Petitions

We welcome petitions as one way in which you can let us know your concerns. We set out below how the authority will respond to petitions.

2. What is a petition and whom may send them?

Anyone who lives, works or studies in the area of Dudley Metropolitan Borough Council can sign or organise a petition. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition.

3. What should a petition contain?

A petition should include –

- A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.
- The name, address and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details should be a postal address and an Email address if you have one;
- The names and addresses of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this should include a signature and an address from each petitioner. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), your petition will need to contain at least 3,000 of signatories or petitioners (see below);

4. Who should you send a petition to?

Where you submit a petition in response to a specific consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time when the matter to which it relates is considered.

You can hand in petitions at meetings of your local Community Forum. These will be passed on to the relevant officers for a response.

The Director of Corporate Resources is otherwise responsible for receiving petitions sent to the authority. Please address those petitions to –

The Director of Corporate Resources,
c/o Democratic Services
Dudley Metropolitan Borough Council,
The Council House, Priory Road,
Dudley, West Midlands, DY1 1HF

On receipt, your petition will be acknowledged and you will be advised that the matter has been referred to the relevant Director for attention. Group Leaders, the relevant Cabinet Member and Ward Members will also be notified that a petition has been received.

5. Types of Petition

There are different types of petition, as set out below. How the Council deals with a petition depends on which type of petition you submit –

Consultation Petitions

These are petitions in response to an invitation from the Council for the public to make representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date will be reported to the appropriate Committee, Sub-Committee, Cabinet Member or Officer with delegated power to act, as defined in the Scheme of Delegation in the Council's Constitution.

Where the petition relates to a matter, which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision. Similarly, an officer may choose to refer a matter to the relevant Cabinet Member.

Ordinary Petitions

Ordinary petitions will be referred to the relevant Director for consideration and attention.

The relevant Director is responsible for keeping the Petition Organiser, the appropriate Cabinet Member(s) and Ward Councillors informed of any action that is taken or proposed by the Council.

It should be noted that Petition Organisers may pursue the Council's complaints procedures should they remain dissatisfied with the outcome of the consideration of a petition.

Statutory Petitions

Particular Acts of Parliament may require the Council to consider petitions and other representations. Petitions that are to be considered under a statutory process will be referred to the appropriate Director for consideration in accordance with that process.

Petitions for Debate at Full Council

If you want your petition to be reported to and debated at a meeting of the full Council, it must contain at least 3,000 petitioners. Your petition should state that you wish the matter to be debated at full Council.

For practical reasons, petitions for Debate must be submitted no later than 14 days before the meeting of the Council at which you want the Petition debated.

Any Petitions for Debate will be reported to the next convenient ordinary meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of the Council.

Petitions for debate shall be considered at meetings of the Council in the order prescribed in the Council's Procedure Rules or otherwise as may be determined by the Mayor. A maximum of 30 minutes will be allowed at each meeting for considering all petitions for debate. Petitions not dealt with in the time allowed will normally be deferred until the next ordinary meeting of the Council unless the Mayor determines otherwise.

The Mayor will invite the petition organiser to address the Council for up to 3 minutes immediately before the matter is debated. The Council's Procedure Rules shall then apply to the debate on petitions at the Council meeting.

6. Public Speaking Rights at Meetings

Unless the Constitution provides otherwise, the right of any person to speak at any meeting and the manner in which petitions are dealt with shall be at the discretion of the person presiding at the meeting concerned.

7. Duplicate, Repeat or Rejected Petitions

Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser. However, only the petition organiser of the first petition to be received will be afforded speaking rights if these apply at the relevant meeting to which the petition is reported.

Repeat Petitions

A petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

Rejected Petitions

Petitions will not be reported if in the opinion of the Director of Corporate Resources, in consultation with the relevant Cabinet Member and the Chairman of the relevant Scrutiny Committee, they are vexatious, abusive or otherwise inappropriate, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

ARTICLE 10 – COMMUNITY FORUMS

10.01 Community Forums

The Council may appoint Community Forums to ensure improved community engagement, community participation and greater transparency and accountability in the conduct of the Council's business.

10.02 Form, composition and function

- (a) Community Forums shall cover the areas included within the boundaries of the following electoral wards:-
- Amblecote, Cradley & Wollescote and Lye & Stourbridge North
 - Belle Vale and Halesowen North
 - Brierley Hill and Brockmoor & Pensnett
 - Castle & Priory, St James's and St Thomas's
 - Coseley East & Sedgley
 - Gornal and Upper Gornal & Woodsetton
 - Halesowen South and Hayley Green & Cradley South.
 - Kingswinford North & Wall Health, Kingswinford South and Wordsley
 - Netherton, Woodside & St Andrews and Quarry Bank & Dudley Wood
 - Norton, Pedmore & Stourbridge East and Wollaston & Stourbridge Town
- (b) Community Forums shall comprise the elected Members for the wards referred to above. A Member of the Council shall be entitled to attend meetings of other Community Forum(s) to which he/she is not normally appointed as a ward Councillor.
- (c) The principal focus of Community Forums is the opportunity for local people to engage with Councillors to discuss local issues. The Forums shall otherwise operate in accordance with any protocols that are adopted by the Council from time to time.
- (d) Community Forums are centred on the democratic representational role of local ward Councillors and involve discussion of local ward issues and matters raised by members of the public. Forums will also receive petitions and make recommendations on the allocation of local area budgets.

- (e) Community Forums may also:
 - (i) Refer service matters to the appropriate Directorates for a response.
 - (ii) Request that reports are submitted to any Committee, a Cabinet Member, the Cabinet or the Council.
 - (iii) Refer matters to local partner organisations.

10.03 Chairs and Vice-Chairs of Community Forums

The Council shall appoint Members to serve as Chairs and Vice-Chairs of the Community Forums on an annual basis.

10.04 Conflicts of Interest

All Members of the Council shall observe the requirements of the Members' Code of Conduct when attending meetings of the Community Forums.

10.05 Reports to Council

Bullet point informal minutes shall be produced of issues raised at Community Forums. These shall be submitted to ordinary meetings of the Council to enable questions in accordance with Council Procedure Rule 11.

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

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

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

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

Thank you for your co-operation.