

MEETING OF THE CABINET

WEDNESDAY 31ST OCTOBER, 2012

**AT 6.00 PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

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

**JOE JABLONSKI
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www.dudley.gov.uk**

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

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

Thank you for your co-operation.

Our Ref:
JJ/KLF

Your Ref:

Please Ask For:
Mr J. Jablonski

Telephone No:
01384 815243

23rd October, 2012

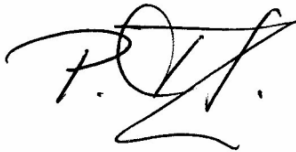
Dear Councillor

MEETING OF THE CABINET – WEDNESDAY 31ST OCTOBER, 2012

You are requested to attend a meeting of the Cabinet to be held on Wednesday 31st October, 2012 at 6.00p.m. in Committee Room 2 at the Council House, Priory Road, Dudley to consider the business set out in the agenda below.

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

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES

To approve as a correct record and sign the minutes of the meeting of the Cabinet held on 12th September, 2012 (copy attached).

BUDGET, STRATEGIC, POLICY AND PERFORMANCE ISSUES

5. REVENUE BUDGET STRATEGY 2013/14 - TO FOLLOW

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

6. STAFFING ISSUES – BUDGET SAVINGS (PAGES 1 – 10)

To consider the report of the Director of Corporate Resources.

7. LOCALISED COUNCIL TAX REDUCTION SCHEME 2013/14 (PAGES 11 – 28)

To consider the report of the Director of Corporate Resources.

8. CAPITAL PROGRAMME MONITORING (KEY DECISION) (PAGES 29 – 32)

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

9. GAMBLING POLICY (KEY DECISION) (PAGES 33 – 72)

To consider the report of the Director of Corporate Resources

SERVICE RELATED CORPORATE ISSUES

10. ANNUAL REVIEW OF EQUALITY 2012 (PAGES 73 – 75)

To consider the report of the Director of Corporate Resources.

11. PUBLICATION OF THE HALESOWEN AREA ACTION PLAN (KEY DECISION) (PAGES 76 – 78)

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

12. SAFER ROUTES TO SCHOOL – 20MPH SPEED LIMIT POLICY (KEY DECISION) (PAGES 79 – 83)

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

13. WELLBEING AT WORK: DEVELOPING THE DUDLEY APPROACH (PAGES 84 – 89)

To consider the report of the Director of Public Health

14. ISSUES ARISING FROM SCRUTINY COMMITTEES (IF ANY)

The Director of Corporate Resources to report orally.

PRIVATE SESSION

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

15. RESOLUTION TO EXCLUDE THE PUBLIC

To consider the adoption of the following resolution:-

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

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

<u>Agenda Item Number</u>	<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
16	Directorate of the Urban Environment (DUE)Restructuring Proposals	1

16. DIRECTORATE OF THE URBAN ENVIRONMENT(DUE)RESTRUCTURING PROPOSALS (PAGES 90 - 95)

To consider the report of the Director of the Urban Environment

To: All Members of the Cabinet:

Councillor Sparks (Leader - Chair)

Councillor Ali (Deputy Leader)

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

Opposition Group Members nominated to attend meetings of the Cabinet:

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

MEETING OF THE CABINET

Wednesday, 12th September, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

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

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

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

OFFICERS:-

The Chief Executive, Director of Corporate Resources, Director of Children's Services, Treasurer, Director of the Urban Environment, Director of Public Health, Assistant Director, Adult Services (Directorate of Adult, Community and Housing Services) and Mr J Jablonski (Directorate of Corporate Resources), together with other officers.

21 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Foster and Partridge.

22 DECLARATIONS OF INTEREST

Councillor Lowe declared a Non-Pecuniary Interest in respect of agenda item number 10 (The Local Government Ombudsman's Annual Review Letter 2011/12) as he was acquainted with some of the people referred to in Appendix 3C of the report.

Councillors Mrs Shakespeare and Mrs Walker also declared Non-Pecuniary Interests in agenda item number 10 – Appendix 3C - referred to above, for the reasons that 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 would be a recipient of compensation awarded.

23 MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 20th June, 2012, be approved as a correct record and signed.

24

CAPITAL PROGRAMME MONITORING

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

RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report submitted to the meeting be noted.
- (2) That the Council be recommended:-
 - (a) That current progress with the 2012/13 Capital Programme, as set out in Appendix A of the report submitted to the meeting be noted and that budgets be amended to reflect the reported variances.
 - (b) 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 5 of the report submitted to the meeting.
 - (c) That it be noted that the Adult Social Care minor works programme for this year includes £80,000 of investment in Libraries and Archives, as set out in paragraph 6 of the report submitted to the meeting.
 - (d) That the replacement of Leisure Centre Lockers be approved and included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.
 - (e) 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 8 of the report submitted to the

meeting.

- (f) 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 9 of the report submitted to the meeting.
- (g) That the Urgent Amendment to the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting be noted.

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

25

STRAY AND ILLEGALLY GRAZING HORSES – POLICY ADOPTION

A report of the Director of the Urban Environment was submitted on the Stray and Illegally Grazing Horses Policy as developed by the Regeneration, Culture and Adult Education Scrutiny Committee.

The Cabinet Member for Environment and Culture wished to place on record her thanks to the Members of the Working Group of the scrutiny committee who, in consultation with others, had developed the policy.

RESOLVED

- (1) That the Stray and Illegally Grazing Horses Policy, as detailed in Appendix 1 of the report submitted to the meeting, be approved.
- (2) That the Stray and Illegally Grazing Horses Policy be reviewed in twelve months time and promoted via the Communications and Public Affairs Section of the Chief Executive's Directorate.

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

26

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

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

In the discussion, it was reported that proposals for further engaging with Members of the Council on processes and performance were being looked at and would be reported on later in the year.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from the 1st April to the 30th June, 2012 be noted and its contents approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Scrutiny Committees to consider specific issues within their Terms of Reference.

27

FOOD SERVICE PLAN 2012/13

A report of the Director of the Urban Environment was submitted on the contents of the Directorate of the Urban Environment Food Service Plan 2012/13.

RESOLVED

That the Council be recommended that the contents of the Food Service Plan of the Directorate of the Urban Environment for 2012/13 be approved.

28

RE-PUBLICATION OF THE STOURBRIDGE AREA ACTION PLAN

A report of the Director of the Urban Environment was submitted on progress on the Stourbridge Area Action Plan (AAP) and to seek approval for the AAP to be published for a final six-week period of public consultation and subsequently submitted to the Secretary of State for examination.

Arising from comments made, it was agreed that any minor changes to the document would be notified to all Members of the Council.

RESOLVED

- (1) That the publication of the Stourbridge Area Action Plan be approved for a statutory period of public consultation.
- (2) That the Council be recommended that following public consultation, the Stourbridge Area Action Plan be submitted to the Secretary of State so that it may be subjected to a Public Examination.

- (3) That the Director of the Urban Environment, in consultation with the Leader of the Council and 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.

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

29

THE LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW LETTER 2011/12

A report of the Director of Corporate Resources was submitted on the Annual Review Letter for 2011/12 from the Local Government Ombudsman in respect of complaints received against the Council and dealt with by the Ombudsman's office over the year ending 31st March, 2012.

Arising from the presentation of the report, it was noted that the Environment Scrutiny Committee at its meeting held on 5th September, 2012, had considered the report referred to at Appendix 3C to the report submitted. A number of learning points had been raised and would be actioned.

In the discussion arising in particular about the delay in the payment of compensation to residents, in relation to the report referred to at Appendix 3C to the report submitted, the Cabinet Member for Environment and Culture agreed to respond direct to Councillor L Jones on the reasons for the delay in paying the compensation agreed upon.

An undertaking was however given that all compensation payments would be made.

RESOLVED

- (1) That the information contained in the report, and Appendices, submitted to the meeting, be noted and that the Chief Executive and Directors be requested to:-
- (a) Review their internal arrangements, as appropriate; and
 - (b) Continue to ensure that requests for information on complaints received are dealt with by the date requested, in order to ensure that responses can be submitted to the Ombudsman's office within the timescales set and the Council's excellent performance on response times can be

maintained.

- (2) That all Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
- (3) That the Annual Review Letter be posted on the Council's website.
- (4) That the Cabinet Member for Environment and Culture respond direct to Councillor L Jones on the reasons why compensation agreed to be paid to residents, referred to in Appendix 3C of the report submitted, had not yet been paid.

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ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

The meeting ended at 6.25pm.

LEADER OF THE COUNCIL

Meeting of the Cabinet – 31st October 2012

Report of the Director of Corporate Resources

Staffing issues – budget savings

Purpose of Report

1. To update Cabinet with final figures relating to staff changes as a result of the budget saving process for year two (2012/13).
2. To update Cabinet with learning that has taken place and outcomes from the learning put into place for the year two budget saving process.
3. To seek approval for a voluntary redundancy programme for savings required in 2013/14, as it has been demonstrated that the programmes over the last two years have significantly reduced the number of compulsory redundancies required.
4. Further, if such approval is given, to note the posts identified for exclusion from a voluntary redundancy process at this time, due to service delivery requirements. (subject to possible bumping opportunities)
5. Further, to seek approval for the Director of Corporate Resources in consultation with the Cabinet member for HR, Law & Governance to again have delegated responsibility to determine applications for voluntary redundancy including those with pension implications.

Background

Facts and Figures

6. This report follows a report submitted to Cabinet in April in relation to the Council's budget for 2012/13
7. Legal obligations require employers to attempt to minimise the need for compulsory redundancies. Over the past two years the Council has demonstrated a proactive approach to ensure where possible employees have been able to maintain their employment despite unprecedented saving requirements. Therefore the Council has considered a number of options whilst maintaining service delivery for citizens of the borough in line with Council plans. Our redeployment policy and procedures contribute to minimising compulsory redundancies, as does a robust process of vacancy management.
8. Indications for 2012/13 were that 155.21 FTE posts would need to be removed that year, with 68.9 FTE achieved by non filling of vacancies or reduction in hours.

9. All directorate management teams have managed their workforce, taking into account business needs and anticipated savings required, recruitment is also closely monitored by an elected member authorisation process for all vacancies.
10. Additionally, expressions of interest were requested from employees across the Council, excluding teaching staff, for voluntary redundancies, which, it was intended, would minimise the need for compulsory redundancies. The process highlighted from the start any posts or service areas where requests would not be able to be agreed (unless there was a redundancy bumping opportunity) to minimise expectations if service delivery/business needs would prevent agreement. Employees understood that if they were in an excluded area they may still register their interest if they wished to be considered should either budget savings change or there be a redundancy bumping opportunity and 125 employees in this category registered their interest of which 2 were subsequently followed up.
11. This expression of interest for voluntary redundancy resulted in 550 expressions received, of which 35 were subsequently withdrawn by individuals at various stages in the process. By the end of the process 83 of those who had decided to continue with their interest; were supported by senior managers and subsequently authorised to leave the Council on the grounds of voluntary redundancy. Of the 83 there were 37 with capitalised pension cost implications.
12. A number of employees who requested voluntary redundancy, were held as pending due to the fact they could possibly be considered if a redundancy bumping opportunity arose.
13. Once numbers for voluntary redundancies were confirmed there was still a requirement for compulsory redundancies to meet the savings required.
14. 40 employees were put at risk of compulsory redundancy. However before it was necessary for Cabinet to approve to terminate the contracts of employment 14 were either redeployed (10 in a restructure as a result of budget savings), bumped or employed at another local authority. This left 26 employees who were included in the report submitted to Cabinet for approval to end their contracts of employment on the grounds of compulsory redundancy. Of these 8 had capitalised pension cost implications
15. Redeployment efforts continued up to their last working day for all employees at risk of compulsory redundancy and the table below demonstrates the outcome for the 26 employees.

Status	Number				
	Children's Services	DACHS	DUE	Central directorates	Totals
Redeployed	1	2	3	0	6
Redundancy bumped*	0	1	1	0	2
Redundant	1	14	3	0	18

*bumping takes place when an employee at risk of compulsory redundancy "bumps" a volunteer for redundancy out of their job and the post of the volunteer is then the one which is redundant and removed from the establishment.

16. Therefore 18 employees have left the council (6 with capitalised pension costs implications) on the grounds of compulsory redundancy as a result of the year two savings, with 30.8% of those put forward to Cabinet for approval being successfully maintained in employment.
17. The total leavers (compulsory or voluntary redundancy) for year two budget savings is 101 (80.92 FTE). The table below gives a breakdown by directorate.

Reason	Numbers									
	Chief Executives		Children's Services		Corporate Resources		DACHS		DUE	
	FTE	Actual	FTE	Actual	FTE	Actual	FTE	Actual	FTE	Actual
Voluntary redundancy	1.61	2	12.17	16	9.24	11	26.19	38	14.68	16
Compulsory redundancy	0	0	1	1	0	0	13.03	14	3	3
Total	1.61	2	13.17	17	9.24	11	39.22	52	17.68	19

Learning from year two

18. Key messages from employees were that in general the process was well managed but some concerns were raised about communication between managers and those leaving on either voluntary or compulsory redundancy often with managers being under their own time pressures and also perhaps inexperienced in this sort of situation and worried about doing or saying the wrong thing. It was agreed that it would be beneficial for managers to undertake training on how to manage employees through and beyond the changes. Therefore appropriate modules are now mandatory as part of the successful "Facing the Future" suite of training and managers including assistant directors and corporate board members are already beginning to attend them in readiness for the next round of budget savings.
19. The efforts to reduce the number of compulsory redundancies were once again successful and savings achieved within timescales.
20. Processes such as the delegated responsibility to the Director of Corporate Resources in consultation with the Cabinet Member for HR, Law & Governance for approval of voluntary redundancies supported efficiency and timeliness. The detail of the approvals was shared with the opposition lead for HR.
21. The Managing Employees at Risk of Redundancy Policy (implemented in August 2010) provided a useful guide to managers, union representatives and employees alike to ensure clarity of the procedures involved in a fair and consistent process. Standard templates for meetings and letters enhanced consistency across the council. The policy was reviewed and updated as a result of learning from year one experiences, including the streamlining of meetings (an area that employee feedback suggested could be improved), more detailed explanations in relation to bumping and assimilation and enhanced guidance in terms of equality assessments. The policy has as a result become very weighty and work is ongoing to address this. Updates in processes relating to selection criteria for areas with excess volunteers for redundancy have been put in place following feedback from those involved in the process and further clarification for managers and HR Officers regarding how to calculate assimilation into posts following learning during restructures which were not specifically related to the budget process but which has helped to build knowledge of this area of work.

22. The Retraining and Redeployment Policy was also reviewed and updated following the year one savings process and no review has been necessary following year two.
23. The Facing the Future programme developed by the Corporate Learning & Development team for managers and staff continued to receive positive feedback and has added value to the retraining & redeployment process.
24. In total 20 employees have been redeployed within the council as part of the year two budget saving process, 3 of those via redundancy bumping. Redundancy bumping is a challenging area for all concerned. It is important for service delivery and the health and well being of employees that any redundancy bumping that takes places is carefully considered and appropriate. Understandably some employees will be so keen to stay in employment they will consider almost anything and it is our responsibility to ensure that any bump is right for all parties so as not to put either the service, the employee or colleagues at risk (of failure to deliver, stress and anxiety, increased pressure etc). This is particularly important as the workforce continues to reduce. Therefore this is a time consuming and often emotive area of work and guidance for all involved is provided. The process to identify potential opportunities has also been improved to maximise options for consideration.
25. Trade Unions were consulted both corporately and at directorate level and, the Department for Business, Innovation and Skills were notified in line with statutory requirements. Union representatives were pleased with the Council's efforts to reduce compulsory redundancies with a voluntary redundancy programme. No union comments were made to the selection criteria chosen for use when selection pools were required although agreement was reached that such pools would be division and then directorate wide in the first instance.
26. Following year one learning it was considered that the timing of the Council decision making process could be improved to be more in line with the legal consultation process to achieve proposed savings. The changes made to have an earlier starting point provided a more effective process and the draft outline timetable for 2013/14 (attached as an appendix) follows the same timeline.

Finance

27. The total overall cost to the Authority in approving severances related to the 2012/13 budget was:

Compulsory redundancies

- a. Redundancies £0.169m
- b. Capitalised notional cost of early access to earned pensions £0. 050m

Voluntary redundancies

- c. Redundancies £1.181m
- d. Capitalised notional cost of early access to earned pensions £0.429m

28. These costs were met from provision within the 2011/12 accounts. Redundancy costs are dependant on the age and length of service of the individuals concerned and therefore costs for the 2013/14 savings can not be precisely calculated at this stage.

Law

29. 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.
30. 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.
31. Relevant employer responsibilities are contained in The Employments Rights Act 1996 and The Equality Act 2010
32. 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.
33. Pension arrangements for Local Government employees are contained in the Local Government Pension Scheme regulations 1997

Equality Impact

34. The budget saving process detailed in this report is consistent with the Council's Equality & Diversity Policy
35. A corporate Equality Impact Assessment for staffing was completed and is attached as an appendix. There were no major implications identified for the seven protected characteristics as defined by the Equality Act 2010.

Recommendation

36. That Cabinet note the contents of this report.
37. That Cabinet agree the outline timetable for the next round of employee related budget savings.
38. That Cabinet agree 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. (listing attached as an appendix).
39. 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.



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Philip Tart
Director of corporate resources

Contact Officers:

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Principal HR Officer supporting Children's Services
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List of Background Papers

- Equality Impact Assessment
- Draft outline timetable for the 2013/14 savings programme
- Excluded posts lists

Staffing issues - proposed budget savings 21013/12

August to September 2012	Directors/AD's continue savings planning with consideration of EIA implications on their service users going forward and consider how to mitigate these.
24 th September 2012	Provide draft timeline to union representatives at the Council Consultative and Negotiating Group.
02/10/12	Corporate Board discuss service areas/posts to be excluded from a voluntary redundancy (VR) process if approved (as with last year they will still be considered for any redundancy bumping opportunity)
October and November 2012	Corporate Board, Assistant Directors, HR officers and managers with cuts in their service areas involving employee changes to attend mandatory Facing the Future training sessions.
25/10/12 – 10am	Corporate union consultation regarding the budget proposals and potential staffing implications including the Treasurers presentation. The Cabinet Member for Finance to attend the corporate union meeting. Followed by directorate union consultation meetings over the following week prior to Cabinet on 31/10.
31/10/12	Full Cabinet to approve to go to consultation on proposed budget savings for 2013/14. Additionally Cabinet approval for a VR process & delegated approvals for VR.
01/11/ 12 to 05/11/12	Communicate to workforce- if approval for VR process is obtained - to invite Expressions of Interest for VR's for 2013/14.
Nov 2012 01/11/12 05/11/12 06/11/12 12/11/12 14/11/12	Scrutiny and consultation to commence. This is with scrutiny committees, external groups and employees/employee representatives. Scrutiny Committees: Community Safety & Community Services Environment Regeneration, Culture & Adult Education Health & Adult Social Care Children's Services
w/c 19/11/12	AD's receive VR expressions of interest information. DMT's meet to agree decisions.
28/11/12	AD's meet corporately to discuss overall staffing implications for a consistent approach. One AD per directorate to represent all plus Treasurer, AD for HR and all Heads of HR.
w/c 26/11/12, 03/12/12 & 10/12/12	Managers and HR Officers progress responses to expressions of interest.

During December and January	<p>Work to progress on:</p> <ul style="list-style-type: none"> • Investigating redundancy bumping opportunities • Identifying selection pools for areas where there are too many VR's or not enough/any and compulsory redundancy (CR) selection pools required • Conducting selection criteria meetings
13/02/13	Cabinet meeting to discuss proposed cuts prior to recommending to full council.
Monday 25/02/13	If CR's are required - serve formal notice of redundancy to individuals to take effect from Monday 25 February 2013. Entry on the redeployment register from Monday 25 February 2013 to Sunday 19 th May 2013 inclusive due to policy being 12 weeks on the redeployment register.
04/03/13	Full Council – employees can leave the council from after this meeting. Those at risk of compulsory redundancy will still be going through the time required on the redeployment register, with every effort made to redeploy or redundancy bump up to the last working day.
20/05/13	Employee's leaving the Authority on the grounds of CR (unless on redeployment trials which may delay the leaving date for CR's).
31/05/13	2013/14 budget process closes. The only exceptions to this date will be for employees at risk of compulsory redundancy who are undertaking redeployment or redundancy bumping trials that take them past this date, any instances whereby service cuts in one area have led to the need for employee reductions in other areas not previously identified for savings and any related to cuts in grants where the details are not sufficiently available at this stage and may mean a later date to commence consultation.

Exclusion List – Posts by directorate and division

Unless otherwise stated the reason for the exclusion is that these are essential posts and qualifications and/or skill levels needed to deliver the roles are specialist and highly sought. It is essential in these areas to retain our current level of staffing to meet service needs. However if applicable redundancy bumping may be explored.

DACHS

Libraries, Archives & Adult Learning Division

No exclusions

Housing Services Division

All posts within Building Services and Housing Management funded through Housing Revenue Account (HRA) with the exception of Stores and Transport.

Homelessness, Housing Advice, Mediation & Tenancy Sustainment posts

Housing Strategy Division

Environmental Health Officers

Quality & Commissioning Division

Housing Finance Team

Adult Social Care Division

All roles within adult social care division

CORPORATE RESOURCES

Law & Governance Division

All sections excluded with the exception of health & safety

HR & OD Division

Heads of HR, Deputy Heads of HR/HR team managers & Principal HR Officers

Customer Services Division

Council Tax Billing & Recovery staff

Business Rates staff

Debtors staff

Benefits Assessors

Treasurers Division

No exclusions

Exclusion List – Posts by directorate and division

Unless otherwise stated the reason for the exclusion is that these are essential posts and qualifications and/or skill levels needed to deliver the roles are specialist and highly sought. It is essential in these areas to retain our current level of staffing to meet service needs. However if applicable redundancy bumping may be explored.

CHIEF EXECUTIVES

No exclusions

CHILDREN'S SERVICES

Children & Families

Residential workers in Children's homes
Qualified social workers

Education, Play & Learning

No exclusions

Quality & Partnership

Unit based Catering Staff
Qualified social workers

Transforming Futures

Qualified social workers

DUE

Leisure & Cultural Services

Operational staff for - Leisure Centres, Public Halls and Parks
Grave digging and crematorium staff – Bereavement Services

Planning & Environmental Health

No exclusions

Environmental Management

Environmental Management front line employees and their direct supervisors

Economic Regeneration & Transportation

School Crossing Patrol operatives

Meeting of the Cabinet – 31st October 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 (previously referred to as council tax support schemes)
- 2 To update members on the results of the consultation exercise that was approved by the Cabinet meeting held on 20th June 2012.
- 3 Following consideration of the consultation results and equality impact assessment, to gain agreement that the Cabinet's preferred option remains unchanged (ie. to match the current calculation and eligibility rules of the current Council Tax Benefit scheme (CTB) for it's 2013/14 Council Tax Reduction Scheme.

Background

For information paragraphs 4 – 7 are replicated from the cabinet report of 20th June

- 4 The Council's Benefits Section currently administers council tax benefit 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 council tax benefit to about 33,000 council tax payers, the average award of benefit amounting to approximately £720 per year.
- 5 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 per cent. This will involve the abolition of the current national council tax benefit scheme and the introduction of new localised 'council tax support' schemes designed and administered by individual councils.
- 6 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.

- 7 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 council tax benefit.
 - 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.
- 8 At the 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 council tax benefit scheme and that consultation should proceed on this basis.
- 9 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 is 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:-
http://online.dudley.gov.uk/council/LSCT_Preceptor_Consultation.pdf)
- 10 Public consultation took place for 8 weeks from 1st August 2012 to 25th September 2012, the results of which are included in Appendix 1.
- 11 Although consultation is still ongoing in neighbouring authorities, 5 out of the 7 West Midlands metropolitan boroughs are consulting on the basis that their preferred option is to also replicate the eligibility rules and award calculations of the current Council Tax Benefit scheme in their reduction schemes for 2013/14.
- 12 The Welfare Reform Act 2012 and the Local Government Finance Bill 2012 (LGFB) contain provisions for the abolition of council tax benefit in its current form and pave the way for new localised council tax reduction schemes.

- 13 The LGFB is (at the time of writing this report) at the Lords Report Stage in it's passage through Parliament. It is expected to receive Royal Assent in mid-November (at the earliest).
- 14 Following Royal Assent, the Secretary of State will issue two sets of regulations (for England billing authorities only):-
 - a. Elements that must be included in any council tax reduction scheme
 - b. A default scheme that will automatically become a billing authorities' scheme if they fail in their duty to approve a local scheme by 31st Jan 2013

The government have stated that it's default scheme (b above) will be written to include the prescribed requirements (a above) and will replicate the current council tax benefit regulations in it's design.

Although currently available in draft form, these regulations are still subject to another redraft in October and an estimated publication in late November.

- 15 As a consequence of 14 above it is not possible to issue a Dudley council tax reduction scheme at this time, although subject to approval of recommendation 1, we propose to use the default scheme (when issued by the Secretary of State) as the rules for our own scheme, adjusting only :-
 - a. presentation and layout as necessary.
 - b. addition of our local scheme rules for war pension disregards (as under CTB)
 - c. updating of any index-linked applicable amounts, disregards (as under CTB)
 - d. clarification of the treatment of incomes not currently included in our current CTB scheme (eg. the new universal credit to be phased in from Oct 13)
 - e. additional administration / procedural rules if required

- 16 The current wording of the LGFB states billing authorities have to formally gain approval from Full Council for their council tax reduction schemes by 31/1/13.

- 17 Although the timescales are very tight it is proposed that the Dudley's scheme will be presented for approval at the full council meeting on 26th November 2012, but any delays in the primary or secondary legislation may necessitate an emergency council meeting.

- 18 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. Although details of eligibility and individual amounts are yet to be released it is likely that we would be eligible for some additional transitional funding based on our current proposals.

Finance

- 19 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** (see separate Agenda item for this meeting)

Law

- 20 The Welfare Reform Act 2012 (Royal Assent on 8th March 2012), contained provision for the abolition of Council Tax Benefit.
- 21 The Local Government Finance Bill 2012-2013 (in current passage through Parliament) proposes changes to the Local Government Finance Act 1992 to introduce localised council tax reduction schemes.

Equality Impact

- 22 The Government has stated that local schemes should provide support for the most vulnerable. The Government has confirmed that it does not intend to prescribe the protection that local authorities should provide for vulnerable groups other than 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.

- 23 An Equality Impact Assessment has been undertaken, the outcomes of which are attached in Appendix 2.
- 24 There has been no specific involvement of children and young people in developing the proposals in this report.

Recommendations

- 25 After considering the outcomes of the consultation and the equality impact assessment, that Cabinet agree that the Council's preferred option for our 2013/14 localised council tax reduction scheme is to match the eligibility rules and award levels of the existing council tax benefit scheme.
- 26 That Cabinet note the timescale issues relating to the passage of the legislation, the scheme approval deadline of 31st Jan 2013 and our Cabinet and Full Council meeting schedule.



.....
Philip Tart
Director of Corporate Resources

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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 Bill 2012](#)

Further information (including the draft regulations for the default council tax reduction scheme) can also be found on the following 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 (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

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 Government's 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?

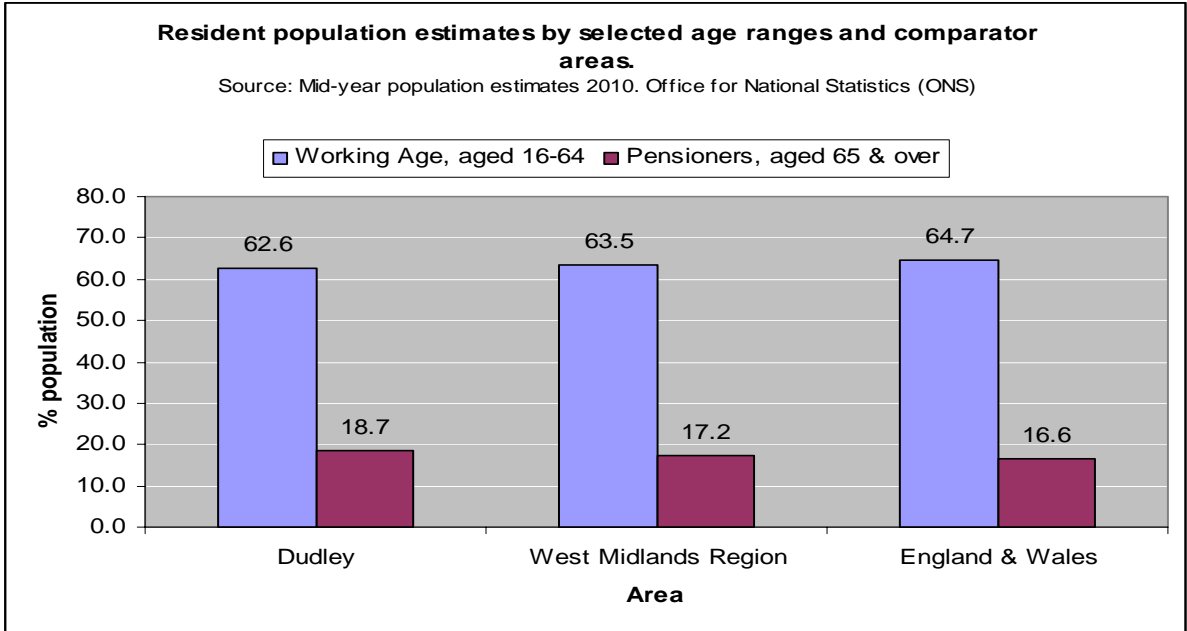
Consider all three parts of the public sector equality duty:

- 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 1552" data-label="Figure"> <table border="1"> <caption>Caseload Gender</caption> <thead> <tr> <th>Category</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>	Category	% of caseload	Couples	30%	Single female	48%	Single male	22%
Category	% 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 Cabinet – 31st October 2012

Joint Report of the Chief Executive and Treasurer

Capital Programme Monitoring

Purpose of Report

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

Background

3. 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.

4. 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

5. 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 DUE, principally from an underspend on the Liveability programme.

It is proposed that the Capital Programme be amended accordingly.

Children's Services

Short Breaks

6. 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

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

Law

8. 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.

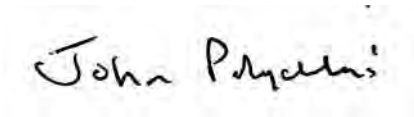
Equality Impact

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

11. That the Council be recommended:

- That current progress with the 2012/13 Capital Programme, as set out in Appendix A be noted and that budgets be amended to reflect the reported variances.
- That the Capital Programme be amended in respect of the revised funding of the Priory Park project, as set out in paragraph 5.
- That expenditure to be funded from the Short Break grant be included in the Capital Programme, as set out in paragraph 6.



John Polychronakis
Chief Executive



Iain Newman
Treasurer

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

List of Background Papers

Relevant resource allocation notifications.

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2012/13 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31 st 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 5.

Meeting of the Cabinet – 31st October, 2012

Report of the Director of Corporate Resources

Gambling Policy

Purpose of Report

1. To consider the recommendation of the Licensing and Safety Committee concerning the responses to the consultation on the Council's Gambling Policy and to recommend approval of the policy to full Council.

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. The Licensing Officer has produced a draft Gambling Policy. 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 following full Council on 26th November 2012, 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 Committee recommended that the Cabinet and Council approve the draft Gambling Policy, as set out in Appendix 1 to this report.

Finance

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

Law

10. 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 or 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. A Gambling Policy will impact equally on all groups.
14. A 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 through Area Committee and the Directorate of Children's Services.
16. This application 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 Cabinet consider the Gambling Policy and recommend its approval to the Council.



.....
Director of Corporate Resources

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Email: janet.elliott@dudley.gov.uk

List of Background Papers

Gambling Act 2005
Gambling Commission Guidance to the Gambling Act
Dudley Metropolitan Borough Gambling Policy
Responses to the Consultation of Dudley Metropolitan Borough Council's Gambling Policy

DUDLEY METROPOLITAN BOROUGH

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

Draft for Consultation

1st July 2012 – 30th September 2012

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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 Cabinet – 31st October 2012

Report of the Director of Corporate Resources

Annual Review of Equality 2012

Purpose of Report

1. To consider the annual review of equality and diversity for 2012, a full copy of which is available in the Members' room and electronically on the Council's committee management information system (CMIS).

Background

2. An annual review of equality is prepared for the Cabinet which gives an overview of progress in implementing equality objectives and progressing equality work. The draft review was circulated to the Regeneration, Culture and Adult Education scrutiny committee for its meeting on 10th September 2012, in accordance with its lead scrutiny role on corporate equality issues
3. The 2012 review highlights the continuing implementation of equality legislation arising from the Equality Act 2010 and Government plans for reviewing how the legislation is working in practice. The review reports on action that continues to be taken in response to brief and train employees, update policies and other documents and to respond to the implications for the council's services and employment of staff.
4. The review has previously met the various legal requirements for annual reporting of progress on a public authority's race, disability and gender equality schemes. These documents, and the reporting of progress on them, are no longer explicit legal requirements. However, a new equality scheme for the council was drawn up and approved by the Cabinet in March 2012. This sets out the equality objectives that the council has identified and also contributes to the publishing of equality information which are both requirements of the specific equality duties under the Equality Act.

5. The review contains an initial progress report on the identified equality objectives, although it is too early in the life of the equality scheme to be able to report comprehensive progress. Data and analysis relating to the council's workforce and employment record are also included, again contributing to the requirements for the publishing of equality information.

Finance

6. Any costs which might be associated with responding to the issues raised in the report which cannot be met from within existing budgets will need to be assessed in due course.

Law

7. The Equality Act 2010 replaced the previous anti-discrimination laws with a single Act. The first duties of the Act came into force on 1st October 2010.
8. Public sector equality duties under the Act came into force on 5th April 2011 requiring public authorities to pay due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations covering the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
9. The Equality Act 2010 (Specific Duties) Regulations 2011 required public authorities to publish equality information by 31 January 2012 and equality objectives by 5th April 2012.

Equality Impact

10. The review contains a range of information, monitoring data and analysis relating to the impact of the Council's policies and practices on promoting equality and the achievement of equality objectives in relation to both services and employment. More information is given in the Directorate of Children's Services annual equality and diversity action plans and reports on the promotion of equality relating to children and young people.

Recommendation

11. It is recommended that Members approve the annual review of equality 2012.



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Philip Tart
Director of Corporate Resources

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List of Background Papers

Audit Commission 2007/08 and previous years' quartile statistics
Dudley MBC employment monitoring data

Cabinet Meeting – 31st October 2012

Report of the Director of the Urban Environment

Publication of the Halesowen Area Action Plan

Purpose of Report

1. To inform Cabinet of progress on the Halesowen Area Action Plan (AAP) and to seek approval for the AAP to be published for a final six week period of public consultation and subsequently submitted to the Secretary of State for examination.

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 communities 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 for Examination.
7. The period of consultation on the Publication Stage document is recommended to begin on the 9th November 2012 and run for a period of 6 weeks until 21st December 2012. During that time, the document will be able to be viewed at the reception areas at 3 St James's Road Dudley, Mary Stevens Park, Stourbridge and Dudley Council Plus, as well as at all main libraries and on the Council's website. It will also be the subject of other publicity measures such as the drop in workshops e specifically designed for all 72 members of the Council. Further information about specific dates for the Halesowen Area Action Plan workshop will be circulated separately. 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

11. 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

12. 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.
13. 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

14. 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.
15. 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.

Recommendation

16. It is recommended that:-

- The Cabinet approves the Publication of the Halesowen Area Action Plan for a statutory period of public consultation.
- That Cabinet recommends to Council that following public consultation, the Halesowen Area Action Plan is submitted to the Secretary of State so that it may be subjected to a Public Examination.
- That authority is delegated to the Director of the Urban Environment, in consultation with the Leader of the Council and Cabinet Member for Economic 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.



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List of Background Papers

Halesowen Area Action Plan Publication

Meeting of the Cabinet 31st October 2012

Report of the Director of the Urban Environment

Safer Routes to School – 20mph Speed Limit Policy

Purpose of Report

1. To seek Cabinet support to the outcome of a 'stage 1' prioritisation process identifying the top 10% of school entry points for further consideration for the potential introduction of 20mph speed limits (zones) or other road safety treatments as appropriate.

Background

2. The Cabinet at its meeting of the 14th March 2012 approved a 20mph speed limit policy outside schools, "subject to an amendment to the policy to clarify the process on how schools will be considered for a 20mph zone", to which this report responds.
3. Although originally anticipated that 20mph zones would be assessed only on request, the decision was subsequently taken that all school entry points should be considered to identify those with the greatest need.
4. All school entry points have therefore been assessed in accordance with the process shown at Appendix 1, which in summary considers the following factors in order to rank the school entry points:
 - injury accidents around the school entry point
 - the % of children walking or cycling to school
 - the road classification outside the school entry point
 - existing facilities e.g. traffic calming or school crossing patrols which assist children travelling to school

These factors not only consider road safety issues but also account for the need to encourage sustainable modes of travel to school as part of the Safer Routes to School programme.

5. The top 10% of the 'stage 1' prioritisation exercise are shown in Appendix 2 which it is proposed will now be considered in more detail for either a reduced speed limit (20mph zones etc) or other appropriate road safety treatment.

Sustainable Transport

6. The contents of this report support both the objectives of the West Midlands Local Transport Plan and the Council's Transport policies by considering measures which could contribute to improved highway and pedestrian safety and encourage sustainable modes of travel to the benefit of the local community.

Finance

7. The costs incurred in developing the policy have been funded from existing resources held by DUE. The implementation of schemes would be funded from within the Integrated Transport Block annual allocation for Safer Routes to School. An allocation of £105k has been made available this financial year to support this policy.

Law

8. Traffic Regulation Orders are made under powers contained in Section 1 of the Road Traffic Regulation Act 1984
9. Traffic signs are provided under powers contained in Section 64 of the Road Traffic Regulation Act 1984, subject to regulations made by the Secretary of State for Transport.
10. The Council is empowered to improve highways under Section 62 of the Highways Act 1980.
11. Section 111 of the Local Government Act 1972 empowers the Council to do anything calculated to facilitate or is conducive or incidental to the discharge of any of its functions.
12. The Traffic Calming Act 1992 amends the Highways Act 1980 to allow works to be carried out to promote safety and preserve or improve the environment.
13. The Highways Act 1980, as amended by the Road Traffic Act 1991 requires the installation of road humps to be advertised on-street and in the local newspaper for objections.
14. The introduction of, or amendments to, speed limits are authorised by Section 84 of the Road Traffic Regulation Act 1984.

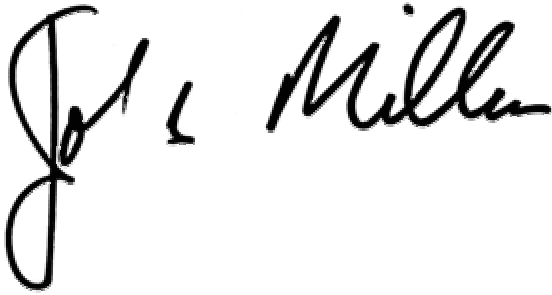
Equality Impact

15. The contents of this report comply with the Council's Equality and Diversity Policy whilst also seeking to introduce measures that will be of direct benefit to children and some of the most vulnerable road users in the community including young children, the elderly, pedestrians and cyclists in general, and those with impaired mobility.

Recommendation

16. It is recommended:-

- That the Cabinet support the 'stage 1' prioritisation process to identify the top 10% of school entry points to be considered in greater detail.
- That a programme of schemes be identified from within the top 10% and agreed with the Cabinet Member for Transportation.



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List of Background Papers

Department for Transport – Traffic Advisory Leaflet 9/99 – 20mph speed limits and zones

Department for Transport Circular 1/06 – Setting Local Speed Limits

Appendix 1 – Safer Routes to School - 20MPH Speed Limit policy

Process for identifying Priority School sites

A prioritisation methodology has been developed to perform an initial sift to identify the top 10% of school entry points that should be considered in more detail for the introduction of a reduced speed limit. Once the top 10% have been identified they would be subject to a more detailed analysis in accordance with the adopted policy to ascertain the appropriateness of a reduced speed limit and/or other suitable treatment.

The initial sift would be based on the following key high level simple criteria which combined will identify those schools with the greatest general need;

1. Number of injury accidents within a 50metre radius of the school entry/conflict points within the last 3 years. (Note a school may have more than 1 entry/conflict point and each will be considered) Points will be allocated based on severity, age and type of casualty, in line with current Local Safety Scheme approach to ranking sites.
2. % of children accessing the school by sustainable modes (walking, cycling, public transport). Schools with very high and very low levels of sustainable mode share will score higher than those with average levels. High levels of sustainable mode share will have a greater number of vulnerable children exposed to traffic, whereas low levels indicate the need for an improved supportive environment to encourage mode change. (Key LTP3 objective)
3. Road Classification. The type of road will generally give an indication of the traffic volume and hence likely degree of pedestrian/vehicle conflict that children could expect to experience in the vicinity of the school entry point. School entry/conflict points on busier roads will score higher in this category.
4. Existing facilities. Some school entry points already benefit from existing facilities which may include; traffic calming, pedestrian crossings, school crossing patrols, etc. These measures provide a more supportive environment for walking and cycling and therefore schools with little or no existing facilities will score higher in this category.

Appendix 2 – Safer Routes to School - 20mph Speed Limit Policy
Priority School sites (top 10% of school entry points)

Rank	School	Access Point	Area Cmt
1	Dormston (The)	3 - Dudley Street	ND
2	Blowers Green	2 - Hagley View Road	CD
3	Bramford	1 - Park Road	ND
4	Pens Meadow	2 - Brierley Hill Road	BH
5	Our Lady & St Kenelms	2 - Richmond Street	H
6	Rufford	3 - Stourbridge Road	S
7	St.Chad's RC	3 - High Holborn	ND
8	Ham Dingle	1 - Ham Lane	S
9	Dormston (The)	2 - Bilston Street	ND
10	Mere (The)	Lawnswood Road	BH
11	Cradley CE	Colley Lane	H
12	Ham Dingle	2 - Ham Lane	S
13	St.Mark's CE	High Street	BH
14	St.Chad's RC	1 - Catholic Lane	ND
15	Queen Victoria	1 - Bilston Street	ND
16	Oldswinford Hosp	2 - Heath Lane	S
17	Quarry Bank	2 - High Street	CD
18	Amblecote	2 - High Street	S
19	Oldswinford Hosp	4 - Hagley Road	S
20	St.Mary's RC	Mill Street	BH
21	St.Chad's RC	2 - Catholic Lane	ND
22	Christ Church	4 - Gough Road (Nursery)	ND

Cabinet Meeting – 31st October 2012

Report of the Director of Public Health

Wellbeing at Work: Developing the Dudley Approach

Purpose of Report

1. From April 2012, the Council takes on a new duty to protect and improve the health of the public. Workplace health is an important component of improving the health of the population, and offers Dudley Council an opportunity to turn this new statutory duty into practical action by becoming an exemplar employer. This proposal sets out how Dudley MBC will create its own healthy workplace and then work with local employers to do the same.
2. The report details a structured programme for workplace health to be piloted in selected areas and then rolled out across other council areas, schools and other employers, incorporating the learning from the pilot sites.

Background

3. Dame Carol Black's review of the health of working age people in Britain estimated the annual economic cost to the Country of sickness absence and worklessness to be in excess of £100 billion
4. Promoting wellbeing at work makes good business sense. The most valuable asset of any business is its workforce and having a healthy, fit, happy and motivated workforce brings valuable benefits to any organisation. Workplace health programmes has been shown to reduce significantly the risk of stress, improve workplace performance and staff morale, reduce absenteeism and above financial savings. For example:
 - Air and Ground Aviation Limited reported doubling their turn over and increased staffing levels by 70%
 - Stockport Council reported £1.58m savings and 44% fewer days lost following their Healthwise campaign.
 - Standard life Healthcare reported reduction of 26% in absence
 - Parcelforce Worldwide reported a reduction of 33% in absence, 45% reduction in accidents and an increase in productivity of 12.5%
 - Met Police reported that stress related absence dropped from 10.2 days per officer per annum to less than 1 day per officer.

5. Introduction of workplace health is likely to have similar benefits to the Council. The main reasons for sickness absence in the council are listed below:
 - Stress: work related and personal combined
 - Post operation recovery
 - Cold/viral infection/chest infection
 - Sickness/diarrhoea/stomach disorder
 - Back ache/pain
6. The workplace wellbeing charter is advocated as a strategic framework for embedding and sustaining an holistic approach to workplace health within the Council and other organisations:

Workplace Wellbeing Charter:



7. The charter includes a self assessment tool across the full breadth of workplace health that can be used to identify a baseline and then develop a staff wellbeing implementation plan:
 - Leadership
 - Attendance Management
 - Health and Safety
 - Mental Health and Wellbeing
 - Smoking and Tobacco related ill health
 - Physical Activity
 - Healthy Eating
 - Alcohol and Substance Misuse

8. The approach takes into account the NICE guidance on workforce health for Local Authorities (July 2012)

The Proposal for Dudley

9. It is proposed that the Council adopts the Workplace Wellbeing Charter and the recommended process to develop the staff wellbeing improvement plan. A preliminary desk top audit against the Charter self assessment tool has been conducted to provide a baseline.
10. It is proposed that the Workplace Wellbeing programme is piloted in 3 sites covering a wide cross section of type and location of Council employees. These are:
 - **Children's and Adults Social Work Teams:** Social work is a stressful job. These groups of staff have office bases across the borough but are also relatively mobile during the working day.
 - **Catering and Cleaning services:** Staff in this service are predominantly part-time female workers geographically spread across the borough.
 - **Lister Road Depot:** Staff in this service are predominantly male workers with a mix of manual workers and some office based staff.
11. This programme aims to make health interventions more accessible to the workforce. Programme delivery will be designed with each of the service area managers to ensure there is no detrimental impact on service delivery. The programme core package will include:
 - A health needs assessment of staff to establish baseline health needs and interests in a format suitable to the service area
 - A pilot site launch event or alternative tailored to the work group health needs and service requirements delivered via Public Health.
 - Staff communication to raise awareness of the healthy workplace programme, what it will involve and how they can get involved.
 - Access to a range of on-site health interventions, lifestyle services and health information to follow on from launch events. E.g stop smoking , get cooking, weight loss courses, health checks, stress management, exercise scheme and health information etc. These will be accessed out of work time at lunch times or at the beginning or after work/shifts.
 - It is recommended that at least 1 Healthy Workplace Champion is identified from each pilot area. These are staff who have an interest in helping their workplace to be healthier and can raise awareness around lifestyle behaviours and how to access local services. Accredited training would be part of the staff member's personal development plan. HR staff supporting sickness absence and Trade Union Representatives will also be trained.

- It is recommended that all staff in the area also have access to 'Making Every Contact Count' training as this can raise awareness generally for staff when working with clients but also for their own health and family members health.
12. Participation by employees is strictly voluntary. Successful piloting will be dependent on successful engagement and motivation of managers in the pilot areas.
 13. The pilots will run from October 2012 to May 2013 and will be fully evaluated using the following metrics devised by Wolverhampton University.
 - Short term measures:
 - Staff health survey uptake
 - Attendance rates at health events
 - Uptake of interventions
 - Staff feedback/evaluation
 - Long-term Measures:
 - Improvement in self reported staff health and wellbeing via before/after survey
 - Staff in post (WTE)
 - Staff turnover
 - Sickness absence (sub categorised into short, medium and long term)
 - Work related injury absence
 - Work related stress absence
 - Retirement due to ill-health
 - Occupational health contacts
 - Performance Review Documents completed
 - Cost of sickness absence
 - Cost of agency staff
 14. A small steering group is developing a detailed action plan to take the project forward.
 15. It must be noted that although the healthy workplace programme results in a reduction in sickness absence, that this reduction is borne about by improvement in staff general health and happiness and not due to a culture or policy that forces staff to return to work when they are ill.
 16. The approach builds on previous partnership work and the implementation of recommendations from a 2009/10 Dudley MBC Health and Adult Social Care Select Committee review of workplace health.
 17. It is also proposed that the Council work with schools, partner agencies and local business to cascade workplace health and encourage sign up to the Workplace Wellbeing Charter across the patch, offering access to Public Health workplace health initiatives. This supports the Council's new duty from April 2013, to protect and improve the health of the public. This action would be undertaken following the DMBC pilot from May 2013 so that learning can be transferred. An action plan for roll-out will be drawn up following the DMBC pilot.

Finance

18. The programme can be delivered and is sustainable within current budget levels and will have the potential to save money in the longer-term. The interventions from Public Health are already available to residents of Dudley and work on organisational policy will not incur costs. The organisational audit may identify desirable structural changes e.g. showers, cycle stands and training needs that may incur minimal non-recurrent costs. It is not essential for these type of changes to go ahead and these changes would not be auctioned unless an appropriate funding source was identified. The staff wellbeing improvement plan will include inter alia any detailed costs and their funding source.

Law

19. The Health and Social Care Act 2012 inserts a new section 2B (in Part 1, Section 12, paragraph 1) into the NHS Act, placing a duty on upper tier Local Authorities to take appropriate steps to improve the health of the people who live in their area.

‘Each local authority must take such steps as it considers appropriate for improving the health of the people in its area.’

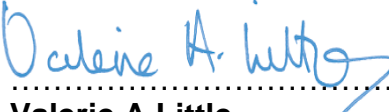
Equality Impact

20. An equality impact will be conducted at the end of the pilot with a view to test out impact on health inequality. The recommended pilot groups have been selected to ensure a mix of office based and manual staff, full and part time staff and male/female mix. Staff with disabilities will be included and reasonable adjustments to allow their involvement will be made.

Recommendation

21. That the Cabinet support the recommendations as set out below:

- Agree that a Workplace Wellbeing programme as set out in this report is established and specifically;
- Agree to sign up to achieve the Workplace Wellbeing Charter
- Agree the recommended pilot sites subject to implementation discussions
- Agree to establish Healthy Workplace Champions and that HR staff involved in supporting sickness absence management should be trained as healthy workplace champions
- Endorse the proposed pilot scorecard metrics
- Endorse future work with schools, partner agencies and local businesses to encourage participation in Workplace Wellbeing
- Agree to receive an EIA report as part of the pilot scheme review


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