

COUNCIL MEETING

MONDAY 16TH JULY 2012

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

**SUMMONS, AGENDA
AND REPORTS**

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

**STEVE GRIFFITHS
DEMOCRATIC SERVICES MANAGER
TEL: 01384 815235**

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

Members are asked to send advance notice of interests by email to steve.griffiths@dudley.gov.uk by 12.00 noon on Friday, 13th July 2012

**The Seating Plan will be displayed outside
the Council Chamber on the day of the
meeting.**

DUDLEY METROPOLITAN BOROUGH

You are hereby summoned to attend a meeting of the Dudley Metropolitan Borough Council to be held at the Council House, Priory Road, Dudley on Monday, 16th July, 2012 at 6.00 pm for the purpose of transacting the business set out in the in the numbered agenda items listed below.



DIRECTOR OF CORPORATE RESOURCES

6th July, 2012

A G E N D A

PRAYERS

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

To approve as a correct record and sign the Minutes of the Annual Meeting of the Council held on 17th May, 2012 (Pages CL/1 - CL/16)

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

PAGES

From To

Meeting of the Cabinet held on 20th June, 2012

Councillor Sparks to move:

- | | | |
|---|---|----|
| (a) Dudley Council Plan 2013: 2012 Annual Refresh | 1 | 5 |
| (b) Capital Programme Monitoring | 6 | 10 |

Councillor K Ahmed to move:

- | | | |
|-------------------------------|----|----|
| (c) Review of Housing Finance | 11 | 17 |
|-------------------------------|----|----|

Meeting of the Audit and Standards Committee held on 3rd July, 2012

Councillor Zada to move:

- | | | |
|--|----|----|
| (d) Localism Act 2011 – The New Standards Arrangements | 18 | 32 |
|--|----|----|

6. ANNUAL REPORTS OF SCRUTINY COMMITTEES

Councillor S Turner to move:-

- (a) Annual Report of the Children's Services Scrutiny Committee (Pages 33 - 39)

Councillor Kettle to move:-

- (b) Annual Report of the Community Safety and Community Services Scrutiny Committee (Pages 40 - 43)

Councillor Tyler to move:-

- (c) Annual Report of the Regeneration, Culture and Adult Education Scrutiny Committee (Pages 44 - 47)

7. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE ANNUAL MEETING HELD ON THURSDAY, 17TH MAY, 2012
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT: -

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

1 **RECORDING OF MEETING**

In accordance with Council Procedure Rule 24.5, the Council gave its consent to a recording of this meeting being made and to the live broadcast of the proceedings via the Internet.

2 **PRAYERS**

The Mayor's Chaplain led the Council in prayer.

3 **ELECTION OF MAYOR**

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

RESOLVED

That Councillor Melvyn Mottram be elected Mayor of the Borough for the 2012/13 Municipal Year.

Councillor Mottram then made and subscribed to the Statutory Declaration of Acceptance of Office and took the Chair.

4 ELECTION OF DEPUTY MAYOR

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

RESOLVED

That Councillor Joseph Alan Finch be elected Deputy Mayor of the Borough for the 2012/13 Municipal Year.

5 ACCEPTANCE OF OFFICE OF DEPUTY MAYOR

Following a brief adjournment to enable re-robing to take place, Councillor J A Finch made and subscribed to the Statutory Declaration of Acceptance of the Office of Deputy Mayor.

6 ADDRESS BY THE MAYOR

The new Mayor addressed the Council, expressing his thanks to Members and others on his election. In so doing he, along with other Members, paid tribute to the retiring Mayor and Mayor's Consort and the Deputy Mayor and Deputy Mayor's Consort.

7 TRIBUTES TO THE RETIRING MAYOR AND MAYOR'S CONSORT AND PRESENTATION OF BADGES

Following tributes to Councillor Evans and Mrs Greenaway, the Mayor presented them with the Past Mayor and Past Mayor's Consort badges.

Councillor Evans addressed the Council, expressing thanks for all the support that had enabled him to carry out his duties during the year, including the support of the Mayor's Consort. Councillor Mrs Ameson then expressed thanks for all the support given to her during her term of office as the Deputy Mayor.

8 MINUTES

RESOLVED

That the Minutes of the meeting of the Council held on 16th April, 2012 be approved as a correct record and signed.

9 MAYOR'S ANNOUNCEMENTS

(a) Mayoress

The Mayoress for the 2012/13 Municipal Year would be Mrs Michelle Mottram.

(b) Deputy Mayoress

The Deputy Mayoress for the 2012/13 Municipal Year would be Mrs Heather Finch.

(c) The Mayor's Chaplain

The Mayor's Chaplain for the 2012/13 Municipal Year would be Reverend Heather Humphrey.

(d) The Mayor's Charities

The Mayor's Charities to be supported in the 2012/13 Municipal Year would be:-

- Dudley Stroke Association
- Dudley Diabetic Association

(e) Mayoress "At Home" Event

The Mayoress "At Home" event would take place on 4th July, 2012 at Brierley Hill Civic Hall.

(f) Armed Forces Day

Armed Forces Day would be held at Himley Hall on 1st July, 2012.

(g) Civic Sunday

Civic Sunday would be held on 8th July, 2012 at Christ Church, Coseley.

(h) Charity Cricket Match

The Charity Cricket Match between Councillors and Officers would be held on 29th June, 2012 at Stourbridge Cricket Club.

(i) Volunteering Champion Event

The Mayor reported that an annual Volunteering Champion Event for Dudley Borough would be held in Stourbridge on 18th May, 2012.

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

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

(k) 100 Miles for Queen and Charity

The Mayor reported on the above Charity challenge being undertaken by Councillor Waltho between 2nd and 4th June, 2012. The challenge involved a 100-mile continuous walk to be completed within 48 hours linking aspects of the Queen's Diamond Jubilee with the London Olympic Games. Proceeds would be donated to local good causes including the Mayor's Charity Fund. Sponsorship details would be made available in due course.

10 NEWLY ELECTED MEMBERS OF THE COUNCIL

The Mayor welcomed Councillors A Ahmed, Casey, Bills, Branwood, Boleyn, Duckworth, Hale, Hemingsley, Herbert, Marrey, J Martin, Perks, Russell and Tyler who had been elected to the Council at the municipal elections on 3rd May, 2012.

The Mayor also paid tribute to the former Members who had not been re-elected, namely Nicolas Barlow, Colin Banks, Malcolm Davis, Jennie Dunn, Susan Greenaway, Denise Harley, Julian Ryder, Geoffrey Southall, David Stanley and Adrian Turner.

11 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Knowles.

12 DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interests, in accordance with the Members' Code of Conduct, were received in respect of any item to be considered at this meeting.

13 ELECTION OF THE LEADER OF THE COUNCIL

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

RESOLVED

That, in accordance with the provisions of the Council's Constitution, Councillor Sparks be elected Leader of the Council.

APPOINTMENT AND MEMBERSHIP OF THE CABINET AND COMMITTEES FOR 2012/13 AND RELATED MATTERS

A report of the Director of Corporate Resources was submitted.

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

RESOLVED

(1) That the information contained in the report of the Leader on the appointment of the Deputy Leader and Members of the Cabinet for the 2012/13 Municipal Year, as set out in the list circulated at the meeting, be noted, as follows:-

- (a) That Councillor Ali be appointed as Deputy Leader of the Council for the 2012/13 Municipal Year.
- (b) That the Leader of the Council and nine other members comprise the Cabinet for the 2012/13 Municipal Year and that the names of the Members to serve for the year be as follows:-

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

- (c) That the names of the Opposition Group Nominees to attend meetings of the Cabinet to speak, but not vote, be received as follows:-

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

- (d) That the assignment of Portfolios to the Cabinet Members and the names of the corresponding Opposition Group Spokespersons be as set out below:-

<u>Leader and Cabinet Members</u>	<u>Portfolio</u>	<u>Opposition Group Spokesperson</u>
<u>Councillor</u>		<u>Councillor</u>
Sparks (Leader of the Council)	Policy	L Jones (Group Leader)
Ali (Deputy Leader of the Council)	Regeneration	Wright (Deputy Group Leader)
Waltho	Adult and Community Services	Vickers

Crumpton	Integrated Children's Services	Mrs Walker
Lowe	Finance	Blood
Wood	Environment and Culture	Mrs Shakespeare
Islam	Health and Wellbeing	Miller
K Ahmed	Housing, Libraries and Adult Learning	James
Partridge	Human Resources, Law and Governance	Evans
Foster	Transportation and Community Safety	Harley

- (2) That the structure of Committees for 2012/13 be approved on the basis set out in the report now submitted, and the lists circulated at the meeting, subject to the Tree Preservation Orders Committee being not re-established and its functions being included in the terms of reference of the Development Control Committee.
- (3) That the terms of reference and onward delegation of functions of the Committees referred to in the report and as set out in the Council's Constitution be re-affirmed for the 2012/13 Municipal Year subject to the adoption of the new terms of reference of the Audit and Standards Committee as set out in Appendix 1 to the report now submitted.
- (4) That, except for the Area Committees where proportionality shall not apply, the composition and membership of Committees for the 2012/13 Municipal Year be determined in accordance with the requirements of the Local Government and Housing Act 1989, as set out below:-

<u>Committee</u>	<u>Number of Seats</u>			
	<u>Total</u>	<u>Labour</u>	<u>Conservative</u>	<u>Green</u>
Children's Services Scrutiny Committee *	11	6	5	-
Community Safety and Community Services Scrutiny Committee	11	6	5	-
Environment Scrutiny Committee	11	6	4	1
Health and Adult Social Care Scrutiny Committee	11	6	5	-
Regeneration, Culture and Adult Education Scrutiny Committee	11	6	5	-
Appeals Panel (Children's Services Transport)	3	2	1	-
Appointments Committee	9	5	4	-
Audit and Standards Committee	9	5	4	-
Development Control Committee	9	6	3	-
Disciplinary/Dismissal/Grading Appeals Committee	9	5	4	-
Licensing and Safety Committee	12	7	5	-
Shadow Dudley Health and Wellbeing Board	4	3	1	-
Taxis Committee	9	5	4	-

* excluding non-elected Members

- (5) That the appointment of Members to Committees for the 2012/13 municipal year be approved as set out below:-

Children's Services Scrutiny Committee

Labour (6)

Conservative (5)

Councillors

Councillors

Arshad
Bills
Boleyn
Casey
Marrey
S Turner

Attwood
Mrs Billingham
J Jones
Mrs Simms
Mrs Walker

together with the following non-elected members:-

Voting Members

Parent Governor Representatives

1. Secondary Schools – vacancy
2. Primary Schools – E Songole
3. Special Schools – D Tinsley (appointed until 12/12/12)

Church Representatives

1. Worcester Diocesan Board of Education – Reverend A Wickens
2. Archdiocese of Birmingham – M Ward

Non-Voting Members

Teacher Representatives

1. Primary Education – M Verdegem
2. Secondary/Special Education – Vacancy

Free Churches

1. S Taylor

Persons with experience of and interest in education in the Borough

1. L Ridney
2. L Coulter

Community Safety and Community Services Scrutiny Committee

Labour (6)

Councillors

Branwood
Cotterill
K Finch
Perks
Russell
Zada

Conservative (5)

Councillors

Burston
Caunt
Harley
Kettle
Ms Nicholls

Environment Scrutiny Committee

Labour (6)

Councillors

M Aston
Boleyn
J A Finch
Hanif
Jordan
J Martin

Conservative (4)

Councillors

Harley
James
Mrs Shakespeare
Mrs H Turner

Green (1)

Councillor

Duckworth

Health and Adult Social Care Scrutiny Committee

Labour (6)

Councillors

Cowell
K Finch
Harris
Hemingsley
Ridney
Roberts

Conservative (5)

Councillors

Kettle
Miller
Mrs Rogers
Vickers
C Wilson

Regeneration, Culture and Adult Education Scrutiny Committee

Labour (6)

Conservative (5)

Councillors

A Ahmed
Body
G Davies
Hale
Herbert
Tyler

Councillors

Attwood
Blood
Caunt
K Turner
Wright

Appointments Committee

Labour (5)

Conservative (4)

Councillors

Ali
Arshad
Foster
Partridge
Sparks

Councillors

Evans
L Jones
Mrs P Martin
Wright

Appeals Panel (Children's Services Transport)

Labour (2)

Conservative (1)

Councillors

Cotterill
S Turner

Councillor

Miller

Audit and Standards Committee

Labour (5)

Conservative (4)

Councillors

Arshad
Branwood
Cowell
Tyler
Zada

Councillors

Burston
Hill
Taylor
Mrs Westwood

Development Control Committee

Labour (6)

Conservative (3)

Councillors

Casey
Harris
Herbert
Roberts
S Turner
Zada

Councillors

Mrs H Turner
C Wilson
Wright

Disciplinary/Dismissal/Grading Appeals Committee

Labour (5)

Conservative (4)

Councillors

Arshad
A Aston
Hale
Marrey
J Martin

Councillors

Mrs P Martin
Ms Nicholls
Mrs Rogers
J Woodall

Licensing and Safety Committee

Labour (7)

Conservative (5)

Councillors

A Ahmed
M Aston
Bills
Cowell
A Finch
K Finch
Roberts

Councillors

Mrs Ameson
Blood
James
Taylor
J Woodall

Shadow Dudley Health and Wellbeing Board

Labour (3)

Conservative (1)

Councillors

Crumpton
Islam
Waltho

Councillor

Miller

Taxis Committee

Labour (5)

Conservative (4)

Councillors

Councillors

A Aston
M Aston
Body
Cowell
Hanif

Mrs Ameson
Mrs Simms
K Turner
Vickers

- (6) That with regard to the Children's Services Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee, the proposals in relation to co-opted representatives and the arrangements for the filling of vacancies for co-opted Members, as set out in the report now submitted, be approved subject to the amendment of paragraph 15 of the report to read as follows:-
15. For 2012/13, it is proposed that the same number of co-opted representatives be appointed to serve on the Children's Services Scrutiny Committee. The names of the persons nominated for co-option to the Committee for 2012/13 will be submitted in the lists to be circulated at the meeting.
- (7) That the Licensing and Safety Committee be appointed in 2012/13 to undertake the statutory Committee functions in accordance with the Licensing Act 2003, as referred to in the report now submitted, and that the Committee comprise 12 Members.
- (8) That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989, shall not apply to Sub-Committees established by the Licensing and Safety Committee or to any Sub-Committee(s) established by the Audit and Standards Committee to hear complaints against Members under the local Members' Code of Conduct.
- (9) That the Council endorse the establishment of the West Midlands Police and Crime Panel as a joint Committee of the seven West Midlands District Councils, subject to the formal approval of the Home Secretary, on the basis set out in the report now submitted.
- (10) That the draft Panel Arrangements and Rules of Procedure relating to the West Midlands Police and Crime Panel, as now submitted, be endorsed.

- (11) That the Chief Executive, in consultation with the Leader of the Council, be authorised to make any necessary amendments to the documents referred to in resolution (10) above in the light of further discussions at West Midlands Districts level and as a result of advice, guidance or regulations issued by the Home Secretary.
- (12) That the arrangements for substitutes on Committees, as set out in Council Procedure Rules 5.2 to 5.4, be reaffirmed for the 2012/13 Municipal Year.
- (13) That the Director of Corporate Resources be authorised to make any necessary changes to the appointments to Committees or Sub-Committees that might arise from time to time during the 2012/13 Municipal Year, in accordance with the instructions of the Political Groups.
- (14) That pending a review of the Area Committee arrangements by the Scrutiny Committee Chairs, the existing Area Committees be appointed for the 2012/13 Municipal Year on the basis set out in the report now submitted.
- (15) That the Chairs and Vice-Chairs of the following Committees be appointed for 2012/13:-

	<u>Chair</u>	<u>Vice Chair</u>
	Councillor	Councillor
Children's Services Scrutiny Committee	S Turner	Boleyn
Community Safety and Community Services Scrutiny Committee	Kettle	Branwood
Environment Scrutiny Committee	Hanif	Mrs Shakespeare
Health and Adult Social Care Scrutiny Committee	Ridney	K Finch
Regeneration, Culture and Adult Education Scrutiny Committee	Tyler	K Turner
Appeals Panel (Children's Services Transport)	S Turner	Cotterill
Appointments Committee	Sparks	Ali

Audit and Standards Committee	Zada	Arshad
Development Control Committee	Harris	Roberts
Disciplinary/Dismissal/Grading Appeals Committee	J Martin	Hale
Licensing and Safety Committee	Bills	Cowell
Taxis Committee	Body	A Aston

- (16) That the Director of Corporate Resources be authorised to take all the necessary and consequential actions required to implement the proposals contained in the report now submitted.

15 CONSTITUTION AND SCHEME OF DELEGATION

A report of the Director of Corporate Resources was submitted.

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

RESOLVED

- (1) That the Director of Corporate Resources be authorised to make any necessary and consequential amendments to the Constitution arising from the decisions made at this meeting and to reflect any ongoing changes in legislative requirements.
- (2) That Council Procedure Rule 24.5 be amended to provide that the public proceedings of all full Council meetings will be recorded and broadcast live on the Council's Internet site on the basis referred to in paragraphs 5 and 6 of the report now submitted.
- (3) That the Council endorse the incorporation of the revised Code of Corporate Governance and the Anti Fraud and Corruption Strategy in Part 6 of the Constitution, as referred to in paragraph 8 of the report now submitted.
- (4) That pending a review of Area Committee arrangements, the process for dealing with any urgent business arising between scheduled meetings of Area Committees and the period between this annual meeting of the Council and the first meeting of the Area Committees in the municipal year, as set out in paragraph 9 of the report now submitted, be approved and incorporated within the Constitution.

- (5) That the Constitution be amended to reflect the decision of the Council on 5th March, 2012 concerning Area Committee funding allocations as referred to in paragraph 10 of the report now submitted.
 - (6) That, subject to the decisions taken at this meeting, the Constitution and Scheme of Delegation be reaffirmed for the 2012/13 municipal year.
 - (7) That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.
-

16 ORDINARY MEETINGS OF THE COUNCIL, CABINET AND COMMITTEES FOR 2012/13

A report of the Director of Corporate Resources was submitted.

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

RESOLVED

That the programme of ordinary meetings of the Council, Cabinet and Committees for the 2012/13 Municipal Year, as set out in the schedule circulated at the meeting, be approved subject to the next meeting of the Regeneration, Culture and Adult Education Scrutiny Committee being held on 11th June, 2012.

17 APPOINTMENTS/NOMINATIONS TO OUTSIDE BODIES

A report of the Director of Corporate Resources was submitted.

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

RESOLVED

- (1) That the Director of Corporate Resources, in consultation with the Leader of the Council, be authorised to make appointments and nominations to the bodies referred to below in view of the urgency involved in making those appointments and nominations:-

Local Government Association
West Midlands Councils
West Midlands Joint Committee and
Joint Planning and Transportation Sub-Committee
West Midlands Fire and Rescue Authority and “Prime Member”
West Midlands Integrated Transport Authority and “Prime Member”
West Midlands Police Authority (until abolition in November, 2012)
West Midlands Police and Crime Panel and substitute(s)
Birmingham Airport Holdings Ltd – Board of Directors
Dudley and West Midlands Zoological Society Limited – Executive
Board
Dudley Community Partnership
North Priory Project Board
Black Country Local Enterprise Partnership
English Severn and Wye Regional Flood and Coastal Committee
PSP Dudley Limited Liability Partnership – Projects Board and
Members’ Board.

- (2) That the appointment of Members to serve on various other outside bodies be reported to the next meeting of the Cabinet or to the relevant Area Committee, as appropriate.

The meeting ended at 6.50 p.m.

MAYOR

Meeting of the Council - 16th July, 2012

Report of the Cabinet

Council Plan 2013: 2012 Annual Refresh

Purpose of the Report

1. To seek endorsement of the 2012 Council Plan refresh in line with the Council Plan policy framework for 2010-13.

Background

2. The Council adopted the Sustainable Community Strategy in February 2010 following the strategy review during 2009/10. This sets out the agreed partnership vision and aspirations for the borough over the next 15 years. The key purpose of the Strategy is to influence all other strategies and plans produced by the Council and our partners, to ensure they work to a common set of goals.
3. Public Consultation: The Strategy review was achieved over a number of months and involved statistical research, engagement with residents, partnerships and organisations in focus and work groups. In addition there is ongoing consultation with the public regarding the Council Plan priorities, which are entered on the Community Engagement database and reported periodically to the Cabinet through the Quarterly Performance reports.
4. The proposed Council Plan 2012 refresh has been assessed to ensure that the Council's priorities continue to contribute towards the aspirations of the Sustainable Community Strategy. This refresh also takes into account the other key influences and strategies, notably;
 - Local Cabinet priorities
 - Medium term financial strategy
 - Corporate Human Resources Strategy
 - Dudley Equality Scheme 2012-15
 - National priorities set by Central Government
5. It is against these key factors, their time frames and current Council performance that we have reviewed the Council Plan 2010/13 and developed a revised Council Plan for 2012/13.

Proposed Council Plan 2012 refresh and Directorate Strategic Plans

6. The proposed Council Plan 2012 refresh describes the direction for the Council over the coming years to meet the priorities of the Cabinet, aspirations of the Community Strategy and the national priorities set by Central Government and issues that matter most to local people, matched to what is achievable with the planned resources available.
7. The proposal is to align the Council Plan to the seven priorities identified by the Cabinet with a focus on objectives to deliver key services. This also includes a refresh of the Council's vision and ambition statements in line with the Cabinet priorities.
8. **Our ambition is to make Dudley Council amongst the best local authorities in Britain;** one we can all be proud of,
 - That regularly punches its weight as one of the largest local authorities in Britain.
 - That is at the forefront of new ideas and is one of the most innovative local authorities in Britain.
 - That has a solid reputation for delivering excellence for the people it serves.
 - A borough of opportunity, where our young people will be able to compete for jobs in a wider and increasingly competitive global economy.
9. **Our vision: Dudley Council is renowned for providing excellent public services.** Our vision serves as the framework for our ambition to make Dudley Council amongst the best local authorities in Britain by stating what we need to accomplish. We must strive to excel in all that we do to ensure we provide efficient and effective services for local people that deliver real value for money.

To achieve this we will focus on:

- Setting high standards for Council services
- Making the most effective use of resources
- Demonstrating the highest ethical standards
- Promoting good governance standards
- Building strong collaborative partnerships

In achieving our ambition we must be clear about our future strategies including:

- Motivating and engaging our workforce
- Making the most from our physical resources
- Revitalising our engagement with local communities

These will serve as the standard against which all services aim to provide.

10. To be one of the best local authorities in Britain we must be clear about our future challenges and set high standards for community engagement, service delivery, people's contribution, reputation and safeguarding.

11. **Community engagement:** Clearly the most important judges of our services are the people who live and work in the borough. We will endeavour to create greater community engagement to provide the opportunity for local people to influence better outcomes. As Dudley Council, we will:
 - Listen to what local people say
 - Respond to what local people tell us
 - Be accountable for our performance
 - Provide value for money
12. **Service delivery:** In pursuit of our ambition we must provide excellent public services with high levels of customer satisfaction. We must aim to delight the customer in every aspect of our work. Customer expectations are rising all the time, our partners must raise their standards in line with ours. Each service must play its part to provide local people with the absolute best experience.
13. **People's contribution:** Becoming an excellent provider of public services is a direct personal challenge to us all on the standards we set ourselves, this is about personal standards, teamwork and pride. Pride in the service we provide starts with pride in ourselves. A decision we can all take to not settle for anything but the best. Creating an excellent local authority begins with this choice.
14. **Reputation:** The challenges for the future do not involve just doing the old ways of doing things better, but finding new, innovative ways of improving public outcomes. We must be recognised as an innovative and creative organisation, one that is responsible, caring, and environmentally aware and embraces equality in everything we do.
15. **Safeguarding people** is an essential element of our vision and we are committed to ensuring that all vulnerable adults and children in the borough are kept safe and can flourish in their lives as part of the Dudley community. Principally, in the Council we do this through the activity of our social care services for adults and children and they are shown in the action plan. Other Council services contribute to the wellbeing of our community in many ways such as through our leisure services, our regeneration work and working closely with our partners.
16. The seven Cabinet priorities for the Council Plan are;
 - **Young people:** Giving every child the best start in life, a borough where young people are able to achieve, and fulfil their potential.
 - **Regeneration, skills and employment:** Enable all young people and adults to maximise their capabilities, a borough that will focus on creating an environment that supports businesses and attracts new industries to provide jobs for local people.
 - **Tackling crime, fear of crime and anti social behaviour:** Local business and residents have safety and security, a borough where people are safe, and feel safe enjoying a sense of freedom from crime and anti-social behaviour.
 - **Caring for the elderly and vulnerable:** Ensure people live their lives with dignity and respect, a borough where the elderly and vulnerable have fair access to services which support independence and quality of life.

- **Health and wellbeing:** Strengthen the role and impact of ill health prevention, a borough where people enjoy good health, wellbeing and are supported to make healthy choices for a more active lifestyle.
 - **Greener, cleaner and environmentally friendly:** Create and develop healthy and sustainable places and communities, a borough where people care for a natural built environment that is attractive, healthy and safe; and live in homes suitable to their needs and wishes.
 - **People being served better:** Giving local people customer friendly and responsive services, a borough where people enjoy greater choice and flexibility to access high quality council services.
17. There is a strong association between the new priorities and their key objectives and the connection with the aspirations of the Community Strategy and clear links with national and local policy issues facing the Council.
18. Subject to approval from Members on these priorities forming the overall focus for the Council, the Council Action Plan will be developed to set out a portfolio of key objectives for each priority. These will be underpinned by specific detailed actions, which are short-term time sensitive intermediate steps and generally output driven that influence the overall long-term outcomes.
19. In addition, to ensure that the Council Plan effectively drives the priorities of the whole Council each Directorate produces a Strategic Plan, which relates to the objectives of the Council Plan through to the work of individual teams. These will be completed and published in line with the annual planning cycle.

Performance Management

20. The performance management framework for the Council Plan during 2012/13 will be based upon the key performance indicators, and their respective targets and milestones outlined in the Council Action Plan, and reported to Members through the quarterly performance reports and will be subject to scrutiny from the Cabinet, Corporate Board and Scrutiny Committees.
21. The Cabinet considered this report at its meeting on 20th June, 2012 and recommended the Council to approve the course of action as set out below.

Finance

22. Delivering Council Plan objectives depends upon the Council reviewing its resources for redirection into key priorities. This is achieved by linking Council Plan objectives clearly into the Annual Revenue and Capital Budget processes and the Medium Term Financial Strategy and Capital Strategy. All costs and associated funding requirements are considered as part of those processes.

Law

- 23. The Council has adopted a Constitution under the provisions of Part II of the Local Government Act 2000. In line with Regulations made under the 2000 Act, the full Council must set the budgetary and policy framework. Article 4 of the Constitution sets out the Policy framework and includes the Council Plan as one of the specified documents, which must be approved by full Council.

Equality Impact

- 24. Consultation on the Community Strategy involved a wide range of different communities and organisations, including disabled people, black and minority ethnic communities and children and young people. Their views were incorporated in the final strategy and the identification of their priorities expressed.
- 25. Implementation of the Council Plan framework will involve actions to promote equality and in relation to children and young people.

Recommendation

- 26. That the refresh of the Council Plan 2012 be endorsed and that the Council note the alignment of the Cabinet’s priorities to Council Plan and Directorate Strategic Plans.



.....
Leader of the Council

Meeting of the Council – 16th July, 2012

Report of the Cabinet

Capital Programme Monitoring

Purpose of Report

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

Background

3. At the meeting held on 20th June, 2012, the Cabinet considered a report on Capital Programme Monitoring and made a series of recommendations to the Council which are contained in this report. Other recommendations contained in the report were determined under delegated powers. A copy of the report is available from the Democratic Services Section (telephone 01384 815235) or by e-mail to steve.griffiths@dudley.gov.uk; or on the Council's website (follow the links to Meetings and Decisions).
4. The table below summarises the current 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

Service	2012/13	2013/14	2014/15
	£'000	£'000	£'000
Public Sector Housing	32,216	30,662	30,863
Other Adult, Community & Housing	10,351	1,077	0
Urban Environment	23,724	14,988	12,968
Children's Services	22,611	4,092	67
Corporate Resources	3,280	1,568	636
Chief Executive's	687	0	0
TOTAL	92,869	52,387	44,534

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

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

Adult, Community and Housing

Disabled Facilities Grants

6. Additional resources of £0.078m have been identified from usable housing capital receipts. It is proposed that these be earmarked for Disabled Facilities Grants, and that the Capital Programme be amended accordingly.

Oak Lane Improvements

7. The final phases of the programme are due to commence shortly to replace the existing sewage treatment plant with a mains drainage system and to provide three additional plots on site. Estimated total costs have increased due to a number of factors including clearance of contaminated land prior to works commencing and additional design work required to meet permissible discharge rates to the main sewer.

As a result it is proposed to increase the project budget by £105,000 which can be funded from existing Directorate resources, and that the Capital Programme be amended accordingly.

Urban Environment

MOT Testing Facility

8. The Transport section based at Lister Road Depot currently carry out several hundred taxi inspections per year on behalf of the Licensing section within the Directorate of Corporate Resources. For some time now the taxi trade has lobbied for a MOT Testing Service to be offered in conjunction with the routine taxi inspection, effectively creating a Taxi "One Stop Shop" in an attempt to minimise the amount of time taxis are off the road. Separate premises at the Enterprise Trading Estate, Brierley Hill, which has better access have now been identified to undertake this service, making the project feasible as Lister Road is unsuitable.

A financial modelling exercise has been carried out to ensure the viability of the project. This includes the capital set up costs for the necessary approved testing equipment, plus premises adaptation costs. Upgrading the premises and providing specialist testing equipment is estimated to cost £165,000 and can be funded from Directorate revenue resources.

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

Chief Executive's

Area Committee Allocations

9. From 2012/13, the annual Area Committee Capital Allocations (totalling £240,000) are to be met from revenue resources and no longer restricted to funding capital projects alone. This gives additional flexibility in respect of the schemes that could be funded, and also enables groups to bid for funding that have previously been excluded because their activities are primarily of a revenue nature. It is proposed that Area Committee Capital Allocations unspent from previous years and rolled forward into 2012/13 (totalling £413,000) are also no longer restricted to funding capital projects. This can be financed by reallocating revenue resources currently earmarked to fund other capital expenditure.

Urgent Amendments to the Capital Programme

Refurbishment of Toilets at Regent House

10. The decision to include the refurbishment of Regent House in the Capital Programme was reflected in decision sheet DCR/03/2012. Following an initial survey of the building, the refurbishment of toilets was not included as they were not deemed a high enough priority when compared to other areas of work. However, further inspection on site has led to a recommendation that these also be upgraded at a cost of £40,000 which can be met from Directorate of Corporate Resources revenue budgets. In order to include the necessary work within the existing contract a decision (ref. DCR/17/2012) was made by the Leader of the Council in consultation with the Treasurer on 21st May, 2012 that the refurbishment of all toilets at Regent House be included in the Capital Programme.

Salt Barn and Waste Transfer buildings and related works at Lister Road Depot

11. On the 8th February 2012 the Cabinet approved, subject to obtaining Planning permission, the provision of a Salt Barn and Waste Transfer buildings and related works at Lister Road Depot and for the scheme to be included in the Council's Capital Programme at an estimated cost of £1,000,000.

At the time of preparing the budget it was necessary to include certain assumptions, in particular, for the specialist nature of the building and ground stabilisation requirements. During the recent competitive tender bidding process, Contractors and their specialist Sub Contractors identified additional requirements for ground stabilisation works associated with the two large building structures, especially the Salt Barn which will be transmitting heavy loads (Salt Stocks) into the ground. In addition, the very nature of the building sizes, 25m x 35m and 25 x 40 required together with access, operational and clear span requirements has resulted in additional costs.

As a result of the above, and following the receipt of tenders, the estimated project cost is now £1,100,000. The increase in cost can be met from the forecast annual operational savings.

In order to enable the project to proceed as planned, a decision (ref. DUE/20/2012) was made by the Leader of the Council in consultation with the Treasurer on 11th June, 2012 to increase the project budget and amend the Capital Programme to reflect the latest estimated costs.

Finance

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

Law

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

Equality Impact

14. These proposals comply with the Council's policy on Equality and Diversity.
15. With regard to Children and Young People:
 - The Capital Programme for Children's Services will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
 - Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
 - There has been no direct involvement of children and young people in developing the proposals in this report.

Recommendations

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



.....
Leader of the Council

2012/13 Capital Programme Progress to Date

Service	Budget £'000	Spend to 30th April £'000	Forecast £'000	Variance £'000
Public Sector Housing	32,216	85	32,216	-
Other Adult, Community & Housing	10,351	266	10,351	-
Urban Environment	23,724	404	23,724	-
Children's Services	22,611	165	22,611	-
Corporate Resources	3,280	284	3,280	-
Chief Executive's	687	15	687	-
TOTAL	92,869	1,219	92,869	-

Meeting of the Council – 16th July, 2012

Report of the Cabinet

Review of Housing Finance

Purpose of Report

1. To consider the recommendations of the Cabinet on:
 - proposed revisions to the Housing Revenue Account (HRA) budgets to reflect latest financial forecasts.
 - proposed revisions to the Public Sector Housing capital programme.
2. To inform the Council of the decisions taken by the Cabinet under delegated powers concerning certain other issues associated with the Housing Revenue Account (HRA).

Background

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

The current budget for 2012/13, approved by the Cabinet on 8th February 2012, shows a surplus on the HRA of £0.324m at 31st March, 2013. There are now a number of variations to the original budget arising from the self-financing transactions undertaken at the end of March 2012 and from resources brought forward from 2011/12 including earmarked reserves.

It should be noted that 2012/13 is the first year in which the new HRA self-financing system operates. The Government's reforms of HRA funding are set out in the Localism Act 2011 and include the abolition from 1st April, 2012 of the previous subsidy system and its replacement with a self-financing model under which housing authorities retain all rental income in return for taking on a share of national housing debt.

Previous reports to the Cabinet have noted progress towards implementation of the self-financing system since the initial consultation paper on the proposals was issued in July 2009. The key elements of the proposed new self-financing system are:

- Abolition of the HRA Subsidy system – whereas Dudley previously made negative subsidy payments into a national pool (around £22m in 2011/12) we are now able to retain all rental income.
- In return we have taken on a one-off allocation of housing debt (£335m) based on an affordability calculation. At this level, and at current interest rates, the increased interest payments are more than offset by the removal of negative subsidy payments, allowing greater investment in management, maintenance and major repairs than would be possible were the previous system to have continued.
- A cap on new borrowing above a set maximum level.
- Transfer of investment, borrowing and inflation risks to housing authorities.
- Continued compliance with central government rent policy.

It was noted in the report approved by the Cabinet on 8th February, 2012 that the requirement for new housing debt came at a time of unprecedented uncertainty in the financial markets not least due to events in the Eurozone. The proposed HRA budget for 2012/13 was therefore calculated on a very prudent basis allowing for an average interest rate payable on all the Council's HRA debt (including existing debt) of 4.5%. When the borrowing transactions are undertaken with the Public Works Loans Board (PWLB), a lower average interest rate of 4% was in fact achieved, resulting in a saving of £2.5m on interest payments compared to the original budget. This will be invested in major repairs, bringing the backlog of empty properties back into use.

The variances between the original and the proposed revised budgets for contributions to expenditure, management and responsive and cyclical repairs relate to earmarked reserves brought forward into 2012/13. These reserves include sums for general housing repairs, improvement works, continuing ICT projects and Housing Management office accommodation moves.

The original 2012/13 budget and the proposed revised 2012/13 budget are shown in Appendix 1.

5. Public Sector Housing Capital Programme

In February, 2012, a 5 year housing public sector capital programme was agreed. A revised capital programme is shown at Appendix 2.

The proposed capital programme follows the principles approved in the current programme and reflects the priorities of the Council Plan and the views of Area Housing Panels, targeting investment into maintaining the Decent Homes Standard and achieving energy efficiency measures under the Energy Act 2011. The programme addresses the following priorities:

- Continuing investment to target maintaining decent homes;
- Improving energy efficiency, combating climate change and reducing fuel poverty;
- Investing in empty homes to ensure that as many of the Council's homes as possible are available for occupation;
- Maintaining investment, at affordable levels, in community safety, environmental and social programmes such as adaptations for persons with disabilities.

An additional £2.5m has been identified as a result of the savings on interest payments achieved with the implementation of self-financing, which has been directed towards investment in empty homes, bringing the backlog of empty properties back into use.

6. Right to Buy

Following consultation earlier in the year on *Reinvigorating the Right to Buy and one for one replacement*, the Government has from 1st April, 2012 increased the cap on maximum Right to Buy discount from (in the West Midlands) £26,000 to £75,000 and introduced a requirement to use the additional capital receipts from increased house sales to build more social rented homes. The original budget assumed a number of house sales consistent with the self-financing settlement and current assumptions based on the present maximum discount.

At this stage, it is too early to estimate the likely increase in house sales as a result of the increased discount: while right to buy enquiries have increased substantially, these have not yet resulted in increased sales. It is likely that sales will increase, although the receipt for each sale will reduce as a consequence of the increase in maximum discount.

It is therefore proposed that the original budget is maintained, as this represents a prudent level of income, and this will be reviewed throughout the year as the number of sales is known.

A council can choose to retain receipts arising from right to buy sales, above the current budgeted level (52 homes), so long as these additional receipts are used for provision of affordable rented council homes. These can be either new build or acquisition of existing properties, and there is no restriction on their size, location, type or number. The only constraints are that funding from additional receipts must be no more than 30% of the total acquisition / construction cost, and that the funding must be spent within three years.

The Cabinet has authorised the Director of Adult, Community and Housing Services to sign the agreement with the Department for Communities and Local Government to retain additional right to buy receipts and use these for provision of affordable rented council homes.

7. HRA Business Plan

A new financial strategy for landlord housing is currently being developed to take into account maintenance of the Decent Homes Standard and the new opportunities and challenges arising from the introduction of the self-financing system. This will be the subject of a consultation process that will include tenants and residents.

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

- maintain the Decent Homes Standard;
- improve the energy efficiency of the housing stock and address fuel poverty;
- invest in housing stock and minimise the number of void properties;

- review the suitability of the housing stock and explore the feasibility of new build to increase stock and / or replace properties that are in poor condition or that do not meet modern requirements;
 - support the aims of the Council Plan - promoting strong, caring communities through the provision of decent housing in a safe and clean environment;
 - identify ongoing savings and efficiency gains, through the use of partnerships where appropriate;
 - continue to undertake prudent management of reserves and other balances;
 - set rents having regard to government rent policy and investment needs.
8. On consideration of the information set out in this report, the Cabinet approved the following recommendations at its meeting on 20th June, 2012:-
- That receipts arising from right to buy sales, above the current budgeted level, be retained, so long as these additional receipts are used for provision of affordable rented council homes.
 - That the Director of Adult, Community and Housing Services be authorised to sign the agreement with the Department for Communities and Local Government to retain additional right to buy receipts and use these for provision of affordable rented council homes.
 - That the key elements of the Housing Revenue Account 30 Year Business Plan be approved.
 - That the Council be recommended to approve the proposals set out in paragraph 12 below.

Finance

9. Section 76 of the Local Government and Housing Act 1989 places a duty on the Council to ensure that no action will be taken that may cause a deficit to arise on the HRA at 31st March, 2013. A duty is also placed on the Council to review the financial prospects of the HRA from time to time. Reviews and regular monitoring carried out confirm that the HRA will be in surplus at 31st March, 2013 and therefore complies with the requirements of the Act.

Law

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

Equality Impact

11. The Equalities Act 2010 created a new public sector equality duty, which came into force from 5th April, 2011. This consists of a general equality duty, which applies to the Council and specific duties, which have not yet been published.

The general equality duty has three objectives, to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
- advance equality of opportunity between people who share a characteristic and those who don't.
- foster good relations between people who share a characteristic and those who don't.

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

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

Recommendations

12. It is recommended that the Council:

- Approve the revised Housing Revenue Account budget for 2012/13, as set out in paragraph 4 and Appendix 1.
- Approve the revised Public Sector Housing capital programme for 2012/13 to 2016/17, as set out in paragraph 5 and Appendix 2.



.....
Leader of the Council

HRA Revised Budget 2012-13

	Original Budget £m	Proposed Revised Budget £m	Variance £m
<u>Income</u>			
Dwelling rents	-87.350	-87.350	0
Non-dwelling rents	-0.691	-0.691	0
Charges for services and facilities	-0.199	-0.199	0
Contributions towards expenditure	-1.130	-1.038	0.092
Interest on balances	-0.005	-0.005	0
Total income	-89.375	-89.283	0.092
<u>Expenditure</u>			
Management	14.717	15.643	0.926
Responsive and cyclical repairs	24.050	25.803	1.753
Negative Subsidy	0	0	0
Transfer to Major Repairs Reserve	21.487	21.487	0
Interest payable	20.905	18.427	-2.478
Revenue contribution to capital expenditure	8.720	11.847	3.127
Other expenditure	0.968	0.968	0
Total expenditure	90.847	94.175	3.328
Deficit in year	1.472	4.892	3.420
Surplus brought forward	-1.796	-5.606	-3.810
Surplus carried forward	-0.324	-0.714	-0.390

As interest rates were lower than originally budgeted when the HRA self-financing transactions were undertaken, we have achieved a saving of £2.5m on interest payments. This will be invested in major repairs, bringing the backlog of empty properties back into use.

The variances between the original and the proposed revised budgets for contributions to expenditure, management and responsive and cyclical repairs relate to earmarked reserves brought forward into 2012-13. These reserves include sums for general housing repairs, improvement works, continuing ICT projects and Housing Management office accommodation moves.

Proposed capital programme 2012/13 to 2016/17

	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000
Adaptations	2,644	2,618	2,662	2,740	2,839
Central heating	1,929	1,526	1,552	1,597	1,656
Community Safety and Environmental Improvements	564	283	288	296	307
Electrical Installations	1,484	1,374	1,059	1,090	1,130
External Improvement Programme	7,472	7,570	7,749	7,098	7,178
Insulation	208	161	164	168	175
Minor Works	4,080	2,776	3,839	3,953	4,015
Modernity and Decent Homes	2,292	2,325	2,364	2,433	2,505
New Council Housing	2,262	420	218	0	0
Tenants Association	124	85	87	89	92
Void Property Improvements (Decency)	12,682	10,701	10,879	11,201	11,321
Grand Total	35,741	29,839	30,861	30,665	31,218

Meeting of the Council – 16th July, 2012

Report of the Audit and Standards Committee

Localism Act, 2011 – The New Standards Arrangements

Purpose of Report

1. To recommend necessary actions so as to implement the new standards arrangements.

Background

2. The Localism Act, 2011 was enacted on 15th November, 2011 and amongst its provisions was the repeal of the existing standards regime as set out in the Local Government Act, 2000. The Localism Act also introduced new lighter touch standards arrangements. These changes have a number of effects including:-
 - (a) That there is no longer a requirement for the Council to appoint a Standards Committee
 - (b) The current ten General Principles and National Model Code of Conduct for Members are repealed
 - (c) As a consequence of the above the requirement for separate Referrals, Review and Hearings Sub-Committees to hear and determine allegations that a Member may have breached the Code of Conduct are also repealed
 - (d) There is no longer a requirement to appoint Independent Members of a Standards Committee with a place on the Committee; and
 - (e) Member personal and prejudicial interests are abolished.
3. The new standards arrangements, which come into force with effect from 1st July, 2012, have a number of features with the intention of introducing a simpler and streamlined process for dealing with complaints about Members.

These are

- The adoption of a new Local Code of Conduct to replace the existing National Code
- The appointment of an Independent Person(s) to assist the Monitoring Officer in complaint and related standards matters. The Independent Person(s) will not have a place on the Audit and Standards Committee.

- The establishment of a new Register of Members' Interests
- The revision of arrangements in relation to interests disclosed by Members including those set out in the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

As a consequence of the introduction of these features there will also be a need for

- A process for dealing with complaints
- Training to be arranged for Elected and Co-opted Members in the new arrangements; and
- Revised grounds for the granting of dispensations

Current Position

4. In the light of the above changes the Council has already made a number of decisions and carried out work, prior to further information and regulations being received from Government on the changes.

The measures introduced include:-

1. The appointment at Annual Council on 17th May, 2012 of the new Audit and Standards Committee with revised Terms of Reference and functions including the residual standards functions;
2. Arrangements for the onward delegation of functions to the Director of Corporate Resources in relation to arrangements for the appointment of an Independent Person(s) up to and including the holding of interviews.
3. The inclusion in the Terms of Reference of the Committee of the appointment of any sub-committees to hear and determine complaints against Members and Co-opted Members referred to them by the Director of Corporate Resources; and
4. The onward delegation to the Director of Corporate Resources of the consideration, in conjunction with an Independent Person(s) of complaints made against a Member or Co-opted Member.

The Next Steps

5. The following issues now require consideration:-

- (a) The Adoption of a New Local Code of Conduct

As indicated in paragraph 2(b) above the current ten general principles and the National Code of Conduct are repealed. However the Council will be required to either revise its existing Code or adopt a new Code of Conduct governing Elected and Co-opted Members' conduct when acting in that capacity.

The Local Government Association has issued a template for a new Members' Code of Conduct based on seven key principles. The Council's new Code of Conduct must, when viewed as a whole, be consistent with the seven principles. Guidance and advice has also been issued by the Department for Communities and Local Government and a number of professional bodies. Taking account of all the guidance received, a draft Dudley MBC Members' Code of Conduct is set out in the Appendix for consideration.

With regard to the registration and disclosure of interests, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 have now been issued. These set out the Disclosable Pecuniary Interests that will require registration and disclosure. The seven categories of interest are broadly in line with current registerable financial interests.

Each elected and co-opted Member must register all Disclosable Pecuniary Interests within 28 days of becoming a Member. Failure, without reasonable excuse, to register will be a criminal offence with a penalty of a fine of up to £5,000 and disqualification from office for up to five years. The failure to register any other interests required by the Council would not be a criminal offence but would be a failure to comply with the Code of Conduct.

Consideration will need to be given to what other pecuniary and non-pecuniary interests should be included in the Code in addition to the Disclosable Pecuniary Interests. Interests other than Disclosable Pecuniary Interests have not been defined. A copy of the form for registering Member's Disclosable Pecuniary and other interests is attached to the Code of Conduct in the Appendix.

It is recommended that the current arrangements for disclosure of interests at all meetings at which Members are present continue and reference to this has been included in the new Local Code of Conduct and will be reflected in the Constitution.

Reference is also made to the granting of dispensations. The Act extends the current basis (that is where over half of the Council or Committee will be prevented from taking part in any discussion or the political balance of a meeting will be upset) for a dispensation to be granted to cover any instance where the number of Members affected would mean that the meeting was inquorate or all Members of the Cabinet would be excluded (that is extending the fifty percent rule) and where it is in the interests of the inhabitants of the area. As requests for dispensations often have to be dealt with urgently, it is recommended that the granting of dispensations be delegated to the Monitoring Officer, following consultation with the Chair of the Audit and Standards Committee and an Independent Person. The Monitoring Officer will, however, have discretion to refer requests for dispensations to the Standards Sub-Committee in appropriate circumstances.

(b) The Appointment of an Independent Person(s)

As indicated in the second bullet point of paragraph 4 above the Director of Corporate Resources has delegated authority to make arrangements for the appointment of an Independent Person(s) up to and including the holding of interviews.

Accordingly a recruitment pack for an Independent Person was drawn up and a newspaper advertisement placed on 29th May, 2012. Persons who wished to be considered for the position of Independent Person applied for a recruitment pack and returned application forms by Thursday, 21st June, 2012. The date for interviews was 25th June, 2012. Following the holding of interviews recommendations, as set out in paragraph 10 below, were made and agreed as to appointment(s), to be recommended to the Council for approval. The Regulations also provide for making interim arrangements should this be necessary and in this regard two former Independent Members of the former Standards Committee are also recommended for appointment, again as set out in paragraph 10 below.

(c) A Process for Dealing with Complaints

As indicated above Independent Person(s) are required so as to assist the Monitoring Officer in dealing with complaints and related standards matters.

Given the repeal of the current arrangements for hearing complaints requiring the establishment of Sub-Committees it is for the Council to establish its own, simpler, process, which can include delegation of decisions on complaints.

As the statutory provisions no longer give a Standards Committee or Monitoring Officer special powers to deal with complaints it will be necessary for Councils to delegate appropriate powers to any Committee or Sub-Committee that may be given the remit, and to the Monitoring Officer.

The Terms of Reference and functions of the Audit and Standards Committee approved at Annual Council on 17th May, 2012 include provision for the appointment of any Sub-Committees, as appropriate, to hear and determine complaints against Members and Co-opted Members under the provisions of the Members Code of Conduct and in accordance with locally agreed procedures.

A Standards Sub-Committee, with proportionality waived as is currently the case for Licensing Sub-Committees, was established comprising four Members of the Audit and Standards Committee, two from each political group.

Given the delegation to the Director of Corporate Resources, in his role as the Monitoring Officer, for the consideration in conjunction with an Independent Person(s) of complaints made against a Member or Co-opted Member it should be noted that the Monitoring Officer and Independent Person would only refer particular complaints to the Sub-Committee where the Monitoring Officer considers that it would be inappropriate for him to take a decision on the matter.

It should also be noted that the sanctions available, following a finding of a Member breach of the Code of Conduct, have also been revised, and based on available advice, it is considered that the following are lawfully available subject to the particular facts and circumstances and are proportionate:-

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

The Sub-Committee referred to would have the power to determine the appropriate course of action in respect of any complaint heard.

(d) Training

Following consideration of the new arrangements by the Audit and Standards Committee, and subject to the approval of Council, arrangements are in hand for a number of training sessions dealing with the new Code of Conduct and Member interests so that all Elected Members and Co-opted Members can be informed of the revised arrangements ideally prior to Committees meeting in September, 2012. Attendance at the training will be mandatory for all elected and co-opted Members.

The Leaders of both political groups represented on the Council have been consulted on the proposals concerning the adoption of the new Members' Code of Conduct and the associated issues referred to above.

6. The Audit and Standards Committee at its meeting held on 3rd July, 2012, considered this report and resolved to recommend to Council to approve the actions referred to in paragraph 10 below.

Finance

- 7 The financial implications arising from this report will be met from existing resources.

Law

8. The relevant provisions are contained in the Localism Act, 2011 together with regulations, orders and statutory guidance issued by the Secretary of State.

Equality Impact

9. The new Local Code of Conduct requires Elected Members and Co-opted Members to behave in a manner that is consistent with seven overriding principles so as to achieve best value for their residents and maintain public confidence in the Authority. The principles will have a bearing on issues such as equality.

Recommendations

10. That the Council be recommended to:-
 1. Adopt a new local Members' Code of Conduct as set out in Appendix 1
 - 2(a) Appoint the Bishop of Dudley and Mrs Valerie Ainsworth as Independent Persons for the period ending with the annual meeting of the Council on 16th May, 2013, pursuant to the transitional provisions contained in Regulations made under the Localism Act, 2011.
 - (b) Appoint Mr Fred Bell and Mr Thomas Turner as Independent Persons under the provisions of the Localism Act 2011, for a four year period ending with the annual meeting of the Council in May, 2016.
 3. Endorse the arrangements for registering and declaring interests as referred to in the Code of Conduct and the form set out in the Appendix.
 4. Authorise the Monitoring Officer to make consequential amendments to the Constitution and Procedure Rules to include references to the revised arrangements for the disclosure of Members' interests.
 5. Authorise the Monitoring Officer, in consultation with an Independent Person and the Chair of the Audit and Standards Committee, to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct subject to individual requests being referred to the Standards Sub-Committee in appropriate circumstances.
 6. Authorise the Monitoring Officer to produce local arrangements and procedures for dealing with standards allegations and complaints made under the Members' Code of Conduct.

7. Approve the provision of mandatory training to all Members of the Council and Co-opted Members on the provisions of the local Members' Code of Conduct.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

.....
Chair of the Audit and Standards Committee

Dudley Metropolitan Borough Council

Members' Code of Conduct

1. Application of the Code

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

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

2. General Principles

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

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

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

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

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

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

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

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

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

3. **Standards of Conduct**

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

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

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

4. **Members' Interests**

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

Disclosable Pecuniary Interests

Members must:

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

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

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

Other Interests

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

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

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

and that interest is not a disclosable pecuniary interest.

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

Sensitive interests

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

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

Dispensations

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

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

- housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;

- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members; and
- setting the Council Tax or a precept under the Local Government Finance Act 1992 as amended.

Gifts and Hospitality

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

LOCALISM ACT 2011 - Section 30(3)

The Relevant Authority (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER'S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

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

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

PLEASE STATE “NONE” WHERE APPROPRIATE

DISCLOSABLE PECUNIARY INTERESTS

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

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

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

--

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

--

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

--

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

--

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

OTHER INTERESTS

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

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

Signed

Dated

Meeting of the Council – 16th July, 2012

Annual Report of the Children’s Services Scrutiny Committee for 2011/12

Purpose of the Report

1. To submit the Annual Report of the Children’s Services Scrutiny Committee for 2011/12.

Background

2. Article 6 of the Council's constitution requires that Scrutiny Committees report annually to the full Council on the work carried out over the previous municipal year making both recommendations for key areas of future work and any amended working methods, if appropriate, for the forthcoming year.
3. The Scrutiny Committee is particularly concerned to ensure that their work focused specifically on the five outcomes in "Every Child matters", namely:
 - Be healthy
 - Stay safe
 - Enjoy and achieve
 - Make a positive contribution
 - Achieve economic well-being

and the following key national objectives:

- Improving outcomes for looked after children
- Reducing teenage pregnancies
- Improving education standards

4. During 2011/12, the Committee noted positive developments such as the re-design of the corporate parenting approach as well as the outcome of the OFSTED Inspection of Safeguarding and Looked After Children. Evidence was provided to the Committee through a themed approach. A number of visitors to the Committee were in attendance during the year and this was arranged with the intention of promoting open-ness and transparency. This gave Members opportunity to increase awareness and expertise on issues relating to children and young people in the Borough. Specifically, items included in the planned work programme for the Committee in 2011/12 were as follows:-

Contact Referral and Assessment Arrangements for Children in Need

5. A report was submitted and noted on the practice, process and legal framework for the assessment of children in need. Detailed information regarding the nature of assessments; child in need plans; specific data around activity levels relating to children in need referrals, initial assessments and core assessments; information in relation to the types of services which are available within the Council and partner agencies to support children in need; the latest OfSTED inspection report and a flowchart of the process after the initial assessment had taken place and family support information were all appended to the report submitted.

Child Poverty

6. The report summarised the key points from the guidance in the Child Poverty Act, 2010 and indicated the key performance measures in respect of poverty for children, the national target on the subject and the current situation in Dudley. Actions being taken by the Council to meet the above target, the key areas of focus of the Council and its partners aimed at mitigating poverty, and the Council's involvement in issues of wealth and jobs creation were contained in the report.

Gypsy Roma Traveller Service

7. The report summarised the composition of the Gypsy, Roma and Traveller Service operated by the Directorate of Children's Services. It also outlined details in relation to a database maintained by the Gypsy, Roma and Traveller Service which detailed the numbers of children attending various schools, those of pre-school age, those whom were home tutored and those who did not appear on roll. Details in relation to educational attainment levels were set out in the report together with attendance figures. An explanation as to how the various agencies involved with gypsy, roma and traveller children inter-related was provided. The report also referred to training measures and to safeguarding issues.

Children's Centres in Dudley Metropolitan Borough Council

8. A report was submitted and noted in relation to the purpose of Children's Centres Service delivery, the legal framework under which they are delivered and the plans for their further development. The report explained the background to the development of Children's Centres in Dudley and how they support the communities in which they are sited. The report contained details of the aims of Children's Centres which is to identify and reach and help the families in the greatest need of support by providing a range of both universal and targeted services in partnership with both statutory and voluntary agencies. The manner of operation of Children's Centres, the number of children that each contained, the activities offered, the delivery of services and the evaluation of services offered were all contained in the report. Details of the staffing, the recruitment of volunteers and the funding obtained for Children's Centres were also indicated.

Time for Two's Project

9. The report contained information in relation to the Project for two year olds which was supported and delivered by the Directorate of Children's Services, Childcare Strategy Team. It was noted that the Project involved the provision of support for parents as well as early education to ensure that disadvantaged two year olds could fully benefit from the programme. The features of the Project including the provision of support for parents as well as early years education together with the range of support offered to parents was outlined in the report. Details of the pilot of the Project and the provision of a legal entitlement to 15 hours of free early education for every disadvantaged 2 year old from 2013 were outlined in the report.

Care Proceedings

10. A report was submitted and noted in relation to the legal processes undertaken by the Council in relation to the protection and safeguarding of children in need. The number of children who were looked after in Dudley and subject to Care Orders was noted together with the actions available to the Council and the Police in relation to Care Proceedings. Details of the recommendations in relation to the time frame in which Child Protection Cases should be dealt with following the Family Justice Review commissioned by the Government in February, 2010 were referred to in the report.

Corporate Parenting

11. The report referred to the Council's responsibilities in relation to corporate parenting for children in care and also sought consideration of the Corporate Parenting Strategy. Details of the Corporate Parenting Board and the former Corporate Parenting Committee which had been established to support young people looked after by the Authority were contained in the report, together with details of the new Terms of Reference and composition of the Board. The Annual report for Looked After Children, providing information on the outcomes for Looked After Children and the activities that had taken place with partner agencies and the Council to support

and improve performance was appended to the report, together with details of the Dudley Pledge for Looked after Children which had been informed and developed by children themselves and in particular the Children in Care Council, a regular forum where children and young people can meet with elected Members and Senior Members of the Council to influence future support and the provision of services.

Annual Report for Complaints, Comments and Compliments for Children's Social Care Services 1st April, 2010 to 31st March, 2011

12. In accordance with statutory requirements, the Annual Report on Social Care Compliments and Complaints for the above period was submitted, accepted by the Committee and approved for publication.

Referrals to Local Authority Children's Social Care where there are concerns about a Child's Safety or Welfare

13. A report was submitted and noted containing an overview of the processes involved when a referral was made to Social Care, which raised concerns about a child's safety or welfare. The report focused on situations where concerns had been raised that a child might be suffering or was likely to suffer significant harm but where the threshold for care proceedings had not been met, and through assessment, it had been judged that children could remain with their birth families but with the support of a Child Protection Plan. The report set out the obligations of the local authority and its partner agencies under Section 47 of the Children Act, 1989 and the activities undertaken in connection with children in this category. The review process on when consideration was given as to whether or not a child should continue to be the subject of a Child Protection Plan was also contained in the report.

Standards Report – Performance Data

14. The report was received and noted on the performance of schools in the Borough providing the latest data available in relation to the Early Years Foundation Stage, Early Years Foundation Stage Ethnicity data, Key Stage 1 National Curriculum Assessment, Key Stage 1 Ethnicity Assessment data, Key Stage 2 National Curriculum Assessment, Key Stage 2 Ethnicity Data, Key Stage 4 Ethnicity Assessment Data, Key Stage 5, Looked After Children Assessment Data – Key Stages 1,2 and 4 and Trends Over Time – Key Stages 1,2 and 4.

OFSTED Inspection of Safeguarding and Looked After Children Services

15. A report was submitted and noted on the outcome of the OFSTED inspection of Safeguarding and Looked After Services in Dudley, which had taken place between 28th November and 9th December, 2011. It was noted that Action Plans had been formulated in response to the recommendations referred to in the Inspection report. It was noted further that those inspection judgements which had been measured as being outstanding or good would continue to be monitored. The Action Plans that were submitted and considered related to the particular area for improvement,

actions required, the current position statement, the agencies involved and key personnel. The action that was being taken and the progress to date on the issue of the sufficiency of the capacity of the Independent Reviewing Officer to enable the full implementation of quality assurance responsibilities, including data collation and report to relevant bodies was outlined and noted.

The Education Act 2011 and Its Impact for Dudley

16. A report was submitted and noted in relation to the changes to education and its provision in Dudley that resulted from the provisions of the Education Act 2011. The report outlined the changes in the way state funded education will be organised and managed and also the Council's statutory responsibilities in this regard. The proposed changes were referred to in the report. Details of the most significant areas that the Council would need to address in its assessment of the impact of the changes and its review of future service provision were indicated.

Schools OFSTED Outcomes

17. The report contained the latest analysis on the performance of Dudley Schools in OFSTED inspections.

Fostering Service

18. In addition to the above reports a further report was submitted and noted setting out key information on the Fostering Service in Dudley, detailing developments in the service further to the previous OFSTED Inspection in 2009. The five actions identified as being required and the ten other recommendations made were referred to and the report confirmed that the five issues required to be made had all been actioned and completed with and the ten recommendations were being acted upon. The report set out the range of fostering provision currently undertaken in Dudley, setting out the governance arrangements together with the numbers of fostering placements and carers. Details of the collaborative work relating to fostering being carried out across the four Black Country Boroughs were indicated.

Former Pensnett School of Technology

19. An oral update was provided and noted on the progress of students at the Pensnett Education Campus. Attainment levels of Key Stage 4 pupils were referred to and the fact that mathematics appeared to be the subject in which pupils were having greater difficulty with.
20. The Committee's Work Programme for the 2011/12 municipal year also included the following reports and information only items:-
 - Quarterly Corporate Performance Management;
 - Contextual information on performance in certain areas of the service were submitted when requested in relation to certain matters raised regarding the Quarterly Corporate Performance Management Report.
 - Terms of Reference and Rules of Procedure of the Committee and Associated Matters including the Work Programme for the Committee for 2011/12;
 - Draft Annual Report for the Review of the 2010/11 Year;

- Revenue Budget Strategy 2012/13;
- Equality and Diversity Action Plan 2010/11;
- Update on the Council's Capital Strategy.

21. The annual report was considered by the Scrutiny Committee on 21st June, 2012. Reference was made to the succinct presentation of the report, which does not entirely reflect the depth and diverse range of issues dealt with by the Children's Services Directorate during the year. The Committee paid tribute to the commitment of Members and Officers in dealing with issues affecting Children's Services and requested that this be reflected in future reports.
22. The Committee also referred to the importance of the role of elected Members in relation to Corporate Parenting. It was requested that more information be circulated to Members to promote this role. The Acting Director of Children's Services was asked to liaise with the Cabinet Member for Integrated Children's Services with a view to circulating a leaflet/newsletter to all Members of the Council on the duties and responsibilities in connection with Corporate Parenting.

Finance

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

Law

24. The requirement for the Scrutiny Committee to make an annual report to the Council is contained in article 6 of the Constitution.
25. The relevant statutory provisions regarding the Council's Constitution are contained in part to the Local Government Act 2000, together with regulations or orders and guidance issued by the Secretary of State.

Equality Impact

26. The Committee has taken equality issues into account while scrutinising the areas of work described above, particularly in relation to the engagement of potentially disenfranchised groups with frontline services.
27. The Committee takes account of the views of children and young people in all its deliberations.

Recommendation

28. That the annual report of the Children's Services Scrutiny Committee for 2011/12, as set out above, be noted.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines.

.....
Chair of the Children's Services Scrutiny Committee

Meeting of the Council - 16th July, 2012

Annual Report of the Community Safety and Community Services Scrutiny Committee for 2011/12

Purpose of Report

1. To submit to the Council the Annual Report of the Community Safety and Community Services Scrutiny Committee for 2011/2012.

Background

2. Article 6 of the Council's Constitution requires that Scrutiny Committees report annually to the full Council on the work carried out over the previous municipal year making both recommendations for key areas of future work and any amended working methods, if appropriate, for the forthcoming year.
3. As in previous years, the work programme for the year was rooted in the Council's overall objectives in terms of both the key issues but also identifying the timetable for reports back.
4. The Committee, in discharging its overview and scrutiny functions as they relate to crime and disorder functions of the Council under the Crime and Disorder Act, 1998 and other relevant legislation, has a wide and far-reaching remit. It is therefore difficult to single out a number of key issues from Borough-wide community safety issues such as social inclusion and community development which fall within the purview of the Committee.
5. The following matters were considered at meetings of the committee in 2011/12.
 - (a) Recent Developments in Domestic Abuse Policy and Service Provision in the Borough of Dudley.
 - (b) Safe and Sound, Dudley's Community Safety Partnership: The Role of the Responsible Authorities;
 - (c) An Overview of Closed Circuit Television (CCTV) in the Dudley Borough;
 - (d) Dudley Borough Anti Social Behaviour Review;
 - (e) Reporting on Section 17 Crime and Disorder Act 1998 (The Directorate of Adult, Community and Housing Services).

6. The Committee's Work Programme for the 2011/12 municipal year also included the following standard reports and Information Items:

Quarterly Corporate Performance Management Reports;

Revenue Budget Strategy 2012/13;

Update on Council's Capital Strategy;

Police Reform;

Annual Report of the Community Safety and Community Services Scrutiny Committee 2010/11.

Recent Developments in Domestic Abuse Policy and Service Provision in the Borough of Dudley.

7. Detailed consideration was given to the domestic abuse service policy and provision in Dudley together with the details of services and funding. Arising from consideration of this item, it was noted by the Committee that the Domestic Abuse Service Improvement Review would result in a draft report with findings being presented to the Strategic Board to consider and it was expected that following on from this an action plan would be developed. The contributions by the Primary Care Trust, The Lye Project, the Police and the Directorates of Children's Services and Adult, Community and Housing Services in relation to dealing with domestic service were also considered and it was resolved that a further report would be submitted to a future meeting in relation to the findings of the Domestic Abuse Service Improvement Review.

Dudley Borough Anti Social Behaviour Review.

8. A report was submitted and noted updating the Committee on the review of the Council's Anti-Social Behaviour Service and seeking Members views as part of the consultation process.

Consideration was given to the number of staff in post at the Anti Social Behaviour Unit, a training needs analysis, which would be undertaken, response times to urgent and standard cases, that a wider review of the Council's out of hours service was required and to the number of cases referred to the Council's Legal Services. A further report would be submitted to the committee in due course.

Reporting on Section 17 – Crime and Disorder Act 1998

9. Detailed considered of a report of the Directorate of Adult, Community and Housing Services was submitted on the work that the Directorate was involved in that contributed towards fulfilling the obligations of Section 17 of the Crime and Disorder Act 1998.

Consideration was also given to the details and responsibilities and

contributions that each division made within the Directorate in relation to the above, which were appended to the report.

An Overview of Closed Circuit Television (CCTV) in the Dudley Borough.

10. Detailed consideration was given to the Council's CCTV responsibilities within the Borough, with a particular focus on the role of the CCTV Control room in Sedgley.

The Committee noted that the Protection of Freedoms Bill would introduce further regulation of CCTV cameras and the Council would be required to adopt a policy in relation to CCTV following the implementation of that Bill.

Consideration was also given to the number of cameras in situ, the cost of replacing them and the use of the images obtained from the cameras.

It was resolved that a further report would be submitted to a future meeting of the Committee detailing the new and amended requirements arising out of the Protection of Freedoms Bill and the findings from the internal CCTV review.

Outline of the Work Programme for 2012/13

11. A work programme for 2012/13 was considered by the Committee, having within its remit community safety, at its first meeting held on 7th June, 2012 which included the following matters:-
 - Annual Report of the Safe and Sound Board
 - Annual Report of the Committee to Council
 - The Police Reform and Social Responsibility Act 2011
 - Domestic Abuse Service Improvement Review - Update
 - Anti Social Behaviour Service re-design - Update
 - Proposed Revenue Budget
 - New and Amended Requirements arising out of the Protection of Freedoms Bill and the findings of the Internal CCTV Review
 - Reporting on Section 17 – Crime and Disorder Act, 1998 (Directorate of the Urban Environment).
 - Provisional Work Programme for 2013/14

Conclusion

12. Areas forming the bulk of the Committee's work continue to reflect the expressions made by local people, namely, issues concerning community safety with particular emphasis on Domestic Abuse, Anti-Social Behaviour and measures to build safer and strong communities through community-lead programmes to combat crime in the whole or parts of the Borough.
13. Section 17 of the Crime and Disorder Act, 1998, requires Local Authorities to consider the impact of community safety on each of its decisions.

Finance

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

Law

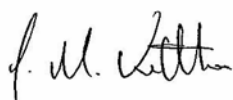
15. The requirement for Scrutiny Committees to submit an annual report to the Council is contained in Article 6 of the Constitution as read with Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Equality Impact

16. Reports that have been and might be submitted to the Committee during 2012/13 could have a direct bearing on children and young people who become involved in anti-social behaviour whilst issues such as social cohesion will also have an impact on them.
17. Bodies representing children and young people will continue to be consulted on issues submitted for consideration by the Committee and might have a direct impact on children and young people. This report complies with the Council's equality policy.

Recommendation

18. That the Annual Report of the Community Safety and Community Services Scrutiny Committee for 2011/12 as set out above, be noted.



.....
CHAIR OF THE COMMUNITY SAFETY AND COMMUNITY SERVICES
SCRUTINY COMMITTEE.

Meeting of the Council - 16th July , 2012

Annual Report of the Regeneration, Culture and Adult Education Scrutiny Committee for 2011/12

Purpose of Report

1. To submit the Annual Report of the Regeneration, Culture and Adult Education Scrutiny Committee for 2011/12.

Background

2. Article 6 of the Council's Constitution requires Scrutiny Committees to report annually to the full Council on the work carried out over the previous Municipal Year, making both recommendations for key areas for future work programmes and any amended methods of working, if appropriate.
3. As in previous years, the work programme for the year was rooted in the Council's overall objectives in terms of both the keys issues but also identifying the timetable for reports back.
4. Given the wide range and coverage of the Committee, including as it does, regeneration initiatives in the Borough, cultural initiatives and adult education, it is difficult to single out a number of key issues.
5. However, the following areas have been identified:-
 - (a) The remit for the scrutiny for planning policy and development involved in the on-going issue of an examination of Section 106 or the planning obligations placed on developers to ensure that they contributed to improvements in the community infrastructure. This covered housing, public open spaces, transportation and community development areas.
 - (b) Update on the recreational dimension of the Healthy Towns Programme.
 - (c) Annual review of the Dudley Borough Economic Strategy 2011/12 - 2013/14.
 - (d) Progress reports on regeneration of the sixteen Local and Development Centres and on the regeneration of Cradley/Windmill Hill, including wider issues in relation to trading and street trading in particular.
 - (e) The development of a policy to deal with stray and illegally grazing horses.

6. Notwithstanding these important issues, consideration was also given to the following matters in the 2011/12 municipal year:-

- Review of budget strategy 2012/13
- Brierley Hill Action Plan
- New Heritage Regeneration Ltd.
- Parking in Dudley Town Centre
- Dudley Archives and Local History Relocation
- Black Country Library Project
- Glass Feasibility Stage 2
- Leisure Centre Developments

Planning Obligations - Section 106 Agreements

7. The importance of Section 106 Agreements to the regeneration of the Borough continues to be recognised by the Committee. Further scrutiny was given to this matter in 2011/12 with developments noted in relation to the development of a Planning Obligations Interactive Search Facility available from 1st April, 2012.

Regular reports on this matter will continue to be submitted to the Committee.

Update on recreational dimension of the Healthy Towns Programme

8. Further detailed consideration was given to the recreational element of this programme. A review of the effectiveness/impact of the project will be submitted in approximately two years time.

Further update reports will be submitted to the Committee.

Annual Review of the Dudley Borough Economic Strategy 2011/12 - 2013/14

9. A report was submitted on the progress made in developing the strategy for 2011/12 - 2013/14.

Progress Reports on the Regeneration of the sixteen local and district centres and in respect of Cradley/Windmill Hill regeneration

10. Progress reports on the regeneration of the sixteen local and district centres and in respect of the Cradley/Windmill Hill regeneration were considered by the Committee. As part of this consideration, wider issues relating to trading, in particular street trading, in the Borough was also discussed with particular emphasis on regeneration and encouragement of trading.

A further report on encouragement of trading in local centres will be submitted to a future meeting of the Committee.

Development of a Policy to Deal with Stray and Illegally Grazing Horses

11. Arising from the consideration given by the Member/Officer Working Group and representatives from relevant agencies appointed to consider this issue, a policy has been developed and reported on to the Committee.

The overall draft policy setting out four related policies on the Council's approach for dealing with this issue was endorsed for forwarding to the Cabinet Member for approval.

Work Programme for 2012/13

12. Items for the Work Programme for 2012/13 to be considered by the Committee at its first meeting in this municipal year will include:-
 - Update on Planning Obligations
 - Black Country Library Services Project
 - Local Centres - Measures to encourage more Trading
 - Glass Feasibility Stage 2
 - Olympics - Post Event Legacy

Conclusion

13. The Committee with its remit of regeneration, culture and adult education continues to be central in driving forward regeneration in its wider sense. The interweaving of these various elements is a major fillip to ensuring that the economic regeneration of the Borough is viewed in its wider community context.

Finance

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

Law

15. The requirement of the Committee to submit an annual report to the Council is contained in Article 6 of the Constitution.

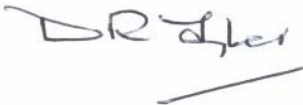
The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Strategy guidance issued by the Secretary of State.

Equality Impact

16. This report complies with the Council’s policy on equality and has taken account of this issue whilst scrutinising the areas of work described.

Recommendation

17. That the annual report of the Regeneration, Culture and Adult Education Scrutiny Committee for 2011/12, as set out above, be noted .

A handwritten signature in black ink, appearing to read 'DR [unclear]', with a horizontal line drawn underneath it.

.....
Chair of the Regeneration, Culture and Adult Education Scrutiny Committee

IMPORTANT NOTICE

COUNCIL MEETINGS

Welcome to Dudley Council House

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

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

This meeting is scheduled for live broadcast on the Internet www.dudley.gov.uk. The cameras in the chamber do not record the images of people in the public gallery.

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

Thank you for your co-operation.