

# **COUNCIL MEETING**

**MONDAY 15<sup>th</sup> JULY 2013**

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

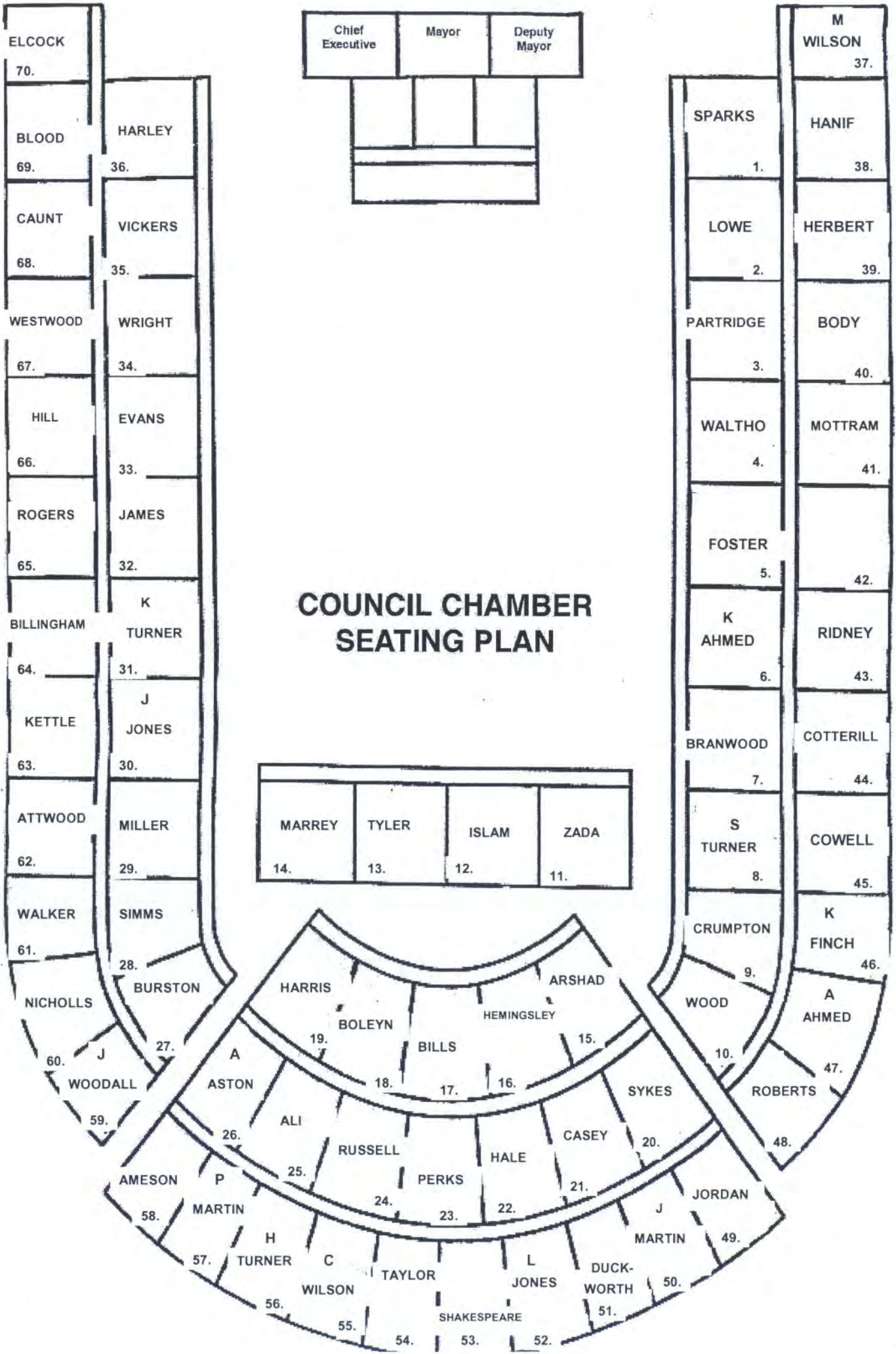
**SUMMONS, AGENDA  
AND REPORTS**

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

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

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

**Members are asked to send advance notice of interests by email to [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk) by 12.00 noon on Friday, 12<sup>TH</sup> July, 2013**



# COUNCIL CHAMBER SEATING PLAN

Chief Executive	Mayor	Deputy Mayor

MARREY 14.	TYLER 13.	ISLAM 12.	ZADA 11.
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ELCOCK 70.
BLOOD 69.
CAUNT 68.
WESTWOOD 67.
HILL 66.
ROGERS 65.
BILLINGHAM 64.
KETTLE 63.
ATTWOOD 62.
WALKER 61.
NICHOLLS 60.
WOODALL 59.

HARLEY 36.
VICKERS 35.
WRIGHT 34.
EVANS 33.
JAMES 32.
K TURNER 31.
J JONES 30.
MILLER 29.
SIMMS 28.
BURSTON 27.
A ASTON 26.
P MARTIN 25.
H TURNER 24.
C WILSON 23.

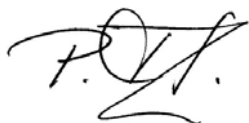
SPARKS 1.
LOWE 2.
PARTRIDGE 3.
WALTHO 4.
FOSTER 5.
K AHMED 6.
BRANWOOD 7.
S TURNER 8.
CRUMPTON 9.
WOOD 10.

M WILSON 37.
HANIF 38.
HERBERT 39.
BODY 40.
MOTTRAM 41.
RIDNEY 42.
COTTERILL 43.
COWELL 44.
K FINCH 45.
A AHMED 46.
ROBERTS 47.
JORDAN 48.
MARTIN 49.
L JONES 50.
SHAKESPEARE 51.

HARRIS 19.	BOLEYN 18.	BILLS 17.	HEMINGSLEY 16.	ARSHAD 15.
ALI 26.	RUSSELL 25.	PERKS 24.	HALE 23.	CASEY 20.
AMESON 58.	MARTIN 57.	WILSON 56.	TAYLOR 55.	SHAKESPEARE 54.

## 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, 15<sup>th</sup> July, 2013 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

5<sup>th</sup> July, 2013

### 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 16<sup>th</sup> May, 2013 (Pages CI/1 - CI/16)

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

#### PAGES

From                      To

Meetings of the Cabinet held on 25<sup>th</sup> April and 20<sup>th</sup> June, 2013

Councillor Sparks to move:

- |  |   |    |
|--|---|----|
| (a) Council Plan 2013/16                                 | 1 | 8  |
| (b) Capital Programme Monitoring and Other Budget Issues | 9 | 16 |

Continued...

Councillor Waltho to move:

(c) Review of Housing Finance	17	29
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Councillor Wood to move:

(d) Food Service Plan 2013/14	30	38
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6. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE ANNUAL MEETING HELD ON THURSDAY, 16<sup>TH</sup> MAY, 2013**  
**AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT: -**

Councillor Mottram (Mayor)  
Councillor A Finch (Deputy Mayor)  
Councillors A Ahmed, K Ahmed, Ali, Arshad, A Aston, M Aston, Attwood,  
Mrs Billingham, Bills, Blood, Body, Boleyn, Branwood, Casey, Caunt, Cowell,  
Crompton, Davies, Duckworth, Elcock, K Finch, Foster, Hale, Hanif, Harley, Harris,  
Hemingsley, Herbert, Hill, Islam, James, J Jones, L Jones, Jordan, Kettle, Lowe,  
Marrey, J Martin, Miller, Ms Nicholls, Partridge, Perks, Ridney, Roberts, Russell,  
Mrs Shakespeare, Mrs Simms, Sparks, Sykes, Taylor, Mrs H Turner, K Turner,  
S Turner, Tyler, 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 for photographs to be taken.

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**2      PRAYERS**

The Mayor's Chaplain led the Council in prayer.

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**3      ELECTION OF MAYOR**

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

**RESOLVED**

That Councillor Joseph Alan Finch be elected Mayor of the Borough for  
the 2013/14 Municipal Year.

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

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4      ELECTION OF DEPUTY MAYOR

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

RESOLVED

That Councillor Margaret Aston be elected Deputy Mayor of the Borough for the 2013/14 Municipal Year.

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5      ACCEPTANCE OF OFFICE OF DEPUTY MAYOR

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

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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 Mayoress.

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7      TRIBUTES TO THE RETIRING MAYOR AND MAYORESS AND PRESENTATION OF BADGES

Following tributes to the retiring Mayor and Mayoress (Councillor Mottram and Mrs Mottram), the Mayor presented them with badges.

Councillor Mottram 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 Mayoress.

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8      MINUTES

RESOLVED

That the Minutes of the meeting of the Council held on 15<sup>th</sup> April, 2013 be approved as a correct record and signed.

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9 MAYOR'S ANNOUNCEMENTS

(a) Mayoress

The Mayoress for the 2013/14 Municipal Year would be Mrs Heather Finch.

(b) Deputy Mayor's Consort

The Deputy Mayor's Consort for the 2013/14 Municipal Year would be Councillor Adam Aston.

(c) The Mayor's Chaplain

The Mayor's Chaplain for the 2013/14 Municipal Year would be Reverend Canon Judith Oliver.

(d) The Mayor's Charities

The Mayor's Charities to be supported in the 2013/14 Municipal Year would be:-

- Cancer Support, The White House, Dudley
- Hearing Dogs for Deaf People

(e) Mayoress "At Home" Event

The Mayoress "At Home" event would take place on 4<sup>th</sup> July, 2013 at Dudley Town Hall.

(f) Armed Forces Day

Armed Forces Day would be held at Himley Hall on 30<sup>th</sup> June, 2013.

(g) Civic Sunday

Civic Sunday would be held on 23<sup>rd</sup> June, 2013 at St. Francis C of E Church, Dudley.

(h) Charity Cricket Match

The Charity Cricket Match between Councillors and Officers would be held on 28<sup>th</sup> June, 2013 at Stourbridge Cricket Club.

A sponsored fancy dress cricket match would also take place on 23<sup>rd</sup> July, 2013 in aid of the Geoff Hill Charitable Trust.

(i) Mayor's Attendant – Charity Challenge

The Mayor's attendant, Mike Crannage, would be undertaking a Charity Challenge during the year in aid of the Mayor's Charity. Details would be made available in due course.

(j) Volunteering Champion Event

The annual Volunteering Champion Event for Dudley Borough would be held on 17<sup>th</sup> May, 2013.

(k) Lister Road Depot Golf Society – Annual Charity Event

A charity event would be held at Bewdley Pines Golf Club on 24<sup>th</sup> May, 2013 in support of the Mayor's Charity Fund.

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10 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Mrs Ameson, Burston, Cotterill, Evans, Mrs P Martin, Mrs Rogers and Vickers.

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11 DECLARATIONS OF INTEREST

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

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12 APPOINTMENT AND MEMBERSHIP OF THE CABINET, COMMITTEES AND COMMUNITY FORUMS FOR 2013/14 AND RELATED MATTERS

A report of the Director of Corporate Resources was submitted.

It was moved by Councillor Sparks, seconded by Councillor Lowe 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 2013/14 Municipal Year, as contained in the list circulated at the meeting and as set out below, be noted and that the Chief Executive be authorised to determine organisational arrangements for the Libraries, Archives and Adult Learning Division:-

(a) That Councillor Lowe be appointed as Deputy Leader of the Council for the 2013/14 Municipal Year.



- (b) That the Leader of the Council and nine other members comprise the Cabinet for the 2013/14 Municipal Year and that the names of the Members to serve for the year be as follows:-

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

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

Councillors Harley, James, Mrs Simms, K Turner, Vickers 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>Councillor</u>	
Sparks (Leader of the Council)	<b>Policy</b>
Lowe (Deputy Leader of the Council)	<b>Finance</b>
Branwood	<b>Adult and Community Services</b>
Crumpton	<b>Children's Services and Lifelong Learning</b>
Wood	<b>Environment and Culture</b>
S Turner	<b>Health and Wellbeing</b>
Waltho	<b>Housing and Community Safety</b>
Partridge	<b>Human Resources, Legal and Property</b>
Foster	<b>Regeneration</b>
K Ahmed	<b>Transport</b>

<u>Opposition Group Spokespersons</u>	<u>Portfolio</u>
Harley (Opposition Group Leader)	<b>Policy</b>
Vickers (Opposition Group Deputy Leader)	<b>Adult and Community Services</b>
Mrs Simms	<b>Children's Services and Lifelong Learning</b>
Burston	<b>Environment and Culture</b>
Wright	<b>Finance</b>
Miller	<b>Health and Wellbeing</b>
James	<b>Housing and Community Safety</b>
Evans	<b>Human Resources, Legal and Property</b>
K Turner	<b>Regeneration</b>
J Jones	<b>Transport</b>

- (2) That the structure of Committees for 2013/14 be approved on the basis set out in the report now submitted, Appendix 1 to the report and the lists circulated at the meeting.
- (3) That the recommendations set out in the report now submitted, concerning the review of the Council's scrutiny arrangements, be endorsed.
- (4) 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 2013/14 Municipal Year subject to the adoption of the new terms of reference arising from the review of Scrutiny Committees, as set out in Appendix 2 to the report and the revised terms of reference of the Appeals Committee, as referred to in the report now submitted.
- (5) That, with the exceptions referred to in the report now submitted, the composition and membership of Committees for the 2013/14 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>
Overview and Scrutiny Management Board	11	7	4	
Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee	11	7	4	
Adult, Community and Housing Services Scrutiny Committee	11	7	4	
Children's Services Scrutiny Committee (Excluding Co-opted Members)	11	7	4	
Health Scrutiny Committee	11	6	5	
Urban Environment Scrutiny Committee	11	6	4	1
Appeals Committee	9	5	4	
Appointments Committee	9	5	4	
Audit and Standards Committee	9	5	4	
Development Control Committee	9	6	3	
Ernest Stevens Trusts Management Committee	6	4	2	
Licensing and Safety Committee	12	7	5	
Taxis Committee	9	6	3	

- (6) That the appointment of Members to Committees for the 2013/14 municipal year be approved as set out below:-

**Overview and Scrutiny Management Board**

Labour (7)

Conservative (4)

Councillors

Councillors

A Ahmed  
Boleyn  
Hale  
Islam  
Marrey  
Ridney  
Tyler

Blood  
Caunt  
James  
Kettle

**Corporate Performance Management,  
Efficiency and Effectiveness Scrutiny Committee**

Labour (7)

Conservative (4)

Councillors

Councillors

A Ahmed  
Ali  
Boleyn  
Marrey  
Mottram  
Russell  
Sykes

Blood  
Caunt  
Mrs Westwood  
Wright

**Adult, Community and Housing Services Scrutiny Committee**

Labour (7)

Conservative (4)

Councillors

Councillors

Body  
Davies  
Herbert  
Islam  
J Martin  
Mottram  
M Wilson

Evans  
James  
Miller  
Vickers

## Children's Services Scrutiny Committee

Labour (7)

Conservative (4)

Councillors

Councillors

Arshad  
Bills  
Boleyn  
Casey  
Islam  
Marrey  
Perks

Hill  
Vickers  
Mrs Simms  
Mrs Walker

Together with the following non-elected members:-

Voting Members

Parent Governor Representatives

1. Secondary Schools – Vacancy
2. Primary Schools – Vacancy
3. Special Schools – Vacancy

Church Representatives

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

Non-Voting Members

Teacher Representatives

1. Primary Education – Mrs M Verdegem
2. Secondary/Special Education – Mr M Lynch/Mr C Bruton

Free Churches

1. Mr S Taylor

Persons with experience of and interest in education in the Borough

1. Mr L Ridney
2. Mrs L Coulter

### **Health Scrutiny Committee**

Labour (6)

Conservative (5)

Councillors

Councillors

Cotterill  
Harris  
Hemingsley  
Jordan  
Ridney  
Roberts

Billingham  
Kettle  
Ms Nicholls  
Mrs Rogers  
Mrs Walker

### **Urban Environment Scrutiny Committee**

Labour (6)

Conservative (4)

Green (1)

Councillors

Councillors

Councillor

Ali  
Hale  
Hanif  
Jordan  
Sykes  
Tyler

Burston  
Harley  
J Jones  
K Turner

Duckworth

### **Appeals Committee**

Labour (5)

Conservative (4)

Councillors

Councillors

A Aston  
Bills  
Hale  
Marrey  
J Martin

Elcock  
Evans  
Ms Nicholls  
Mrs H Turner

### **Appointments Committee**

Labour (5)

Conservative (4)

Councillors

Councillors

Foster  
Lowe  
Partridge  
Ridney  
Sparks

Attwood  
Evans  
Harley  
Vickers

### **Audit and Standards Committee**

Labour (5)

Conservative (4)

Councillors

Councillors

Arshad  
Cowell  
Harris  
Russell  
Tyler

Hill  
Mrs P Martin  
Taylor  
C Wilson

### **Development Control Committee**

Labour (6)

Conservative (3)

Councillors

Councillors

A Ahmed  
Casey  
J Martin  
Perks  
Roberts  
Zada

Mrs Westwood  
C Wilson  
Wright

## **Ernest Stevens Trusts Management Committee**

Labour (4)

Conservative (2)

Councillors

Councillors

One Ward Councillor from each of the following wards:

Cradley & Wollescote –  
Partridge

Norton – Mrs Rogers

Lye & Stourbridge North – Hanif

Pedmore & Stourbridge East –  
C Wilson

Quarry Bank & Dudley Wood –  
Cowell

Wollaston & Stourbridge Town –  
Sykes

## **Licensing and Safety Committee**

Labour (7)

Conservative (5)

Councillors

Councillors

M Aston  
Bills  
Cowell  
K Finch  
Perks  
Roberts  
Russell

Mrs Ameson  
Blood  
James  
Taylor  
Woodall

## **Taxis Committee**

Labour (6)

Conservative (3)

Councillors

Councillors

A Ahmed  
A Aston  
M Aston  
Body  
Cowell  
Hemingsley

Mrs Ameson  
Taylor  
K Turner



- (7) That with regard to the Children's Services Scrutiny Committee and the Health 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.
- (8) That the co-opted representatives serving on the Children's Services Scrutiny Committee be appointed to serve on the Overview and Scrutiny Management Board for the duration of any meetings that are necessary to determine any scrutiny 'call ins', insofar as they concern education issues only.
- (9) That the Licensing and Safety Committee be appointed in 2013/14 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.
- (10) 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 Members' Code of Conduct.
- (11) 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, on the basis set out in the report now submitted.
- (12) That the arrangements for substitutes on Committees, as set out in Council Procedure Rules 5.2 to 5.4, be reaffirmed for the 2013/14 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 2013/14 Municipal Year, in accordance with the instructions of the Political Groups.
- (14) That Community Forums be established on the basis outlined in the report now submitted and that a full review of the operation of the Community Forums be undertaken during the course of the 2013/14 municipal year as previously agreed by the Council.
- (15) That the Chairs and Vice-Chairs of the following Committees be appointed for 2013/14:-

	<u>Chair</u>	<u>Vice Chair</u>
	Councillor	Councillor
Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee	Blood	A Ahmed

Adult, Community and Housing Services Scrutiny Committee	Islam	James
Children's Services Scrutiny Committee	Marrey	Boleyn
Health Scrutiny Committee	Ridney	Kettle
Urban Environment Scrutiny Committee	Tyler	Hale
Appeals Committee	J Martin	Hale
Appointments Committee	Sparks	Lowe
Audit and Standards Committee	Cowell	Arshad
Development Control Committee	Zada	Casey
Ernest Stevens Trusts Management Committee	Cowell	Hanif
Licensing and Safety Committee	Bills	Russell
Taxis Committee	Body	A Aston

- (16) That the voting arrangements in respect of the Dudley Health and Wellbeing Board remain the same as previously adopted under the successful 'shadow' arrangements.
- (17) That the Council endorse the establishment of an Independent Review Panel concerning the Members' Allowances Scheme, as referred to in the report now submitted, and that the Panel submit its recommendations to the Council.
- (18) That the Director of Corporate Resources be authorised to take all the necessary and consequential actions that are required to implement the proposals contained in the report now submitted.

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## 13 CONSTITUTION AND SCHEME OF DELEGATION

A report of the Director of Corporate Resources was submitted.

It was moved by Councillor Sparks, seconded by Councillor Lowe 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, subject to the decisions taken at this meeting, the Constitution and Scheme of Delegation be reaffirmed for the 2013/14 municipal year.
  - (3) 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.
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14 ORDINARY MEETINGS OF THE COUNCIL, CABINET, COMMITTEES AND COMMUNITY FORUMS FOR 2013/14

A report of the Director of Corporate Resources was submitted.

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

RESOLVED

That the programme of ordinary meetings of the Council, Cabinet, Committees and Community Forums for the 2013/14 municipal year, as set out in the report now submitted, be approved.

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15 APPOINTMENTS/NOMINATIONS TO OUTSIDE BODIES

A report of the Director of Corporate Resources was submitted.

It was moved by Councillor Sparks, seconded by Councillor Lowe 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 Employers  
West Midlands Joint Committee  
Black Country Strategic Transport Board  
West Midlands Fire and Rescue Authority and “Prime Member”  
West Midlands Integrated Transport Authority and “Prime Member”  
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  
PSP Dudley Limited Liability Partnership – Projects Board and Steering Board.

- (2) That the appointment of Members to serve on various other outside bodies be reported to the next meeting of the Cabinet.

The meeting ended at 7.00 p.m.

MAYOR

## **Meeting of the Council - 15<sup>th</sup> July, 2013**

### **Report of the Cabinet**

### **Council Plan 2013-16**

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

1. To seek endorsement for the Council Plan in line with the Council Plan Policy Framework for 2013/16. (See Appendix 1)

#### **Background**

2. The Sustainable Community Strategy 2020 was adopted by the Council in February 2010 following the strategy review in during 2009 -10. This sets out the agreed long-term partnership vision and aspirations for the borough. 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 2013/16 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 new triennial Council Plan for 2013-16.

## Proposed Council Plan 2013-16 and Directorate Strategic Plans

6. The proposed Council Plan 2013/16 describes the direction for the Council over the coming years to meet the priorities of the Cabinet, aspirations of the Sustainable 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 Council Plan is aligned to the seven priorities identified by the Cabinet with a focus on objectives to deliver key services (see Appendix 2), that contribute to the Council ambition:

**Our ambition is to make Dudley Council amongst the best local authorities in Britain;** one we can all be proud of,

8. 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 antisocial 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 supports 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.
  - **Community Council ~ 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.
9. There is a strong association between the new priorities and their key objectives and the connection with the aspirations of the Sustainable Community Strategy and clear links with national and local policy issues facing the Council.

10. 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.
11. In addition, to ensure that the Council Plan effectively drives the priorities of the whole Council each Directorate produces an annual 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**

12. The performance management framework for Council Plan during 2013/16 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 the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee.
13. On 20<sup>th</sup> June, 2013, the Cabinet considered the Council Plan 2013-16 and recommended the Council to approve the proposals contained in this report.

### **Finance**

14. 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**

15. 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**

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

**Recommendation**

18. That the Council Plan 2013/16 be endorsed and that the alignment of Cabinet priorities to Council Plan and Directorate Strategic Plans be noted.

A handwritten signature in black ink, appearing to be 'V. J. ...', written over a light grey rectangular background.

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



## Appendix 1: Council Plan Policy Framework 2020

The Council plan policy framework serves as a guide to ensure that the corporate plans we produce maintain a focus on what is important to local people as set out in the Sustainable Community Strategy 2020.

The Council plan will be produced every three years and reviewed annually. The Council plan will be supported by Directorate Strategic plans which are produced annually.

The Table below shows the policy framework planning cycle against the life of the Sustainable Community Strategy.

Sustainable Community Strategy 2020	Timeline	Corporate Plan (3 year plans)	Directorate Strategic Plans (Annual Plans)	
Community vision looking ahead to 2020	<b>April - June 2013</b>	<b>Council plan 2013/16</b>	<b>2013/14</b>	3 year focus
	<b>March 2016</b>	Annual update April 2014	2014/15	
		Annual update April 2015	2015/16	
	April – June 2016	Council plan 2016-19	2016/17	3 year focus
	March 2019	Annual update April 2017	2017/18	
		Annual update April 2018	2018/19	
	Review of Council plan policy framework & Sustainable Community Strategy			

### Background to the Sustainable Community Strategy

In 2005 the Dudley Borough Challenge process took place which created the new Dudley Community Strategy 2005-2020. The challenge was to develop a set of key partnership priorities around a 15-year vision based on the expressed concerns of local people and agencies' own awareness of specific issues affecting the borough.

To that end, over 5000 local people and more than forty community groups told us about their needs and desires for the future vision of the borough and the local areas in which they live and work.

These results helped us to plan our objectives. The emerging vision was about promoting stronger communities by 2020.

#### Reviewing the Strategy

In 2005 we recognised that there would be many new developments and opportunities in the years leading up to 2020, which is why we decided to review the Strategy every three years to ensure that it remains relevant and on target in achieving our vision.

The next scheduled review will be during 2013 to March 2014, Partners remain committed to working together as a borough and focussing on the desires and needs of local people and their communities.

## **Appendix 2: Council Plan Framework 2013/16**

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The following framework is the result from input by each Directorate to establish supporting objectives for each of the Cabinet priorities.

It has been developed through the Planning and Performance Management Implementation Group (PPMIG) and each directorate champion coordinates the process within their directorate to ensure the linkages between the proposed Council Plan Framework and their respective Directorate Strategic Plan 2013-14 and additional Divisional/ Service plans.

### **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 apprenticeships and 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 antisocial 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 supports 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.

### **Cleaner, greener 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.

### **Community Council ~ 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.

## Council plan framework: Key Objectives

Cabinet Priority	Young people
<b>Objectives</b>	➤ Ensure that Looked After Children have good care, security, stability and achieve the best possible outcomes
	➤ Ensure children and young people are safe from abuse and neglect
	➤ Improve outcomes for children aged 0-11 years (early years and primary)
	➤ Improve outcomes for children aged 11-19 years (or aged 25 for those with disabilities)

Cabinet Priority	Regeneration, skills and employment
<b>Objectives</b>	➤ To create a thriving local enterprise economy
	➤ To Increase the number and diversity of businesses attracted to the borough
	➤ Improve the vibrancy and attractiveness of the Borough's town centres
	➤ To increase the number of people in the borough able to access training and job opportunities, leading to sustained employment
	➤ To alleviate hardship suffered by households resulting from low incomes and vulnerable to changes with the economy
	➤ Improve the transport network

Cabinet Priority	Tackling crime, fear of crime and anti-social behaviour
<b>Objectives</b>	➤ Crime reduction: To maintain low levels of crime and seek opportunities to further reduce crime where possible
	➤ Anti social behaviour: Reduce the risk of harm arising from ASB incidents and improve levels of customer satisfaction
	➤ Community Cohesion/Integration: Refine local approaches to cohesion and Integration and further develop tension monitoring
	➤ Drugs and alcohol: Increase the number of adults who misuse substances into treatment in order to improve health and crime reduction
	➤ Children and young people substance misuse: Increase the number of young people leaving specialist treatment in a planned way

Cabinet Priority	Caring for the elderly and vulnerable
<b>Objectives</b>	➤ Enable and embed personalised community based support
	➤ Develop sustainable and high quality services which deliver value for money for local people
	➤ Involve and engage people in a meaningful and timely way

<b>Cabinet Priority</b>	<b>Health and well-being</b>
<b>Objectives</b>	➤ To reduce levels of obesity among people
	➤ Improve people's physical health and encourage healthy lifestyle choices
	➤ To increase participation in leisure, recreational and cultural activities for learning, health improvement, socialising and personal growth
	➤ To improve key health outcomes for children and young people in Dudley, targeting those indicators which fall below the national average
	➤ Alleviate homelessness

<b>Cabinet Priority</b>	<b>Cleaner, greener and environmentally friendly</b>
<b>Objectives</b>	➤ To encourage sustainable waste management practices amongst the Borough's residents and businesses and to provide increased opportunities for recycling
	➤ To alleviate traffic congestion
	➤ To protect and enhance the environment through advice, regulation and enforcement
	➤ To protect, preserve and develop for appropriate use the unique heritage of the borough for this and future generations
	➤ To preserve and improve the quality and biodiversity of the natural and built environment
	➤ To strengthen and improve communities to provide choice and opportunity

<b>Cabinet Priority</b>	<b>Community Council~ People being served better</b>
<b>Objectives</b>	➤ Engage and empower communities enabling residents to make decisions on service outcomes in their local areas.
	➤ Strengthen partnership working with public bodies, Community, Voluntary Faith Sector to improve the effectiveness of public services.
	➤ Improve service provision through initiatives around Technology, Innovation and Transformation, ensuring that they are more effective and at lower cost.
	➤ Provide robust strategic policy and guidance in order to discharge the Council's legislative responsibilities
	➤ Develop and promote the governance process
	➤ Workforce planning, People Management and Leadership
	➤ Effective use of financial resources

## **Meeting of the Council – 15<sup>th</sup> July, 2013**

### **Report of the Cabinet**

#### **Capital Programme Monitoring and Other Budget Issues**

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

1. To report progress with implementation of the Capital Programme.
2. To propose amendments to the Capital Programme and recommendations from the Cabinet on other budget issues.

##### **Background**

3. At its meetings held on 25<sup>th</sup> April and 20<sup>th</sup> June, 2013, the Cabinet made various recommendations to the Council concerning the capital programme as contained in this report.
4. In addition, at the meeting on 20<sup>th</sup> June, the Cabinet considered a report on the Revenue and Capital Outturn 2012/13, concerning the provisional financial results for the year ended 31st March, 2013. The full report to the Cabinet is available on the Internet via the Committee Management Information System or on request from Democratic Services (Tel: 01384 815235). On consideration of the report, the Cabinet made recommendations to the Council on the budget issues referred to in paragraphs 5 to 7 below.

##### **Council Tax Support Transitional Grant**

5. As indicated to Council in March, it has been possible to meet the cost of redundancies in respect of budget savings largely from the £1m contingency budget not required. The net favourable variance in the Directorate of Corporate Resources of £1.337m is the result of:
  - Uncommitted New Homes Bonus resources of £0.749m.
  - Treasury activities, the freeing-up of earmarked reserves previously set aside to cover potential residual Municipal Mutual Insurance (MMI) liabilities, and other net variances totalling £1.099mOffset by:
  - Transitional grant (in respect of localised Council Tax Support) of £0.511m not now receivable until 2013/14. The 2013/14 budget will need to be adjusted accordingly.

## Central Support Services in respect of Public Health Functions

6. The costs of providing central support services in respect of the Public Health functions transferred to the Council on 1<sup>st</sup> April 2013 have largely been met from existing budgets. As a result of these economies of scale, there will be a net saving to the Council's General Fund of around £0.170m per annum after taking into account the Housing Revenue Account's share. It is proposed that the 2013/14 budget be amended to reflect this positive variance.

## Empty Homes Premium

7. The Local Government Finance Act 2012 gave Councils the power to increase the council tax payable on properties that have been unoccupied for more than two years, in the form of the Empty Homes Premium. It was agreed by Full Council on the 26th November 2012 that such properties would be subject to an Empty Homes Premium of 50% from the 1st April 2013, resulting in a 150% council tax charge being payable in these circumstances.

This decision was made on the basis that the relevant secondary legislation would be enacted as the Government originally intended. However, the Government subsequently advised that further guidance would be issued on how this power should be implemented and it was therefore considered prudent to defer implementation until this was received. The promised guidance was finally issued on the 7th May 2013. It confirms that authorities are free to make their own decisions when administering the premium, but does state that it was not the Government's intention to penalise owners of property that is genuinely on the housing market for sale or rent. However, it would be exceedingly difficult to administer a policy that attempts to differentiate between property, which is genuinely being marketed, and that which is not. The other West Midlands metropolitan authorities have implemented the Empty Homes Premium without making any such distinction.

It is therefore proposed that, to bring us in line with our neighbours, the 50% premium be applied with effect from 1st April 2014 to properties that have been unoccupied for more than two years as originally intended. This approach would result in a 150% council tax charge for such properties and incentivise the bringing back into use of some of the borough's housing stock.

It should also be noted that some long-term unoccupied properties will not be affected by this proposal, including those where:

- a) probate has yet to be granted following the death of the occupier; or
- b) the previous occupier is now receiving care in a hospital or care home.

## Capital Programme Progress

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

<b>Service</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Public Sector Housing	38,512	31,629	31,470
Other Adult, Community & Housing	6,683	1,488	550
Urban Environment	32,848	13,341	5,873
Children's Services	25,280	3,353	67
Corporate Resources	2,337	920	698
<b>TOTAL</b>	<b>105,660</b>	<b>50,731</b>	<b>38,658</b>

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

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

### **Adult, Community and Housing**

#### Disabled Facilities Grants (DFGs)

10. Taking into account recent Government support allocations and the availability of usable housing capital receipts, £3.413m will be available for DFGs in 2013/14, funding around 370 grants depending on the nature and cost of the works involved. It is proposed that a budget for this amount be approved and included in the Capital Programme.

#### Cradley Extra Care Housing

11. It was agreed by the Cabinet in September 2007 that capital receipts from previous earmarked housing land disposals should be used to assist with future Extra Care developments. It is proposed that up to £370,000 (subject to final negotiations on land value) of these resources be allocated to support the Cradley Extra Care Housing development and that this expenditure be included in the Capital Programme.

### **Urban Environment**

#### Extra Integrated Transport Resources

12. The Integrated Transport Authority (ITA) has redistributed a total of £1m of capital funding to the seven West Midlands Local Authorities, of which Dudley's proportion is £116,000.

It is proposed that this additional funding be used to increase the Integrated Transport programme to be allocated in due course, and that the Capital Programme be amended accordingly.

### Gornal Wood Cemetery Lodge - Use of Capital Receipt

13. A capital receipt of around £200,000 is anticipated from the disposal of the above property, which is surplus to service requirements and is therefore likely to be sold on the open market. It is proposed that this be used to fund the following capital schemes below (total value £188,000).

- **Wollescote Park Pathways and Car Park:** £90,000 contribution towards the £60,000 cost of resurfacing the pathways and £50,000 cost of resurfacing the car park - to be supplemented by £20,000 of Section 106 funding subject to formal approval.
- **Saltwells Nature Reserve Visitors' Car Park:** £28,000 to resurface the problematic shale car park with tarmac, and associated kerbing, following concerns raised by users and the friends group.
- **Netherton Public Toilet:** £7,000 to fund capital cost of re-commissioning the toilet block to enable re-opening following a review of usage.
- **Moden Hill, Upper Gornal:** £30,000 to fund significant structural repairs to walls and banks without which the road may need to be closed - to be avoided given its important linkages.
- **Swimming Pool Covers at Halesowen Leisure Centre (invest to save):** £18,000. It is estimated that Halesowen Leisure Centre loses approximately 30% of its heating overnight through heat loss from the swimming pools. The covers will prevent this loss of heat delivering an estimated £16,000 saving per year at current gas prices
- **Lower Gornal Village CCTV Installation:** £15,000 to help combat anti-social behaviour in the village by linking CCTV cameras to the main control centre in Sedgley.

### Changing Rooms at Homer Hill Park, Cradley

14. It is proposed to construct new permanent changing rooms on the park at an estimated cost of £250,000, to replace the temporary buildings currently attracting hire charges, and to include this project in the Capital Programme. This can be met from the anticipated sale proceeds from the adjoining Cradley High site.

### Dudley Market Place Public Realm Project

15. On 25<sup>th</sup> April, 2013, the Cabinet approved a report on matters associated with the delivery of the Dudley Market Place Public Realm Project. The full report is available on the Internet via the Committee Management Information System or on request from Democratic Services (Tel: 01384 815235). On consideration of the report, the Cabinet noted the positive support arising from the consultation exercises undertaken for the Dudley Market Place proposals and recommended the Council to include the expenditure of £6.7m on the Dudley Market Place project in the Capital Programme, subject to approval of European Regional Development Fund (ERDF) grant.

## **Children's Services**

### Former school site at Corbyn Road, Dudley

16. The former school site located at Corbyn Road, Dudley is now vacant. In February 2009, the Cabinet agreed that £945,000 of the capital receipts forecast to be achievable from the disposal proceeds from the site be earmarked to fund the new Old Park building project, which is now complete.



It is now proposed that the vacant building at Corbyn Road is used to provide a base for a joint Children's Safeguarding Unit and frontline social work teams, who receive and respond to all referrals for the north of the borough where a social care service is required. The site offers a central, accessible location for service users and a building which is conducive to working with families to assess their needs and to provide ongoing support and intervention to ensure children are safeguarded and to provide a case management service to children who are looked after by the local authority. The building provides the opportunity for co-location of partners working together on safeguarding which will facilitate improved collaboration and effectiveness in responding to child protection matters and developing joint initiatives to promote positive social and educational outcomes for children and their families. The proposal will allow for the facility to be used to support outcomes for children and young people in the Borough now and in the future.

This change of use to office accommodation will mean that the disposal proceeds from Corbyn Road will not now be available and it is therefore proposed to substitute an amount of £945,000 from the proceeds from the disposal of the Cradley High site to contribute to the new Old Park building project. In due course, the development of the Corbyn Road facility will release current accommodation at Church Street for disposal.

The costs of refurbishment at Corbyn Road are estimated to be £1,300,000, which can be met from unallocated unringfenced 14-19/SEN capital grant.

It is therefore proposed that the Corbyn Road site be retained for use as a base for a joint Children's Safeguarding Unit and frontline social work teams; that £945,000 of the forecast sale proceeds from the disposal of the Cradley High site be reallocated to contribute to the new Old Park school capital project; and that the cost of refurbishment of the Corbyn Road site of £1,300,000 (to be funded from 14-19/SEN capital grant) be approved and included in the Capital Programme.

#### Loft Conversion at Foster Carer's Property

17. It is proposed that a foster carer's property have a loft conversion in order that they can continue with a placement of three siblings. The initial placement was for two weeks only and started on 14<sup>th</sup> May 2012, but the children have requested that they stay at the property and remain in a placement together. The property is not large enough to house all occupants such that the loft conversion is needed to create two additional bedrooms and a shower room to keep the placement intact. The social worker responsible is in agreement with the proposal.

The foster carer is aware of the long term commitment and a legal document is being drawn up to protect the council's investment if the placement should break down. The cost of £31,000 can be funded from unallocated unringfenced 14-19/SEN capital grant.

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

## **Finance**

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

## **Law**

19. 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**

20. These proposals comply with the Council's policy on Equality and Diversity.
21. 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**

22. The Council is recommended:
- That the 2013/14 General Fund revenue budget be amended to reflect:
    - the receipt of £0.511m of Council Tax Support Transitional Grant, as referred to in paragraph 5;
    - the net saving of £0.170m resulting from economies of scale in the provision of support services to Public Health, as set out in paragraph 6.
  - That a 50% Empty Homes Premium be implemented from 1st April, 2014 to properties that have been unoccupied for more than two years, as referred to in paragraph 7.
  - That the current progress with the 2013/14 Capital Programme, as set out in Appendix A, be noted.
  - That the budget for Disabled Facilities Grants be approved and included in the Capital Programme, as set out in paragraph 10.
  - That up to £370,000 (subject to final negotiations on land value) be allocated to support the Cradley Extra Care Housing development and that this expenditure be included in the Capital Programme, as set out in paragraph 11.

- That the additional ITA capital funding be used to increase the Integrated Transport programme, and that the Capital Programme be amended accordingly, as set out in paragraph 12.
- That the capital schemes to be funded from the disposal of the Gornal Wood Cemetery Lodge be approved and included in the Capital Programme, as set out in paragraph 13.
- That the construction of permanent changing rooms at Homer Hill Park, Cradley, be approved and included in the Capital Programme, as set out in paragraph 14.
- That the expenditure of £6.7m on the Dudley Market Place project be included in the Capital Programme, subject to approval of European Regional Development Fund (ERDF) grant, as set out in paragraph 15.
- That the Corbyn Road site be retained for use as a base for a joint Children's Safeguarding Unit and frontline social work teams; that £945,000 of the forecast sale proceeds from the disposal of the Cradley High site be reallocated to contribute to the new Old Park school capital project; and that the cost of refurbishment of the Corbyn Road site of £1,300,000 (to be funded from 14-19/SEN capital grant) be approved and included in the Capital Programme, as set out in paragraph 16.
- That the loft conversion at a foster carer's property be approved and included in the Capital Programme, as set out in paragraph 17.



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**Leader of the Council**

## 2013/14 Capital Programme Progress to Date

<b>Service</b>	<b>Budget £'000</b>	<b>Spend to 30<sup>th</sup> April £'000</b>	<b>Forecast £'000</b>	<b>Variance £'000</b>	<b>Comments</b>
Public Sector Housing	38,512	15	38,512	-	
Other Adult, Community & Housing	6,683	186	6,683	-	
Urban Environment	32,848	257	32,848	-	
Children's Services	25,280	129	25,280	-	
Corporate Resources	2,337	122	2,337	-	
<b>TOTAL</b>	<b>105,660</b>	<b>709</b>	<b>105,660</b>	<b>-</b>	

## **Meeting of the Council – 15<sup>th</sup> July, 2013**

### **Report of the Cabinet**

#### **Review of Housing Finance**

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

1. To propose revisions to the Housing Revenue Account (HRA) budgets to reflect latest financial forecasts.
2. To propose revisions to the Public Sector Housing capital programme.
3. To note the HRA's 30 Year Business Plan as approved by the Cabinet.

##### **Background**

4. 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.

##### **HRA Revised Budget**

5. The current budget for 2013-14, approved by the Cabinet on 12 February 2013, shows a surplus on the HRA of £0.759m at 31<sup>st</sup> March 2014. There are now a number of variations to the original budget largely arising from resources brought forward from 2012-13 including earmarked reserves.
6. The proposed revised budget shows a surplus on the HRA of £0.888m at 31<sup>st</sup> March 2014.
7. The variance between the original and proposed revised budget for dwelling rents reflects a reduction of £0.320m, which is an adjustment to the original estimate taking into account the increase in Right to Buy sales in the last quarter of 2012-13. It is estimated that sales will continue at the current rate.
8. The variances between the original and the proposed revised budgets for contributions to expenditure, management, responsive and cyclical repairs and revenue contribution to capital expenditure relate to earmarked reserves brought forward into 2013-14. These reserves include sums for general housing repairs, improvement works, continuing ICT projects, the costs of implementing welfare reforms, Housing Management office accommodation moves and agile working.

9. Minor variations to interest on balances and interest payable relate to higher balances and savings on interest rates.
10. The increase in the Transfer to the Major Repairs Reserve reflects changes in accounting practice relating to depreciation on Housing non-dwelling properties.
11. The original 2013-14 budget and the proposed revised 2013-14 budget are shown in Appendix 1.

#### Public Sector Housing Capital Programme

12. In February 2013, a 5 year housing public sector capital programme was agreed. A revised capital programme is shown at Appendix 2.
13. 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.
14. The revised 2013-14 capital programme includes £1.7m carried forward from 2012-13, largely as a result of the adverse weather conditions during January and March which delayed for instance roofing and other external programmes.
15. In addition, an extra £2.75m has been identified as a result of savings in revenue repairs and maintenance. This is in part owing to lower demand for reactive repairs, as a result of the additional investment that has taken place in recent years. It is also attributable to efficiency savings particularly in procurement and contract management.
16. It is proposed to increase the central heating budget for 2013-14 by £0.5m to accelerate the replacement of old and inefficient boilers or other heating systems with modern energy efficient boilers to ensure heating is made as affordable as possible for tenants.
17. It is proposed to increase the budget for new council house building for 2013-14 by £1m. This will fund approximately 10 new homes, and is in addition to the £1.3m in the original budget, contributing to replacing stock sold under the Right to Buy scheme. It is intended that this new build programme will be a long-term commitment, and details of proposed schemes will be brought to future meetings of the Cabinet. Our priorities for new build are to provide homes that are energy efficient and suitable for modern living, with a particular focus on 1 and 2 bedroom homes or larger (4 plus) bedroom homes, as we currently have fewer of

these than we need, and homes that enable our tenants, including the elderly and those with specific care and support needs, to live independently in the community. Building on infill sites such as former garage sites will also bring vacant land back into use and will reduce the incidence of anti-social behaviour that can become a problem with such sites.

18. A stock condition survey of our housing stock is currently being undertaken, which will inform our future investment needs. The last full survey was undertaken in 2005, and set our priorities for meeting the Decent Homes Standard. It is expected that the current survey will identify investment needs for the next 10 – 15 year period, and therefore, it is proposed to establish a budget of £1.25m in 2013-14 which will start to meet any unexpected and newly arising investment needs that may be identified by the survey.
19. The results of the survey are expected in the autumn, and when these are available, the capital programme will be reviewed to take into account the emerging priorities for investment need identified as a result.

#### HRA Business Plan

20. 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 is the subject of a continuing consultation process that includes tenants and residents.
21. The key elements of this new financial strategy, which presents an overall 30 Year Business Plan and will cover a rolling five year period in more detail, 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.
22. The HRA Business Plan is shown at Appendix 3.

23. At its meeting on 20<sup>th</sup> June, 2013, the Cabinet recommended the Council to approve the recommendations set out in paragraph 28 below. The Cabinet also approved the HRA 30 Year Business Plan, as referred to in paragraphs 20 to 22 and Appendix 3 to this report.

### **Finance**

24. Section 76 of the Local Government and Housing Act 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 31 March 2014. 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 31 March 2014 and therefore complies with the requirements of the Act.

### **Law**

25. 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**

26. The proposals take into account the Council's Policy on Equality and Diversity.
27. 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**

28. • That the Council approve:
- The revised Housing Revenue Account (HRA) budget for 2013/14 as referred to in paragraphs 5 to 11 and Appendix 1 to this report.
  - The revised Public Sector Housing capital programme for 2013/14 to 2017/18 as referred to in paragraphs 12 to 19 and Appendix 2 to this report.



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



## Appendix 1

### HRA Revised Budget 2013-14

	Original Budget £m	Proposed Revised Budget £m	Variance £m
<u>Income</u>			
Dwelling rents	-88.893	-88.573	0.320
Non-dwelling rents	-0.696	-0.696	0
Charges for services and facilities	-0.204	-0.204	0
Contributions towards expenditure	-1.013	-0.734	0.279
Interest on balances	-0.007	-0.023	-0.016
<b>Total income</b>	<b>-90.813</b>	<b>-90.230</b>	<b>0.583</b>
<u>Expenditure</u>			
Management	15.295	16.924	1.629
Responsive and cyclical repairs	24.238	24.491	0.253
Negative Subsidy	0	0	0
Transfer to Major Repairs Reserve	21.425	21.812	0.387
Interest payable	18.499	18.471	-0.028
Revenue contribution to capital expenditure	11.210	13.960	2.750
Other expenditure	1.419	1.419	0
<b>Total expenditure</b>	<b>92.086</b>	<b>97.077</b>	<b>4.991</b>
<b>Deficit in year</b>	<b>1.273</b>	<b>6.847</b>	<b>5.574</b>
<b>Surplus brought forward</b>	<b>-2.032</b>	<b>-7.735</b>	<b>-5.703</b>
<b>Surplus carried forward</b>	<b>-0.759</b>	<b>-0.888</b>	<b>-0.129</b>

- The variance between the original and proposed revised budget for dwelling rents reflects an adjustment to the original estimate to take into account the increase in Right to Buy sales, particularly in the last quarter of 2012-13. It is estimated that sales will continue at the current rate.
- The variances between the original and the proposed revised budgets for contributions to expenditure, management, responsive and cyclical repairs and revenue contribution to capital expenditure relate to earmarked reserves brought forward into 2013-14. These reserves include sums for general housing repairs, improvement works, continuing ICT projects, the costs of implementing welfare reforms, Housing Management office accommodation moves and agile working.
- Minor variations to interest on balances and interest payable relate to higher balances and savings on interest rates.
- The increase in the Transfer to the Major Repairs Reserve reflects changes in accounting practice relating to depreciation on Housing non-dwellings.

## Appendix 2

### Proposed capital programme 2013/14 to 2017/18

	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000
Adaptations	2,770	2,693	2,725	2,752	2,780
Central heating	3,037	1,868	1,890	1,909	1,928
Community Safety and Environmental Improvements	716	281	284	287	290
Electrical Installations	1,587	1,290	907	917	926
External Improvement Programme	9,167	7,134	7,473	7,550	7,626
Insulation	156	164	170	172	174
Minor Works	4,145	4,135	3,785	3,825	3,865
Modernity and Decent Homes	4,178	2,818	3,408	3,443	3,478
New Council Housing	2,291	1,677	1,141	1,152	1,164
Stock Condition Survey	1,250	0	0	0	0
Tenants Association	109	81	82	83	84
Accommodation	125	0	0	0	0
Void Property Improvements (Decency)	11,733	9,489	9,604	9,705	9,808
<b>Grand Total</b>	<b>41,264</b>	<b>31,630</b>	<b>31,469</b>	<b>31,795</b>	<b>32,123</b>

## Appendix 3

### **HRA Business Plan - Thirty Year Business Planning Strategy for Landlord Housing**

#### **Purpose**

1. The Medium Term Financial Strategy for Landlord Housing (MTFS(LH)) has set out (Cabinet February 2013) how the Council plans to balance spending pressures and available resources over the medium term, taking into account risks and uncertainties. It relates specifically to the Housing Revenue Account (HRA) and the capital programme for improvement of the Council's own housing stock.
2. The MTFS(LH) should be read in conjunction with the Council's overall Medium Term Financial Strategy (MTFS). The underlying principles set out in the overall document apply equally to the MTFS(LH).
3. In the context of the introduction of Self-Financing for public sector housing, the abolition of the HRA subsidy system, the increased autonomy and flexibility that housing authorities will have to manage their stock and, in Dudley's case, the increased debt taken on, a Thirty Year Business Plan is being developed. This will take into account issues including investment need, treasury management strategy, financial projections and tenants' engagement.

#### **Background**

4. The previous financial strategy for landlord housing focussed on the period up to 2010-11 and was determined through the Housing Stock Options Appraisal. This was a year-long consultation process involving a range of stakeholders and culminated in a decision by the Council in April 2005. The key elements of this financial strategy were:
  - delivery of the Government's Decent Homes Standard by 2010 and maintenance of that standard in later years;
  - support to the aims of the Council Plan – promoting strong, caring communities through the provision of decent housing in a safe and clean environment;
  - identifying ongoing savings and efficiency gains, through the use of partnerships where appropriate;
  - the prudent management of reserves and other balances;
  - compliance with government policy on rent restructuring;
  - honouring the outcome of the Housing Stock Options Appraisal and the view of the majority of tenants and other stakeholders that the housing stock should remain under direct council control.
5. This strategy showed that, on the basis of financial trends and government policy known at the time, it would be possible to deliver the Decent Homes Standard and other priorities for council housing by 2010, and this was achieved on time.
6. The new financial strategy for landlord housing takes into account the delivery of the Decent Homes Standard and the new opportunities and challenges arising

from the introduction of the self-financing system. This is the subject of an ongoing consultation process that includes tenants and residents. The key elements of this new financial strategy, which will cover a rolling five year period, are:

- 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;
- comply with government policy on rent restructuring.

### **The proposed budget and the MTFS(LH)**

7. The Decent Homes Standard was delivered by the end of 2010. Resources are still required to maintain this standard, and deal with properties where the age of the fittings mean that a replacement is required, and non-decent properties as they become void. The rolling five-year capital programme includes resources to maintain the Decent Homes Standard.
8. A new stock condition survey has been commissioned and the output of this is expected to be available in autumn 2013. This will identify key areas of investment need and will enable prioritisation of improvement works required to maintain our stock in good order.
9. Our forecast has been based on recent financial trends and our current assessment of the Government's housing finance policy and, like any forecast, should be regarded with caution (risks to the forecast are considered later). In view of our commitment to stock retention and maintenance of the Decent Homes Standard, it is proposed that we continue when necessary to give consideration to the following:
  - ongoing review of spending and resource forecasts;
  - further efficiency and other savings, including those achievable from use of partnerships;
  - addition to and replacement of the housing stock via new build programmes;
  - the level of housing debt;
  - service charges<sup>1</sup>.
10. Whilst the volume of responsive repairs has increased since the backlog of routine repairs was eliminated over the past few years, efficiencies in the way these repairs have been delivered and also in the way that capital works are

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<sup>1</sup> Government subsidy calculations assume charges over and above the rent for special services to flats and for supported housing – the HRA is financially disadvantaged as a result of not applying these charges.

delivered have resulted in significant cost savings. These savings have been redirected to fund major improvement works.

11. A proposed rolling five-year capital programme has been developed (Appendix 2) as a continuation of the existing programme to maintain current standards and improvements following the achievement of the Decent Homes standard. This will be regularly updated to take into account improvement and major repair needs that are identified.
12. Resources have been identified to start a new build programme, with just over £2m identified in 2013/14 and just over £1m in each of the following years.
13. The table below summarises the 30 year financial business plan (based on the PriceWaterhouse Coopers self-financing 30 year model and detailed in the HRA Estimates 2013-14 detailed 30 year financial plan). This is updated annually and will take into account changes in policy. It reflects our current approach of stock retention, maintenance of the Decent Homes Standard, investment in the maintenance and improvement of our stock, and compliance with national rent policy.

	Years 1 -5 £m	Years 6 – 10 m	Years 11 – 15 £m	Year 16 – 20 £m	Years 21 – 25 £m	Years 26 – 30 £m
<b>Income</b>						
Dwelling Rents	-465,727	-522,628	-583,650	-652,197	-752,052	-876,075
Other Income	-9,627	-10,412	-10,994	-11,599	-12,556	-13,745
<b>Total Income</b>	<b>-475,354</b>	<b>-533,040</b>	<b>-594,644</b>	<b>-663,796</b>	<b>-764,607</b>	<b>-889,820</b>
<b>Expenditure</b>						
Management and maintenance (net of retained surpluses)	203,617	216,259	249,877	275,038	303,181	335,993
Depreciation and transfer to Major Repairs Reserve	113,058	122,290	132,411	143,402	157,571	173,971
Revenue Contributions to Capital Expenditure / Debt Repayment	68,245	104,635	122,500	155,500	214,000	290,000
Interest Payments	90,435	89,855	89,855	89,855	89,855	89,855
<b>Total Expenditure</b>	<b>475,354</b>	<b>533,040</b>	<b>594,644</b>	<b>663,796</b>	<b>764,607</b>	<b>889,820</b>
<b>Balance</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Risks to the financial forecast

14. The main risks to the financial forecast are considered below:

<b>Risk</b>	<b>Impact</b>
Inflation higher than forecast	<p>While increased inflation has an impact on costs, in the case of the HRA, it also affects resources, through the rent formula under government guidance.</p> <p>If cost inflation is lower than general inflation as used to determine the rent increase, this will have a positive budgetary impact.</p> <p>However, if cost inflation is higher than general inflation as used to determine the rent increase, this will have a negative budgetary impact.</p>
Income levels not achieved	<p><u>Rent loss from void properties</u>            We have allowed in our forecasts for a rent loss of 2.5% of total rent available.            Investment in void property works has been prioritised in the proposed five-year capital programme.            The cost for each 1% void loss is around £1m per annum.</p> <p><u>Rent loss from non-payment of arrears</u>            As part of the Government's proposed welfare reforms, it is proposed that many tenants will from 2013-14 onwards start to receive Universal Credit direct and will therefore be responsible for paying their own rent. Currently, tenants in receipt of benefit have their rent paid as a transfer from Benefits. This is likely to lead to an increase in arrears and potentially in bad debts.</p> <p>Around 3,000 tenants of working age in receipt of benefits may also be affected by benefit restrictions from April 2013 as they are deemed to be under-occupying their property.</p> <p>We estimate that around £2.3m rent, which was previously paid directly via Benefits, will now be collectable from tenants as a result of the new underoccupancy rules.</p> <p>The impact of Universal Credit on rent collection rates is difficult to assess at this stage, but initial</p>

	<p>estimates from the pilot projects suggest that the collection rate may fall from the current 98% to 80% - 90%. The management cost of collecting rents is also expected to rise as more payments are made direct by tenants rather than via transfer from the Benefits system.</p>
Change in rent policy	<p>Currently, we follow the national rent formula, which allows for a rent increase of September RPI plus 0.5%, plus a further increase to achieve "convergence" i.e. bringing council house rents in line with other social landlord rents.</p> <p>A rent increase of less than the national formula would mean that our annual resources for management, maintenance, interest payments and improvement / new build works would be lower than forecast.</p> <p>It is possible that the national formula will change following the government's expectation that convergence will be achieved in 2015.</p>
Interest rates higher than forecast	<p>Our debt on housing properties is around £465m following the introduction of self-financing. Hence, interest rate risk is much more significant than it was under the subsidy system.</p> <p>Risk will be mitigated by borrowing at fixed rates and spreading repayment dates to minimise refinancing risk.</p>
Reduction in property values in the borough	<p>A 10% reduction in property values would reduce the value of usable capital receipts and would reduce available resources by around £90k per year.</p>
Reduction in council house and land sales	<p>We have seen as a result of the "credit crunch" and the general economic situation a marked decrease in the number of council house sales (however, see Reinvigoration of Right to Buy, below) and also a diminution in the value received for sale of housing land.</p> <p>A reduction of 100 house sales in a year will lead to a loss of usable capital receipts of £1.8m.</p> <p>This would be partially offset by additional rental income of around £400k, but management and maintenance demands on the properties would continue.</p>
Reinvigoration of Right to Buy	<p>The Government has increased the cap on Right to Buy (RTB) discount from £26,000 to £75,000 per property. This has resulted in increased sales, which may well continue to increase. New regulations have replaced the capital receipts pooling arrangements and require councils to build replacement homes for all extra homes sold under Right to Buy. However, because the value</p>

	<p>of the maximum discount has increased and there has been a reduction in the average value of the properties sold, increased sales will not necessarily result in a greater value of capital receipt income.</p>
<p>Timing and amount of capital receipt</p>	<p>We are expecting a substantial capital receipt for the sale of the North Priory estate to our developer partners. This has been built into our forecasts over the period 2009-10 to 2013-14. Any significant reduction in amount will reduce available resources. Any delay in receiving the funds will adversely affect cashflow and if the receipt is delayed there will be a significant adverse effect on the year-end balance on the HRA.</p> <p>A specific risk applies in relation to £700k of this anticipated receipt which is payable as Kickstart grant by the Homes and Communities Agency (HCA) to our developer partners on the successful completion of Phase 1 of the project. This will then be passed on to the Council. We are actively monitoring our developer partners' progress in claiming this grant.</p>
<p>Suitability of stock</p>	<p>Some of our stock is old and nor particularly suited to modern styles of living. In addition, changes to the benefit system mean that some of our properties are less attractive than they were previously (e.g. two-bed high rise flats or three-bed maisonettes). There is a risk that we will see higher incidence of void properties and difficulty in letting such properties, which would lead to a loss in rental income and also potentially an increase in security costs and an increase in anti-social behaviour.</p>
<p>Availability of borrowing</p>	<p>The HRA is currently at the government's borrowing cap, so all capital expenditure on housing stock must be funded from annual revenue (mainly dwelling rent income) or capital receipts from house or land sales. Our strategy is to invest our annual rental income into maintaining and improving our stock, and building new homes as resources permit. In the short to medium term we are not planning to repay any debt, as our priority is improving and extending our stock. However, this restricts the size of any redevelopment / new build scheme as we are not able under current rules to borrow on the strength of future rental income.</p>
<p>Unforeseen costs or costs greater than estimated</p>	<p>Any unbudgeted costs would have to be met from economies or reductions in planned spending in the year in which they arise or from any balances available in that year.</p>



	<p>Calculations indicate that any costs to the HRA arising from Single Status can be met within proposed budgets.</p> <p>We anticipate that any Equal Pay settlement costs would be capitalised through a government dispensation.</p>
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## **Partnerships**

15. Housing Services is continuing to deliver on its partnership working and currently has a number of such arrangements, for example:
  - Funding partnerships with energy service providers to increase resources under ECO (Energy Company Obligations) - which replaced CESP from spring 2013 - to deliver energy efficient whole house measures to combat climate change and CO2 emissions in Council Homes.
  - Strategic partnerships that are being delivered in accordance with the principles of Sir John Egan's report 'Rethinking Construction'. Through innovative payment mechanisms, incentivising good performance and modern methods of collaborative working, three partnerships (gas servicing, maintenance and repair; electrical rewires and upgrades; external painting) are delivering improved services at a measurably lower cost and have allowed valuable and limited resources to be re-invested in the housing stock.
  
16. Procurement consortia and other partnership arrangements will also be used where appropriate, forming partnerships with established bodies to deliver procurement efficiencies.

## **Meeting of the Council - 15<sup>th</sup> July, 2013**

### **Report of the Cabinet**

#### **Food Service Plan 2013/14**

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

1. The Food Standards Agency requires that Local Authorities submit their food service plans for approval by Members.
2. To advise the Council of the contents of Directorate of the Urban Environment (DUE) Food Service Plan 2013/2014.

##### **Background**

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

8. A report on the Food Service Plan 2013/14 was endorsed by the Cabinet on 20<sup>th</sup> June 2013. A summary of this year's service plan is appended to this report (Appendix 1). A full copy of the Food Service Plan is located in the Members' Room.
9. Regarding performance in 2012/2013 items to note are:
  - High levels of inspection of food premises in the borough have been maintained. 1275 food hygiene inspections and 203 food standards inspections were carried out during the year.
  - The proportion of food premises in the borough that are broadly compliant with food hygiene legislation is 89%. Statistics produced by the Food Standards Agency in November 2012 show Dudley to have the second highest proportion of broadly compliant food premises in the West Midlands and amongst the highest ranking for Metropolitan boroughs in the country. The national range for metropolitan boroughs is between 59% and 93%.
  - The Dudley local Scores on the Doors scheme, which publishes the results of food hygiene inspections, was migrated to the new national Food Hygiene Rating Scheme during 2012-13. Dudley consumers can now access the results of food hygiene inspections across the UK including Dudley in one visit via the Council's website to the national website [www.foodratings.gov.uk](http://www.foodratings.gov.uk) and can download up to date information onto mobile phones.
  - The proportion of zero rated (Urgent Improvement required) food premises has fallen to just 12 out of 1,984 food hygiene ratings in the borough. This has been due to the focussing of resources onto the poorest performing premises to improve their compliance over a short period of time combined with an increase in the number of prosecutions taken against non co-operating proprietors of zero rated premises. Two thirds of all food premises in the borough are now rated in the top two bands of 5 (Very Good) and 4 (Good).
  - 444 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis. This included 25 samples taken from Dudley meat product producers and cold stores to check meat species as part of the national project to check meat products for presence of undeclared horsemeat. All samples taken in Dudley were negative for the presence of horsemeat.
  - A large scale seizure and destruction of over 40 tonnes of cooked chicken was carried out after sampling indicated that two consignments of cooked chicken imported from China into a cold store in the borough and intended for the UK sandwich trade were unfit for consumption due to the presence of salmonella food poisoning bacteria. This action most likely prevented a national food poisoning outbreak from occurring.
  - The council has a clearly laid down enforcement policy, which focuses on providing advice and guidance for businesses to secure compliance. However, where businesses consistently fail to comply with the law or present a severe threat to public health it is important that action is taken to protect consumers. During the year, 5 prosecutions were completed involving 4 takeaways and a restaurant which failed to achieve minimum levels of food hygiene and safety and 4 food premises were closed using emergency powers due to health risks posed by rodent infestations. A further 8 food premises are currently being progressed for prosecution. All concluded prosecutions are published in the prosecution register on the Council's website.

10. It should be noted that the Food Standards Agency's review of official food control delivery which reported in March 2013 has shown a high level of confidence in the food enforcement service delivered by local authorities and the decision has therefore been made not to pursue an option for future centralised delivery outside of local authorities.

**Finance**

11. Financial implications from implementing the Food Service Plan are met from within existing budgets

**Law**

12. The Council's duties with respect to protecting consumer interests in relation to food safety and standards are set out under the Food Safety Act 1990.
13. Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
14. Section 111 of the Local Government Act 1972 authorises the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its statutory functions.

**Equality Impact**

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

**Recommendation**

17. That the Food Service Plan for 2013/14 be approved and adopted.



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



**Directorate of the Urban Environment**  
**Planning and Environmental Health Division**

**Food Service Plan**  
**Summary**  
**2013/2014**

# **Food Law Enforcement Service Plan 2013 – 2014**

## **Summary**

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

#### **1.1 Aims**

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

#### **1.2 Objectives**

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

The Environmental Health and Trading Standards Service directly supports and contributes to the importance of health and wellbeing within the Council Plan objectives by ensuring the provision of the following:

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

## **2. Service Delivery**

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

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

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

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

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

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

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

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

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

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

Dudley has 2,332 food premises within its area as of 1<sup>st</sup> April 2013. This is made up of

<b>31</b>	<b>Manufacturers/Producers</b>
<b>40</b>	<b>Distributors</b>
<b>620</b>	<b>Retailers</b>
<b>480</b>	<b>Restaurants, Cafes, other Caterers</b>
<b>341</b>	<b>Pubs/Clubs</b>
<b>15</b>	<b>Hotels/Guest Houses</b>
<b>268</b>	<b>Takeaways</b>
<b>124</b>	<b>Schools/Colleges</b>
<b>224</b>	<b>Caring establishments</b>
<b>94</b>	<b>Mobile traders</b>
<b>95</b>	<b>Unrated (awaiting first inspection)</b>

For Food Safety inspection purposes the ratio of premises in each score banding on 1<sup>st</sup> April 2013 as set out in The Food Standards Agency Statutory Code of Practice is as follows:

<b>Category A (inspected at 6 month intervals)</b>	<b>7</b>
<b>Category B (inspected at 12 month intervals)</b>	<b>126</b>
<b>Category C (inspected at 18 month intervals)</b>	<b>938</b>
<b>Category D (inspected at 2 year intervals)</b>	<b>487</b>
<b>Category E (inspected at 3 year intervals)</b>	<b>665</b>
<b>Unrated premises</b>	<b>109</b>

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

There are 2 licensed abattoirs in the Borough.

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

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

<b>high</b>	<b>18</b>
<b>medium</b>	<b>690</b>
<b>low</b>	<b>754</b>

### **4. Review of Activity from Service Plan 2012/2013**

- **99% (826)** high and **92% (306)** low risk food hygiene inspections that were due were achieved against targets of 100% and 80% respectively. Additionally 143 lowest risk Category E premises were inspected, predominantly new businesses such as childminders and home bakers, which require an initial inspection for rating purposes.



- **100% (20)** programmed high and **50% (183)** medium risk food standards inspections that were due were achieved against targets of 100% and 50% respectively.
- **356** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up. One large scale seizure and destruction of over 40 tonnes of cooked chicken imported from China was undertaken after sampling showed the presence of salmonella food poisoning bacteria.
- **88** food samples were procured and analysed to ensure correct labelling, description and compliance with compositional standards. This included 25 samples taken from Dudley meat product producers and cold stores to check meat species as part of the national project to check meat products for presence of undeclared horsemeat. All samples taken in Dudley were negative for the presence of horsemeat.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards and 4 food premises were closed using emergency powers whilst rodent infestations were dealt with. (Fines of £7,000 were issued by the courts with costs of £13,000 being awarded to the Council).
- **107** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **633** food service requests were actioned by FOS during the year. Of this total figure, 55 related to food complaints, 231 related to food premises conditions and food hygiene practices and 347 were general requests for service.
- The number of infectious disease investigations for the year was **718**, of which **486** were cases of campylobacter; these were responded to by postal questionnaire or advice. The response time for the remaining cases is 24 hours with some diseases requiring immediate attention.
- The Dudley Food for Health Award, delivered in conjunction with Dudley public health proactively encourages premises to provide a healthy eating choice whilst ensuring compliance with food hygiene regulations. This work contributes to meeting targets in the Health Inequalities Strategy and Obesity Strategy. 35 Awards were made during the year to catering premises.
- The results of food hygiene inspections were published on the Council's website throughout the year. The Dudley local Scores on the Doors scheme was migrated to the new national Food Hygiene Rating Scheme in February 2013. Consumers can now access ratings across the UK in one visit to the website.
- The proportion of food premises that are broadly compliant with food hygiene legislation was almost 89% at the year end. This is the second highest in the West Midlands and amongst the highest for metropolitan authorities in the country.

- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included the presence of gluten and allergens project, a counterfeit spirit drinks project and an imported food survey. All samples were reported as satisfactory. At 3 off licences visited as part of the counterfeit spirits drinks project, non UK duty paid stock was discovered and the stock surrendered for destruction. Additionally a food standards project to ensure compliance with food additive regulations in highly coloured foods was carried out with the focus on olympic and jubilee products.

## **5. Issues for consideration during the year 2013/2014**

- The transfer of public health functions from the NHS to local authorities from April 2013 will be an opportunity for closer links with public health professionals. FOS and Trading Standards already make contributions in the areas of obesity prevention, healthy eating, food labelling, alcohol and tobacco control and smoking cessation and will have important contributions to make to targets in the new Public Health Outcomes Framework. 3 FOS staff have been trained as Healthy Living Champions as part of the Making Every Contact Count Programme and will take part in a pilot scheme aimed at increasing referrals and signposting to public health services during routine enforcement work.
- There has been an increase in some areas of reactive work including the number of food hygiene requests for service, largely due to an increased turnover in small food businesses and their need for advice and support, and an increase in reported food poisoning cases, particularly campylobacter cases, following the national trend in a rise in cases year on year. The number of small food businesses changing hands and requiring re-registration and inspection has steadily increased year on year due to the current economic climate. There has also been an increase in new home caterers, mobile food traders and home baking businesses. 578 new food registrations were received in 2012-13, up by 26% from the previous year. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- Trading Standards will be required to assist and advise business in order that they comply with the new Food Information Regulations. The regulation combines rules on general food and nutrition labelling into a single EU regulation. Transitional arrangements set out in the proposed new regulations mean that the bulk of the requirements will not apply until 2014, with nutrition labelling becoming mandatory in 2016.
- Following on from the success of the zero star strategy programme to improve standards in poor performing premises, this needs to be extended to a similar scheme to give additional assistance to proprietors of premises with ratings of one and two.