



Meeting of the Cabinet

**Wednesday, 15th December, 2021 at 6.00pm
in Committee Room 2
at the Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence
2. To receive any declarations of interest under the Members' Code of Conduct
3. To confirm and sign the minutes of the meeting held on 28th October, 2021 as a correct record
4. Capital Programme Monitoring (Pages 1 - 3)
5. Medium Term Financial Strategy (Pages 4 - 32)
6. Home to School Transport Policy (Pages 33 - 94)
7. To Submit Stage 2 Business Case for the Towns Fund Deal (Pages 95 - 100)
8. The Brierley Hill Plan – Approval of Issues and Options Report for Consultation (Pages 101 - 105)
9. Infrastructure Funding Statement 2020/2021 (Pages 106 - 110)
10. Section 141 Policing and Crime Act 2017 – Review of Cumulative Impact Assessment 2022 (Pages 111 - 138)
11. Review of Gambling Policy (Statement of Principles) (Pages 139 - 174)
12. Annual Review of the Constitution (Pages 175 - 206)
13. To report on any issues arising from Scrutiny Committees
14. To consider any questions from Members to the Leader where two clear days' notice has been given to the Monitoring Officer (Cabinet Procedure Rule 2.5)



Distribution:

Members of the Cabinet:

Councillor P Harley (Leader – Chair)

Councillor D Vickers (Deputy Leader – Vice-Chair)

Councillors N Barlow, R Buttery, S Clark, I Kettle, S Keasey, S Phipps, K Shakespeare and L Taylor-Childs

Opposition Group Members nominated to attend meetings of the Cabinet:

All Shadow Cabinet Members are invited to attend Cabinet meetings (to speak but not vote)



Chief Executive

Dated: 7th December, 2021

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Minutes of the Cabinet

Thursday, 28th October, 2021 at 6.00 pm
In Committee Room 2, The Council House, Dudley

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor D Vickers (Deputy Leader – Vice-Chair)
Councillors N Barlow, R Buttery, S Clark, S Keasey, I Kettle, S Phipps and L Taylor-Childs

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, A Aston, C Barnett, C Bayton, J Foster, P Lowe, S Ridney and P Sahota

Officers

K O'Keefe – Chief Executive, I Newman – Director of Finance and Legal, P Mountford – Head of Planning and Regeneration and M Johal – Senior Democratic Services Officer

28 **Apology for Absence**

An apology for absence was submitted on behalf of Councillor K Shakespeare.

29 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

30 **Minutes**

Resolved

That the minutes of the meeting held on 23rd September, 2021 be approved as a correct record and signed.

31 **Capital Programme Monitoring**

The Cabinet considered a report of the Chief Executive and the Director of Finance and Legal on proposed amendments to the Capital Programme.

The Cabinet Member for Housing and Community Services undertook to respond to the Opposition Spokesperson on timescales relating to the refurbishment of Jack Newell and Woodhouse Courts.

In responding to a query from the Opposition Group Spokesperson for Public Realm about the Lister Road Depot Redevelopment project and the reasons for associated delays, the Leader indicated that this was primarily due to Covid. However, further details would be provided by the Deputy Chief Executive and the Director of Public Health and Wellbeing.

Resolved

That the Council be recommended:-

- (1) That progress with the 2021/22 Capital Programme, as set out in Appendices A and B to the report submitted, be noted.
- (2) That the expenditure of £66,000 on Air Quality Monitoring Equipment be included in the Capital Programme, as set out in paragraph 6 of the report submitted.
- (3) That the urgent amendment to the Capital Programme, as set out in paragraph 7 of the report submitted, be noted.

32 **Revenue Monitoring 2021/22**

The Cabinet considered a report of the Chief Executive and the Director of Finance and Legal on the forecast 2021/22 revenue outturn position.

Although it was appreciated that the Comprehensive Spending Review had not been published, reference was made to inequalities and the need to address difficulties encountered by people, such as the rising costs of living. It was queried how the local authority would be providing support. Clarification was also sought on associated risks going forward. The Cabinet Member for Finance and Legal stated that, overall, the budget was fairly positive. The main budget headline related to a 3% increase across the board as well as more money being available for people that worked. With regard to risks and spending pressures this would be analysed once the funding from Government was known.



In responding to further questions and the need to involve Ward Members, details were provided on the formulation and submission of bids for the levelling up fund and that it required approval from the relevant Member of Parliament. Efforts would be made to ensure the Black Country Local Authorities were united to maximise and benefit from all funding opportunities available.

In response to a query from the Leader, the Cabinet Member for Regeneration and Enterprise confirmed his acceptance of a place on the Very Light Rail Board.

Resolved

That the forecast revenue outturn position for 2021/22 and the effect on Balances at 31st March, 2022, be noted.

33 **Review of Housing Finance**

The Cabinet considered a joint report of the Deputy Chief Executive and the Director of Finance and Legal presenting the latest financial forecasts for the Housing Revenue Account (HRA) budgets for 2021/22.

The Cabinet Member for Housing and Community Services responded to a query on the timescales for completion of the internal review of garage sites and indicated that it was a transient review. There was a need to consider smaller plots of land together, as it was not viable to develop individually and that they would be progressed in line with the rest of the programme.

Resolved

- (1) That the latest HRA budget forecast for 2021/22 and the revised Public Sector Housing capital programme for 2020/21, be noted.
 - (2) That the other proposals, as outlined in paragraph 2 of the report as a basis for scrutiny, be noted.
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34 **Approving Amendments to the Black Country Executive Joint Committee Collaboration Agreement**

A report of the Chief Executive and Deputy Chief Executive was submitted on entering into the Deed of Variation to the Black Country Executive Joint Committee Collaboration Agreement and proposed amendments highlighted in the Appendix to the report.



Resolved

- (1) That all proposed amendments to the Collaboration Agreement covering the Joint Committee Advisory Board removal, as indicated in Appendix A to the report, be approved.
- (2) That Officers be authorised to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation.
- (3) That the Chief Executive, following consultation with the Leader of the Council, be authorised to take part in any negotiations and to make any minor amendments prior to its sealing as a Deed.

35 **Issues Arising from Scrutiny Committees**

Health and Adult Social Care Scrutiny Committee – 20th October, 2021

The outcome of the Health and Adult Social Care Scrutiny Committee on 20th October, 2021 concerning the ‘call-in’ of the item on Mental Health in the Community was reported.

Resolved

- (1) That Cabinet formally review the structure for adult mental health services in Dudley Council and the feedback from the consultation process at its December meeting.
- (2) That no changes to mental health services in Dudley be made until further discussion by the Cabinet in the December meeting and the Health and Adult Social Care Scrutiny Committee thereafter.

36 **To Consider Any Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

Pursuant to Cabinet Procedure Rule, 2.5, formal notice in writing had been given to the Monitoring Officer by Councillor S Ridley (Opposition Spokesperson for Children and Young People) to ask the Leader the following question:-



“I was prompted by your comments on the Source youth club I applaud the efforts of those involved and applaud our Children in Care are also using the facility as a base, I too have been a supporter and a mover in providing youth clubs for our young people in Coseley and as you are aware campaigned for a building to remain in Coseley after the building of Willowfields.. The youth centre on Clayton park was our achievement however it was closed along with others across the Borough with the withdrawal of Youth Services. My question is can I have your commitment to see youth clubs once again in our communities, in our wards across the Borough whether they have newly acquired Tory councillors or not. There is a need for young people to be supported in their struggle to recover from post Covid and to build resilience for our young people to move forward. This can only be achieved with positive support from the authority and working with the voluntary sector. I look forward to your support in seeing a “can do” attitude within the authority to see all of our young people able to attend a youth club in their community.”

Response from the Leader:-

Applauded efforts of various Councillors for setting up youth provision in their respective Wards and a commitment was given to pursue the issue. The Leader further commented that although youth provision in the Borough was moving in the right direction, the long-term aspiration was to have facilities similar to that of Wolverhampton.

The meeting ended at 6.35 pm

LEADER OF THE COUNCIL



Meeting of the Cabinet – 15th December 2021

Joint Report of the Chief Executive and Director of Finance and Legal

Capital Programme

Purpose of Report

1. To propose amendments to the Capital Programme.

Recommendation

- 2 That the additional costs identified for the Himley Road Homes for Sale scheme be approved and included in the Capital Programme as set out in paragraph 5.

Background

3.

	2021/22	2022/23	2023/24
	£'000	£'000	£'000
Public Sector Housing	52,434	67,929	71,168
Private Sector Housing	5,730	9,846	1,483
Environment	13,972	6,012	5,000
Transport	14,698	2,000	2,000
Regeneration and Corporate Landlord	35,500	14,964	9,001
Culture, Leisure and Bereavement	18,130	127	0
Schools and SEND	12,076	9,239	7,000
Social Care, Health and Well Being	277	605	0
Digital, Commercial and Customer Services	781	738	738
Total spend	153,598	114,460	96,390
Revenue	5,611	811	974
Major Repairs Reserve (Housing)	25,025	25,309	25,621
Capital receipts	19,078	22,960	10,447
Grants and contributions	50,148	11,423	8,928
Capital Financing Requirement	53,736	50,957	50,420
Total funding	153,598	111,460	96,390

4. Amendments to the Capital Programme are in normal circumstances made by Council following approval by Cabinet. The proposed amendment below is urgent and cannot reasonably be deferred to the next available meeting of the Council. It can therefore be approved by Cabinet as allowed by the Council's Constitution in these circumstances. The decision will be reported to Council for information.

5. Himley Road Homes for Sale

Costs have increased by £0.150m on this scheme, from £0.9m to £1.050m, in part owing to construction industry inflation and the current unstable market, but also because additional works are required to address poor ground conditions that have been identified following the detailed surveys. These include additional works on substructures, ground stabilisation, drainage and boundary retaining works. A proposed £40,000 has also been included for enhancements to the specification for private sale, which may not be required.

Estimated sales income has also increased by £0.150m, so that the forecast one-off capital return on the scheme remains £0.3m, which would reduce underlying borrowing requirements. Should the sale proceeds be insufficient to repay the borrowing, any shortfall will need to be met immediately from revenue resources. The risks have been assessed, including viability and market demand, as well as the benefits of regenerating the locality and increasing the offer of good quality housing in these areas.

It is proposed that the budget for the Himley Road Homes for Sale project be increased by £0.150m to £1.050m and the Capital Programme updated accordingly

Finance

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

Law

7. 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.

Risk Management

8. Risks, and their management, are considered prior to proposals being brought forward to include projects in the Capital Programme. This includes risks relating to the capital expenditure itself, funding of that expenditure (e.g. grant availability and conditions), and ongoing revenue costs and/or income.



Equality Impact

9. These proposals comply with the Council's policy on Equality and Diversity.
10. With regard to Children and Young People:
 - 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.

Commercial / Procurement

11. All procurement activity will be carried out in accordance with the Council's Contract Standing Orders, and the relevant officers will take the procurements through the Procurement Management Group to monitor compliance at the relevant Gateways.

Council Priorities

12. Proposed capital projects are in line with the Council's capital investment priorities as set out in the approved Capital Strategy.



Kevin O'Keefe
Chief Executive

Iain Newman
Chief Officer, Finance and Legal

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List of Background Papers

Relevant resource allocation notifications.

Meeting of the Cabinet – 15th December 2021

Joint Report of the Chief Executive and Director of Finance and Legal

Medium Term Financial Strategy

Purpose

1. To consider the latest General Fund revenue position for 2021/22 and provisional Medium Term Financial Strategy (MTFS) to 2024/25.
2. Cabinet is not being asked to make final decisions on the MTFS. The proposals in this report will be the subject of public consultation and will be considered by Scrutiny Committees before returning to Cabinet on 17th February and going to Full Council for final decisions on 7th March.

Recommendations

3. That Cabinet notes:
 - a) The actions of the External Auditors as set out in paragraph 5.
 - b) The forecast variances to budget in 2021/22 and progress with delivery of savings set out in paragraph 9 and Appendices B and C.
 - c) The various issues and risks which will need to be taken into account in finalising Budget proposals for 2022/23 and the Medium Term Financial Strategy.
4. That Cabinet approves the preliminary financial strategy outlined in this report as a basis for scrutiny and consultation.

Background

5. The Council approved the General Fund budget for 2021/22 and the MTFS up to 2023/24 on 1st March 2021. A report on the 2020/21 outturn was considered by Cabinet on 24th June 2021. At 31st March 2020 our unringfenced revenue reserves as a proportion of net revenue spend were 17%. At 31st March 2021 our unringfenced reserves¹ were 24% of net expenditure. The most recent comparative information available for other councils shows that average unringfenced reserves were 45% of net expenditure at 31st March 2020.

External Audit

6. The External Auditors (Grant Thornton) presented their 2019/20 Annual Audit Letter to Cabinet on 15th March 2021. They gave a qualified opinion on Value for Money and in particular expressed concerns about the Council's arrangements to ensure that it maintains a sufficient level of reserves to sustain its financial resilience. They are currently working on an updated Value for Money opinion and this will be published in the new calendar year.

Forecast 2021/22 Position

7. In response to Covid-19, the Government has directed significant additional funding to councils. New allocations for the financial year 2021/22 are shown in Appendix A. We anticipate receiving £13.0m of unringfenced funding and further grants totalling £29.4m for specific purposes. It is expected that the latter are matched by specific increases in expenditure or reductions in income.

¹ In order not to distort comparisons, this excludes reserves in respect of Section 31 funding of increased Business Rates Retail relief and Local Tax Income Guarantee grant.

8. The forecast General Fund position after transfers from / to earmarked reserves is as follows.

Directorate	Latest Budget £m	Outturn £m	Variance £m
Chief Executive	0.0	(0.1)	(0.1)
Adult Social Care	102.2	104.9	2.7
Children's Services	74.2	74.2	0.0
Health and Wellbeing	3.5	2.7	(0.8)
Finance and Legal	4.0	4.2	0.2
Digital, Commercial and Customer Services	0.5	0.8	0.3
Housing and Community	6.8	6.5	(0.3)
Public Realm	51.4	52.7	1.3
Regeneration and Enterprise	11.3	14.0	2.7
Corporate, Treasury and Levies	18.1	10.2	(7.9)
Total Service Costs	272.0	270.1	(1.9)
Total Resources	(263.0)	(265.6)	(2.6)
Use of Balances	9.0	4.5	(4.5)

9. Further detail is provided in Appendix B. The significant variances are as follows:

- Pressures of £9.5m from the impact of Covid, mainly in additional costs of Adult Social Care to support the health service and ongoing reduced levels of trading income in a number of services.
- Favourable variances of £14.8m arising as a result of charging costs to Covid specific grants where services are continuing to support the pandemic response, additional grants to partially offset trading and tax income losses and application of the general Covid contingency to the pressures outlined above.
- Net pressures of £0.8m that are unrelated to Covid, mainly from the national pay offer being higher than budgeted, offset by lower than expected borrowing costs.

10. Progress with delivery of specific savings within the current budget is set out in Appendix C. Performance on delivery of savings supports and is consistent with the forecast 2021/22 position outlined above and in Appendix B.

11. The majority of Special Education Needs and Disability (SEND) services are met from the High Needs Block within the Dedicated Schools Grant (DSG). As previously reported, we (in common with many other councils) have been experiencing significant financial pressures from increasing demand for children that require additional educational support. Notwithstanding the high-level recovery plan that has been agreed, there is a forecast deficit on the High Needs Block of £18.9m at 31st March 2022. The Government has regulated temporarily to ensure that this pressure sits within the Dedicated Schools Grant, although there is a risk that there may be an impact on the General Fund from 2023/24. As such this deficit is not included in Appendix B.

General Fund Balances

12. The impact of the outturn shown above leaves the forecast main unallocated General Fund Balance at 31st March 2022 as follows:

	Original Budget £m	Latest Position £m
Forecast balance 31 st March 2021	24.5	24.5
2020/21 outturn (as reported to June Cabinet)		+4.4
Balance at 31st March 2021	24.5	28.9
Planned use of Reserves approved by Council March 2021	(8.3)	(8.3)
Council Decision to amend budgets during 2021/22		(0.7)
Forecast favourable 2021/22 outturn		+4.5
Forecast General Fund Balance at 31st March 2022	16.2	24.4

13. It should be noted that the Council's overall level of unringfenced reserves remains relatively low.

Medium Term Financial Strategy to 2024/25

14. In updating the Council's Medium Term Financial Strategy, Members will need to consider carefully:
- (a) the levels of Government support allocated to the Council;
 - (b) proposals for additional spending, opportunities to free up resources (including savings), and Council Plan priorities;
 - (c) the implications of spending levels in later years as part of the Council's medium term financial plan;
 - (d) the views of consultees;
 - (e) the external factors and risks inherent in the Strategy;



- (f) the impact on Council Tax payers.
- (g) the potential impacts on people with protected characteristics as defined in the Equality Act 2010. Members will need to have due regard to the public sector equality duty under the Equality Act 2010. (Further details are set out in the Equality Impact section below.)

Government Funding

15. The Chancellor announced the conclusion of a three-year Spending Review on 27th October. This included the following:
 - An additional £1.6bn of funding to local government at the national level (including £200m for supporting families and £38m for cyber security).
 - An increase in assumed Business Rate income and underlying Revenue Support Grant in line with inflation. The actual Business Rate multiplier will be frozen but councils will be compensated through grant for the income shortfall compared with an inflationary uplift.
 - Further Business Rates reliefs (in 2022/23 for retail, hospitality and leisure and in later years to incentivise property improvements, renewable energy and decarbonisation) also with councils being compensated through grant for loss of income.
 - Continuation of the 2017/18 100% Business Rates Retention pilots – including that for the West Midlands.
 - Improved Better Care Fund to continue at 2021/22 levels.
 - New Homes Bonus funding on the basis of new homes (and reductions in long term empty homes) above a threshold, with a consultation on review for 2022/23 to be published shortly.
 - Additional funding of £3.6bn over three years for reforms to social care charging.
16. We are awaiting full details of the proposed Local Government Finance Settlement for 2022/23 including details of how the extra funding above will be allocated to individual councils. At this stage we have made reasonable assumptions, based on past experience, about funding allocations to Dudley. These forecasts assume that social care charging reforms (loss of charging income offset by additional government funding) have a neutral impact on the council, but this is subject to uncertainty and will need to be monitored closely.
17. The Government has indicated that it will take stock of the previously proposed funding reforms (Business Rate Retention and Fair Funding Review) in the context of the position in which the sector now finds itself, both with regard to the impact that the pandemic has had on the resources available to councils, and the demands on local services. The timing and impact of any review are uncertain.

Council Tax

18. Accounting for Council Tax Collection Fund surpluses and deficits and associated grants is complex, particularly in terms of timing. Forecasts reflect a planned charge to the General Fund of £0.3m per year for the next two years, spreading the impact of the deficit in 2020/21 that arose mainly as a result of Council Tax Reduction (CTR) claimant numbers being increased due to the pandemic. For 2022/23, this charge is more than offset by a surplus arising mainly from the fact that CTR claimant numbers in the current year have been lower than expected, leading to a net credit of £0.3m. Tax Income Guarantee (TIG) grant, compensating deficits in 2021/22, has been credited to the General Fund in the current year and this is reflected in the forecast in Appendix B.
19. Although numbers of CTR claimants in the current year are lower than expected, they remain around 1,800 higher than they were before the pandemic. Forecasts for Council Tax income in future years assume that these numbers will gradually return to pre-pandemic levels over the life of the MTFS. Forecasts have also been adjusted to reflect current numbers of households in receipt of discounts and exemptions. The position will continue to be monitored closely and any updated forecasts reported to Cabinet in February.
20. The Spending Review included proposed Council Tax referendum principles for 2022/23 of a core limit of less than 2% plus an Adult Social Care (ASC) precept limit of 1%. Forecasts in this report are based on a 2.99% Council Tax increase in 2022/23 and assume the same in later years.

Business Rates

21. Accounting for Business Rates Collection Fund surpluses and deficits and associated grants is complex, particularly in terms of timing. Forecasts reflect a planned charge to the General Fund of £1.8m per year for the next two years, spreading the impact of the deficit in 2020/21 that arose mainly as a result of the impact of the pandemic on businesses. For 2022/23, we expect an additional charge of £10.5m (reflecting the loss of income in the current year from reliefs to retail, hospitality and leisure businesses) offset by a credit of £11.4m mainly arising from a review of provisions for business rate appeals (see below) leading to a net overall charge of £0.9m. The impact of current year reliefs is offset by grant that will be credited to the General Fund in 2022/23. Tax Income Guarantee (TIG) grant, compensating deficits in 2021/22, has been credited to the General Fund in the current year and this is reflected in the forecast in Appendix B.

22. There is ongoing uncertainty concerning the impact of the 2017 revaluation on our Business Rate and grant income, in particular the impact of appeals under what was then a new “Check, Challenge, Appeal” process. For the last four years we have been making provision broadly in line with central government assumptions about the impact of appeals. We have now reviewed this provision in the light of actual appeals received together with external advice on potential future appeals and comparisons with other councils. In light of this review, we have reduced our provision for appeals to around 1.8% of gross rates payable.
23. For future years, we have adjusted our forecasts to reflect actual levels of empty property and other reliefs, numbers of properties in rating and the ongoing impact of our review of appeals set out above. We have also adjusted forecasts of Business Rates and Section 31 Grant income to reflect the anticipated Retail Price Index.

Combined Authority

24. The West Midlands Combined Authority (CA) receives three elements of funding via the constituent authorities as follows:
- The Transport Levy to fund its transport functions, allocated by statute on a population basis.
 - A contribution to reflect assumed real terms growth in the central share of business rates from 2016/17 onwards to fund its regeneration activities, under the terms of the Devolution Deal.
 - A further contribution to fund its non-transport functions currently allocated by agreement partly on a population basis and partly by equal shares.
25. Forecasts in this report assume that contributions continue on the same basis.

Base Budget Forecasts

26. The Base Budget reflects the impact on spending of forecast inflation and other anticipated changes, before directorate additional spending or savings proposals are taken into account. Details are as follows.

	2022/23	2023/24	2024/25
	£m	£m	£m
2021/22 base	271.3	271.3	271.3
Pay (note 1)	5.3	7.9	10.7
General price inflation (note 2)	-	3.8	7.9
Income uplift (note 3)	-1.1	-2.4	-3.4
Pensions (note 4)	-0.9	1.0	0.1
Combined Authority (see paras 22-23)	0.1	0.3	0.4
Treasury (note 5)	0.7	2.8	3.0
Remove previous contingency (note 6)	-8.8	-8.8	-8.8
Other adjustments (note 7)	-1.0	-1.4	-1.3
Base Budget Forecast	265.6	274.5	279.9



Notes:

- (1) This allows for a pay increase of 1.75% in the current year (based on the employers' latest offer), future increases at 2% per year and a 1.25% uplift in employer's National Insurance from next year. Note that Central Government does not control Local Government pay directly.
- (2) No general provision has been made for 2022/23, with any specific inflationary issues being reflected in additional spending in paragraph 28 below.
- (3) Assumes an increase of 2% per year on fees and charges.
- (4) Contributions from 2023/24 will be determined following the 2022 actuarial review. It is currently assumed this will not give rise to any change in underlying contributions. Contributions in individual years are impacted by the current arrangements which give varying annual discounts for 3 year advance payment.
- (5) Impact of Capital Programme, treasury management and investment income changes.
- (6) The existing Medium Term Financial Strategy includes a £8.8m general contingency. Specific additional spending has now been identified within this report so, to avoid double counting, the contingency has been removed.
- (7) Fall-out of previous one-off items, timing of Leisure Centre works and Metro route enhancements, payments to the Local Enterprise Partnership (LEP) in relation to the DY5 Enterprise Zone, costs of the Portersfield design competition, previously agreed increases in Members' Allowances and other adjustments.

Additional Spending

27. The following table outlines proposed additional directorate spending arising from a combination of demographic, inflationary, pandemic and other unavoidable service pressures as well as improvements to services to residents and growth in organisational capacity to deliver change. Further detail is provided in Appendix D.

	2022/23	2023/24	2024/25
	£m	£m	£m
Chief Executive	0.4	0.4	0.4
Adult Social Care	10.4	12.3	12.3
Children's Services	1.5	1.5	1.5
Finance and Legal Services	0.6	0.6	0.6
Digital, Commercial and Customer Services	1.7	1.6	1.5
Regeneration and Enterprise	1.0	0.8	0.9
Housing and Community	0.8	0.9	0.9
Public Realm	3.5	1.9	2.1
Total	19.9	20.0	20.2

Savings

28. In total the following saving proposals have been identified. Details are set out in Appendix E.

	2022/23	2023/24	2024/25
	£m	£m	£m
Adult Social Care	0.5	0.6	0.6
Chief Executives	0.1	0.1	0.1
Children's Services	0.8	0.8	0.8
Digital, Commercial and Customer Services	0.0	0.0	0.1
Regeneration and Enterprise	0.3	0.7	1.9
Housing and Community	0.2	0.2	0.6
Public Realm	1.9	1.9	1.9
Total	3.8	4.3	6.0

Public Health

29. The recent Spending Review announcement gave a commitment to maintaining the Public Health Grant in real terms for 2022/23, with continuing investment in healthy weight programmes and additional investment in the Start for Life offer for families. In 2021/22 there is a forecast surplus on the Public Health Grant due to the continued focus in Health & Wellbeing on dealing with the Covid-19 pandemic. This surplus will be added to the ringfenced Public Health Reserve. Programmes of work are being planned, in line with council priorities, to ensure that the best use is made of these reserves.
30. The overall forecast position for the Public Health Grant funded budget can be summarised as follows:

	2022/23	2023/24	2024/25
	£m	£m	£m
Base budget forecast	22.1	22.7	23.4
One-off spending plans	2.7	0.7	0.4
Total spend	24.8	23.4	23.8
Forecast grant	22.1	22.7	23.4
Deficit	-2.7	-0.7	-0.4
Reserve brought forward	4.2	1.5	0.8
Reserve carried forward	1.5	0.8	0.4

Medium Term Financial Strategy

31. The MTFs reflecting the revised spending proposals set out above, and forecasts of likely resource availability can be summarised as follows.

	2022/23	2023/24	2024/25
	£m	£m	£m
Base Budget Forecast - see para 26	265.6	274.5	279.9
Additional spending - see para 27	19.9	20.0	20.2
Savings - see para 28	(3.8)	(4.3)	(6.0)
Total Service Spend	281.7	290.2	294.1
Retained Business Rates	89.1	92.2	94.7
Tariff	(6.3)	(6.5)	(6.7)
Business Rate Grant	13.7	14.2	14.6
New Homes Bonus	0.6	0.6	0.6
Improved Better Care Fund (IBCF)	16.1	16.1	16.1
Social Care Grant	12.7	12.7	12.7
Assumed additional funding from CSR	8.0	8.0	8.0
Council Tax	139.7	145.6	151.8
Collection Fund Surplus/(Deficit) – Council Tax	0.3	(0.3)	-
Collection Fund Deficit – Business Rates	(0.9)	(1.8)	
Business Rate Grant reserve	10.5		
Total Resources	283.5	280.8	291.8
Deficit funded from Balances	(1.8)	9.4	2.3
Balances brought forward	24.4	26.2	16.8
Balances carried forward	26.2	16.8	14.5

32. The table above assumes that Council Tax increases by 2.99% in each year. Based on proposed referendum limits, this would not require a referendum in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992.

Estimates, Assumptions & Risk Analysis

33. The proposals in this report are based on a number of estimates, assumptions and professional judgements, which are subject to continuous review:
- that pay inflation does not vary materially from current forecasts;
 - that the 2022/23 finance settlement and any specific grant income is in line with forecasts (noting in particular that there is uncertainty around the assumed allocation of additional CSR funding to Dudley);
 - that the underlying impact of any local government funding reforms (if they occur during the life of this MTFs) is neutral;

- iv. that underlying net income from Business Rates rises in line with forecast RPI, and that income and expenditure in respect of the EZ is in line with current forecasts;
 - v. that the impact of appeals against Business Rates is contained within the provisions assumed in this report;
 - vi. that the cost of Council Tax Reduction awarded will not substantially exceed forecasts, and the underlying tax base will continue to grow as anticipated;
 - vii. that cash limited non-pay budgets will be managed so as to absorb any price inflation not specifically provided for in 2022/23 and any inflationary pressures in 2023/24 and 2024/25 will be no more than the amount provided for;
 - viii. that income and expenditure relating to treasury management activity are in line with forecasts;
 - ix. that government policy on maximum underlying Council Tax increases without the need for a referendum will be in line with the levels announced at the CSR;
 - x. that the Adult Social Care market is able to absorb National Living Wage pressures within the proposed provision;
 - xi. that there will be no underlying change in the level of employers' pension contributions from 2023/24 compared with the current MTFS;
 - xii. that the net impact of social care reforms (reduced charging income offset by additional government funding) will be neutral;
 - xiii. that there will be no material losses to the Council as a result of loans, guarantees and/or grant clawback;
 - xiv. that spending pressures in relation to Special Education Needs and Disability can be contained within the Dedicated Schools Grant;
 - xv. that spending or income pressures caused by Covid-19 will not be material from 2022/23 onwards or will be met from further additional government funding;
 - xvi. that there will be no other unplanned expenditure (including any resulting from demographic, legislative or case law pressures) or shortfalls in income, which cannot be met from reserves.
34. The assumptions set out above are subject to uncertainty. While there is a forecast budget surplus in 2022/23, there is currently a forecast deficit of £9.4m in 2023/24 and this represents a significant risk. In the event that outcomes are more negative than the assumptions in this report, then action (to reduce levels of expenditure or increase income) may become urgent.

Consultation

35. Thousands of people have taken part in the budget consultation over the past few years. Last year a total of 2,148 valid responses were received after an extensive promotion period through the media, social media and through the e-bulletin. Hard copies were also made available in libraries, leisure centres and at Dudley Council Plus. This year, the council will continue to consult far and wide using the extensive reach it has through a range of communications channels as well as working with partner organisations and community groups to encourage more people to have their say. The results will be reported back to Cabinet in the spring.
36. Detailed consultation will also be undertaken with groups identified as being potentially affected by the specific savings proposals, with a particular emphasis on equalities issues. Further information is set out in the Equality Impact section below.
37. A consultation document will be distributed to representatives of Non-Domestic Ratepayers setting out the provisional budget proposals in this report. Consultees will be offered the opportunity for a meeting to be held if there is sufficient interest. Further detailed information (as required in pursuance of the statutory duty to consult) will be distributed in February for comment before the Council Tax setting meeting.
38. In accordance with the Council's Constitution, the Scrutiny Committees will be asked to consider the issues set out in this report and any related specific issues relevant to their Council Plan and service responsibilities in the January cycle. In framing their responses, the Scrutiny Committees will be asked to consider both the spending and funding implications (including the impact on Council Tax) of any observations they may wish to make.

Finance

39. This report is financial in nature and relevant information is contained within the body of the report. Based on current resource forecasts and spending and saving proposals, the General Fund is forecast to reduce by £14.4m between 1st April 2021 and 31st March 2025.

Law

40. The Council's budget setting process is governed by the Local Government Finance Acts 1988, 1992, and 2012 and the Local Government Act 2003.
41. The Local Government Act 2003 requires the Chief Financial Officer to report on the robustness of estimates made for the purpose of final budget calculations, and the adequacy of the proposed financial reserves and this will be included in the final budget report.



42. The Localism Act 2011 introduced a new chapter into the Local Government Finance Act 1992 making provision for Council Tax referendums to be held if an authority increases its Council Tax by an amount exceeding principles determined by the Secretary of State and agreed by the House of Commons.
43. The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. Any local arrangements in place must also be compliant with the Employment Rights Act 1996 and the Equality Act 2010.

Risk Management

44. The Corporate Risk Register recognises the risk that the Council may be unable to set and/or manage its budget so as to meet its statutory obligations within the resources available. This risk is currently assigned a rating of High. A detailed analysis of risks and uncertainties is included in paragraph 33.

Equality Impact

45. Section 149 of the Equality Act 2010 - the general public sector equality duty - requires public authorities, including the Council, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other conduct that is prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who don't;
 - foster good relations between people who share a protected characteristic and those who don't.
46. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
47. The legislation states that "the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities." In practice, this means that reasonable adjustments should be made for disabled people so that they can access a service or fulfil employment duties, or perhaps a choice of an additional service for disabled people is offered as an alternative to a mainstream service.

48. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice, and
 - promote understanding.
49. Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
50. The duty covers the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
51. An initial assessment of the budget proposals has been made. Where proposals are likely to have a significant equality impact, they will undergo an equality impact assessment informed by consultation with the protected groups who may be adversely affected. The results of this process and any steps which emerge that might help to mitigate any potential impact of the budget proposals on the protected groups will be reported to Members so that they can pay due regard to the Public Sector Equality Duty in making decisions on the budget. In making decisions on budget proposals, Members will need to weigh the Public Sector Equality Duty against the forecast financial position, risks and uncertainties set out in this report.
52. With regard to Children and Young People, a substantial element of the proposed budget for the Children's Services Directorate will be spent on maintaining and improving services for children and young people. The expenditure of other Directorates' budgets will also have a significant impact on this group.

Human Resources / Organisational Development

53. Proposals for an Employee Assistance Programme, for a new leadership development programme and to support transition to a new agency model are included in paragraph 27 and Appendix D.

Commercial / Procurement

54. Proposed savings from increasing the Dudley Town Hall catering and bar offer, increased leisure centre income, charging for green waste collections and income from advertising on Boundary signs are included in paragraph 28 and Appendix E.

Council Priorities

55. The aspirations set out in the Council Plan can only be delivered if the Council is financially sustainable.





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List of Background Papers

Budget and Council Tax setting 2021/22 report to Council, 1st 2021
Revenue Outturn 2020/21 report to Cabinet, 24th June 2021

Funding provided by Government in response to Covid-19

Name	£m	Comment
General Covid-19 grant	8.8	
Compensation for sales, fees and charges	1.2	Latest estimate
Local Council Tax Support	3.0	
Total Unringfenced	13.0	
Section 31	10.7	Compensates for additional Business Rates relief
Additional Restrictions Grant (ARG)	1.8	
Contain Outbreak Management	2.3	
Infection control and Rapid Testing	3.0	
Extension to Infection Control	2.0	Announced Sept 30 th , awaiting allocation from £363m national pot
Social Care Workforce grant	1.1	To be mainly passported to providers
Practical Support Grant	0.6	
Track and Trace Support Payments and administration	0.7	New burdens round 5 announced
Local Elections	0.2	
Covid Catch up grant for schools	0.8	
Local Support Programme – Winter scheme	1.2	
National Testing	0.5	
Holiday Activities	1.2	
Other DFE – Workforce/ Free School Meals and Mental Health	0.1	
Recovery Premium	0.2	
School Led Tutoring	0.2	
WMCA – Transport	0.2	
Household Support Fund	2.6	
Total Ringfenced	29.4	
CCG	TBC	Support hospital discharges, £0.5m claimed to date

2021/22 Forecast Outturn position

	Latest Budget £'m	Latest Outturn £'m	Variance £m	Of which Covid £m	Of which Other £m	Comment variance
Chief Executives	0.0	(0.1)	(0.1)	(0.3)	0.2	Covid - Proportion of salaries charged to COMF (£0.3m). Non covid - one-off spend £0.2m.
Adult Social Care	102.2	104.9	2.7	2.7	0.0	Covid - Increased number of clients, bed based £4.6m and community care £0.7m, offset by; release of BCF reserve (£0.3m) and inflation contingency (£0.5m), COMF (£0.3m), CEV (£0.5m), PSF (£0.3m), salary savings (£0.6m), other savings (£0.1m)
Children's Services	74.2	74.2	0.0	0.3	(0.3)	Covid, £0.3m loss of traded income Non covid - salary savings (£0.4m) offset by external placements £0.1m.
Health and Wellbeing	3.5	2.7	(0.8)	(0.8)	0.0	Covid - 6 months of Env Health and Trading standards salaries charged to COMF (£0.8m)
Finance and Legal Services	4.0	4.2	0.2	0.0	0.2	Covid - loss of summons income £0.3m, offset by one off grant income (£0.3m). Non covid - Housing Benefit subsidy £0.2m and offsite

	Latest Budget £'m	Latest Outturn £'m	Variance £m	Of which Covid £m	Of which Other £m	Comment variance
						processing and Council Tax discount £0.1m, offset by salary savings (£0.1m).
Digital, Commercial and Customer Services	0.5	0.8	0.3	0.0	0.3	Non Covid - Legal fees £0.1m, ICT loss of traded services income and workspace pressures £0.2m
Housing and Community	6.8	6.5	(0.3)	0.0	(0.3)	Non covid - Electrical and Mechanical productivity pressures £0.1m offset by vacancies and release of PCSOs budget £0.4m
Public Realm	51.4	52.7	1.3	1.4	(0.1)	Covid - £0.8m net pressure on waste - additional tonnages collected and agency staff. £0.5m car parking income, £0.1m other Non Covid - net savings (£0.1m)
Regeneration and Enterprise	11.3	14.0	2.7	2.2	0.5	Covid - £1.2m Leisure centres, £0.8m catering, £0.2m Himley/Halls and events. Non Covid - one off receipt from LLP (£0.3m) offset by pressures on Land Development and other Corporate Landlord services. £0.3m, CCTV costs £0.3m, and staff costs £0.2m

	Latest Budget £'m	Latest Outturn £'m	Variance £m	Of which Covid £m	Of which Other £m	Comment variance
Corporate & Treasury	18.1	10.2	(7.9)	(8.8)	0.9	Covid – released contingency (£8.8m). Non Covid - payaward of 1.75% compared to budget 0.3% £2.0m, EZ payment to the LEP 0.3m; offset by Pension over recovery (£0.1m), Capital Slippage and borrowing costs (£1.2m), other (£0.1m)
Total Service Costs	272.0	270.1	(1.9)	(3.3)	1.4	
Total Funding	(263.0)	(265.6)	(2.6)	(2.0)	(0.6)	Covid - Sales, Fees and Charges compensation grant (£1.2m), Local Tax Guarantee grant (£0.8m) Non Covid - additional section 31 grant to compensate for Business Rates relief (£0.6m)
Use of Balances	9.0	4.5	(4.5)	(5.3)	0.8	

Delivery of existing Medium Term Financial Strategy

	£'000	Comment
2021/22		
Adults		
Ensure the Disabled Facilities Grant contributes to relevant equipment costs.	450	Implemented
New Support to Carers contract	50	Implemented
Acquired Brain Injury Service - cease SLA with Dudley CCG.	100	Implemented
Automation of business processes through Successor social care IT system	50	Implemented
Streamline the Lye Community Project	50	In progress
Cease the moving and handling team and transfer functions to Occupational Therapy	50	In progress
Maximise contributions to social care (Fairer Charging)	580	In progress
Glebelands contract remodelling.	30	In progress
Supported Living Package reviews in Mental Health	20	In progress
Review and update the charging policy for transport	160	In progress
Contract out aspects of the money management function	30	Alternative option identified
Reduce a Supported Living contract by 50% when current extension ends (Mental Health)	80	Implemented
Integrated Commissioning Hub restructure - assume straight 5% saving whilst still creating Cross Directorate / Council Programme resource	70	In progress
Restructure of Mental Health Team and efficiencies from exit of Section 75 agreement.	250	In progress
Streamline of the invoice processing functions following the implementation of Successor Social Care IT system	60	Part of pressures
Continuing Health Care contributions to offset general fund expenditure on complex Learning Disability care	500	In progress
Reduction of 50% of the budget for hospital avoidance placements	290	Part of pressures
Reduce the Residential Care Placement for older people budget by 5% to reflect the increasing shift to domiciliary care.	120	Part of pressures
Residential Care Charging Fraud Initiative – tackle fraudulent asset disposal in regard to Residential Care financial assessment and charging	200	In progress
Total	3,140	
Children's Services		
Reduced contribution to the Regional Adoption Agency	50	Implemented

	£'000	Comment
Vacancy review	50	Implemented
Removal of low level weekend working	100	Implemented
Managed step down from external residential placements	425	In progress
Movement of external placements into internal residential placements	375	In progress
Transfer of children to Special Guardianship Order status	40	Implemented
Review of Independent Fostering Agency placements	80	Implemented
Review of home to school transport for SEND children	220	In progress
Total	1,340	
Digital, Commercial and Customer Services		
Closure of Dudley Council Plus on Saturdays	10	Implemented
Total	10	
Regeneration and Enterprise		
Dudley Town Hall - increase the catering and bar offer.	50	Delayed
Confirmed success of Accelerated Towns Fund bid, £1m of prudential borrowing debt charges reduced	60	Implemented
Adult and Community Learning - maximising of costs charged to external grant which funds the service, leading to saving on core budget	50	Implemented
Reduction in costs, Enterprise Zone Management & Skills budget	150	Implemented
Bereavement: Memorial Safety budget	10	Implemented
Himley – staff re-structure	40	Delayed
Bereavement: stop locking cemetery gates	30	Delayed
Leisure Centres: Options Plus Discount scheme - reduce or remove certain categories	20	Delayed
Reduce Dudley Business First controllable budgets - based on 2019/20 outturn	50	Implemented
Review of vacant posts/spare hours in CLS	30	Implemented
Wider re-structure within Regeneration & Skills following a retirement	60	Implemented
Total	550	
Housing and Community		
Housing - reduction in revenue contribution to capital for Housing Assistance Grants	150	Implemented
Total	150	
Public Realm		
Mandatory Works Management System headroom	20	Implemented
Release Bulky Waste Trial growth	50	Implemented

	£'000	Comment
Release current headroom for Clinical Waste and review annually	70	Implemented
Reduction in the resources required to improve the condition of the Borough's football pitches.	40	Implemented
Total	180	

Where savings have been partly implemented or delayed, the financial impact is reflected in the 2021/22 outturn forecast in Appendix B or is being met from directorate earmarked reserves.

Additional Spending

Adult Social Care	2022/23 £'000	2023/24 £'000	2024/25 £'000
2021/22 MTFS saving no longer achievable - Reduction of 50% of the budget for hospital avoidance placements	290	290	290
2021/22 MTFS saving no longer achievable - Reduce Residential Placement budget by 5%	120	120	120
Standard cost nursing placements increased demand	350	350	350
High cost nursing and mental health placements in demand	1,520	1,520	1,520
Residential increased demand	1,290	1,290	1,290
Covid 19 hospital related discharges and emergency community placements	1,350	1,350	1,350
Reablement increased demand	960	960	960
Higher percentage of clients are exempt from paying a contribution towards their care	500	500	500
Budget to manage market pressures due to rising costs of care	4,010	5,950	5,950
Total	10,390	12,330	12,330

Children's Services	2022/23 £'000	2023/24 £'000	2024/25 £'000
Resource to support the SEND/Children with Disabilities Improvement Programme	260	260	260
Social Worker pay	660	660	660
Edge of Care - intensive work to support children at risk of moving into care to remain with their families	620	620	620
Total	1,540	1,540	1,540

Chief Executive	2022/23 £'000	2023/24 £'000	2024/25 £'000
Chief Executives Strategic Contingency Provision (projects, events and promotional activity and support for the Borough Vision and Council Business Planning)	160	160	160
In house support team to make the successful transition to a new Agency model	70	70	-
Christmas light switch on events in each township area	20	20	20
Black Country Festival events in each township area	20	20	20
Reestablishment of a Leadership Development programme for managers and aspiring leaders Leadership Development will strengthen capability in delivering the borough and Council aspirations of the future, operate effectively within a commercial and outcomes focussed environment and work across our system for the benefits of the residents of the borough.	80	80	80
Introduction of an Employee Assistance Programme (EAP) Platform that will provide mental health and wellbeing to employees.	30	30	30
Internal communications and engagement officer	20	40	40
Total	400	420	350

Finance and Legal Services	2022/23 £'000	2023/24 £'000	2024/25 £'000
Revenue & Benefits - reduction in subsidy relating to benefits overpayments	400	400	400
Revenue & Benefits – increased numbers of care leaver Council Tax exemptions	80	80	80
Financial Services - additional accountant capacity	40	40	40
Additional Staff necessary to meet the increased demand for Legal Services including additional capacity for prosecution work	110	110	110
Total	630	630	630

Digital, Commercial and Customer Services	2022/23 £'000	2023/24 £'000	2024/25 £'000
Known impact of Microsoft price increase at next renewal of Enterprise Agreement	170	170	170
Additional costs arising from investment in new firewall technology	0	90	90
Digital platform - procure alternative semi-built solution	540	520	480
Reduce staff turnover target within ICT	100	100	100
Central web content authoring - 3 FTE Content Designers for Central Web Authoring Team	130	130	130
Additional costs to introduce a rolling desktop refresh programme, including purchasing equipment that better meets the needs of colleagues given the new ways of working.	690	540	540
Total	1,630	1,550	1,510

Regeneration and Enterprise	2022/23 £'000	2023/24 £'000	2024/25 £'000
Crystal Leisure Centre Roof – revenue implication of £600k capital investment	30	30	30
Red House Cone restoration works revenue implication of £1.5m capital investment	80	80	80
CCTV – costs of deployable cameras, increased staffing of control room and additional ICT costs	320	320	320
Fire Safety at non HRA sites.	50	50	50
Corporate Landlord staffing (Strategic Asset Management team)	120	120	120
Planning Enforcement staffing and CPO of sites identified for regeneration	100	100	100
Bereavement Services staffing	30	30	30
Corporate Landlord staffing (Construction & Design team)	50	50	50
Impact of National Living Wage on outsourced Cleaning Contract for Admin Buildings	20	40	60
Resources to maximise opportunities to secure external funding and grants to support the ambitions of the borough across regeneration, public realm, housing, tourism, levelling up	100	0	0

Regeneration and Enterprise	2022/23 £'000	2023/24 £'000	2024/25 £'000
Resources to support the development of a destination management strategy and plan to develop Dudley as a key destination of choice.	130	0	0
Total	1,030	820	840

Housing and Community	2022/23 £'000	2023/24 £'000	2024/25 £'000
Library contract inflation provision	240	310	380
Private sector housing enforcement including traveller officer post	50	50	50
Service provision to comply with duties under the Domestic Abuse Act	240	240	240
ASB enhancement - new service model	50	50	50
Community Safety enhancement	200	200	200
Total	780	850	920

Public Realm	2022/23 £'000	2023/24 £'000	2024/25 £'000
Commonwealth Games 2022 - Public Realm Infrastructure costs & Events programme	500	0	0
Car Parks at Rye Market and Pool Road	60	60	60
Street Cleansing Vehicles (increased capacity)	80	80	80
Highway resurfacing	1,000	500	500
Street Cleansing / Borough Enhancements	200	200	200
Green Care & In Bloom	100	100	100
Tree Planting	50	50	50
Gully Emptying's move from a 5 year cycle to a 3 year cycle	90	90	90
Nuisance Trees	100	100	100
An additional Highways Inspector	50	50	50

Public Realm	2022/23 £'000	2023/24 £'000	2024/25 £'000
Additional resource required to manage the impact of Ash Dieback (a disease killing Ash Trees in large numbers across the UK). This will be achieved by cataloguing and monitoring the trees condition as well as undertaking necessary remedial works.	400	20	20
Weed Control trial	70	0	0
Car Parks R&M	120	120	120
Waste disposal - inflation pressures across the three main disposal contracts	230	470	710
Food Waste collection trial	200	0	0
Technical resources to provide support to corporate programmes	230	0	0
Total	3,480	1,840	2,080

Proposed Savings

Adult Social Care	2022/23 £'000	2023/24 £'000	2024/25 £'000
Streamline the Lye Community Project	50	50	50
Cease the moving and handling team and transfer functions to Occupational Therapy	60	60	60
Glebelands contract remodelling.	30	30	30
Review and update the charging policy for transport	60	60	60
Contract out aspects of the money management function	30	30	30
Reduce a Supported Living contract by 50% when current extension ends (Mental Health)	0	160	160
Integrated Commissioning Hub restructure - assume straight 5% saving whilst still creating Cross Directorate / Council Programme resource	90	90	90
Restructure of Mental Health Team and efficiencies from exit of Section 75 agreement.	150	150	150
Total	470	630	630

Children's Services	2022/23 £'000	2023/24 £'000	2024/25 £'000
Managed step down from external residential placements	425	425	425
Movement of external placements into internal residential placements	375	375	375
Total	800	800	800

Chief Executive	2022/23 £'000	2023/24 £'000	2024/25 £'000
Income from Boundary signs	40	40	40
Total	40	40	40

Digital, Commercial and Customer Services	2022/23 £'000	2023/24 £'000	2024/25 £'000
Reduction in Customer Services advisors	0	0	120
Total	0	0	120

Regeneration and Enterprise	2022/23 £'000	2023/24 £'000	2024/25 £'000
Close or enter into a commercial lease for Halesowen Cornbow Hall	0	100	100
Estate rationalisation - Regent House Dudley	50	150	150
Estate rationalisation - Cottage St Offices, Brierley Hill	30	30	30
Estate rationalisation - The Mere Education Centre	0	40	40
Himley - increase in car park income generation due to recent price increase. Per Decision Sheet DRE/25/2021.	20	20	20
Himley - net increase in car park income and secondary spend due to increased visits as a result of the proposed installation of Play Area.	0	70	90
Halls - net increase in income from ticket sales, bar and food as a result of increased number of shows following additional capital investment per recent Business Case	100	150	210
Leisure Centres - increase in income as a result of increasing the price of peak usage of the leisure pool at CLC and badminton	100	100	100
Leisure Centres to be self financing within 3 year period.	0	0	1,170
Bring bars back in-house for Stourbridge Town Hall & Cornbow Hall	10	10	10
Total	310	670	1,920

Housing and Community	2022/23 £'000	2023/24 £'000	2024/25 £'000
Efficiencies resulting from new Libraries service / contract	0	0	360
Remove funding earmarked to match fund PSCO recruitment with Police	250	250	250
Total	250	250	610

Public Realm	2022/23 £'000	2023/24 £'000	2024/25 £'000
Charging for green waste collections (net of additional spending to extend the service to 25 fortnightly collections)	1,900	1,900	1,900
Total	1,900	1,900	1,900

Meeting of the Cabinet - 15th December 2021

Report of the Director of Children's Services

Home to School Transport Policy

Purpose

1. To detail the changes being proposed to Dudley Metropolitan Borough Council's (the Council) approach to, and policy on the provision of Home to School Transport Support to children and young people, with a specific focus on: -
 - Increasing the independence of pupils and students
 - Ensuring that the transport support provided for eligible children and young people of compulsory school age, i.e. between 5 and 16 years, by the Council's policy does not exceed the statutory minimum
 - Rationalising the Council's Home to School Transport Appeals process; and
 - Achieving efficiency savings / use of available resources
2. To provide Cabinet with background information about Home to School Transport Support nationally and in this area over the past 3 years, as well as how the proposed changes align with the Council's wider Special Educational Needs and Disability (SEND) approach in Dudley.

Recommendations

3. It is recommended that Cabinet: -
 - Consider the information contained within this report about the proposed changes;
 - Authorise the Director of Children's Services to organise and conduct statutory consultation on those proposals

Background

4. Home to School Transport is one of the administration priorities with a focus on equality of access / use of resources and alignment with both the SEND Strategy and Forging a Future 2030 principles.

The Council currently provides transport and travel support for over 1000 children and young people's journeys from home to school or college.

In addition, transport and travel support is provided on a planned and ad-hoc basis to '*looked after children*' and adults for social care reasons, such as contact visits and hospital visits.

The Council's Travel and Transport (T&T) Team sits within the Integrated Commissioning HUB and is responsible for the management of the contracts with taxis, via the commissioned framework, which was tendered in 2019.

For 2020 / 2021, there was a budget build for Transport, in light of the increased demand and pressure on the service, aligned to the growth in SEND placements and the failure to achieve previous savings targets.

A Medium-Term Financial Strategy (MTFS) is in place for 2021/22 of £220k.

It should be noted that the Integrated Commissioning HUB and Accountancy colleagues submitted bids for Department for Environment (DFE) grants (administered by West Midlands Combined Authority (WMCA) during COVID-19 and have successfully received £0.242m for the first quarter of 2021/22.

2018 to March 2020 programme

5. The Council engaged an organisation called Edge Solutions to deliver significant savings on Transport Services (as a whole) with a primary focus on Home to School Transport.

The Edge team focussed on 4 initial areas: -

- a) Tendering of all Home to School Transport routes (April 2019 and September 2019)
- b) Transport Policy revision
- c) Children's Social Care authorisation processes; and
- d) Adult Social Care re-negotiation of contract.



Programme achievements

6.
 - Savings on comparable routes as part of tender (c£400k equivalent)
 - Re-negotiation of Adult Transport contract / provider to deliver saving (£100k)
 - Processes and savings on Children's Social Care transport routes (achievement of savings target within Children and Young People (CYP) Social Care as part of separate but linked MTFS)

Edge Solutions are no longer working with the Council.

The Adult Transport contract has since ceased realising a full saving against the contract (further £180k).

New programme

7. Following discussions between Councillors and Senior Officers, a number of key stakeholders across the Council have completed a piece of work that involved focussing on a range of areas of potential progress in order to:
 - a) Improve the processes in place for managing the demand
 - b) Deliver efficiencies / savings within Home to School Transport

Current Transport Policy

8. The current Transport Policy has been in place since 2019, when it was slightly revised in an attempt to make it clearer.

The Council's Transport Policy has been tweaked recently to provide a level of robustness to the current criteria. The revised Review Process, which involved the introduction of the Service Director for Early Help / Schools and SEND, has enabled challenges to home to school transport decisions to receive appropriate scrutiny.

In relation to entitlement to home to school transport support for post-16 and post-19 students, the current policy states that (extracts taken from the current policy): -

Specifically, for students aged 16-18 with an Education Health Care Plan (EHCP).

Applications for travel support for 16-18 learners with an EHCP are considered on their own terms.

Factors taken into account include: -

- *Whether students live within 3 miles of their suitable education provision and can be reasonably expected to walk this distance.*
- *Whether they are able to access public transport*
- *Whether they have access to a Motability vehicle or family car,*
- *Whether due to their disability they require a specialist vehicle*



Where travel support is provided a contribution will be required of £500 per academic year (£300 for low income families)

9. **Post 19 Travel Support**

Students aged 19-25 with an EHCP are not automatically entitled to free travel support under the law.

Applications are considered under their own terms and will be assessed as part of a social care needs assessment as they move into adulthood.

Factors that will be taken into account include: -

- Whether students live within 3 miles of their suitable education provision and can be reasonably expected to walk this distance.*
- Whether they are able to access public transport (and/or able to do so following independent travel training)*
- Whether they have access to a Motability vehicle or family car,*
- Whether due to their disability they require a specialist vehicle*
- Whether they are eligible under the Care Act as an assessed need*

In applying the current policy, a number of decisions have been overturned by the Members Appeals Committee. Whilst some of these decisions were due to additional evidence being presented at the appeal, others were based on interpretation of the policy and / or the Committee's views of the individual situation.

10. **Explicit removal of non-statutory transport**

Local authorities are entitled to provide home to school transport support for students aged 16 and over or those under the age of 5. i.e. within nursery settings, if they deem it necessary, but they do not have a statutory duty to make such arrangements.

Currently the Council funds 106 students with post 16 and post 19 transport arrangements which amounts to **£0.851m** (information correct as at September 2021 routes).

The Council also funds 25 children for children under the age of 5 within nursery settings which amounts to **£0.153m** (information correct as at September 2021 routes).

To align with DMBC School admissions policy of 4+ travel support would still be eligible for this cohort:



Area	Number of Children (current)	Number of new starters (baseline number this year)	Cost per year
Pre-school age	30	29	£0.14m*
Post 16	66	54	£0.58m*
Post 19	24	17	£0.11m*

** Note - spend relates to new starters

A number of local authorities only provide statutory services for Transport. However, where local authorities have sought to change their policies in line with the Council's proposed approach they have been met with legal challenges from children, young people, parents and other stakeholders, especially in relation to the rights children and young people with disabilities.

Examples / case summaries

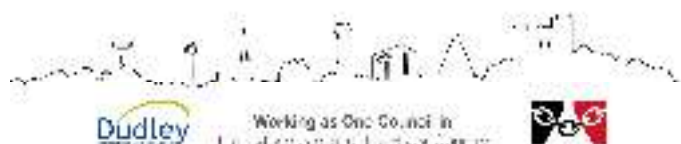
- (a) Young person aged 17 attends a Dudley Special School and lives 2.1 miles from the school. Application states that he is unable to use public transport as he is vulnerable and parent says that they are unable to transport child to school due to work commitment. Cost of place on transport £25 per day = £4750 per annum.
- (b) Taxi transporting 3 children (aged between 3 and 4 years) to a specialist nursery for ASD assessment. Cost of route with 3 children is £90 per day = £13680 per annum.
- (c) Young person aged 17 attending Dudley College and lives over 3 miles from the college. The Travel support application states that he is unable to access public transport due to anxiety. Place on transport costs £20 per day = £3,800 per annum.

Key considerations

11. Following discussions with colleagues in Law and Governance, there are a number of areas that require careful and measured consideration. This paper highlights how the proposed changes will address these areas:

A. Rationale for changes to the policy:

The Council must ensure that there are legitimate reasons for why it is no longer necessary or appropriate to fund transport for the circumstances of children and young people that fall outside the statutory minimum, citing the absence of a legal duty and the Council's budgetary concerns are not, on their own, strong or valid reasons.



Response:

The Council has a clear plan as part of the SEND programme; this new SEND strategy has been developed with a clear focus on: -

- Promoting independence for all of our young people
- Preparing children for adulthood and independent living
- Children and young people being part of their local communities
- Supporting children to access mainstream support / life choices.

The proposed changes to the Transport policy fully support the above principles and are consistent with this approach.

The current pressure on the Home to School transport budget and increase in demand / likely demand in line with the Council's inclusion strategy will present further pressure. There is a need for Dudley to demonstrate effective, efficient and fair use of resources.

For those young people accessing post 16 / college, the Council's approach to inclusion and maximising independence will mean that an increased focus on: -

- Independent travel training where possible at an early age stage;
- Introducing pick up and drop off points as part of school age transport; and
- A move towards a travel solution model including the use of other transport options in the Borough

B. Substantive changes require extensive examination:

The changes being proposed are substantive because they are likely to have a fundamental impact on the entitlement to home to school transport support of a number of children, young people and families in the Borough. Therefore, the Council must be able to provide evidence to demonstrate the grounds that necessitate the changes and that the appropriate procedures were followed when determining and implementing such changes.

Response:

As these are substantive changes the Council will need to be able to prove that it has considered sufficient qualitative and quantitative information about its duties, the effect that any changes may have and the procedures, internal and external, that must be followed to enable such a proposal to be approved and implemented.

It is therefore essential that an extensive consultation process be undertaken, which is both wide in its approach and substantial in its coverage including all stakeholders; the type of consultation process intended is described below.



C. What options have been considered

The Council must, as part of its decision making, identify and specify the relevant other options that have been considered and why the eventual proposal was preferred, whilst the others were discarded.

Response

The Council have considered many options as part of this programme and will be able to summarise them, but the options that are still relevant and that are being progressed, include: -

- Independent Travel Training – this is being further developed as part of the Transport Programme
- Introduction of a revamped service model moving from Home to School transport to Travel Assistance with a focus on Pick up and drop off points concept (only those children who require Home to School pick up / drop off will have this service available to them) – this is being developed for 2022/23 onwards as part of the re-modelled Transport service but has been discarded as an immediate action / response due to the nature of change required
- Single routes programme – this has been in situ for September 2021 and the new routes for the academic year

D. When and how can this change be implemented

If approved, the Council would need to ensure that transitional arrangements are in place to minimise the impact of those proposed changes on the children and young people already receiving transport support.

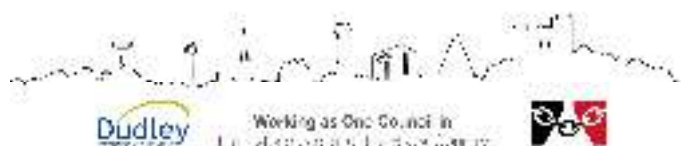
Response

Any change will only be implemented for those children and young people who: -

- Are not currently in receipt of a transport service; or
- Change their educational placement after any changes have been implemented, (i.e. who attend a different school / college to their current placement)

The proposed start of these changes is September 2022 to permit an extensive consultation process to be followed and recipients to be advised of the effect of those changes prior to the start of a new academic school year.

Those children currently in receipt of transport provision under the current policy will therefore receive transitional protection and their entitlement to transport funding will not be affected by the any changes to the policy.



Consultation process

12. An extensive consultation programme is being scoped with key features and timelines detailed below: -

Initial communication sent out prior to Cabinet in December 2021 regarding the specific proposed programme. This communication should be wide ranging but does not need to be the start of the consultation process.

Focussed consultation process for a period of at least 28 working days (excluding school holidays) starting in **January 2021**. Consultees will include, but are not limited to: -

- Children and young people across all schools, including those at Special Schools
- The parents and carers of children and young people currently receiving transport provision and those who may wish to claim it in the future Parent / Carer Forum (PCF)
- All schools with pupils and students who are likely to be affected, including those in adjacent local authorities' areas and Special Schools
- All colleges and educational institutions, including those in adjacent local authorities' areas and Independent Providers
- Local authorities in areas adjacent to the Council
- Local professionals across the Education / Health and Social Care system and those working in public services adjacent to the Council

Due to the subject matter, it is proposed that the consultation period is extended to **90 working days** starting in January 2022 through to mid-March 2022.

Communication Strategy

13. As detailed above and through previous updates to Informal Cabinet, there are likely to be a number of challenges to the Council's proposal via the Corporate Complaints - Policy, the Local Government and Social Care Ombudsman, the courts, etc., which will provide negative publicity. This will be picked up by the Local Press (potentially gather some national coverage through SEND groups / Children's Forums and DfE / OFSTED).

A clear communication strategy will be developed as part of the consultation process in conjunction with the Council's Communication and Public Affairs (CAPA) which will ensure that: -

- The programme is communicated widely and consistently
- Members are supported with key facts and rationale for the proposed changes



Use of existing forums and relationships with stakeholders will be key in delivering messages with extensive engagement avenues already developed through the SEND Improvement Programme.

Proposed changes to the Appeals process

14. The 'Home to school travel and transport guidance' published by the DfE states that:
- Local authorities should publish alongside their home to school transport policy statement, a complaints and appeals process (paragraph 54);
 - The appeals process should consist of two stages (Annex 2):
 - Stage One: Review by a senior officer; and
 - Stage Two: Review by an independent appeal panel;
- AND
- Although the independent appeal panel members should be independent of the original decision-making process, they are not required to be independent of the local authority.

Whilst paragraph 38 of the 'Post-16 transport and travel support to education and training guidance', which is also published by the DfE, adds that:

*“Local authorities should publish **as part of the transport policy statement** [emphasis added] the process which will be followed should a complaint or an appeal against a local authority decision ... Good practice suggests using a similar 2 stage complaints process as that used for pre 16 appeals ...”*

As a result, following an exercise to establish neighbouring local authority appeals panel arrangements through the ATCO (Association of Transport Co-ordinating Officers) group it is proposed that the Council changes its current appeals process / mechanism for Home to School Transport.

The Council's current appeals arrangements consist of the Appeals Committee (the same Committee that hears employee dismissal appeals). This Committee is administered by Democratic Services.

The majority of local authorities across the region do not operate Member appeal panels for transport decisions, but instead utilise a range of other options to ensure that it complies with their legal obligations to ensure that an independent appeals process is in place.

These options include: -



- a) A senior officer(s) from within a different part of the Council (e.g. different Directorate)
- b) Officers from other transport departments (e.g. fleet services)
- c) Former transport experts (e.g. retired former officers)
- d) Potential reciprocal arrangements with another local authority to hear each other's appeals (officers)

Whilst each option has its merit it is proposed that **option a** (officers from different Directorates) is progressed and implemented in Dudley.

The proposed Transport Appeals Panel would consist of a nominated Senior Officer with representation from Law and Governance. Meetings will be held on a monthly basis.

Proposed changes to the Appeals process will be effective from September 2022 in line with the proposed Transport Policy changes if approved.

Finance

15. The 2021/22 Home to School budget is currently £4.876m, which includes an in-year MTFS savings target of £0.220m.

There continues to be pressures on non-statutory transport provision for children attending nursery and Post 16 provision. This policy change is anticipated to help mitigate this growing trend.

Law

16. Local authorities are required to comply with the law and, in the case of home to school transport, that law is:
 - (a) supplied by legislation, such as the Education Act 1996
 - (b) interpreted in the courts by judges; and
 - (c) summarised in *'The Home to School Travel & Transport Guidance'*, published by the Department for Education.

17. In summary, the legislation states that a local authority:

- Has a statutory duty to make the travel arrangements that it:

"...considers necessary in order to ... [facilitate an eligible] ... child's attendance at the relevant educational establishment ... free of charge ..."

Section 508B of the Education Act 1996



- May, but is not obliged to, make home to school travel arrangements for children and young people, including nursery aged children, who are not ‘Eligible Children’, as defined in Schedule 35B of the Education Act 1996, although parents can be charged for these arrangements; and
 - Is not obliged to provide home to school travel support if a parent or young person has refused an offer from the local authority for a suitable alternative provision or educational establishment closer to their home than their preferred placement.
18. Furthermore, when making decisions about travel arrangements, the Education Act 1996 also obliges local authorities:
- To have regard to any guidance issued by the Secretary of State (section 508D);
 - To, where possible, have regard to the religion or belief of the parent (section 509AD); and
 - To ensure that parents and young people are aware of the home to school travel support to which they may be entitled.
19. Section 508E adds that every local authority must have a school travel scheme that, amongst other things:
- (i) Complies with the rest of the legislation;
 - (ii) Sets out the home to school travel arrangements that will be implemented by that local authority; and
 - (iii) Explains the appeals process that will be followed.

Nonetheless, in recognition of the need for each travel arrangement policy to reflect local circumstances, local authorities are entitled to develop and modify their policies to fit their area’s unique conditions.

20. However, when proposing substantive changes to a policy, paragraph 52 of the statutory guidance states that:

“Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.”

21. Whilst paragraph 53 adds that:

“Good practice suggests that the introduction of any such changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school.”



22. Therefore, the Cabinet is entitled approve this request that Dudley Metropolitan Borough Council consult on the proposals outlined in this report, once its members:
- (i) Have considered the information provided in the report, its associated documents and by officers; and
 - (ii) Are satisfied that the procedures followed and the changes being proposed comply with the Council's Constitution and the law.

Equality Impact

23. An Equality Impact Assessment (EIA) forms part of the appendices to this report. The EIA highlights those potential residents in the future where the Council's decision will have an adverse impact. The impact focusses solely on pre-school (under 5's) and post 16 children / students.

Human Resources/Organisational Development

24. There are no Human Resources / Organisational Development implications as part of this report / project.

Commercial/Procurement

25. All contracts and commercial agreements associated with this will be let and managed in accordance with the Contract Standing Orders of the Authority"

Risk Management

26. The proposed programme will adhere to the local authorities' policies and procedures. The proposed changes to the Transport policy will have the potential to create reputational damage to the Council; however, a robust and extensive consultation process with stakeholders will support any final decision with pro-active communication in place.

Council Priorities

27. *The programme works towards supporting a more inclusive approach for Dudley's young people through a model that promotes independence and prepares residents for adulthood to maximise their life skills and chances.*
28. *Supporting the use of local transport networks for young people will also work towards enabling young people to be part of their local community and establishing relationships.*
29. *The programme also contributes towards the Council's financial position, providing an equitable level of support to people within a finite resource envelope.*
30. *The promotion of independent travel training will also support young people to be more physically active on a day to day basis.*



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Appendices

- Appendix 1 - Proposed Transport Policy
- Appendix 2 - Post 16 Transport Statement
- Appendix 3 – Equality Impact Assessment (EIA)





Dudley Metropolitan Borough Council

Children's Services Directorate

Travel Assistance Policy

Policy for the provision of travel assistance for children and young people attending school / college: Age 4+ to 16

Version 1.2.22

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1.0 INTRODUCTION

- 1.1 This Policy sets out Dudley Metropolitan Borough Council's (the Council) arrangements relating to the provision of Travel Assistance for children and young people attending schools and college.
- 1.2 The Council shares a vision that all children and young people will be safe, enjoy good health and have access to a wide range of experiences and opportunities to achieve their potential. This Travel Assistance Policy provides information to enable access to services through the provision of travel solutions in order to ensure that the vision is achieved and that all recipients are able to reach their destination safe, happy, on-time to engage in learning.
- 1.3 By law, parents are responsible for ensuring that their children attend school regularly. The Council will do all it can to assist parents and or carers to do this.
- 1.4 The aim of this Policy is to provide a consistent and equitable approach to travel assistance. This will include the introduction of pick up points as part of the Council's commitment to providing travel assistance services which enables children and young people to achieve maximum independence and quality of life, while making the most effective possible use of its resources. The Council wants to help children and young people live independent lives and ensure they get the best travel assistance options to meet their individual needs
- 1.5 This Travel Assistance Policy will clearly articulate the provision for children and young people who are eligible living in the **local authority area** and describes how the policy applies to primarily:
- Children and young people aged 4+ to 16 years.
 - Subject of an Education, Health and Care Plan under the Children and Families Act 2014; and
 - Children and young people with medical needs.
- 1.7 Words highlighted in **bold** are defined in Appendix 1 of this document.

2.0 GENERAL PRINCIPLES

Parents are responsible for taking their children to school, but the Council will help where it is required by law or deems it necessary by providing travel assistance to support parents with this duty. The following principles outline the Council's commitment and its approach to travel assistance:

- 2.1 Inclusion and independence; the Council is committed to the principles of inclusion and to promoting greater independence for children, and young people with special educational needs and / or disabilities. The Council recognises the importance of extending the range of travelling options available so that the most suitable arrangements can be made to support individual needs. It is recognised that travelling as independently as possible is a valuable experience. The Council is working to expand the access to this range of options in future to support the principles in this policy.
- 2.2 Safe and Sustainable Travel; the Council is committed to the use of sustainable modes of travel to school and college. Sustainable modes of travel will be defined as those which improve either the physical well-being of those who use them or the environmental well-being of the area. The Council supports this principle and aims to

promote safety and sustainability where it provides assistance with travel for children, young people and adults with special educational needs and / or disabilities.

- 2.3 Service Standards and the efficient use of public resources: in recognising the significant spend on travel assistance, the Council is committed ensuring that, wherever possible, where travel assistance is provided it delivers to clear and consistent standards of both quality and costs. The Council will work in partnership with parents, carers, children, young people and neighbouring local authorities to ensure that cost effective alternatives to council provided travel assistance are utilised wherever possible and appropriate to children, young people and families' needs.
- 2.4 Safeguarding: in providing travel assistance to children, young people and adults, the Council will ensure that all decisions reflect their safeguarding duties whilst recognising that safeguarding responsibility rests not just with the Council but with all stakeholders and participants in the process of providing travel assistance to vulnerable groups. Further information on Dudley's safeguarding policy can be found at: <http://safeguarding.dudley.gov.uk/> .

3.0 LEGAL BACKGROUND

Travel Assistance

- 3.1 As part of the change in Travel arrangements going forward, the Council will be offering pick up points where suitable and appropriate, alongside home pick-ups as part of its general principles as described earlier.
- Parents and carers are responsible for ensuring that their children attend school regularly, but the Education Act 1996, as amended by the Education and Inspections Act 2006, imposes a legal duty on local authorities to provide support with travel to and from qualifying schools / college for children and young people of compulsory school age, i.e. aged 5 to 16 years, in specified circumstances.
- 3.2 The Council's statutory duties with regard to travel assistance are detailed in a variety of legislation and statutory guidance, which are listed in Appendix 2 of this policy.
- 3.3 In formulating this policy, consideration has been given to the following government guidance:
- "The Home to School Travel & Transport Guidance"
 - "Ensuring a Good Education for Children Who Cannot Attend School Because of Health Needs" by the Department For Education;
 - "Travel Training Good Practice Guidance" by the Department for Transport; and
 - "Home to School Travel for Pupils Requiring Special Assistance" by the Department for Education and Skills.
- The Council will always follow the most up-to-date versions of legislation and guidance when considering any application for travel assistance.
- 3.4 There is no automatic entitlement to travel support for children under 5 years (those not within Primary School settings), therefore the Council will only offer this provision in exceptional circumstances.
- 3.3 Under s508B of the Education Act 1996, local authorities must provide such travel arrangements as they consider necessary to get every 'eligible child' to their 'relevant educational establishment'. Travel arrangements for an eligible child must under s508B be free of charge and may not require participants to incur extra costs.

- 3.5 The entitlement to free travel for eligible children does not mean that the travel assistance must be arranged by the Council if 'suitable' travel support has already been arranged by others. Council is not required to make home to school travel arrangements where a child is eligible for free home to school travel but a parent nevertheless chooses to make their own arrangements for the child's travel to and from school.
- 3.6 The provision of travel assistance by the Council will be based on individual needs and circumstances and with due regard to the efficient use of resources.
- 3.7 Local authorities also have a duty to facilitate access to full-time education for some young people aged 16-19, this may include support with travel in certain circumstances. Other post 16 learners with special educational needs, learning needs or disabilities aged 16-25 years attending colleges and other places of learning may be eligible for support. The Council's Post 16 Policy can be found at **XXXXXX**. **All post-16 travel assistance awards are discretionary.**

4.0 ELIGIBILITY

4.1 Eligibility for Children and Young People of Compulsory School Age (Aged 4+ to 16 years)

- 4.1.1 The Council is committed to providing a travel assistance service that ensures children arrive at school safe, on time, and ready to learn. All applications for travel assistance are considered individually, taking into account both the Council's legal requirements and the specific circumstances of each family.
- 4.1.2 The Council has a statutory duty to provide travel assistance to 'eligible children.' The Education Act 1996 defines eligible children as children of compulsory school age who live in a **local authority's area** and meet one or more of the following criteria:
- Are between the ages of five and eight years and live beyond statutory walking distance (beyond two miles) from their nearest suitable school;
 - Are between the ages of eight and sixteen years and live beyond statutory walking distance (beyond three miles) from their nearest suitable school;
 - Cannot reasonably be expected to walk to school because of their mobility needs or because of health and safety issues related to their Special Educational Needs or disability (SEND);
 - Cannot reasonably be expected to walk to their nearest suitable school because the route is unsafe.
- 4.1.3 The above criteria will apply equally where a child is scheduled to start primary school (either full or part time) before they reach the age of 5 years.
- 4.1.4 The distances are measured based on the shortest route from the child or young person's normal place of residence along which they may walk to school or college in reasonable safety, accompanied as necessary. Where a child or young person's parents are do not live together, the address of the parent with whom they normally reside will be treated as their normal place of residence. This route may include footpaths as well as roads if these are well lit and are of reasonable width and are in good condition.

- 4.1.5 Where a parent or carer believes that a route is unsafe, the route will be assessed by the Council. Where it is agreed that a walking route is unsafe, travel assistance will be provided only where the child's needs or requires it.
- 4.1.6 Where an assessment of the child or young person's needs indicate that it would be possible for them to walk or access public transport, but that they would need supervision to do so, the parent or carer would be expected to accompany or make arrangements for the supervision of their child.
- 4.1.7 Statutory entitlement to travel assistance is available to children and young people who qualify under Extended Rights. A child or young person is entitled to free travel assistance:
- If they are entitled to free school meals or if a parent with whom they live receives maximum Working Tax Credit or the equivalent of Universal Credit; and
 - They are:
 - Aged 8 to 10 years, attend their nearest suitable school and it is beyond 2 miles from their home;
 - Aged 11-16 years and attend a school which is between 2 and 6 miles from their home if there are not 3 or more suitable nearer schools; or
 - Aged 11 to 16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of their religion or belief and, having regard to that religion or belief, there is no suitable school nearer to their home.
- 4.1.8 The Education Act 1996 gives local authorities discretionary powers to go beyond their statutory duties and offer free travel assistance to children who are not normally entitled to it. Therefore, the Council may, at its sole discretion, provide travel assistance to other, non-eligible children and young people, such as:
- Those who have an **EHCP**, who are not automatically entitled to free travel assistance under government legislation unless they also meet at least one of the criteria which define an eligible child (such as the distance or financial support criteria). Decisions about whether a child with an **EHCP** can receive travel assistance are made by considering the specific circumstances of each applicant (such as age and relevant educational needs).
 - Where a vehicle operated by the Council has more seats than are needed for children or young people entitled to free home-to-school travel support, places may be made available to others. In such cases the Council will ask for a financial contribution, the value of which will be determined through consideration of the needs of the applicant and the availability of this Council resource. This will usually be a percentage of the total costs of the transport. A child or young person's place may be withdrawn if it becomes needed for an eligible child, in which case any remaining payment will be refunded to the applicant.

In accordance with its statutory duties as set out by the Education Act 1996, the Council must weigh the decision to offer free travel assistance to those who are not and eligible child against their specific needs and the sustainability of providing such travel assistance arrangements. All applications for travel assistance for such children

and young are considered on the facts of their case, taking into account all relevant evidence provided by the applicant. Decisions to award travel assistance to those who are not an eligible child will be at the Council's discretion and will not be subject to review or appeal, but a complaint about the decision or the process followed can be submitted via the Council's complaints procedure.

It is not possible to describe the exceptional circumstances that will cause the Council to grant travel assistance to a child or young person who is not an eligible child.

4.2 SEND Children and Young people

- 4.2.1 Eligibility for travel assistance will differ according to the age and needs of the pupil, but each case will be given careful consideration. In general, parents and carers are expected to take responsibility for the travel arrangements of younger pupils, whilst older pupils are either expected to walk to school or access to free travel on public buses, where available. This responsibility would include parents and carers supervising or arranging for their child to be supervised on the journey, where necessary. The Council would also expect parents and carers to be supportive of arrangements put in place to increase young people's independence through independent travel training where this is appropriate and available.
- 4.2.2 The Council does not have a duty to make travel arrangements when the parents or carers have decided to send a child or young person with an EHCP to a school that is farther away than the school that the Council deems suitable to meet their needs; the child or young person's parents or carers will be responsible for making and funding any travel arrangements.
- 4.2.3 Where parents or carers become responsible or accept responsibility for making transport arrangements for their child because they wish them to attend their preferred placement, a change in their financial or personal circumstances will not usually result in the child or young person becoming entitled to travel assistance from the Council.
- 4.2.4 Travel assistance will be provided on the basis that the child or young person is attending school for the whole of the scheduled school day. Travel Assistance will be provided to travel to school at the beginning of the school day and return home at the end of the school day, or at the pick-up point. Where exceptional arrangements are made which take the child out of the normal or planned school day, e.g. part time attendance or early finishing for any reason, the responsibility for transporting the child or young person will usually rest with the parent.

5.0 ASSESSMENT OF SAFE ROUTE ELIGIBILITY

- 5.1 Statutory walking distance is measured by the shortest route along which a child or young person, accompanied as necessary, may walk safely to and from school. This is not necessarily the shortest distance by road – the route may include footpaths, bridleways, and other paths in addition to recognised roads.
- 5.2 The two mile lower limit for extended rights (e.g. children who qualify for an income-based assessment) shall be measured in the same way as statutory walking distances. However, the six mile upper limit for a choice of schools for children who qualify for income-based assessment, and the fifteen mile upper limit for children whose school is chosen on the grounds of religion or belief, should be measured along routes that are passable using a suitable motorised vehicle.

- 5.3 Assessments of route safety will be carried out in consideration of the following factors (though not exhaustive):
- Traffic; speed, volume, and type of traffic, width of carriageway, driver/pedestrian visibility, traffic calming measures (e.g. speed cameras), number of incidents;
 - Crossing points; number of crossing points, designated crossings, supervised school crossing points, unmarked crossings;
 - Surfaces; stable footpaths, width of footpath, hazardous conditions, overgrowth.
- 5.4 All children and young people who walk to and from school should be accompanied by their parents, carers or another responsible adult, as necessary. It is the responsibility of parents and carers to ensure that their child is accompanied. Parents or carers who have difficulty in arranging for their child to be accompanied, particularly if this is due to their own disability can submit a review application to the Council for consideration (see Section 6). However, parents and carers should be aware that difficulty in arranging such accompaniment is not in itself a conclusive reason for Council funded travel assistance.

6.0 TRAVEL ASSISTANCE TYPES

6.1 Type of Travel Assistance provided

- 6.1.1 The travel assistance provided will be determined by the Council at its discretion and will be selected from a range of options taking account of the particular circumstances of the learner and the Council's statutory duty to achieve value for money in the delivery of services. Travel assistance may take the form of:
- Travel Training;
 - Pick up points as appropriate
 - Escorted walking / 'walking-bus' or cycling;
 - Escorted / non-escorted transport by public bus service (travel pass);
 - Escorted / non-escorted bus or minibus, including the use of group pick up points where appropriate;
 - Escorted / non-escorted taxi, including the use of group pick up points where appropriate;
 - Travel Support Allowance (TSA);
 - Other specific travel or supporting arrangements to suit exceptional circumstances, as determined by the Council,
- 6.1.2 The Council believes that it is important to offer a range of travel assistance options that best address the individual needs of children and young people, whilst utilising existing networks, promoting independence and providing the most cost effective and sustainable mode of travel assistance. In determining the types of travel for those children and young people authorised for travel assistance, consideration will be given to:
- Distance to be travelled
 - Ability for independent travel
 - Journey duration

- Nature of additional support needs
- Need for supervision

- 6.1.3 Where a child or young person's parents or carers do not live together, the address of the parent or carer with whom they reside for the greater part of the school week will be treated as their normal place of residence. Where there is a court order that has awarded equal custody to both parents then the criteria will be applied to both addresses.
- 6.1.4 Where a child or young person is placed with a foster carer, their normal place of residence will be deemed to be the address of the foster carer for the period of the placement.
- 6.1.5 Where there is a request for travel assistance to or from a different address than the child or young person's normal place of residence, the Council will endeavour to support that request, but if additional costs would be incurred, the Council will usually be unable to comply with that request or provide travel assistance.

7.0 TRAVEL ASSISTANCE OPTIONS

7.1 Independent Travel Training

- 7.1.1 Independent travel training (ITT) is available to children and young people aged 12+ who have difficulty travelling on their own for a variety of reasons, including a physical or sensory disability, special educational needs or a learning disability or mental health needs. ITT may be offered to young people, as the preferred form of travel assistance.
- 7.1.2 ITT actively promotes independence and enablement and can have many significant benefits for children and young people, including increased independence, improved confidence and self-worth, better life choices, access to leisure facilities, new opportunities for education and employment, enhanced health, improved social networking and reduced reliance on parents and carers. ITT can often also ease the pressure on parents and carers to provide their own form of travel assistance. The Council recognises the ITT as a key mechanism for achieving sustainable travel assistance as required by the Education Act 1996.
- 7.1.3 As long as the individual is resident in Dudley borough, the ITT service is free of charge, although college students may be required to cover the cost of their own fare if training to travel on public transport.
- 7.1.4 Pupils who may be capable of undertaking travel training will be identified by the school (SENCO / teacher) and flagged with the Travel Assistance Service team for assessment. Parents or carers who would like their child to receive travel training must apply via their school.
- 7.1.5 Travel training will take place over a period of time to suit the specific needs of the young person. Training is tailored to the needs of the young person and forms a bespoke program. Training may take place daily or at less frequent intervals and will continue for as long as is needed to ensure that the young person can be signed off by the trainer as a safe and fully competent independent traveller.
- 7.1.6 Where ITT is offered as a form of travel assistance to a young person and they decline, they must have clear reasons for doing so. Reasons for not undertaking ITT may be challenged by the Council and, if the reasons for refusing to undertake ITT

are not adequate, the Council may withdraw travel assistance or offer a bus pass as an alternative form of travel assistance deemed suitable by the Council.

7.1.7 Once the young person has successfully completed a course of travel training and are able to travel independently, they will cease to be eligible for other forms of travel assistance.

7.2 Taxi or Minibus Travel Assistance

7.2.1 School travel assistance for eligible children will be provided from and to the local area of the child or young person's normal place of residence to the nearest suitable school, at times that coincide with the beginning and end of a **normal school day**. Travel Assistance will not usually be provided for extra-curricular activities arranged by a child or young person's school, other commitments outside of school hours or for travel between institutions during the school day.

7.2.2 The Council will determine whether door-to-door provision or an alternative, such as the designation of a dedicated group pick-up point or use of a public bus stop, is required based upon information from the child or young person, their parents / carers, schools, medical and other relevant professionals. A child, young person or adult will normally be expected to walk a reasonable distance to and from home to meet their transport, but this distance will not normally exceed:

- 0.5 miles for a child up to 8 years old
- 1 mile for child or young person over 8 years old

7.2.3 Target journey times will normally be based on DfE guidelines and will be as follows, but the Council may deviate from or exceed these target times in exceptional circumstances:

- Primary school age children; travel time no longer than 45 minutes;
- Secondary school age children; travel time no longer than 75 minutes;

7.2.4 The need for a Passenger Assistant (PA) will be determined by the Council based on information from the child or young person, their parents or carers, schools, medical and other relevant professionals.

7.2.5 Normally, where a child is less than 8 years of age they would not be expected to travel alone and a parent, carer, care worker or PA with whom they are familiar should escort them on non-routine journeys.

7.2.6 Medication can be administered by a PA only where there is an appropriate medical protocol in place and the PA has been properly trained.

7.2.7 Parents and carers are responsible for their charge's safety in getting to and from the designated pick-up / set-down point. They are responsible for their charge whilst waiting to hand them over to the travel assistance provider and when they collect them from the provider.

7.2.8 Travel Assistance will normally only be provided for children or young people, but in exceptional cases the Council may consider travel assistance for support staff (parents, teaching assistants, care workers) or parents / carers where it is considered for the needs of a child or young person receiving travel assistance. Deciding whether it is necessary to provide travel assistance for additional persons will be at the discretion of the Council and will be determined on the basis of information from the

child or young person, their parents or carers, schools, care providers, medical and other relevant professionals.

7.2.9 Where escorted or non-escorted minibus or taxi is the allocated mode of travel assistance, the Council may alter and amend the routes, vehicles, providers and travel times in order to meet its obligations to deliver value for money in the use of public funds.

7.3 Travel Support Allowance

7.3.1 Parents or carers may request or be offered a Travel Support Allowance (TSA) as an alternative to other forms of travel assistance. A TSA is a sum of money provided to parents or carers of children who are entitled for travel assistance under this Policy. The allowance is paid to enable a parent or carer to arrange home to school travel arrangements in a way that suits their own circumstances.

7.3.2 Applications for a TSA can be made to the Council Travel Assistance Service and will be determined on the basis of information from the child or young person, parents or carers, schools, care providers, medical and other relevant professionals, about whether a TSA is the most appropriate and cost effective travel assistance available. The decision to provide a TSA or another form of travel assistance is at the discretion of the Council.

7.3.3 Where the Council, determines that a Travel Support Allowance is the most appropriate and cost effective form of travel assistance, the amount payable will be determined

- using the shortest driving distance measured by an approved route planner
- assuming two journeys per day (i.e. home to school, school to home)
- using the number of days the child is required to attend each term.
- using the HMRC approved rates for mileage - 45p for the first 10,000 miles per annum and 25p per mile for the subsequent miles per annum.

7.3.4 The rate at which the TSA is calculated can be modified in exceptional circumstances and at the Council's discretion.

7.3.5 The allowance must then be used by the parent or carer to make independent travel arrangements for a child or young person using either their own vehicle or other available transport provision.

7.3.6 Payment of TSA's will be made via bank transfer into the account of the parent or carer organising the transport.

7.3.7 Payment of TSA's will be dependent on the regular attendance of the individual at their designated place of education or care. TSA's may be amended or withdrawn completely at the discretion of the Council, if attendance levels fall below 90% of that which would normally be expected and the amount payable may be retrospectively adjusted for any days of non-attendance.

7.3.8 Attendance levels will be based on the school attendance register at the start of the both sessions of each school day setting out whether the pupil is:

- Present;
- Attending an approved educational activity;

- Absent;
- Unable to attend due to exceptional circumstances.

7.3.9 TSA's may be withdrawn, at the Council's discretion, if the Council determines that there is an alternative form of travel assistance that offers improved value for money and provides an acceptable level of service quality. Notice of 28 calendar days will normally be provided for such a withdrawal.

7.3.10 If the Council finds that an overpayment of public funds has been made for example; due to school closure, calculation error, a fraudulent application, or a failure to notify the Council of a change of circumstances, the Council will take action to recover the money. This may include legal action including possible escalation to debt recovery for any monies owed.

7.4 Travel Passes

7.4.1 Where escorted or non-escorted public bus service travel is allocated, the child or young person may be allocated the appropriate level of funding for their journey for a travel pass for use on public transport.

7.4.2 Parents or carers will be provided with a numeric code and a link to the West Midlands Travel website. The code can be redeemed on the website for a scholar's travel pass.

7.4.3 Once the code is issued by the Travel Assistance Service, it is the responsibility of the young person and their parents or carers to obtain the appropriate travel pass using the link provided.

7.4.4 Where there is a change of home address or school before the end date of a travel pass the Travel Assistance Service should be notified immediately to ensure that the child or young person's entitlement to a bus pass is reviewed.

7.4.5 Children and young people will normally not be expected to make more than one change on public transport where that is the designated form of travel assistance.

8.0 OTHER TRAVEL OPTIONS

8.1 Temporary Medical and / or Mobility Needs

8.1.1 Children and young people in education, who have temporary mobility problems caused by medical conditions that prevent them from traveling independently, may be entitled for travel assistance. An application for temporary travel assistance can be made in as outlined in Section 10 of the Council Travel Assistance Application Form and will involve an assessment to determine the most appropriate method of travel, if travel assistance is awarded.

8.1.2 Supporting medical evidence from a relevant consultant about the nature of the temporary medical condition, along an estimate of how long that condition will continue will be required and must accompany each application. The evidence submitted should include information about the effect that the medical condition has on the child or young person's ability to use public transport, as well as move and travel in general and why the parent or carer is unable to transport the learner to and from school.

- 8.1.3 Any travel assistance provided in accordance with this section of the policy will be time limited and its continuation will be reviewed, as it will be withdrawn once the temporary medical and / or mobility needs have improved or the Council deems that it is no longer necessary.

8.2 Educational Residential Placements

- 8.2.1 Parents and carers are again responsible for making travel arrangements for those children and young people attending educational residential placements, but depending on the circumstances of the learner, they may be entitled to support through the provision of mileage allowance (TSA). The number of journeys that will be funded will normally depend on contents of the family's contract with the school and the circumstances of the placement, e.g. termly.
- 8.2.2 Where the parent or carer wishes the pupil to return home more frequently, they will be responsible for making and funding the transport arrangements.
- 8.2.3 The Council does not have a duty to make travel arrangements when the parents have decided to send their child or young person to a school or college that is farther away than a suitable school or college that meet the needs of the child or young person.

8.3 Specialist Equipment

- 8.3.1 The Council will only provide specialist equipment e.g. non-standard child seat, as part of the agreed travel assistance where the evidence demonstrates that it is necessary. Any requests for the provision of specialist equipment must be accompanied by relevant supporting evidence.
- 8.3.2 All specialist equipment provided will remain the property of the Council unless otherwise agreed, in writing, and must therefore be returned to the Council in good condition, once travel assistance ceases.

9.0 CIRCUMSTANCES WHERE TRAVEL SUPPORT WILL NOT BE PROVIDED

Travel support will usually not be provided by the Council for:

- Circumstances that do not relate to the learner, such as the needs of siblings, parent or carer work commitments, etc.
- Travelling to extra-curricular activities or between institutions within the school day, as the organising school or institution is responsible for making travel support arrangements for journeys of this nature;
- Dental or hospital appointments or other non-educational appointments;
- Unplanned journeys that are required because the learner became ill at home or school;
- Parents or carers attending review meetings in day placements or visiting their child or young person in a residential setting;
- Attending an induction day or open evening at another establishment;
- Journeys to enable the learner to accompany a friend home;
- Travel where the conduct of the learner is likely to place contractors, staff or other occupants of a vehicle a significant risk of harm.

10.0 APPLICATIONS AND DECISIONS

10.1 General Principle

10.1.1 Applications for travel assistance should be submitted via the appropriate application form and by following the procedures outlined in this policy. In general, when determining the travel support that may be offered, the following hierarchy will apply, in the order it appears below:

- Walk;
- Cycle;
- Independent Travel Training (ITT);
- Public transport (Bus Pass);
- Supported transport (Contracted Transport or Allowance)

10.1.2 It will usually take a minimum of five working days for the assessment and processing of applications for travel assistance.

10.2 Applications – Travel Assistance

10.2.1 Application for Travel Assistance should always be made by the parent, carer or another suitable adult with parental responsibility for the child or young person.

10.2.2 Applications for bus pass assistance should be made a parent or carer via the Travel Assistance Service team using the Council Travel Support Dudley MBC Bus Pass Application (see Appendix 4).

10.2.3 Applications should be, where possible, supported with appropriate evidence as set out in Appendix 3.

10.2.4 Parents and carers must inform the Council of any change to their circumstances or those of their child or young person, if they may affect entitlement to school travel support (including changes of address during the school year) so that the provision of travel support can be reviewed in the light of new circumstances. Changes can include, but will not be limited to, the learner:

- Changing school or college;
- Changing home address;
- Completing a successful course of travel training;
- Progressing educationally or physically in a way that enables them to travel independently.

Failure to inform the Council may result in travel support being revoked and legal action being taken.

11.0 REVIEWS & APPEALS

11.1 Stage 1 Reviews

11.1.1 If the young person and / or parents / carers disagree with the Council assessment of the travel assistance that it deems is necessary, including a decision that the child or young person does not qualify for or need any travel support, they may request a

Stage 1 Review of the decision in writing, explaining why they feel that the individual's circumstances are exceptional or that the assessment carried out is wrong.

- 11.1.2 Where a Review request has been submitted, until such time as the Review has been considered and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Review process. If the Review is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.
- 11.1.3 Written requests for a Review should provide as much supporting detail as possible. In addition to a written statement, young people and or their parents / carers are encouraged to include any other supporting information they consider relevant, as set out in Appendix 3
- 11.1.4 Each case will be given careful consideration by an independent senior officer of the Council (that is, the reviewing officer will not be an officer involved in the original decision).

11.2 Stage 2 Appeals

- 11.2.1 If a Review has been completed and has determined that there is no eligibility for travel assistance, but the young person and or their parent / carer still believes their child or young person circumstances justify special consideration, they may appeal against the decision in writing, or on the appeal form supplied, explaining why they feel that the circumstances are exceptional or that the review decision is wrong, providing all relevant supporting information as outlined in **Appendix 3**
- 11.2.2 Where an appeal has been lodged, until such time as the appeal process has been completed and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Appeal process. If the Appeal is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.
- 11.2.3 Appeals are considered by the Council's Transport Appeals Panel (TAP) which is an independent panel of Council officers: -
- Who were not involved in the original decision; and
 - Who are not part of the Council's Children's Services Directorate.
- The Transport Appeals Panel will hear and determine all formal appeals in relation to travel assistance for home to and from school / college / sixth form college.
- The Transport Appeals Panel must comply with the law, which entitles it to overrule decisions of the Travel Assistance Service .
- 11.2.4 The Transport Appeals Panel decision is final and binding upon the Council, as well as the young person, their parent / carer. However, if the young person, their parent / carer believes and has evidence that the Transport Appeals Panel did not follow the correct procedures or that its decision was unlawful then a complaint can be made to the following:

- The Council, via the comments, compliments, and complaints procedure. This can be found at www.dudley.gov.uk/council-community/compliments-comments-complaints/

- The Local Government and Social Care Ombudsman can investigate whether the Council has failed to comply with any procedural rules when handling your appeal. They cannot look at the merits of the decision.
- The Courts, by way of judicial review. The complainant may choose to contact a solicitor, who can advise on how to pursue a complaint through the courts.

12.0 CONDUCT AND WITHDRAWAL OF TRAVEL ASSISTANCE

12.1 Conduct for travel assistance

12.1.1 All travel assistance arrangements are regularly monitored and entitlement to free travel assistance may be forfeited if it can be demonstrated that it was more likely than not the support obtained as a result of misrepresentation or malpractice by the young person, their parents or their carers. In addition, where appropriate, the Council will endeavour to recover from the recipient any public funds paid or spent as a consequence of that misrepresentation or malpractice.

12.1.2 In the case of misconduct issues occurring during travel on minibus or taxi transport each incident will be reviewed in the light of the particular needs and behavioural characteristics of those involved with a view to identifying steps that can be taken to mitigate or manage the conduct. However, in extreme cases, where reasonable steps have been taken to address the inappropriate conduct and have not been successful or no reasonable steps can be identified, the Council reserves the right, at its discretion, to suspend or withdraw travel assistance provision. Drivers and PAs on transport are not expected to train in the use of restraint on transport, but in exceptional circumstances they are entitled to use **reasonable force** to restrain someone in order to ensure the safety of the children being transported and to protect themselves.

12.1.3 The Council may temporarily withdraw travel assistance from pupils travelling on public transport, who are found guilty of either serious or repeated misbehaviour (e.g. verbally abusing bus drivers, vandalising public transport). The decision to withdraw travel support will be made by the Council in consultation with the young person, their parents or carers, teachers and public transport officials. It is up to Head Teachers to decide whether poor conduct on public transport is adequate grounds for excluding the pupil from their school – the Council can only advise on this matter using the evidence supplied by public transport officials, teachers, or other members of the public.

12.1.4 In the event that the Council withdraws travel assistance in any of the above circumstances, it remains the responsibility of the parent / carer to ensure that the pupil continues to attend their place of education during the period that travel assistance has been withdrawn.

12.2 Withdrawal of Travel Support

12.2.1 Travel support may also be withdrawn by the Council in certain circumstances, including but not limited to:

- Changed circumstances resulting in the learner / young person / adult no longer being entitled to travel support;
- Refusal to accept the travel support offered without good reasons, including ITT;

- The travel support being obtained as a consequence of misrepresentation or malpractice by the young person, their parents or their carers;
 - Serious or repeated misbehaviour on the part of the individual receiving travel support;
 - Refusal of the travel support offered or provided, including by regularly failing to use the travel support;
 - Fixed or permanent exclusion of a learner from their place of education.
- 12.2.2 Where the Council decides to withdraw travel assistance, for whatever reason, the young person, parents and carers will normally be given 28 days' notice of the withdrawal to allow them to put in place alternative arrangements.
- 12.2.3 Where the Council decides to withdraw travel assistance for reasons of conduct, the withdrawal may be immediate in order to ensure the safety of fellow passengers, drivers and / or passenger assistants.
- 12.2.4 In the case of a child being temporarily excluded from their place of education, travel assistance will be withdrawn for the period of exclusion and, unless the exclusion becomes permanent, will not usually be provided with travel support to an alternative place of education during this period.
- 12.2.5 In the event of the temporary closure of a school or education provision, travel assistance will be withdrawn for the period of the closure and will not be provided to any alternative venue during this period.

13.0 ADVERSE WEATHER AND TRAVEL ASSISTANCE

- 13.1 During the winter months severe weather conditions may affect the ability to provide the usual travel assistance service.
- 13.2 Extreme weather could include heavy snow fall or severe ice that is sufficiently bad to make driving hazardous. In this situation the decision may be made to cancel transport for young people attending school or college placements.
- 13.3 In the event of any cancellations to transport due to severe weather conditions parents / carers where possible will be contacted to advice of possible disruption to council provided transport.
- 13.4 All reasonable steps will be taken to keep schools, colleges open but the safety of individuals using transport services is of paramount importance at all times.
- Young People attending school: The decision to close a school is made by the Head Teacher of the school who will then take responsibility to ensure that parents/carers are made aware.
 - Young People attending college: The decision to close a college is made by the management team of the college who will then take responsibility to ensure that parents/carer's are made aware.
- 13.5 The Council has a robust process for communicating regular weather updates that detail weather conditions, road conditions and road gritting programme. This information also shows which schools are affected by the decision making and can be viewed on the Council website. <http://www.dudley.gov.uk/media-centre/communications/weather-watch/> Local radio stations will also give updates of school closures.

14.0 COMPLAINTS

Individuals, parents, or carers who wish to make a complaint should follow the Council's standard complaints procedure, which is available via the following link <http://www.dudley.gov.uk/community/directorates/contact-us/compliments-comments-complaints>.

APPENDIX 1 - DEFINITIONS

Item:	Definition:
EHCP	Education Health and Care Plan
Local Authority Area	The geographical area for which the Council is responsible for providing care and support services, as defined by the Dudley borough boundary.
Nearest suitable school	The nearest school which can adequately meet a child's specific educational or religious needs. The school must be rated above "Inadequate" by Ofsted.
Normal School Day	School days generally start at around 8.30 and finish at around 3.30. However, start and end times can differ between schools. Therefore, any home-to-school travel support arrangements should coincide with start and end times of the individual school a child is attending.
SEN	Special Educational Needs
Specialist Vehicle	A vehicle which is adequately equipped to allow a disabled person with specific mobility needs to travel (e.g. a wheelchair-adapted car).
Unreasonable Expectations	Where a travel support arrangement would place expectations on a parent or carer that could negatively impact on their physical or mental health, ability to maintain relationships, take advantage of work or recreational opportunities, or their ability to care for the person in question.
Reasonable force.	Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

APPENDIX 2 – LEGAL CONTEXT & GUIDANCE

A2.1 Legislation

- Chronically Sick and Disabled Persons Act 1970
- Children Act 1989
- Education Act 1996/2011
- Transport Act 2000
- Carer’s (Equal Opportunities) Act 2004
- Children and Families Act 2014
- National Eligibility Criteria 2015

A2.2 Guidance

- ‘Home to School Travel for Pupils Requiring Special Arrangements’ by the Department for Education and Skills.
- ‘Home to School Travel and Transport Guidance’ by the Department of Education
- ‘Special Educational Needs and Disability Code of Practice: 0 to 25’ by the Department of Education and Department of Health
- ‘Post-16 Transport to Education and Training’ statutory guidance document

APPENDIX 3 – SUPPORTING EVIDENCE AND INFORMATION

Where possible applications for Travel Assistance should be accompanied by supporting evidence.

When a request is made for a Stage 1 Review or Stage 2 Appeal in respect of the Council's decisions in regard to travel assistance, supporting evidence and information should be submitted with the request. The evidence should show why the individual's or learner's circumstances are exceptional or that the assessment carried out is wrong.

This evidence can include, but is not limited to, any of the following:

- General family circumstances and / or needs;
- The way in which the learner presently travels;
- Whether a responsible adult accompanies the learner on their journey;
- Whether there are any major practical difficulties in arranging for the learner to be accompanied.
- Supporting evidence from a professional person (Relevant Professional Reports) such as a lead professional in a relevant field (medical consultant, occupational health, educational psychology, Children's and Adolescent's Mental health Service (CAMHS) etc.).
- The EHCP and Annual Review reports.
- Information about the nature and reasonableness of the route i.e. journey times,
- Changes, safety, nature of the pavements and roads, congestion, other passengers etc.
- Information from a social care initial or core assessment / Early Help assessment if appropriate.
- Information submitted during the application.
- Where travel training has taken place or is in progress, an existing Travel Training Plan (or assessment being undertaken).
- Evidence from a Consultant if parent/carer indicates that they are medically unfit to get their client or learner to school or day care.
- Other exceptional circumstances which prevent a parent / carer from taking their learner.

Where evidence provided by the young person, their parent or their carer conflicts with the advice of other professionals, further clarification or evidence may be sought.

The Council will determine the weight to be given to the evidence received.

APPENDIX 4 – TRAVEL ASSISTANCE APPLICATION FORMS

Applications for travel assistance will only be accepted if they follow the correct procedure and use the correct application form.

All Travel Assistance Application documentation can be accessed using the following link:

<https://www.dudley.gov.uk/residents/learning-and-school/education-grants/childrens-young-person-transport/>

APPENDIX 6 – USEFUL LINKS

Dudley MBC Home-to-School Transport

Website: <https://www.dudley.gov.uk/residents/learning-and-school/education-grants/childrens-young-person-transport/>

Dudley Connexions Information Advice and Guidance Service

Website: www.connexionsdudley.org

Dudley MBC Social Care Assessments

Website: www.dudley.gov.uk/resident/care-health/dudley-social-services/request-an-assessment/social-care-assessment/

Dudley MBC Carer's Assessments

Website: www.dudley.gov.uk/resident/care-health/dudley-social-services/do-you-look-after-someone/services-for-carers-from-dudley-council/carers-assessments/

Dudley MBC Safeguarding Policy

Website: <http://safeguarding.dudley.gov.uk/>

Dudley MBC Sustainable Travel

Website: <http://www.dudley.gov.uk/resident/bins-recycling/sustainable-development/actions-for-sustainability/transport-and-access/>

Network West Midlands

Website: www.networkwestmidlands.com

Travel West Midlands

Website: www.travelwm.co.uk

Children's Travel and Transport Service

Telephone: 01384 816972/ 4301/1583

Website: www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/

Independent Travel Training

Website: www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/independent-travel-training/

16 to 19 Bursary Scheme

Website: www.gov.uk/guidance/16-to-19-bursary-fund-guide-for-2016-to-2017

Department for Education

Telephone: 0800 121 8989

Website: www.gov.uk/government/organisations/department-for-education

Motability Scheme

Website: www.motability.co.uk

Local government and Social Care Ombudsman

Website: <https://www.lgo.org.uk/>

Dudley Council Post-16 Transport Statement 2022 (For Consultation)



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Introduction

Dudley Metropolitan Borough Council (the Council) have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the local authority considers it necessary to make to facilitate the attendance of persons of sixth form age receiving education or training.

‘Sixth form age’ refers to those young people who are over 16 years of age but under 19 or continuing learners who started their programme of learning before their 19th birthday (years 12,13,14).

The Council also have a number duties regarding the provision of educational support and assistance to children and young people with special educational needs, learning difficulties and disabilities up to the age of 25, if they have an Education Health Care Plan (EHCP). The Council may provide assistance, as it considers necessary, to ensure that those with the most severe and complex needs and no other means of transportation are able to undertake further education after their 19th birthday to help them move towards more independent living.

This Post 16 Statement specifies the support that the Council considers necessary to facilitate the attendance of Post 16 learners receiving education or training.

Education or training refers to:

- learning or training at a school
- further education institution
- a Council maintained or assisted institution providing further education
- an establishment funded directly by the Education Skills Funding Agency
- learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the Council, for example, colleges, charities and private learning providers

Aims and objectives

The Council is committed to encourage, enable and assist, where possible, the participation of young people in education and training. The Council wants all young people to have the same access to opportunities in life.

Transport and Travel Assistance

Dudley MBC provides annual subsidies to West Midlands Combined Authority in order to ensure that concessionary fares are available for those aged 16-18 who



need access to education. Concessionary fares and travel passes are the primary means of travel assistance available students aged 16-18 who do not have an EHCP.

Dudley has a comprehensive public transport network including buses and trains. West Midlands Combined Authority (WMCA) connects all public transport in the West Midlands metropolitan area. This includes Birmingham, Dudley, Coventry, Sandwell, Solihull, Walsall and Wolverhampton. It clearly identifies the complete network of bus, train and metro services

Further information can be found at: www.networkwestmidlands.com

A journey planner is available online at :
<https://journeyplanner.networkwestmidlands.com/>

Further information regarding travel and transport options is available on our Council website <https://www.dudley.gov.uk/residents/parking-and-roads/travel-and-transport/>

Concessionary fares, passes or travel cards available for young people 16-25.

- Young persons aged 16-18 can obtain a FREE ' 16 - 18 Photocard' (Valid for up to two years or until 31st July of the academic year they turn 18). The 16-18 photocard entitles the young person to pay child fares (approximately half adult cash fares) on buses, trains and trams within the West Midlands area and also allows the young person to purchase child rate week. This concession is funded by WMCA.

For more Information contact WMCA team on 0345 075 6006 or see website for further details at:

www.networkwestmidlands.com/tickets-and-passes/child/16-18-photocard/

- Student nBus tickets are valid for unlimited travel on all operators buses across the West Midlands including Birmingham, Black Country and Coventry.
- Student nNetwork tickets are valid on any National Express West Midlands services, all participating nBus operators and train travel within the specified Network West Midlands Rail zones.

To buy a Student bus pass you will need two passport photos (electronic if applying online) and proof of being in full time education. Student bus passes are available at Dudley Bus Station or at travelcard agents:

- One Stop Stores, 73 Highate Road, Dudley DY2 0SN



- Classic News, 3 Belmark House, Market Street, Stourbridge DY8 1AB.
- Swift is the smart way to travel on Public Transport in the West Midlands. It provides cashless travel across the WMCA area. You select how, when or where you pay for your travel so whether you want to load your card with PayAs-You-Go credit or a season ticket you just keep topping up the same card, visit SwiftCard.org.uk for more information.
- Student mTicket

National Express West Midlands have launched a new mTicket app on iOS and Android, which allows you to purchase bus tickets on your mobile phone. For more information please go to the following link: <https://nxbus.co.uk/west-midlands/mticket> or search NXBus mTicket on App Store or Google Play for the app

Some of the great benefits include:

- Never wait in line for tickets
 - No more fumbling around for change
 - Purchase a ticket in seconds
 - Buy anywhere and at any time
 - Never lose your ticket again
- Sandwell & Dudley Ticket Zone

NX Travel have introduced a new Sandwell & Dudley ticket zone with cheaper fares so you can stay local and pay. They have discounted the price of the day ticket, weekly and 4 week ticket. If you download the mTicket app and purchase your Sandwell & Dudley ticket the prices are slightly cheaper.

See website for more details:

<https://nxbus.co.uk/west-midlands/tickets-prices/sandwell-dudley-low-fare-zone>

For full details on the types of passes that can be purchased and Direct Debit schemes/discounts that are offered, please go to the Network West Midlands Web site: www.networkwestmidlands.com and the National Express West Midlands web site: www.nxbus.co.uk

- WMCA disabled person's free travel pass



The WMCA organises travel concessions for blind and disabled students (including those aged 16-19), who are resident in Sandwell and the other West Midlands Metropolitan Boroughs. A free concessionary pass is available for use within the West Midlands area, on bus, rail and Midland Metro services valid at the following times:

Monday to Fridays - 09.30 am to end of daytime services
Weekends and Bank Holidays - Anytime.

If you need to travel frequently before 9:30am, you can buy a pre 9:30am add-on ticket. To find out more, click here www.wmnetwork.co.uk/tickets-and-swift/discounts-and-free-travel-asses/disabled-persons-pass/

- West Midlands Railway

Run a network of local trains, for further information on student season tickets please go to: www.westmidlandsrailway.co.uk/student-season-tickets

16 to 19 Bursary Fund

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation, so they can remain in education. There are 2 types of 16 to 19 bursaries:

1. A Vulnerable Bursary

A vulnerable bursary of up to £1200 a year for young people in one of the defined vulnerable groups below:

- in care
- care leavers
- in receipt of Income Support or Universal Credit in place of Income Support, in their own right
- in receipt of Employment Support Allowance or Universal Credit and Disability Living Allowance or Personal Independence Payments in their own right
- discretionary bursaries which institutions award to meet individual needs, for example help with the cost of transport, meals, books and equipment.

2. Discretionary Bursaries

A discretionary bursary is available that institutions award to meet individual needs. For example, help with the cost of transport, meals, books and equipment. To be eligible for the discretionary bursary young people must:



- be aged 16 or over but under 19 at the 31 August 2019
- be aged 19 or over at 31 August 2019 and have an Education, Health and Care Plan (EHCP)
- be aged 19 or over at 31 August 2019 and continuing on a study programme they began aged 16 to 18 (19+ continuers); or
- be studying a programme that is subject to inspection by a public body which assures quality (such as Ofsted), the provision must also be funded by either a Government funding agency or the Council.

Schools and colleges are responsible for managing both types of bursary. Young people who want to apply for support from the bursary fund should contact their chosen school or college to make an application. Further information can be found at www.gov.uk/1619-bursary-fund

Care to Learn

Care to learn can help with childcare costs (childcare provider must be Ofsted registered) while you are studying if you are under 20 at the start of your course. It's only available for publicly funded courses in England. This can include courses in:

- schools
- school sixth forms
- sixth form colleges
- other colleges and learning providers, including Foundation Learning
- your community at Children's Centres

You can get up to £160 per child; Care to Learn can help with the cost of:

- childcare, including deposit and registration fees
- a childcare taster session for up to 5 days
- keeping your childcare place over the summer holidays
- taking your child to your childcare provider

You cannot claim this support if you are an apprentice who gets a salary or are doing a higher education course at university. Further details on this scheme can be obtained on 0800 121 8989 or visit www.gov.uk/care-to-learn/how-to-claim

Dance and Drama Awards

You could get a Dance and Drama Award (DaDA) to help with fees and living costs at 17 private dance and drama schools. DaDA are scholarships that offer greatly reduced tuition fees and income-assessed support with living and learning costs at



some of the leading independent dance and drama schools in England. The awards give learners the chance to compete for a high-quality training place.

They are offered to learners by the school on the basis of talent demonstrated at audition and not financial circumstances and provide high quality training for people who want to directly enter the profession. Further details can be obtained on 0800 121 8989 or visit www.gov.uk/dance-drama-awards

Discretionary Learner Support

If you are aged 19 or over, on a further education course and facing financial hardship, you could get Learner Support. You apply to your learning provider (for example your college) for Learner Support. How much you get depends on your circumstances.

The money can help pay for things like:

- accommodation and travel
- course materials and equipment
- childcare - if you qualify

Further details can be obtained on 0800 121 8989 or visit www.gov.uk/discretionary-learner-support

Residential Bursary Fund

You may be able to get a bursary towards the cost of accommodation from some specialist residential colleges. Most of these colleges are “Specialist Residential Centres” for subjects like agriculture, art and design or horticulture. Each specialist college has its own eligibility criteria, which often include parental income. Contact the college directly to apply. For more information: www.gov.uk/residential-support-scheme/residential-bursary-fund

Traineeships and Apprenticeships

The learning provider is responsible for ensuring that a young person undertaking a Traineeship have reasonable expenses met in full where they are needed to overcome barriers to learning. They may include the costs of travelling to or from the place of learning or work placement. Please contact your learning provider for more information.

Apprentices do not have travel costs paid as they earn a wage, however, Workwise travel support offers apprentices 50% off the full-cost price of most selected Network West Midlands and National Express buses travel passes for up to 3 months when



they start a new job; go to www.wmnetwork.co.uk/tickets-and-swift/discounts-and-free-travel-passes/workwise/workwise-travel-support

Connexions

Connexions work in mainstream schools, special schools, colleges, training providers and various locations across the borough. Connexions Advisers support young people aged 13 – 19 (up to aged 25 for those with learning difficulties and/or disabilities) to find and access learning and training opportunities

For more about Connexions visit www.conexionsdudley.org

Telephone: 01384 811400

Connexions Opening hours: Monday to Friday, 9.00am - 4.30pm

NEET (Not in Education, Employment or Training)

NEET young people may be offered support to find out about local opportunities for training, apprenticeship or employment. There may be assistance available to prepare for interview as well as support with travel or purchasing equipment.

For further information please contact Black Country Impact on 01384 813567 or Connexions on 01384 811400

Travel Support from Schools and Colleges

The information contained below details how some schools and colleges and providers offer extra transport help. If your school or college is not listed below please contact them directly for information.

<p>Dudley College The Broadway Dudley DY1 4AS</p>	<p>All learners will normally be supported with travel in the form of a West Midlands public transport bus pass, usually via a mobile phone app. These passes allow students access to a variety of local and/or regional providers who manage bus routes around the West Midlands to Dudley and Brierley Hill.</p> <p>As a Dudley College of Technology learner you will receive information from us during the summer before you start in September, which will detail the</p>	<p>01384 363000</p> <p>www.dudleycol.ac.uk</p>
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	latest information regarding apps and passes that you will need to enrol with us.	
Halesowen College Whittingham Road Halesowen B63 3NA	Halesowen College operates a College Bus Service from a wide range of areas. The service is free to students. The service operates at the beginning and end of each College day and at lunchtime.	0121 602 7777 www.halesowen.ac.uk
Sandwell College Central Campus 1 Spon Lane West Bromwich B70 6AW	All new students for the 20/21 academic year will be given either a Term Plus Travel Card (can be used also for evening and weekend travel) or a Metro card. Local bus/tram services are easily accessible within the area.	0121 667 5000 www.sandwell.ac.uk
Juniper Training Waterfront Brierley Hill DY5 1XG	A means tested discretionary bursary fund is available of up to £40 per week (subject to conditions) which can be used for transport costs and for lunch. Local bus services are in operation within this area.	01384 573783 07956656080 www.junipertraining.co.uk
NACRO Apollo House Oldbury B69 2DF	A means tested discretionary bursary fund is available, support is given on a weekly basis, this will be paid direct in to a bank account. All new starters will receive one week's free travel which will not be deducted from their bursary payment. Local bus and train services are in operation within this area.	0121 552 9589 www.nacro.org.uk
Nova Training Head Office Willenhall West Midlands	A means tested discretionary bursary fund is available; support is given as reimbursements of travel costs where travel tickets are provided. Local bus services are in operation within this area.	01902 366278 http://www.novatrainng.co.uk/looking-for-training.php
Skills Training 5 th Floor Trident House Trident Centre	A means tested discretionary bursary fund is available; support is given as reimbursements of travel costs where travel tickets are provided. Local bus	01384 259501 www.skillstraininguk.com

Wolverhampton Street Dudley, DY1 1DP	services are in operation within this area.	
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Special Educational Needs (SEN) Schools

Queen Alexandra College Court Oak Road Harborne Birmingham B17 9TG	Help with travel assistance is accessible from the 16-19 Bursary fund where a bus pass will be provided to all qualifying students or alternatively if assisted travel is required then an application should be made to the Travel Support Team at Dudley Council provided for qualifying students. Local bus services are in operation within this area.	0121 428 5050 www.qac.ac.uk/college.htm
Glasshouse College Wollaston Road Amblecote Stourbridge DY8 4HF	Help with travel assistance is accessible from the 16-19 Bursary fund where a bus pass will be provided to all qualifying students or alternatively if assisted travel is required then an application should be made to the Travel Support Team at Dudley Council provided for qualifying students. Local bus services are in operation within this area.	01384 399400/399434 www.rmt.org/glasshouse
Pens Meadow Post 14 Pensnett Campus Tiled House Lane Dudley DY5 4LN	Help with travel assistance is accessible from the 16-19 Bursary fund. If assisted travel is required then an application should be made to the Travel Support Team at Dudley Council provided for qualifying students. Local bus services are in operation within this area.	01384 818945 www.pens-meadow.dudley.sch.uk/
The Meadows Sports College Dudley Road East Oldbury B69 3B	Help with travel assistance is accessible from the 16-19 Bursary fund. If assisted travel is required then an application should be made to the Travel Support Team at Dudley Council provided for qualifying students. Local bus services are in operation within this area.	0121 569 7080 www.themeadows.sandwell.sch.uk

Local Authority Support

Learners Aged 16 - 18 without an EHCP

Students aged 16-18 without an EHCP are not automatically entitled to free travel support services from the Council under the law.

Students aged 16-18 without an EHCP are not automatically entitled to free travel assistance services from the Council under the law and the responsibility for providing or securing appropriate transport arrangements rests with the student and/or their parents/carers. Full information of transport options that are available are documented in this statement.

Learners Aged 16 - 18 with an EHCP

Students aged 16- 18 who have an EHCP are not automatically entitled to free travel support from the Council under the law and it is expected that the majority of students will be able to access their course using the public transport infrastructure described earlier in this policy or will be transported by a family member or carer. All students with an EHCP are also entitled to the same concessionary fares as those who do not have an ECHP.

Students with severe mobility or learning difficulties who are unable to access their education provision without travel assistance may make an application to the Travel Assistance service. Applications for travel assistance for 16-18 learners with an EHCP are considered on the facts of their case, having taken into account the following factors:

- they are a full time student (16 hours for more timetabled sessions per week) the course can be at entry level or at level 1, 2, or 3. Travel assistance is not given to higher education courses (level 4 and above, such as Foundation Degrees or Higher National Diplomas).
- their learning difficulty or disability prevents them from walking to school or college or from using public transport
- they are travelling further than the statutory walking distance of 3 miles by the shortest available route or, due to the young person's special educational needs, disability and/or mobility problems, they cannot reasonably be expected to walk to the place of education, accompanied as necessary



and

- it can be demonstrated that there is no family member or carer who can meet their travel needs.

If the student is in receipt of higher rate mobility component of the Personal Independence Payment or Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting around outside, the Council would normally expect this benefit to be fully utilised and if there are any factors limiting its' use you should provide details of them.

If there is a 'Motability' vehicle which the student may or may not be driver. If a decision has been made to not use the 'Motability' vehicle to support the student to reach their education placement, the Council would normally expect the carer/student to make their own appropriate alternative arrangements or provide details as to why that is not possible/reasonable.

Students are entitled to exercise reasonable choice of their course and institution, for example, the Council would accept that a student may be eligible if they chose to attend a college, rather than a nearer school sixth form. However, where the Council is satisfied that:

- the course on which a student has chosen to enrol is substantially the same as, or very similar to, a course that is offered by a different institution which is nearer to the student's home;
- the nearer institution is, in the Council's opinion, suitable for the student (i.e. it is suitable for their age, ability, aptitude and any special educational needs they may have); and
- discretionary transport assistance would not have been provided if the student had chosen to attend the nearer institution (for example, because the nearer institution can be easily accessed by public transport and/or on foot),

travel assistance will not be provided to the more distant institution chosen by the student.

Applications must be renewed annually on the basis that a student's needs may change as they get older. Continued provision of travel support will be focused on preparing students for adulthood and will consider building a capability to access employment, live independently and participate in society.

Where travel assistance is provided for students with an EHCP, they will be required to make a contribution of £500 per academic year (£300 for low income families who are in receipt of specific benefits) whether they are attending mainstream, special or specialist post-16 education provisions, independent schools or further education colleges or other suitable training establishments.

The Type of Travel Assistance provided will be determined by the Council

Learners Aged 19 - 25 with an EHCP

The majority of young people with EHC plans complete further education with their peers by age 19, and our expectation is that this will continue. However, the Council recognise that some young people with SEND need longer to complete and consolidate their education and training.

Students aged 19-25 who have an EHCP are not automatically entitled to free travel assistance from the Council under the law. The Council may provide travel assistance in exceptional circumstances. Parents or students can make an application to the Travel Assistance Service if they believe that their circumstances justify special consideration by the Council and their child attends a school, college or sixth form college for the purpose of education.

Applications for travel assistance from the Council for 19-25 learners with an EHCP are considered on their own terms and the following factors will be taken into account

- They are a full time student (16 hours or more timetabled sessions per week) and their learning difficulty or disability prevents them from walking to school or college or from using public transport
- They are aged 19 or over but under 25 years at the start of the academic year in which the course begins. (This provision will not be available for anyone beginning a new course of study before their 19th birthday, and will not be available for anyone after the end of the academic year which includes their 25th birthday)
- They are starting a new course for a more advanced level qualification than has previously been studied.
- Travelling further than the statutory walking distance of 3 miles by the shortest available route or, due to the young person's special educational needs, disability and/or mobility problems, they cannot reasonably be expected to walk to the place of education, accompanied as necessary

and

- it can be demonstrated that there is no family member or carer who can meet their travel needs.

If the student is in receipt of higher rate mobility component of the Personal Independence Payment or Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting around outside, the Council would normally expect this benefit to be fully utilised and if there are any factors limiting its' use, information should be provided to them.

If there is a 'Motability' vehicle which the student may or may not be driver. If a decision has been made to not use the 'Motability' vehicle to support the student to reach their education placement, the Council would normally expect the carer/student to make their own appropriate alternative arrangements or provide details as to why that is not possible/reasonable.

Students are entitled to exercise reasonable choice of their course and institution, for example Council would accept that a student may be eligible if they chose to attend a college, rather than a nearer school sixth form. However, where the Council is satisfied that:

- the course on which a student has chosen to enrol is substantially the same as, or very similar to, a course that is offered by a different institution which is nearer to the student's home;
- the nearer institution is, in the Council's opinion, suitable for the student (i.e. it is suitable for their age, ability, aptitude and any special educational needs they may have); and
- discretionary transport assistance would not have been provided if the student had chosen to attend the nearer institution (for example, because the nearer institution can be easily accessed by public transport and/or on foot),

travel assistance will not be provided to the more distant institution chosen by the student.

Applications must be renewed annually on the basis that a student's needs may change as they get older. Continued provision of travel assistance will be focused on preparing students for adulthood and will consider building a capability to access employment, live independently and participate in society.

The type of Travel Assistance provided will be determined by the Council

For those adults who do not meet the above criteria for education transport, a Social Care Needs assessment can be undertaken to determine whether support for their travel needs can be provided. For more information on social care needs assessments for adults and eligibility criteria, see the Council's website via the following link: <http://www.dudley.gov.uk/resident/care-health/dudley-social-services/request-an-assessment/social-care-assessment/>

Applications

All students applying for Post 16 Travel Assistance must re-apply each year.

Application forms for Post 16 Travel Support are available from the Travel Assistance team by emailing home2school.cs@dudley.gov.uk or contact on 01384 816972. You can get details on the Local Offer also on the following link www.localoffer.dudley.gov.uk

Reviews, Appeals and Complaints

Stage 1 Reviews

If the young person and / or parents / carers disagree with the Council assessment of the travel assistance that it deems is necessary, including a decision that the child or young person does not qualify for or need any travel support, they may request a Stage 1 Review of the decision in writing, explaining why they feel that the individual's circumstances are exceptional or that the assessment carried out is wrong.

Where a Review request has been submitted, until such time as the Review has been considered and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Review process. If the Review is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.

Written requests for a Review should provide as much supporting detail as possible. In addition to a written statement, young people and or their parents / carers are encouraged to include any other supporting information they consider relevant.

Each case will be given careful consideration by an independent senior officer of the Council (that is, the reviewing officer will not be an officer involved in the original decision).

Stage 2 Appeals

If a Review has been completed and has determined that there is no eligibility for travel assistance, but the young person and or their parent / carer still believes their child or young person circumstances justify special consideration, they may appeal against the decision in writing, or on the appeal form supplied, explaining why they feel that the circumstances are exceptional or that the review decision is wrong, providing all relevant supporting information.

Where an appeal has been lodged, until such time as the appeal process has been completed and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Appeal process. If the Appeal is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.

Appeals are considered by the Council's Transport Appeals Panel (TAP).

The Transport Appeals Panel must comply with the law, which entitles it to overrule decisions of the Travel Assistance Service's decision.

The Transport Appeals Panel decision is final and binding upon the Council, as well as the young person, their parent / carer. However, if the young person, their parent / carer believes and has evidence that the Transport Appeals Panel did not follow the correct procedures or that its decision was unlawful then a complaint can be made to the following:

- The Council, via the comments, compliments, and complaints procedure. This can be found at www.dudley.gov.uk/Council-community/compliments-comments-complaints/
- The Local Government and Social Care Ombudsman can investigate whether the Council has failed to comply with any procedural rules when handling your appeal. They cannot look at the merits of the decision.
- The Courts, by way of judicial review. The complainant may choose to contact a solicitor, who can advise on how to pursue a complaint through the courts.

Complaints about services provided by Dudley MBC should be made through the Council Customer Feedback process as detailed on www.dudley.gov.uk/Council-community/data-protection-and-freedom-of-information/publication-scheme/the-Council-s-complaints-process/



Points of contact for students seeking travel support

Dudley Travel Support Service	Home2school.cs@dudley.gov.uk	01384 816972
Dudley MBC website	www.dudley.gov.uk/residents/parking-and-roads/travel-and-transport/	
Dudley SEND Service	www.localoffer.dudley.gov.uk	
Connexions	www.localoffer.dudley.gov.uk	01384 811400
Government website	www.direct.gov.uk/transport	
West Midlands Combined Authority	www.wmca.org.uk	0121 200 2787
Network West Midlands	www.networkwestmidlands.com	0121 254 6363
National Express West Midlands	www.nxbus.co.uk	0121 254 7272
16-19 Bursary Fund	www.gov.uk/1619-bursary-fund	
Care to Learn	www.gov.uk/care-to-learn	
Discretionary Learner Support	www.gov.uk/discretionary-learner-support	
Dance and Drama Awards	www.gov.uk/dance-drama-awards	
Residential Support Scheme	www.gov.uk/16-to-19-education-financial-support-for-students	

Equality impact assessment

Name of policy, service or decision: Transport Policy

Lead directorate: Children's Services

1. Description – what is being assessed?

The impact of explicit application of statutory transport provision for Dudley students.

This will result in the Council adopting a position where it only provides a service for those children who comply with the School admissions policy (5 – 16 years)

2. Lead officer on assessment: Michael Robinson

3. Head of service: Inderjit Lahel

4. Members of assessment team:

Inderjit Lahel
Michael Robinson
Lynnette Marks

5. Date assessment began: July 2021

Background

6. What are the aims and objectives or purposes of the policy or service?

The policy outlines the Council's position and eligibility criteria in providing home to school transport provision within the Borough.

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

The changes to the policy to make the Council's position clearer in approach will affect parents of children of pre-school and those wishing to attend post 16 provision (further education) up until the age of 18 **and** those children attending nursey / pre-school provision.

Those young people accessing education post 19 will be subject to a Care Act Assessment under Adult Social Care and where transport is required as part of their support package this will be assessed and provided under a personal budget.

8. What are the main potential equality issues to be looked at?

- Impact on pupils from disadvantaged communities
- Impact on pupils with disabilities

Evidence gathering

9. Provide details of all information about the policy, service or decision which will help with the assessment.

Equality monitoring data:

**What monitoring data is collected for each of the protected characteristics?
Set out relevant details of this data.**

Data on gender / ethnicity / primary need / address (township and ward) is collated for pupils pre-school and post 16 from within the SEND systems.

The data is based on students / pupils / children with SEND and accessing placements. It is a measure of the demographics of the cohort of pupils who the changes in policy will affect in subsequent years.

Engagement and customer feedback:

What engagement has been carried out with users, customers, potential customers, employees as appropriate? What was the feedback?

A substantial consultation process has been outlined within the Cabinet paper which will seek to engage a wide range of stakeholders including but not limited to: -

- Children and young people across all schools, including those at Special Schools
- The parents and carers of children and young people currently receiving transport provision and those who may wish to claim it in the future Parent / Carer Forum (PCF)
- All schools with pupils and students who are likely to be affected, including those in adjacent local authorities' areas and Special Schools
- All colleges and educational institutions, including those in adjacent local authorities' areas and Independent Providers
- Local authorities in areas adjacent to the Council

- Local professionals across the Education / Health and Social Care system and those working in public services adjacent to the Council

What other relevant information do you hold e.g. are you aware of any barriers to any groups in accessing the service?

The policy and associated services are Borough wide with no apparent barriers for access.

The policy is published on the Council's internet pages and is available through schools and support services such as SENDIASS.

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

Information on children's ethnicity within nursery / pre-school outside of white or white British are not currently captured but will form part of the new case management system for SEND and associated transport systems.

Data analysis

10. What does the information tell you? What patterns or trends are there? What comparative data is there - how does your data compare with background data e.g. from the Census, national data or research, or other authorities?

Currently the Council funds 106 students with post 16 and post 19 transport arrangements which amounts to **£0.851m** (information correct as at September 2021 routes).

The Council also funds 25 children for children under the age of 5 within nursery settings which amounts to **£0.153m** (information correct as at September 2021 routes).

To align with DMBC School admissions policy of 4+ travel support would still be eligible for this cohort

Area	Number of Children (current)	Number of new starters (baseline number this year)	Cost per year
Pre-school age	30	29	£0.14m

Post 16	66	54	£0.58m
Post 19	24	17	£0.11m

A number of local authorities only provide statutory services for Transport. Whilst Dudley's policy is aligned to this approach, the proposed changes aim to make it clear on the Council's statutory obligations.

Current data / key statistics for post 16 students within the SEND area are detailed below.

- Compared to Dudley Census data there is an over-representation of students with SEND from both Black / Black British (6.5%) and Asian / Asian (14%) backgrounds
- The largest concentration of students are from Dudley Central (30%) and the lowest from Brierley Hill (10%). All other areas (Dudley North / Halesowen / Stourbridge range between 16% and 20%.

Children accessing nursery provision within the SEND arena are predominantly from either Dudley Central (35%) / Dudley North (21%) and Halesowen (28%).

Broken further down into ward level, the highest representations are from: -

- Castle and Priory
- Upper Gornal and Woodsetten
- Halesowen South

The cohort of young people affected by the change in policy will be across the Borough

11. From your data analysis, what are the main issues relating to each protected characteristic (if any)? Consider all three parts of the public sector equality duty.

All protected characteristics	
Age	<p>This change relates to: -</p> <ul style="list-style-type: none"> - Children aged 4 and under (pre-school) and - Pupils aged 16 and over

Disability	<p>Whilst the change in policy will not target any specific disability or illness the data highlights that those with the below needs will be mostly affected : -</p> <ul style="list-style-type: none"> - Moderate learning difficulties (19%) - Speech and Language needs (22%) and; - Autism Spectrum Disorder (18%)
Gender reassignment	- N/A
Marriage or civil partnership	- N/A
Pregnancy or maternity	- N/A
Race	As detailed within the EIA, the changes could have a negative impact on Asian / Asian British and Black / Black British students who are over represented in post 16 SEND placements compared to both Census and West Midlands neighbouring local authority figures.
Religion or belief	Data not available
Sex	<p>Current students within SEND post 16 are split as: -</p> <ul style="list-style-type: none"> - Male – 69% - Female – 31%
Sexual Orientation	- N/A
Are there any significant issues relating to other groups of people e.g. through social class or in particular parts of the borough?	
<p>The EIA details the splits across the 5 townships with Dudley Central being the highest. However, further dissection of the data into specific areas within townships indicates specific wards where there are a higher number of students accessing post 16 SEND provision: -</p>	

- Cradley and Wollescote
- Castle and Priory
- Netherton, Woodside and St Andrews

Identifying adverse impacts

12. What are the main potential adverse impacts on particular protected characteristics that need to be taken into account in changing the service or policy/making a decision? Indicate any positive impacts.

The EIA demonstrates that there will be adverse impacts on people as a result of the change of policy and this is highlighted within the key SEND data.

However, the premise of the SEND strategy and associated Joint Commissioning Strategy and Preparing for Adulthood strategy are fundamentally geared around inclusion and independence into adulthood with less reliance on traditionally commissioned / available services.

The approach is consistent with working with children so that as they do enter adulthood and, where needed, access Adult Social Care there need for funded support across health and social care is less demanding and their support packages can be more inclusive of community based activities.

The current reliance on Council funded transport means that we are and have been creating a dependence on services which impact their ongoing aspirations

Alternatives/mitigating actions

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

A refreshed and comprehensive independent travel training programme (ITT) for the cohort of pupils that could travel independently with appropriate training beforehand is being developed. Also the road safety team as part of the broader PHSE curriculum are developing a generic train the trainer package for schools to use to promote the development of independent travel.

However, there will be a number of students where this is not possible and the impact of the non-provision will have an impact on them and their families.

Monitoring arrangements	
14. How will the equality impact of the policy/service be monitored in future?	
<ul style="list-style-type: none"> - Number of requests resulting in appeals at stage 1 / 2 and 3 	
Action planning	
15. Provide details of actions or improvements identified during the EIA.	
<p>Details regarding religion requires collating. This will be part of the new case management and transport systems changes.</p>	
Decision making	
16. Who will be making a decision relating to the policy or service (e.g. the Cabinet, a Cabinet member through a decision sheet, a director or chief officer through delegated authority) and when will a decision be made?	
Cabinet	
<p><i>Note. The decision maker(s) need(s) to be briefed on the contents of the EIA. Include a summary of the main impacts in the 'Equality Impact' paragraph of any committee report or decision sheet (attach a copy of the EIA where appropriate).</i></p>	
Signed assessment lead officer: Michael Robinson	Date:
Chief officer/head of service: Inderjit Lahel	Date:

Meeting of the Cabinet – 15th December 2021

Report of the Director of Regeneration and Enterprise

To Submit Stage 2 Business Case for the Towns Fund Deal

Purpose

1. The purpose of the report is to update Cabinet on the progress since the last formal update to Cabinet in March 2021 and the subsequent award announcement in July 2021 and seek approval to progress the Stage 2 bid.

Recommendations

2. It is recommended that:
 - Approval to submit the Stage 2 Business Case for the £25m Towns Fund to build a Health Innovation Centre on Castle Hill to the Department of Levelling Up, Housing and Communities (DLUHC).
 - That the Director of Regeneration and Enterprise submit a report to the Cabinet in due course, seeking authority for the Council to use its Compulsory Purchase Powers, to enable the site assembly, if willing negotiations to make land and property transactions cannot be satisfactorily concluded.

Background

3. Dudley Town Centre is one of 100 centres invited by Government to bid for the £3.6bn Towns Fund. The aim of the Fund is to secure long term economic growth and improved productivity. This will be achieved through investment in connectivity, land use, skills and enterprise infrastructure. DMBC made submission in January 2020 and July 2020 it was confirmed we had been successful and received approval to submit the Stage 2 FBC to secure the full £25 million

Business Case

The bid was based around a number of town-centre schemes and anchored by the provision of a Higher Education facility at Castle Hill as part of the ongoing Town



Investment Plan. The applicant will be Dudley MBC / Dudley Town Board and the proposals will be delivered in partnership with Dudley College and the University of Worcester. The facility will provide higher education courses for the health and life sciences sector.

Since the Towns Fund Stage 1 bid was submitted, the delivery method has been reviewed. If DMBC construct the building then VAT will not be applied. The revised costs are:

Item	Cost Estimated as at Jan 2021 for Town's Fund Bid	Funding Source	Current Estimated Cost ex VAT - Rent Specialist Fixtures, Fittings and Equipment	Note
Higher Education Institute Building	£25m	Towns Fund	£18.5m	Adjusted to reflect material and labour exceptions, cost here plus £1m across build costs
Foundations, cut and fill remediation and retaining walls	£1.0m		£0.76	Costs increased as noted above
Bleaching out of floor slabs and foundations	£0.2m		£0.20	DMBC/BKC to update
Conservation Area Design Statement	£0.55m		£0.48	Costs increased as noted above
Building External Works	£1.34m		£1.1m	Costs increased as noted above
Additional Building Services for Medical Sciences	£1.2m		£0.98	Costs reflect RFE removal, but items purchased
Utilities	£0.95m		£0.70	Costs increased as noted above
Initial Public Realm Connectivity to Town Centre	£1.0m	Accelerator Fund	Excl	As part of Adopted Zoological Way
Land Assembly (JBs Club, Martial Arts Gym, Dudley Zips and amenities, removal of overgrowth)	£1.2m		£1.00	DMBC to update
Demolition and Asbestos Removal Work	£1.75m		£1.25	DMBC to update
Connectivity Works at Castle Hill and Highway Amendments	£2.0m		£2.00	Public Realm - DMBC to update
Total	£36.07m		£27.26	

Note:
All items highlighted in blue form part of HEC Building Contract Works

The project team recognise the gap between the Towns Fund Bid and the current estimated cost of delivery. Work continues to bring the project within budget and if required, alternative gap funding will be pursued.

The building will be delivered by DMBC through an insurance backed contract which is a collaborative working contract that sees all members of the integrated project team selected at the project's inception to form an interdisciplinary 'alliance board' that are insured together under a single loss-based insurance product. The model supports innovation by binding the team around cost, time and quality. The idea is that it promotes a culture of mutual trust, no blame/no claim and decisions being made on the basis of what is best for the project. A key advantage is that the maximum cost is agreed before construction and any overspend is covered by insurance.

DMBC and Dudley College of Technology (DCoT) may negotiate and agree to enter into an Agreement for Lease conditional upon satisfactory planning permission, the appropriate CPO being agreed plus any other terms and conditions to provide satisfaction to both parties.

Following completion of the build DCoT will enter into a lease of the building from the council. DCoT will then enter an agreement with the University of Worcester to provide the health science courses.



The Council has continued the engagement with Amion to pull together the Stage 2 business case and the intention is to submit in January 2022 to allow the project to progress in line with the programme and the intended opening date of Autumn 2024.

Should the planning application be called in, alternative timelines have been produced for a number of scenarios to mitigate delay.

The latest detailed programme is contained in Appendix A

An executive summary of the Business Case to be submitted is contained in Appendix B.

Land Acquisition/CPO

There are currently three buildings on the site: The Hippodrome, K2 Martial Arts Centre and a property known as Castle Hill Banqueting Suite formally JB's Nightclub. The council owns the Hippodrome and are currently negotiating with the owners of the other two properties through a property consultant.

The council have submitted initial offers to both owners based on their valuation of the properties. These have not been accepted and there is currently a significant gap between our valuation and the owners' expectations. The consultants working for the council have been instructed to continue negotiations with the owners and we understand that Castle Banqueting Suite are seeking an independent valuation.

If the owners of either property are not agreeable to the sale of the properties by January 2022, the council will begin preparing a Compulsory Purchase Order (CPO) and officers will return to Cabinet in Spring 2022 to formulate and agree the CPO powers.

Planning Permission

The planning application was submitted in August 2021 and resolved to be approved at the 17th November DC Committee. However, in October the Council were notified that a request for the application to be called-in by the Department of Levelling Up, Housing and Communities (DLUHC) has been submitted.

The Call- in process allows the Secretary of State to take the decision-making power on a planning application out of the hands of the local planning authority (LPA) by calling it in for his own determination. In practise, this means that the decision notice for the application is put on hold until DLUHC officials have reviewed the application and decided if it is of 'more than local' importance and should therefore be determined by the Secretary of State instead of the LPA. If this is the case there will be a public inquiry chaired by a planning inspector, who will then make a recommendation to the Secretary of State. We expect to know if the application will be called in between January and March 2022.



An executive summary of the Business Case to be submitted is contained in Appendix B.

Finance

4. As detailed above, the current forecast total cost for the provision of the Higher Education facility at Castle Hill is £27.26m. This is to be funded by £25m from the Towns Fund grant, with the balance to be funded from other external resources.

The costs incurred in preparing the Stage 2 Business Case are to be funded by resources held by the Regeneration & Enterprise Directorate.

Law

5. Section 111 of the Local Government Act 1972 empowers the Council to do anything calculated to facilitate the discharge of any of its functions.

Pursuant to Section 1 of the Localism Act 2011, the Council has the general power of competence to do anything that individual generally may do.

Section 123 Local Government Act 1972 provides that the Council should receive best consideration in respect of any disposal of land (as in this case a lease in excess of 7 years) or alternatively the Council's approved Protocol for Best Consideration must be considered by the Council – please see Appendix B.

Risk Management

6. The strategic risk register for the project is contained in Appendix C

Equality Impact

7. The provision of a Health Innovation university building in the town will have positive impact on people with different protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) by providing access to health science courses in the borough.

The Council's Equality and Diversity policies will be applied throughout the delivery of this project.

Extensive consultation was carried out as part of the Stage 1 submission using a variety of different methods which allowed the council to reach a wider than normal demographic included more below 25 years old than normal. Generally, the responses were very positive to building a university in the borough.



Human Resources/Organisational Development

8. Any staffing requirements resulting from this decision will be accommodated within existing resources and therefore the decision has no specific impact for HR/OD.

Commercial/Procurement

9. All contractual agreements associated with the delivery of this project will be let in accordance with the requirements of the Contract Standing Orders.

There are no direct commercial implications associated with this report.

Council Priorities

10. This project primarily links to the Regeneration and Enterprise section of the Council Plan – particularly regenerating the borough and growing a stronger visitor economy. The project links to wider regeneration activity in Dudley Town Centre.

The project will contribute to the 2030 Borough Vision through;

- Full of vibrant towns and neighborhoods, offering regeneration of current disused sites
- Better connected with high quality and affordable transport, combining road, tram, rail, and new cycling and walking infrastructure
- A place to visit and enjoy that drives opportunity.

The project contributes to our seven aspirations as well as Forging a Future for all. In particular for this project:

Home to hard graft, enterprise and innovation
Home to the skilled workforce of tomorrow

The project will align with objectives as laid out in the Local Enterprise Partnership's Strategic Economic Plan (SEP) and Local industrial Strategy; by contributing to bring a strong specialism in economic development strategy, local skills and by ensuring that skills training and opportunities link to local labour market and skills needs.

The project is to provide a new Higher Education building at the head of Castle Hill, to provide Health and Medical training to the area, thereby improving skills of the Town and local community.

The project will have a positive impact on the area and will align with other regeneration activity taking place in Dudley and around the Castle Hill area. As part of the wider activities and design there will be more accessibility, public realm and green spaces.

The project is to provide a new Higher Education building at the head of Castle Hill, to provide Health and Medical training to the area, thereby improving skills of the Town and local community.



The new building will be net zero carbon. The design, orientation and mass of the building has been designed to maximise the use of natural light and solar gain; the building will be powered by photo-voltatics and will be heated by air source heat pumps. The external works have been designed to provide shade and minimise water run-off.

Helen Blayth

Director of Regeneration and Enterprise

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[Appendices \(All appendices can be viewed on the Council's Committee Management Information System\)](#)

- Appendix A:** Towns Fund Programme
- Appendix B:** Business Case
- Appendix C:** Risk Register



Meeting of the Cabinet - 15th December 2021

Report of the Director of Regeneration and Enterprise

The Brierley Hill Plan – Approval of Issues and Options Report for consultation

Purpose

1. To present the Brierley Hill Plan (Issues and Options Report) consultation document for approval and to seek authority to publicly consult on the document in line with the legal requirements, and the measures set out within the Council's adopted Statement of Community Involvement (SCI) 2020.

Recommendations

2. It is recommended that Cabinet: -
 - a) Approves the Brierley Hill Plan (Issues and Options Report) as set out in Appendix 1, for a seven-week consultation period, from Monday 10th January 2022 to Monday 28th February 2022, to be carried out in line with the Council's adopted Statement of Community Involvement 2020
 - b) Authorises the Director of Regeneration and Enterprise to make any non-substantive changes considered necessary to the document, and any associated consultation documents, prior to their publication

Background

3. The Brierley Hill Plan (BHP) is a review of the extant Brierley Hill Area Action Plan (AAP). The AAP was adopted in 2011. The BHP is a key document that will provide the framework to guide future planning decisions in Brierley Hill, as the (Tier One) Strategic Centre of the borough, up to 2039, and will enable the targets and strategic policies of the Black Country Plan (BCP) to be translated into site allocations and local planning policies within the BHP plan area: *within the (draft) BCP, the Black Country's Strategic Centres, including Brierley Hill, are purposefully devoid of site allocations, to enable the Black Country Local Planning Authorities to progress and adopt local plans for their respective Strategic Centres.*

4. The Brierley Hill AAP needs to be reviewed for the following reasons:
 - a) The Brierley Hill AAP was adopted in 2011 and the government require plans to be kept up-to-date every 5 years
 - b) The BHP needs to focus the strategic targets set out in the Black Country Plan (BCP) into site allocations and enabling local planning policies
 - c) The policies and allocations of the existing AAP did not deliver the anticipated growth targets (up to 2026) as set out in the Black Country Core Strategy (BCCS), for example no additional office floorspace has been provided against a target figure of an additional 220,000 m², and only 235 new dwellings have been developed against a target of 2,940
 - d) A need for the BHP to address a changed strategic planning and regeneration framework,
 - e) In particular to take on board the opportunities presented by:-
 - I. The programmed Midland Metro route which runs through the plan area, with a number of stops proposed
 - II. The Enterprise Zone (DY5 EZ) within the plan area
 - III. The projects associated with the Future High Streets and Heritage Action Zone bids
 - IV. The challenge of Climate Change and adapting to a Low Carbon Future

5. The Issues and Options Report is the first stage of the plan making process that needs to be carried out. It presents a series of planning issues affecting the future shape and growth of Brierley Hill up to the end of the plan period in 2039, followed by a number of options which these issues could be successfully resolved and/or needs met. It does not propose specific policies and site allocations as these will be set out in the next stage of the plan: the draft plan stage, which currently is programmed to be consulted upon in Autumn/Winter 2022.

6. The BHP is currently programmed to be adopted approximately 6 months after the adoption of the Black Country Plan: the planned date for the adoption of the BHP being Winter 2024. Once adopted, the Brierley Hill Plan will supersede the Brierley Hill AAP, and, along with the Black Country Plan, will form part of the Local Plan for Dudley.

7. The main issues highlighted within the Brierley Hill Plan (Issues and Options Report) are considered to be:-
 - The overall place making vision for Brierley Hill, with a particular emphasis on the delivery of sustainable new development, the area having a thriving and resilient community with enhanced health and well-being, diversifying the use of the centres, and being a more accessible and greener location
 - The plan area boundary and whether it should be extended from the boundary defined in the existing AAP to include adjoining areas: the Chapel Street Housing Estate, Saltwells Wood, Northmoor Industrial Estate and The Delph (Nine Locks) Conservation Area
 - The town centre boundary as a location for main town centre uses, such as retail, and whether it should be contracted from that shown in the existing AAP, which is the same as the plan area boundary, to focus on Brierley Hill High Street, the Merry Hill Centre, the intervening land between these centres and The Waterfront



- The need to accommodate new housing within the plan area, in the region of 3000 new homes, and the potential housing growth areas where sites could be allocated principally for new housing development: Archill, north of Level Street; Harts Hill; Waterfront West /Waterfront Way; Moor Street/Bell Street; East of Venture Way; The Embankment; Canal Walk South
 - The need to identify areas for the retention of employment uses, including safeguarding The Waterfront as primarily an office park, but allowing for a variety of uses at ground floor level, including restaurants and small-scale retail uses
 - Identifying potential areas primarily for leisure and community uses: the Brierley Hill Civic Core; Merry Hill Family Leisure Zone; The Waterfront East Entertainment Zone; The Venture Way Health and Education Zone
 - As well as the planting of 5000 new trees over the plan period within the plan area, identifying potential areas as focus for greening initiatives and public realm enhancement interventions: Pedmore Road and the entrance to Saltwells National Nature Reserve; Brierley Hill High Street; a green corridor to Fens Pool Special Area of Conservation.
8. It is proposed that consultation period on the Issues and Options Report will run for a seven - week period from Monday 10th January 2022 to Monday 28th February 2022.
9. As well as consulting on the Issues and Options Report, it is also intended to consult on the (first stage) Sustainability Appraisal (attached at Appendix 2). This document forms an important part of the supporting evidence to the local plan review and helps the Council assess the possible impacts of the plan and its policies, and consequently how impacts can be addressed or mitigated against.
10. There will be several ways in which it is intended we will engage with statutory consultees, the Brierley Hill community, stakeholders and other interested parties, including through means of a summary document (attached at Appendix 3) and an on-line form and questionnaire (attached at Appendix 4).
11. Once the consultation period has closed, all of the responses received will be used to inform the policies and site allocations to be included in the BHP as the plan progresses through its stages towards adoption. Each response will be redacted to remove personal information under the General Data Protection Regulations (GDPR). Responses will then be tabulated, grouping them as necessary and responded to in a Consultation Statement which will be published with the next stage of the plan, and then updated as the plan progresses through future consultation stages.

Finance

12. Plan preparation and the implementation of the consultation exercise is being met through mainstream budgets and resources dedicated to the production of Development Plan documents and other such statutory planning documents.



Law

13. It is necessary to ensure that the preparation and progression of the Brierley Hill Plan is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2021.
14. Section 111 Local Government Act 1974 provides the Council with powers to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions. Section 1 Localism Act 2011 provides the Council is powers of general competence.

Risk Management

15. Failure to have a development plan for Brierley Hill Strategic Centre that is based on sound evidence and successfully translates the BCP strategic growth targets into land use allocations could result in insufficient land being provided to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area and borough. It could also result in development being placed in inappropriate locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential to defend the Council's position in planning appeals. Without an up-to-date development plan, the Council risk intervention from central government and may compromise our ability to make decisions locally.

Equality Impact

16. Preparation of the Brierley Hill Plan includes the carrying out of an integrated Sustainability Appraisal at each formal stage, and at later stages an Equality Impact Assessment. The BHP seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to meet the needs of the Brierley Hill community, as well as the wider borough community, given Brierley Hill's role as a Strategic Centre. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them, as well as having a positive effect for future generations.

Human Resources/Organisational Development

17. The proposals contained in this report will not directly impact on either the Council's current Human Resources or required future resources. Any work arising from this decision will be from existing internal resources which provide the necessary flexibility in the effective delivery of the Council's Services under changing external circumstances, or through the use of external consultants should this be required.



Commercial/Procurement

18. Any procurement required will comply with DMBC's Contract Standing Orders (which are fully compliant with Public Sector and OJEU procurement rules and guidelines) and all funders' requirements. There are no direct commercial implications associated with this report.

Council Priorities

19. The Brierley Hill Plan is intended to accord with the following Council priorities in particular in:
- Supporting the priority to 'Support stronger and safe communities' by making provision for growth in housing and other land uses informed by public consultation so that communities can live in healthy, attractive, safe and accessible places that build a strong sense of belonging and cohesion.
 - Supporting the priority to 'Create a cleaner and greener place' by making provision for a comprehensive network of integrated green infrastructure, including by significantly increasing the number of trees within the plan area, and safeguarding and facilitating nature recovery.
 - Supporting the priority to 'Grow the economy and create jobs' by making provision for land use allocations including employment and residential uses, with a particular emphasis on making the effective use of the opportunities provided by the Midland Metro, thereby encouraging economic growth and investment.
20. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the strategic policies and timescales set out within the Black Country Plan, and the non-strategic policies set out within the Brierley Hill Plan.

Helen BMartin

Helen Martin
Director of Regeneration and Enterprise

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Appendices (All appendices can be viewed on the Council's [Committee Management Information System](#))

Appendix 1: Draft Brierley Hill Plan (Issues and Options Report) consultation document

Appendix 2: Draft (Stage 1) Sustainability Appraisal

Appendix 3: Draft Brierley Hill Plan (Issues and Options Report) summary document

Appendix 4: Draft Brierley Hill Plan Issues and Options Report questionnaire



Meeting of the Cabinet – 15th December 2021

Report of the Director of Regeneration and Enterprise

Infrastructure Funding Statement 2020/21

Purpose

1. To seek Cabinet approval for the Infrastructure Funding Statement 2020/21.

Recommendations

- It is recommended that the Infrastructure Funding Statement 2020/21 be approved.

Background

2. In September 2019 several Government reforms to Community Infrastructure Levy (CIL) came into effect. This included the introduction of an annual Infrastructure Funding Statement (IFS) placing a legal requirement on Local Authorities to have the document in place and published on their website by December 2020.
3. Dudley MBC introduced their IFS in December 2020, which was approved by Cabinet on 17th December 2020. This replaced the CIL Regulation 123 List, which identified key projects that were eligible to be funded or part funded via CIL.
4. The IFS is required to include as a minimum:
 - The Infrastructure List – the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.
 - A S106 report setting out specific standard information on financial and non-financial income and spend details for the previous financial year (2020-2021) relating to S106 Agreements.
 - A CIL report setting out specific standard information on income and spend details for the previous financial year (2020-2021).

- Details of highway works to be undertaken as part of new developments through Section 278 agreements.
5. The IFS for Dudley MBC, as shown in Appendix One to this report, brings together a range of information relating to approved, received, allocated and spent S106 and CIL developer contributions and Section 278 agreements for the 2020/21 financial year.
 6. The IFS is a 'living' document and will be the subject of annual updates and monitoring.
 7. Monies allocated to projects on the IFS account for 80% of total CIL receipts (Capital and Revenue Infrastructure Funding), with a further 10% taken from this and kept aside until it reaches approximately £1million. This will allow project holders to apply for funding for larger strategic infrastructure projects which currently have substantial funding gaps identified. This applies to all CIL receipts received from 1st January 2021 and will not be backdated or applied to receipts already with the Local Planning Authority. This was approved by Cabinet on 17th December 2020.
 8. It should be noted that inclusion of any type of infrastructure in the IFS does not signify a commitment from the Council to deliver or fund, either in whole or in part, this type of infrastructure through CIL. The Infrastructure List as shown in the IFS has not ordered any project via preference or weighting of infrastructure.

Infrastructure Funding Statement Process

9. For a project to be added to the Infrastructure List it will be required to satisfy the criteria as shown in the attached IFS (Table 11) and Table 1 (below). Where a significant number of submissions are received, it may be necessary for the list to be amended to only include projects that enable significant infrastructure delivery to support the borough's growth agenda and support the strategic infrastructure requirements of the emerging Draft Black Country Plan.

Table 1: Criteria for Assessing Infrastructure Funding Statement Projects

Criteria	Pass/Fail	Evidence
Is the project a Strategic Priority/Local Priority?		Strategic Boroughwide Priority – Local Plan/Corporate Plan Local Plan – Area Action Plan
Is the infrastructure project essential or significant in supporting new development in the Borough?		Is the project consistent with the Development Plan/Referenced in the Dudley Development Strategy or emerging Draft Black Country Plan?
Are there any constraints which will impact on the delivery of the infrastructure?		Projects that have no, major or moderate constraint will be considered for inclusion

Amount of CIL contribution sought		Details of the budget gap and confirmation no other capital funding source can be identified. Details of any S106 funds to be provided
Has the project identified match funding?		Has this been secured and details?
Timeline for delivery (start and end)		Detailed project plan or timeline demonstrating the project is feasible

10. A five-stage process was approved by Cabinet in December 2020 as follows:

1. Invite infrastructure project submissions
2. Assessment of submitted projects for inclusion within the IFS
3. Updated IFS presented to Cabinet for approval
4. Assessment of projects within the IFS for CIL funding
5. Proposed CIL allocations presented to Cabinet for approval

11. Emails containing the notification letter were sent on the 8th July 2021 to all project holders that could be identified with projects on the existing IFS, requesting that they complete the submission form for the project to remain on the IFS (Appendix Two).

12. Emails containing the notification letter were sent on the 8th July 2021 to –

- Councillors,
- those on the Dudley Local Plan consultation database,
- internal colleagues,
- duty to co-operate partners,

requesting any new projects to be added to the IFS (Appendix Three).

13. All recipients of the emails and letters were given until Friday 13th August 2021 to return their submission forms for either existing or new projects. An extension to the deadline was given to the Design and Delivery team, until Friday 3rd September 2021, due to being notified incorrectly initially.

14. The Council were in receipt of submission forms from a total of six organisations/providers with a total of 61 projects put forward. This includes both new projects and requests that existing projects remain on the IFS. Each project has been detailed in the consultation statement (Appendix Four).

15. Two meetings with officers from Planning Services took place on the 18th August 2021 and 9th September 2021 to ensure that a satisfactory level of information had been provided on each submission form and to ensure eligibility in line with CIL Regulations.

16. The amended IFS was sent to the Regeneration and Enterprise Strategy Group on the 7th October 2021 for advice and guidance on both the new and existing projects. Their recommendations have been incorporated into the draft IFS in this report (Appendix One).



17. Once the IFS has been approved by Cabinet, Officers will make recommendations for projects to receive CIL funding. These recommendations will be considered by Cabinet for final approval.
18. Where submission forms were not received for projects on the existing IFS, these have been deleted. However, as the IFS is updated annually, there will be opportunities each year to submit submission forms if project holders wish to pursue this avenue of funding.

Summary

19. It is recommended that Cabinet approve the amended IFS, which has been through the annual review required by the CIL Regulations. Proposed CIL funding allocations will be put forward for Cabinet approval in early 2022.

Finance

20. This report relates to decision making on infrastructure requirements on planning applications and the spending of CIL receipts. The update of the IFS on an annual basis provides a transparent approach to make such financial decisions relating to infrastructure. The IFS provides a transparent approach to the reporting of a range of information relating to the approval, receipt, allocation and spend of S106 and CIL developer contributions.

Law

21. The Council needs to ensure that robust and transparent mechanisms and procedures are in place to inform planning decisions on developer contributions and on the spend of CIL monies. The IFS brings together in one place information on approved, received, allocated and spent developer contributions. The CIL Regulations 2010 (as amended) require Councils to update their IFS on an annual basis, by December, for the preceding financial year.

Risk Management

22. The introduction of an annual Infrastructure Funding Statement (IFS) places a legal requirement on Local Authorities to have the document in place and published on their website by December. The existing IFS was endorsed by Cabinet and published on the Council's website by the end of December 2020. The IFS 2021, which is the subject of this report, will replace the 2020 IFS and ensure we meet the legal requirements set by Government.

Equality Impact

23. The proposals considered the Council's Policy on Equality and Diversity and no issues have been identified.

Human Resources and Organisational Development

24. It is considered that there are no additional human resources or organisational development implications resulting from the IFS or the proposed methodology for allocating Community Infrastructure Levy funds. Work on the IFS is carried out by the Planning Policy Team in the Directorate of Regeneration and Enterprise with assistance from officers in other Departments where necessary.

Commercial / Procurement

25. There are not considered to be any commercial or procurement implications as a result of this report. Any procurement activity resulting from the recommendations set out in the report will be governed by the Councils Contract Standing Orders and the Procurement Management Group (PMG) as applicable.

Council Priorities

26. Schemes that may be brought forward as a result of infrastructure requirements will support the Council's priorities: by supporting improvements to community infrastructure across the Borough helping to contribute to stronger and safer communities, supporting public realm and environmental improvements to create a cleaner and greener place as well to providing infrastructure to bring forward development, unlock sites and help grow the economy and create jobs.

Helen B Martin

Helen Martin

Director of Regeneration and Enterprise

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Email: carl.mellor@dudley.gov.uk

List of Background Papers –

[Infrastructure Funding Statement Cabinet Report 2020](#)

Appendices (All appendices can be viewed on the Council's [Committee Management Information System](#)

Appendix One: Infrastructure Funding Statement December 2021

Appendix Two: Letter sent to project holders with projects currently listed on the Infrastructure Funding Statement

Appendix Three: Letter sent requesting new projects to be added to the Infrastructure Funding Statement

Appendix Four: Consultation statement



Meeting of the Cabinet – 15th December 2021

Report of the Acting Director of Public Realm

Section 141 Policing and Crime Act 2017 Review of Cumulative Impact Assessment Policy 2022

Purpose

1. To consider a recommendation from the Licensing and Safety Committee concerning the Cumulative Impact Policy currently in place in respect of an area of Stourbridge Town Centre.

Recommendation

2. That the Cabinet endorse the recommendation of the Licensing and Safety Committee and accordingly, the Council be recommended to approve the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge Town Centre.

Background

3. An area encompassing Stourbridge Town Centre is currently subject of a Cumulative Impact Assessment, the assessment was first conducted in 2006 on the introduction of a Cumulative Impact Policy for the area which sits within the Council's overall Licensing Policy Statement of Principles.

The Policing and Crime Act 2017 requires that any Cumulative Impact Assessments undertaken by the Council should be reviewed every three years to ensure their continued relevance and that the authority still holds the opinion set out in any assessment. The last assessment was conducted in February 2019 at which time the Council agreed to retain the Policy.

Cumulative Impact is described in the guidance published by the Secretary of State in accordance with Section 182 Licensing Act 2003 as "The potential

impact on promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.”

4. The Secretary of State’s guidance also reinforces the general principal of the licensing act that each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
5. A Cumulative Impact assessment creates a rebuttable presumption that applications for new licences, or club premises certificates, or material variations to existing licences, will normally be refused, if relevant representations are received, unless it can be demonstrated, that the proposed operation involved will not add to the Cumulative Impact on the four Licensing Objectives. The process creates a culture where the applicant is encouraged to fully consider the impact of their operation on the area and measures to meet the licensing objectives.
6. The Four Licensing Objectives are Prevention of Crime and Disorder, Public Nuisance, Protecting Children from Harm, and Public Safety. In respect of Public nuisance this can be in the most general of terms, problems with parking, litter, noise. In respect of public safety this relates to those persons using the licensed premises. A Fifth objective, promoting public health, whilst considered by Government has not yet been adopted. Statistics from Public Health such as hospital admissions from the area can be used however in assessing the overall Policy.
7. Council has undertaken a consultation as part of the Cumulative Impact Assessment and the need to retain the special Cumulative Impact Policy.
8. The consultation has taken place in accordance with those individuals and organisations specified in Section 5A of the Licensing Act 2003. Advertisements have gone out in the press and on the council web site with additional leafletting in the area, premises in the area currently with premises licenses and club

certificates being written to individually. A list of all consultees contacted individually is included in the assessment document. A copy of the assessment is attached at Appendix A.

A map of the area is also included in the assessment document together with a document showing the current licensing hours of the licensed premises within the area.

The original Cumulative Impact Policy was introduced in 2006, mainly at the request of West Midlands Police, their response to this consultation is included in the assessment together with representations from Public Health, Councillor Barlow, and a local resident.

All representations received are in favour of retaining the Cumulative Impact Policy.

9. The Licensing and Safety Committee on Monday 8th November resolved, that the Cabinet and Council be recommended to approve the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge town Centre as identified in the report submitted.

Finance

10. There are no financial implications to the Council

Law

11. Section 141 of the Police and Crime Act 2017 Act requires the council to assess any Cumulative Impact policy it has in place in respect of Section 5A Licensing Act 2003
12. Section 5 -8 of the Licensing Act 2003 allows for the policy to be determined by full council

Risk Management

13. There are no risk management implications.

Equality Impact

14. This report takes into account the Councils policy on equal opportunities
15. The Cumulative Impact Policy will impact on children and young people through their attendance at licensed premises. There has been no



consultation or involvement of children or young people in the development of this assessment

Human Resources/Organisational Development

16. There are no organisational development/transformation implications.

Commercial/Procurement

17. There are no commercial/procurement implications.

Council Priorities

18. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Heidi Marsh-Geyton
Acting Director of Public Realm

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Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

Appendix A - Cumulative Impact Assessment

List of Background Documents

None

**Section 141 Policing and Crime Act 2017
Assessment of the Special Policy with
Regard to Cumulative Impact in Stourbridge
Town Centre**

Special Policy Regarding Cumulative Impact

The Council in its role as Licensing Authority may take into account the existence of a saturation of premises in one area may have. The cumulative impact of new licenses in a particular area becoming saturated with premises of a certain type, making it a focal point for large groups of people together, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. The Council will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted. The onus will be on the person making the representation to provide evidence to support the assertion that the addition of the premises would have the suggested impact on the licensing objectives.

Further, the Council may adopt a special policy regarding cumulative impact where it considers that a significant concentration of licensed premises will or is having an impact on the licensing objectives and granting of further licenses in the area would add to this impact. When adopting such a special policy, reference to the steps outlined in paragraph 14.20 to 14.46 of the Licensing Act Guidance shall be made.

Any special policy regarding cumulative impact is not absolute and where licenses are unlikely to add to the cumulative impact on the licensing objectives or the Council does not receive any representations, the license will be granted.

A special policy regarding cumulative impact will not be used to try and revoke an existing license or certificate when representations are made about the way the premises is being operated. Representations would be considered and determined in respect of the four licensing objectives. However the special policy may be a justification to refuse an application to vary a license or certificate.

The Council recognizes the difference between cumulative impact and commercial need of premises in an area. Need is a matter for the Council's Development Control Committee and market forces, and is not a matter for the Council to consider as part of its licensing function.

The Council will not operate a quota of any description, including any special policy, which would pre-determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community.

Dudley Metropolitan Borough Council's Assessment of Cumulative Impact Stourbridge Town Centre.

As a consequence of the number of late-night premises within Stourbridge Town Centre, within the Ring Road together with that corner of the Ring Road from the Picture House to the Ring Road and Foster Street East area of Dudley Metropolitan Borough Council, the Council and the Police have adopted many special measures to deal with the crime and disorder and anti-social behavior in that particular area. (See map within appendices)

Measures taken have included additional police manpower, particularly at weekends; to increase the police presence in the area and the introduction of CCTV. Pub watch organisations involving licence holders being encouraged to improve working relationships and to reduce competitive prices, drinks promotions.

The Council having assessed the continued cumulative impact in the area is satisfied there remains a need to adopt a special policy. If relevant representations are made to refuse license applications in the above-mentioned Stourbridge Town Centre area, if by granting them, they would contribute to the cumulative impact on Stourbridge that the Licensing Authority wishes to mitigate. On receipt of an application for a licence for this area in relation to new premises licence application, club premises certificate or applications to vary existing premises licence and club premises certificate. The Council will expect the applicant to demonstrate in their Operating Schedule, the steps to be taken to prevent problems of nuisance and public safety, and the steps to be taken to promote the reduction of crime and disorder. The Council will consider the individual merits of any application, and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Council will grant the application. The Council recognizes that if no representations are made regarding an application for a license in an area where a special policy exists, the Council must and will grant the license.

The Policy will be subject to a 3 yearly review as required by the Policing and Crime Act.

Evidence used in making this assessment in February 2022 is contained in the attached appendices:

- Appendix 1 - Licensing Authority Representation.
- Appendix 2 - Map of Cumulative Impact Area.
- Appendix 3 - List of premises and Individuals written to as part of the consultation.
- Appendix 4 - Response to the consultation West Midlands Police.
- Appendix 5 - Response to consultation from the Director of Public Health and Wellbeing.

- Appendix 6 - Other responses to consultation.
- Appendix 7 - List of premises in the Cumulative Impact Area and times of operation

Representations of the Licensing Authority in relation to Section 141 Policing and Crime Act 2017 Cumulative Impact Assessment 2022.

The Licensing Authority acting in the role as Responsible Authority makes the following observations:

The Cumulative Impact Policy was first introduced in August 2006 as a result of an initiative by the local policing team in Stourbridge who were concerned by the number of licensed premises concentrated in a relatively small area.

At the time widespread consultation took place involving presentations by the police to elected members, council officers, and to the public through local area meetings.

The Policy was agreed and became an appendix to the overall Council Licensing Policy for the Borough.

There was no mandatory requirement to review the Cumulative Impact Policy itself, although when the Licensing Policy was reviewed in 2010 and 2015 it was included in the process. The review of the overall policy included a consultation phase involving consultees replicated in the current process.

No specific responses were received from consultees as to the retention or otherwise for the Cumulative Impact Policy and it therefore remained in place as part of the overall Licensing Policy.

Section 141 of the Policing and Crime Act 2017 came into force on 6 April 2018 introducing the concept of Cumulative Impact Assessments, putting them on a statutory basis in a revision of the Licensing Act 2003 and requiring them to be reviewed and either agreed or removed on a three-yearly basis.

A Cumulative Impact Assessment took place in 2018 with the special licensing policy for Stourbridge Town Centre being approved by the full council to continue in February 2019.

One of the main considerations when undertaking a Cumulative Impact Assessment is the impact the number of licensed premises concentrated in one area has on the licensing objectives. Since the last assessment the country has been subject of the Coronavirus pandemic with lockdowns and restrictions that have affected the operation of many licensing premises. Several licensed premises within the cumulative impact area have ceased trading during this time however analysis of the current number compared to three years ago shows that although premises such as the Stourbridge Academy and the Old Bank have closed overall the number have remained stable with a slight increase with current numbers of licence premises up by two.

The Police have provided figures relating to the prevention of crime and disorder objective with a comparison of levels of violent crime committed between 20.00 hours and 08.00 hours from January 2016 & December 2020. These figures show

little change in the numbers of offences committed even during the current pandemic.

The Director of Public Health has also produced statistics in relation to binge drinking alcohol, adults assessing treatment for alcohol misuse, and children in school years 8 and 10 reported to be drinking alcohol. All these areas show a higher instance than the borough average for the wards covered by the current Cumulative Impact Assessment.

The policy is considered prior to the granting of or variation to a licence. It does not put any additional responsibility or expense on existing licence holders.

The policy allows the licensing authority to limit the type of licensed premises in an area. This is not just related to alcohol sales but to that of hot food and drink after 11pm and before 7am. In respect of alcohol sales, again it is not just night sales of alcohol.

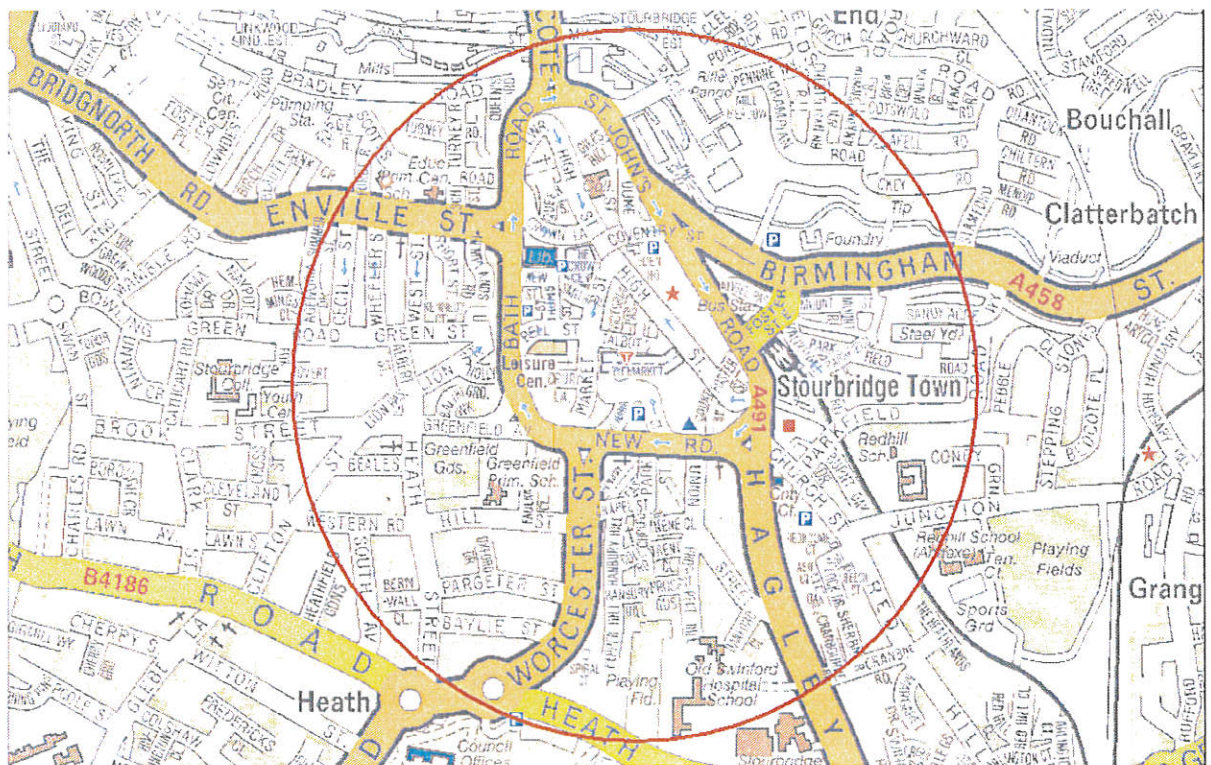
It can also apply to a preponderance of off licence premises opening during the day

All new licence applications involve site visits at the proposed premises by Police and Local Authority licensing officers. In some circumstances other responsible authorities attend these preliminary meetings. The Cumulative Impact Policy has allowed officers to focus the attention of the applicants to matters which can be overlooked such as a dispersal policy for patrons after the premises are closed or picking up litter in the vicinity.

This Policy directs the licensing applicant and the responsible authorities to consider not just the operation of the premises, as in what occurs in within them, but also the effect that they have on the area where they are located. It allows the responsible authorities to direct the applicant to consider their wider responsibilities in addressing the four licensing objectives.

The process does not add to the responsibilities or burden of existing licence holders, nor does it prevent applications submitted with due regard to the licensing objectives being granted. Licenses granted during the life of the current Cumulative Impact Policy have been enhanced by it and not prevented and have added to the overall economic position in the area.

The Responsible Authority recommends that following consideration of the Cumulative Impact Assessment the Council retains the special licensing policy for Stourbridge Town Centre.



Police
 Fire Authority
 Planning
 Environmental Health
 Social Services
 Public Health
 Cllr Steve Clark
 Cllr Nick Barlow
 Cllr Alan Hopwood
 Suzanne Webb MP
 Crystal Leisure Centre, Bell Street DY8 1AE
 Yummy's Kebabland, 2 Bell Street DY8 1AE
 Duke William Public House, 25 Coventry Street DY8 1EP
 The Stour, 3 Coventry Street DY8 1EP
 Rominos Pizza, 8 Foster Street DY8 1EL
 Paprika, 131-132 High Street DY8 1DT
 Chequers Public House, 96 High Street DY8 4NY
 Stourbridge Pizza & Kebab, 72 High Street DY8 1DX
 The Talbot Hotel, High Street DY8 1DW
 Cellars Restaurant, 166 Lower High Street DY8 1TT
 Mitre Inn, Lower High Street DY8 1TS
 Barbridge Public House, Unit 11 Victoria Passage DY8 1DP
 TRLA & Co Ltd T/A The Yak Nepalese & Indian, Victoria Passage, Stourbridge DY8 1DP
 Stourbridge Lion, 77-78 High Street DY8 1DX
 Old Crispin Public House, 5 Church Street DY8 1LP
 River Rooms, Mill Race Lane DY8 1JN
 Waitrose, Ryemarket DY8 1HJ
 Aldi, New Road DY8 1PB
 Iceland, 3 Ryemarket, Stourbridge DY8 1HJ
 Home Bargains, Unit 7 Ryemarket DY8 1HJ
 St John's Convenience Store, St Johns Road DY8 1ET
 CocknBull Public House, 109 High Street DY8 1EE
 The Old Wharf Inn, 78/80 Lower High Street DY8 4LY
 Moliano's, 13 Market Street DY8 1AB
 Waggon & Horses Public House, 31 Worcester Street DY8 1AT
 Royal Exchange, 75 Enville Street DY8 1XW
 Plough & Harrow Public House, 107 Worcester Street DY8 1AX
 Longlands Tavern, 24 Western Road DY8 3XU
 Red House, Foster Street DY8 1EL
 Sopranos, Bellmark House, 1 Bell Street DY8 1AE
 Brewers Fayre Pub Restaurant, Birmingham Street DY8 1JR
 Claptrap the Venue, 108a High Street DY8 1EE
 VGN Boulevard, 9 Coventry Street DY8 1EP
 Soffio Lounge, 111-112 High Street DY8 1EE
 The Hop Vault, 9 Market Street DY8 1AB
 St Giles House, 15-16 Lower High Street DY8 1TA
 McDonalds, Mill Race Lane DY8 1JN
 Yard & Beyond, Rear of Cock N Bull, 109 High Street DY8 1EE
 Mr Souvlaki, 107 High Street DY8 1EE
 The Dog House, 2 Vauxhall Road DY8 1EX
 Eco Maniax Ltd, Unit 34, Ryemarket DY8 1HJ
 Tesco, Unit 9 Crown Centre DY8 1YD



West Midlands Police Dudley NPU Supporting Evidence Cumulative Impact Zone for Stourbridge Town

Background:

West Midlands Police has been made aware that the current Cumulative Impact Zone for Stourbridge Town Centre is being reviewed by Councillors and we believe it is imperative that West Midlands Police make comments on this review.

This report is being submitted in an effort to retain the Zones status as we believe it has been an invaluable tool in preventing and reducing all crime and disorder with in it. It is hoped that this report will evidence to Councillors that since its introduction some years ago it has reduced the level of crime we saw prior to its introduction and that if its removed we may see a return to the level of alcohol related incidents we saw some years ago.

The Cumulative Impact Zone was originally introduced in Stourbridge Town Centre in 2006 due to the number of late night premises being linked to Crime, Disorder and Anti-social behaviour.

Using the 2003 Licensing Act local Police were always able to rigorously hold licensed premises to account but this Act did not assist with new applications.

Local Police were always adamant that any new premises licences granted in the town would contribute to an increase in alcohol related incidents but this was always difficult to evidence.

The introduction of the Cumulative Impact Zone would assist not only the Police but also other responsible authorities when addressing new applications they believe would make an impact on crime and disorder but would push the burden of proof to prove otherwise onto the applicant.

Policing:

Since the original Cumulative Impact Zone was introduced, West Midlands Police have undergone a huge transformation, reducing its resources and aligning its workforce in terms of threat, risk and harm and this continues to change depending on the demand for Police resources.

West Midlands Police has become ever reliant on other tactics to reduce Crime, Disorder and Anti-social behaviour such as the use of civil interventions and other powers are crucial in ensuring the public's safety.

Supporting Evidence:

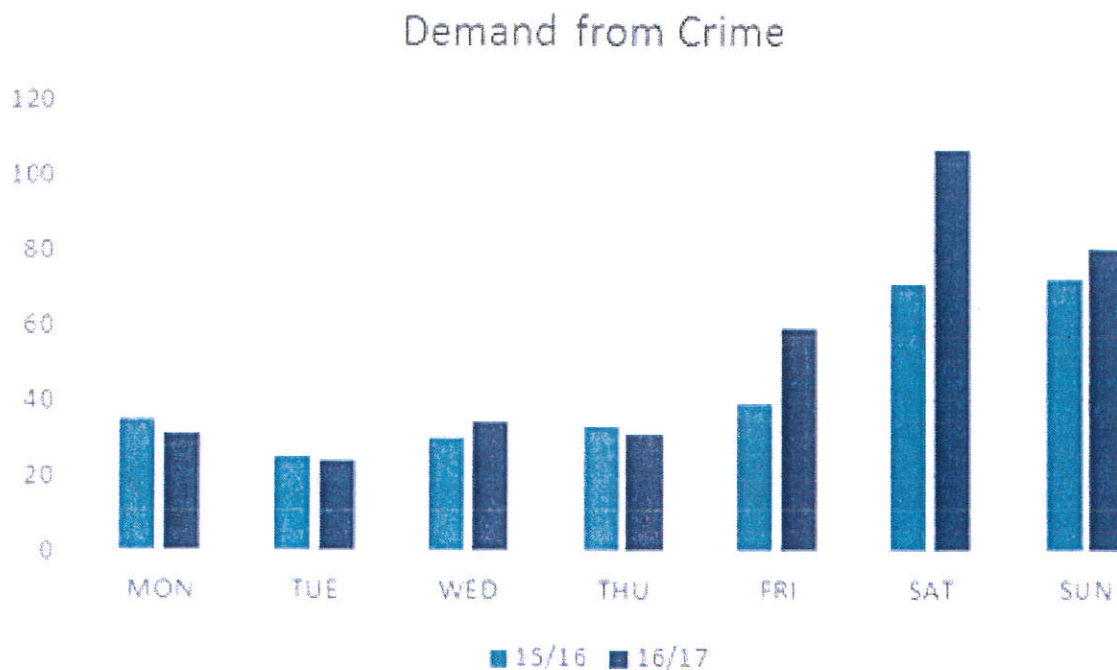
During 2010 West Midlands Police saw an increase in total recorded crime across the borough. Public place violence had risen and there was been two noticeable changes in public place violence and in particular February 2014 and May 2016.

Stourbridge -

A detailed intelligence product was produced for the purposes of applying for the Community Impact Zone back then; the document produced covered in detail the types of crime, days of the week and hours. There were limitations in the document as it only covered the year's performance years 2015 / 2016 and 2016 / 2017.

However the data was supported by documentary evidence showing a consistent increase in crime over the previous years.

The chart below highlighted the increase in demand over the weekend period with Saturday being the peak day.



The highlights of the data for Stourbridge Town are:

Total Recorded Crime -

- October 2015 to September 2016 – 895 offences.
- October 2016 to September 2017 – 909 offences.
- This was a 1.5% increase in total recorded crime.

Total Recorded Crime between 20:00hrs and 08:00hrs -

- October 2015 to September 2016 – 305 offences (43.1% of all total recorded crime).
- October 2016 to September 2017 – 366 offences (40.3% of all total recorded crime).
- 20% increase in total recorded crime.

Keys findings:

- Crimes recorded between 20:00 and 08:00 rose by 20% over the previous 12 months of performance year 2016/17.
- Crimes recorded between 20:00 and 08:00 increased in proportionality to the total recorded crime overall by 6.2 %
- Violent offences committed between 20:00 and 08:00 also increased by 74 offences equivalent to 56.7%.
- Kidnapping, murder and firearms offences all featured in the previous 12 months within Stourbridge Town.

Post Implementation of the Cumulative Impact Zone:

Since the introduction of the Cumulative Impact Zone West Midlands Police has seen a significant reduction in calls for service, crime, disorder and anti-social behaviour. The below information has been gathered by Police Intelligence Analyst within West Midlands Police which evidences the reduction.

Evidence to support the Stourbridge CIZ I believe we need the following –

The below map shows the CIZ with all offences from January 2016 to Dec 2018 Violent Crime with alcohol involved occurring between 20:00hrs and 05:00hrs.

There were 64 offences during this time period that fall into the above parameters' for the area of the CIZ



These incidents are broke dow as below –

CRIME_NUMBER	CURR_NH	CURR_SEC	DAY	FIRS'	GRID_REF	GRID_REF	OFFENCE	PRIMARY_LOC_TYPE_DESCR	SPECIAL_INTEREST_MARKERS	UIV
20DY/10551U/16	DYH	DYSH	SUN	390223	284208	284208	INFLECTING GBH WITHOUT INTENT	NIGHTCLUB	AI,CIDF,PPV,UIV	Y
20DY/20874U/16	DYH	DYSH	MON	390300	284200	284200	ASSAULT OCCASION ABH	ROAD	AI,AM,PPV,UIV	Y
20DY/34511T/16	DYH	DYSH	SUN	390223	284208	284208	MALICIOUS WOUNDING	FAST FOOD OUTLET	AI,AM,PPV,UIV	Y
20DY/35539I/16	DYH	DYSH	SUN	390223	284208	284208	MALICIOUS WOUNDING	NIGHTCLUB	AI,LPV,PPV,UIV	Y
20DY/91369F/16	DYH	DYSH	SAT	390146	284195	284195	COMMON ASSAULT	NIGHTCLUB	AI,DVO,LPV,POP,PPV,UIV	Y
20DY/101791E/16	DYH	DYSH	SUN	390212	284404	284404	ASSAULT OCCASION ABH	PETROL STATION	AI,PPV,UIV	Y
20DY/147350G/16	DYH	DYSH	SUN	390004	284259	284259	SEXUAL ASSAULT ON A FEMALE L3 OR OVER	OUTSIDE ADDRESS	AI,PPC,PPV,UIV,VKO	Y
20DY/155327I/16	DYH	DYSH	SUN	390394	284291	284291	RACIALLY/RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT,ALARM OR DISTRESS	PUBLIC FOOTPATH	AI,IBV,PPC,PPV,RA,UIV	Y
20DY/157057W/16	DYH	DYSH	SUN	390215	284267	284267	MALICIOUS WOUNDING	ROAD	AI,PPV,UIV	Y
20DY/157060C/16	DYH	DYSH	SUN	390215	284267	284267	ASSAULT OCCASION ABH	ROAD	AI,PPV,UIV	Y
20DY/158454P/16	DYH	DYSH	SUN	390223	284208	284208	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/169265A/16	DYH	DYSH	MON	390324	284120	284120	MALICIOUS WOUNDING	ROAD	AI,PPV,UIV	Y
20DY/171517G/16	DYH	DYSH	SAT	390000	283900	283900	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,AM,LPV,UIV	Y
20DY/171520N/16	DYH	DYSH	SAT	390000	283900	283900	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,AM,LPV,UIV	Y
20DY/223633R/16	DYH	DYSH	SAT	390223	284208	284208	INFLECTING GBH WITHOUT INTENT	NIGHTCLUB	AI,CIDF,LPV,PPV,UIV	Y
20DY/224175V/16	DYH	DYSH	WED	390281	284204	284204	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/238488I/16	DYH	DYSH	SAT	390223	284208	284208	ASSAULT OCCASION ABH	NIGHTCLUB	AI,AM,LPV,UIV	Y
20DY/250240T/16	DYH	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/250242Z/16	DYH	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/254616C/16	DYH	DYSH	SAT	390223	284208	284208	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,UIV	Y
20DY/255928R/16	DYH	DYSH	SAT	390223	284208	284208	CAUSE GBH WITH INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,PPV,UIV	Y
20DY/256123C/16	DYH	DYSH	SUN	390215	284267	284267	INFLECTING GBH WITHOUT INTENT	ROAD	AI,CIDF,PPV,UIV	Y
20DY/24515Z/17	DYH	DYSH	FRI	390743	284297	284297	COMMON ASSAULT	SEMI DETACHED - DWELLING	AI,POP,PPC,UIV,VKO	Y
20DY/24548X/17	DYH	DYSH	SAT	390053	284234	284234	ASSAULT OCCASION ABH	ROAD	AM,PPV,UIV	Y
20DY/24752T/17	DYH	DYSH	FRI	390743	284297	284297	ASSAULT OCCASION ABH	SEMI DETACHED - DWELLING	AI,POP,PPC,UIV,VKO	Y
20DY/35797Q/17	DYH	DYSH	SUN	390396	283933	283933	MALICIOUS WOUNDING	NIGHTCLUB	LPV,PPV,UIV	Y
20DY/36241D/17	DYH	DYSH	SAT	390223	284208	284208	ASSAULT OCCASION ABH	NIGHTCLUB	AI,PPV,UIV	Y
20DY/772828E/17	DYH	DYSH	SUN	390324	284120	284120	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/83838Y/17	DYH	DYSH	SAT	390351	284093	284093	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,PPV,UIV	Y
20DY/98778A/17	DYH	DYSH	SAT	390310	284176	284176	MALICIOUS WOUNDING	ROAD	AI,PPV,UIV	Y
20DY/117134D/17	DYH	DYSH	SUN	390157	284453	284453	MALICIOUS WOUNDING	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/117471C/17	DYH	DYSH	SUN	390388	284070	284070	CAUSE GBH WITH INTENT	PUBLIC HOUSE - LICENSED PREMISES	CIDF,DVO,LPV,PPV,UIV,VKO	Y
20DY/121829X/17	DYH	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	ROAD	AI,LPV,PPV,UIV	Y
20DY/172294Y/17	DYH	DYSH	SUN	389769	283838	283838	COMMON ASSAULT	ROAD	AI,DI,PPV,UIV	Y
20DY/178033X/17	DYH	DYSH	SAT	390303	284217	284217	MALICIOUS WOUNDING	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/182853T/17	DYH	DYSH	MON	390743	284297	284297	ASSAULT OCCASION ABH	DETACHED - DWELLING	AI,POP,UIV,VKO	Y
20DY/231859B/17	DYH	DYSH	SUN	390265	284738	284738	MALICIOUS WOUNDING	FAST FOOD OUTLET	AI,PPV,UIV	Y
20DY/237792E/17	DYH	DYSH	SUN	390215	284267	284267	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,AM,PPV,UIV	Y
20DY/237796T/17	DYH	DYSH	SUN	390215	284267	284267	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,AM,PPV,UIV	Y
20DY/270463N/17	DYH	DYSH	FRI	390045	284444	284444	CAUSE GBH WITH INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,PPV,UIV	Y
20DY/272533U/17	DYH	DYSH	SUN	390227	284412	284412	MALICIOUS WOUNDING	PUBLIC FOOTPATH	AI,PPV,UIV,VKO	Y
20DY/277801AA/17	DYH	DYSH	SUN	390324	284120	284120	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,PPV,UIV	Y
20DY/278016G/17	DYH	DYSH	MON	390223	284208	284208	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/280091F/17	DYH	DYSH	TUE	390215	284267	284267	COMMON ASSAULT	ROAD	AI,PPV,UIV	Y
20DY/13950J/18	DYH	DYSH	SUN	390388	284070	284070	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,PPV,UIV	Y
20DY/18045E/18	DYH	DYSH	MON	390215	284267	284267	ASSAULT OCCASION ABH	ALLEYWAY	AI,PPV,UIV,VKO	Y
20DY/32608F/18	DYH	DYSH	SAT	390143	284758	284758	HARASSMENT/ALARM OR DISTRESS	ROAD	AM,PPV,UIV	Y
20DY/56162B/18	DYH	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/56162Z/18	DYH	DYSH	SUN	390396	283933	283933	MALICIOUS WOUNDING	NIGHTCLUB	AI,LPV,PPV,UIV	Y
20DY/111126T/18	DYH	DYSH	SUN	390396	283933	283933	ASSAULT OCCASION ABH	NIGHTCLUB	LPV,PPV,UIV	Y
20DY/122085Z/18	DYH	DYSH	SAT	390281	284204	284204	COMMON ASSAULT	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/139127N/18	DYH	DYSH	FRI	390281	284204	284204	COMMON ASSAULT	FLAT - DWELLING	AI,POP,UIV,VKO	Y
20DY/142184R/18	DYH	DYSH	SUN	390281	284204	284204	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV,VKO	Y
20DY/144393R/18	DYH	DYSH	SUN	390281	284204	284204	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/145887I/18	DYH	DYSH	SAT	390427	284276	284276	ASSAULT OCCASION ABH	FLAT - DWELLING	AI,DVO,POP,UIV,VKO	Y
20DY/146736L/18	DYH	DYSH	SUN	390162	284023	284023	MALICIOUS WOUNDING	ROAD	AI,AM,PPV,UIV	Y
20DY/207648A/18	DYH	DYSH	SAT	390388	284070	284070	INFLECTING GBH WITHOUT INTENT	OUTSIDE ADDRESS	AI,CIDF,LPV,PPV,UIV,VKO	Y
20DY/224933R/18	DYH	DYSH	SUN	390102	284416	284416	ASSAULT OCCASION ABH	NIGHTCLUB	AI,LPV,PPV,UIV	Y
20DY/230272Z/18	DYH	DYSH	FRI	390399	284044	284044	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,PPV,UIV	Y
20DY/243128U/18	DYH	DYSH	SAT	390281	284204	284204	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/255360R/18	DYH	DYSH	SUN	390146	284266	284266	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV,VKO	Y
20DY/261796C/18	DYH	DYSH	SUN	390281	284204	284204	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/261798J/18	DYH	DYSH	SUN	390281	284204	284204	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/305076V/18	DYH	DYSH	MON	390538	284443	284443	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,UIV,VKO	Y

The below map shows the CIZ with all offences from January 2018 to Dec 2020 Violent Crime with alcohol involved occurring between 20:00hrs and 05:00hrs.

There are 67 offences during this time period that fall into the above parameters' for the area of the CIZ.



These incidents are broke dow as below –

CRIME_NUMBER	CURR_NH	CURR_SEC	DAY	FIRS	GRID_REF	GRID_REF	OFFENCE	PRIMARY_LOC_TYPE_DESCR	SPECIAL_INTEREST_MARKERS	UIV
20DY/13950J/18	DYHJ	DYSH	SUN	390388	284070	284070	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,PPV,UIV	Y
20DY/18045E/18	DYHJ	DYSH	MON	390215	284267	284267	ASSAULT OCCASION ABH	ALLEYWAY	AI,PPV,UIV,VKO	Y
20DY/32608F/18	DYHA	DYSH	SAT	390143	284758	284758	HARASSMENT/ALARM OR DISTRESS	ROAD	AM,PPV,UIV	Y
20DY/56162B/18	DYHJ	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/56169Z/18	DYHJ	DYSH	SUN	390396	283933	283933	MALICIOUS WOUNDING	NIGHTCLUB	AI,LPV,PPV,UIV	Y
20DY/111126T/18	DYHJ	DYSH	SUN	390396	283933	283933	ASSAULT OCCASION ABH	NIGHTCLUB	LPV,PPV,UIV	Y
20DY/122085Z/18	DYHJ	DYSH	SAT	390281	284204	284204	COMMON ASSAULT	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/139127H/18	DYHJ	DYSH	FRI	390281	284204	284204	COMMON ASSAULT	FLAT - DWELLING	AI,POP,UIV,VKO	Y
20DY/142184R/18	DYHJ	DYSH	SUN	390281	284204	284204	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV,VKO	Y
20DY/144393R/18	DYHJ	DYSH	SUN	390281	284204	284204	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,LPV,PPV,UIV	Y
20DY/145887I/18	DYHF	DYSH	SAT	390427	284276	284276	ASSAULT OCCASION ABH	FLAT - DWELLING	AI,DVO,POP,UIV,VKO	Y
20DY/146796L/18	DYHJ	DYSH	SUN	390162	284023	284023	MALICIOUS WOUNDING	ROAD	AI,AM,PPV,UIV	Y
20DY/207648A/18	DYHJ	DYSH	SAT	390388	284070	284070	INFLECTING GBH WITHOUT INTENT	OUTSIDE ADDRESS	AI,CIDF,LPV,PPV,UIV,VKO	Y
20DY/224933H/18	DYHJ	DYSH	SUN	390102	284416	284416	ASSAULT OCCASION ABH	NIGHTCLUB	AI,LPV,PPV,UIV	Y
20DY/230272Z/18	DYHJ	DYSH	FRI	390399	284044	284044	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,PPV,UIV	Y
20DY/243128U/18	DYHJ	DYSH	SAT	390281	284204	284204	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/255360R/18	DYHJ	DYSH	SUN	390146	284266	284266	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV,VKO	Y
20DY/261796C/18	DYHJ	DYSH	SUN	390281	284204	284204	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/261798J/18	DYHJ	DYSH	SUN	390281	284204	284204	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/305076V/18	DYHF	DYSH	MON	390538	284443	284443	INFLECTING GBH WITHOUT INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,UIV,VKO	Y
20DY/29681J/19	DYHJ	DYSH	SUN	390396	283933	283933	MALICIOUS WOUNDING	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/34865X/19	DYHJ	DYSH	SUN	390281	284204	284204	CAUSE INT HARASSMENT/ALARM/DISTRESS	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/34871N/19	DYHJ	DYSH	SUN	390281	284204	284204	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/58812G/19	DYHJ	DYSH	SUN	390281	284204	284204	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/58825W/19	DYHJ	DYSH	SUN	390388	284070	284070	ATTEMPT TO CAUSE GBH W/I TO DO GBH	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,PPV,UIV	Y
20DY/58900B/19	DYHJ	DYSH	SUN	390388	284070	284070	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/70364W/19	DYHJ	DYSH	FRI	390024	283721	283721	ASSAULT OCCASION ABH	FLAT - DWELLING	AI,DVO,POP,PPC,UIV,VKO	Y
20DY/75764A/19	DYHJ	DYSH	FRI	390244	284290	284290	ASSAULT OCCASION ABH	ROAD	AI,DVO,POP,PPC,PPV,UIV,VKO	Y
20DY/88236U/19	DYHJ	DYSH	SUN	390396	283933	283933	MALICIOUS WOUNDING	PUBLIC FOOTPATH	AI,PPV,UIV	Y
20DY/94645Y/19	DYHJ	DYSH	SAT	390324	284120	284120	CAUSE GBH WITH INTENT	PUBLIC HOUSE - LICENSED PREMISES	AI,CIDF,LPV,UIV	Y
20DY/100066R/19	DYHJ	DYSH	SAT	390146	284266	284266	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/100134C/19	DYHJ	DYSH	FRI	389937	284259	284259	CAUSE INT HARASSMENT/ALARM/DISTRESS	BUS	AI,AM,DI,PPV,PT,UIV	Y
20DY/107477R/19	DYHJ	DYSH	MON	390244	284290	284290	COMMON ASSAULT	CAR PARK	AI,PPV,UIV	Y
20DY/130031K/19	DYHJ	DYSH	SUN	390281	284204	284204	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/148182A/19	DYHJ	DYSH	SUN	389935	284773	284773	ASSAULT OCCASION ABH	OUTSIDE ADDRESS	AI,UIV	Y
20DY/149104D/19	DYHJ	DYSH	MON	390264	284397	284397	ROBBERY-BUSINESS PROPERTY	PETROL STATION	AA,AF,AM,CIDF,DI,PPV,UIV	Y
20DY/178713D/19	DYHJ	DYSH	SUN	390280	284168	284168	CAUSE GBH WITH INTENT	OUTSIDE ADDRESS	AI,AM,CIDF,PPV,UIV	Y
20DY/196572I/19	DYHJ	DYSH	THU	389732	284284	284284	RAPE OF FEMALE 16 OR OVER	TERRACE - DWELLING	DI,HIST,POP,PPC,UIV	Y
20DY/213169T/19	DYHJ	DYSH	SUN	390063	284482	284482	ASSAULT ON A FEMALE 13+ BY PENETRATION	OUTSIDE ADDRESS	AI,AM,PPC,PPV,UIV,VKO	Y
20DY/232521E/19	DYHJ	DYSH	SUN	390056	284460	284460	ASSAULT OCCASION ABH	FAST FOOD OUTLET	AI,DVO,POP,PPV,UIV,VKO	Y
20DY/244879P/19	DYHJ	DYSH	SAT	390200	284100	284100	COMMON ASSAULT	PUBLIC FOOTPATH	AI,POP,PPV,UIV,VKO	Y
20DY/250507T/19	DYHJ	DYSH	SAT	390281	284204	284204	MALICIOUS WOUNDING	PUBLIC HOUSE - LICENSED PREMISES	AI,PPV,UIV	Y
20DY/258720R/19	DYHJ	DYSH	FRI	390388	284070	284070	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/258721V/19	DYHJ	DYSH	FRI	390388	284070	284070	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/283346N/19	DYHJ	DYSH	SAT	390281	284204	284204	MALICIOUS WOUNDING	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/283936R/19	DYHJ	DYSH	SUN	389714	284476	284476	INFLECTING GBH WITHOUT INTENT	PUBLIC FOOTPATH	AI,CIDF,POP,PPV,UIV	Y
20DY/299155A/19	DYHJ	DYSH	SAT	390280	284168	284168	COMMON ASSAULT	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/304184T/19	DYHJ	DYSH	WED	390141	284289	284289	ASSAULT OCCASION ABH	CAR PARK	AI,PPV,UIV	Y
20DY/304185W/19	DYHJ	DYSH	WED	390141	284289	284289	MALICIOUS WOUNDING	CAR PARK	AI,PPV,UIV	Y
20DY/1756Q/20	DYHF	DYSH	THU	390529	284697	284697	MALICIOUS WOUNDING	ROAD	AI,PPV,UIV,VKO	Y
20DY/33953C/20	DYHF	DYSH	WED	390172	284609	284609	SEXUAL ASSAULT ON A FEMALE 13 OR OVER	CAR PARK	AI,DIS,PPC,UIV,VKO	Y
20DY/35898U/20	DYHF	DYSH	SUN	390663	284330	284330	COMMON ASSAULT	SEMI DETACHED - DWELLING	AI,POP,UIV,VKO	Y
20DY/35900I/20	DYHF	DYSH	SUN	390663	284330	284330	ASSAULT OCCASION ABH	SEMI DETACHED - DWELLING	AI,UIV,VKO	Y
20DY/42594C/20	DYHJ	DYSH	SAT	390324	284120	284120	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,AM,LPV,UIV	Y
20DY/42598Q/20	DYHJ	DYSH	SAT	390324	284120	284120	RACIALLY/RELIGIOUSLY AGGRAVATED INTENTION	PUBLIC HOUSE - LICENSED PREMISES	AI,AM,IBV,PPV,RA,UIV	Y
20DY/64935E/20	DYHJ	DYSH	SUN	390396	283933	283933	ASSAULT OCCASION ABH	PUBLIC FOOTPATH	AI,LPV,PPV,UIV	Y
20DY/66902V/20	DYHJ	DYSH	SAT	390388	284070	284070	ASSAULT OCCASION ABH	PUBLIC HOUSE - LICENSED PREMISES	AI,LPV,PPV,UIV	Y
20DY/110319W/20	DYHF	DYSH	WED	390498	284250	284250	MALICIOUS WOUNDING	SHOP	AI,AM,DVO,POP,UIV,VKO	Y
20DY/127531T/20	DYHJ	DYSH	WED	389714	284476	284476	ASSAULT OCCASION ABH	SEMI DETACHED - DWELLING	AI,AM,POP,PPC,UIV,VKO	Y
20DY/263294A/20	DYHJ	DYSH	TUE	390388	284070	284070	COMMON ASSAULT OF AN EMERGENCY WORKER	OUTSIDE ADDRESS	AI,AM,PPV,UIV	Y
20DY/263297K/20	DYHJ	DYSH	TUE	390388	284070	284070	COMMON ASSAULT OF AN EMERGENCY WORKER	OUTSIDE ADDRESS	AI,AM,PPV,UIV	Y
20DY/267115P/20	DYHF	DYSH	SAT	390538	284443	284443	ASSAULT OCCASION ABH	HOTEL	AI,AM,PPV,UIV	Y
20DY/267117W/20	DYHF	DYSH	SAT	390538	284443	284443	COMMON ASSAULT	HOTEL	AI,AM,PPV,UIV	Y
20DY/280153V/20	DYHF	DYSH	SAT	390538	284443	284443	COMMON ASSAULT	OUTSIDE ADDRESS	AI,PPV,UIV	Y
20DY/283762V/20	DYHJ	DYSH	TUE	390126	284358	284358	COMMON ASSAULT	HOTEL	AI,PPV,UIV	Y
20DY/315658B/20	DYHJ	DYSH	SAT	390094	284332	284332	MALICIOUS WOUNDING	FLAT - DWELLING	AI,POP,PPV,UIV,VKO	Y
20DY/315661H/20	DYHJ	DYSH	SAT	390094	284332	284332	MALICIOUS WOUNDING	OUTSIDE ADDRESS	AI,POP,PPV,UIV,VKO	Y

Conclusion

Dudley Neighbourhood Policing Unit is fully supportive for the Community Impact Zone to remain in place.

The data above demonstrates that there was a rise in total recorded crime in the geographic area for the Cumulative Impact Zone from 2015 to 2017. However; the continued use of the Community Impact Zone has helped reduce alcohol related crime and disorder in the Stourbridge Town Centre.

The above information and data fully supports that the Cumulative Impact Zone is proportionate and necessary in order to support the four licensing objectives within the geographic area of the zone.

We, therefore, submit that under the terms of the review, that the Cumulative Impact Zone remains in place and be further reviewed in 3 years' time.

PC 1978 Deano Walker
Brierley Hill Neighbourhood Policing Unit

Cumulative Impact Zone Review – Stourbridge Town Centre

Background

The Cumulative Impact Zone (CIZ); was originally introduced in Stourbridge Town Centre in 2006 by Dudley Police Department in partnership with the Council. Its aim was to recognise the number of late-night premises within Stourbridge Ring Road and the correlation between crime, disorder and anti-social behaviour.

The office of Public health is aware that this document is now due for review and would like to submit this brief report, in an attempt to retain the cumulative impact zones. We believe that the CIZ, is a necessary tool to ensure the continued reduction of the negative health impacts due to alcohol on an area that, has already experienced high incidences of alcohol related anti-social behaviour and crime.

Supporting Evidence

Dudley Borough

Since 2010 there has been an increase in total recorded crime across the Borough and public place violence has risen.

Stourbridge

Significant event

The significant event and closure of Chicago nightclub 2017- alcohol related death. Although this establishment no longer exist, Dudley's cumulative impact zone still hosts, several large, licenced premises. If the zoning were removed this could also lead to the possibilities of anti-social and more serious incidences reoccurring.

Data

Adults

Ward Level	CIZ	Dudley
Binge Drinkers as % of adult population (DHS 2014)	18%	16%
Higher risk drinkers as % of population (DHS 2014)	9%	5%



Numbers accessed treatment for alcohol misuse (adults)	40	23
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Children

Ward Level	CIZ	Dudley
Children in (years 8 & 10) reported to be drinking alcohol as a % of the population in these age groups in the area	12%	9%

Indicators for consideration

The data shows that this geographical area has:

- High rates of anti-social behaviour
- High rates of violent crime

in comparison to the rest of the borough.

The data however is supported by documentary evidence (provided by Dudley Police) of a consistent increase in crime over the past years.

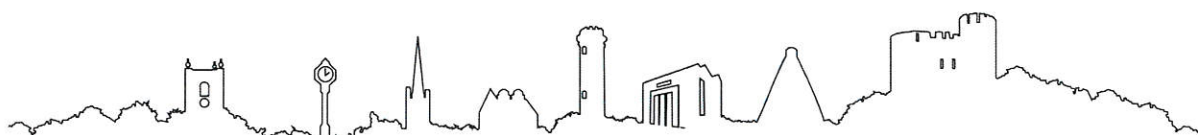
Covid and Lockdown

Despite have the current Covid 19 situation and the resulting three lock downs. It is the considered Public health belief that the last 18 months should not, be taken into consideration, when reviewing the retaining of the cumulative impact zone. As these are unprecedented circumstances and once restrictions all fully lifted the original concerns for requiring the impact zone will remain the same.

Conclusion

Public Health believes that the above data demonstrates a higher prevalence of problem drinkers both children and adults in the area compared with the rest of the borough. It also shows that the demand spikes over Friday's, Saturday's and Sundays with Saturdays being the peak day.

It is my view that without the CIZ, there could be a risk of an even greater rise in anti-social behaviour and crime, than reported.

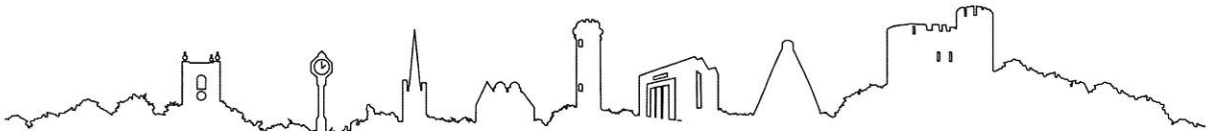


The above information and data support that the continuation of the CIZ, which is a proportionate and necessary step, in order to support the four licensing objectives within this geographic area. We, therefore, submit that under the terms of the review, the CIZ should remain in place and be further reviewed in 3 years' time.

Contact Officer – Wendy Hillary-patten



Karen Wright
Director of Public Health and Wellbeing



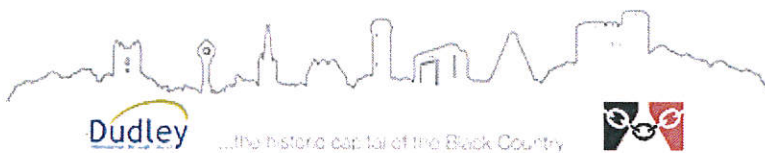
Liz Rouse (Waste and Fleet Care)

From: Kay Dewinski (Waste and Fleet Care)
Sent: 17 September 2021 11:35
To: Simon Smith (Waste and Fleet Care); Liz Rouse (Waste and Fleet Care)
Subject: FW: [EXTERNAL EMAIL] Fwd: FW: Cumulative Impact Zone Consultation [OFFICIAL-SENSITIVE PERSONAL]
Attachments: Cumulative Impact Letter.docx
Sensitivity: Confidential

Regards,

Kay Dewinski
 Liquor Licensing Clerk

Waste & Fleet Care - Licensing & Waste Enforcement
 Public Realm
 Dudley Council
 Unit 1, Hurst Business Park, Narrowboat Way, Brierley Hill, DY5 1UF
 01384 814474
www.dudley.gov.uk



From: Cllr. Nicolas Barlow <Cllr.Nicolas.Barlow@dudleymbc.org.uk>
Sent: 17 September 2021 11:34
To: Liquor Licensing <Liquor.Licensing@dudley.gov.uk>
Cc: Kay Dewinski (Waste and Fleet Care) <Kay.Dewinski@dudley.gov.uk>; Cllr. Steve Clark <Cllr.Steve.Clark@dudleymbc.org.uk>; Cllr. Alan Hopwood <Cllr.Alan.Hopwood@dudleymbc.org.uk>
Subject: [EXTERNAL EMAIL] Fwd: FW: Cumulative Impact Zone Consultation [OFFICIAL-SENSITIVE PERSONAL]
Sensitivity: Confidential

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Good morning,

Further to the letter regarding the Cumulative Impact Policy for Stourbridge Town Centre and environs, I wish for the Policy and area it covers to remain as it stands.

Kind regards,

Cllr. Nicolas Barlow
 Wollaston and Stourbridge Town Ward
 Cabinet Member for Health and Adult Social Care

Dudley Council
Council House, 1 Priory Road, Dudley, DY1 1HF
07989 174153
<https://www.dudley.gov.uk/coronavirus>

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From: Kay Dewinski (Waste and Fleet Care) <Kay.Dewinski@dudley.gov.uk>
Sent: Thursday, 16 September 2021, 14:47
To: Cllr. Nicolas Barlow
Subject: FW: Cumulative Impact Zone Consultation [OFFICIAL-SENSITIVE PERSONAL]

Dear Cllr Barlow,

Please find attached letter in respect of the Cumulative Impact Consultation for your information.

Regards,

Kay Dewinski

Liquor Licensing Clerk

Waste & Fleet Care - Licensing & Waste Enforcement

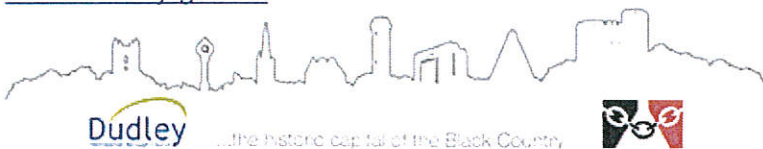
Public Realm

Dudley Council

Unit 1, Hurst Business Park, Narrowboat Way, Brierley Hill, DY5 1UF

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www.dudley.gov.uk



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Lower High Street,
Stourbridge. DY8 1TR

11th October 2021

Simon Smith
Team Manager (Licensing & Waste Enforcement)
Unit 1 Hurst Business Park,
Narrowboat Way,
Brierley Hill. DY5 1UF
liquor.licensing@dudley.gov.uk

Dear Mr Smith,

Please find my comments below, with regard to the review planned for February 2022.

Section 141 Policing and Crime Act 2017 assessment of Cumulative Impact Policy 2018

There is clearly a need for Dudley Council to review whether the current methodology of the CIZ is working in terms of reducing noise, nuisance and crime? (see Point 1 on Police figures)

Is the cumulative impact of extra bars being licensed, considered and measured? (Point 2)

Clearly interpretation of crime statistics for years 2020 and 2021 compared to previous years will be meaningless due to CV19 restrictions (Point 3) I would therefore urge the Council to maintain the current policy as a minimum; if not tighten up on the number of licenses granted for bars within Stourbridge town centre.

1) Increase in crime and violent crime.

Stourbridge town centre has been covered by a Cumulative Impact Zone (CIZ) for licensing since 16/10/2006. The Council approved this, along with a series of measures to reduce crime against people and property; reduce noise and disturbance etc. This policy has now been in place for 15 years and was last reviewed in Feb 2019, where crime statistics provided by the Police showed that recorded crime (including violent crime) had actually risen for the period 2015 to 2017, particularly after 2000 hrs and would have been worse, had it not been for the measures taken by the Police and Council. Since 2017 there have been two notable outbreaks of violence in Stourbridge town centre at "the Bell" public house which led to its license being revoked and at "Chicago's" nightspot where tragically a young man, was stabbed to death and the venue was later closed.

2) More bars in the town centre

There appears to be a gradual increase in the number of licensed premises within the ring road over the last 2-3 years – It is highly probable that there will be an associated, increased

risk of noise and nuisance in the town centre at night. Some of these units started out as other types of premises and have “evolved” over time to become bars.

The Hop Vault in Market Street – converted from a retail shop into a craft beer off license. Recently has been extended and licensed to also become a bar.

The French Connection in Coventry Street – was a long-established restaurant, now is The Stour bar where you can buy beers, without ordering food.

Coop supermarket in the High Street – closed as a supermarket, then converted into a large bar, the Soffio Lounge.

HAUL! Beer in Lower High Street – was a charity shop, converted into an off license to buy craft beer. Has subsequently become a bar, requesting longer opening hours.

3) CV19 Lockdown and post lockdown period impact

Clearly it will NOT be possible to compare Police crime statistics for Stourbridge for the CV19 lockdown period (2020/21) with those experienced in years prior to CV19.

There have been extended periods where all pubs, restaurants, bars have been shut completely and other periods where opening hours and numbers of people allowed inside or even outside bars, severely restricted.

Crime numbers in 2020/21 will have fallen dramatically during the pandemic as the town centre has effectively been shut at night and a ghost town.

Many people have switched to drinking at home and may choose to remain at home, either because they are self-isolating or because they are concerned about mixing in large crowds. It may take some time before people feel safe to return to Stourbridge at night in significant numbers.

Until we return to some sort of “normality”, it is impossible to gauge the level of noise, nuisance, crime etc. that Stourbridge is experiencing.

Please feel free to contact me if you have any queries.

Yours sincerely,

Richard Hopkins

File	Premises	Opening Hours	Alcohol
DY/51/0357	Crystal Leisure Centre, Bell Street	Sunday to Thursday 09:00 to 23:30 Friday & Saturday 09:00 - 01:00	Monday to Saturday 12:00 - 23:00 Sunday 12:00 - 22:30
DY/51/0669	Yummy's Kebabland, 2 Bell Street	Monday to Sunday 12:00 - 03:00	Monday to Sunday 09:00 - 02:00
DY/51/1276	Duke William Public House, 25 Coventry Street	Monday to Sunday 09:00 - 02:00	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:30
DY/51/0547	The Stour, 3 Coventry Street	Monday to Wednesday 17:00 - 00:00 Thursday to Saturday 17:00 - 03:00 Sunday 17:00 - 01:00	
DY/51/0198	Rominos Pizza, 8 Foster Street	Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 02:30	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:30
DY/51/0349	Paprika, 131-132 High Street	Monday to Sunday 07:00 - 02:30	Monday to Sunday 08:00 - 02:00
DY/51/0512	Chequers Public House, 96 High street	Monday to Wednesday 11:30 - 01:30 Thursday to Saturday 11:30 - 03:00 Sunday 17:00 - 03:00	Monday to Sunday 10:00 - 02:00
DY/51/0801	Stourbridge Pizza & Kebab, 72 High Street	Monday to Wednesday 10:00 - 23:30 Thursday to Saturday 10:00 - 01:30 Sunday 10:00 - 00:00	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:30
DY/51/0842	The Talbot Hotel, High Street	Monday to Sunday 10:00 - 02:30	Monday to Sunday 10:00 - 02:00
DY/51/0555	Cellars Restaurant, 166 Lower High Street	Not Limited	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
DY/51/0351	Mitre Inn, Lower High Street	Monday to Wednesday 10:00 - 23:30 Thursday to Saturday 10:00 - 01:30 Sunday 10:00 - 00:00	Monday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 01:00 Sunday 11:00 - 00:00
DY/51/1433	Barbridge Public House, Unit 11 Victoria Passage	Monday to Sunday 10:00 - 01:30	Monday to Sunday 10:00 - 01:00
DY/51/0416	The Yak Nepalese & Indian, Victoria Passage	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 00:00	Monday to Saturday 11:00 - 00:00 Sunday 12:00 - 00:00
DY/51/0216	Stourbridge Lion, 77-78 High Street	Sunday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30	Sunday to Thursday 09:00 - 02:00 Friday to Saturday 09:00 - 03:00
DY/51/0078	Jolly Crispin Public House, 5 Church Street	Thursday 10:00 - 02:30 Friday to Saturday 10:00 - 03:30 Sunday to Wednesday 10:00 - 00:30	Thursday 10:00 - 02:00 Saturday 10:00 - 03:00 Sunday to Wednesday 10:00 - 00:00
DY/51/0453	River Rooms, Mill Race Lane	Monday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 02:30 Sunday 10:00 - 01:00	Monday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 02:00 Sunday 10:00 - 01:00

DY/51/0017	Waitrose, Ryemarket	Monday to Sunday 07:00 - 23:00	Monday to Sunday 07:00 - 23:00
DY/51/1219	Aldi, New Road	Monday to Sunday 08:00 - 23:00	Monday to Sunday 08:00 - 23:00
DY/51/0394	Iceland, Ryemarket	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
DY/51/1235	Home Bargains, Ryemarket	Monday to Sunday 08:00 - 22:00	Monday to Sunday 08:00 - 22:00
DY/51/1171	St John's Convenience Store, St Johns Road	Monday to Sunday 00:00 - 00:00	Monday to Sunday 00:00 - 00:00
DY/51/0407	CocknBull Public House, 109 High Street	Monday to Sunday 07:00 - 02:30	Monday to Sunday 09:00 - 02:00
DY/51/0368	The Old Wharf Inn, Lower High Street	Monday to Wednesday 10:00 - 23:30 Thursday 10:00 - 00:30 Friday & Saturday 10:00 - 01:30 Sunday 12:00 - 23:00	Monday to Wednesday 10:00 - 23:00 Thursday 10:00 - 00:00 Friday & Saturday 10:00 - 01:00 Sunday 12:00 - 22:30
DY/51/0839	Moliano's, 13 Market Street	Monday to Sunday 12:00 - 03:00	Sunday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 01:30
DY/51/1386	Waggon & Horses Public House, 31 Worcester Street	Thursday to Saturday 10:00 - 01:30	Monday to Saturday 11:00 - 23:00
DY/51/0083	Royal Exchange, 75 Enville Street	Not limited	Sunday 12:00 - 22:30
DY/51/0375	Plough & Harrow Public House, 107 Worcester Street	Monday to Sunday 10:00 - 00:30	Monday to Sunday 10:00 - 00:00
DY/51/0089	Longlands Tavern, 24 Western Road	Monday to Sunday 11:00 - 23:30	Monday to Sunday 11:00 - 23:00
DY/51/0539	Red House, Foster Street	Sunday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 02:00	Sunday to Wednesday 10:00 - 23:30 Thursday to Saturday 10:00 - 01:30
DY/51/1263	Sopranos, 1 Bell Street	Sunday to Wednesday 12:00 - 00:00 Thursday to Saturday 12:00 - 03:00	
DY/51/1354	Brewers Fayre Pub Restaurant, Birmingham Street	Monday to Sunday 06:00 - 01:00	Monday to Sunday 10:00 - 00:30
DY/51/1397	Claptrap the Venue, 108a High Street	Monday to Sunday 10:00 - 02:00	Monday to Sunday 10:00 - 02:00
DY/51/1546	VGN Boulevard, 9 Coventry Street	Monday to Sunday 08:30 - 00:00	Monday to Sunday 08:30 - 00:00
DY/51/1547	Soffio Lounge, 111-112 High Street	Sunday to Wednesday 08:00 - 23:30 Thursday to Saturday 08:00 - 00:30	Sunday to Wednesday 10:00 - 23:00 Thursday to Saturday 10:00 - 00:00
DY/51/1566	The Hop Vault, 9 Market Street	Monday to Sunday 10:00 - 22:30	Monday to Sunday 10:00 - 22:00
DY/51/1569	St Giles House, 15-16 Lower High Street	Monday to Thursday 11:00 - 20:00 Friday to Saturday 11:00 - 22:00	Monday to Thursday 11:00 - 20:00 Friday to Saturday 11:00 - 21:30 (On) Friday to Saturday 11:00 - 22:00 (Off)
DY/51/1466	McDonalds, Mill Race Lane	Monday to Sunday 05:00 - 05:00	
DY/51/1587	Yard and Beyond, Rear of Cock n Bull, 109 High Street	Monday to Sunday 09:00 - 22:30	Monday to Sunday 09:00 - 22:00

DY/51/1602	Mr Souvlaki, 107 High Street	Monday to Sunday 11:00 - 22:30	Monday to Sunday 11:00 - 22:00
DY/51/1560	The Dog House, 2 Vauxhall Road	Monday to Sunday 08:00 - 23:30	Monday to Sunday 08:00 - 23:00
DY/51/1573	Eco Maniax Ltd, Unit 34 Ryemarket Shopping Centre	Tuesday to Saturday 09:00 - 17:00 Monday 09:30 - 17:00	Monday to Saturday 10:00 - 17:00
DY/51/1374	Tesco, Unit 9 Crown Centre	Monday to Sunday 00:00 - 00:00	Monday to Saturday 06:00 - 00:00 Sunday 09:00 - 18:00

Meeting of the Cabinet – 15th December 2021

Report of the Acting Director of Public Realm

Review of Gambling Policy (Statement of Principles)

Purpose

1. To consider the recommendations of the Licensing and Safety Committee concerning the review of the attached Statement of Principles for the Gambling Act 2005.

Recommendations

2. That the Cabinet endorse the recommendations of the Licensing and Safety Committee, namely:-
 - That the responses to the consultation and review of the Council's Gambling Policy (Statement of Principles), be noted.
 - That the Council be recommended to approve the revised Gambling Policy (Statement of Principles).

Background

3. The Council has in accordance with Section 153 of the Gambling Act 2005 prepared and published a Policy (Statement of Principles).
4. The Statement should include the principals the Council proposes to apply in exercising their functions under this Act whilst licensing premises and ensuring compliance with the Gaming Objectives.
5. The Gaming objectives are
 - A) Preventing gambling from being source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - B) Ensuring that gambling is conducted in a fair and open way

- C) Protecting children and other vulnerable persons from being harmed or exploited by gambling
6. In accordance with Section 349 of the Gambling Act 2005 the Council are required to review, revise as appropriate and publish any revision to its statement of principles every three years. The last review was completed in February 2019.
7. A review of the Council's current Statement of Principals has been undertaken and revisions are indicated within the draft document in *italics*. The revisions are summarised as follows:
- Page 4. Updated information in relation to current numbers of licenced premises in the borough.
 - Page 9. Additional matters that the council recommends should be addressed by an applicant in their local risk assessment produced in accordance with the revision of the Gambling Commissions Licence Conditions, Code of Practice, Social Responsibility Code (10.1.1)
 - Page 21. Part B (Consideration of Applications) Inclusion of a section in relation to Tracks and measures to be considered to meet the licensing objectives when considering applications.
8. A copy of the revised Statement of Principles is attached at Appendix A.
9. A period of consultation has taken place, the draft policy went out to consultation between 14th September 2021 and the 26th October 2021 a list of those consulted are shown at Appendix B.
10. The only response to the consultation was from the Police who stated they had no adverse comments to make and is attached at Appendix C.
11. The Licensing and Safety Committee considered this item at its meeting on 8th November 2021 and resolved: -
- That the responses to the consultation and review of the Council's Gambling Policy (Statement of Principles), be noted.
 - That the Cabinet and Council be recommended to approve the revised Gambling Policy (Statement of Principles).

Finance

12. There are no financial implications to the Council.

Law

13. Section 349 (3) of the Gambling Act 2005 requires the review to take place.

Risk Management

14. There are no risk management implications.

Equality Impact

15. This report takes into account the Council's policy on equal opportunities.

16. The Statement of Principles Policy will impact on children and young people through their attendance at licensed premises. There has been no consultation or involvement of children or young people in the development of this assessment.

Human Resources/Organisational Development

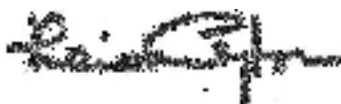
17. There are no human resources /organisational development implications.

Commercial/Procurement

18. There are no commercial/procurement implications.

Council Priorities

19. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



.....
Heidi Marsh-Geyton
Acting Director of Public Realm.

Contact Officer: Mr. Simon Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers

Appendix A – Revised draft Gambling Policy (Statement of Principles)

Appendix B – List of those consulted

Appendix C – Response to consultation



Gambling Act 2005

Statement of Principles 2022-2025

DUDLEY METROPOLITAN BOROUGH GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

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Gambling Act 2005 Section 349(3) Consultation

Revision of Statement of Principles.

All references to The Guidance refer to the Gambling Commission's Guidance to Licensing Authorities. Latest edition published April 2021.

The Council is required to conduct a review of its Statement of Principles in relation to the Gambling Act 2005 every three years and to consult with a wide number of agencies and operators as will be shown on the document presented to Full Council in February 2022.

How we collect and use Information.

We refer you to the following link in respect of the council policy
<http://www.dudley.gov.uk/privacy-disclaimer-statement>

The consultees will be contacted as per lists currently held by the council. They will be invited to visit a webpage, or e mail, or post their views to the Licensing Section of the Council at the address in Appendix A.

Dudley council will use the information supplied, in the following ways:

- A record will be kept of whom consulted
- A record of the replies received, these will be used to reinforce or amend the policy.
- The replies will be shared within the licensing authority and with elected members on the relevant committee.
- The information will be retained for a period of three years, the timescale between consultation periods.
- The information will not be shared with other third parties unless required by law.

PART A

1. The Licensing Objectives

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

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

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

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

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

2. Introduction

Dudley is a large metropolitan borough (98 square kilometres/38 square miles) located on the western part of the West Midlands conurbation. It lies at the heart of the Black Country, a part of England rich in cultural and economic heritage.

Dudley has a population of 313,000¹ - the 25th largest authority, in population size, in England. With an adult population of in the region of 252,000

Dudley Borough plays an important role in the West Midlands economy, with around 10,000 businesses and a workforce of 112,000 people.

The borough currently has 35 gambling licenced premises made up of 24 betting, seven bingo, two adult gaming centres, one casino and one unlicenced family entertainment centre.

The authority’s Licensing Section is situated within the *Public Realm Directorate*.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This

¹ 2011 UK Census

statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then republished.

Dudley Council consulted widely upon this statement before finalising and publishing. *Should you have any comments about this policy statement, please send them by email to the relevant address in Appendix A*

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

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

A list of persons/organisations *we have* consulted *in relation to the revision of the statement of Principles are recorded at Appendix B*

The consultation took place between *14th September 2021 and 29th October 2021*.

The policy was approved at a meeting of the Full Council on [date]² and will published immediately our website.

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

3. Declaration

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

4. Responsible Authorities

Exercising their powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

² Date to be inserted once policy is formally approved

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

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website.

5. Interested Parties

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

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

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

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

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

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

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the authority's Licensing Section as detailed in Appendix A.

6. Exchange of Information

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

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

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

7. Enforcement

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

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

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

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

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

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

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

This authority embraces the Department for Business Innovation and Skills "Regulators Code" which came into force on the 6 April 2014, and its standards have been integrated into our regulatory culture and processes. This authority supports the principles of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the authority's Licensing Section as detailed in Appendix A

8. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gambling activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue Club Machine Permits to Commercial Clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.

- Receive and Endorse Temporary Use Notices.
- Receive Occasional use Notices.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that licensing authorities are not involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

9. Local Risk Assessments

Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. The Gambling Commission's Social Responsibility (SR) code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks (~~To come into force from the 6 April 2016~~). In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. This risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

Where concerns do exist, perhaps prompted by new or existing risks, this licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

The licensing authority would recommend that the following matters are considered by operators when making their risk assessment:

- *the location of the premises to services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather.*

- *the vicinity of the premises to gambling or addiction support or treatment centres where children or vulnerable groups may be present.*
- *Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, service tills, refreshment and entertainment type facilities.*
- *the demographics of the area in relation to vulnerable groups.*
- *whether the premises are in an area subject to high levels of crime and/or disorder.*
- *local risk assessments should show how vulnerable people, including people with gambling dependencies are protected including the use of Information held by the licensee regarding self-exclusions and incidences of underage gambling.*
- *Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.*
- *This list is not exhaustive and other factors not in this list that are identified should be taken into consideration.*

The licensing authority expects a current copy of the local risk assessment to be kept at the licensed premises.

Where a licensing authority's policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

10. Local Area Profile

This licensing authority may in due course complete its own assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. These will be known as local area profiles. Completion of such a profile is not a requirement on a licensing authority. An assessment has been undertaken on the completion of such a profile and the necessary resource implication for the authority on completing and maintaining this. It has been currently deemed unnecessary given the low number of applications received, and other measures in place to assist applicants.

The authority assists potential applicants in the following ways

We strongly recommend that any potential operator contact the licensing authority at the earliest opportunity. The authority has or can acquire the requisite local knowledge specific to a particular application. This will enable the applicant to properly include the relevant factors into their risk assessment.

The licensing authority has a proactive engagement with responsible authorities these include Public Health Dudley, West Midlands Police, West Midlands Fire Service, Environmental Health and Trading Standards.

The authority engages with housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations, albeit on a less frequent basis.

An awareness of local risks can thus be identified and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The applications are shared with local elected members and experience from Licensing Act 2003 applications, has shown this to be a good way of identifying local factors. For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. The licensing authority might indicate, for example, that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas and, if not, the licensing authority would consider other controls themselves.

To assist operators, this licensing authority has produced a local interactive map which can be found searching on the internet Dudley Council GISMO. This shows the location of the current licensed gaming premises. The operator can also use this to identify other premises such as nearby schools which may impact on delivery of the gaming objectives.

As stated, there is no mandatory requirement to have a local area profile, and this authority has an established working group, comprising the other relevant authorities and therefore an operator can be easily directed to the appropriate relevant authority to outline their proposals before submitting their operating schedule.

It enables the licensing authorities to better serve their local community, by better reflecting the community and the risks within it.

The authority can therefore provide:

- Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application.
- It enables licensing authorities to make robust but fair decisions, based on a clear, identified factors and risks, which are therefore less susceptible to challenge.
- It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

(i) Decision-Making

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

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

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of 'Premises'

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

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

building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.'

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

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

Customers should be able to participate in the activity named on the premises Licence.

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

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

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

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

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

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

Casinos

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

Adult Gaming Centres

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

Betting Shops

- Access must be from a street or from another premises with a betting premises license.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of the café: the whole area would have to be licensed

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises 'ready for gambling'

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

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

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

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

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

(iv) Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated at an appropriate review. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning

The Gambling Commission Guidance to Licensing Authorities states that in determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any matters not related to

gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

(vi) Duplication with other regulatory regimes

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

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

Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities: -

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

threatening the behaviour was to those who could see it) so as to make that distinction. Issues of simple nuisance are not relevant considerations under the Act.

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

Protecting children and other vulnerable persons from being harmed or exploited by gambling – This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

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

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

Conditions

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

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

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may

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

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

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

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

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

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

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories number, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes

Door Supervisors

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

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

2. Adult Gaming Centres

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures, and operators must conduct local risk assessments.

3. (Licensed) Family Entertainment Centres

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

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

- CCTV
- Supervision of entrances/machine areas
- Physical separation of area
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures, and operators must conduct their own risk assessments.

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

4. Casinos

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

5. Bingo Premises

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

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

6. Betting Premises

Betting Machines – This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature /circumstances of betting machines an operator wants to offer. Operators must conduct their own risk assessments.

7. Tracks

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

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- *Proof of age schemes*
- *CCTV*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare*

8. Travelling Fairs

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

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

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

9. Provisional Statements

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

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

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

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

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

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

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

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

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

10. Reviews

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

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

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

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

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

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

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

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

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

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for

gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

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

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PART C Permits/Temporary & Occasional Use Notice

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

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

The Gambling Act 2005 states that a licensing authority may prepare a **statement of principles** that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In its policy statement licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." Guidance also states "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... Licensing authorities might wish to consider asking applications to demonstrate:

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

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

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

2. (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

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

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

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act which relates to written notices, appropriate fees and location of machines.
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

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

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

3. Prize Gaming Permits

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

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

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

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

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

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

4. Club Gaming and Club Machines Permits

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

Gambling Commission Guidance states that the licensing authority should take into account a number of matters (detailed within the guidance) when deciding whether it is a genuine members' club

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

- (a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- (b) the applicant’s premises are used wholly or mainly by children and/or young person’s
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police.

There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance to Licensing Authorities states:

“Under the fast track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon which an Authority can refuse a permit are reduced.” And “The grounds on which an application under the process may be refused are:

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

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

5. Temporary Use Notices

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The Gambling Act 2005 (Temporary Use

Notices) Regulations 2007) state the restrictions on the type of gambling to be offered under a Temporary Use Notice, and they can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 14 of the Gambling Commission Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.

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

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6. Occasional Use Notices

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

7. Small Society Lottery

The licensing authority is responsible for registering societies to run small society lotteries.

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

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

APPENDIX A

Licensing Section
Dudley MBC
Unit 1, Hurst Business Park
Narrowboat Way
Brierley Hill
DY5 1UF

Tel: 01384 814474.

Email: liquor.licensing@dudley.gov.uk.

Website: www.dudley.gov.uk

Draft

APPENDIX B

Dudley Metropolitan Borough Council (MBC) Environmental Health and Safety
Dudley MBC Planning Section
Dudley MBC Trading Standards
Dudley MBC Safeguarding & Review Services
West Midlands Police
West Midlands Fire Service
Dudley MBC Office of Public Health
Gambling Commission
HM Revenue and Customs
Association of British Bookmakers
The Bingo Association
British Amusement Catering Association (BACTA)
GamCare
Citizens Advice Bureau
Gambling Premises Licence Holders
Club Premises Certificate Holders
Small Society Lottery Holders

Draft

CONSULTEES

Dudley Environmental Health and Safety
Planning
Trading Standards
Safeguarding & Review Services
West Midlands Police
West Midlands Fire Service
Office of Public Health
Gambling Commission
Customs & Excise
Association of British Bookmakers
The Bingo Association
BACTA
GamCare
Citizens Advice Bureau
Gambling Premises Licence Holders
Club Premises Certificate Holders
Small Society Lottery Holders
Advertised in the press

Liz Rouse (Waste and Fleet Care)

From: dy licensing <dy_licensing@west-midlands.pnn.police.uk>
Sent: 10 October 2021 22:16
To: Kay Dewinski (Waste and Fleet Care)
Subject: [EXTERNAL EMAIL] RE: [External]: FW: Gambling Policy Consultation

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi Kay

We have no adverse comments to make.

Kind Regards

Donna

50257 Donna Jenkins
Licensing & Regulatory Officer
Partnerships Team
Brierley Hill Police Station
Dudley Local Policing Unit

PLEASE NOTE THAT I ONLY WORK WED, THUR & FRI

DDI: 0121 626 8076/07760 991036
Switchboard: 101 ext 851 3095/3096
E-mail: d.jenkins@west-midlands.pnn.police.uk/dy_licensing@west-midlands.pnn.co.uk

*To report crime and anti-social behaviour which does not require an emergency response, please call 101.
In an emergency, call 999.*

Serving our communities, protecting them from harm'

Website: www.west-midlands.police.uk
Facebook: www.facebook.com/westmidlandspolice

From: Kay Dewinski (Waste and Fleet Care) [mailto:kay.dewinski@dudley.gov.uk]
Sent: 15 September 2021 12:54
To: dy licensing
Subject: [External]: FW: Gambling Policy Consultation

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Meeting of the Cabinet – 15th December, 2021

Report of the Lead for Law and Governance (Monitoring Officer)

Annual Review of the Constitution

Purpose

1. To consider the annual review of the Constitution. The full [Constitution](#) is available on the Council's website.

Recommendations

2. That the Council be recommended to approve:
 - The recommendations of the Audit and Standards Committee concerning the adoption of the revised Members' Code of Conduct and Standards Arrangements, effective from 6th May, 2022, together with the necessary revision of the Constitution (paragraphs 6 to 12 and Appendix 1).
 - The amendments to the Petition Scheme (paragraphs 13, 14 and Appendix 2).
 - The incorporation of the Best Consideration Protocol into Part 6 of the Constitution (paragraph 15).
 - The amendment of Article 4.02(a) and Cabinet Procedure Rule 1.2(c) to reflect the process for making amendments to the Scheme of Delegation in Part 3 of the Constitution (paragraphs 16 and 17).
 - The arrangements for making nominations concerning the appointment of Honorary Aldermen and Honorary Alderwomen (paragraphs 18 to 21).

Background

3. The Council introduced the Constitution in May 2002. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles are given full effect.
4. Full Council is responsible for approving changes to the Constitution after consultation with the Cabinet. An exception to this is that amendments to the Scheme of Delegation may be made by way of a Delegated Decision Sheet authorised by the Leader of the Council. From time to time, amendments are also made under the Monitoring Officer's delegated powers to update legal provisions and reflect organisational changes.
5. The Constitution promotes the Council's democratic governance arrangements. All previously approved amendments to the Constitution have been implemented. The Cabinet is now asked to consider the specific issues below and make recommendations to the Council.

Members Code of Conduct and Standards Arrangements

6. On 16th July, 2012, Dudley Council approved a report on the necessary actions to implement the statutory standards arrangements as contained in the Localism Act 2011. This included the adoption of a Members' Code of Conduct based on the national model Code available at that time. In addition, the Council approved the development of local arrangements and procedures for dealing with standards allegations and complaints made under the Members' Code of Conduct. These detailed documents are set out in the Council's Constitution. The documents are largely unchanged since they were adopted in 2012.
7. In 2019, the Committee on Standards in Public Life published a report which recommended creating an updated Model Code of Conduct by the Local Government Association (LGA) in consultation with representative bodies of Councillors and Officers of all tiers of local government.
8. During 2020, the LGA conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA. In addition, workshops of Members and Monitoring Officers took place to discuss the approach and content of the revised Code. The Council contributed to this consultation.
9. The final Model Code of Conduct for Councillors was subsequently approved by the LGA and made available to all Local Authorities.



10. The Members' Code of Conduct and the associated procedures have worked effectively since they were introduced in 2012. Although there has been no change in the primary legislation, it is now timely to review and update the documents taking account of the new national Model Code of Conduct issued by the Local Government Association.
11. On 6th December, 2021, the Audit and Standards Committee is considering a report on the Members Code of Conduct and Standards Arrangements. The Committee will make a recommendation to the Council on the adoption of a revised Members' Code of Conduct based on the Local Government Association's Model Code of Conduct and to update the associated arrangements for dealing with standards allegations under the Localism Act 2011. The proposal is to introduce the new Code and standards arrangements effective from 6th May, 2022. The updated documents are set out in Appendix 1.
12. Subject to the Council's approval, training will be arranged for all Members of the Council and Co-opted Members on the revised Members' Code of Conduct in due course.

Petition Scheme

13. Although it is no longer a statutory requirement, the Council has retained a Petition Scheme within the Constitution for several years. This is a useful reference document setting out how the Council receives and deals with the various types of petitions that are received on a wide range of subjects.
14. Two practical issues have been identified requiring updates to the existing Petition Scheme. These are highlighted in Appendix 2. Firstly, in cases where a petition contains at least 3,000 signatures, a petition organiser may request that the petition is debated at a meeting of the Full Council. A written request to this effect must be made to the Monitoring Officer when the petition is submitted. Secondly, it is advised as good practice, that petitions should contain a data protection statement. Whilst this is not mandatory, and would not be used as a reason to reject a petition, it clarifies a general point that when an individual signs a petition, there is a reasonable expectation that other people will see the petition before and after it is submitted to the Council.

Best Consideration Protocol

15. On 22nd October, 2021, the Cabinet Member for Regeneration and Enterprise approved Delegated Decision Sheet Reference DRE/27/2021. This authorised the adoption of a protocol for best consideration in respect of the disposal of land and property by the Council. The full Decision Sheet and the approved Protocol is available on the [Council's Website](#). It is proposed that the Protocol is formally incorporated in Part 6 of the Constitution (Codes and Protocols).



Amendments to Part 3 of the Constitution (Scheme of Delegation)

16. Under Article 4.02 of the Constitution, the Full Council retains responsibility for adopting and changing the Constitution. The only exception is any amendments to the Scheme of Delegation in Part 3 of the Constitution which are dealt with by way of a Delegated Decision sheet or where amendments are made by the Monitoring Officer under delegated powers.
17. For clarity, it is recommended that Article 4.02(a) and Cabinet Procedure Rule 1.2(c) are amended to reflect that any amendments to the Scheme of Delegation may be made by the Leader of the Council by way of a Delegated Decision sheet. The Leader of the main opposition group will be notified of any proposed changes to the Scheme of Delegation before a decision is made.

Appointment of Honorary Aldermen and Honorary Alderwomen

18. Although this is not formally part of the Constitution, queries have arisen during the year regarding the criteria for the appointment of Honorary Aldermen and Honorary Alderwomen. The criteria for appointments of Honorary Freemen and Freewomen of the Borough were agreed by the Council on [25th February, 2013](#). However, there is no written criteria for the appointment of Honorary Aldermen and Honorary Alderwomen.
19. The legal position is set out in Section 249 (1) of the Local Government Act, 1972, which provides that the Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting specially convened for the purpose, confer the title of Honorary Alderman or Honorary Alderwoman on persons who have, in the opinion of the Council, rendered eminent services to the Council but who are not then Councillors of the Council.
20. Following an informal discussion with Group Leaders, it has been recommended that, in normal circumstances, persons will only be nominated for the position of Honorary Alderman or Honorary Alderwoman if they have previously served on the Council for a minimum of 12 years (or 3 terms of office). Nominations will be made to the Council in the same way as nominations are made for the Freedom of the Borough appointments. Any nominations will initially be made via the Group Leaders.
21. The adoption of this approach will not preclude the Council from considering any nominations where a person has served as a Councillor for less than 12 years. The Council retains sole discretion to determine if it wishes to confer the honorary titles where it considers that a person has rendered eminent services to the Council.



Ongoing Review of the Constitution

22. In accordance with Minute No. 12 of the Annual Council meeting held on 20th May, 2021, the Monitoring Officer has delegated powers to update the Constitution to reflect any decisions made by the Council, any ongoing Council restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
23. Maintaining and updating the Constitution is an ongoing duty of the Monitoring Officer. Work will continue to identify any required updates, consolidate various provisions, remove duplication or any content that is no longer relevant. A report on the Constitution is submitted to the Annual Council Meeting in May, where any amendments made to the document are confirmed.

Finance

24. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

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

Risk Management

26. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

27. The Constitution makes provision for the discharge of the Council's powers and duties relating to equality and diversity including the consideration of any specific implications of proposals affecting children and young people.

Human Resources/Organisational Development

28. The ongoing review of the Constitution is undertaken within existing resources by the Monitoring Officer, supported by the Democratic Services Team. Regular monitoring and updating is necessary to ensure that the Constitution remains fit for purpose and underpins the efficient and effective operation of the Council's governance arrangements.



Commercial/Procurement

29. The Constitution includes governance documents that set a framework in which the Council's commercial/procurement activity is properly undertaken. This includes the Council's Standing Orders relating to Contracts.

Council Priorities

30. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



Mohammed Farooq
Lead for Law and Governance (Monitoring Officer)

Contact Officer: Steve Griffiths
Democratic Services Manager
Telephone: 01384 815235
Email: steve.griffiths@dudley.gov.uk

List of Background Documents

Appendix 1 – Members' Code of Conduct and Standards Arrangements

Appendix 2 – Petition Scheme

Minutes and reports to the Council dated 16th July, 2012

Minutes and reports to the Council dated 25th February, 2013

Minute No. 12 of the Annual Council meeting held on 20th May, 2021

Delegated Decision Sheet Reference DRE/27/2021

Report to the Audit and Standards Committee dated 6th December, 2021

The Council's Constitution - Full copy on the Council's Website



Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. **Context**

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

The Council has appointed an Independent Person. The Monitoring Officer will seek the Independent Person's views before a decision is taken on any allegation that is formally investigated. The Independent Person's views can be sought at any other stage by the Monitoring Officer or by a Member against whom an allegation has been made.

2. **The Members' Code of Conduct**

The Council has adopted the attached Members' Code of Conduct. The document is available on the website and from the Council on request.

3. **Making a Complaint against a Member or a Co-opted Member**

It is a requirement of the Localism Act 2011 that any complaint or allegation that a Member has failed to comply with the Members' Code of Conduct must be in writing.

Anyone wishing to make a complaint will need to complete the complaints form, which is available on the website and on request from the Council. If you have difficulty completing the form, please contact the Monitoring Officer. The completed form should be sent to:-

The Monitoring Officer
 Dudley Metropolitan Borough Council
 The Council House, Priory Road, Dudley DY1 1HF
 E-mail: mohammed.farooq@dudley.gov.uk
 Telephone: 01384 815301

The following points should be noted before a complaint is made:

- Complainants need to provide their name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed on its progress.

- The Council will not investigate anonymous complaints unless there is a clear public interest in doing so.
- Other than in exceptional circumstances, the Council will only consider complaints made in writing within 3 months effective from the date on which the alleged breach of the Members' Code of Conduct took place.
- There is a presumption that a complainant will not be allowed to claim confidentiality unless exceptional circumstances exist. If a complainant wants to keep their name and address confidential, this should be indicated in the space provided on the complaint form. We will not then disclose the name and address without prior consent.

4. **Procedure for Dealing with a Complaint**

The Monitoring Officer will acknowledge receipt of the complaint and notify the Member concerned of the receipt of a complaint against him/her.

The Monitoring Officer will decide if any further information is required at this stage. Both parties to the complaint will be notified if this is necessary.

No decisions on complaints will be made by the Monitoring Officer during the pre-elections 'purdah' period (usually the six weeks period before an election is held).

The Monitoring Officer will carry out an initial assessment of the complaint and may consult with the Independent Person at any point. The initial assessment will be in two stages:

Initial assessment – Stage 1

The Monitoring Officer will consider whether the complaint is within jurisdiction. For example, does the complaint relate to a Councillor who was acting as a Councillor at the time of the alleged breach.

Initial assessment – Stage 2

The Monitoring Officer will consider the following criteria to decide whether the complaint should be taken forward (this is not an exhaustive list):

- Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?
- Are there alternative, more appropriate, remedies that should be explored first?
- Where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression.
- Is the complaint malicious, politically motivated, or 'tit for tat'?
- Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction.
- Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted.

- Whether a substantially similar complaint has been submitted and accepted.
- Does the complaint relate to conduct in the distant past? This would include consideration of any reason why there had been a delay in making the complaint.
- Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting or on social media.
- Does the complaint relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?
- Is it about someone who is no longer a Councillor?

The Monitoring Officer may then decide:

- **There is no case to answer**

The Monitoring Officer will notify the Member and the complainant of the outcome of the initial assessment and the reasons for his/her decision.

- **To seek an informal resolution of the complaint**

The Monitoring Officer will contact the complainant and the Member to discuss any proposal to resolve the complaint informally. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. If both parties to the complaint accept informal resolution, the Monitoring Officer will notify them accordingly and conclude the complaint.

If the complainant refuses a reasonable offer of informal resolution, the Monitoring Officer will take this into account in deciding whether the complaint merits formal investigation. The Monitoring Officer may dismiss the complaint at this stage.

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

The decision of the Monitoring Officer is final and not subject to an appeal.

- **To refer the complaint to the Police and/or regulatory agencies**

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

- **To refer the complaint for a formal investigation**

Following consultation with the Independent Person, the Monitoring Officer will appoint an Investigator. This may be another senior officer of the Council, a senior officer from another Authority, or an external investigator.

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

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

5. **Formal Investigations**

The Council will ensure that formal investigations are carried out as quickly and thoroughly as possible in line with the principles of fairness, natural justice and other legal issues.

There are many factors that can affect the time it takes to complete a formal investigation. Most formal investigations should be carried out, and a report completed, within six months of the original complaint being received by the Monitoring Officer. The Monitoring Officer will oversee the process to minimise delays wherever possible.

The Investigator will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint. The Investigator will ask the Member to provide his/her explanation of events, and to identify what documents if any he/she needs to see, and whom he/she needs to interview.

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

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

At the end of his/her investigation, the Investigator will produce a draft report and will send copies of that draft report, in confidence, to the Monitoring Officer, the complainant and to the Member concerned.

The Monitoring Officer, the complainant and the Member will have an opportunity to comment on the draft report. However, the Investigator has sole discretion as to whether to amend the report taking account of any comments made. The Investigator will then forward the final report to the Monitoring Officer, the complainant, and the Member.

The Monitoring Officer will review the Investigator's report and consult the Independent Person as necessary.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly or is insufficient to determine the complaint, he/she may ask the

Investigator to reconsider his/her report. If the Monitoring Officer is satisfied that the Investigator's report is sufficient, the Monitoring Officer will determine one of the following courses of action:

- **That the report finds no breach of the Members' Code of Conduct** – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.
- **That the report finds a breach or a potential breach of the Members' Code of Conduct** – the Monitoring Officer will write to the parties confirming this and propose one of the following options:
 - (i) The Monitoring Officer may consider that the matter can be reasonably resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with the complainant to agree what is a fair resolution. Such a resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action. If the Member complies with the suggested resolution, the Monitoring Officer will take no further action. If the Member concerned is not prepared to undertake any proposed action (such as giving an apology), then the Monitoring Officer will refer the Investigator's report to the Standards Sub-Committee.
 - (ii) Referral for a hearing by the Standards Sub-Committee.

6. **Procedure for Hearings by the Standards Sub-Committee**

(i) Pre-hearing

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigator's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.

As part of the pre-hearing process, the Monitoring Officer can also take any steps he/she thinks may assist the smooth running of the hearing. These may include clarifying whether the Member will be represented or not (the Member can choose to be accompanied or represented by a person of their choice), clarifying if any witnesses are to be called and ensuring that any access needs of the Member or any participant are accommodated.

(ii) Standards Sub-Committee Hearing Procedure

The procedure for meetings of the Standards Sub-Committee shall be as follows:

1. The Chair of the Sub-Committee to make introductions and deal with any preliminary business.
2. The Sub-Committee to consider whether the meeting should be considered in public or private session under the provisions of the Local Government Act 1972.

3. The Independent Person shall be entitled to attend the meeting to give advice and views to the Sub-Committee at any stage.
4. The Chair will explain the procedure to be followed at the hearing.
5. The Sub-Committee may take advice, in private if necessary, at any time during the hearing.
6. The Sub-Committee shall resolve any issues or disagreements about how the meeting should continue that have not been resolved prior to the meeting during the “pre-hearing” process.
7. The Monitoring Officer to present his/her report to the Sub-Committee.

Findings of Fact

8. The Investigator to present his/her report, call any witnesses, and to make any representations to the Sub-Committee.
9. The Chair to invite any questions to the Monitoring Officer, Investigator or any witnesses from the Member, Independent Person and the Sub-Committee.
10. The Chair to invite the Member to give his/her evidence, call witnesses and to make representations to the Sub-Committee.
11. The Chair to invite any questions to the Member or any witnesses from the Monitoring Officer, Investigator, Independent Person and the Sub-Committee.
12. If the Member disagrees with any relevant fact in the Investigator’s report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

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

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

13. The Sub-Committee to adjourn to consider the findings of fact in private.
14. The Chair to announce the Sub-Committee's findings of fact.

Has there been a breach of the Members' Code of Conduct?

The Sub-Committee to consider whether, based on the facts it has found, that the Member has failed to follow the Members' Code of Conduct:

15. The Chair to invite the Member to give relevant reasons why the Sub-Committee should decide that he/she has not failed to follow the Code.
16. The Chair to invite representations from the Investigator.
17. The Chair to invite representations from the Independent Person.
18. The Sub-Committee may, at any time, question anyone involved on any points they raise on their representations.
19. The Chair to invite the Member to make any final relevant points.
20. The Sub-Committee will then adjourn to consider the representations and evidence in private as to whether the Member failed to comply with the Members' Code of Conduct.
21. The Chair will announce the Sub-Committee's decision as to whether the Member has failed to follow the Members' Code of Conduct.

Conclusions, Sanctions and Recommendations

22. If the Sub-Committee decides that the Member has not failed to follow the Members' Code of Conduct, the Sub-Committee can consider whether it should make any recommendations to the Council.
23. If the Sub-Committee decides that the Member has failed to follow the Members' Code of Conduct, it will consider any verbal or written representations from the Investigator and the Member as to:
 - Whether the Sub-Committee should take any action.
 - What form that action should take.
24. The Sub-Committee may question all parties and take any advice, to make sure they have information they need to make an informed decision.
25. The Sub-Committee will then adjourn to deliberate in private and consider whether to take any action in respect of the subject Member and, if so, what action to take.
26. The Sub-Committee may also consider whether it should make any other recommendations to the Council.
27. The Chair to announce the Sub-Committee's decision.
28. A decision letter will be sent to all parties as soon as possible.
29. The public minutes of the Standards Sub-Committee will be published on the Council's website and submitted to the next convenient meeting of the Audit and Standards Committee for information.

7. **Action available to the Standards Sub-Committee**

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

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

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

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

8. **Appeals**

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

If a complainant feels that the Council has failed to deal with the complaint properly, he/she may make a complaint to the Local Government and Social Care Ombudsman.

Members' Code of Conduct

1. Purpose

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillors and local government.

2. Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority.

A "Co-opted Member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a Member of the authority but who:

- a) is a Member of any Committee or Sub-committee of the authority, or;
- b) is a Member of, and represents the authority on, any joint Committee or joint Sub-Committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee".

3. General Principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are shown in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of a Councillor:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

4. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a Co-opted Member. It continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Council's Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

5. Standards of Councillor Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

5.1 Respect

As a Councillor:

- **I treat other Councillors and members of the public with respect.**
- **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the Police. This also applies to fellow Councillors, where action could then be taken under the Members' Code of Conduct, and local authority employees, where concerns can be raised with the Chief Executive, Monitoring Officer or appropriate Director.

5.2 Bullying, harassment and discrimination

As a Councillor:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in

emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5.3 Impartiality of officers of the Council

As a Councillor:

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

5.4 Confidentiality and access to information

As a Councillor:

- **I do not disclose information:**
 - (a) given to me in confidence by anyone**
 - (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**

- (iii) **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) **the disclosure is:**
 - **reasonable and in the public interest; and**
 - **made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - **I have consulted the Monitoring Officer prior to its release.**
-
- **I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
 - **I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5.5 Disrepute

As a Councillor:

- **I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

5.6 Use of position

As a Councillor:

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

5.7 Use of local authority resources and facilities

As a Councillor:

- **I do not misuse Council resources.**
- **I will, when using the resources of the local authority or authorising their use by others:**
 - (a) **act in accordance with the local authority's requirements; and**
 - (b) **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

5.8 Complying with the Code of Conduct

As a Councillor:

- I undertake Code of Conduct training provided by my local authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Council's Monitoring Officer.

5.9 Protecting your reputation and the reputation of the local authority

Interests

As a Councillor:

- I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Appendix B sets out detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

Gifts and hospitality

As a Councillor:

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact the Council's Monitoring Officer for guidance.

The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Members Interests

The Localism Act 2011 provides for the registration and disclosure of interests. The form in Table 1 shall be used to record interests disclosed by Councillors. The Monitoring Officer shall be responsible for maintaining the register of interests and its publication on the Council's website.

Any reference to a "meeting" below means any meeting organised by or on behalf of the Council, including:

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

Disclosable Pecuniary Interests

Members must:

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

Other Interests

In addition, if Members attend a meeting at which any item of business is to be considered and you are aware that you have a "Non-Disclosable Pecuniary Interest" or a "Non-Pecuniary Interest" in that item, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item or as soon as the interest becomes apparent.

You have a "Non-Disclosable Pecuniary Interest" or a "Non-Pecuniary Interest" in an item of business where:-

- A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers

or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council's administrative area; or

- It relates to or is likely to affect any of the interests set out in the form attached to this Code, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association;

and that interest is not a Disclosable Pecuniary Interest.

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

Sensitive interests

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

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

Dispensations

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

Members do not have Disclosable Pecuniary Interests in any business of the Council where that business relates to functions of the Council in respect of:

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

Localism Act 2011 – Section 30(3)

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER’S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

PLEASE NOTE that you are required to register the Disclosable Pecuniary Interests of ‘relevant persons’ which includes:-

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

PLEASE STATE ‘NONE’ WHERE APPROPRIATE

<p>(a) Employment, office, trade, profession or vocation</p> <p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p>
<p>(b) Sponsorship</p> <p>Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>

(c) Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council

- (a) under which goods or services are to be provided or works are to be executed; and;
- (b) which has not been fully discharged.

(d) Land and Property

Any beneficial interest in land which is within the area of the Council.

'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

(e) Licenses

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer

(f) Corporate tenancies

Any tenancy where (to the Councillor's knowledge)—

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

<p>(g) Securities</p> <p>Any beneficial interest in securities* of a body where:</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
<p>(h) Gifts and Hospitality</p> <p>Details of the interests of any person from whom a gift or hospitality has been received with an estimated value of at least £100; or</p> <p>Details of any significant gift or hospitality that the Councillor has been offered but has refused to accept.</p>
<p>(i) Other Registrable Interests</p> <p>You must register as an Other Registerable Interest:</p> <p>a) any unpaid directorships</p> <p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</p> <p>c) any body</p> <ul style="list-style-type: none"> - exercising functions of a public nature - directed to charitable purposes - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) - of which you are a member or in a position of general control or management.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



PETITION SCHEME

1. Petitions

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

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

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

3. What should a petition contain?

A petition should include –

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

- the people signing the petition should only provide personal information if they are happy for it to be placed in the public domain.
- personal information should not be included on the petition about another third party.

Most petitions will be accessible to the public. The Council will process the information in accordance with current statutory obligations. We will only use the information for the purpose of dealing with the subject of the petition. We will only hold the information for as long as is reasonably necessary. Correspondence is generally retained for 2 years (or until no longer required for legal or business purposes).

4. Who should you send a petition to?

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

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

You can also hand in or address petitions to Dudley Council. Petitions will be referred to the appropriate Council Directorate for a response.

Your petition will be acknowledged. Group Leaders, the relevant Cabinet Member(s) and Ward Members will also be notified that a petition has been received.

5. Types of Petition

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

Consultation Petitions

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

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

Ordinary Petitions

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

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

It should be noted that Petition Organisers may pursue the Council's Corporate Customer Feedback Procedure should they remain dissatisfied with the outcome of the consideration of a petition.

Statutory Petitions

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

Petitions for Debate at Full Council

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

For practical reasons, petitions for Debate must be submitted no later than 14 days before the meeting of the Council at which you want the Petition debated. **A written request must be made to the Monitoring Officer that you want your petition to be debated at a Full Council meeting.**

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

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

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

6. Public Speaking Rights at Meetings

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

7. Duplicate, Repeat or Rejected Petitions

Duplicate Petitions

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

Repeat Petitions

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

Rejected Petitions

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