

**Open**

# **Overview & Scrutiny Committee**

## **Agenda**

**6 pm**  
**Thursday, 3rd November 2011**  
**The Earl Baldwin Suite**  
**Duke House, Clensmore Street, Kidderminster**



## Overview & Scrutiny Committee

### Members of Committee:

<b>Chairman: Councillor H E Dyke</b>	
<b>Vice-Chairman: Councillor T Ingham</b>	
<b>Councillor J Baker</b>	<b>Councillor A J Buckley</b>
<b>Councillor N Gale</b>	<b>Councillor J Greener</b>
<b>Councillor I Hardiman</b>	<b>Councillor J A Hart</b>
<b>Councillor V Higgs</b>	<b>Councillor J Holden</b>
<b>Councillor D J McCann</b>	<b>Councillor J W Parish</b>
<b>Councillor A M Sewell</b>	<b>Councillor D R Sheppard</b>
<b>Councillor S J Williams</b>	

**Would Members please note that, to ensure continuity in scrutiny, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances.**

### Information for Members of the Public:

**Part I** of the Agenda includes items for discussion in public. You have the right to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**Part II** of the Agenda (if applicable) deals with items of “Exempt Information” for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

### Declarations of Interest – Guidance Note

#### Code of Conduct

Members are reminded that under the Code of Conduct, it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda if appropriate. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

#### Co-opted Members

Scrutiny Committees may wish to appoint Co-Opted Members to sit on their meetings in order to add value to the scrutiny process. To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority). Co-Optees are non voting by default but Committees can decide to appoint voting rights to a Co-Optee. The Co-Option of the Member will last no longer than the remainder of the municipal year.

Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect. Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance. Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

The following will apply:

- i) The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
- ii) The total number of voting Co-opted Members on any Review Panel will not be limited.
- iii) Those Co-opted Members with voting rights will exercise their rights in accordance with the principles of decision making set out in the constitution.

**For Further information: If you have any queries about this Agenda or require any details of background papers, further documents or information, you should contact Louisa Bright, Democratic Services Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)**

Wyre Forest District Council  
Overview & Scrutiny Committee

Thursday, 3rd November 2011

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
<b>3.</b>	<b>Declarations of Interest</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.  Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 6th October 2011.	6
<b>5.</b>	<b>Worcestershire Health and Overview Scrutiny Committee</b>  To receive an update from Councillor Mrs Oborski.	10
<b>6.</b>	<b>Recommendations from Waste Review Panel</b>  To consider recommendations from the Waste Review Panel on the future arrangements for the collection of Waste and Recycling.	22
<b>7.</b>	<b>Universal Credits Replacing Housing Benefit</b>  To receive an update from the Benefit Manager on changes to Housing Benefits.	23
<b>8.</b>	<b>How Are We Doing? Priorities Performance Update</b>  To consider a report from the Temporary Policy and Performance Officer which updates Members on the performance of the Council up to 30 <sup>th</sup> September 2011, which includes Council Priorities.	30
<b>9.</b>	<b>Review of Grants to Voluntary Organisations</b>  To consider a report from the Director of Community and Partnership Services on the proposal to conduct a strategic review of the Grants to Voluntary Organisations.	52

10.	<p><b>South Worcestershire Development Plan Preferred Options Response.</b></p> <p>To consider a report from the Senior Forward Planning Officer which sets out the background to the South Worcestershire Development Plan and the implications for the District Council.</p> <p><b>Appendix 2 to this report has been circulated electronically, and a public inspection copy is available on request.</b></p>	54
11.	<p><b>Call-in Procedure</b></p> <p>To consider a report from the Chief Executive which seeks the Committee's views on potential amendments to the call-in procedure in the Council's constitution.</p>	59
12.	<p><b>Community Safety Partnership Future Arrangements</b></p> <p>To consider a report from the Director of Community and Partnership Services on a review of Community Safety Partnership working across Worcestershire.</p>	70
13.	<p><b>Eastern Gateway: Concept Feasibility Report</b></p> <p>To consider a report from the Head of Economic Development and Regeneration – North Worcestershire which seeks Members' views on the Concept Feasibility Report.</p> <p><b>The Appendix to this report will be circulated electronically, and a public inspection copy is available on request (to follow).</b></p>	74
14.	<p><b>Worcestershire Regulatory Services - Enforcement Policy</b></p> <p>To consider a report from the Director of Planning and Regulatory Services with sets out a proposed revised Enforcement Policy in respect of the Worcestershire Regulatory Services (WRS).</p>	77
15.	<p><b>Feedback from Cabinet</b></p> <p>To note the content of the Cabinet action list, following consideration of the recommendations from 18<sup>th</sup> October 2011.</p>	90
16.	<p><b>Work Programme</b></p> <p>To review the work programme for the current municipal year with regard to the Sustainable Community Strategy Theme, Corporate Plan Priority, Annual Priorities and the Forward Plan.</p>	91
17.	<p><b>Press Involvement</b></p> <p>To consider any future items for scrutiny that might require publicity.</p>	
18.	<p><b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	

19.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
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## Part 2

Not open to the Press and Public

20.	<p><b>Review of the Homeless Contract</b></p> <p>To consider a report from the Strategic Housing Services Manager in relation to the review of the homelessness; housing advice and housing register contract (the contract) prior to the third year end and to consider possible options for the future of the service delivery.</p> <p><b>The Appendix to this report will be circulated electronically, and a public inspection copy is available on request</b></p>	93
21.	<p><b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	

**WYRE FOREST DISTRICT COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,  
KIDDERMINSTER**

**THURSDAY, 6TH OCTOBER 2011 (6.00 PM)**

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**Present:**

Councillors: H E Dyke (Chairman), T Ingham (Vice-Chairman), M Ahmed, J Baker, J Greener, I Hardiman, P B Harrison, J A Hart, V Higgs, J Holden, D J McCann, J W Parish, C Rogers, D R Sheppard and S J Williams.

**Observers:**

Councillors J-P Campion, M J Hart, F M Oborski, J Phillips and J A Shaw.

**OS.46      Apologies for Absence**

Apologies for absence were received from Councillors A J Buckley, N Gale and A M Sewell

**OS.47      Appointment of Substitutes**

Councillor M Ahmed was appointed as a substitute for Councillor A Sewell.  
Councillor P B Harrison was appointed as a substitute for Councillor A Buckley.  
Councillor C Rogers was appointed as a substitute for Councillor N Gale.

**OS.48      Declaration of Interests**

Councillor T Ingham declared a prejudicial because he owns property on agenda item 9 – Green Street Conservation Area Designation and Draft Character Appraisal and Management Plan, because he owns property within the boundary of the proposed conservation area.

**OS.49      Minutes**

**Decision:**

- **The minutes of the meeting held on 8th September 2011 be confirmed as a correct record and signed by the Chairman.**
- **The minutes of the meeting held on 19th September 2011 be confirmed as a correct record and signed by the Chairman, subject to the following amendment on page 14.**
  - **Councillor D Sheppard advised that he had said ‘we may be able to accept the current tolerated sites but no more’.**

**OS.50 Scoping Document for Waste Management Review Panel**

The Committee considered a briefing paper from the Director of Resources in relation to a review of the future of the Council's domestic waste and recycling service and were asked to establish a review panel to consider the proposal in detail.

Members were advised that a four week consultation period with staff would commence on Monday 10<sup>th</sup> October 2011.

**Agreed:**

- **A review panel be established from Members of the Overview and Scrutiny Committee to consider the proposal.**
- **The draft scoping documents attached at Appendix A of the report to Overview and Scrutiny Committee be approved.**

**OS.51 Finance Update to Incorporate Progress report on Wyre Forest Forward**

The Director of Resources provided Members with a financial and 2012/13 budget update. Key issues covered were:

- Retention of Business Rates
- Localisation of Council Tax Benefit
- Council Tax Referendums
- Budget time table for 2012/13
- Update on Wyre Forest Forward
- Proposed role of Budget Review Panel

The Chairman asked Members be kept informed on changes and progress through Member Briefing Sessions.

**Agreed: The update be noted.**

**OS.52 New Council Headquarters Update**

The Committee considered a report from the Director of Legal and Corporate Services which provided an update on the progress of the New Council Headquarters.

The Principal Solicitor led Members through the report and advised that Members would be consulted on an idea of a time capsule being buried on the site. It was confirmed the local procurement section of the next update would include the value of orders placed with firms within the Wyre Forest area and not within a 30m radius.

Members were advised that there was a designated New HQ page on COLIN which was regularly updated with progress on the build.

**Agreed: The progress report be noted.**

**OS.53 Wyre Forest District Council Empty Property Strategy 2011-2014**

The Committee considered a report from the Strategic Housing Services Manager that presented the refreshed Wyre Forest District Council Empty Property Strategy 2011-2014.

Members were led through the report and a debate ensued around the anti-social issues of empty privately owned properties and how the Council deals with it.

The Committee agreed to send a letter to the MP, Mark Garnier, requesting more robust legislation to give greater powers to local authorities in tackling privately owned empty properties.

**Agreed:**

**Recommend to Cabinet:**

- **The 2011-2014 Empty Property Strategy be adopted.**

Councillor T Ingham left the meeting at this point.

**OS.54 Green Street Conservation Area Designation and Draft Character Appraisal and Management Plan**

The Committee considered a report from the Conservation Officer on proposals to designate Green Street as a Conservation Area and were updated on the content of the draft Conversation Area Character Appraisal and Management Plan.

Members were led through the report and shown photographs of the area by the Conservation Officer. In response to a Members question, it was confirmed that if the area was designated as a conservation area, planning applications would not be stifled in anyway, it would mean that the Council would have a clear framework for what may or may not be acceptable within the area.

Councillor Holden left the meeting at this point.

The Committee reacted positively to the proposal and the Chairman thanked the Conservation Officer for his presentation.

**Agreed:**

**Recommend to Cabinet:**

- a) **Consultation be undertaken on the proposal to designate a Green Street Conservation Area.**
- b) **Consultation be undertaken on the:**
  - **Proposed Conservation Area Designation: Green Street Area of Kidderminster: Volume 1: Draft Conservation Appraisal and Management Plan: October 2011.**
  - **Proposed Conservation Area Designation: Green Street Area of**



**Kidderminster: Volume 2: Maps and Photographs: October 2011.**

- c) **That the Director of Planning and Regulatory Services be given delegated authority to determine the final format and presentation of the papers.**

Councillor Ingham returned to the meeting at this point.

**OS.55 Draft National Planning Policy Framework**

The Committee considered a report from the Senior Forward Planning Officer which provided an overview of the National Planning Policy Framework (NPPF) which was currently out to consultation.

Members were led through the report and concerns were expressed over the potential development within greenbelt areas. The Senior Forward Planning Officer acknowledged the concerns, however advised Members that the Council was in a stronger position as it had adopted the Core Strategy and short term housing supply was not such a significant threat as it was to other authorities.

Councillor Oborski left the meeting at this point.

**Agreed:  
Recommend to Cabinet:**

- **The proposed response set out at Appendix 1 to the report to Overview and Scrutiny Committee be submitted to the Department for Communities and Local Government.**

**OS.56 Feedback from Cabinet**

**Agreed: The content of the Cabinet action list, following consideration of the recommendations from 20<sup>th</sup> September 2011 be noted.**

**OS.57 Work Programme**

**Agreed:**

**The Democratic Services Officer to add two items to the November work programme:**

- 1. Call In Procedure**
- 2. Waste Management Review Panel**

There being no further business, the meeting ended at 7.50pm.

**Worcestershire Health Overview and Scrutiny Committee Report May to October 2011**

HOSC has now met 6 times since May.

On May 13<sup>th</sup> HOSC considered the Worcestershire Acute Hospitals NHS Trust's proposed service review.

The Trust was looking to achieve approximately £22 million savings in 2011/12 out of a £320 million income. To address this, the Trust was carrying out an extensive review of its services.

- Its intention is to be the safest most patient-centred and efficient Trust in the West Midlands' and to be in the top 25% of the best performing Acute Trusts in England;
- Members were advised that currently demand for services at the Worcestershire Royal Hospital was 'overflowing' while the Alexandra Hospital at Redditch was generally meeting demand and Kidderminster Hospital was still under-utilised. The Trust was looking to remedy this situation and therefore use its sites more efficiently. (A sensible target would be for each site to be working at 90% of capacity, as 100% capacity allowed no scope for unforeseen circumstances and was not generally felt to be safe.);
- It was suggested that some services that were currently available at all 3 sites, might be moved to Kidderminster only. Suitable services would be those involving elective surgery and it was expected that this would mean no cancellations as, as Members were aware, there was no emergency provision at Kidderminster Hospital to deflect clinical attention from planned operations;
- In relation to the proposal to close a number of stroke rehabilitation beds at the Aconbury Unit, the Chief Executive reminded Members that a recent assessment had revealed that up to 70% of the Unit's patients should not have been there as it did not offer appropriate care for their needs. The aim was to provide more stroke rehabilitation out of the hospital environment where patients would be able to access a more appropriate, high quality service. The Chief Executive of NHS Worcestershire agreed to come back to the HOSC with a further update on stroke services in due course.

On May 18<sup>th</sup> HOSC considered Draft Quality Accounts: Worcestershire Acute Hospitals NHS Trust, Worcestershire Primary Care Trust Provider Services, Worcestershire Mental Health Partnership NHS Trust and West Midlands Ambulance Service NHS Trust

For the Worcestershire Mental Health Partnership Trust the Committee's main concern was the inclusion of the transition from child and adolescent mental health services (CAMHS) to adult mental health services within the Trust's 4 priorities for 2011/12 which was welcomed by Members. Members were advised that the Trust had been working on appropriate handover procedures and had undertaken a pilot exercise with Worcestershire Acute Hospitals NHS Trust looking at early psychoses. It was noted that not all service users of CAMHS needed to transfer to adult mental health services. In response to a question about whether a 16 year old would be referred to CAMHS or adult mental health services, Members were advised that they would be referred to the adult services, although not if inpatient care was required. Concern was expressed that the waiting time in CAMHS was 18 weeks but Members were reassured that within adult mental health services it was negligible, being 24/48 hours;

- In response to a query about the nutrition priority, it was explained that the Productive Ward programme should move nurses away from administrative tasks and increase the amount of time they could spend on the ward in one to one time with patients;

### **West Midlands Ambulance Service NHS Trust**

In discussing the Trust's Quality Account, the following comments were made:

- Members were concerned about the increase in the number of attacks on ambulance staff and were assured that the Regional Head was looking at this and the data on non-patient safety was reviewed every month;
- It was noted that time delays in the handover of patients from the Trust to acute hospitals was an issue being looked at. Service commissioners were leading this piece of work, working with both the Ambulance Trust and the region's acute trusts. Members advised that if there were problems locally, these could be brought to the HOSC's attention so that Members, with the necessary statistics, could discuss the problem with Worcestershire Acute Hospitals NHS Trust. Members were advised that this offer would be shared with the service commissioners. Members expressed concern that they perceived that the problem could be caused by the lack of doctors, particularly overnight, within A&E units;
- Members welcomed the inclusion of patient slips, trips and falls in the Trust's care as a priority issue for 2011/12. The Trust advised that it had been through a learning process and had identified that the majority of incidents in the Trust's care related to Patient Transport Services and this would therefore be the focus this year. This issue was also being worked on at the Strategic Health Authority level and across the wider health economy too. Members welcomed this, acknowledging that patients should not become worse whilst in the health system than they were before;
- concern was expressed that as a Worcestershire body, the HOSC was unable to scrutinise Worcestershire specifically within the Quality Account. The HOSC noted that performance in Worcestershire specifically was not shown in the Quality Account and asked if this breakdown could be included.

### **Worcestershire Primary Care Trust**

This was the first year the Trust had had to produce a Quality Account and an updated draft version was available if Members wanted one. In discussing the Trust's Quality Account, the following comments were made:

- Members welcomed that the Trust and Worcestershire Mental Health Partnership NHS Trust had worked together to identify the 4 priorities for 2011/12 as they would form one organisation from August 2011, Worcestershire Health and Care NHS Trust;
- concern had been expressed by services users of mental health services that, under the new Worcestershire Health and Care NHS Trust, their needs would not be looked at to the same extent as by the current Worcestershire Mental Health Partnership NHS Trust, with physical disease taking priority over mental health needs;

- the inclusion of nutrition as a priority for 2011/12 was welcomed. Members acknowledged that nutrition was a basic requirement to get people well and could impact on general health and particularly dementia;
- it was noted that there had been a lot of complaints about prison healthcare and the Trust had drilled down into these and done something to address the issues. Members welcomed that prisoners' complaints were monitored. Members were advised that often a significant issue for prisoners accessing healthcare appointments was the availability of prison officers to escort them. HMP Hewell was within Councillor Moffett's electoral division and she had met the prison's Governor recently and would liaise with the Primary Care Trust about further data in advance of her next visit;
- the inclusion of the transition from child and adolescent mental health services to adult mental health services within the Trust's 4 priorities for 2011/12 was welcomed by Members. Members questioned why the waiting time in CAMHS was 18 weeks whereas within adult mental health services it was negligible, being 24/48 hours. Members were advised that the Trust was working with commissioners on this and it was a key area all wished to improve. It was highlighted that the service was experiencing an increase in referrals and this was actively being looked at to understand what was happening, recognising its impact on waiting times. Children and young people and adults should not experience any significantly different waiting times for services;
- concern was expressed that there was no reference within the Quality Account to speech and language therapies for children. Members, particularly those on the Corporate Parenting Board and the Children and Young People Overview and Scrutiny Panel, were concerned about these services and it was suggested that it should be a priority issue for the Trust. Members were advised that there were waits within the service and improvements were needed and the views expressed would be taken on-board. Members emphasised that speech and language had a huge impact on people's lives and education and general acceptance into society with long-term ramifications. Members suggested that they would like the new Worcestershire Health and Care NHS Trust to really take this issue on-board. Members were assured that work was already underway to address the service's issues and it was already possible to demonstrate improvements;
- Members welcomed the work done by the Trust to address slips, trips and falls within its community hospitals.

### **Worcestershire Acute Hospitals NHS Trust**

In discussing the Trust's Quality Account, the following comments were made:

- Concern was expressed that whilst the Trust Chief Executive's introductory statement in the Quality Account referred to improvements across cancer services and developments in cardiology and radiology, there was little evidence within the Quality Account of improvements within cardiology services and what there was focused on the treatment of heart attacks with nothing about rehabilitation which in Worcestershire was below what should be expected. Members would welcome the inclusion of data on the number of patients accessing cardiac rehabilitation, i.e. 40% of those who needed it, and measures which would be taken to address this. It was acknowledged that there was reference to the extended thrombolysis service and the comment about the absence of reference to cardiac rehabilitation services would be taken back to the Trust;

- Members expressed concern that the 50% target of admitting stroke patients to a dedicated stroke unit within 4 hours of arrival in hospital was low and disappointing. Members were advised that significant progress had been made in recent months in improving access to stroke care services. Members' concern however was noted and it was also highlighted that this being one of the Trust's targets under the Commissioning for Quality and Innovation (CQUIN) payment framework would help the service provision to further improve. It was queried that this target had been changed from 3 hours to 4 hours and Members were advised that there had been a national evidence-based change to this target;
- the Trust undertook to confirm the timescale for the planned 24/7 operation of the primary percutaneous coronary intervention service at the Worcestershire Royal Hospital which was currently operating 9am to 5pm Monday to Friday;
- Members were advised that some CQUINs were national initiatives and other were locally negotiated with service commissioners;
- the response to personal needs CQUIN was based on the national patient survey. The Trust undertook to provide clarification of what the target of 66 meant. This target had been partially achieved by the Trust meaning the Trust had been paid part of the additional income agreed for this CQUIN with commissioners. Concern was expressed about the target of 66 in responding to personal needs when the Trust's Chairman and Chief Executive had emphasised their focus on quality at the previous meeting of the HOSC. Members were assured that the Chairman and Chief Executive did have quality at the heart of the organisation as its driving force;
- Concern was expressed at the data from NHS Choices that 54% of patients would recommend the Worcestershire Royal Hospital to a friend and 66% would recommend the Alexandra Hospital. Members were advised that the Trust Board would also be concerned by these figures and the Quality Account needed to show both the good and not so good news. It was noted that NHS Choices data was from a self-selecting sample and all comments about the Trust were read and responded to;
- it was noted that whilst there was concern that a 30% reduction in the number of patients sustaining a fractured hip as a result of an inpatient fall was not sufficient, patient falls were the most reported incident for any provider organisation. The Trust had put in significant efforts, for example, assessing patients early in their admission and making environmental changes to prevent injuries if patients did fall. It was considered that nearly all falls were now reported and as the proportion had fallen, this reflected a real improvement;
- Concern was expressed that the CQUINs relating to missed medicine doses and warfarin prescribing had only been partially achieved. Members were advised that the Trust itself also acknowledged that its performance was not good enough and all parties wanted this to improve;

- Members were advised that although there were concerns that the reporting rate for medication errors had increased by 19%, whereas the Trust believed all falls were being reported, it believed there could be more medication errors and was working to make it acceptable to report errors, making it part of the patient safety culture, in order that such errors could be better addressed;
- Members were advised that in determining its priorities for improvement for 2011/12, the Trust had agreed ones which would benefit the most people, for example, medicines safety, effective handover and patient discharge, including the adequacy of information provision and reducing the length of stay;
- concern was expressed that the Trust's Chairman and Chief Executive may be disengaged from the Quality Account as there appeared to be little correlation between what they had told Members at the last HOSC meeting and what Members were reading in the Quality Account;

### June 21<sup>st</sup>

Members of the Health Overview and Scrutiny Committee received a presentation outlining West Midlands Ambulance Service NHS Trust's (the Trust) strategy of 'Make Ready' in relation to Worcestershire.

Members were advised that the plan was not simply to reduce the number of ambulance stations although on the face of it, this is how the strategy could be perceived. Instead, what the plan would achieve would be a rationalisation of the Trust's estate with, in Worcestershire, 16 locations for ambulances and rapid response cars.

The Trust currently operated out of 65 locations with a fleet of 1100 vehicles, staff on many rosters across the region and an aged estate. The estate had been largely built between the mid-1960s and the late 1970s and had been designed for different times.

Today's ambulances were longer and higher and there were now many more rapid response cars and compliancy issues which trusts needed to adhere to, for example, cleanliness. At the completion of the implementation of Make Ready, the Trust would have moved from having 65 operational locations to having resources across 120 locations. The strategy would also mean that the Trust's resources would be ready to respond as soon as they were on duty rather than the current system whereby staff went to work and had to check, stock and clean vehicles before and between shifts. Under Make Ready, vehicles would be fully checked and prepared 1 hour before shifts by auxiliary staff and all cleaning and checks would be to set standards. This would eliminate the time when control would be waiting for checks to be completed before resources could be deployed.

The Trust had a clear vision for the next 5 years and Make Ready would enable the Trust to achieve quality and excellence through faster response times and cleansing standards, both resulting in fewer lost hours. The Trust also wanted to work more closely with partner agencies and moving from the current fixed assets to the proposed 16 locations would allow closer connections with fire and police services as well as with health providers to better integrate care and reduce the number of patients taken to A&E. In response to a question, Members were advised that there could be co-location of the Trust's services with those of fire and police services. Preventative work by the fire service, for example, could become more prevalent within ambulance services, taking a greater education and prevention role.

The Trust recognised that it needed to become increasingly efficient. There was a 6% annual growth in demand for emergency ambulance services and whilst in the last 6 years finances had been provided to keep track with that, further financial increases were not sustainable. The Trust therefore needed to look at further increases in efficiency and savings to be able to meet the rising demand.

- Proposed community ambulance stations in Wyre Forest were at Kidderminster MIU, at Stourport fire station and at a new site in Kidderminster town centre. It was highlighted that it was believed that the public estate in Stourport was currently being reviewed. It was further highlighted that this model provided nothing in Bewdley and Tenbury Wells. It was also highlighted that there was an incredible number of accidents on the road to Clows Top and on the road from Kidderminster to Bridgenorth and concern was expressed about where ambulances would be located to respond to major incidents in those locations. It was questioned whether west-Worcestershire would be covered by vehicles from Herefordshire or Shropshire and concern was expressed that there were huge bits of the rural County where there would be no ambulances located. Members were advised that there were challenges in west-Worcestershire and covering rural and urban areas was challenging nationally. The Trust had a set budget to maintain cover and aimed to do the most it could. The Trust worked with local communities and had Community First Responder schemes, knowing that the Trust alone could not achieve responses in the given time everywhere. Those areas were identified and the Trust worked and trained local people;
- Concern was expressed that the HOSC and the County had previously been told that all areas would be looked after by the new facility located outside Worcestershire in Brierley Hill. It was not seen how the Trust could cover communities such as Tenbury Wells, Upton and Kempsey given the time it takes to travel to them from Malvern for example and it was considered that the County was not getting the service it had been promised at the time of the closure of the Bransford control room. Members were advised that response times had improved since the regionalisation of control rooms and regionalisation had also ensured a more robust and resilient service. An invitation to visit Millenium Point was extended to HOSC Members. The Trust also offered to go through further work with Members on demand to show how the proposed location of resources had been scoped. It was further highlighted that the proposed model of a hub with community response points which could change locations as circumstances changed offered a flexibility not afforded by the current 7 locations in Worcestershire;
- Members were shown a map of the region with the 12 proposed hubs, photographs of the Make Ready daily cycle in action and the outline regional implementation programme. Worcestershire was at the bottom of the list for year 2 of the programme in 2012/13. This was because there was an opportunity to develop the hub for Worcestershire at West Mercia Police headquarters at Hindlip but this could not be implemented in the short-term and the Trust was therefore looking at a longer timescale for Worcestershire to be able to fully look at the opportunity which might be afforded by Hindlip.

**19<sup>th</sup> July**

Members of the Health Overview and Scrutiny Committee (HOSC) received a presentation outlining actions taken by the Board of Worcestershire Acute Hospitals NHS Trust (the Trust) following the inspection by the Care Quality Commission (CQC), the independent review, further visits, conclusions, findings, next steps, changes already made and sustainability.

Members were advised that the Trust had had a tough time in recent weeks and now wanted to share where it was going. The Trust had received the CQC's report and reacted quickly with an emergency Board meeting. However, the inspection had been undertaken in March and the Trust had learned a lesson that it should not wait to receive a report from the CQC in future. A number of Board actions were taken, including expanding patient satisfaction surveys and introducing comprehensive patient experience audits and Board members visited wards at prescribed times with a 5 point checklist to undertake a care audit and results were held in the wards. Board and patients' expectations had been reiterated to staff as had their personal responsibility for patient care and staff would be held to account if they failed to deliver the expected services. Staff were to take personal responsibility for their actions and were to challenge others if necessary which was considered a big culture change and an open culture would be necessary. Prior to the CQC visit, the Trust had already decided to increase its Board meetings to monthly from quarterly as part of its aim to have an open culture and care, quality and safety would be discussed in the monthly public Board meetings. The Trust recognised that it needed to rebuild its relationship with stakeholders and had encouraged stakeholders to visit its wards.

The Trust had commissioned an arms-length independent review with 2 Non-Executive Directors, 3 elected Shadow Governors and facilitated by Professor Janice Stevens. The review aimed to ensure actions put in place were sustainable, provide learning about systems and processes and identify why the Trust did not know about the issues identified by the CQC prior to the CQC's inspection. The review was conducted over a 1 month period and included 10 unannounced visits to wards at all 3 hospitals, 35 one-to-one meetings with staff and a review of documentation.

Whilst the independent review was underway, on 9 June a Quality Review was undertaken. This was part of the Trust's foundation trust application process and its timing was coincidental. 16 inspectors, 2 of whom were from the CQC, visited all 3 hospitals and looked at patient experience, leadership, clinical governance, nutrition and dignity. On 24 June, the CQC undertook a further unannounced inspection of wards 5 and 11 at the Alexandra Hospital and Avon 1 and 2 at the Worcestershire Royal Hospital. As a result, the Trust was able to triangulate findings from the Quality Review, the independent review and the CQC's follow-up visit.

No significant concerns were highlighted during the Quality Review and staff were congratulated on their commitment to patient care and the Trust. The Trust considered this to be commendable given that the review was undertaken at the height of the tension and bad press. The independent review supported these findings.

The Trust had received verbal feedback following the CQC's follow-up inspection that the Trust was now compliant with the standards. The independent review also supported these findings.



The independent review concluded with a number of findings and noted that issues which had arisen were the result of a combination of factors. The review noted that mealtimes, rather than revolving around other things, needed to be at the centre of everything and that ward level leadership was needed. Training and competencies were also highlighted and the Trust was discussing this both internally and with training providers. The volume of documentation was also highlighted and it was identified that patients' names and addresses had to be input 29 times as documentation had evolved and the Trust had not consolidated its records system. The quantity of audits was also highlighted as staff were unable to care for patients whilst completing audits and it was also noted that the Trust had a raft of action plans, there were too many and focus was needed.

A number of short term and longer term next steps had been agreed, with the short term actions being achieved by the Trust's next Board. These included agreement on a set of quality indicators and a 50% reduction in nursing audits, streamlined action plans and identifying examples of revamped nursing documentation from other trusts. Longer term actions would be agreed at the next Board. Additionally, the Trust was adopting a model to measure the sustainability of new ways of working.

Trust-wide changes already made were highlighted, including protected mealtimes, a mealtime co-ordinator, more effective use of the red-tray system, relatives being encouraged to get involved, improved recording of nutritional information, systematic 2 hourly care and comfort rounds, spot-checks and audits of documentation and a revised complaints system. It was noted that the complaints system could offer early warnings and trends and would be discussed publicly at the Trust's Boards.

In terms of sustainability, each of the Trust's directorates would be required to make statements of compliance to the Board and Professor Stevens' recommendations were being implemented. The Trust would rely heavily on its Quality Assurance and Scrutiny Committee, which had the Trust's Chief Executive sitting on it.

Members were advised that this was not the end of a process for the Trust but only the beginning and there was no intention to live through another 4 weeks of what the Trust had just been through. The Trust Chairman considered that the Trust would emerge stronger and fitter than before from this experience.

- Members were advised that the CQC report had opened old wounds and the Trust understood the concern of those who had previously reported problems, been assured they were fixed and then recently read that the same issues were still a problem. Local politicians had also been sending in complaints from as far back as 2006 to be looked at. The Trust was happy to review any feedback it received;
- It was highlighted that whilst the Trust's Chief Executive had previously indicated that complaints were decreasing, it was likely that most people with a complaint did not write in as it was too much trouble or they were unable to articulate their concern. It was suggested that the situation could be worse than complaints indicated and assurances were sought that the face-to-face discussions with patients would be treated seriously alongside the training of nursing and leadership competencies. The Trust acknowledged that the complaints it received were possibly only the tip of the iceberg;
- Whilst the red-tray system was recognised as a good idea, it was noted that staff numbers were important, particularly if all patients in a given ward had red-trays and it was questioned whether the ratio of 'caring' staff had increased. It was also

suggested that the Trust's cleaners took no great pride in their work and an example was given of a cleaner in the Alexandra Hospital who responded that it was nothing to do with her that there was an area requiring cleaning in another room. Members were advised that the Trust routinely checked against other trusts that its staffing levels were appropriate and a key question was whether the Trust needed more staff or needed more staff doing the right work with less bureaucracy. It was also highlighted that all staff had a responsibility for patient care, including the Chairman and Board members and all had a responsibility not to ignore patient safety and if a patient needed, for example, a glass of water, anyone could address that;

- Concern was expressed about the relationship between the Trust and the HOSC given that no reference was made by the Trust to the CQC inspection at the HOSC meeting in May and in the Trust's draft Quality Account yet these were followed a week or so later by the CQC's report. The Trust's Chairman apologised and advised that there had been no intention to mislead the HOSC and it had been inappropriate not to have shared the CQC inspection with the HOSC and other stakeholders. It was recognised that this had caused damage which now needed to be fixed and such a scenario would never happen again.

### **13<sup>th</sup> September**

Members of the Health Overview and Scrutiny Committee (HOSC) received a presentation outlining the background to Worcestershire Health and Care NHS Trust (the Trust), its structure, vision and values, aims, its approach to its challenges and key issues.

Members were advised that the Trust was established on 1 July 2011 following the Transforming Community Services programme. A number of models had been considered in Worcestershire with the Trust forming from the dissolved Worcestershire Mental Health Partnership NHS Trust and the provider arm of the Primary Care Trust's community services. The Trust operated from over 120 sites, including the County's inpatient community hospitals, Elgar Unit in Worcester, Hillcrest in Redditch, the Robertson Centre in Kidderminster as well as from GP surgeries, health centres and clinics. The Trust had an annual budget of £155 million and employed 4200 staff.

The service structure was detailed and included a number of service delivery units. Worcestershire County Council took the lead on managing services for people with a learning disability, with health staff seconded to the local authority. The adult mental health service delivery unit included inpatient services, community mental health services, urgent care, assertive outreach and early intervention. The children, young people and families service delivery unit included health visitors, school nursing and child and adolescent mental health services (CAMHS). The Children and Young People Overview and Scrutiny Panel had recently considered CAMHS. The specialist primary care service delivery unit included dental services, sexual health services and offender health.

The community care service delivery unit included district nursing, occupational therapy, physiotherapy, long-term conditions, community hospitals and older adult mental health services, including dementia services. In the Transforming Community Services consultation, one of the big benefits of the new model was considered to be the potential for greater integration of service provision, with a single provider able to offer a more holistic service. This delivery unit had been structured with a locality focus which would enable them to work with the County's Clinical Commissioning Groups and would also more easily enable the public to get to know their local providers. The Trust was

trying to create an environment where its staff would be able to improve pathways for clients.

The Trust's vision was to be a leading and excelling organisation, working in partnership with the voluntary sector, County Council and Worcestershire's Acute Trust to deliver high quality and integrated care. The Trust's values had emerged from work with patients and carers and were to be courageous, ambitious, responsive, empowering and supportive.

Financially, the Trust needed to achieve annual 4% efficiency savings equating to £6 million for the Trust. As an aspirant foundation trust, Monitor expected the Trust to plan for a worst case scenario of 6% or £9 million savings. Financial savings plans had been inherited from the predecessor organisations and whilst these continued, the Trust was also considering how further efficiencies could be achieved. The Trust was taking part in the Quality, Innovation, Productivity and Prevention (QIPP) programme and had been involved in the transfer of services from Aconbury to Timberdine, working to ensure the necessary expansion of community services.

- Concern was expressed that the County Council's adult safeguarding system did not mirror its children's safeguarding system. Concern was also expressed that a lot of money was spent on both in-county and out of county placements for children and adults and whilst Councillors had a lot of contact in-county, they did not go to out of county placements. Efforts were being made to persuade the Council to tell Councillors where and how money was being spent. The Trust was urged to include Councillors in their discussions about safeguarding;
- Members were advised that the Trust had inherited the Lucy Baldwin site in Stourport and there was an ongoing dispute about a covenant. Legal opinion had been sought by the predecessor mental health trust and this had indicated that the covenant was no longer valid. The Trust was currently in discussion with the family of those who had agreed the original covenant and it had been confirmed that no one would wish to provide medical services from this site. Wyre Forest District Council has identified the land for residential development and this is being progressed. It was hoped to resolve the matter by bringing both sets of solicitors together to reach an agreement on the covenant. If the covenant was still in force, the Trust would investigate if it was possible to remove it. It was also noted that there was a feeling locally that it was worse to have the site in a semi-derelict state than for it to be used, albeit not in accordance with the original covenant. The Trust was unable to sell the site unless the issue of the covenant could be resolved. Other healthcare providers had been approached but no interest had been expressed in the site for healthcare provision.
- Members then received a presentation outlining the background to the extension of patient choice of any qualified provider, the timescales and its proposed implementation in Worcestershire.
- Members were advised that patient choice had been introduced by the previous Government and was in use particularly in out-patient services where patients would be offered a choice of hospital providers by their GP. This model was now to be extended across the healthcare field. In the current Government's White Paper, Liberating the NHS, it was proposed that patients should be able to choose from a list of qualified (initially 'willing') service providers and that those providers would need to meet NHS quality requirements, prices and contractual obligations. Providers would have to pass assurance tests and accept commissioners' pathways

and referral protocols. GPs could then offer patients a choice of providers and the selected provider would be paid for the service provided by the commissioner, i.e. the money following the patient. Competition between providers would be based on quality not price, with the quality differences likely to be the 'softer' things such as accommodation, waiting times, car parking, etc.

- A phased implementation was proposed nationally, starting with a small number of services before being rolled out across an increasing number. The Department of Health had listed a number of potential services for consideration but commissioners were also free to choose which services to extend choice for first. Each PCT Cluster had to identify 3 services where patient choice would be extended and it was agreed by the West Mercia Cluster that Herefordshire, Shropshire and Worcestershire would each choose 1 service to pilot.
- The qualification process would ensure that qualified providers delivered high quality care, with no clinical or cost differences between them. The qualification process would also require providers to be registered with the Care Quality Commission, meet the terms and conditions of the NHS standard contract, accept NHS prices and agree with commissioners' service specifications
- Following a very active clinical debate, the 3 Clinical Commissioning Groups had considered that podiatry services would be the most appropriate service to extend patient choice for a number of reasons, recognising that it was a crucial service in maintaining mobility and independence. There were access issues in Worcestershire with the service provision being focussed on patients with the greatest need and it was also a discrete, one-stop service to a great extent. At the moment, the service was provided by Worcestershire Health and Care NHS Trust at a cost of £1.4 million, providing 60,000 patient treatment episodes.
- It was difficult to see how stakeholder engagement could be achieved by the end of September and the Government guidance on this engagement was still awaited.
- The Chairman advised Members that he had attended a meeting of NHS Worcestershire's Patient and Public Involvement Sub-Committee where the Local Involvement Network (LiNK) had indicated that it did not have enough money to continue functioning and was unable to fund its AGM, for example. The LiNK considered that as this was a statutory undertaking it was up to Worcestershire County Council to fund this. The HOSC Chairman had undertaken to take up the issue of the LiNK's funding within the Council but also noted that the LiNK had not been able to detail what funding it required. Although the LiNK Chair had previously announced that she intended to stand-down, as no-one else had come forward, she had agreed to continue on a limited basis. The importance of the LiNK's ability to visit health and social care providers with no advance notice was highlighted

### October HOSC

Members received updates on the relocation of the Stroke Unit serving South Worcestershire following the closure of Aconbury and the move of patients to the Timberdine Unit

- [Worcestershire County Council](#) has submitted a planning application to form a stroke rehabilitation centre containing eight beds, a gym, social area and therapy kitchen, taking total beds to 36.

- The unit helps rehabilitate patients who have suffered falls, patients recovering from orthopaedic surgery such as hip replacements, diabetics, and patients with long-standing illnesses or health problems.
- The new service also includes eight hospital-at-home beds providing 24-hour care and 20 step-down beds in nursing homes, replacing the service once provided at Aconbury. The issue was discussed at a meeting of the health overview and scrutiny committee at County Hall in Worcester.
- Dr Charles Ashton, medical director at Worcestershire Acute Hospitals NHS Trust, said: "There's still a lot of pressure on the system in that the capacity at Timberdine isn't fully open and there's more stroke rehabilitation beds to come next year."
- Sandra Brennan, director of quality and nursing at the Worcestershire Health and Care NHS Trust, said feedback from users and carers about the move had been "very positive" and that more services could be moved into the community. She said: "We do need to be bold and brave and make big decisions although those are difficult, sometimes they're the right thing to do for patients."
- Simon Hairsnape, director of delivery at NHS Worcestershire, said: "I think we would expect to see a reduction in acute hospital beds. It's expensive and it's not appropriate if patients don't need to be there. I expect we will see further, similar developments in the coming years in Worcestershire."
- Since August, 99 patients have been through the doors of Timberdine with an average length of stay of 22 days.
- Members were informed that a further 22 bed Medical Ward was to open at Redditch. Some ambulances taking critical patients from the South west of the County, who now all go to Worcester would be able, in future to take patients to Redditch to relieve pressure on Worcester.

Members then received an update on the Out of Hours Service now provided by Harmony

- It is obvious that the new service is a considerable improvement on the service which had been provided by TCN.
- There are now 3 Doctors on call providing out of hours cover.
- Patients in the Tenbury area now receive their out of hours service from "ShropDoc".
- There is to be increased co-operation between the MIU and the Primary Care Centre at Kidderminster.
- An increasing number of local Doctors are now contracted to Harmony to provide out of hours cover.
- Generally the patient satisfaction with Out of Hours Service shows great improvement.

**Wyre Forest District Council**

**Overview and Scrutiny Committee Meeting  
3<sup>rd</sup> November 2011**

**Recommendation from the Waste Review Panel Meeting  
19<sup>th</sup> October 2011**

**Review of the current arrangements for the collection of Waste and Recycling**

The Panel considered a report from the Director of Resources which presented potential methods of future working patterns and a review of the services currently provided with a view of achieving cost reductions as set out in the Financial Strategy 2011/14.

The Panel noted the details of the report and in particular the key issues surrounding the service review and targeted efficiency savings.

On the basis of the benefits to the environment, improved work-life balance of employees and the continued work with residents and private land lords in educating and dealing with specific waste and recycling issues.

**In order to contribute to the savings identified within the Financial Strategy 2011-13, the Panel recommend to the Overview and Scrutiny Committee:**

- 1. To support the amendment of the terms and conditions of the staff within the Waste and Recycling service in respect of the introduction of a 4 day working week.**
- 2. On the grounds of improvements to the environment and the cost savings it would generate, the frequency of the collection of medical waste be amended to fortnightly, with additional capacity provided if required.**

## **Universal Credit (UC)**

Major Feature of the Welfare Reform  
Bill

Briefing Paper November 2011

## **Introduction**

For some time now there has been controversy over the overall cost of the current welfare benefits schemes and the Government's primary aim is to reduce this escalating cost. The current view is that welfare dependency is a significant and growing problem in Britain with huge social and economic cost for individuals, their families and wider society. The welfare state has become a vast, sprawling bureaucracy that maintains, rather than really challenges poverty.

1. more than one in four working-age adults in the UK does not work, and at least 2.6 million people spent at least half of the last ten years on some form of out-of-work benefit.
2. around a fifth of families with children are in poverty at any one time and around two-fifths experienced poverty at some time in a four year period; and
3. 35% of families remain in poverty when a parent enters work yet 2.4 million households now receive Working Tax Credit.

In the last decade, expenditure on working-age benefits and Tax Credits has risen from £52 billion in 1996/97 to £74 billion in 2009/10. Spending on working-age Housing Benefit has increased by more than 25% to £14.2 billion.

The Government has concluded that there needs to be a radical re-think and reform of the welfare benefits as we currently know it and as a consequence they are introducing Universal Credit for working-age Customers from October 2013.

## **Universal Credit (UC) – What is it?**

Universal Credit – or UC as it will be referred to from now on in this briefing is intended to:

“Bring together a range of working age benefits into a single direct payment to Customers” and such benefits are to include:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Housing Benefit
- Child Tax Credit
- Working Tax Credit

UC will not replace the following benefits:

- Contributory Jobseekers Allowance
- Contributory Employment and Support Allowance
- Disability Living Allowance
- Child Benefit – (will be available in addition to Universal Credit payments for children)
- Bereavement Benefits; Statutory Sick Pay; Statutory Maternity Pay; Maternity Allowance and Industrial Injuries Disablement Benefit



It aims to:

- Simplify the system
- Improve work incentives
- Smooth the transitions into and out of work
- Reduce in-work poverty
- Cut back on fraud and error

Claims will be made on the basis of households rather than individuals and both members of a couple will be required to claim Universal Credit. Claims will normally be made through the internet and the Department for Work and Pensions (DWP) expect that most subsequent contact between recipients and the delivery agency will also be conducted online. Customers will be able to obtain all elements of Universal Credit through a single application, ending the excessive form filling of the current system. Payment will be monthly and direct to Claimant although there will have to be safeguard policies for certain rent elements to be paid to Landlord.

There are serious concerns from Local Authorities, Landlords and other third parties with regards to the determination to pay the Customer direct, elements of the Universal Credit in respect of their housing needs. Customers have not had to take into account such payments and ensure they pass on this element to their landlords for 30 years and it is feared that history will repeat itself in as much that Customers will not pass on their housing element and will as a consequence create rent arrears and increase recovery action which may ultimately result in them being evicted.

### **Universal Credit (UC) – When will it start?**

The current plan is that from October 2013 any working-age Customer who become out of work will apply for UC and not make separate applications for Job Seekers allowance, Housing Benefit etc.

From April 2014, any working-age Customer who is working but on low income will apply for UC and not make separate applications for Job Seekers allowance, Housing Benefit etc.

Any Customers in receipt of the current Housing Benefit when UC is implemented in October 2013 will continue to receive Housing Benefit payments from their Local Authority and advise them of any changes to their circumstances, until such time there is a break in their entitlement or when the DWP migrate the whole of the Local Authority's Housing Benefit Caseload over to UC.

The current timetable for the Housing Benefit caseload migration of all Local Authorities will be between October 2013 and October 2017. The DWP have given no indication as to how they plan to address this i.e. whether they will migrate District Councils before Metropolitans etc.

### **The Impact on Local Authorities**

Currently LA's administer Housing Benefit, Council Tax Benefit and undertake the investigation of Housing and Council Tax Benefit fraud (to include joint investigations with the DWP Fraud Section)

The implementation of UC from October 2013 which will see the end of any new claims for Housing Benefit direct to LA's is only part of the reform process.

The DWP currently are of the opinion that Council Tax Benefit should not be included in UC and from April 2013 it is intended that the current statutory means tested Council Tax Benefit will be replaced with a local Council Tax Discount scheme. At the same time, the responsibility will swap from the DWP to the Communities and Local Government (CLG).

Under the current Council Tax Benefit – nationally expenditure equates to £4.8 billion with over 5.8 million claiming – which is more than any other means tested benefit. Of that figure, 2.7 million claimants are pensioners, 1.6 million have dependent children and 0.7 million are low earners.

There has recently been a consultation paper in respect of the Localising of Council Tax Discount which outlined how the Government visualised the Scheme would look like.

Firstly, the current 100% funding of Council Tax Benefit will be reduced to 90% funding but as yet it is unclear what they will base the 90% grant on. The ethos of this is that by reducing the amount of funding to LA's by 10% relative to current expenditure on Council Tax Benefit, there will be savings made of approximately £480 million a year. Secondly, the Government are not totally allowing LA's a full free hand in the design of their Local Schemes as they have already made it clear that Pensioners will not be affected by any such cuts and that they must continue to receive the same level of financial support as currently therefore any such cuts to meet the 10% reduction if funding must be found from the working age Customers who continue to need financial support. However, LA's are expected to be mindful of that their schemes work in parallel with UC in aiming to get the working-age unemployed back into work.

The CLG will provide funding to LA's for the development and implementation of the scheme but they have not given a clear indication as to how much.

A big concern for LA's is the timescale to analyse their make up of caseloads in order to help them shape the local scheme suitable for the demographics of the area, consult with Councillors, Stakeholders and the local community – liaise with Software providers to design, write and test software - given the fact that Legislation will not be ready until July 2012 and everything needs to have happened and be in place ready for Annual Billing in February 2013.

There are two other areas which the Government are looking at which will impact on LA's.

Firstly, the DWP is to create a Single Fraud Investigation Service (SFIS) to include LA Fraud Investigators. The current understanding is that this is to happen in 2013 – initially from April but there have been conflicting rumours that it may be put back until later in 2013. Initially the understanding was that all Fraud Investigators excluding any Fraud Managers or Clerical Staff would tupe over to the DWP and the new Service.

A recent consultation document is now highlighting that there are four options currently being considered with option one being the favoured one by DWP as they deem it to be the most "doable" within the time constraints. They are as follows:

1. LA Staff remain employed by LA in LA estate but operate under SFIS powers;
2. LA Staff remain employed by LA in LA estate be seconded to DWP;

3. LA Staff become DWP employees but deliver investigation locally from LA estate;
4. LA Staff become part of DWP working within DWP estate as employees;

Secondly, the DWP is considering transferring Community Care Grants and Crisis Loans for Living Expenses to LA's but as yet they have not decided if it will be at District or upper tier level. Whichever they decide – again it will be effective from April 2013. Effectively, it means that whoever gets the responsibility they will be given a specific grant allocation on a yearly basis to fund any such applications and it will be down to the administering Authority to decide on the criteria for awarding such grants and loans. Therefore in a similar manner to the Localisation of Council Tax Discounts – the Authority will be required to shape the criteria and consult with the same parties, have software in place ready for April 2013.

### **Current Housing Benefit and Council Tax Benefit statistics for Wyre Forest**

The current live caseload and estimated expenditure for Wyre Forest in 2011/12 is as follows:

7,300 Housing Benefit Claims	estimated payments	£30,000,000
<u>9,857</u> Council Tax Benefit Claims	estimated payments	£ 9,525,603
10,482 Combined Claims		

94.04% of the Combined Claims are Council Tax Benefit, of which:

52.9%	of Council Tax Benefit Claims are Pensioners
47.10%	of Council Tax Benefit Claims are Working-Age

If analysis is undertaken on this caseload for the purpose of the Local Council Tax Scheme the 10% savings will need to be found within the 47.10% Claims of the Working-Age.

However, within the 47.10% 209 claims (2.15%) will become pensioners during 2013-2015 and within the balance of Working-Age claims (44.96%) 32.45% are currently in receipt of full benefit and the remaining 12.51% on part benefit. See Appendix A to illustrate the figures.

There will have to be some very important and serious decisions made on how the scheme will be shaped and what awards will be given to the Working-Age claimants to ensure that Wyre Forest does not exceed the Government funding.

It is understood that LA's can exceed the grant – but any excess expenditure must be met from the LA's own budgets and with the current financial situation most LA's will not be in a position to be generous by exceeding their grant.

It is expected that there will be an increased activity in the recovery of Council Tax from April 2013 when Customers will suddenly be faced with a Council Tax liability that they had not previously experienced.

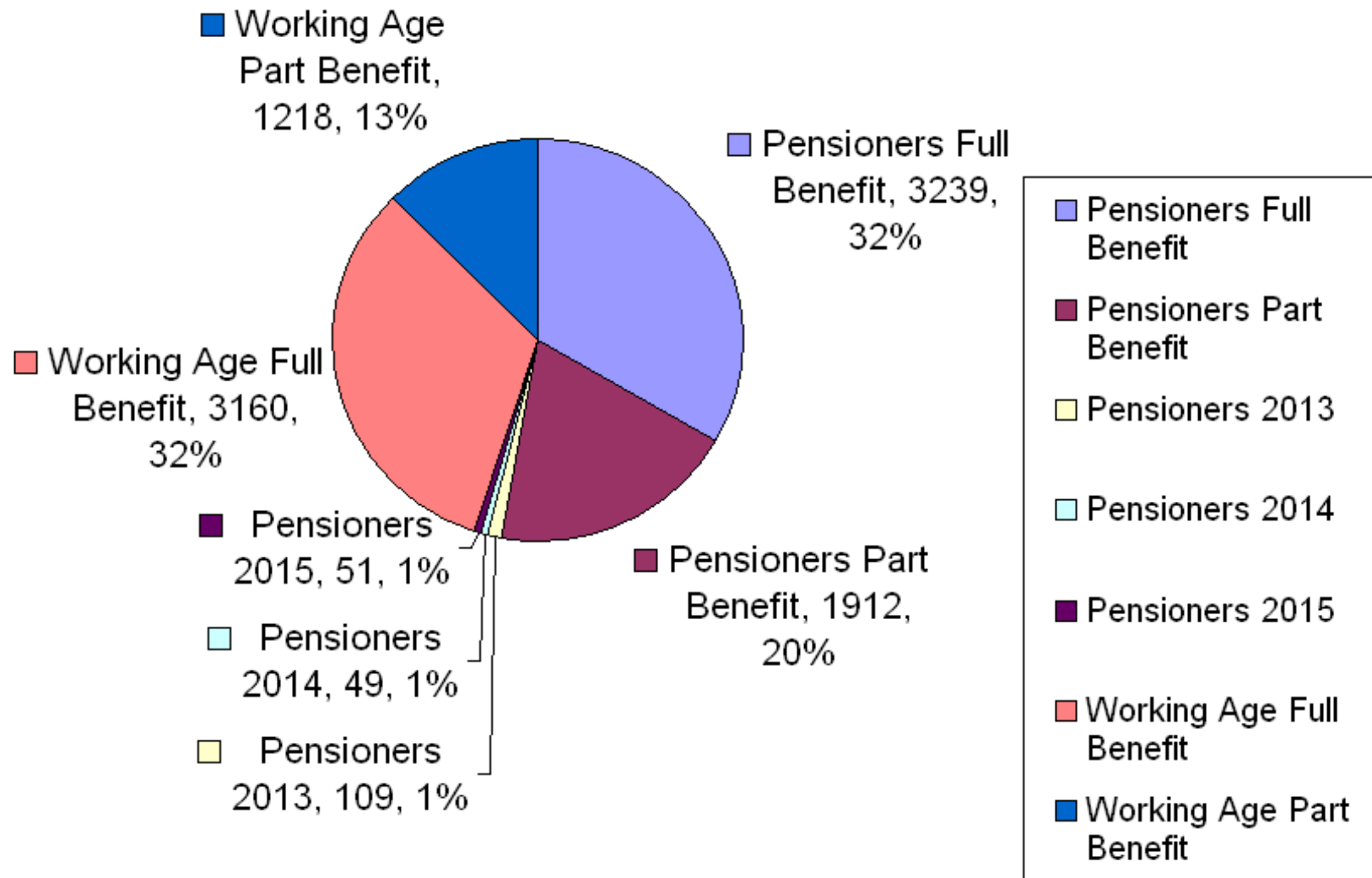
The Revenues and Benefits Section is currently analysing the caseload data in greater detail to identify where the savings could be made and how the scheme could be shaped.

Once more detail is known, this will be shared with CMT and Members.

**Important Dates to remember**

- 2012/13 – preparation for Local Council Tax Scheme and potentially the responsibility of the administration of Community Care Grants and Crisis Loans
- April 2013 – Local Council Tax Scheme
- April 2013 – Localisation of Business Rates
- April 2013 – potentially administration of Community Care Grants and Crisis Loans
- October 2013 – UC for working age who are out of work (new claims)
- October 2013 – continuing to administer and pay Housing Benefit Claims in payment on 1<sup>st</sup> October.
- April 2014 – UC for working age who are on low earnings (new claims)
- October 2013 – October 2017 – DWP to migrate Local Authority Housing Benefit Caseloads – no detail known as to when WFDC would migrate
- 2015 – DWP to review and subject to the outcome could well decide to transfer the responsibility back to LA's

## Current Caseload of Claimant Status of CTB Caseload = 9738





## Overview & Scrutiny Committee

Agenda Item No. 8

### Briefing Paper

Report of: Rhiannon Crisp, Temporary Policy & Performance Officer  
Date: Thursday, 3<sup>rd</sup> November 2011  
Open

### How Are We Doing? Priorities Performance Update

#### 1. Summary

- 1.1 To update Members on the performance of the Council up to 30 September 2011, to include Council Priorities.

#### 2. Background

- 2.1 Performance management is instrumental in all council activities as it helps us to keep track of how well we are performing and enables any potential issues to be identified at an early stage so remedial action can be taken. It also informs our decision making processes which underpin the delivery of our Corporate Plan 2011-14 (*Engage, Consult, Deliver*).
- 2.2 The Council has a number of processes in place to monitor our performance including:
- Council Priorities – as set out in the Corporate Plan and refreshed annually with Actions to be undertaken over the coming year.
  - Directorate Business Plans – produced annually by each of the four Directorates to guide business activity at service level.
  - Performance indicators (PIs) – set locally to measure specific service functions.
  - Business Plan Member Champions – to monitor and report progress of their directorate business plan at this meeting

#### 3. Key Issues

- 3.1 A summary of performance against the Corporate Plan Priorities for 2011/12 is shown below with full details in **Appendix 1**.

##### 3.1.1 Priority 1 – Securing the Economic Prosperity of the District

**Actions -**  1 Action completed  
 4 Actions on track  
**PIs -**  2 PIs missed targets

PRS PI 22 – Grants Awarded to New Businesses – This is the second quarter that the target has been missed. Members may recall from quarter one that the way business start up courses are now delivered has changed which has resulted in less applicants. This trend has continued for Quarter 2 however four applications for this period were received of which three were granted. The fourth application was incomplete. Even though we are only at the start of quarter three, there has already been three applications submitted which have all been granted.

PRS PI 23 - Empty Shops Grants – This is the second quarter that the target has been missed. Like quarter one no applications were received in quarter two despite forms being issued. Estate Agents are to be contacted again and reminded of the available grant, which is up to £4,000 for improvements to empty shops.

### **3.1.2 Priority 2 – Delivering Together, with Less**

**Actions -**

-  **2** Action completed
-  **4** Actions on track
-  **0** Action missed due date

### **3.1.3 Priority 3 – Improving Community Wellbeing**

**Actions -**

-  **1** Action completed
-  **2** Actions on track

**PIs -**

-  **2** PI missed target

PRS PI 09 – Affordable Homes – This is the second quarter that the target has been missed. Members may recall that in quarter 1 it was reported that the Homes and Communities Agency (HCA) were due to agree funding schemes with registered providers in the District by September so work could get underway to bring forward other schemes for affordable homes. However this has now been delayed until the end of October. Therefore only two units have been completed for quarter 2 which were 56 Worcester Road and 194 Sion Avenue.

CAP PI 15 (*previously National Indicator Ni 8*) – Adult participation in sport and active recreation – The data for this target is only collected annually by Sport England through a nationwide survey, which is the reason why it has been registered as off target. The data will not be available until the end of the financial year so this target will not be reported again until then. It should however be noted that the Community Development Section continue to deliver a range of initiatives and activities to underpin this performance indicator including the 'Walking Project' and GP Referral Activity Scheme.

3.1.4 Quarter two progress against Business Plans and Performance Indicators will be reported by the Member Champions of this committee:

- Community and Partnership Services - Councillors Dyke, Higgs, Gale and Sewell
- Legal and Corporate Services – Councillors Buckley, Hardiman, Ingham and Williams
- Planning and Regulatory Services – Councillors Greener, Hart, McCann and Salter
- Resources – Cllrs Baker, Holden, Parish and Sheppard

3.1.5 An Exception Report for Business Plans and Performance Indicators is attached as **Appendix 2**.

#### **4. Options**

4.1 That progress to date for Priorities and Performance Indicators be noted.

#### **5. Consultation**

5.1 Cabinet Member for Community Well-Being.

5.2 Director of Community and Partnership Services.

#### **6. Related Decisions**

6.1 None.

#### **7. Relevant Council Policies/Strategies**

7.1 Wyre Forest District Council Corporate Plan 2011 – 2014.

7.2 Directorate Business Plans for 2011/12.

#### **8. Implications**

8.1 Resources: No direct implications from this report.

8.2 Equalities: No direct implications from this report.

8.3 Partnership working: No direct implications from this report.

8.4 Human Rights: No direct implications from this report.

8.5 E-Government: No direct implications from this report.

8.6 Transformation: Performance Management is a theme in the Transformation Programme.



**9. Equality Impact Needs Assessment**

- 9.1 An equality impact assessment has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

**10. Wards affected**

- 10.1 None.

**11. Appendices**

- 11.1 Appendix 1 – Corporate Plan Priorities Progress Report up to 30 September 2011.
- 11.2 Appendix 2 – Quarter 2 Business Plan and Performance Indicator Exception Report up to 30 September 2011.

**12. Background Papers**

Full Priorities, Business Plan and performance indicator information is available on the Council's Performance Management System, Covalent. Alternatively, reports can be requested from the Temporary Policy & Performance Officer.

**Officer Contact Details:**


Name: Rhiannon Crisp  
Title: Temporary Policy & Performance Officer  
Contact Number: Ext. 2786  
Email: [rhiannon.crisp@wyreforestdc.gov.uk](mailto:rhiannon.crisp@wyreforestdc.gov.uk)


# Appendix 1


## Corporate Plan Priorities 2011/12

Progress report up to 30 September for Actions & Q2 (Jul-Sept 2011) for Performance Indicators

### Action Status Key & Summary


 **4** (28.5%) - Completed date


 **10** (71.5%) - Progressing and not reached target date **Not On Target** **0** (0%) - Yet to reach target date, and not expected to be completed by target date

 **0** (0%) - Overdue

### PI Status

 **3** (75%) Target significantly missed

 **1** (25%) Target missed

 **0** (0%) Target achieved or exceeded

### Action Forecast Key & Summary

**On Target** **14** (100%) - Yet to reach target date, but on course for completion by target date

### PI Trend



**0** (0%) Improving





**0** (0%) No Change







**4** (100%) Getting Worse

### Priority 1 Securing the economic prosperity of the district

Code	Action	Target Date	Progress Towards Target	Status	Action Forecast	Director	Cabinet Member	Note
PRS BP11 EM19	To produce a schedule for Educational and enforcement days to support the Council's Loveyourplace campaign.	30-Apr-2011	<div><div>100%</div></div>		On Target	Mike Parker	Cllr. Marcus Hart	10-Jun-2011 Easter: Canal Trust Campaign 23rd June - Dog Fouling Campaign 18th July Litter/Flytipping 5th August Litter/Dog fouling 8th August Litter/Dog fouling 6th September Untaxed Vehicles/Fly Posting
PRS BP11 EM20	To implement at least three separate environmental crime campaigns highlighting, educating and enforcing the Loveyourplace initiative. • Easter - April 2011 • Summer holidays - August 2011 • Winter school term - March 2012	31-Mar-2012	<div><div>75%</div></div>		On Target	Mike Parker	Cllr. Marcus Hart	05-Sep-2011 New Poster being made for Litter Campaign near winter school term. 12th, 13th & 16th September – Litter Enforcement campaign scheduled. 25-Aug-2011 3 campaigns complete to date with further planned in September and December.

## Agenda Item No. 8




PRS BP11 PR40	Contribute towards the establishment of North Worcestershire Tourism initiative and publication of promotional leaflet. • Project plan for promotional activities completed by October 2011 • Promotional leaflet published by March 2012	31-Mar-2012	<div><div style="width: 70%;">70%</div></div>		On Target	Mike Parker	Cllr. John Campion	12-Oct-2011 North Worcestershire Tourism actioning its promotional plan in partnership WFDC to include features in Destination Worcestershire' twice yearly magazine, new web site and networking events. 09-Sep-2011 Currently engaging in discussion with Destination Worcestershire
PRS BP11 PR42c	ReWyre Initiative (Implementation): Secure a Development Partnership of private sector partners for STC.4 (Lloyd's Garage), Stourport-on-Severn	31-Dec-2011	<div><div style="width: 90%;">90%</div></div>		On Target	Mike Parker	Cllr. John Campion	18-Oct-2011 Interviews held - approval expected imminently. 09-Sep-2011 Tenders received and being evaluated.
PRS BP11 PR42d	ReWyre Initiative (Implementation): Develop and implement a Place Marketing strategy to promote the District to investors including potential future businesses, residents and visitors - Develop Strategy by October 2011 - Complete implementation by March 2012	31-Mar-2012	<div><div style="width: 45%;">45%</div></div>		On Target	Mike Parker	Cllr. John Campion	18-Oct-2011 Draft paper presented to Rewyre Board. 09-Sep-2011 Reviewing in context of North Worcestershire.





PI Code	Title	Q2 2011/12		2011/12	Status	Trend	Director	Cabinet Member	Latest Note
		Value	Target	Target					
PRS PI 22	No. of grants awarded to new businesses	3	5	20			Mike Parker	Cllr. John Campion	Further to note of 17 October - 4 applications for Q2 were received of which three were granted. The fourth application was incomplete. The change in the way businesses start up courses are delivered has resulted in the continued decline of applicants.
PRS PI 23	Empty Shops Grants awarded	0	1	4			Mike Parker	Cllr. John Campion	No applications received this quarter despite forms being issued. Agents to be contacted again to remind them of grant.

**Priority 2 Delivering together, with less**

Code	Action	Target Date	Progress Towards Target	Status	Action Forecast	Director	Cabinet Member	Note
CAP BP11 CUL32	Complete review to investigate improved partnership working with Friends of Parks groups including the establishment of Service level Agreements based on the Council's management plans.	31-Mar-2012	<div><div>80%</div></div>		On Target	Linda Collis	Cllr. Tracey Onslow	12-Sep-2011 Meetings with Friends ongoing and agreements have been drafted. 12-Aug-2011 Friends groups consulted on SLA's and formal responses to be gathered during Autumn.
CAP BP11 CUL42	Complete an options appraisal for the management of district Sport and Leisure Centres. - Preferred options to Cabinet by June 2011 - Council decision by July 2011	31-Oct-2011	<div><div>90%</div></div>		On Target	Linda Collis	Cllr. Tracey Onslow	13-Oct-2011 Report to Cabinet 18 October 2011 to present options and consultation results 12-Sep-2011 Consultation ends 11 September 2011 and results and options to be presented to Cabinet in October. Due date change from 31 July to 31 October due to consultation being extended
LCS BP11 DS05	To fully consider and conclude the financial options appraisal of shared service proposals for electoral administration and registration service.	31-Mar-2012	<div><div>100%</div></div>		On Target	Caroline Newlands	Cllr. Nathan Desmond; Cllr. Nathan Desmond	16-Aug-2011 Investigated and not pursued. 26-Jul-2011 Ongoing process.
RES BP11 ACC09	To conduct a fundamental review and prioritisation of all aspects of the Council's services. This will include using lean/systems thinking principles, in order to secure its financial viability and the sustainability of services.	31-Dec-2011	<div><div>50%</div></div>		On Target	David Buckland	Cllr. Nathan Desmond	12-Oct-2011 The Review has started and on target. This will form the Financial Strategy due to be considered by Cabinet in December 2011. 21-Sep-2011 This is still part of the Wyre Forest Forward Programme and will come forth for approval as part of the Financial Strategy in December 2011.
RES BP11 ES62	To fully consider and conclude the financial options appraisal of shared service proposals for waste services	31-Mar-2012	<div><div>45%</div></div>		On Target	David Buckland	Cllr. Marcus Hart	15-Sep-2011 Strategic Waste Board has been established and work streams continue via the Senior Officer Group. All work linked to in-house waste review and route optimisation procurement. 19-Aug-2011 Work streams continue. WFDC leading on Route Optimisation & Commercial Waste Collections.
RES BP11 RB56	To fully consider and conclude the financial options appraisal of shared service proposals in revenues and benefits.	31-Mar-2012	<div><div>100%</div></div>		On Target	David Buckland	Cllr. Nathan Desmond	08-Aug-2011 Decision made by Cabinet at meeting on 19/7/11 that Revs & Bens will remain in-house 09-Jun-2011 Draft report is currently written, awaiting consideration by CMT and Cabinet

**Priority 3** Improving community well-being

Code	Action	Target Date	Progress Towards Target	Status	Action Forecast	Director	Cabinet Member	Note
CAP BP11 CUL43	Continue to provide a health related activities programme through increased promotion and partnership working including: <ul style="list-style-type: none"> <li>• Sportivate by August 2011</li> <li>• Hotspot sports by August 2011</li> <li>• Activity referral by March 2012</li> <li>• MEND (Mind, Exercise, Nutrition...Do it!) by March 2012</li> </ul>	31-Mar-2012	<div><div>85%</div></div>		On Target	Linda Collis	Cllr. Tracey Onslow	12-Sep-2011 Delivery on target
CAP BP11 CUL45	Through the work of the Community Safety Partnership, support the Areas of Highest Need Project specifically through delivery of neighbourhood tasking in each area (Oldington & Foley Park, Broadwaters and the Walshes), focussing on community safety improvements.	31-Mar-2012	<div><div>45%</div></div>		On Target	Linda Collis	Cllr. Tracey Onslow	12-Sep-2011 First Horsefair, Broadwaters and Greenhill Neighbourhood Tasking Meeting scheduled for 20 September. Community Action Days in the Walshes organised for 23 and 24 September, 2nd planning meeting 15 September  05-Aug-2011 New Vestia Community Development Officer now in post for Broadwaters. Working with WFCSP Project Officer in order to provide co-ordination across the 3 areas. Sits under WFCSP Safer Communities Theme Group. Meeting with Police in mid August regarding Broadwaters.
PRS BP11 HS22	Implement Year One of Housing Services Improvement Plan by March 2012 <ul style="list-style-type: none"> <li>• Monitor social lettings established by April 2011</li> <li>• Investigate high number of approaches to acceptances of stat homeless by July 2011</li> <li>• Develop a new empty homes strategy by November 2011</li> </ul>	31-Mar-2012	<div><div>100%</div></div>		On Target	Mike Parker	Cllr. Julian Phillips	13-Oct-2011 Strategy completed  07-Sep-2011 Stat homeless approaches audit completed and draft of Empty Homes Strategy ready for circulation. All other actions completed or underway.






PI Code	Title	Q2 2011/12		2011/12	Status	Trend	Director	Cabinet Member	Latest Note
		Value	Target	Target					
CAP PI 15 (NI 8)	Adult participation in sport and active recreation	Not collected at this frequency.		20.0%			Linda Collis	Cllr. Tracey Onslow	Data is only collected annually by Sport England in a nationwide survey. The requested data will not be available until end of financial year. Community Development section continues to deliver a range of initiatives and activities to underpin this performance, including the 'walking project' and GP referral activity scheme.
PRS PI 09	Number of affordable homes delivered (gross)	2	15	60			Mike Parker	Cllr. Julian Phillips	Still no news on HCA funding for schemes with registered providers. Expecting this information now by end of October. Just 2 units completed - 56 Worcester Road and 194 Sion Avenue.

## Appendix 2

### Business Plan Exception Report – up to 30 September 2011






Actions which have missed their due date, been cancelled or are 'Not on Target' to be completed by their due date

#### Community & Partnership Services





Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
CAP BP11 CSP02	Revise and merge the Brand Strategy, Consultation Strategy and Corporate Communications Strategy		<div><div>50%</div></div>	On Target	31-Aug-2011	13-Oct-2011 30 Sept 2011 - progressing but delayed due to Council approval being deferred in respect of the media protocol. 30-Jun-2011 Progressing to schedule.	Jane Doyle; Suzanne Johnston-Hubbold
CAP BP11 CSP08	Review the structure of the Wyre Forest Matters Local Strategic Partnership Board		<div><div>90%</div></div>	Not On Target	30-Jun-2011	13-Oct-2011 04-10-2011 The board agreed the changes to the forum and task and finish groups in July although the final structure of the board itself will be discussed and decided at the next board meeting on 17th October whereby we will reach 100% completion. 04-Jul-2011 Report and recommendations on potential restructure to be taken to board meeting on 18th July 2011. The report was completed within the agreed timescale, however it was decided that the report should be taken to the timetabled board meeting rather than convening a separate meeting for this purpose.	Lucy Bennett; Sue Harper
CAP BP11 CUL27	Encourage greater access and use of Brinton park using heritage lottery. Application to Heritage Lottery Funding for Brinton Park: - Stage 1 submitted by February 2011 - State 2 submitted by June 2012		<div><div>0%</div></div>		31-Mar-2012	07-Jul-2011 We were advised on Tuesday 28th June that our application had been unsuccessful.	Joe Scully
CAP BP11 CUL31	Complete Coronation Gardens project, working in partnership with Probation Service		<div><div>90%</div></div>	On Target	31-Jul-2011	13-Oct-2011 Project almost complete and opening being arranged 15-Jun-2011 Project progressing and on target for completion date.	Joe Scully
CAP BP11	Provide CMT with consultation		<div><div>0%</div></div>		30-Jun-2011	11-Jul-2011 Action changed as decision	Linda Collis;

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
CUS55	results regarding recommendation of cheques no longer being accepted as payment					taken not to stop accepting cheques. Change in process that requests customers post cheques as no longer accepted in person at Kidd Hub.	Lucy Wright



Legal & Corporate Services Directorate

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
LCS BP11 DS03	Review service level provision with primary users to ensure that Democratic Services delivers a timely and efficient service.		<div><div></div></div> 0%	Not On Target	30-Jun-2011	26-Jul-2011 Not completed due to capacity issues. <b>Propose amending due date from June 2011 to December 2012.</b>	Penny Williams
LCS BP11 DS04	Review of Cairo: • Updating committee admin software to improve functionality by August 2011 • Implementation and training by September 2011		<div><div></div></div> 85%	Not On Target	30-Sep-2011	27-Sep-2011 Ongoing review 26-Jul-2011 Software updated in July.	Penny Williams
LCS BP11 EM07	Review Property Rationalisation Strategy		<div><div></div></div> 30%	On Target	30-Sep-2011	04-Oct-2011 Strategy currently under review. 26-Jul-2011 Reviewed on an ongoing basis. Strategy to be updated in September.	Lucy Lomas
LCS BP11 EM11	Carry out benchmarking exercise against 'nearest neighbours' to investigate other ways of collecting debt and understand impact of economic climate on property debt		<div><div></div></div> 30%	Not On Target	30-Sep-2011	04-Oct-2011 Benchmarking questionnaire prepared to be issued to near neighbours imminently. 26-Jul-2011 Preparing information and documentation for benchmarking exercise to commence in August.	Paul Grosvenor; Lucy Lomas
LCS BP11 FM27	In line with audit recommendations produce a specification for a lighting and sound contract to enable a quotation exercise to be carried out and a new contract issued. • Produce specification by the beginning of June 2011 • Carry out quotation exercise by the end of		<div><div></div></div> 35%	Not On Target	30-Jun-2011	12-Oct-2011 Awaiting feedback from David Tirebuck relating to arrangements to include as a joint tender exercise with CAPS. Inventory provided to David Tirebuck of existing equipment. 07-Jul-2011 Facilities Specification produced and provided to Procurement	Elaine Brookes; Matt Smith








Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
	June 2011 • Implement contract award by the end of June 2011					Officer beginning of June. This is to be a joint contract with CAPS. Procurement Officer to liaise with CAPS to agree specification and submit to competitive quotation. Revised due date mid August due to the large work-load of the Procurement Officer and the request for update of equipment inventory for inclusion in exercise.	
LCS BP11 HR41	Develop Training Plan to address gaps in statutory and mandatory training		<div><div>35%</div></div>	On Target	30-Sep-2011	12-Oct-2011 Training Programme approved at CMT on 22.09.10, collating training needs in preparation for delivery of statutory and mandatory training. 12-Jul-2011 25% Working with WCC for delivery of statutory and mandatory training.	Cheralyn Chance; Rachael Simpson
LCS BP11 HR42	Work strategically with WCC to utilise their delivery mechanisms		<div><div>40%</div></div>	On Target	30-Sep-2011	12-Oct-2011 This is progressing Recruitment likely to be delivered by WCC within the next couple of months. 12-Jul-2011 Currently working with WCC to streamline CRB's training and Recruitment.	Cheralyn Chance; Rachael Simpson
LCS BP11 LC47	Engage with our customers to ensure we are maximizing the potential income from searches. • Complete survey consultation by June 2011 • Publish consultation results and re- evaluate the Land Charges Service from the results of the consultation by August 2011		<div><div>0%</div></div>	Not On Target	30-Aug-2011	04-Oct-2011 Survey not yet carried out – form problem with IT but now falling behind due to additional work and sick leave 25-Jul-2011 Delayed.	Helen Caldwell
LCS BP11 LC48	Complete training and formal hand over of administration for a. Tree Preservation Orders and b. Road Closures.		<div><div>40%</div></div>	On Target	30-Sep-2011	04-Oct-2011 Training on Road Closures for other members of staff not carried out yet due to increase in workland and sick leave. TPOS not yet transferred from legal due to time constraints in both sections. 07-Jul-2011 Road Closure successfully handed over. One member of staff conversant with Road Closure procedure.	Helen Caldwell; Gill Clarke; Nicola Green

## Agenda Item No. 8


Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
						Others to be trained as soon as it is possible to find time. TPOs not yet transferred.	
LCS BP11 LS53	Review current legal staff to match resources to need & keep under review		<div><div style="width: 75%;">75%</div></div>	On Target	31-May-2011	04-Oct-2011 Recruitment complete subject to references. 07-Jul-2011 Departure of litigation solicitor has caused delay. Recruitment currently taking place. Completion will depend on success.	Jane Alexander
LCS BP11 LS55	Develop competencies and new job descriptions for posts within Legal Services		<div><div style="width: 75%;">75%</div></div>	On Target	31-May-2011	04-Oct-2011 Awaiting commencement of Litigation Assistant. 07-Jul-2011 Departure of litigation solicitor has caused delay. Recruitment currently taking place completion will depend on success.	Jane Alexander



### Planning & Regulatory Services Directorate

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
PRS BP11 DC07	Trial, embed and adopt the use of electronic and paper-light systems of working		<div><div style="width: 60%;">60%</div></div>	Not On Target	30-Jun-2011	07-Oct-2011 All new correspondence scanned at first point of contact with DC officers accessing via Document Management system (Information@work). Ongoing and increased use of electronic only planning application files. 05-Jul-2011 All new correspondence scanned at first point of contact with DC officers accessing via Document Management system (Information@work). Ongoing and increased use of electronic only planning application files.	John Baggott
PRS BP11 EM13	To complete a full review of the Parking Places Order.		<div><div style="width: 60%;">60%</div></div>	On Target	30-Sep-2011	21-Jul-2011 Points raised with legal in relation to amendments that may be required	Susan Winmill

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
PRS BP11 EM14	To review the cycle of street cleansing, allocation of areas and shift patterns and implement further efficiencies in the delivery of the service using the Operational Management software.		<div><div>60%</div></div>	On Target	30-Sep-2011	21-Jul-2011 Amendments to routes already implemented, further reviews planned once these have been tested. Different ways of working being investigated to improve efficiencies.	Susan Winmill
PRS BP11 EM18	To explore improved technology to support alternative methods of payment for car parking.		<div><div>60%</div></div>	On Target	30-Sep-2011	21-Jul-2011 Waiting confirmation of cost implications and financial viewpoint on implementation from TJ.	Susan Winmill
PRS BP11 HS31b	Develop a Service level agreement with County Council to undertake additional requirements of Flood and Water Management Act		<div><div>50%</div></div>	Not On Target	30-Apr-2011	13-Oct-2011 Draft schedule of works now circulated. Anticipate completion by 31st December 14-Jul-2011 Verbal agreement has been reached but a written agreement has been held up by County seeking to reach a parallel, equivalent agreement with South Worcestershire Authorities and the need to have legal issues resolved. Anticipated to have a written agreement very soon.	Richard Osborne

### Resources Directorate

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
RES BP11 ACC13	Resource Management System - undertake a post implementation review, with view to fine tuning the system in order to derive the most benefit from the project. Project is due to be implemented by the 31st March 2011. Whilst fine tuning will continue throughout the life of the project, the initial post implementation review is planned for July 2011.		<div><div>75%</div></div>	Not On Target	31-Jul-2011	04-Oct-2011 The software and hardware issues have now been resolved to a point where there is a practical solution available. The experience gained during the Car Parks Implementation should go a long way to anticipating the problems we shall encounter on the West Section. Car Parks have gone live, but only after the resolution of many and varied technical issues - mainly relating to communications with OneServe and smartphones/APP software issues. 07-Jul-2011 The first section due to go-	Trevor Jones

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
						live is the Car Parks section who are scheduled to start on Monday 18th July, followed shortly by Street Cleansing. In terms of effort needed to fully implement, this project is at 90% completion.	
RES BP11 ES59	Complete action Plan Stage 3 for APP - Resource IT Management System for Waste Management Services.		<div><div>75%</div></div>	Not On Target	31-Jul-2011	15-Sep-2011 Roll out continues together with testing of in cab solutions. 19-Aug-2011 System roll-out continues. Plans for Waste Management to commence Autumn 2011.	Steve Brant; Joanne Duffield; John Rhodes
RES BP11 FDS33	Reduce fuel consumption, cost and CO2 emissions: • Trial the use of Fuel Conditioner, for a ten week period in order to reduce fuel consumption, with the aim of introducing this as a permanent practice by April 2011 • Analyse data on fuel consumption and details of fuel savings by June 2011 • Dependant on success of Trial, introduce new Fuel Conditioner Dosing equipment for use with all vehicles when refueling by August 2011		<div><div>50%</div></div>	Not On Target	30-Aug-2011	04-Oct-2011 Carbon Saves Solutions Fuel trail proved negative and no savings made. Now trialing PO Fuel Tec - no results as yet. Ongoing.  14-Jul-2011 On Target.	Martin Phipps

Action Status



Cancelled



Overdue; No longer assigned



Unassigned; Not Started; Check

Progress





Resuming; In Progress; Assigned




Completed

## Business Plan Exception Report - 'Not on Target'

### Community & Partnership Services



Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
CAP BP11 CUS48c	Investigate opportunities for joined up working at Bewdley		<div><div>0%</div></div>	Not On Target	31-Mar-2012	13-Oct-2011 No further progress to report 11-Jul-2011 Discussions are being held with WCC with regard to the multi use facility in Bewdley.	Lucy Wright
CAP BP11 CUS49	Produce quarterly report for CMT highlighting areas of avoidable contact		<div><div>25%</div></div>	Not On Target	31-Mar-2012	13-Oct-2011 Q1 performance reported to CMT. Q2 to be reported during November 11-Jul-2011 Q1 Hub performance will be reported to CMT early September and future reports will be included in CMT forward work plan thereafter.	Lucy Wright

### Legal & Corporate Services Directorate

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
LCS BP11 FM29	Investigate and implement procedure to overcome lone working situations within Facilities Management team. • Investigate options by September 2011 • Agree & implement procedure by November 2012		<div><div>50%</div></div>	Not On Target	30-Nov-2011	12-Oct-2011 No progress. Steve Brant currently looking at the different options to best suit the Council's needs for Lone Working arrangements. 07-Jul-2011 Details obtained of two options – Monitoring Station & GPS system. These have been submitted for consideration at H & S Committee. H & S Committee have requested names/job roles from Departmental Officers to establish cost comparisons of the two systems. Awaiting further feedback. Existing internally agreed arrangements within the team being operated in the	Elaine Brookes; Matt Smith

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
						meantime.	

Planning & Regulatory Services Directorate

Action Code	Description	Status	Progress	Action Forecast	Due Date	Notes	Assigned To
PRS BP11 PR34	Develop a Business Plan for District-wide Town Centre Management		<input type="text" value="0%"/>	Not On Target	31-Mar-2012	18-Oct-2011 Target changed to 31st March 2012. Appointment of District Town Centre Manager delayed as part of North Worcs restructuring.	Ken Harrison
PRS BP11 PR41	ReWyre Initiative (management): Develop a Business Plan for the ReWyre Board and Management Team.		<input type="text" value="0%"/>	Not On Target	31-Dec-2011	18-Oct-2011 Awaiting outcome of Rewyre Conference on 4th November.	Ken Harrison

Action Status



Cancelled



Overdue; No longer assigned



Unassigned; Not Started; Check

Progress



Resuming; In Progress; Assigned



Completed

## Performance Indicators 2011/12

# Exception Report for Quarter 2 (July – September 2011)

PIs collected monthly or quarterly that have missed their target. PIs collected annually are not included

## PI Status



Alert



Warning



OK















Unknown



Data Only

## Community & Partnership Services

















PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				
CAP PI 04	Employee Survey response	Not collected at this frequency.			Not collected at this frequency.		43%		Aim to Maximise		24-May-2011 Previously CAP LP21.
CAP PI 05	Online magazine sign-up	Not collected at this frequency.			Not collected at this frequency.		2,000		Aim to Maximise		21-Jun-2011 No of residents in WF = 95,000. 524 residents signed up to WyredIn (as at 11 April 2011). Was previously collected as a percentage of population signing up to online magazine. Definition changed for 2011/12 to show no. of residents signed up. 2010/11 - 0.55% of the population. Original target for 2010/11 was 10% of the population (9,500).
CAP PI 06	Telephone service level					80%	80%		Aim to Maximise		
CAP PI 09	Satisfaction - Summer Holiday Activities	Not collected at this frequency.			Not collected at this frequency.		96%		Aim to Maximise		12-Oct-2010 LP09- this figure was taken from 2 questions from the 250 evaluation questionnaires returned

PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				
											this summer:- 'Overall Enjoyment & Atmosphere' and 'was this a positive experience for you?' The percentage for Overall enjoyment was 99% and the positive experience was 92% therefore, overall the figure was 96%. Of the 6 people who did not consider the activity to be a positive experience- 3 were from the walks, 1 x trips, 1 x Play Here and 1 x Sports.
CAP PI 14	Satisfaction - Sports & Leisure Centres (customer survey)	Not collected at this frequency.			Not collected at this frequency.		80%		Aim to Maximise		18-Oct-2010 Q1 = 81%, Q2 = 81%, Q3 = 79%, Q4 = 84%
CAP PI 15 (NI 8)	Adult participation in sport and active recreation	Not collected at this frequency.			Not collected at this frequency.		20.0%		Aim to Maximise		19-Oct-2011 Data is only collected annually by Sport England in a nationwide survey. The requested data will not be available until end of financial year. Community Development section continues to deliver a range of initiatives and activities to underpin this performance, including the 'walking project' and GP referral activity scheme.
CAP PI 16 BV119a	% satisfied with sports/leisure facilities (general public)	Not collected at this frequency.			Not collected at this frequency.				Aim to Maximise		24-May-2011 Previously Best Value Performance Indicator BV119a
CAP PI 17 BV119c	% satisfied with museums and galleries (general public)	Not collected at this frequency.			Not collected at this frequency.				Aim to Maximise		24-May-2011 Previously Best Value Performance Indicator BV119c.
CAP PI 32	EDRs - Cultural Services	Not collected at this frequency.			Not collected at this frequency.		100%		Aim to Maximise		24-May-2011 Previously CAP LP25
CAP PI 33	EDRs - Customer Services	Not collected at this frequency.			Not collected at this frequency.		100%		Aim to Maximise		24-May-2011 Previously CAP LP26.









### Legal & Corporate Services Directorate

PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
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		Value	Value	Value	Value	Target	Target				
LCS PI 02	Electoral Registration Forms	Not collected at this frequency.			Not collected at this frequency.		95%		Aim to Maximise		
LCS PI 03	Property - rent arrears	13.6%	14.2%	13.3%	13.3%	11%	11%		Aim to Minimise		07-Oct-2011 -- enter note --
LCS PI 04	Town Hall booking	31	31	36	98	98	445		Aim to Maximise		
LCS PI 07	Road closure application	Not collected at this frequency.			Not collected at this frequency.		25%		Aim to Maximise		15-Apr-2011 Regretably, as the I.T. application form was not available until month 12, it was impossible to progress during 201/11.
LCS PI 11 /BV16a	Percentage of Employees with a Disability				1.77%	2.00%	2.00%		Aim to Maximise		
LCS PI 12 /BV17a	Ethnic Minority representation in the workforce - employees				1.0%	2.0%	2.0%		Aim to Maximise		
LCS PI 13 /BV12	Working Days Lost Due to Sickness Absence	Not collected at this frequency.			3.10	2.00	8.00		Aim to Minimise		
LCS PI 14	EDRs - Corporate	Not collected at this frequency.			Not collected at this frequency.		95%		Aim to Maximise		24-May-2011 Previously RE LP43. Code changed following HR transfer to County with responsibility moved to Legal & Corporate Services.

## Planning & Regulatory Services Directorate























PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				
PRS PI 01	LABC QPM Level of Service Score	Not collected at this frequency.			Not collected at this frequency.		74		Aim to Maximise		25-May-2011 Previously PRS 02.
PRS PI 02a	Processing of planning applications: Major applications	Not collected at this frequency.			50.00%	65.00%	60.00%		Aim to Maximise		
PRS PI 02b	Processing of planning applications: Minor applications	Not collected at this frequency.			59.26%	75.00%	65.00%		Aim to Maximise		
PRS PI	Processing of planning applications:	Not collected at this frequency.			70.54%	85.00%	80.00%		Aim to		

## Agenda Item No. 8

PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				
02c	Other applications								Maximise		
PRS PI 07a	Category 1 Cleanliness	93%	95%	94%	Not collected at this frequency.		95%		Aim to Maximise		
PRS PI 07c	Category 3 Cleanliness	90%	91%	86%	Not collected at this frequency.		90%		Aim to Maximise		
PRS PI 09	Number of affordable homes delivered (gross)	Not collected at this frequency.				15	60		Aim to Maximise		19-Oct-2011 Still no news on HCA funding for schemes with registered providers. Expecting this information now by end of October. Just 2 units completed - 56 Worcester Road and 194 Sion Avenue.
PRS PI 19	Net additional homes provided	Not collected at this frequency.			Not collected at this frequency.		190		Aim to Maximise		25-May-2011 Previously collected as National Indicator NI 154.
PRS PI 21	Previously developed land that has been vacant or derelict for more than 5 years	Not collected at this frequency.			Not collected at this frequency.		1.60%		Aim to Minimise		25-May-2011 Previously collected a National Indicator NI 170.
PRS PI 22	No. of grants awarded to new businesses	Not collected at this frequency.			4	5	20		Aim to Maximise		19-Oct-2011 Further to note of 17 October - 4 applications for Q2 were received of which three were granted. The fourth application was incomplete. The change in the way businesses start up courses are delivered has resulted in the continued decline of applicants.
PRS PI 23	Empty Shops Grants awarded	Not collected at this frequency.			0	1	4		Aim to Maximise		17-Oct-2011 No applications received this quarter despite forms being issued. Agents to be contacted again to remind them of grant.

### Resources Directorate

PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				

PI Code	Short Name	July 2011	August 2011	September 2011	Q2 2011/12		2011/12	Status	Aim	Trend	Notes
		Value	Value	Value	Value	Target	Target				
RES PI 01	Non Property Debtors	7.65%	8.02%	8.84%	Not collected at this frequency.		4.8%		Aim to Minimise		
RES PI 04 / BV 8	% of invoices paid on time	97.78%	97.78%	97.79%	97.79%	98.50%	98.50%		Aim to Maximise		
RES PI 16	Sickness - Environmental Service	12.92%	10.01%		Not collected at this frequency.		5%		Aim to Minimise		
RES PI 22 /BV78a	Speed of processing - new HB/CTB claims	21.6	21.5	27.1	23.5	25.0	25.0		Aim to Minimise		
RES PI 23 /BV78b	Speed of processing - changes of circumstances for HB/CTB claims	6.8	7.3	8.9	7.7	8.0	8.0		Aim to Minimise		
RES PI 24 / BV 9	% of Council Tax collected	Not collected at this frequency.			58.28%	59.00%	98.00%		Aim to Maximise		14-Oct-2011 £45,049,169.82 collectable, £26,259,377.58 collected = 58.29%
RES PI 25 / BV10	Percentage of Non-domestic Rates Collected	Not collected at this frequency.			60.17%	62.00%	98.00%		Aim to Maximise		14-Oct-2011 £ 27,020,241.95 collectable, £ 16,258,770.15 = 60.17%
RES PI 26	Benefits claims > 50 days	8.33%	9.75%	19.35%		5%	5%		Aim to Minimise		14-Oct-2011 62 laims outstanding of which 12 are over 50 days - 19.35%
RES PI 27	Benefits claims decided	95%	89%	80%	88%	89%	89%		Aim to Maximise		
RES PI 33	Benefits Fraud Investigations	8	37	13	58	59	250		Aim to Maximise		14-Oct-2011 The fraud section are currently reduced by one member of staff hence the reduction in cases investigated.
RES PI 34	Benefits Sanctions	2	4	0	6	9.5	45		Aim to Maximise		
RES PI 35	Cost per Benefit Claim	Not collected at this frequency.			£44.58	£38.00	£38.00		Aim to Minimise		14-Oct-2011 The increase in cost per claim is due to the Hub recharge



## Overview and Scrutiny Committee

### Briefing Paper

Report of: Linda Collis, Director of Community & Partnership Services  
Date: Thursday 3<sup>rd</sup> November, 2011  
Open

### Review of Grants to Voluntary Organisations

1. The Council's Financial Strategy for 2011/2014 outlined a proposal to conduct a strategic review of the effectiveness of current grants with a view to reducing the total spend over the period in line with the reduction in Government Grant.
  - 1.1 The Council currently spends £64 540 per year in grants to voluntary organisations. This includes General Grant, Rent Support, Pump Priming and Emergency Grant.
  - 1.2 The proposal identifies a reduction of £17 000, that is 26% of the total amount by 2015.
  - 1.3 Currently six organisations are in receipt of Council funding. The organisations are aware of the proposal to reduce funding and will be invited to take part in the review process.
2. In 2008, a previous review of grants was undertaken and no changes were made to those organisations receiving grant funding. However, a review of the application and monitoring process was undertaken and changes made to improve the monitoring of grant against the Council's strategic aims and the aims of the Sustainable Community Strategy.
  - 2.1 Since that time there has been a review of the Council's corporate aims and together with the reduction in Government Grant, it is important that the Council's grant giving strategy is clearly defined and that the allocation of resources is focussed on meeting the Council's strategic priorities.
  - 2.2 It is important that the review take account of the Council's aims to secure the economic prosperity of the District, to deliver together with less and to improve community well being.
  - 2.3 In particular, the review could consider how far organisations could help meet the strategic actions the Council has set and how grant funding could support the Big Society agenda in terms of communities taking on greater responsibility for assets and or services.

- 3. The Overview and Scrutiny Committee is asked to set up a review panel to conduct the review with the aim of recommending the following to Cabinet in January 2012:**
- A grant giving strategy for the Council that focuses the allocation of resources on delivering Council priorities as outlined in the Council Corporate Plan.**
  - A methodology for reducing the grant funding by 17% by 2015.**



## Overview and Scrutiny Committee Agenda Item No. 10

### Briefing Paper

Report of: Maria Dunn, Senior Forward Planning Officer  
Date: Thursday 3<sup>rd</sup> November 2011  
Open

### South Worcestershire Development Plan Preferred Options Response

#### 1. Summary

- 1.1 This report sets out the background to the South Worcestershire Development Plan Preferred Options Paper and the implications for the District Council. Appendix 1 sets out a suggested response to the consultation paper. The full Preferred Options Paper can be found at Appendix 2 to this report.

#### 2. Background

- 2.1 Malvern Hills District Council, Wychavon District Council and Worcester City Council are working in partnership to produce the South Worcestershire Development Plan (SWDP). Members may recall that the District Council submitted representations to the South Worcestershire Joint Core Strategy Issues and Options Paper in December 2007 and the Preferred Options Paper in November 2008. In light of policy changes at the national level, the South Worcestershire Authorities are now progressing the SWDP which will perform the role of both a Core Strategy and Site Allocations DPD. An eight week preferred options consultation on the SWDP commenced on 26<sup>th</sup> September. The full Preferred Options Paper is available at Appendix 2 to this report.

#### Overview of the South Worcestershire Development Plan

- 2.2 The SWDP will set out the development strategy and planning policy for South Worcestershire up until 2030. This will include the allocation of land for employment, housing and other land uses, and policies to guide infrastructure and service provision.
- 2.3 The SWDP is all about delivering sustainable development in South Worcestershire and guiding how planning applications will be determined in the future. It will set out where new homes and businesses will be located and how to ensure the strategic infrastructure which is needed, including schools community facilities and utilities such as water is provided. The plan is currently at Preferred Options consultation stage.

**3. Key Issues**

- 3.1 The settlement hierarchy is of relevance to Wyre Forest District as there are three settlements within the SWDP area where new development may impact on Wyre Forest District, namely, Clows Top, Hartlebury and to a lesser extent, Droitwich. Whilst the settlement hierarchy is generally supported, there are some concerns regarding the level of development which is targeted towards the villages. It is acknowledged that all of the villages will need to accommodate some modest growth to meet local needs, there is some concern about the sustainability of locating significant levels of growth in villages with limited access to services and facilities and poor public transport connections.
- 3.2 Droitwich is the largest of these settlements and is identified within the SWDP as a main town and can therefore expect a reasonable level of housing and employment development. There are a number of sites identified within Droitwich for residential development totalling approximately 410 dwellings. These sites are phased with a commitment to a brownfield first approach. In addition to this, land to the South of Droitwich which has previously been identified as an Area of Development Restraint in the Wychavon District Adopted Local Plan is identified for an urban extension suitable for accommodating approximately 740 homes together with employment and community uses and open space. In response to the SWJCS preferred options paper, Wyre Forest District Council made representations supporting growth at Droitwich providing that it was directed away from Green Belt land to the north of the town. Therefore, it is considered that the proposals for Droitwich should be supported.
- 3.3 Hartlebury is identified within the settlement hierarchy as a category one village. There is no indication of the number of dwellings that category one villages could accommodate, only that larger villages with more services and facilities will be capable of accommodating greater levels of development and that development is predominantly aimed at meeting locally identified housing and employment needs and supporting local services. One site is identified for residential development of up to 100 dwellings.

Previously in the SWJCS, Hartlebury was also identified as being a category one village, however, these villages were then considered suitable for development of up to 50 dwellings which was supported by the District Council. Consideration needs to be given as to how this increased level of development will affect services and facilities within Stourport-on-Severn.

- 3.4 Perhaps the most significant of the three settlements in terms of implications for Wyre Forest District, is Clows Top which falls partially into Wyre Forest District and partially into Malvern Hills District. Clows Top is identified within the settlement hierarchy as a category 3 village. Within the SWJCS Clows Top was identified as a category 2 village suitable for up to 30 dwellings. One site is identified within Clows Top

for residential development of 25 dwellings. However, the District Council's own Site Allocations and Policies Preferred Options Paper identifies a possible development site within Clows Top village. Should both sites come forward this would represent a level of development greater than 30 dwellings within the District. It is questionable as to whether this level of development is appropriate for a category 3 settlement with limited local services. Therefore, it is suggested that representations be made suggesting that site allocations within the village of Clows Top be considered further as both authorities move towards Publication.

- 3.5 The settlement hierarchy sets out the policy for development outside of allocated areas. The policy seeks to protect the open countryside from development and also to safeguard the Green Belt. The Settlement Hierarchy policy also states that within settlement boundaries, preference will be given to brownfield sites before bringing Greenfield sites forward. These policy elements should be supported in order to safeguard the open countryside around the District boundary. It is also considered that this is of relevance to Clows Top, where as previously mentioned, Wyre Forest District is promoting a brownfield site for redevelopment whereas the site promoted by the SWDP is greenfield.
- 3.6 The villages of Great Witley and Abberley Common rely on Stourport-on-Severn for their services and facilities. These villages are identified for 35 and 33 dwellings respectively. Consideration needs to be given as to how this will impact upon service provision in Stourport-on-Severn.
- 3.7 The economic prosperity part of the document sets out a brief overview of the employment opportunities within each of the three Districts. It is considered that paragraph 19.6 relating to Wychavon District should make reference to the importance of Hartlebury Trading Estate within the local economy.

#### **4. Options**

- 4.1 The Committee may wish to:
  - a) Recommend to Cabinet that the representations set out at Appendix 1 to this report be approved by Cabinet for submission to the South Worcestershire Authorities.
  - b) Suggest alternative representations to those set out at Appendix 1 to this report to be considered by Cabinet.

#### **5. Consultation**

- 5.1 None.

#### **6. Related Decisions**

- 6.1 Cabinet decision to submit responses to the South Worcestershire Joint Core Strategy Issues and Options Paper (December 2007).



- 6.2 Cabinet decision to submit responses to the South Worcestershire Joint Core Strategy Preferred Options Paper (November 2008).

**7. Relevant Council Policies/Strategies**

- 7.1 Adopted Core Strategy

**8. Implications**

- 8.1 Partnership working: It will be necessary for Wyre Forest District Council to continue discussions with the South Worcestershire Authorities in relation to cross boundary issues at Hartlebury, Stourport-on-Severn and Clows Top. These cross boundary issues are recognised within the Wyre Forest District Adopted Core Strategy.

**9. Wards affected**

- 9.1 District-wide.

**10. Appendices**

- 10.1 Appendix 1: Suggested response to the South Worcestershire Development Plan Preferred Options Paper.
- 10.2 Appendix 2: South Worcestershire Development Plan Preferred Options Paper.

**11. Background Papers**

- 11.1 None

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**Draft Response to South Worcestershire Development Plan**

Wyre Forest District Council support the settlement hierarchy which is set out, particularly the identification of Droitwich as a main town, Hartlebury as a category one village and Clows Top as a Category 3 village. However, the District Council has some concerns regarding the general distribution of development with many villages taking significant amounts of residential development. Whilst it is recognised that villages will need to accommodate new development to meet local need arising from within the settlement, the sustainability of locating significant new residential development within villages with limited services and facilities and poor public transport connections is questioned.

With reference to Droitwich, the District Council supports the commitment to adopting a brownfield first approach within the town and also supports the identification of the existing Area of Development Restraint to the South of the town as the preferred site for an urban extension.

With reference to Hartlebury, the District Council notes that within the previous Preferred Options Paper (November 2008) that Hartlebury was suggested as being potentially suitable for upto 50 dwellings. It is now noted that a site has been identified in Hartlebury for upto 100 dwellings. This represents a significant increase in development within the village and the District Council feel that consideration needs to be given as to how this will impact on services and facilities within Stourport-on-Severn.

With reference to Clows Top village, the District Council note that in the previous Preferred Options Paper (November 2008) Clows Top was identified as being potentially suitable for up to 25 dwellings. A site has now been identified within the village for up to 30 dwellings which alongside the potential development site which has been identified within the village by Wyre Forest District Council takes the level of development within the village significantly above the 25 dwellings. There is some concern regarding the capacity of the existing infrastructure, particularly drainage infrastructure to accommodate this level of development. It is felt that further discussions are needed between the two authorities in order to ensure that development within the village remains at an appropriate level. The Settlement Hierarchy commitment to giving preference to brownfield sites over Greenfield sites is of relevance to Clows Top as the site being promoted by Wyre Forest District is brownfield whereas the site promoted by the SWDP is Greenfield.

The economic prosperity part of the document sets out a brief overview of the employment opportunities within each of the three Districts. It is considered that paragraph 19.6 relating to Wychavon District should make reference to the importance of Hartlebury Trading Estate within the local economy.

Wyre Forest District Council has some concerns relating to the development of 33 dwellings at Abberley Common and 35 dwellings at Great Witley. Residents of both of these villages rely on services and facilities in Stourport-on-Severn. Consideration needs to be given to the provision of services and facilities for these additional residents.



## Overview & Scrutiny Committee

Agenda Item No. 11

### Briefing Paper

Report of: Ian Miller, Chief Executive  
Date: Thursday 3<sup>rd</sup> November 2011  
Open

### Call-in procedure

#### 1. Summary

- 1.1 This report seeks the Committee's views on potential amendments to the call-in procedure in the Council's constitution.

#### 2. Background

- 2.1 As part of its ongoing review of the Council's constitution, the Transformation Board considered the attached report about the call-in procedure at its meeting on 13<sup>th</sup> September.
- 2.2 The Board was minded to pursue the suggested changes but asked that consultation should first be undertaken with the Overview and Scrutiny Committee. The Chairman of the Committee asked that this should be done by way of a formal briefing paper.

#### 3. Key Issues

- 3.1 The key issues in deciding how to amend the call-in procedure are summarised in paragraphs 8 and 9 of the attached report.

#### 4. Options

- 4.1 The Committee's views on the suggested amendments are sought and will be reported to the Transformation Board, which will formulate the textual amendments and recommend them to full Council.

#### 5. Consultation

- 5.1 None required.

#### 6. Related Decisions

- 6.1 None.

#### 7. Relevant Council Policies/Strategies

- 7.1 Various sections of the Constitution.

**8. Wards affected**

8.1 District-wide.

**9. Appendices**

9.1 Report to Transformation Board, 13 September 2011.

**10. Background Papers**

10.1 Encompassed within the appendix.

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## TRANSFORMATION BOARD

13<sup>TH</sup> SEPTEMBER 2011

### CONSTITUTION – CALL-IN PROCEDURE

1. This report considers the current arrangements for the call-in procedure as set out in the constitution and identifies areas where changes could potentially be made.

#### Background

2. There is nothing named “the call-in procedure” to be found on the face of the Local Government Act 2000 or secondary legislation made under it. The relevant provision is in section 21 of the 2000 Act:

“(2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(3) The power of an overview and scrutiny committee under subsection (2) (a) to review or scrutinise a decision made but not implemented includes power—

(a) to recommend that the decision be reconsidered by the person who made it, or

(b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.”

3. It will be seen that this power relates solely to decisions taken by the Cabinet but not yet implemented: the overview and scrutiny committee has no equivalent power with respect to decisions taken by the full council.
4. The then Department for the Environment, Transport and the Regions issued over 200 pages of statutory guidance on council constitutions, to which councils are required “to have regard” under section 38 of the 2000 Act. The updated version can be seen at this link, and the relevant paragraphs are 3.77 to 3.86, which are reproduced in Appendix B:

<http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

5. The DETR also issued a “modular constitution” which most councils, including Wyre Forest, have followed in large part in terms of content, drafting etc.

<http://www.communities.gov.uk/documents/localgovernment/pdf/157437.pdf>

6. There is research from the Centre for Public Scrutiny (March 2006, and therefore a little dated) about the ways in which councils in England had addressed the legislation and guidance at that time.

<http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=62>

Perhaps unsurprisingly, the “dominant model” identified by the research is similar to the guidance and modular constitution. The “dominant model” provides for 5 working days after its publication for a decision to be called in; at least 3 authorised signatories, either members of the Overview and Scrutiny Committee or not members of the Cabinet; the Overview and Scrutiny Committee to meet within 5 working days and, if it asks the Cabinet or decision-maker to reconsider the decision, that meeting to be held within 10 working days.

7. The current provisions in Wyre Forest’s constitution are reproduced in appendix A.

#### **Issues for consideration**

8. There have been no recent cases of decisions having been called in. This is not necessarily a problem – it can be indicative of good involvement of the scrutiny committee before important decisions are taken. There was a request for a call in submitted earlier in 2011 which was refused by the monitoring officer on the grounds that the decision it was seeking to challenge was one that had actually been taken by full council.
9. The following areas for clarifying or improving the procedure could be considered:
  - 9.1 to clarify that the call-in procedure cannot be used a second time in respect of the same decision. This is to ensure that, where a decision has been reconsidered and the same decision taken, there cannot be an endless circle of call-ins about the issue;
  - 9.2 to prevent the call-in procedure being used where the decision taken by the Cabinet or Cabinet member is the same as or broadly in line with a recommendation from the Overview and Scrutiny Committee. It would seem perverse to allow a call-in to occur where the Cabinet was following such a recommendation. While the requirement for the Chairman or Vice-Chairman of the Overview and Scrutiny Committee to support a call-in request provides a safeguard, it does not provide a guarantee. For example, a recommendation supported by 80% of the scrutiny committee but not (say) by its Vice Chairman could theoretically result in a call-in signed by 3 councillors who were not on the scrutiny committee and the Vice Chairman;
  - 9.3 to clarify that the monitoring officer decides whether or not a call-in request is valid and shall be acted upon;

- 9.4 to remove unnecessary duplication between the Cabinet and scrutiny procedure rules. It is not necessary to say something twice!
- 9.5 to remove paragraph 2.4(iii) of the Cabinet procedure rules. The effect of this is that decisions are deemed always to have been published five days after the decision was taken, even if they were published sooner. The clock should start ticking once publication has happened;
- 9.6 To consider whether the section from the budget and policy framework procedure rules on call-in can be incorporated within the scrutiny procedure rules, to avoid any overlap or confusion;
- 9.7 To require the call-in request to identify why the scrutiny committee should examine the decision. Simply not liking the decision should not be enough. The request should identify a reason such as a belief that the decision is contrary to the budget and policy framework and how it is believed to be contrary to the framework; or that statutory requirements about consultation have not been fulfilled etc.
- 9.8 To remove the ability of the scrutiny committee to refer a matter to full Council for it to scrutinise a decision solely on the grounds of “a difference of opinion” between the committee and the Cabinet.

## **Conclusion**

- 10. The Transformation Board is invited to consider the issues raised in this report and
  - 1) indicate for which of them it wishes to see drafting prepared, for consideration at its next meeting;
  - 2) decide whether it wants any consultation on this matter undertaken with other councillors in the meantime, in particular members of the Overview and Scrutiny Committee.

## **Appendix A**

### **What the constitution currently says**

#### **Section 7, Council Procedure rules (standing orders)**

##### **2.4 'Call-in' Procedure**

- (i) The decisions of the Cabinet will be published within five working days and sent out to all Members.
- (ii) A Cabinet decision will come into force three working days from the date of the decision being published, unless the decision is called in for review, whereupon the decision will stand in abeyance.
- (iii) The date of publication shall be taken to be the end of the fifth day following the decision of the Cabinet. The detail of the Call-In Procedure is set out in Part 10 of this Constitution.

#### **Section 9, Budget and Policy Framework Procedure Rules**

##### **9. Call-in of Decisions Outside the Budget or Policy Framework**

- 9.1 Where a Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to, or not wholly in accordance with the Council's budget, then it shall seek advice from the Director of Legal and Corporate Services, as Monitoring Officer, and/or the Director of Resources.
- 9.2 In respect of functions which are the responsibility of the Cabinet, the Director of Legal and Corporate Services as Monitoring Officer's report and/or the Director of Resources report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Director of Legal and Corporate Services as Monitoring Officer's report and to prepare a report to Council in the event that the Director of Legal and Corporate Services as Monitoring Officer or the Director of Resources conclude that the decision was a departure, and to the Corporate Resources Scrutiny Committee if the Director of Legal and Corporate Services as Monitoring Officer or the Director of Resources conclude that the decision was not a departure.
- 9.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Director of Legal and Corporate Services as Monitoring Officer and/or the Director of Resources is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, a Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within (20) days of the request by



the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Director of Legal and Corporate Services as Monitoring Officer and/or the Director of Resources. The Council may either:

- (i) Endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way.

Or

- (ii) Amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way.

Or

- (iii) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Director of Legal and Corporate Services as Monitoring Officer/Director of Resources.

## **Section 10, Procedure Rules for Scrutiny Committees**

### **1.11 Call in Procedure**

Decisions of the Cabinet may be 'called-in' in accordance with the following procedure:-

- (1) Following the meeting of the Cabinet, decisions will be published within five working days and circulated to all Members.
- (2) The decision will come into force three working days from the decision being published unless it is "called in" by the Overview and Scrutiny Committee.
- (3) The Overview and Scrutiny Committee has the power to 'call-in' for scrutiny decisions made by the Cabinet but not implemented and recommend that they are reconsidered, reviewed or scrutinised.
- (4) The call-in procedure can be triggered by any three non-Cabinet Members and the Chairman or Vice-Chairman of the Overview and Scrutiny Committee by giving notice to the Director of Legal and Corporate Services. A decision must be called in within three working days of the publication of the Decision Notice. (The call-in period is specified on the Decision Notice). With few exceptions, all decisions can be called in but the Committee

cannot overturn a decision. It can refer the matter back to the Cabinet for a review in the light of comments made by the Committee. The Overview and Scrutiny Committee may also refer items to Council in certain circumstances.

- (5) Call-in allows an issue to be discussed in a public forum and should be carried out in a way that adds value to the decision-making process.
- (6) The Overview and Scrutiny Committee may use the power to refer any matter called in and referred to scrutiny to full Council if:
  - (i) The Committee considers that the decision is contrary to the policy framework.
  - (ii) The Committee considers that the decision is contrary to or not wholly in accordance with the budget.
  - (iii) Otherwise there is a difference of opinion between the Committee and the Cabinet.
- (7) If a decision is “called in”, implementation of the decision will be suspended for up to 2 weeks from the date of publication of the decision within which time the Overview and Scrutiny Committee may meet to decide whether to exercise the powers in Section 21(3) of the Local Government Act 2000 to recommend that a decision be re-considered by the person or body who made the decision or to recommend that the full Council consider whether that person or body should reconsider the decision.
- (8) The appropriate decision-maker must reconsider the decision and decide if the Overview and Scrutiny Committee exercises its Section 21(3) powers, whether or not to change it, before adopting a final decision.
- (9) If the decision-maker is not minded to reconsider the decision the Overview and Scrutiny Committee may, in specified circumstances, refer the matter to the Council where the decision and the reasons for it will be reconsidered. A Scrutiny Committee can only refer a decision to Council if it is a decision that will have a serious and long-term budgetary effect on the Council.
- (10) If the Cabinet needs to take an urgent key decision, the consent of the Overview and Scrutiny Committee Chairman must be obtained. If the Scrutiny Chairman is unable to act the Chairman of the Council or, in his/her absence, the Vice-Chairman of the Council must give consent. Such decisions will not be subject to the call-in procedure.

## **Appendix B**

### **Extract from Government guidance**

#### **Call-in of Decisions**

3.77 Sections 21(2)(a) and (3) of the Act mean that a local authority's executive arrangements must ensure that overview and scrutiny committees have specific powers, in respect of functions which are the responsibility of the executive, to recommend that a decision made but not yet implemented be reconsidered by the person who made the decision or to recommend that the full council consider whether that person should reconsider the decision.

**3.78 Local authorities should make provision in their executive arrangements and standing orders, for procedures by which members of the local authority can request that a meeting of an overview and scrutiny committee be held to consider whether or not to use these powers in respect of a decision made but not yet implemented (a so called call-in procedure). Such provisions may include a standard period of delay before decisions are implemented. Those provisions should ensure that there is an appropriate balance between effectively holding the executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the executive within the policy framework and budget agreed by the full council. The provisions should ensure that a decision maker could only be asked to reconsider a decision once. Day-to-day management and operational decisions taken by officers should not be subject to any call-in procedure.**

**3.79 In addition, where the executive wishes to take an urgent key decision by seeking the agreement of the chair of a relevant overview and scrutiny committee (or where there is no chair of the overview and scrutiny committee with the chairman or vice chairman of the authority) that the matter is urgent the local authority's call-in procedure should include provisions which prevent such urgent decisions from being called-in or in any other way delayed.**

**3.80 Local authorities should also agree how called-in decisions are responded to. If an overview and scrutiny committee examines a decision and decides to recommend an alternative course of action, local authorities should set out how this should work. In particular local authorities should consider the following questions:**

- ☐ **how should the executive (or other body within the local authority as the case may be) respond?**
- ☐ **what should the timescale for such a response be?**

3.81 Figure 3.5 provides an illustrative example of one possible procedure for call-in.

#### **Figure 3.5:**

**Illustrative Example of One Possible Procedure for Call-in**

- ☐ **The executive publishes decisions made either at an executive meeting or which have been taken by an individual member.**

- The executive arrangements provide that decisions which can be subject to call-in will come into force after, say, 5 working days have passed following the decision being published unless an overview and scrutiny committee calls it in.
- Within that period any two or more members of an overview and scrutiny committee can request a meeting of the relevant overview and scrutiny committee to review the decision.
- If a valid request for a meeting is made within the specified period, all action to implement the decision is suspended for up to two weeks from the date of the decision within which time the overview and scrutiny committee meets to decide whether to exercise the powers in section 21(3) of the Act.
- If the committee decides it disagrees with the decision it may exercise the powers in section 21(3) having regard to this statutory guidance.
- The decision maker reconsiders the decision and decides whether or not to change it explaining her or his reasons to the next meeting of overview and scrutiny or full council as appropriate. For example: the decision is re-examined at the next meeting of the executive with one or more representatives of the overview and scrutiny committee attending to put their case.

**3.82 Local authorities should ensure that the executive arrangements ensure that any call-in procedure is not abused or used unduly to delay decisions or slow down the process of decision making. In particular the executive will, from time to time, need to take decisions which need to be implemented quickly. Local authorities will need to develop local conventions and protocols to prevent abuse of an overview and scrutiny committee's power to recommend that a decision made, but not yet implemented, be reconsidered. Local authorities should keep the operation of any call-in arrangements under review to ensure that they are not abused with an associated negative effect on the efficiency of executive decision making.**

**3.82A A call-in mechanism provides a process by which a decision made but not yet implemented can be discussed at a meeting of an overview and scrutiny committee within specified timescale during which implementation of the decision is suspended. A call-in mechanism cannot circumscribe the power in section 21(8) of the Act for an individual member of an overview and scrutiny committee to ensure that any matter relevant to the remit of the committee be placed on the agenda and discussed at a meeting of the committee. However, the exercise of the powers in section 21(8) does not have the effect of suspending implementation of a decision. Any call-in power for members to request a meeting and suspend implementation of a decision must, therefore, be in addition to the powers in section 21(8).**

**3.83 A safeguard which could be adopted as part of a call-in procedure could be to include provision requiring a certain number of committee (or local authority) members to call in a particular decision (although in the case of a church or parent governor representative they may be given an individual power to call in a decision).**

**3.84 Some examples of safeguards are given in 3.6.**

**Figure 3.6:**  
**Safeguards to Prevent Abuse of Call-in**

One unitary council with six "Review and Scrutiny" committees operates a procedure as follows:

- call-in of any executive decision must be within 3 days of the decision (the executive meets fortnightly in public);
- 5 members of any Review and Scrutiny committee are needed to request a decision be called in; and
- the 5 members must involve representation of at least 2 political groups.

Another local authority operates a procedure by:

- publishing a fortnightly members' information sheet with all recommendations (for decisions) made by the executive or executive members;
- at least 3 members need to request the call-in of a decision; and
- a 'call-in committee' of members who are not members of the executive considers the request for call-in.

There are 3 call-in committees, each looking at one of the following areas:

- corporate issues;
- education and leisure; and
- housing and social services.

**3.85 Local authorities will need to consider, when designing such mechanisms, that under normal circumstances where a decision relates to a function which is the responsibility of the executive, ultimately only the executive can decide the matter.**

**3.86 To avoid the possibility of very many emergency council meetings the Secretary of State recommends that overview and scrutiny committees should only use the power in section 21(3)(b) to refer matters to the full council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget. Where an overview and scrutiny committee refers a decision to the full council there should be clear timescales set out in the local authority's constitution within which the debate should take place to avoid decisions being unnecessarily delayed.**



## Overview and Scrutiny Committee

### Briefing Paper

Report of: Linda Collis, Director of Community & Partnership Services  
Date: Thursday 3<sup>rd</sup> November 2011  
Open

### Community Safety Partnership Future Arrangements

#### 1. Background

- 1.1 The Worcestershire Safer Communities Board agreed earlier this year that a review of community safety partnership working across Worcestershire was required against the backdrop of:-
- changing Government priorities
  - severe pressures upon public finances
  - a 60% reduction in community safety fund grant over two years
  - the introduction of Police and Crime Commissioners from November 2012
  - Logistical problems faced by partner organisations in servicing current partnership meetings and activities.
- 1.2 There are currently four statutory Community Safety Partnerships in Worcestershire:-
- South Worcestershire
  - Bromsgrove
  - Redditch
  - Wyre Forest.
- 1.3 There is a County Strategic Group, the Worcestershire Safer Communities Board, made up of senior Responsible Authorities representatives and wider stakeholders, which through a Community Safety Agreement, sets the strategic priorities for the Countywide partnerships and provides funding for CSPs and wider Section 17 Crime and Disorder Reduction activities.

#### 2. Introduction of Police and Crime Commissioners (PCC)

- 2.1 This is a central piece of Government policy under the Police Reform and Social Responsibility Bill currently progressing through Parliament. The PCC will be established at West Mercia level from November 2012, with a range of powers including a reciprocal duty to cooperate with CSPs and to have regard to each other's priorities for the purpose of fulfilling the Section 17 responsibilities.
- 2.2 PCCs will take responsibility for community safety grant. The PCC could make Community safety grants to other organisations and so it will be critical to

ensure that Worcestershire has clear and robust strategic and partnership plans that also meet the PCC priorities.

- 2.3 Whatever partnership arrangements are agreed in Worcestershire, they will have to be effective and straightforward for the PCC to deal with at a WM spatial level.

### **3. Funding**

- 3.1 2012/13 will be the last year that the WCC Community Safety Fund is available before it transfers to the PCC.
- 3.2 The table below illustrates the level of funding for CSP's using the same needs based allocation as for 2011/12.

Table 1. Community safety funding in Worcestershire

<b>Funding</b>	10/11	11/12	12/13 Provisional*
Community Safety Fund	£575,000	£544,338	£275,000
WCC Community Safety Grant Contribution	£132,000	£100,000	TBC
	<b>£707,00</b>	<b>£644,338</b>	<b>TBC</b>
<b>Expenditure</b>			
SCB Commissioning	£32,975	£20,000	TBC
Drug and Alcohol Action Team	£89,000	£69,000	TBC
WCC Community Safety Team	£35,000	£28,000	TBC
Bromsgrove CSP	£87,574	£71,695	£37,440
Redditch CSP	£90,327	£107,400	£56,086
S Worcs CSP	£269,882	£238,858	£124,735
Wyre Forest CSP	£102,995	£109,385	£57,122
	<b>£707,00</b>	<b>£644,338</b>	<b>TBC</b>

\*Figures based upon using the same funding SCB formula split as 2011/12.

### **4. Future Partnership Arrangement Options**

- 4.1 The Policy and Commissioning Group on behalf of the Safer Communities Board established a small task and finish group to undertake a piece of work

that included consulting with all the Responsible Authorities about the available options.

- 4.2 What was unanimously agreed was that the current status quo of four CSPs and the SCB was not sustainable and was not supported.
- 4.3 The other two options that were considered were-
- To restructure into one County based CSP
  - To move to two CSPs, north and south and the SCB as the strategic county group. This would involve a merging of the three current other CSPs, (Bromsgrove, Redditch and Wyre Forest).
- 4.4 The Safer Communities Board recommendation tabled at its meeting of 22<sup>ND</sup> September 2011 was to move to two CSPs. This recommendation was favoured by the majority of responsible authority representatives at the meeting.
- 4.5 Wyre Forest was in favour of one County based CSP for the following reasons:-
- a) Predicting that a move to one CSP would be the most likely eventual outcome
  - b) More efficient to change once and not twice
  - c) One strategic decision making body could serve the County effectively
- 4.6 In terms of deciding what the future partnership structures should be, there was a range of views from the responsible authorities. However, to effect change and specifically agree CSP mergers, **all** Responsible Authorities have to be in agreement for a submission to be made to the Home Office, and for the Home Secretary to make the relevant Order.
- 4.7 It is therefore recommended that Wyre Forest CSP and the District Council ( as the responsible Authority) support the majority held view to move to two CSP's by working with Bromsgrove and Redditch CSP's to merge as one overarching CSP for North Worcestershire.
- 4.8 The Wyre Forest Community Safety Partnership endorsed this option at its meeting held on 5<sup>th</sup> October 2011.

**5. Recommendation to Cabinet:**

**Scrutiny is asked to endorse the SCB recommendation held by the majority of Responsible Authority representatives and recommend to Cabinet:**

**That Wyre Forest CSP and Wyre Forest District Council Cabinet (as the responsible authority) agrees to the restructuring of the current CSP arrangements into two CSPs (North and South Worcestershire) and one county strategic Community Safety Board.**



**That the three North Worcestershire CSPs immediately progress the merger into a single North Worcestershire CSP. The responsible Authorities to progress to merger and obtain appropriate local approvals and Home Office agreement to the merger by 1 April 2012 or earlier.**

**Agree to discussions commencing at the earliest opportunity with the Chairmen of Redditch and Bromsgrove CSPs, relevant portfolio holders and Community Safety co-ordinators to progress the merger.**

**Supports the continuation of locality based operational and responsive partnership working through the operational management group and appropriate local Wyre Forest representation on the merged North Worcestershire CSP.**



## Overview and Scrutiny Committee Agenda Item No. 13

### Briefing Paper

Report of: Ken Harrison  
Head of Economic Development & Regeneration –  
North Worcestershire  
Date: Thursday 3<sup>rd</sup> November 2011  
Open

### Eastern Gateway: Concept Feasibility Report

#### 1. Purpose of Briefing Paper

- 1.1 This report seeks Members' views on the Concept Feasibility Report set out in Appendix 1 which is intended to be used as evidence in support of the emerging Kidderminster Central Area Action Plan.

#### 2. Background Information

- 2.1 Land at Bromsgrove Street, including the Kidderminster Health Centre, Wyre Forest Glades, Public Car Parks and Worcester Street former Magistrates Court buildings (KTC.3), emerged as a key site within the Preferred Options for the Kidderminster Central Area Action Plan (KCAAP). This report summarises the progress made in exploring the feasibility of the 'Eastern Gateway' site as the preferred site for a major retail store in line with the emerging policies. This is running in tandem with the Leisure Review.

#### 3. Key Issues

##### Context

- 3.1 The Bromsgrove Street area is a first phase in the wider regeneration of what is termed the 'Eastern Gateway' in the KCAAP. There is a known demand within the retail sector for additional convenience shopping (supermarket) floorspace in Kidderminster. National planning policy requires the Council and developers to follow a town centre first policy approach in searching for suitable sites i.e. it must be demonstrated that a site(s) within the town centre or edge of centre cannot be delivered before out-of-centre sites are considered. This is a key strand of securing the future vitality and viability of town centres. This is particularly pertinent in the context of Worcester Street which currently has the highest vacancy rate in Kidderminster and the District as a whole.
- 3.2 The concept and feasibility report highlights the main constraints and opportunities presented by the site. It also provides precedents of supermarkets and their general expectations and requirements. The

consultant team who have developed report have a track record of working for retail operators and this further adds credibility to the plans.

- 3.3 The document demonstrates that the site is physically capable of accommodating a supermarket and associated car parking.

The Proposal

- 3.4 Working with the geography and constraints of the site, the architect team have looked to optimise the development footprint to reflect known retailer requirements. The work has taken a due diligence approach through undertaking appropriate searches including below ground utilities. This highlights the route of a mains sewer running through the area and electricity sub-station. Even with these constraints remaining in situ the team have demonstrated that a 40,000 sq ft development can be satisfactorily achieved.
- 3.5 One of the key issues will be ensuring that the land can be assembled within a reasonable timeframe. The District Council will need to vacate the Glades Leisure Centre which is one of the outcomes of the Leisure Review. There are also active discussions with the other landowners which include the Primary Care Trust and Worcestershire County Council. However, this is subject to an on-going review within the PCT and NHS Trust. As per the Glades it is suggested that a new replacement medical centre could be developed in Worcestershire Street to free up the existing Bromsgrove Street for a retail store development. There are currently no known impediments to the land being assembled and it is suggested that the District Council, as the primary land owner, continues to lead discussions to secure the site with the other landowning partners.
- 3.6 The combination of the above will provide a robust evidence base in support of the Kidderminster Central Area Action Plan which is due to be published early in 2012. It will also need to be fully considered as part of the application of the sequential test conducted for retail planning applications for sites outside the town centre.

Next Steps

- 3.7 The Concept Feasibility Report will be considered at Cabinet for adoption as informal planning guidance in support of the Kidderminster Central Area Action Plan and the Kidderminster Regeneration Prospectus/ ReWyre Initiative. The report will also provide the basis for a proactive delivery strategy to bring the plans to fruition.

**4. Options**

- 4.1 The Committee may wish to recommend that:
- 1) the Eastern Gateway: Concept Feasibility Report be approved by Cabinet;
  - 2) alternative proposals be suggested for the area.

**5. Consultation**

- 5.1 Director of Legal and Corporate Services.
- 5.2 Director of Community and Partnership Services.
- 5.3 Director of Resources.

**6. Related Decisions**

- 6.1 Not applicable.

**7. Relevant Council Policies/Strategies**

- 7.1 Wyre Forest Local Development Core Strategy, 2010.
- 7.2 Kidderminster Regeneration Prospectus.

**8. Wards affected**

- 8.1 Greenhill.

**9. Appendices**

- 9.1 Appendix 1 – Eastern Gateway Concept Feasibility: Consultants Report.

**10. Background Papers**

- 10.1 Kidderminster Central Area Action Plan DPD Preferred Options Paper (July 2011).

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## Overview & Scrutiny Committee

Agenda Item No. 14

### Briefing Paper

Report of: Mike Parker, Director Planning & Regulatory Services  
Date: 3<sup>rd</sup> November 2011  
Open

### Worcestershire Regulatory Services – Enforcement Policy

#### 1. Summary

- 1.1 This report sets out a proposed revised Enforcement Policy in respect of the Worcestershire Regulatory Services (WRS) which it is hoped will be adopted consistently by Councils across the county.

#### 2. Background

- 2.1 The proposed policy applies to all actions in relation to all of the legislation enforced by WRS to ensure that businesses comply with the law. This policy will replace the Council's current Environmental Health Enforcement Policy which is available on the Council's website.
- 2.2 As the adoption of policy is a matter reserved to each Council, it will be necessary for Wyre Forest District Council to adopt this Enforcement Policy at Cabinet on 22nd November. The policy has already been considered at the WRS Joint Committee on 29th September when it was agreed to request all partners adopt it.

#### 3. Key Issues

- 3.1 The general principles behind the policy are prevention rather than cure, proactive engagement with customers and judging formal action on its merits. All enforcement decisions will be fair, independent and objective.
- 3.2 The aim of the policy is to promote efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens. The approach is a risk based one to ensure resources are targeted where they are most effective.

#### 4. Options

- 4.1 Committee could decide to:
- Recommend the policy to Cabinet for adoption.
  - Recommend an amended policy to Cabinet for adoption.

**5. Consultation**

5.1 None required.

**6. Related Decisions**

6.1 None.

**7. Relevant Council Policies/Strategies**

7.1 Environmental Health Enforcement Policy, which will be replaced by the new policy.

**8. Wards affected**

8.1 District wide.

**9. Appendices**

9.1 Proposed WRS Enforcement Policy.

**10. Background Papers**

10.1 None.

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## **Worcestershire Regulatory Services Enforcement Policy**

### **1. Introduction**

In June 2010, seven Local Authorities in Worcestershire set up a Joint Committee under Section 101 of the Local Government Act 1972, comprising Members of the Authorities, to oversee the delivery of regulatory services across the County on their behalf, by a single body called "Worcestershire Regulatory Services".

The regulatory services to be provided include Trading Standards, on behalf of Worcestershire County Council and Health & Safety, Environmental Health and Licensing administration on behalf of Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council

This Enforcement Policy will be applied by Worcestershire Regulatory Services in relation to the services it provides on behalf of these Authorities and it has been adopted by each of them. It is distinct from the general Enforcement Policy of the individual Local Authority, which applies to any other service provided by them, for example, Planning.

The primary aim of Worcestershire Regulatory Services is to ensure compliance with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support those seeking to comply and at the same time tackle those who choose not to comply, using proportionate action. The detail on how and when action may be taken is outlined in the body of this policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well being under the Local Government Act. We are obliged to comply with the Human Rights Act 1998, so we will take its provisions into account when taking decisions relating to enforcement action.

This enforcement policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff.

### **2. Policy Scope**

We are committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this we have adopted the principles of the following:

- The Regulators Compliance Code (BIS)
- Local Government Regulation's Home Authority Principle,
- Local Better Regulation Office's Primary Authority Principle.
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

We will also comply with any statutory requirement placed upon us and seek to align our procedures with best practice.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

### **3. General Principles**

Prevention is better than cure and our role therefore involves actively working with businesses to advise on and assist with compliance. Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individuals, particularly those involving noise nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

### **4. Risk**

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory activity, including:



- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme, but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that are created within the Authority, and publish the details. In the absence of other factors, when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

We will also use intelligence to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

## **5. Advice and Guidance**

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We will provide targeted and practical advice through personal visits, telephone and promote self service via our website. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses in developing both the content and style of regulatory guidance to help ensure that it meets their needs.

When offering advice, we will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. We seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we must reserve the right to take enforcement action in serious cases.

Generally, we will provide our advisory services free of charge however we reserve the right to charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance. We would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the Local Better Regulation Office in relation to the Primary Authority principle.

We will engage with local businesses to assess the effectiveness of our information and advice services by asking them how effective our work is in raising businesses' awareness and helping them to understand legal requirements, including the extent to which they incur additional costs from obtaining external advice in order to understand and comply with legal requirements.

## **6. Inspection**

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to ensure that our activities can be rationalised to minimise the burden on the business, where such action is both of benefit to the business and does not harm the standard of enforcement for either regulator.

We will also take account of the circumstances of small, businesses, including any difficulties they may have in achieving compliance.

## **7. Information Requirements**

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

## **8. Enforcement Action**

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;

- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach (usually by way of formal interview,) and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.)

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

### **8.1 Deciding what enforcement action is appropriate**

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action;
- Informal Action and Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

## **8.2 No Action**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance.

## **8.3 Informal Action and Advice**

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

## **8.4 Statutory Notices**

Officers of the Service have the power under various pieces of legislation to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

### **8.5 Fixed Penalty Notices**

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

### **8.6 Penalty Charge Notices**

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

### **8.7 Institution of Legal Proceedings**

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to public safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings.

Firstly the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

**Factors in Favour of Prosecution.**

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

**Factors which would mitigate against the need for a prosecution**

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is elderly, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.
- There has been a long delay between the offence and any potential court action, unless either:
  - (i) The offence is serious,
  - (ii) The delay has been caused by the defendant or his/ her legal representatives,
  - (iii) The offence has only recently come to light, or
  - (iv) The complexity of the offence meant that there has been a long investigation.

**8.8 Proceeds of Crime Applications**

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is

to recover the financial benefit that the offender has obtained from his criminal conduct.

### **8.9 The use of Simple Cautions**

Where the public interest justifies it, we will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is under 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

### **8.10 Injunctions**

Some legislation includes provisions for obtaining enforcement orders against traders. This process involves the civil courts rather than the criminal courts. The purpose of these provisions is to prevent traders from continuing with conduct that harms the collective interests of consumers, but it is only available for specific criminal and civil legislation.

The enforcing authority is required to follow a procedure involving consultation with the trader and the Office of Fair Trading (OFT) before proceeding to formal action. An order can proceed without consultation where the OFT feels that action should be brought without delay, however, written permission is required from the OFT to instigate proceedings in all cases.

Generally, we will attempt to obtain undertakings that the offending conduct will cease before moving to the formal stage. The conduct will normally be identified from recurring complaints. In determining whether the number of complaints is sufficient for action, consideration will be given to the seriousness of the complaints, the size of business, and whether it trades locally, regionally or nationally. Action may also be considered after a single complaint where the conduct is seriously detrimental and repetition must be prevented.

Where the Service fails to gain written assurances from the trader, or where such assurances are breached, action to obtain an enforcement order through the civil courts will be considered, using a process similar to that described above for other formal actions.

### **8.11 Anti Social Behaviour Orders and Criminal Anti Social Behaviour Orders**

This is a civil process. Where the non-compliance identified during an investigation amounts to antisocial behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the relevant partner Council's Anti-Social Behaviour Unit where appropriate, an ASBO or CRASBO will be sought to stop the activity.

### **8.12 Refusal, Suspension and Revocation of Licence**

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

In most circumstances, a license may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. These matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken.

## **9. Additional Information**

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services. Once the Regulatory Service reaches a decision to prosecute, or to instigate civil proceedings, the relevant Partner Authority's Legal Services Department must authorise the action before implementation.

### **9.1 Standards and Accountability**

We will, in consultation with businesses and other interested parties, set and publish clear standards and targets for our service and performance. These will include:

- Regulatory outcomes (e.g. proportions of businesses that comply,);
- Performance standards for contact with businesses;
- A commitment to ensuring costs to businesses of regulatory interventions are proportionate; and
- A commitment to dealing with any negative perceptions of businesses and other interested parties relating to these issues.

We will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

### **9.2 Liaison with other regulatory bodies and enforcement agencies**

Where appropriate, enforcement activities within Worcestershire Regulatory Services activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.



Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

### **9.3 Further Information**

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services  
PO Box 866  
Wyatt House  
Farrier Street  
Worcester  
WR1 9DP

Or by e-mail to:

[wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

**WYRE FOREST DISTRICT COUNCIL**

**FEEDBACK FROM CABINET**

**MEETING HELD ON TUESDAY 18<sup>TH</sup> OCTOBER 2011**

**Agenda  
Item No.  
9.1**

**DECISION**

**Green Street Conservation Area Designation and Draft Character Appraisal and Management Plan**

**Decision:**

- 1. Consultation be undertaken on the proposal to designate a Green Street Conservation Area.**
- 2. Consultation be undertaken on the:**
  - Proposed Conservation Area Designation: Green Street Area of Kidderminster: Volume 1: Draft Conservation Appraisal and Management Plan: October 2011.**
  - Proposed Conservation Area Designation: Green Street Area of Kidderminster: Volume 2: Maps and Photographs: October 2011.**
- 3 The Director of Planning and Regulatory Services be given delegated authority to determine the final format and presentation of the papers.**

**11.1 Recommendations from the Overview and Scrutiny Committee, 6<sup>th</sup> October 2011**

**Draft National Planning Policy Framework**

**Decision: That the recommendations are noted.**

**Overview & Scrutiny Committee 2011/2012  
Work Programme**

**June**

Recommendations from Sports & Leisure Review Panel  
Set up Treasury Management Review Panel  
New Council HQ - update  
Directorate Business Plans – Allocate  
Quarterly Scrutiny Briefings

**July**

Finance update to incorporate progress report on Wyre Forest Forward  
Community Housing Contract - Performance Review  
Co-option of Members

**September**

Recommendations from Recording Equipment, Blogging and Social Media Review  
Scoping Form – Cllr Yarranton  
Qtr exception reporting incorporate directorate business plans  
Flooding & Watercourse Shared Service  
Churchfields Masterplan Supplementary Planning Guidance – adoption  
Responses to current LDF framework consultation  
Gypsy/traveller site allocation

**October**

Waste Management Review  
Finance update to incorporate progress report on Wyre Forest Forward  
New Council HQ - update  
Empty Housing Strategy  
Green Street Conservation Area Designation – Consultation  
National Planning Policy Framework Consultation from CLG

**November**

Worcestershire Health & Overview Scrutiny Committee - Update  
Homelessness Review (Review of Housing Advice & Homelessness Contract)  
Universal credits replacing housing benefit.  
Qtr exception reporting incorporate directorate business plans  
Grants to Voluntary Bodies  
South Worcestershire Development Plan Preferred Options Consultation  
Constitution – Call In  
Future Community Safety Partnership Arrangements  
Eastern Gateway Feasibility Study  
Worcestershire Regulatory Services Enforcement Policy

**December**

Update on the fire in the retail premises in Kidderminster Town Centre  
Landscape Charter Assessment Supplementary Guidance  
New Council HQ - update  
Budget Review Panel – Terms of Reference  
Recommendations from Waste Review Panel  
Crime & Disorder – update  
Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review Report 2011/12

**January**

Recommendations from Treasury Review Panel (TM strategy statement for 2012/13)  
Worcestershire Homelessness Strategy  
Enforced Sale Policy  
Gypsy, Traveller and Travelling Showpeople Site Allocation Consultation Responses

**February**

Budget Review Panel Recommendations  
Finance update to incorporate progress report on WF Forward  
LDF Publication document  
Qtr exception reporting incorporate directorate business plans  
Green Street Conservation Area Designation – Adoption  
Financial Strategy 2012-2015  
Treasury Management Strategy Statement Minimum Revenue Provision and updated  
Prudential Indicators  
Areley Kings appraisal

**March**

New Council HQ - update  
Climate Change/Affordable Warmth

**April**

Finance update to incorporate progress report on WF Forward  
Qtr exception reporting incorporate directorate business plans  
Tracking Recommendations