



Cabinet (Resources) Panel

15 October 2013

Time 5.00pm **Public meeting?** YES **Type of meeting** Executive
Venue Civic Centre, St Peter's Square, Wolverhampton WV1 1SH
Room Committee Room 4 (3rd floor)

A pre-meeting for members of the Panel will be held in meeting room 4 at 4.30pm.

Membership

Chair Cllr Andrew Johnson (Lab)

Labour

Cllr Peter Bilson
Cllr Steve Evans
Cllr Roger Lawrence
Cllr Phil Page
Cllr John Reynolds
Cllr Paul Sweet

Conservative

Liberal Democrat

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.cmis.uk.com/decisionmaking>
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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

MEETING BUSINESS ITEMS

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes of the previous meeting (24 September 2013)**
[For approval]
4. **Matters arising**
[To consider any matters arising from the minutes]

DECISION ITEMS (Amber – delegated to the Cabinet (Resources) Panel)

5. **Mid-Year Review of Civic Halls and Slade Rooms Retail Prices**
[To agree charges at the Civic Halls and Slade Rooms]
6. **School Milk Charges – Update Report**
[To agree to vary the charge of school milk up to a maximum threshold with effect from January 2014] **[LATE REPORT NOT ENCLOSED]**
7. **Criminal Records Check for Councillors**
[To agree policy for criminal record checks]

INFORMATION ITEMS

8. **Schedule of Green Decisions**
[To note the schedule of open and exempt decisions approved by the Cabinet Members following consultation with relevant officers]

EXCLUSION OF PRESS AND PUBLIC

9. **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below]

Part 2 – exempt items, closed to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Grounds for exemption</i>	<i>Applicable paragraph</i>
10.	Corporate Procurement Award of Contracts for Works Goods and Services [To agree the acceptance of the award and extension of Council contracts as required by the Council's Contract Procedure Rules]	Information relating to the financial or business affairs of any particular person (including the authority holding the information)	3
11.	Rating and Revenue Matters [To agree the applications for discretionary rate relief]	Information relating to the financial or business affairs of any particular person (including the authority holding the information)	3
12.	FutureSpaces – Mini Competition for a Construction Contractor [To agree bidder for Stage 2 for the mini competition for a construction contractor for the FutureSpaces Programme]	Information relating to the financial or business affairs of any particular person (including the authority holding the information)	3
13.	Housing Development Land Review Sites for Consideration [To agree to set up projects to progress consultation and action with a view to deliver new homes]	Information relating to the financial or business affairs of any particular person (including the authority holding the information)	3
14.	Wolverhampton Youth Zone Delivery Strategy Progress Update [To agree to continue to provide ongoing revenue support for the Youth Zone]	Information relating to the financial or business affairs of any particular person (including the authority holding the information)	3

INFORMATION ITEMS

15.	Staffing Reports [To note the schedule of staffing changes approved by Cabinet Members and Directors]	Information relating to any individuals	1
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Cabinet (Resources) Panel Meeting

Minutes – 24 September 2013

Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (chair)
Cllr Peter Bilson
Cllr Steve Evans
Cllr Phillip Page
Cllr John Reynolds
Cllr Paul Sweet

In Attendance:-

Cllr Elias Mattu – Cabinet Member Leisure and Communities

Apologies for Absence:-

An apology for absence was submitted on behalf of Councillor Roger Lawrence

Staff

Simon Warren	Chief Executive
Keith Ireland	Strategic Director – Delivery
Tim Johnson	Strategic Director – Education and Enterprise
Mark Taylor	Assistant Director – Finance
J McElligott	Assistant Director - Education and Enterprise
Helen Price	HR Specialist Strategy and Policy
Liz Kiely	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

46. **Declarations of interests**
 None submitted.

47. **Minutes of the previous meeting (11 September 2013)**

Resolved:

That the minutes of the meetings held on 11 September 2013 be approved as a correct record and signed by the Chair.

48. **Matters arising**

There were no matters arising from the minutes of the previous meeting.

DECISION ITEMS (Amber – delegated to the Cabinet)

49. **Empty Property Strategy – 18 Woodland Crescent, Merry Hill, Wolverhampton**

Resolved:

1. That the property known as 18 Woodland Crescent, Merry Hill Wolverhampton identified under the Empty Property Strategy 2010-2015 be noted.
2. That officers enter into formal negotiations with the owner of 18 Woodland Crescent, Merry Hill, Wolverhampton with a view to acquiring the property by agreement.
3. That the use of Compulsory Purchase action be approved in principle.

INFORMATION ITEMS

50. **Open Staffing Issues**

Resolved:

That the staffing establishment changes as detailed in the report be noted.

51. **Schedule of Green Decisions**

Resolved:

That the summary of open and exempt green decisions approved by the designated officer following consultation with the appropriate Cabinet Member be noted.

EXCLUSION OF PRESS AND PUBLIC

52. **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business as they involve the likely disclosure of exempt information falling within the paragraphs of Schedule 12A of the Act set out below:

<i>Item No.</i>	<i>Title</i>	<i>Applicable paragraph</i>
9	2014 Primary School Expansion Programme Funding Strategy	3
10	Corporate procurement - award of contracts for works, goods and services	3
11	Rating and Revenue Matters	3
12	Domestic Homicide Review PCC Funding for Learning Lessons Across the West Midlands	1
13	Thompson Avenue Development Update	3
14	Bid to be Nominated as a Host City for the FIFA Under 20 World Cup 2017 event	
15	Provision of Electoral Management Services to South Staffordshire District Council	3
16	Exempt Staffing Issues	1

Part 2 – exempt items, closed to the press and public

53. 2014 Primary School Expansion- Funding Strategy

Resolved:

1. That Cabinet (Resources) Panel recommends the Council to approve:-
 - the funding strategy for the 2014 Primary School Expansion Programme
 - the use of capital receipts, including both sites ring-fenced to the BSF Programme and sites not ring-fenced to any particular programme to support the 2014 Primary School Expansion Programme's funding strategy
 - the establishment of a new capital budget to support the funding strategy for the 2014 Primary School Expansion Programme
 - the need for the Council to underwrite the costs of prudential borrowing prior to receipts being realised in the event that these costs cannot be charged to schools' budgets and the impact on the Council's budget.

2. That the need to undertake a 2015 Primary School Expansion Programme to ensure that the Council can continue to meet its statutory duties be noted.

54. **Corporate procurement – award of contracts for works, goods and services**

Resolved:

1. That the contacts awarded using the ESPO framework for the supply of street lighting lamps and column commodities for an additional period of up to two years until 31 August 2015 be approved.
2. That the existing contracts with One Voice and Age UK be varied to ensure the continuity of provision of advocacy services for a three month period, whilst a tender is undertaken.
3. That an exemption to the Contracts Procedure Rules be approved to allow the Council to utilise the framework managed by the Football Foundation for the procurement of an artificial grass sports pitch for Our Lady and St Chads School and Sports College.

55. **Rating and Revenue Matters**

Resolved:

That the recommendations for the discretionary rate relief applications as detailed in the report be approved.

56. **Domestic Homicide Review – PCC Funding for Learning Lessons Across the West Midlands**

Resolved:

1. That the ring-fenced financial allocation made to Safer Wolverhampton Partnership from the Police and Crime Commissioner following a joint business case submission from the seven Community Safety Partnerships within the West Midlands be noted.
2. That Wolverhampton be the Lead Authority for financial accounting and commissioning purposes.
3. That the Cabinet Member for Leisure and Communities be authorised to approve the appointed commissioned service for this work.

57. **Thompson Avenue Development Update**

Keith Ireland reported that he had been in contact with Kier to discuss their history together with their status currently. They had confirmed in writing that as far as the housing element of their work was concerned they had not used the Black List.

Resolved:

1. That the affordable housing element be increased to a third of the total number of housing.
2. That the capital contribution to Kier be increased to fund the additional affordable units.
3. That the funding of additional costs arising from site abnormalities and scheme specific design requirements on Thompson Avenue be approved.
4. That approval be given to fund an increased quantum of photovoltaic panels on the new affordable housing to increase the renewable energy contribution.
5. That the rear access from the existing Thompson Avenue properties be removed, retaining access for owners or occupiers in so far as necessary providing alternative front hardstanding where it is not already in place and compensating Council tenants for abortive gating costs.
6. That it be noted that the Thompson Avenue scheme proceed with the benefit of the Council acquiring an additional site on Silver Birch Road.

58. **Bid to be Nominated as a Host City for the FIFA Under 20 World Cup 2017 event**

Resolved:

1. That in the event that Wolverhampton is selected as a potential host city, the Council enter into a contract with the Football Association to provide the necessary commitments to enable a bid to be submitted on behalf of Council.
2. That the Cabinet Member for Governance and Performance in consultation with the Chief Legal Officer be authorised to approve any such contract on behalf of the Council.
3. That it be noted that the Council has submitted an expression of interest in Wolverhampton being a host city for the FIFA Under 20 Football World Cup should England be selected as the host nation.

59. **Provision of Electoral Management Services to South Staffordshire District Council**

Resolved:

That it be approved in principle for the Council to enter into any agreement with South Staffordshire District Council for the provision of electoral management services subject to clearance by the Council's insurers.

60.

Exempt Staffing Issues

Resolved:

That the staffing establishment changes as detailed in the report be noted.



Cabinet (Resources) Panel

15 October 2013

Report Title	Mid-Year Review of Civic Halls and Slade Rooms Retail Prices	
Internal decision designation	AMBER	
Cabinet Member with Lead Responsibility	Councillor Mattu Leisure and Communities	
Key Decision	No	
In Forward Plan	Yes	
Wards Affected	All	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Originating service	Partnerships, Economy and Culture	
Accountable officer(s)	Mark Blackstock Tel: Email:	Head of Entertainments and Events 01902 55(2122) markblackstock@wolvescivic.co.uk

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the increase of specific bar retail prices to generate additional income and in response to the increase in the price of certain stock items.
2. Approve that the current fees and charges protocol is varied to allow the delegation of authority to the Head of Service and Assistant Director Partnerships Economy and Culture to increase retail prices of stock without consultation with the "Assistant Director Finance" provided any change increases the gross margin on that stock item. Such a variation to be recorded, along with the reason, as part of the normal audit process.

3. Approve the delegation of authority to the Head of Service to set retail prices on new products that are procured from existing approved suppliers where that price will be set in accordance with the approved retail price and gross margin of similar stock items, without consultation with the Assistant Director Finance.
4. Approve the delegation of authority to the Head of Service to vary fees and charges for hall hire when the opportunity arises to secure an act or event where a response is required in 24 hours or out of hours without consultation with the Assistant Director Finance when any change in price makes less than a 10% difference to the approved hall hire rates. Such a variation to be recorded, along with the reason, as part of the normal audit process. Details of any variations to be sent to Strategic Finance within 48 hours of this decision being made.
5. Approve the delegation of authority to the Head of Service to reduce approved retail prices of surplus perishable stock at the end of events by up to 50%. Such a variation to be recorded, along with the reason, as part of the normal audit process.
6. Confirm that all other variations to approved fees and charges are subject to existing fees and charges protocol.

1.0 Purpose of Report

- 1.1 The Entertainments and Events service is required to generate income in order to cover the rising costs for the Civic Halls and Slade Rooms. The cost of certain stock items has also risen recently.
- 1.2 As a result, we recommend the raising of prices in the Civic Halls and Slade Rooms by a small margin.

2.0 Background

- 2.1 A large proportion of the income generated by the Civic Halls and Slade Rooms comes from sales at the venues' bars. Two years ago, at the height of the recession, income from secondary sales had significantly reduced, and a one year growth bid of £100K for 2013/2014 was originally included in the Council's Medium Term Financial Strategy, whilst the independent review on options for invest to save proposals was prepared. This proposed growth bid was subsequently removed from the final budget strategy which was agreed by Cabinet on 26 February 2013. Civic Halls now need to find alternative proposals to address this shortfall of £100K and meet 2013/14 savings targets for the service.
- 2.2 Since February 2013, a new approach to marketing and promotion has been successful in increasing income levels thus reducing the shortfall. It is proposed that the remaining shortfall is met by a small increase in food and drink prices.
- 2.3 Historically the Head of Service for Entertainments and Events had the delegated authority to vary fees and charges in order to be able to negotiate on the spot variations, or to be able to secure acts or events at short notice. This authority was removed as part of the Fees and Charges Report 2013/14, which was approved by Cabinet (Resources) Panel on 3 April 2013.
- 2.4 The Fees and Charges protocol states:
 - (i) That in the following instances authority will be delegated to the responsible Head of Service to vary fees and charges during the financial year
 - a) Where the cost of food and drink procured for resale increases, fees and charges can be increased in proportion with the increased costs, after consulting with the Assistant Director Finance or their representative
 - b) Where an opportunity arises to secure an act or event at short notice and the projected net cost of the act or event is to break even or better, after consulting with the Assistant Director Finance or their representative
 - (ii) That any variation to fees and charges made under delegated authority must be recorded in order to ensure that there is a robust audit trail

That, in accordance with the requirements of the Financial Procedure Rules, any other variation to fees and charges during the financial year must be approved in advance at one of the monthly meetings of Cabinet (Resources) Panel, using the standard report template.

- 2.5 The result of the Fees and Charges Protocol is that it restricts the opportunity for the Head of Service to negotiate hall hire rates with agents and suppliers for outhouse events in order to gain the best return for the Council where a short or on the spot decision is required. Frequently an agent will want an offer for an act / event at very short notice and the current protocol and consultation required with Assistant Director Finance means that response times could be restricted and an opportunity lost.

3.0 The Proposed Way Forward

- 3.1 There are three levels of prices charged at the Civic and Wulfrun Halls and two levels charged at The Slade Rooms. At the Civic and Wulfrun Halls, Level 1 (the highest) is charged at concerts, Level 2 at club nights and Level 3 at community based events. At The Slade Rooms, Level 1 is charged for concerts and Level 2 at club nights. The retail prices at the Civic and Wulfrun Halls are based on prices charged at the NEC and the Academy Group venues and are very competitive when compared to those venues. The prices charged at the Slade Rooms are comparable with similar sized venues, such as the Robin Hood 2 in Bilston and the Hare and Hounds in Birmingham.
- 3.2 It is proposed to make small immediate increases (10p or 20p per item) in the prices charged for beers, wines and spirits on Level 1 prices at the Civic Halls and Slade Rooms.
- 3.3 It is proposed that the protocol is varied to enable Head of Service and Assistant Director Partnerships Economy and Culture to be assigned delegated authority to increase retail prices “without consulting Assistant Director Finance” where this results in an increase in the gross margin on that stock item. This, along with the reason for the change, is to be recorded as part of the normal audit process.
- 3.4 It is further proposed to allow the Head of Service delegated authority to vary hall hire charges without consultation with Assistant Director Finance - ‘Where an opportunity arises to secure an act or event and a response is required within 24 hours or out of hours and the variation in fee makes less than a 10% difference to the approved hall hire rate. This would enable the Head of Service to act quickly in response to agents.’
- 3.5 It is also proposed that the Head of Service is given delegated authority to set prices on new products without consultation with Assistant Director Finance where those products are procured from approved suppliers and the price is set in accordance with the retail price and gross margin of similar stock items. This will enable the service to react to requests from promoters or artists for the stock of different products from the usual stock list and price accordingly.
- 3.6 It is also proposed that the Head of Service has delegated authority to reduce approved retail prices of surplus perishable stock at the end of events by up to 50%. This enables the service to maximise sales and minimise wastage.

4.0 Financial Implications

- 4.1 Using the level of sales achieved for each item during the previous financial year of 2012/13 it is estimated that the proposed price increases would produce additional income of £50,516 for the Civic and Wulfrun Halls and additional income of £12,606 for The Slade Rooms. This would give a full financial year's additional income of £63,122
- 4.2 In 2013/14 it is estimated that 75% of the year's events at the venues are yet to take place, meaning that a potential of £47,341 additional income could be generated during the remainder of 2013/14. This additional income will offset existing revenue savings and make a contribution towards the running costs of Civic Hall and Slade Rooms. [CF/02102013/Z]

5.0 Legal Implications

- 5.1 The Council can make the charges for refreshments in accordance with section 145 (2) (c) of the Local Government Act 1972. [MS/04102013/H]

6.0 Equality Implications

- 6.1 None

7.0 Environmental Implications

- 7.1 None



Cabinet (Resources) Panel

15 October 2013

Report Title	School Milk Charges Update Report	
Internal decision designation	AMBER	
Cabinet Member with Lead Responsibility	Councillor Phil Page Schools, Skills & Learning	
Key Decision	Yes	
In Forward Plan	Yes	
Wards Affected	All	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Originating service	Schools, Skills & Learning	
Accountable officer(s)	Jo Smith / Orlen Johnson Tel Email	School Meals Development Officer / Principal Officer School Funding 01902 55(4283) / 01902 55(4114) jo.smith@wolverhampton.gov.uk / orlen.johnson@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to approve an increase in the maximum termly charge for school milk to £11.97 per term with effect from 1 January 2014, in line with the Rural Payments Agency (RPA) subsidy framework, subject to agreement by schools, via Schools' Forum, or equivalent appropriate body.

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note that schools are not permitted to charge parents more than the amount recommended by the Local Authority, which is currently £10.00 per term. This price has not increased since September 2010.

1.0 Purpose

- 1.1 The purpose of this report is to seek approval for the maximum permitted charge to parents for school milk to be increased to £11.97 per term, with effect from January 2014, in line with the RPA subsidy framework. This will allow schools to agree an increase in charge to parents, if required, to reduce the predicted school milk budget deficit which will result should Cabinet (Resources) Panel approve the recommendation within a Procurement and Contracts report to increase the price of school milk, levied under the Black Country Purchasing Consortium contract for milk and bread, by 11.5%, with effect from January 2014.

2.0 Background

- 2.1 The school milk budget is funded, at no cost to the Local Authority, through the Dedicated Schools Grant (DSG) and topped up by a subsidy received from the RPA.
- 2.2 Wolverhampton City Council operates a Local Authority-managed school milk scheme (Appendices 1 and 2), whereby 200ml cartons of milk are available daily to children aged up to 11 years old at primary and special schools. Children under the age of five years and those registered to receive free school meals are eligible to receive free milk.
- 2.3 There is no statutory obligation for a Local Authority to provide milk but, where a scheme is offered and centrally administered, schools may not charge more than the amount recommended by the Local Authority. School milk charges have previously been determined on an annual basis by Cabinet (Resources) Panel in April, with any increase in charge to parents being introduced in September each year. The charge is, currently, £10.00 per term. This price has not increased since September 2010. However, it should be noted that during this time the cost of milk to schools has increased by more than 31%.
- 2.4 On 15 October 2013, Cabinet (Resources) Panel will consider the recommendation within a Procurement and Contracts report to increase the price of school milk levied under the Black Country Purchasing Consortium contract for milk and bread by 11.5%, with effect from January 2014.
- 2.5 If there is no corresponding approval for an increase in school milk charges, the result of on the school milk budget, which, as noted above, is borne by schools, would be to increase the deficit by a further £27,000 (-£77,500) to the original deficit forecast for the financial year 2013/14 (Table 4.2). This is the first time there has been such a significant price increase in-year.
- 2.6 From April 2014, in accordance with Department for Education guidance, the budget share for school milk will be pooled and, as a result, future decisions relating to the provision, administration and charging for school milk will rest with schools, rather than the Local Authority. It is expected that a consistent city-wide offer will be agreed by schools and it is intended that advice will continue to be provided to support schools in making appropriate decisions.

3.0 Proposal

3.1 In light of the predicted increase in unit price of milk, it is proposed that the maximum permitted charge for school milk be increased as per paragraph 1.1.

4.0 Financial implications

4.1 The unit cost of school milk will increase in January 2014 by 11.5% to 15.5p per 200ml carton (subject to agreement by Cabinet (Resources) Panel on 15 October 2013).

4.1.1 To qualify for the RPA subsidy towards the cost of milk, an administration charge not exceeding 7p higher than the subsidised unit cost of the milk may be levied.

4.1.2 A charge higher than the maximum permitted under this RPA subsidy framework would result in the loss of the RPA subsidy (worth around £80,000 per annum).

4.1.3 The actual RPA subsidy varies on a monthly basis (across the academic year 2012/13 by up to 0.2956p) from a minimum 3.7282p to a maximum 4.0238p, an average of 3.8902p.

4.2 If the unit price of milk increases in January 2014, and there is no increase to the termly charge to parents, the revised predicted school milk budget deficit for 2013-14 will be -(£78,000). This comprises the following elements:

	Revised budget £'000	Original budget £'000
Cost of milk (primary)	-(382)	-(355)
Cost of milk (special)	-(8)	-(8)
Admin fee (catering services – primary)	-(28)	-(28)
Admin fee (catering services – special)	-(1)	-(1)
Milk grant (NMRU)	150	150
Milk subsidy grant (RPA)	80	80
Income from parental contribution	111	111
<i>Sub-total (net cost)</i>	<i>-(78)</i>	<i>-(51)</i>

4.2.1 The predicted income from parental contribution assumes a £10.00 termly charge.

4.2.2 The predicted school milk budget deficit to be charged to the DSG could be reduced by around £11,000 (to a predicted deficit of around £66,000) if an increase in termly charge to a minimum of £11.00 per term was introduced with effect from January 2014.

4.3 A number of neighbouring authorities (Coventry, Sandwell, Solihull, Staffordshire and Walsall) have outsourced provision of school milk to a third party provider (Cool Milk).

4.3.1 Uptake across these authorities is considerably lower than in Wolverhampton; not all schools in these authorities offer milk every day. Where milk is provided, Cool Milk determine the daily charge – around £15 per term; equivalent to 22p per day, for provision of 189ml ($\frac{1}{3}$ pint) cartons.

4.3.2 Alternative models of provision of school milk (e.g. outsourcing, individual school management) have been evaluated for cost effectiveness. The current operational model is considered to offer the best value for money while supporting high levels of uptake across the city.

4.4 Arrangements and charges in the remaining neighbouring local authorities are summarised below (information correct as at September 2013):

Authority	Daily charge	Termly charge	Notes
Birmingham	14p	£8.86	Carton size less than 200ml
Dudley	13p	£8.23	Not available in all schools
Shropshire	No City-wide scheme		
Telford	Free milk provided twice weekly		
Wolverhampton	15.8p	£10.00	200ml cartons

4.4.1 To enable a like-for-like comparison, termly charges have been multiplied by 3 and divided by 190 (average trading days) and vice versa for daily charges (figures in bold indicate the frequency of charge levied by each Local Authority).

4.4.2 The uptake of school milk is reported to be lower in all neighbouring authorities than in Wolverhampton, despite slightly lower prices in Birmingham and Dudley.

4.4.3 A termly charge of £11.00 is equivalent to a daily charge of 17.4p per 200ml.

4.4.4 A termly charge of £11.97 would be equivalent to a daily charge of 18.9p per 200ml.

4.5 Councillors are asked to approve an initial increase in the termly charge to a maximum of £11.97 per term, with effect from January 2014. This is the maximum charge permitted (assuming a price increase in the unit cost of milk to 15.5p) to avoid loss of the RPA subsidy (worth around £80,000 per annum). The actual charge is to be agreed by schools, via Schools' Forum or equivalent appropriate body.

4.5.1 Agreeing an increase to the maximum charge permissible under the RPA subsidy framework will provide schools with the flexibility to increase the charge if necessary in the event of further in-year price increases.

4.5.2 An increase in charge above the maximum permissible charge (without any further increase in the unit cost of milk) would result in loss of the RPA subsidy (valued at around £80,000 per annum).

4.6 From April 2014, decisions relating to the provision, administration and charging for school milk will rest with schools, rather than the Local Authority.

[CF/01102013/V]

5.0 Legal implications

5.1 Under section 512 of the Education Act 1996, and section 35 of the Education Act 2011, a Local Authority may provide registered pupils at their schools with milk, meals and other refreshments. A charge may be made and if so, the price they charge for an item must not exceed the cost of providing that item, except that lunches and milk are to be free of charge for pupils or their parents who are on specified benefits.

[FD/30092013/B]

6.0 Equalities implications

6.1 An equality analysis screening has been carried out and a full analysis is not required. There are no direct implications arising from this report.

7.0 Environmental implications

7.1 There are no direct implications arising from this report.

8.0 Schedule of background papers

8.1	Procurement and Contracts Paper	15.10.2013
8.2	Fees & Charges Report 2013-14	03.04.2013
8.3	School Meals and Milk Charges Report 2012-13	03.03.2012
8.4	School Meals and Milk Charges Report 2011-12	01.03.2011

School Meals Strategy

- 1 Wolverhampton City Council is committed to making every provision to enable children and young people to be healthy, to stay safe, to enjoy and achieve, to make a positive contribution and to have economic wellbeing.
 - *“All our children and young people: successful, healthy, safe and contributing to the communities in which they live, learn, work and play” (Children & Young People’s Plan – CYPP)*
- 2 The Council supports schools in their endeavours to provide the best possible environment in which children and young people can learn and adopt healthy lifestyles and behaviours.
 - *“We want all children and young people to be given real and relevant opportunities to learn, achieve and build successful lives” (CYPP)*
- 3 The Council seeks to communicate with and inform children, young people and their families, aiming to improve access to, knowledge about and intake of healthy food.
 - *“... children [and young people] at the heart of what we do ...” (CYPP)*
- 4 The Council is committed to ensuring that all children and young people and their families are supported in using this knowledge and improved access to make healthy lifestyle choices, and that they are encouraged and feel able to make such choices.
 - *“By increasing our support to families and carers, we will further enable all children [and young people] to meet their full potential” (CYPP)*
- 5 The Council endeavours to ensure that all children and young people entitled to receive a free school meal are registered. Council is committed to removing the perceived stigma associated with taking a free school meal and maximising the uptake of free school meals.
 - *“... to address the inequalities present in communities and reduce the gap in achievement between the most, and least, advantaged in the city” (CYPP)*
- 6 The Council acknowledges the importance of a healthy balanced diet in fostering good health, achievement and wellbeing.
- 7 The Council is committed to ensuring that all children and young people at school are able to access at least one hot, balanced meal per day, and that schools can provide additional healthy catering as required by the community.
 - *“... to safeguard the welfare of children and young people. Their safety and wellbeing are paramount to us” (CYPP)*
- 8 The Council is committed to maximising the uptake of all school meals.
- 9 The Council is also committed to seeking and responding to feedback, particularly from children and young people, and their families, with regard to the provision of food in schools.
- 10 The Council is keen that the quality and appeal of food in school is maximised, ensuring value for money that is widely communicated and understood. As part of its commitment to high standards, the Council will assure the quality of school food through regular monitoring procedures.
 - *“We will work together to build on the excellent foundation and often ground breaking activity that we have in Wolverhampton” (CYPP)*

Wolverhampton Local Authority Managed School Milk Scheme

Wolverhampton City Council operates a Local Authority-managed school milk scheme, whereby 200ml cartons of milk are available daily to children aged up to 11 years old at primary and special schools. Children under the age of five years and those registered to receive free school meals are eligible to receive free milk.

The current charge to parents for school milk is £10.00 per term for 200ml cartons of whole / semi-skimmed milk daily. This charge has not been increased since 1 September 2010.

Children under five years old are entitled to receive 189 ml ($\frac{1}{3}$ pint) of milk, free of charge, for each day they attend approved day care facilities for two hours or more, wholly funded via the Nursery Milk Reimbursement Unit (NMRU) Scheme.

The vast majority of milk provided to the over fives is free of charge. Only around 30% of those currently receiving milk are required to pay. As a result of this (and the terms of the Rural Payments Agency subsidy), the school milk scheme operates at a deficit, since the income generated through charges to parents does not cover the full cost of providing milk.

The majority of schools (85%) introduce the charge for milk to those required to pay in the term following the child's fifth birthday.

The Local Authority scheme currently provides around 2.7m units (200ml cartons) per year to eligible children.

The school milk budget is funded through the Dedicated Schools Grant (DSG) and topped up by a subsidy received from the Rural Payments Agency (RPA).

The school milk budget is managed centrally by Schools, Skills and Learning. The Council's Catering Services administer the scheme on behalf of schools, for a fee equivalent to around £465 per school. Any savings generated through school milk are reinvested into the schools' budget.

Catering staff currently collect school milk money on behalf of schools and place orders for the milk. Schools are responsible for writing to parents to notify them of the availability and cost of milk, overseeing milk deliveries, storage and distribution and banking money, unless other local arrangements are in place between the school and Catering Services. Schools must also display a poster, provided by the RPA, indicating they are participating in the scheme.

In accordance with the statutory standards for food and drink provision across the whole school day, which came into effect in September 2006, whole milk may only be provided to children until the end of the academic year in which they reach five years of age. Thereafter, skimmed or semi-skimmed milk may be provided (skimmed milk is not currently provided in Wolverhampton schools).

There is a growing body of scientific evidence, alongside existing anecdotal evidence, that a healthy diet contributes to optimum academic achievement and improved behaviour and as well as promoting wellbeing and physical health.

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Cabinet (Resources) Panel

15 October 2013

Report Title	Criminal Records checks for Councillors (DBS)	
Cabinet Member with Lead Responsibility	Leader	
Key Decision	No	
In Forward Plan	No	
Wards Affected	N/A	
Accountable Strategic Director	Keith Ireland (Delivery)	
Originating service	Future Practice (Legal)	
Accountable officer(s)	Fiona Davis Tel Email	Head of Service (Governance and Regulatory) 01902 55(4932) Fiona.davis@wolverhampton.gov.uk

Recommendation(s) for action or decision:

1. That all Councillors have a standard DBS check regardless of other checks they may have.
2. That the Constitution be amended to include details of the Council's policy to conduct criminal records checks for Councillors.

1.0 Purpose

- 1.1 This report considers the current position regarding criminal records checks for Councillors and seeks to recommend a way forward for the Council in respect of mandatory checks for all Councillors.

2.0 Background

- 2.1 The Council's current policy is to make a criminal records check when a Councillor has specific responsibility for children's services or vulnerable adults and where there is likelihood of close/one-to-one contact such as shadowing.
- 2.2 Research has been conducted into the stance adopted by other authorities. There is no uniform approach and no definitive guidance. Practice ranges between mandatory checks for all Councillors to an entirely voluntary approach left to the discretion of the individual.
- 2.3 Mandatory checks for all Councillors may seem burdensome and Councillors could regard it as unnecessary for them. However, by the very nature of their role in serving their constituents most Councillors will almost inevitably find themselves from time-to-time in positions where they have direct contact with children or more likely, vulnerable adults.
- 2.4 Whilst this position is not unlawful it may not be satisfactory. There may be a risk to the community and the Council's image and reputation if the Council does not take reasonable steps to assess and mitigate the risk of Councillors with convictions having access to vulnerable people.
- 2.5 The Disclosure and Baring Service gives no direction about Councillors, other than for those with specific responsibility for children's services or vulnerable adults. For all other Councillors this leaves a grey area to be decided by each authority.
- 2.6 The Key Roles of Councillors are stated in the Council's Constitution at Article 2, paragraph 2.3, it includes:
- b. represent their communities and bring their views into the Council's decision making process;*
 - c. deal with individual casework, respond to Constituents' enquiries and represent them fairly, promptly and impartially and act as an advocate for constituents in resolving particular concerns or grievances;*
 - f. maintain the highest standards of conducts and ethics*
- 2.7 The National picture is varied on CRB/DBS checking, some authorities insist on mandatory checks for all Councillors but many leave the matter to the discretion of the individual Councillor. The CRB policy of Stoke-on-Trent Council is checks are mandatory for all Councillors at first elections and repeated at each subsequent election cycle. Candidates are given due notice of the requirement prior to an election. It is believed Middlesbrough Council and Brentwood Council have a similar policy.

2.8 Many authorities conduct the checks only where needed i.e where there is the likelihood of close/one-to-one contact such as shadowing such as the policy of Waltham Forest Council.

3.0 Financial implications

3.1 The fee for a basic check is £26. Each enhanced check, suitable for councillors who have close contact with vulnerable groups, will cost £44. The estimated total cost is around £2,000 and will be funded from existing Democratic Service budgets.
[GE/03102013/N]

4.0 Legal implications

4.1 All councils have a statutory duty to safeguard children and vulnerable adults and, in the event of Serious Case Reviews, need to give account of their policy, as well as evidence of how they have implemented it.

4.2 By virtue of the Protection of Freedoms Act 2012, the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to become the Disclosure and Barring Service (DBS). The primary role of the DBS is to prevent unsuitable people from working with vulnerable groups, including children.

4.3 A Disclosure and Barring Service (DBS) check forms are part of the wider safeguarding process. It helps individuals and organisations decide whether a person is a suitable candidate by providing information about an applicant's criminal history.

4.4 The process by which the DBS provides criminal data is called DBS certificate or a DBS check (previously CRB check). There are three levels of DBS checks, standard, enhanced and enhanced with barred list checks.

4.5 As part of introducing the new Disclosure and Barring Service, the government has reformed the definition of Regulated Activity i.e. activity that you must not do if you are barred from working with children or vulnerable adults and now relates only if work is done regularly by the same person frequently (once a week or more often) or on 4 or more days in a 30 day period.

4.6 Work that was previously Regulated Activity for work with children but will no longer be regulated, includes:

- Activity supervised at reasonable level*
- Health care not by (or directed or supervised by) a health care professional*
- Legal advice*
- “Treatment/therapy” (instead “health care” unless this is “advice/guidance on wellbeing*
- Work in “specified places” which consists of occasional or temporary services, e.g. maintenance (not teaching etc.)*
- Volunteers in “specified places” supervised at reasonable level*
- All “positions” e.g. governors, trustees etc.*
- Work carried out by inspectorates.*

- 4.7 Councillors need to undergo a DBS check when undertaking Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 which has been amended by the Protection of Freedoms Act 2012
- 4.8 There is no legal requirement to undertake DBS checks in respect of all elected Councillors but it is becoming best practice and is now common in several local authorities. This is encouraged under safeguarding principles
- 4.9 There are two main reasons for extending DBS checks in respect of all Councillors. First, the Council has a general duty of care to all its residents. Additionally, the Council has specific duties in respect of certain groups.
- 4.9.1 Extending DBS checks to all Councillors will reduce the risks to the Council of abuse occurring in the course of Council duties. More importantly, it will also offer greater protection to children and vulnerable adults.[WT/00011900/B]

5.0 Equalities implications

- 5.1 Should the Council wish to adopt a policy which requires all Councillors to undergo a criminal record check, then there will be no direct equality implications.

6.0 Environmental implications

- 6.1 None

7.0 Human Rights implications

- 7.1 The advantages in terms of good practice and safeguarding vulnerable people have to be balanced against matters such as the individual Councillor's right to privacy and confidentiality, and some Councillors may have concerns as to the wider implications of requiring DBS checks of all Councillors.
- 7.2 DBS checks relate only to criminal records, so civil matters such as county court Judgements will not be disclosed in any checks.
- 7.3 The Council has to ensure that information disclosed as a result of a DBS check is handled and stored appropriately.
- 7.4 If DBS checks do disclose convictions or other information, this information will be treated in the strictest confidence.
- 7.5 If a DBS check on a Councillor did result in disclosure, consideration would be given as to whether the information disclosed would have any direct relevance to the Councillor's duties and obligations as a Councillor.
- 7.6 If it was considered that the disclosure could have a direct relevance to the Councillor's Duties, then they would then be advised accordingly. In such an event the Councillor would be given the opportunity to provide background details of the circumstances relating to any information disclosed.

7.7 Some Councils, election agents are informed of these requirements so that prospective candidates are aware prior to standing for election.

8.0 Schedule of background papers

8.1 Wolverhampton City Council's current Policy on criminal records checks.



Cabinet (Resources) Panel

15 October 2013

Report Title	Schedule of green decisions
Internal Decision Designation	Information
Cabinet Member with Lead Responsibility	All
Key Decision	No
In Forward Plan	No
Wards Affected	All
Accountable Strategic Director	Keith Ireland, Delivery
Originating service	Democratic Support/Delivery
Accountable officer(s)	Liz Kiely Democratic Support Officer Tel 01902 55(5045) Email liz.kiely @ wolverhampton.gov.uk

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

The summary of open and exempt green decisions approved by the Designated Officer following consultation with the appropriate Cabinet Member.

SCHEDULE OF GREEN DECISIONS**PART I - OPEN ITEMS**

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
1. Office of the Chief Executive	-	-	-	-	-
2. Community					
3. Delivery					
4. Education and Enterprise	<p>(a) Instrument of Government</p> <p>Approved the proposed Instrument of Government for the Secondary PRU Federation as detailed in the report</p> <p>(b) Appointment of Authority Governors</p> <p>Approved the appointment of 16 Authority Representatives to serve on 17 Governing Bodies as detailed in the report</p>	<p>Strategic Director Education and Enterprise</p> <p>Strategic Director Education and Enterprise</p>	<p>Councillor Page</p> <p>Councillor Page</p>	<p>17.09.13</p> <p>17.09.13</p>	<p>J Pownall Ext 4106</p> <p>J Pownall Ext 4106</p>

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
	<p>(c) Site off Gordon Street Retail Development Agreement under Section 278 of the Highways Act 1980</p> <p>Agreed for the Solicitor to the Council to be authorized to enter into an agreement with the developer under Section 278 and 38 of the Highways Act 1980, in order to implement the works described in the report</p> <p>(d) Proposed INVOLVE Study Project Visit to Maribor Slovenia</p> <p>Agreed for the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director to approve the participation of nominated officer, Marianne Page in the Centro funded INVOLVE Study Project visit to Maribor Slovenia</p> <p>(e) Safer Routes to Schools Woodthorne School</p> <p>(i) Noted the objections to the advertised waiting restrictions in the vicinity of Woodthorne and Kings Schools</p>	<p>Strategic Director Education and Enterprise</p> <p>Strategic Director Education and Enterprise</p> <p>Strategic Director Education and Enterprise</p>	<p>Councillor Bilson</p> <p>Councillor Bilson</p> <p>Councillor Bilson</p>	<p>24.09.13</p> <p>24.09.13</p> <p>24.09.13</p>	<p>L Barnstable Ext 5684</p> <p>L Barnstable Ext 5684</p> <p>L Barnstable Ext 5684</p>

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
	(ii) Agreed the advertising of further restrictions as detailed in paragraphs 3.3-3.5 of the report and their implementation subject to there being no unresolved objections				
	<p>(iii) Agreed for all unresolved objections to the waiting restrictions not dealt with under item 2 to be overruled</p> <p>(f) Transportation Network Miscellaneous Issues</p> <p>(i) Agreed for the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director Education and Enterprise be authorized to approve the implementation of the Traffic Regulation Orders as detailed in the report subject to there being no unresolved objections following the formal advertisement of these restrictions</p> <p>(ii) Agreed to overrule the objection received to the proposed waiting restrictions at Woodfield Avenue and Tettenhall Road and to amend the proposed restriction at Aspen Way</p> <p>(iii) Agreed the implementation of the Traffic Regulation Orders and traffic calming measures associated with the new housing development</p>	Strategic Director Education and Enterprise	Councillor Bilson	24.09.13	L Barnstable Ext 5684

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
	sites in Raby Street Gorden Street and Vicarage Road All Saints subject to there being no unresolved objections following advertisement of these measures				
	<p>(iv) Noted the response to recent consultation on proposed Puffin pedestrian crossing facilities in Lichfield Road and Wood Lane and endorse the recommended action to overrule an objection to the Wood Lane crossing and approve both crossings for implementation</p> <p>(v) Agreed the introduction of the Traffic Regulation Orders on a date to be agreed between the Strategic Director for Delivery and Education and Enterprise</p> <p>(g) Proposed KFC Restaurant at Bushbury Lane Agreement under Section 38/278 of the Highways Act 1980</p> <p>Agreed for the Solicitor to the Council to be authorised to enter into an agreement with the developer under Section 278 and 38 of the Highways Act 1980 in order to implement the works detailed in the report</p>	Strategic Director Education and Enterprise	Councillor Bilson	24.09.13	L Barnstable Ext 5684

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
	<p>(h) Black Country Broadband Business Support Bid Signoff</p> <p>Agreed to sign off the Black Country Broadband Support Project bids for Growing Places and European Regional Development Fund</p>	Strategic Director Education and Enterprise	Councillor Bilson	01.10.13	H Clark Ext 5614
	<p>(i) Proposed Pedestrian Crossing at the Claregate Public House, Codsall Road – Agreement under Section 278 of the Highways Act 1980d</p> <p>(i) Agreed for the Solicitor to the Council be authorised to enter into an agreement with the developer under Sections 278 of the Highways Act 1980 in order to implement the works detailed in the report</p> <p>(ii) Agreed for the removal of a semi mature tree to provide the required visibility of the pedestrian crossing, if required</p> <p>(iii) Agreed the proposed highway works for implementation subject to their being no outstanding objections following consultation</p>	Strategic Director Education and Enterprise	Councillor Bilson	24.09.13	L Barnstable Ext 5684

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
	<p>(j) Financial Support for Kic Training Limited</p> <p>Agreed for the Cabinet Member for Economic Regeneration and Prosperity and Schools Skills and Learning in consultation with the Strategic Director Education and Enterprise and Assistant Director Finance be authorised to approve an interest free, unsecured loan to Kic Training Limited</p>	Strategic Director Education and Enterprise	Councillor Bilson Councillor Page	01.10.13 03.10.13	C Parsons Ext 8173
	<p>(k) 2014 Primary School Expansion Programme Outcome of Informal Consultation</p> <p>(i) Agreed for the next stage of the statutory process (Formal Representation) to be progressed with regards to the expansion of Dunstall Hill Primary School</p> <p>(ii) Agreed for the next stage of the statutory process (Formal Representation) to be progressed with regards to the expansion of Fallings Park Primary School</p> <p>(iii) Agreed for the next stage of the statutory process (Formal Representation) with regards to the expansion of Trinity Church of England Primary School</p>	Strategic Director Education and Enterprise	Councillor Page	03.10.13	W Hague Ext 6943

PART II - EXEMPT ITEMS

<u>Originating Service</u>	<u>Title and Summary of Decision</u>	<u>Designated Director/Officer</u>	<u>Cabinet Member Consulted</u>	<u>Date Approved</u>	<u>Contact Officer</u>
1. Office of the Chief Executive					
2. Community					
3. Delivery					
4. Education and Enterprise					