

Cabinet (Resources) Panel

25 April 2017

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive

Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)

Vice-chair Cllr Roger Lawrence (Lab)

Labour

Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr Milkinderpal Jaspal
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Quorum for this meeting is five Councillors.

Information for the Public

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

Contact Dereck Francis, Democratic Services
Tel/Email 01902 555835 or dereck.francis@wolverhampton.gov.uk
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Wolverhampton WV1 1RL

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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 interests**
- 3 **Minutes of the previous meeting - 28 March 2017** (Pages 5 - 18)
[To approve the minutes of the previous meeting as a correct record]
- 4 **Matters arising**
[To consider any matters arising from the minutes.]

DECISION ITEMS (AMBER - DELEGATED TO THE PANEL)

- 5 **Discretionary Rate Relief** (Pages 19 - 24)
[To approve amendments to the Council's local scheme for the Business Rate Discretionary Relief]
- 6 **Nursery Education Funding** (Pages 25 - 30)
[To approve the spend of the early years funding allocation]
- 7 **Acquisition of Privately Owned Properties by Agreement or Compulsory Purchase: 30 Victoria Road, Fallings Park - Property Identified for Action** (Pages 31 - 40)
[To approve the acquisition of the property]
- 8 **Acquisition of Privately Owned Properties by Agreement or Compulsory Purchase: 148 Aldersley Road, Tettenhall** (Pages 41 - 50)
[To approve the acquisition of the property]
- 9 **Community Centre Recharges** (Pages 51 - 58)
[To review the basis on which leases and associated service charges are to be paid by Community Associations for the use of community centres in the City of Wolverhampton]
- 10 **Statutory Food Service Plan 2017/18** (Pages 59 - 90)
[To approve the food service plan]
- 11 **Support for Universal Credit Claimants** (Pages 91 - 96)
[To approve proposals related to the Department for Work and Pensions funded Universal Support package for residents claiming Universal Credit]

- 12 **Grant Application 2017/2018 - Grand Theatre** (Pages 97 - 100)
[To consider an application from the Grand Theatre relating to revenue assistance for 2017/18]
- 13 **Grant Application 2017/2018 - Light House Media Centre** (Pages 101 - 104)
[To consider an application from the Light House Media Centre relating to revenue assistance for 2017/18]
- 14 **Schedule of Individual Executive Decisions Notices** (Pages 105 - 108)
[To note the summary of open and exempt individual executive decision notices as approved by the relevant cabinet members in consultation with the relevant employees]
- 15 **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 press and public

- 16 **City of Wolverhampton - White Label Energy Offering** (Pages 109 - 116)
[To approve an option for the white label energy offering and progressing to appoint a partner for the proposed option]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)
- 17 **Procurement - award of contracts for works, goods and services** (Pages 117 - 134)
[To consider various delegations and the award of contracts]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)
- 18 **Bilston Urban Village** (Pages 135 - 142)
[To approve the acquisition of a site for commercial development as part of the Bilston Urban Village]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

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Cabinet (Resources) Panel

Minutes - 28 March 2017

Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr Milkinderpal Jaspal
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Keith Ireland	Managing Director
Kevin O'Keefe	Director of Governance
Mark Taylor	Director of Finance
Dereck Francis	Democratic Support Officer
Kenny Aitchison	Service Manager Housing Strategy/Development
Andy Hoare	Head of Services - ICT
Tim Johnson	Strategic Director - Place

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
An apology for absence was submitted on behalf of Cllr Roger Lawrence.
- 2 Declarations of interest**
There were no declarations of interests.
- 3 Minutes of the previous meeting - 28 February 2017**
Resolved:
That the minutes of the previous meeting held on 28 February 2017 be approved as a correct record and signed by the Chair.
- 4 Matters arising**
There were no matters arising from the minutes of the previous meeting.

5 **Recruitment and Selection Policy**

Cllr Milkinder Jaspal presented the report on proposed changes to the Recruitment and Selection Policy and Managers Guidance. The changes would further support the Council's commitment to recruit, retain and develop employees from a wide range of backgrounds and ensure equality in employment practices.

Cllr Jaspal also suggested that Councillors, particularly those likely to be involved in recruitment panels for senior employees of the Council should undertake the training proposed for employees involved in interview panels. Kevin O'Keefe, Head of Governance undertook to arrange for a separate training session to be delivered for elected councillors.

Resolved:

That amendments to the Recruitment and Selection Policy be approved to require that:

1. all interview panel members to have undertaken unconscious bias training.
2. all interview panels to be have at least a three-panel member and be gender diverse, with any exceptions being agreed with the Head of Human Resources.
3. all interview panel members to undertake refresh training on recruitment and selection every three years.

6 **Collection and Debt Strategy**

Cllr Andrew Johnson presented for approval a proposed integrated collection and debt strategy that would be followed in respect of all council tax, business rates and sundry debt.

Cllr Johnson also reported that the Council had been awarded a 'Good Protection Guidance Protocol' by the Citizens Advice Bureau for the combined strategy. An official signing ceremony for the award would be arranged.

Resolved:

That the draft collection and debt strategy be approved.

7 **Relocation Policy Review**

Cllr Milkinder Jaspal presented the report on proposed changes to the Council's current relocation scheme which was offered to new employees moving to Wolverhampton as a direct consequence of securing employment with the Council. The revisions would deliver a scheme that was reasonably attractive and which would assist the Council to appoint to roles that were difficult to fill.

Resolved:

That the suggested changes to the Council's current relocation scheme which is offered to new employees moving to Wolverhampton as a direct consequence of securing employment with the Council be approved.

8 **Domiciliary Care Framework - Cost Rate Uplift**

Cllr Sandra Samuels presented the report which set out a proposed increase for the Domiciliary Care, and Direct Payment cost rate.

Resolved:

That the cost rate for all active domiciliary care providers and Direct Payments from 3rd April 2017; in line with the legislative National Living Wage increase and the Retail Price Index rate of 1.6% as of January 2017 be approved. The new rates are:

- All active domiciliary care providers £14.12 per hour
- Direct payment DOM £13.38 per hour
- Direct payments – Personal Assistant £10.40 per hour
- Home-based Care Respite Service £13.00 per hour

9 **Residential Care Fees - Cost Rate Increase**

Cllr Sandra Samuels presented for approval a proposed increase for the residential and nursing care rates paid by the Council.

Cllr Andrew Johnson commented that this and the previous report reflected growth of £1.1 million that had been included in the 2017/18 budget to support the increase in costs associated with the National Living Wage across all care support plans.

Resolved:

That a revised cost rate for new and existing residential and nursing placements from 3 April 2017 in line with the increase in the National Living Wage which becomes effective 1 April 2017 and the revised Retail Price Index rate as of January 2017 be approved. The new rates are:

- Residential care £404.04
- Residential with dementia £454.44
- Nursing care £404.04
- Nursing with dementia £454.44

10 **Developing the Cultural Economy**

Cllr John Reynolds presented the report on proposed capital investment for redevelopment of parts of the Wolverhampton Art Gallery site. The project aimed to improve and widen the cultural experience for local residents and visitors to the city, as part of the overall regeneration of the city centre; and to increase the levels of commercial income generated at the Art Gallery through improved hospitality, venue hire and special ticketed exhibitions.

Resolved:

1. That a staged delivery strategy for the proposed development of the central Art Gallery be approved and authority be granted to proceed with Phase 1 Option 3 which would include re-location of the café, improvements to the entrance of the building and refurbishment of the upstairs exhibitions spaces.
2. That a capital allocation of £750,000 towards the re-location of the café and improvements to the entrance, to be financed through prudential borrowing be approved.

3. That an additional capital budget of £65,000 for improvements to the upstairs exhibition spaces fully funded by a grant secured from DCF Wolfson Gallery Improvement Fund be approved.
4. That it be noted that a capital allocation of £750,000 had been agreed as part of the Capital Programme report to Cabinet on 22 February 2017 and Council on 1 March 2017, subject to approval of the report by the Cabinet (Resources) Panel.

11 **External Funding Update - BEIS Benchmarking and Low Carbon ERDF Review**

Cllr John Reynolds reported that the Council had been approached by the Department of Business, Energy and Industrial Strategy (BEIS) to act as the accountable body for two pieces of work to be grant funded by them (BEIS Benchmarking and Low Carbon European Regional Development Fund Review). Cllr Reynolds also informed Cabinet that the approach to manage the high profile national initiatives was recognition of the Council's work in promoting the low carbon agenda and was an excellent opportunity to enhance the Council's reputation in this area.

Resolved:

1. That approval in principle be given to the City of Wolverhampton Council acting as accountable body for the Department of Business, Energy and Industrial Strategy funded Local Enterprise Partnership and City Region benchmarking and national event and for a European Regional Development Fund low carbon and energy review.
2. That grant funded revenue budgets totalling £95,000 be approved to undertake this work.
3. That authority be delegated to the Cabinet Member for City Economy in consultation with the Strategic Director for Place, to approve any agreements or contracts required to formally agree to manage the project, should they consider them satisfactory.

12 **Acquisition of Privately Owned Empty Properties by Agreement or Compulsory Purchase: 32 Cadle Road, Low Hill - Property Identified for Action**

Cllr Peter Bilson presented the report which sought approval to acquire 32 Cadle Road, Low Hill. WV10 9SJ by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, the property would be withdrawn from the CPO.

Resolved:

1. That the Strategic Director, City Housing be authorise to negotiate terms for the acquisition of the property 32 Cadle Road, Low Hill, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II, Section 17 of the Housing Act 1985 in respect of the property.

2. That expenditure for the potential acquisition of the property be approved, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, the property be withdrawn from the CPO.
4. That following any acquisition, the Strategic Director, City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

13

Acquisition of Privately Owned Empty Properties by Agreement or Compulsory Purchase: Two and a Half Clifford Street, Whitmore Reans

Cllr Peter Bilson presented the report which sought approval to acquire Two and a Half Clifford Street, Whitmore Reans. WV6 0AB, by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking the property would be withdrawn from the CPO.

Resolved:

1. That the Strategic Director, City Housing be authorised to negotiate terms for the acquisition of the property Two and a Half Clifford Street, Whitmore Reans and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II, Section 17 of the Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property be approved, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, the property be withdrawn from the CPO.

4. That following any acquisition, the Strategic Director, City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

14

Acquisition of Privately Owned Empty Properties by Agreement or Compulsory Purchase: Properties Adjacent to 11 Cyprus Street, Blakenhall

Cllr Peter Bilson presented the report which sought approval to acquire properties adjacent to 11 Cyprus Street, Blakenhall, by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking the property would be withdrawn from the CPO.

Resolved:

1. That the Strategic Director, City Housing be authorised to negotiate terms for the acquisition of the properties adjacent to 11 Cyprus Street, Blakenhall and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II, Section 17 of the Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property be approved, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, the property be withdrawn from the CPO.
4. That following any acquisition, the Strategic Director, City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).

5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

15 **Bradley Arms Canal Towpath Improvement - Additional Grant Funding**

Cllr Steve Evans reported following commencement of improvement works to the surface of the Bradley Arm Canal towpath from its junction with the Birmingham Mainline Canal to Highfields Road, the cost of the project had been reassessed and was now anticipated to exceed the agreed budget by up to £85,000. Approval was requested to increase the agreed budget by this amount to ensure the project could be completed. The increase would be funded by grant from the Local Growth Fund via the Black Country Local Enterprise Partnership.

Resolved:

That the allocation of further grant funding up to £85,000 for the completion of the Bradley Arm Canal towpath improvement scheme be approved.

16 **The Charter for Sustainable British Steel**

Cllr Andrew Johnson reported that the Council had been approached by North Lincolnshire Council about becoming a signatory to the Charter for Sustainable British Steel. The Charter had been developed by the UK Steel trade association EEF. Signatories to the Charter would pledge to purchase carbon steel reinforcement for concrete only from vendors that adhere to the Framework Standards for Responsible Sourcing. The Council would use the requirement where appropriate in the specifications for construction and highways contracts.

Resolved:

That the Council become a signatory to the Charter for Sustainable British Steel.

17 **Schedule of Individual Executive Decision Notices**

Resolved:

That the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees be noted.

18 **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 items of business as they involve the likely disclosure of exempt information falling within the paragraph 3 of Schedule 12A of the Act.

Part 2 - exempt items, meeting closed to press and public

19 **Print and Outgoing Mail Strategy**

Cllr Andrew Johnson presented the report on the strategy for the Council's print and outgoing mail service following a review. The review arose from the need to replace life expired equipment and to transform the Council's print and outgoing mail service into a modern and efficient business operation.

Cllr Johnson also reported that he and other members of Cabinet had received email correspondence from a Trade Union representative on the proposals. He informed Cabinet that the submission of the report had been deferred from the last meeting in February 2017 for full consultation with the Trade Unions and that those consultations had taken place. He had also offered to meet with the Trade Unions to discuss the proposals but the offer was not taken up.

Andy Hoare, Head of ICT confirmed that the Trade Unions and the print and mailroom teams had been involved throughout the consultation process and their feedback had been taken onto account. The proposals were explained to them and they understood what was being recommended.

Resolved:

1. That the externalisation of the Council's outgoing Mail Service to realise cost savings in the region of £950,000 over six years be endorsed.
2. That the modernisation and restructuring of the Council's in-house print service to realise cost savings in the region of £680,000 over three years be endorsed.

20 **Procurement - Award of Contracts for Works, Goods and Services**

The Panel considered a report on proposals for the award of contracts for works, goods and services.

Resolved:

1. That the contract for Residential Care for Young People at Merridale Street West with Cambian Childcare Limited of 4th Floor, Waterfront Building Hammersmith Embankment, Chancellors Road, London, W6 9RU be extended, for a period of up to one year from 1 April 2017 to 31 March 2018.
2. That the contract for Revenues and Benefits Mail Service be awarded to Critiqom Limited of Document House, Phoenix Crescent, Strathclyde Business Park, Bellshill, ML4 3NJ for a duration of six years from 1 April 2017 to 31 March 2023 for a total contract value of £1,900,000.

3. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to approve the award of a contract for Print Machines when the evaluation process is complete.
4. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to approve the award of a contract for Housing Benefit External Auditor when the evaluation process is complete.
5. That the contract for the Secondary Data Centre with Staffordshire County Council of 1 Staffordshire Place c/o Wedgewood Building, Tipping Street, Staffordshire, ST16 2DH be extended for a duration of two years from 11 March 2017 to 31 March 2019 with an extension value of £54,000.
6. That the contracts for Black Country Impact be awarded for a duration of one year from 1 April 2017 to 31 March 2018 for:
 - i. Lone Parent Support for a total contract value of £198,361 to Prospects Group 2011 Limited of Prospects House, 19 Elmfield Road, Bromley, BR1 1LT.
 - ii Support Programme for NEET (Not in Education, Employment or Training) 16-18 year olds for a total contract value of £27,240 to Prospects Services Limited of Prospects House, 19 Elmfield Road, Bromley, BR1 1LT.
7. That the contract for Project Management and Design Team for the Markets be awarded to Faithful+Gould Limited of Woodcote Grove, Ashley Road, Epsom, Surrey, KT18 5BW for one year from 1 April 2017 to 31 March 2018 for a contract value of £222,431.
8. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Strategic Director for Place, to approve the award of a contract for i54 Western Extension Lead Consultant when the negotiation process is complete.
9. That the Director of Governance be authorised to execute contracts in respect of the above as required.

21

Consideration of a Request for Discretionary Disabled Facilities Grant

The Panel considered two applications for additional grant above the maximum mandatory level for discretionary disabled facilities.

Resolved:

1. That the request of Mr & Mrs W for a discretionary Disabled Facilities Grant to top up expenditure in excess of the maximum mandatory grant of £30,000, in order to provide suitable facilities to enable them to maintain the long term foster care of child A, a looked after child of City of Wolverhampton Council be agreed in principle subject to the confirmation of the long term arrangements by the Linking and Matching Fostering Panel and of final costs being received.

2. That the request of Mrs S for a discretionary Disabled Facilities Grant to top up expenditure in excess of the maximum mandatory grant of £30,000, in order to provide suitable facilities to enable her to remain in her own home be approved.
3. That the full amount of any discretionary grant paid would become repayable to the Council if the property is sold within ten years of the completion of the work.

22 **Schools Capital Programme 2017/18**

Cllr Claire Darke presented the report on the priorities for the schools capital programme for 2017-18 for school condition allocation. The report also confirmed funding for devolved formula capital to schools, the locally co-ordinated voluntary aided programme (LCVAP) and basic need up until 2017-18 (including top ups).

Resolved:

1. That the detailed projects for schools condition allocation capital funding in 2017-18 as listed in paragraph 3.3 of the report be approved.
2. That authority be delegated to the Cabinet Member for Education in consultation with the Director of Education, to initiate emergency works and asbestos removal works preventing a school closure, the nature of which would not allow sufficient time to gain normal Council approvals, and any such works be confirmed through an Individual Executive Decision Notice.
3. That it be noted that the resources available for implementing the 2017-18 schools capital maintenance programme are provisionally £2 million (This figure would be adjusted once grant confirmed) against a condition backlog of £4.5 million for priority 1 items.
4. That it be noted that the resources available for basic need have been fully committed and future resources, may be required to support the provision of additional pupil places given a continued increase in demand.

23 **City of Wolverhampton Consent to Restructuring of the Wolverhampton LEP and Associated Special Purpose (PFI) Vehicles**

Cllr Claire Darke presented the report on proposals for the restructure on of the Wolverhampton Local Enterprise Partnership. The restructure could only take place with the explicit concert of the Council.

Resolved:

1. That the Panel consents to the restructuring of the Wolverhampton Local Enterprise Partnership and associated Special Purpose Private Finance Initiative (PFI) Vehicles as set out in the report.
2. That authority be delegated to the Cabinet Member for Education and Cabinet Member for Resources in consultation with the Director of Education and Director of Finance to approve any changes to the details of this transaction.

3. That the Council enters into the documents set out in the Legal Implications section of the report and any other ancillary documents necessary to complete the restructure.
4. That authority be delegated to the Director of Governance to execute all necessary contract documentation.
5. That it be noted that the proposed restructure can only take place with the explicit consent of the Council.
6. That it be noted that the proposed restructure had been subject to due diligence and is believed to present no financial benefit, detriment or material risk to the Council.

24

West Midlands Growth Company

Cllr John Reynolds presented the report on proposals for the Council's involvement in the West Midlands Growth Company. The Growth Company would play an important role in facilitating the delivery of the West Midlands Combined Authority Strategic Economic Plan. It would also attract more investment, jobs, businesses and visitors to the West Midlands region.

Resolved:

1. That City of Wolverhampton Council be an 'A' Member of the West Midlands Growth Company which is scheduled to go live on 1 May 2017.
2. That the Leader of the Council be the representative of the City of Wolverhampton Council as an 'A' Member of the West Midlands Growth Company.
3. That the proposed budget allocation of £275,000 in year one, and £300,000 in years two and three with an annual performance review, to the West Midlands Growth Company be approved.
4. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Strategic Director, Place, to agree the details of the Service Level Agreement between the City of Wolverhampton Council and the West Midlands Growth Company.
5. That it be noted that West Midlands Combined Authority Board on 3 March 2017 approved the creation of the West Midlands Growth Company with a scheduled 'go live' date of 1 May 2017.

25

Sale and Leaseback of Alfred Squire Road Offices

Cllr Peter Bilson presented the report which sought authority to progress a sale and leaseback of Alfred Squire Road offices to the Trustees of Wednesfield Guru Nanak Sikh Temple. The offices were surplus to the Council's long term requirements

Resolved:

1. That the Alfred Squire Road Offices be declared surplus to the Council's long terms requirements.

2. That authority be granted to progress a sale and leaseback of Alfred Squire Road Offices to the Trustees of Wednesfield Guru Nanak Sikh Temple.
3. That it be noted that the proposed transaction is linked to a previous option agreed for the priority sale of this asset. Resubmission is due to a variation to the terms of the original option agreement in the favour of the Council.

26 **Declare Surplus and Approve Disposal of the Land at Compton Wharf, Bridgnorth Road**

Cllr Peter Bilson presented the report which sought approval to declare surplus to requirements the freehold interest in the land known as The Wharf, Bridgnorth Road, Compton. Approval was also sought to sell the interest to the existing leaseholder at a value assessed by the District Valuer and agreed by the leaseholder.

Resolved:

1. That the land at Compton Wharf, Bridgnorth Road, which is at present subject to a lease, be declared surplus to requirements.
2. That the disposal of the existing freehold interest of land at Compton Wharf, Bridgnorth Road be approved.

27 **Disposal of Former Ettingshall Primary School Site and Land at Sweetbriar Road**

Cllr Peter Bilson presented the report which sought approval to dispose of part of the former Ettingshall School site together with land at Sweetbriar Road to WV Living and to agree Heads of Terms with the NHS for a lease of part of the site for a temporary medical centre.

Resolved:

That authority be delegated to the Cabinet Member for City Housing and Assets in consultation with the Director of Finance to:

1. Agree the Heads of Terms for the disposal of the former Ettingshall Primary School site and land at Sweetbriar Road to WV Living.
2. Transfer the freehold of both sites only to WV Living for the development of housing to WV Living.
3. Agree the Heads of Terms for lease of part of the former Ettingshall Primary School site to the NHS.

28 **Disposal of former Bilston Leisure Centre Site and Bilston Day Nursery**

Cllr Peter Bilson presented the report which sought approval to dispose of the former Bilston Leisure Centre site together with part of the site of the former Day Centre in Prouds Lane to WV Living. Approval was also sought to agree the Heads of Terms with the Bilston Scout Group for disposal of land on which their existing building was located together with the garden area of the former Day Centre and the area of Public Open Space adjacent to their existing premises; and to commence the process of formally advertising the re-designation of the current open space adjacent to the Scout Hall under the Public Open Spaces Act 1906.

Resolved:

That authority be delegated to the Cabinet Member for City Housing and Assets in consultation with the Director of Finance to:

1. Agree the Heads of Terms for the disposal of the former Bilston Leisure Centre Site and Bilston Day Nursery site shown at Appendix A to the report to WV Living.
2. Transfer the freehold of the site at Appendix A to WV Living for the development of housing.
3. Agree the Heads of Terms for disposal of the land shown at Appendix B to the report to the Scout Association.
4. Agree the process of formally advertising the re-designation of the current open space adjacent to the Scout Hall shown at Appendix C to the report under the Public Open Spaces Act 1906.

29

Land Adjacent to Bilston Town Football Club

Cllr Peter Bilson presented the report on a proposal to repurchase the land adjacent to Bilston Town Football Club from the current owners. The state of the land had been the subject of complaints to the Council. Following the involvement from Public Protection action had been taken by the owner in summer 2016 to ensure the site was cleared of waste and overgrown vegetation.

Resolved:

That the repurchase of the land adjacent to Bilston Town Football Club from the current owners be approved.

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Cabinet (Resources) Panel

25 April 2017

Report title	Discretionary Rate Relief	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Mark Taylor, Director of Finance	
Originating service	Revenues and Benefits	
Accountable employee(s)	Sue Martin	Head of Revenues and Benefits
	Tel	01902 554772
	Email	sue.martin@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	11 April 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the following additions to the local scheme for Business Rate Discretionary Relief:
 - a. Discretionary relief (local newspapers) scheme
 - b. Discretionary relief (supporting small businesses) scheme
 - c. Discretionary relief (pubs) scheme
2. Delegate authority to the Cabinet Member for Resources in consultation with the Director of Finance to finalise the policy detail on receipt of Government Guidance
3. Delegate authority to the Head of Revenues and Benefits to award relief in respect of these new additions to the scheme.

Recommendation for noting:

The Cabinet (Resources) Panel is asked to note:

1. That a further report on discretionary transitional relief will be presented after the Government has published a response to its consultation on operation of the scheme.

1.0 Purpose

- 1.1. To seek approval to include three new categories within the Council's local scheme for Business Rate Discretionary Relief with effect from 1 April 2017.

2.0 Background

- 2.1. Following an announcement in the March 2016 budget and subsequent consultation, the Government confirmed its intention to enable a new discretionary business rate relief for local newspapers from 1 April 2017.
- 2.2. In the March 2017 budget the Government announced three new measures to provide additional support to businesses facing increases in business rates because of the national revaluation.
- 2.3. In each case the Government expects that billing authorities will use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 to deliver these new reliefs.

3.0 New categories of relief

- 3.1. Business rate relief for local newspapers is a discount worth up to £1,500 a year for 2 years from 1 April 2017, for office space they occupy. There is a maximum of one discount per local newspaper title and per hereditament. Subject to state aid rules it is estimated that one business would be eligible for this category of relief.
- 3.2. Business rate relief for small businesses will help those ratepayers who, because of the change in their rateable value at revaluation, are losing some or all of their small business rate relief. No small business will see their bill increase by more than £50 per month or the matching cap on increases for small properties in the transitional relief scheme. Subject to state aid rules it is estimated that in the region of 50 businesses would be eligible for this category of relief.
- 3.3. Business rate relief for pubs is a discount worth up to £1,000 a year where the rateable value is less than £100,000. Subject to state aid rules it is estimated that in the region of 150 businesses would be eligible for this category of relief.
- 3.4. Business rate relief for businesses facing the steepest increases in their bills because of the revaluation will allow a smoothing out of the increase for the four years from 2017-18, over and above support provided through the national transitional relief scheme.

4.0 Revising the Local Scheme

- 4.1. Initial guidance has been provided for each of the budget 2017 measures however formal guidance has yet to be published.
- 4.2. In the case of relief for local newspapers, small businesses and pubs, the formal guidance will be prescriptive. For this reason, it is recommended that the local scheme is amended to reference Government guidance once it is published. Detailed policy wording would be authorised by the Cabinet Member for Resources in consultation with the Director of Finance prior to any awards being made.

4.3. Awards under the current scheme of discretionary relief are authorised by the Head of Revenues and Benefits. It is recommended that this arrangement for authorisation and reporting also applies to the new categories of relief.

5.0 Discretionary Transitional Relief

5.1. The third new category of relief announced in the 2017 budget is aimed those businesses that face the steepest increases in their business rates bills because of the revaluation.

5.2. The Government has started a short period of consultation which ends on 7 April. The consultation document states that relief may only be granted to businesses facing an increase in their bills following revaluation. It assumes that more support will be provided to:

- ratepayers or localities that face the most significant increases in bills
- ratepayers occupying lower value properties.

5.3. The consultation document also explains the methodology for distributing £300 million of funding to support local transitional relief schemes. Calculations are based on rateable properties that satisfy both following conditions:

- a rateable value for 2017-18 that is less than £200,000
- the increase in the rateable property's 2017-18 bill is more than 12.5% compared to its 2016-17 bill (before reliefs)

5.4. The indicative amount allocated for Wolverhampton is:

2017-18 £000	2018-19 £000	2019-20 £000	2020-21 £000
392	190	78	11

5.5. Billing authorities will be required to consult with their major precepting authorities and, where appropriate, combined authorities, before adopting any discretionary relief support scheme.

5.6. It will be necessary to wait for formal guidance clarifying how much flexibility is possible before designing a local scheme.

6.0 Financial implications

6.1. The Government has announced that it will reimburse councils for the actual cost of relief for newspapers, small businesses and pubs, granted in accordance with its guidance, through section 31 grant. It is anticipated that Wolverhampton will receive grant funding for local transitional relief, in the region of £670,000 over the four year period to 2020-21.

6.2. As the Council would be using discretionary powers to award the new categories of relief, reimbursement for the cost is conditional on following government guidance. It is therefore essential to ensure that revisions to the local policy restrict relief to the circumstances specified by Government.

[MH/05042017/N]

7.0 Legal implications

- 7.1. Section 47 of the Local Government Finance Act 1988 gives discretionary power to billing authorities to grant partial or full relief to certain categories of non-domestic ratepayer. The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow for this relief to be restricted to a fixed period.
- 7.2. Section 69 of the Localism Act 2011 provides a new discretionary power to reduce business rates for any local ratepayer. It is this new power that the Government is directing billing authorities to use to award the new categories of relief.
- 7.3. It will be for the Council to ensure that any relief granted does not transgress state aid rules.
[TS/05042017/Q]

8.0 Equalities implications

- 8.1. Equalities considerations will be included in the monitoring of the policy to ensure that it is one that will be able to demonstrate that relief is awarded fairly. In this way Councillors can be confident that the approach will meet the requirements of the Public Sector Equality Duty as established by the Equality Act 2010.

9.0 Environmental implications

- 9.1. There are no environmental implications.

10.0 Human resources implications

- 10.1. There are no human resources implications.

11.0 Corporate landlord implications

- 11.1. There are no corporate landlord implications.

12.0 Schedule of background papers

Business Rates Information Letter 1/2016

<https://www.gov.uk/government/publications/22016-budget-2016-business-rates>

Business Rates Information Letter 2/2017

<https://www.gov.uk/government/publications/22017-spring-budget-support-for-business>

New discretionary relief consultation document

<https://www.gov.uk/government/consultations/discretionary-business-rates-relief-scheme>

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Cabinet (Resources) Panel

25 April 2017

Report title	Nursery Education Funding	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Val Gibson Children and Young People	
Key decision	Yes	
In forward plan	No	
Wards affected	All	
Accountable director	Linda Sanders, Strategic Director, People	
Originating service	Early Intervention	
Accountable employee(s)	Andrew Wolverson Tel Email	Head of Early Intervention 01902 551272 andrew.wolverson@wolverhampton.gov.uk
Report to be/has been considered by	Schools' Forum People leadership Team Strategic Executive Board	19 February 2017 27 March 2017 11 April 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the basis for the allocation of Nursery Education Funding for 2, 3 & 4 year olds as set out in the report.
2. To approve the spend of the identified early years funding as set out in paragraph 5.1

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. The outcome of the public consultation that was carried out in relation to the implementation of a new funding formula.

1.0 Purpose

- 1.1 The purpose of this report is to outline the proposed allocation of early years funding for 2, 3 & 4 year olds and to seek approval of the spend for 2017-2018. The report will also outline the consultation that has been undertaken with early years providers and other key stakeholders and how this has supported the development of the formula.

2.0 Background

- 2.1 In August 2016 the Department for Education (DfE) commenced a consultation exercise on the future of funding for early education. The consultation also sought views on the implementation of the 30 hours offer for working parents. A response to the consultation was published by the DfE in December 2016 with the expectation that local authorities would then commence their own local consultation.
- 2.2 The DfE's Early Years National Funding Formula guidelines set out the intention to introduce a single base rate for schools and childcare providers in the private, voluntary and independent sector.
- 2.4 In addition to the base rate, several parameters for supplementary payments have been introduced by which the new formula should be constructed at a local level and provided some discretionary items that should be considered. Deprivation is a mandatory requirement, however, discretionary supplements of flexibility, English as an additional language, quality, rurality and sparsity could also be implemented.
- 2.5 The greatest risks to the implementation of the single formula would be the resistance to having a standardised base rate as traditionally Wolverhampton have insisted on having rates for each different sector, however, the new proposed base rate should provide a marginal increase for all sectors (other than nursery schools) and therefore it is anticipated that this will provide the compelling argument for moving to a single rate.
- 2.6 The second and most significant risk is the reduction in funding to nursery schools, of which there are seven in the city. The DfE have recognised this risk and committed to providing transitional funding for the period of this parliament which will ensure that the current funding levels can be retained. During this transitional period officers will work closely with nursery school heads and governors to explore operating models that provide sustainability going forward.

3.0 Consultation

- 3.1 In accordance with DfE guidelines consultation was undertaken during the period 9 December 2016 to 9 January 2017 with schools and childcare providers via online survey. There was a total of 33 responses, the outcome of which are outlined below. Of the respondents 46% were Day Nurseries, 27% were Maintained Schools, 12% were Nursery Schools, 12% were Playgroups and 4% were Independent Schools.
- 3.2 Four key consultation questions were posed to early years providers in the maintained, private, voluntary and independent sectors:

1. Do you agree with the proposed funding rates?
2. Do you agree with the proposed supplements?
3. Which other supplements, if any, would you like to see?
4. Do you agree the SEN funding should be implemented in September 2017

3.3 33 responses were received with the following outcomes:

- 76% agreed with the proposal regarding funding rates
- 79% agreed with the proposal regarding the deprivation factor and inclusion fund from the hourly rate
- 1 respondent suggested an English as an additional language supplement
- 85% agreed that SEN funding should be implemented no later than September 2017

4.0 Wolverhampton's Proposed formula

- 4.1 As a result of the consultation exercise and in line with the guidance for formula development set out by the DfE the proposed formula for the future funding of 2,3 & 4 year old nursery education has been developed.
- 4.2 Base rate:
- 4.2.1 A single base rate for all providers for two year old nursery places of £5.24. This rate reflects the base rate set by the DfE and recognises the higher staff ratios required in this age range.
- 4.2.2 A single hourly rate for all providers for three and four year old nursery places of £4.25. This will be paid for all children accessing the 15 and 30 hour entitlement.
- 4.3 Deprivation supplement:
- 4.3.1 35p per hour has been deducted from the base rate of £4.68 allocated by the DfE. This has been amalgamated into a single budget and re-distributed as a lump sum payment to all settings based on the postcodes of the children accessing the setting within the last academic year. Settings are allocated a banding which is generated using a national database provided by the Education Funding Agency.
- 4.4 Special educational needs inclusion fund:
- 4.4.1 Local authorities are required to establish a SEN inclusion fund to better address the individual needs of children with SEN. It is proposed to allocate 8p from the base rate of £4.68 allocated by the DfE to establish this fund. This funding will be accessed by providers through the Local Authority on a case by case basis and allocated through top up grants.
- 4.5 Disability access fund:
- 4.5.1 This is a separate fund identified by the DfE to support children in receipt of disability living allowance access a one-off payment of £615 per year to support them in accessing their free entitlement through reasonable adjustments or building capacity. Providers will directly claim this payment through a locally hosted system and signing a declaration form outlining eligibility.

4.6 Nursery School transitional funding:

4.6.1 An identified fund of £1.0million has been allocated by the DfE as part of their commitment to supporting nursery schools for a transitional phase lasting for the period of the current parliament. It is proposed that the whole fund is used to retain the current funding rate for nursery schools of £6.39 per hour and to maintain supplements in line with the previous formula, ensuring budgets remain largely the same. Any surplus budget within the fund will be used to bring in external support for governors and headteachers to develop a future sustainable operating model.

5.0 Financial implications

5.1 The initial funding allocations for 2017-18 were issued in December 2016 and provided funding of £11.8million for 3 & 4 year olds with a further allocation of £1.3million to support the increase to 30 hour provision in September 2017 and £3.6million for supporting 2 year olds. These allocations are adjusted in year to reflect actual participation rates.

5.2 A supplementary grant of £1.0million has been provided to protect the funding of Maintained Nursery Schools and an additional grant of £70,000 will support settings in meeting the needs of pupils eligible for Disability Living Allowance.

5.3 The hourly rates for 3 & 4 year olds referred to in paragraph 4 are summarised below.

	£ per hour
Basic Hourly Rate	4.25
Deprivation	0.35
SEN Inclusion Fund	0.08

5.4 Based on the provisional data (which will be reviewed to reflect actual participation) the initial funding of provider settings is £12.0 million and is contained within the DfE allocation and which also allows a further contingency of £315,000 for increases in participation rates
[AV/23032017/F]

6.0 Legal implications

6.1 The changes to the Early Years National Funding Formula must be fully implemented by 2019/20 in line with the guidance set out by the DfE
<https://www.gov.uk/government/publications/early-years-national-funding-formula-allocations-and-guidance>
[RB/27032017/Q]

6.0 Equalities implications

6.1 The DfE have introduced a requirement for local authorities to set up a SEN Inclusion Fund within their local funding systems. The fund will be created to allow local authorities to work with individual providers to identify resources required for providers to meet the needs of individual children with special educational needs.

6.2 In addition to this the formula is required to have a deprivation supplement to ensure that the most disadvantaged children receive additional funding, therefore supporting settings in being able to close the gap between the most disadvantaged and the rest.

7.0 Environmental implications

7.1 None identified

8.0 Human resources implications

8.1 None identified

9.0 Corporate landlord implications

9.1 None identified

10.0 Schedule of background papers

10.1 None identified

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Cabinet (Resources) Panel

25 April 2017

Report title	Acquisition of Privately Owned Empty Properties by agreement or Compulsory Purchase: 30 Victoria Road, Fallings Park, Wolverhampton. WV10 0NG – Property Identified for Action.
Decision designation	AMBER
Cabinet member with lead responsibility	Councillor Peter Bilson City Housing and Assets
Key decision	No
In forward plan	No
Wards affected	Fallings Park
Accountable director	Lesley Roberts, Strategic Director, City Housing
Originating service	Private Sector Housing
Accountable employee(s)	Richard Long Housing Improvement Officer Tel 01902 555705 Email Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Strategic Director, City Housing to negotiate terms for the acquisition of the property, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within this programme.

3. In the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, authorise withdrawal of the property from the CPO.
4. Following any acquisition, authorise the Strategic Director, City Housing to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. Authorise the Director of Governance to:
 - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b) Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c) Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d) Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

1.0 Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the acquisition of 30 Victoria Road, Fallings Park, Wolverhampton, WV10 0NG by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of City of Wolverhampton Council Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the City Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property, highlighted on the attached plan, is a three bedroom semi-detached property that has been empty since December 2011. Complaints regarding the condition of the property were first received in July 2016.
- 2.2 A Notice under section 215 of the Town and Country Planning Act 1990 was served on 30 Victoria Road, Fallings Park in order to remove the detrimental effect the condition of the property/ land is having on the amenity of the area. The owner did not appeal against the Notice and no attempt to carry out the required work has been made.
- 2.3 As attempts to resolve the situation informally have not brought about a voluntary solution; it is now considered necessary to continue with formal action under the Empty Property Strategy.
- 2.4 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired under compulsory purchase powers, marketed for sale and brought back into residential occupation. The arrangements proposed for the property identified are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the council, the council would seek to dispose of the property by auction. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit.

3.0 Proposals

- 3.1 Where it is necessary to make a Compulsory Purchase Order and this is subsequently confirmed in favour of the Council, the Council would seek to dispose of the property by tender, auction or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit. This will also apply to any negotiated acquisitions.

4.0 Financial implications

- 4.1 In the event of an acquisition the costs can be met from the £263,000 capital budget for the Empty property strategy approved by Council on 22 February 2017. The subsequent sale of the property would result in a capital receipt, ring-fenced to finance future purchases through the Empty property strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.
- 4.2 The owner of the property has been served with a Section 215 Notice of the Town and Country Planning Act 1990 to tidy the land/ buildings. This has not been complied with and it will therefore not be necessary to pay the additional statutory 7.5% compensation payment.
- 4.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and could result in additional council tax revenue.
[JM/03042017/B]

5.0 Legal implications

- 5.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land houses or other properties for the provision of housing accommodation. However, the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 5.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.
[RB/03042017/J]

6.0 Equalities implications

- 6.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

7.0 Environmental implications

7.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Bringing the property back into residential use will improve the appearance of the neighbourhood, enhance property conditions and contribute to the regeneration of the City, meeting the Council's strategic objectives.

8.0 Human resources implications

8.1 There are no human resources implications.

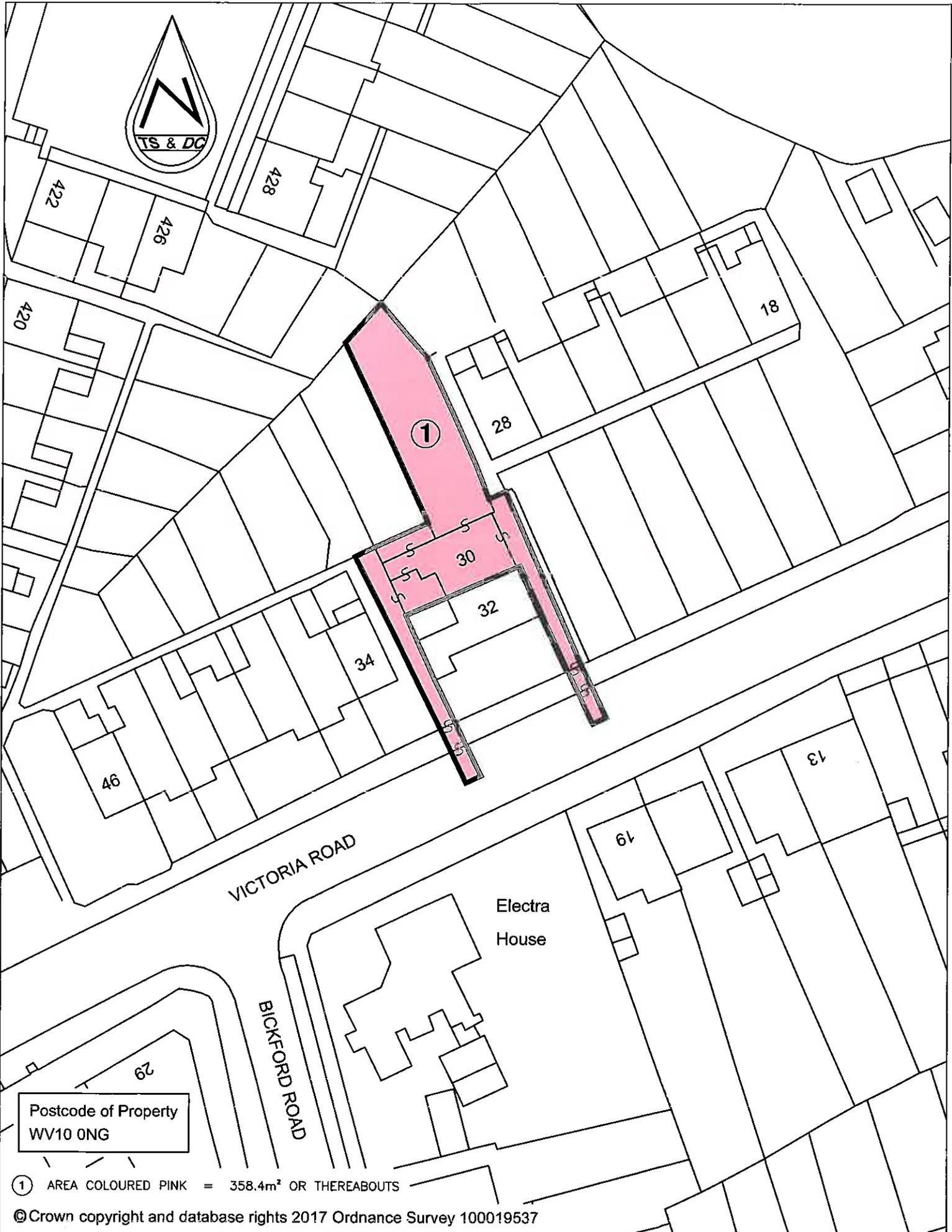
9.0 Corporate landlord implications

9.1 Where applicable, corporate landlord will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.

10.0 Schedule of background papers

- An Action Plan to Deliver the Empty Property Strategy 11/01/06;
- Private Sector Empty Property Strategy 2010-2015;
- Wolverhampton Housing Needs Survey 2007;

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date	March 2017
scale	1:500
drawn by	AJP
dwg. no.	Victoria Road 30.dwg

THE MAP REFERRED TO IN
 THE CITY OF WOLVERHAMPTON COUNCIL
 (30 Victoria Road)
 Page 37
 COMPULSORY PURCHASE ORDER 2017

The City of Wolverhampton Council
 Strategic Director – Place
 Civic Centre, St. Peter's Square, Wolverhampton
 Tel. (01902) 556556

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Cabinet (Resources) Panel

25 April 2017

Report title	Acquisition of Privately Owned Empty Properties by agreement or Compulsory Purchase: 148 Aldersley Road, Tettenhall, Wolverhampton. WV6 9NB – Property Identified for Action.	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Housing and Assets	
Key decision	No	
In forward plan	No	
Wards affected	Tettenhall Regis	
Accountable director	Lesley Roberts, Strategic Director, City Housing	
Originating service	Private Sector Housing	
Accountable employee(s)	Richard Long	Housing Improvement Officer
	Tel	01902 555705
	Email	Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable	

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Strategic Director, City Housing to negotiate terms for the acquisition of the property, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within this programme.

3. In the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, authorise withdrawal of the property from the CPO.
4. Following any acquisition, authorise the Strategic Director, City Housing to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. Authorise the Director of Governance to:
 - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b) Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c) Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d) Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

1.0 Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the acquisition of 148 Aldersley Road, Tettenhall, Wolverhampton, WV6 9NB by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of City of Wolverhampton Council Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the City Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property, highlighted on the attached plan, is a two bedroom terraced property that has been empty since August 2004. Complaints regarding the condition of the property were first received in March 2006.
- 2.2 On two separate occasions, Notices under section 215 of the Town and Country Planning Act 1990 have been served on 148 Aldersley Road. On the first occasion, the owner did carry out the majority of the work specified. However, the property was again allowed to deteriorate and a second Notice has not been complied with.
- 2.3 As numerous attempts to resolve the situation informally have not brought about a voluntary solution; it is now considered necessary to continue with formal action under the Empty Property Strategy.
- 2.4 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired under compulsory purchase powers, marketed for sale and brought back into residential occupation. The arrangements proposed for the property identified are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the council, the council would seek to dispose of the property by auction. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit.

3.0 Proposals

- 3.1 Where it is necessary to make a Compulsory Purchase Order and this is subsequently confirmed in favour of the Council, the Council would seek to dispose of the property by tender, auction or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit. This will also apply to any negotiated acquisitions.

4.0 Financial implications

- 4.1 In the event of an acquisition the costs can be met from the £263,000 capital budget for the Empty property strategy approved by Council on 22 February 2017. The subsequent sale of the property would result in a capital receipt, ring-fenced to finance future purchases through the Empty property strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.
- 4.2 The owner of the property has been served with a Section 215 Notice of the Town and Country Planning Act 1990 to tidy the land/ buildings. This has not been complied with and it will therefore not be necessary to pay the additional statutory 7.5% compensation payment.
- 4.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and could result in additional council tax revenue.
[JM/03042017/B]

5.0 Legal implications

- 5.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land houses or other properties for the provision of housing accommodation. However, the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 4.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.
[TS/10042017/W]

6.0 Equalities implications

- 6.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

7.0 Environmental implications

7.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Bringing the property back into residential use will improve the appearance of the neighbourhood, enhance property conditions and contribute to the regeneration of the City, meeting the Council's strategic objectives.

8.0 Human resource implications

8.1 There are no human resources implications.

9.0 Corporate landlord implications

9.1 Where applicable, corporate landlord will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.

10.0 Schedule of background papers

- An Action Plan to Deliver the Empty Property Strategy 11/01/06;
- Private Sector Empty Property Strategy 2010-2015;
- Wolverhampton Housing Needs Survey 2007;

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148 Aldersley Road, Tettenhall, Wolverhampton. WV6 9NB



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① AREA COLOURED PINK = 125.6m² OR THEREABOUTS

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date	March 2017
scale	1:500
drawn by	AJP
dwg. no.	Aldersley Road 148.dwg

THE MAP REFERRED TO IN
 THE CITY OF WOLVERHAMPTON COUNCIL
 (148 Aldersley Road)
 COMPULSORY PURCHASE ORDER 2017

The City of Wolverhampton Council
 Strategic Director – Place
 Civic Centre, St. Peter's Square, Wolverhampton
 Tel. (01902) 556556

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Cabinet (Resources) Panel

25 April 2017

Report title	Community Centre Recharges	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Housing and Assets	
Key decision	Yes	
In forward plan	No	
Wards affected	All	
Accountable director	Tim Johnson, Place	
Originating service	Older People	
Accountable employee(s)	Chris East	Head of Facilities and Service Support
	Tel:	01902 550132
	Email:	chris.east@wolverhampton.gov.uk
Report to be/has been considered by:	Place Leadership Team	13 March 2017
	Cabinet Member for City Housing and Assets	7 March 2017
	Strategic Executive Board	14 March 2017

Recommendation for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the proposed leasing and service charge arrangements for Community Associations (CA's) occupying CWC (City of Wolverhampton Council) community centres. Specifically, approve that negotiations for newly drafted leases commence on the principle of a notional 50/50 split of service charges between CWC and the interested CA (as option 2 of the appraisal summarised in this report) for a period of five years.

Recommendation for noting:

The Cabinet (Resources) Panel is recommended to note:

1. That future agreements and charges will be determined and documented in accordance with appropriate RICS Code of Practice for Service Charges.

1.0 Purpose

- 1.1 To review the basis on which leases and associated service charges are to be paid by Community Associations for the use of community centres in the City of Wolverhampton.

2.0 Background

- 2.1 Following a consultation exercise, on the 5 December 2012 Cabinet agreed various recommendations for the leasing and subsequent service charges, relating to Community Hubs. In particular CA's in CWC being required to take on increasing levels of responsibility in order to support them being as self-sufficient as possible. Also CA's to make a financial contribution to the overall running costs of the community centres they manage and this has subsequently been accommodated in planning of the council's Medium Term Financial Strategy.
- 2.2 The report in 2012 provided a basis on which to charge CA's, however, the terms for these agreements has expired and there has been an opportunity to review the effectiveness of this approach. Specifically, there has been a lack of a collective understanding amongst CA's as to why, under the previous leases, that some are paying proportionally higher or lower charges than others.

3.0 Scope of Service Charges

- 3.1 The proposed service charges will typically, but not exclusively, include costs for the following:
- Insurance: Landlord buildings/lift/employees and Public Liability insurance (CA's public liability and material damage insurance to be paid directly to insurer).
 - Building repairs and maintenance including statutory compliance.
 - Grounds maintenance.
 - Alarm rental and monitoring.
 - Pest control.
 - Contract cleaning and refuse.
 - Music Licencing (PPL and PRS).
- 3.2 It is proposed that utility charges (gas, electricity, water, telecoms, etc.) should be the responsibility of the tenant CA's whereby they enter into agreements directly with utility providers. Corporate Landlord will advise and assist in identifying the most cost effective providers and whether collective agreements, for example across all CA's, will secure cheaper tariffs. The viability of future utility charging will be resolved by all parties on an agreed open book basis within reasonable timescales.
- 3.3 Service Level Agreements (SLA's) will document respective roles and responsibilities between CA's and CWC. The SLA will be a document added into the final agreement which clearly identifies who is responsible for what within the building e.g. CWC will be responsible for the structure of the building and CA's will be responsible for any non-fixed items of equipment e.g. tills in café areas.

3.4 A condition survey and building assessment will be carried out for each community facility to establish any outstanding concerns (including repairs and maintenance issues) that will subsequently inform the level of service charge to be reasonably applied to lease.

4.0 Options considered for future levels of contributions and term of leases

4.1 In the context of the above the following options have been considered:

Option 1: CA's make no contribution to service charges

Option 2: CA's pay 50% of service charges.

Option 3: CA's pay 75% of service charges.

Option 4: CA's are self-sufficient and operate community centres at no cost to the council.

4.2 In the context of Corporate Landlord savings identified in the Medium Term Financial Strategy and the aspiration to support CA's to be more self-sufficient, option 1 (all costs paid by the council) is not considered an appropriate option for the council at this time. Similarly options 3 and 4 (75% or all costs paid for by the CA's respectively) implemented from the outset of any imminent new arrangements may place too significant financial pressure on CA's and potentially impact on their short term viability, especially where they are still establishing robust operating models. However, it is intended that CA's will be required to contribute an increasing proportion of service charges, ideally achieving 100% self-sufficiency.

5.0 Variations to Service Charges

5.1 Due to the differing circumstances and needs of CA's it is unlikely that a single approach to applying service charges will be achievable. It is therefore proposed to continue to provide guidance on how variations to the basis on which these charges are determined is provided to CA's. This is necessary to support any specific requirements of CA's whose viability would otherwise be at risk.

5.2 The guidance is aimed at demonstrating an equitable and transparent process to varying service charges that avoids any precedence being set, as this could be the basis of challenge from other CA's who feel they are disadvantaged. This issue has recently been discussed at a meeting with the majority of CA's and there was collective acceptance that such variations are required to assist those organisations that have financial challenges.

5.3 Appendix A provides indicative criteria by which variations will be negotiated and recorded with openness and transparency. Such variations would be reflected in leases and service charges and documented in RICS documentation. It is also proposed to secure a collective agreement from all CA's, possibly in the form of a concordat, that acknowledges the basis on which to vary service charges.

6.0 Governance

6.1 The Corporate Landlord service delivery model provides the opportunity to more effectively manage all agreements leases, licences and service charges in a coordinated and centralised manner. Dedicated staff will be responsible for the active monitoring and

management of all agreements with CA's, in particular in relation to evaluating levels of service charges as the specific circumstances of each organisation changes over time. CA's will be supported by the Assets team to develop succinct business plans and annual accounts necessary to determine annual service charges; leases will be amended as necessary to reflect any agreed changes.

6.2 Facilities Management, in collaboration with Community Recreation, will ensure ongoing consultation with all CA's both on a one-to-one basis as well as in collective forums necessary to ensure effective communication is structured, focussed and recorded and ensure future misunderstandings are avoided.

7.0 Summary

7.1 To ensure consistency across all Community Association leases and service charges, it is proposed:

- that standard leases are documented for all Community Associations with the proposed Heads of Terms, as summarised in Appendix B;
- to consult with CA's on proposed charging arrangements as detailed in this report, specifically:
 - commence on the basis of a 50/50 split of service charges between the council and the interested CA) for a period of five years (with a minimum period of three years if a break is exercised);
 - charges increase up to 100% over a period of time in line with an agreed business plan between the CA and CWC;
 - agree the approach and illustrative criteria by which variations to these charges may be accepted to support the viability of a CA;
 - consider the development of a concordat between all CA's to acknowledge the need to vary charges in line with the above criteria to support the differing needs of specific CA's;
 - that future agreements and charges will be determined and documented in accordance with appropriate RICS Code of Practice for Service Charges.

8.0 Financial implications

8.1 The table below summarises the costs to both the council and CA's for each of the four options detailed in this report. As CA's will be responsible for their own utility costs these costs are not therefore included in the figures provided in the below table.

Options	CWC Cost	CA Cost	Total Cost
	£000	£000	£000
Option 1 - 0% of cost to CA	314	-	314
Option 2 - 50% of cost to CA	157	157	314
Option 3 - 75% of cost to CA	78	235	314
Option 4 - 100% of cost to CA	-	314	314
Current Budget	202	112	314

8.2 Implementation of option two could generate a potential saving in the region of £45,000 per annum. For 2017/18 the Medium Term Financial Strategy assumes a budget reduction and income generation target of £500,000 in relation to Facilities Management against which the potential saving of £45,000 would score.
[TT/17032017/Z]

9.0 Legal implications

9.1 The majority of existing leases and associated schedules of service charges expired in April 2016. The council's legal team will prepare revised documentation in accordance with the Heads of Terms as set out in Appendix B and this will remain in draft format subject to the CAs taking independent legal advice as appropriate.

9.2 The revised schedules of service charges need to be transparent and demonstrate an equitable approach to varying service charges. The differing levels of contribution currently paid by the various CA's lacks clarity and therefore a perceived lack of consistency and potentially open to challenge.

9.3 As landlord the council has duty holder responsibilities for employees under the Health and Safety at Work Act 1974 (HASAWA), to visitors and non-employees under the Occupiers Liability Acts and to tenants under the Gas Safety (Installation and Use) Regulations 1998. These statutory compliance requirements and roles and responsibilities for all parties will be documented in proposed leases with CA's.
[RB/16032017/Q]

10.0 Equalities implications

10.1 There are no equalities implications associated with this report as it based on a cost to the Community Centres and there will be an agreed charge between CWC and CAs

11.0 Environmental implications

11.1 There are no environmental implications associated with this report.

12.0 Human resources implications

12.1 There are no human resources implications associated with this report.

13.0 Corporate Landlord implications

13.1 The establishment of the Corporate Landlord service delivery model and the centralised approach to managing assets has provided the opportunity to holistically review the approach to setting and collection of service charges to CA's.

13.2 The remaining Corporate Landlord implications are contained in the body of this report.

14.0 Schedule of background papers

- 'Community Hubs - Recommendations on the outcomes of the consultation exercise' Cabinet report 5 December 2012
- 'Community Hubs - Proposals for Consultation' Cabinet report 26 June 2012
- 'Community Hubs - A Five-Year Vision for Wolverhampton' Cabinet report 7 December 2011.

Appendix A: Indicative Criteria for Varying Lease/Service Charges to Community Association

Mission, vision and/or objectives of the Community Association	<p>Does the organisation have social value or specific aims that require subsidy from CWC?</p> <p>Is the CA supporting disadvantaged/vulnerable groups?</p>
Financial viability	<p>Is there a need to subsidise the organisation to ensure its initial establishment viability/recent management change?</p> <p>How can this subsidy be phased over a period of time and at what point would you expect to in a position to meet your full costs?</p> <p>Does the CA require deferred payments to assist in establishment costs?</p> <p>Has a formal review of financial activities taken place between the CA and CWC?</p>
Accommodation costs	<p>Are there specific fit out or associated establishment costs that need subsidy to support the activities of the CA?</p>
Lease term	<p>Does the lease term impact on the viability of the CA?</p> <p>Would a longer lease attract grant/funding support?</p>
Activities	<p>Does the CA plan to increase activities over a period of time that will subsequently increase income in later years?</p> <p>Are there specific requirements for these activities?</p> <p>Is the booking system for CA activities suitable and efficient to maximise sustainable income?</p> <p>Are there any specific improvement required to allow increased activities in each locality?</p>

Appendix B: Proposed Heads of Terms for template Community Association Lease.

- Landlord** : Wolverhampton City Council
Civic Centre, St Peters Square
Wolverhampton
WV1 1SH
- Tenant** : xxx Community Association
- Tenant Solicitor** : TBC
- Premises** : All that land and buildings known as xxx
Community Centre, Wolverhampton indicated on
the lease plan and including all fixtures and fittings
and plant and machinery.
- Tenant responsibilities** : A Service Level Agreement is to be prepared to
document the respective roles and responsibilities
between the Community Association and CWC
- Occupational charges** : 50% of the Total Running Costs based on the
previous year payable in advance of each standard
Quarter Day
- Term** : 6 years from 1 April 2016

The lease will exclude s24 – s28 of the Landlord
and Tenant Act 1954 part 2
- Charges Review** : An annual review of occupational charges to occur
where the Community Association accounts are
available.
- Break Option** : The tenant will be offered the option to break the
lease at the end of the 3rd year of the term upon
six months prior written notice on the condition
that all the rent and other charges have been paid.
- Repairs** : Tenant Internal Repairing terms
- Permitted Use** : Offices, ancillary storage and function or meeting
room purposes in conjunction with the Community
Association.

Legal Costs : Each party to bear their own legal costs in the transaction

Conditions : 1. Subject to Contract
2. Subject to Formal Council Approval

Cabinet (Resources) Panel

25 April 2017

Report title	Statutory Food Service Plan 2017/18	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Ross Cook Service Director for City Environment	
Originating service	Public Protection	
Accountable employee(s)	Emma Caddick	Service Lead
	Tel	01902 554320
	Email	emma.caddick@wolverhampton.gov.uk
Report to be/has been considered by	People Leadership Team	21 March 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the draft 2017/18 Statutory Food Service Plan attached as summarised in Appendix A.
2. Authorise the Cabinet Member for City Environment in consultation with the Service Director for City Environment to approve the final version of the Statutory Food Service Plan for 2017/18.

Recommendations for noting:

The Cabinet (Resources) Panel is recommended to note:

1. The requirement to prepare a Food Service Plan.

2. The impact on the ability to deliver the statutory requirements of the Food Standards Agency because of the resource reductions arising from the restructure of the service in 2014 and the demands on the service from other performed functions.
3. The positive impact on food safety standards of the development of the food hygiene service following a systems thinking intervention, as set out in section 4.

1.0 Purpose

- 1.1 To inform Cabinet (Resources) Panel of the legal requirement to produce a Statutory Food Service Plan.
- 1.2 To inform Cabinet (Resources) Panel of the implications of reduced resources following the restructure of the service and the consequent ability of the service to deliver statutory requirements required by the Food Standards Agency on behalf of central government.
- 1.3 To present, for consideration and approval, the draft Statutory Food Service Plan for 2017/18.
- 1.4 To obtain authority for the Service Director for City Environment, in consultation with the Cabinet Member for City Environment, to approve the final version of the plan.

2.0 Background

- 2.1 Service delivery plans are recognised by central government as important expressions of a local authority's commitment to the development of their various services. They serve as a quality framework against which a service may be audited and provide a focus on resourcing and delivering aims and objectives. They also establish mechanisms for managing performance.
- 2.2 In January 2001 the Food Standards Agency produced the Framework Agreement on Local Authority Food Law Enforcement. It included the requirement to prepare a Statutory Food Service Plan and prescribed in detail which areas of the service should be covered by the plan. This is the seventeenth City of Wolverhampton Council Statutory Food Service Plan.
- 2.3 The Statutory Food Service Plan provides a framework upon which a scrutinising body, such as the Food Standards Agency (FSA) can conduct an official audit. It also sets out, within an overall commitment to quality and continual improvement, the general aims and objectives of the service, the scope and levels of the service and the means by which it is delivered. To this end, it also contains a breakdown of the financial and staffing resources available to deliver the service.
- 2.4 The main elements of the plan are summarised in appendix A. A full copy of the draft Statutory Food Service Plan 2017/18 can be found in Appendix B. A copy will be placed on the intranet when final approval is confirmed.
- 2.5 The plan describes how the service is discharged and details the numbers, types and priority ratings of the City's food premises, the frequencies of planned interventions, sampling programmes, health promotion activities, reactive work, including responding to food complaints, food hazard warnings and investigating cases of infectious disease.

3.0 Restructure of Regulatory Services

- 3.1 In 2014 a significant restructure of the former Regulatory Services was undertaken. The restructure resulted in the Service losing one third of its staffing resource. In addition, as part of this process a significant number of experienced staff left the authority resulting in further vacancies that have now been filled. Since 2014, further savings have been delivered resulting in on-going reductions of resource.
- 3.2 As a consequence of these resource reductions, following the restructure and subsequent vacancies, the inspection and intervention regime prescribed by the Food Standards Agency has not been 100% delivered. In an attempt to mitigate the implications of this, resources have been focussed upon the higher risk premises detailed in the programme.
- 3.3 This year the Service aims to undertake; 100% of all food hygiene inspections of high/medium risk premises (A's, B's and C's) within the city at a frequency which is in accordance with the inspection rating system set out within the Statutory Code of Practice made under the Food Safety Act 1990 and Food Safety and Hygiene (England) Regulations 2013.
- 3.4 The lower risk businesses may not all be visited at the required frequency and many will only be visited in response to a complaint or request for advice and / or support. In these cases, the nature of the complaint or enquiry as well as the type of food handled will be taken into account in prioritising the visit. Where low risk premises are not subject to a visit the Service will endeavour to engage them through an 'Alternative Enforcement Program'.

4.0 Development of the Food hygiene Service.

- 4.1 All food safety interventions are based on the approach developed through the Systems Thinking intervention, of 2011/12. This approach enables officers to work closely with businesses via tailored interactions to assist businesses to provide safe food to their customers. Further details of the development of the food hygiene service can be found in the Cabinet report of the 5 December 2012.
- 4.2 To date, the benefits of this new approach have been:
- Increased understanding of food safety issues amongst food handlers and food business operators to assist them in providing safe food;
 - Increased willingness and confidence in food businesses to request advice and help to comply with appropriate legislation from visiting officers;
 - Increased time spent with businesses on site, by officers, advising on good practice and its implementation thus assisting in compliance with legislation;

- Providing assistance to businesses to the point where the officer is satisfied that the business has been helped to provide safe food and any risk associated with the business is suitably managed

4.3 The outcomes of the new approach are positive and illustrate the approach is effective in terms of improving food safety standards at the City's food establishments. The key outcomes are:

- The number of 4 and 5 star rated food businesses has increased from around 25 in 2011 to 1850.
- The number of high risk food businesses in the wider city has fallen from 40 to 15
- The number of "Broadly Compliant" food businesses has increased from 85% to 89%
- The number of prosecutions initiated against non-compliant businesses has fallen from around 25 per annum to zero for the last year.

4.4 The Food Hygiene Rating Scheme is a National Scheme, which is widely publicised by the Food Standards Agency. The high number of 4 and 5 star rated businesses will have a positive economic benefit on the City attracting people to eat in these establishments and as a consequence will encourage other businesses to come to the City.

5.0 Financial implications

5.1 The overall resource provision required to deliver the requirements of the plan fall within the City Environment portfolio. For this reason the Cabinet Member for City Environment is a signatory of the approved plan.

5.2 The approved revenue budget for Public Protection, which includes the provision of the Food Safety Service, for 2017/18 is £2.2 million. It should be recognised that a wide range of other non-food related services are delivered within this budgetary provision (for example, health and safety, investigation and control of infectious disease, environmental protection, trading standards, licensing regulation, street scene and highways enforcement etc.). The level of resource available for the provision of food safety and food standards activities covered by the Statutory Plan is currently in the region of £300,000.

[TK/10032017/O]

6.0 Legal implications

6.1 Powers to enable the Food Standards Agency to monitor and audit local authorities' enforcement action are contained in the Food Standards Act 1999. This was the statutory basis for the development of the Framework Agreement that was initially

established in 2001 and which has been subsequently amended. The requirement for local authorities to develop and maintain annual Statutory Food Service Plans is considered to be an important part of the process to ensure national priorities and standards are addressed and delivered locally.

- 6.2 The Service has recently been informed that a Food Standards Agency audit will take place between April and September. The Food Standards Agency have not yet confirmed a date. The audit will serve as measure of the Food Standards Agency's thoughts about the innovative approach the Council has taken to the delivery of its food safety service since 2012/13. Any significant findings will be shared with the Cabinet Member for City Environment and if necessary with Cabinet.

[JB/17032017/I]

7.0 Equalities implications

- 7.1 Implementation of the Statutory Food Service Plan will have no adverse equality implications as the same levels of advice and support are provided to all food business proprietors from all sections of the community.
- 7.2 Certain sectors of the food trade are predominantly owned by one or other ethnic groups. In order to ensure a consistent and proportionate approach, all decisions are based solely on considerations of risk, public safety, evidence and public interest. All enforcement policies reflect this approach.

8.0 Environmental implications

- 8.1 The report may have some indirect environmental implications in so far as it affects the working and commercial environment in Wolverhampton.

9.0 Human resources implications

- 9.1 There are no direct human resource implications arising from this report.

10.0 Corporate landlord implications

- 10.1 A number of food businesses operate from Council assets / properties. In some of these cases the Council will have duty holder responsibilities in ensuring the structure and facilities provided are compliant with food safety legislation. In these cases, the service concerned is advised of its responsibilities by the visiting officer.

11.0 Schedule of background papers

- 11.1 Cabinet Report: December 2012: Development of the Food Hygiene Service

Appendix A

Summary – Statutory Food Service Plan

The Service aims and objectives:

Through the effective and efficient use of the resources allocated, to ensure, so far as is reasonably practicable, the safety and quality of food prepared and sold in Wolverhampton are of the highest standard.

In achieving the Aims we will:

- Register, approve and licence, as appropriate, relevant food premises;
- Maintain appropriate food premises intervention regimes which comply with all requirements set out in legislation, statutory codes of practice and other official guidance;
- Respond to and investigate food safety and standards complaints, requests for information made by both business persons and private individuals and complaints of a public health nature, relating to food premises;
- Make appropriate responses to national food alerts identified by the FSA
- Support the Local Government Regulation (LGR) Primary and Home Authority Principle;
- Support the workings of the West Midlands Food Liaison Group, and the Central England Trading Standards Food Group;
- Complement and enhance the inspection, control and enforcement regime with a range of other services designed to promote food related health issues.
- Maintain appropriate food sampling regimes which comply with relevant statutory provisions, codes of practice and official guidance;
- Investigate reported cases and outbreaks of infectious disease and support the work of the HPA in this respect.
- Pursue an approach to enforcement which is helpful, consistent and proportionate and not likely to impose unnecessary burdens on the business owner.
- Ensure all actions and decisions taken by officers and Councillors are undertaken in an open and transparent fashion with due regard to the Council's policies on equality.
- Ensure that all investigations leading to legal proceedings are completed in accordance with the principles of natural justice and fairness.
- Ensure appropriate monitoring, reporting and response to the actual implementation and delivery of the agreed Service Plan.
- Update of the Outbreak Plan when deemed necessary.

The above is undertaken by appropriately qualified and experienced officers within the Commercial section of Public Protection. (See structure chart within the statutory plan). The overall budgetary provision for the Commercial part of the service is anticipated to be in the region of £1,100,000 for 2017/18. The services resourced through this budgetary provision include:-

- Food hygiene
- Food standards
- Infectious disease investigation and control
- Compositional and microbiological sampling
- Health and safety including accident investigations, stadia certification, etc.
- Public health (relating to commercial businesses, i.e. nuisance, noise, drainage, etc.)
- Licensing enforcement (vehicles and premises)
- Street scene regulation
- Trading Standards

Staff undertaking food safety work will implement the general principles contained in the BIS / BRDO 'Better Business for All' initiative, including:-

- Identify themselves by name and title, showing proof of ID.
- Be helpful and courteous.
- Provide a contact point and telephone number for future reference.
- Carry out their duties in a fair, equitable and consistent manner in accordance with the Council's Enforcement and Equal Opportunities Policies.
- Provide information and advice in plain language relating to food legislation which they enforce; should an officer identify a language/communication problem, they will bring it to the attention of their line manager for advice.
- Discuss specific compliance failures or problems with any proprietor experiencing difficulties.
- Minimise the cost of compliance by ensuring any action required is proportionate to the risk.
- Encourage businesses to seek advice/information.
- Provide information about the Council's complaints procedures and any official appeals procedures as appropriate.
- Issue a report where contraventions of food legislation are identified.
- Advise on future changes in relevant legislation and requirement/obligations on food business.

The mechanism of review and performance monitoring

All areas of Council Service are subject to service planning and performance management and review. This is managed through service plans, corporate strategies and financial planning arrangements etc.

Performance against performance indicators are subject to regular reviews reported to the Service Director for City Environment. Similarly there is on-going monitoring of the deployment of financial resources against budgetary provision, again reviewed on a monthly basis.

The monitoring of performance against Service Plans is detailed in the plan and involves the Head of Service, Service Leads and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.

**Wolverhampton City
Council**

**ENVIRONMENTAL HEALTH
STATUTORY FOOD
SERVICE
PLAN**

2017/18

**CITY OF
WOLVERHAMPTON
COUNCIL**

Introduction

Welcome to the 17th Statutory Food Service Plan for the City of Wolverhampton.

The Food Standards Agency (FSA) Framework Agreement, which was developed in close partnership with the Local Government Association (LGA), requires the annual production of the Statutory Food Service Plan. The Agreement applies to local enforcement of all food laws, and incorporates the latest guidance and standards on food law enforcement.

The Plan has been reviewed in accordance with the FSA's Service Planning guidance for Food Law Enforcement and the guidance contained in the Food Law Code of Practice (England) and guidance. The FSA also requires the service plan be submitted for Member approval to ensure local transparency and accountability. All formal actions arising from interventions taken under the provisions of the Plan will be compliant with the BRDO Regulators Code.

The Plan is not a stand-alone document; it is an integral part of the Council's service delivery programme. It stands alongside other service specific plans such as the Health and Safety Plan and the new Trading Standards Service Plan, provides details of the proposed service programme for 2017/18 and sits within the overall Performance Management arrangements for Public Protection. All of the Service Plans are aligned to the Council's corporate performance and financial planning frameworks.

The service is committed to working towards the inspection and intervention regime prescribed by the Food Standards Agency, however due to the resource reductions which occurred following the substantial restructure in 2014 and demands on the Services from other performed functions will not achieve 100% delivery. It is estimated that in order to fully complete the intervention regime an additional 5 full time Senior/District Officers and a compliance office would be required within Environmental Health (Commercial).

In an attempt to mitigate the implications of this the remaining resource will need to be focussed upon the higher risk premises detailed in the programme. The lower risk businesses may not all be visited at the required frequency and many will only be visited in response to a complaint or request for advice and / or support.

The Service continues to interact with food businesses as identified during a review commencing in 2011/2012. All new inspecting food officers have been inducted into the Systems Thinking approach to undertaking food visits. The coming year will see continued training in the methodology and approach with 100% staff complement (albeit reduced due to maternity leave).

Should you have any comments or views with respect to this plan please forward these to the Head of Service; Andy Jervis, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1DA

Councillor Steve Evans
Cabinet Member for City
Environment

Ross Cook
Service Director for City Environment

Date -----

Date -----

WOLVERHAMPTON CITY COUNCIL STATUTORY FOOD SERVICE PLAN 2017/18

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CITY OF WOLVERHAMPTON STATUTORY FOOD SERVICE PLAN 2017/18

1.0 Service Aims and Objectives

1.1 Aims

Through the effective and efficient use of the resources allocated, to help food businesses provide safe food and ensure that the quality of food prepared and sold in Wolverhampton is of the highest standard.

1.2 Objectives

In achieving the aims we will:

- Register, approve and licence, as appropriate, relevant food premises;
- Maintain appropriate food premises intervention programmes which comply with all requirements set out in legislation.
- Respond to and investigate food safety and standards complaints, requests for information made by both business persons and private individuals and complaints of a public health nature, relating to food premises;
- Make appropriate responses to national food alerts identified by the FSA.
- Support the Better Regulation Delivery Office (BRDO) Primary and Home Authority Principle;
- Support the workings of the Central England Environmental Health Partnership, West Midlands Food Liaison Group, and the Central England Trading Standards Authorities Food Group
- Maintain appropriate food sampling regimes which comply with relevant statutory provisions and national guidance.
- Investigate reported cases and outbreaks of infectious disease and support the work of Public Health England in this respect.
- Have regard to enforcement which is helpful, consistent and proportionate and does not impose unnecessary burden, as set out in the Black Country Regulators Operating Framework
- Ensure all actions and decisions taken by employees and Councillors are undertaken in an open and transparent fashion with due regard to the Council's policies on equality.

- Ensure that all investigations leading to legal proceedings are completed in accordance with the principles of natural justice and fairness.
- Ensure appropriate monitoring, reporting and response to the actual implementation and delivery of the agreed Service Plan.

1.3 Service Statement.

As part of our commitment to quality service provision each service is required to produce a Service Statement. The Service Statement for the Public Protection (Commercial) is detailed below:

Our Service

Description of Service

Public Protection (Commercial) enforces the law through a programme of interventions and investigations in respect of food and other commercial businesses. It provides information and advice to businesses, customers and other consumers.

This service is also responsible for health and safety, infectious disease control, licensing enforcement, 'street scene' enforcement matters and trading standards issues.

The Service receives approximately 2000 requests for service each year. In addition to dealing with requests and complaints we carry out programmed regulation of shops and businesses in Wolverhampton. Our services are responsible for ensuring you are treated fairly and your health and environment are protected.

Our Council

Public Protection is responsible for delivering some of the Council's statutory duties. In discharging these duties we strive to contribute to the corporate customer service standards, the Council's core values and community priorities.

Our service contributes to the Council's core values in many ways. Our service plans set the highest standards for us to work to. In our dealings with the public and trade we act in accordance with the principles of the Compliance Code ensuring equality and fairness to all combined with honesty, transparency and accountability.

The objectives of these services are protecting people and the environment and, through engaging stakeholders and colleagues in other agencies, we build partnerships. By protecting the social, economic and environmental conditions within the City and by minimising nuisance to neighbourhoods and protecting the health of people at work and play our service contributes to the Council's strategic goals of developing a stronger economy and stronger communities. By providing advice, support and training to the public and other Council services we also contribute to the strategic goal of encouraging a confident, capable and championing City.

1.4 Links to Corporate Issues

In order to achieve continuous service improvement and strive for performance capable of achieving a sustainable future which reflects the political priorities and values of partners within Wolverhampton, it is important that the statutory service plan links itself visibly to the overall corporate objectives.

The Public Protection (Commercial) service produces three service delivery plans detailing the work of the service. They cover the work of the Food Hygiene and Standards Service, Trading Standards and the Health and Safety Service.

These service plans contribute to the overall service plan for the PLACE directorate by forming the foundation for the Work Programme for the service area.

1.5 Approval and Review Process

The service plan is subject to approval and scrutiny by the Service Director for City Environment and the Cabinet Member for City Environment.

Progress with delivery of the Plan is monitored on a regular basis by Public Protection Services Management Team. The directorate Performance Management Board also monitor performance against KPIs on a monthly basis.

2.0 Background Information

2.1 Authority Profile (Based on the 2011 Census)

The City of Wolverhampton has a population of 252,987 comprising approximately 49.5% males and 50.5% females. The ethnic breakdown of the population is:

- White British 64.5%
- White Non-British 3.5%
- Mixed 5.1%
- Asian 18.1%
- Black 6.9%
- "Other" ethnicity 1.9%

The proportion of Wolverhampton residents aged 16-74 in employment is 55%.

Wolverhampton is in the 6% most deprived areas in the country and the levels of deprivation in the City continue to rise. About 33.4% (15,570) children live in poverty and life expectancy for both men and women is lower than the England average.

2.2 The Means by which the Service is Delivered

Organisational Structure

The political structure of the Council is made up of a leader, Cabinet, Cabinet Panels, Scrutiny Panels and committees. The Cabinet is part of the Executive decision making process and is made up of ten Councillors and is chaired by the Leader of the Council. Each Cabinet Member has a specific area of responsibility, a portfolio. Decisions about the day to day running of Council services are taken by the Cabinet within the framework of the Council's Constitution, budget and plans approved by the Council.

Public Protection Services, which sits within the City Environment group of services in the Place directorate, falls under the remit of the Cabinet Member for City Environment along with Waste Services, Public Realm Services, and Bereavement Services.

In line with shared priorities developed between Central Government and the Local Government Association, Wolverhampton's priorities are;

- Stronger Economy
- Stronger Communities
- Stronger Organisation

2.3 Scope of the Food Service.

Wolverhampton Council's Food Service undertakes:

- Programmed Interventions, which include full or part inspections, microbiological and compositional sampling of food, education and advisory visits to food businesses with respect to food hygiene and food standards.
- Operation of the National Food Hygiene Rating Scheme (NFHRS)
- Development and maintenance of an 'alternative enforcement strategy' for food businesses for both food hygiene and food standards
- Responses to food complaints,
- Response to nuisance complaints and related issues in connection with food business,
- Response to food alerts, warnings and other food incidents,
- Response to, and determination of, licence applications in relation to food businesses
- Investigation of allegations of food fraud
- Promotion of food related health matters
- Commitment of resources to the LGR, Home Authority Principle, Local Better Regulatory Office and Primary Authority Partnership,
- Commitment to the BEIS Better Business for All initiative

- Response to cases and outbreaks of actual and suspected food related infectious disease.
- Provision of advice and assistance to other local authorities and enforcement bodies
- Enforcement of the Health Act 2006, Licensing Act 2003 and Gambling Act 2005
- Statutory consultee role to planning applications.

The Public Protection (Commercial) service is also responsible for discharging the authority's functions in relation to health and safety at work, infectious disease control, licensing issues and nuisance arising from waste, drainage and noise from food and licenced commercial premises.

Feeding stuffs enforcement is also delivered as part of a comprehensive Trading Standards Service (also within Public Protection Services) delivered via inspections, sampling and investigation of complaints.

Development of the Food Hygiene Service

In 2011, utilising the Systems Thinking methodology, the then Regulatory Services (Commercial) Service undertook to fundamentally review the delivery of its Food Safety Service, including the alternative intervention techniques, as well as the more traditional inspection regime. This review was keenly focussed upon the promotion of the services' relationship with the operators of local food businesses and ways in which the Council can help them provide safe food to the general public.

During 2012-13 a 'roll-in' process for the training of officers responsible for inspection of such businesses was undertaken. This has resulted in all officers now working in the newly adopted method.

There have been clear benefits from the adoption of the new approach:

- Food handlers and food businesses operators have an increased understanding of food safety issues, assisting them in providing safe food;
- Food businesses are more willing to request advice from visiting officers in order to help them comply with appropriate legislation;
- Officers spend an increased amount of time with businesses on site, advising on good practice and its implementation thus assisting in compliance with legislation;
- Officers are able to provide assistance to businesses to the point where the officer is satisfied that the business has been helped to provide safe food and any risk associated with the business is suitably managed

2.4 Profile of Food Service (As of April 2017)

Enforcement of Regulations on food standards, safety and hygiene is primarily the responsibility of local authorities, however The Food Standards Agency (FSA) have responsibility for food hygiene enforcement in slaughterhouses, cutting premises, farmed

and wild game facilities and co-located minced meat and meat products premises. Local Authorities retain responsibility for food standards enforcement within these premises.

The food premises profile for Wolverhampton is set out in the table below;

PREM TYPE	Total number of premises	<u>FSA ENFORCED</u>	<u>TOTAL</u>
Primary producer	1	1	1
Restaurant and caterers other	482	0	482
Mobile food unit	92	0	92
Importers and exporters	2	0	2
Retailers(other)	84	0	84
Hotel/guest house	22	0	22
Manufacturers and packers	60	12	72
Pub Club	195	0	195
Take-away	264	0	264
Small retailer	499	0	499
Supermarket/Hypermarket	43	0	43
Caring establishments	258	0	258
Schools/college	109	0	109
Distributors & transporters	39	3	42
Totals	2150	15	2165

The food premises data base of Wolverhampton is currently stored within an I.T. platform called IDOX

2.5 Profile of Food Service – Feeding stuffs.

The authority has entered into a partnership with Staffordshire County Council, who have now assumed responsibility for undertaking enforcement compliance within this area.

45 premises undertake the activity of production, storage or handling of feedstuff(s) for animals.

2.6 Regulatory and Compliance Policy

This is the overarching compliance policy document was approved by Cabinet in October 2014. It has regard to human rights issues and incorporates the principles contained in the Governments BIS / BRDO Regulators Code.

The Black Country Regulators Operating Framework, comprising Service Charter, Regulatory & Compliance Policy and Service Standards has now been adopted by all four Black Country authorities.

3.0 Service Delivery

3.1 What businesses should expect when a member of staff undertakes an inspection

Staff undertaking food safety work will:-

- Identify themselves by name and title, showing proof of ID if required and give contact details when necessary
- Be helpful and courteous
- Carry out their duties in a fair, equitable and consistent manner in accordance with the Council's Enforcement and Equal Opportunities Policies.
- Help food businesses in providing safe food for their customers. Discuss and assist in the compliance with legislation, applying a risk based and appropriate approach.
- Tailor the intervention to the business's needs, minimising the cost of compliance by ensuring any action required is proportionate to the risk.
- Encourage businesses to seek advice, information and encourage two way communication.
- Provide information about the Council's complaints procedures and any official appeals procedures as appropriate.
- Issue a report, where non-compliance with the relevant legislation is found.
- Advise on future changes in relevant legislation and requirement/obligations on food business.

3.2 Intervention Programmes

In accordance with the FSA Food Law Code of Practice food premises in Wolverhampton are subject to an intervention in order to establish that food related activities carried out within the premises comply with food law.

The use of interventions was incorporated in UK law through the requirements made under EU Regulation 882/2004 Article 10 and further through the FSA Food Law Code of Practice. Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include but are not restricted to "official controls" and are carried out using a risk based approach, which is set out within the FSA Food Law Code of Practice.

There are currently two separate inspection programmes relating to food hygiene and food standards, however for the majority of businesses in Wolverhampton, food standards interventions are normally undertaken at the same time as food hygiene interventions. This is because, for most businesses, the issues of labelling, composition and quality are interlinked with those of the food hygiene and safety and are therefore dealt with during one intervention. However, for larger manufacturing businesses and cutting plants etc (where the Council does not enforce hygiene legislation) separate food standards interventions are arranged.

The adoption of this approach has meant that although all businesses are rated for food standards risk under FSA Food Law Code of Practice, the intervention programme is generally driven by the frequency of food hygiene intervention. The inevitable consequence

is that some food standards interventions will be undertaken slightly early and some slightly late. In order to minimise the effect of this on statistical returns a general rule is followed whereby if a food standards intervention will be overdue at 31 March if not carried out at the same time as a food hygiene intervention, it should be done early rather than late.

Serious or significant food standards breaches will be followed up by appropriate intervention and when necessary formal action e.g. prosecution, simple caution etc.

Both programmes adhere to the premises rating schemes contained within the statutory Food Law Codes of Practice produced by the FSA. Using the number of premises in each risk band and the associated inspection frequency, it is possible to estimate the number of inspections due in any given period. The number of revisits is a function of the levels of compliance identified during an initial visit and any enforcement policy decisions.

The Intervention Programme is central to food law compliance, and Local Authorities must ensure that such a programme is appropriately resourced. Unfortunately due to the reduced resource level within Public Protection, the inspection and intervention regime prescribed by the Food Standards Agency will not be 100% deliverable.

It is estimated that in order to fully complete the intervention regime, an additional 5 full time Senior/District Officers and a Compliance Officer would be required within Environmental Health (Commercial) for a period of 12 months in order to catch up with backlogs. Thereafter, an additional 3 Senior/District Officers and a Compliance Officer would be required to achieve full compliance with the Food Standards Agency's requirements on a sustainable basis.

In an attempt to mitigate the implications of this, the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.

Food Hygiene Intervention Programme for 2017 -18

The table below outlines the visits identified for 2017/18. This includes those inspections not completed in the previous years inspection programme.

Risk Rating	No. premises	Visit frequency
A	4	6 months
B	17	1 year
C	134	18 months
D	653	2 years
AES (E)	680	3 years
UNRATED	218	Determine by next inspection
TOTAL	1706	-

*(THE ABOVE FIGURES INCLUDE OVERDUE PREMISES, FROM THE PREVIOUS YEAR)

Category A premises are the highest risk premises and are subject to an intervention every 6 months, B's yearly, C's every 18 months and D's every two years. AES (Alternative Enforcement Strategy) premises are subject to an Alternative Enforcement Strategy every 3 years)

The AES provides a means of dealing with those premises deemed to be so low risk with respect to food hygiene issues that they can be dealt with other than by intervention from officers. Tailored questionnaires are used to assess premises suitability in being placed in the AES. From the information provided by the business in the questionnaire officers will then assess the suitability of placing a business outside the routine inspection programme.

Food Standards Intervention Programme 2017/18.

The table below outlines the visits identified for 2017/18 This includes those inspections not completed in the previous years inspection programme.

Risk Rating	No premises	Inspection frequency
A	5	Yearly
B	289	2 years
C/AES *	712	5 years
UNRATED	620	Determined by next inspection
TOTAL	1626	

Category A premises are the highest risk premises and are subject to an intervention every 12 months and Category B's premises every 18 months. The FSA Food Law Code of Practice deems that Category C rated premises do not receive an intervention as they are so low risk they do not justify one. These should be subject to minimum contact via the AES at least once every 5 years in accordance with the FSA Food Code of Practice.

The information in relation to both the Food Standards and the Food Hygiene intervention programme forms part of the data submitted to the FSA on an annual basis. This annual return, known as LAEM's (Local Authority Enforcement Monitoring) has been operated since 2009. The submission of data is required by all countries within the EU. The figures

are derived from information inputted between 1 April the previous year and 31 March in the current year.

Feeding Stuffs

Wolverhampton has 45 premises where feed is produced, stored or handled. Priority inspection has been contracted to Staffordshire Trading Standards, whom target higher risk premises and those generating complaints, on average premises receive a 3 year inspection.

3.3 Priority Areas for Intervention and Targeted Activities

In 2014 as a result of the authority's savings programme a significant restructure of the then Regulatory Services was undertaken.

As a consequence of the resource reduction following the restructure, the inspection and intervention regime prescribed by the Food Standards Agency will not be 100% deliverable. In an attempt to mitigate the implications of this the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.

Identified enforcement priorities for further development for 2017/18 are set out below:

- To carry out 100% of all food hygiene inspections of high and medium risk premises (A's, B's, C's and unrated) within the City.
- To organise the D rated premises based on risk and prioritise these visits depending on risk and date of previous inspection.
- To carry out full food hygiene and food standards interventions of approved premises and other manufacturers that fall due within the year.
- To provide suitable, relevant and informative guidance to businesses to assist their compliance with food labelling legislation, including allergen legislation.
- To ensure a satisfactory level of compliance with food standards issues in manufacturers and processors.
- To implement new legislation, Codes of Practice and service policy and procedures as required by law and when requiring update.
- Provide advice on, and enforcement of, The General Food Law Regulation (EC) 178:2002 , The Food Safety Act, the Food Safety and Hygiene (England) Regulations 2013 and Regulation EU 853, 853/2004 and 178/2002.
- Should resources allow we will undertake an alternative enforcement programme for premises classed as lower risk for food hygiene and food standards inspections.

3.4 Food Complaints

The Service endeavours to adopt a consistent approach to the receipt and investigation of food complaints, approximately 54 of which are received each year. In general, all food complaints made to the service will give rise to a detailed consideration of the exact circumstances of each case in order to determine whether it would be an appropriate use of resources to pursue the matter. A range of options is available: -

- Advise complainant to pursue directly with retailer or manufacturer.
- Accept complaint and refer to either 'Home' 'Originating' Authority and/or Primary Authorities for information and/or investigation.
- Accept and investigate complaint in liaison with 'Home' 'Originating and/or 'Primary' Authorities with a view to further action.

All complaints will be dealt with in accordance with the Food Complaints Policy and Procedure, and where appropriate, complainants will be directed to the Service's 'Common Food Complaints' booklet.

All complainants are advised at the earliest opportunity of the course of action the Council intends to take. The vast majority of complaints fall into the second of the above categories. The Service will accept and investigate complaints if one or more of the following circumstances are apparent: -

- There is 'prima facie' evidence of an offence under the Food Safety Act 1990 or its subordinate Regulations and the nature of the offence gives rise to public health or safety concerns.
- The complaint represents a repeat of previous offences by the company/trader concerned and the circumstances of the case indicate the case would withstand legal scrutiny.

Wolverhampton Council is guided by LGR 'Guidance on Food Complaints' in its investigations. These are investigated by sampling and analysis if necessary. In addition to food complaints received each year, in the region of 600 complaints relating to conditions in or around food premises are also received. These complaints range from allegations of poor hygiene to major defects with drainage systems or rodent infestations etc. The vast majority of these complaints are investigated by a visit from an officer.

The maximum response time for complaints is 10 working days; however, these are driven by levels of associated risk and prioritised as such.

3.5 Home Authority and Primary Authority Principle

Businesses operating in the United Kingdom (UK) need to comply with a wide range of legislation. Local authorities, which are responsible for enforcing most legislation, help businesses to comply by providing advice, guidance and information. Businesses usually build up a relationship with, and receive advice and information from, one local authority that is usually based where the business is.

For trading standards and food safety matters, the local government has developed a scheme where that authority, known as the Home Authority, is the local authority at the location of the business's decision-making base. The Home Authority Principle is a scheme to help businesses by providing contact points for advice and guidance in order to maintain high standards of public protection, encourage fair trade and develop a consistent approach to enforcement.

As part of the government's "Better Regulation" agenda, the Regulatory Enforcement and Sanctions Act 2008 has paved the way for an extension of the Home Authority scheme. The new scheme is known as "Primary Authority". Effectively, Primary Authority gives statutory backing to the Home Authority scheme and provides a series of additional benefits. It is currently administered by the Better Regulation Delivery Office (BRDO).

The Council is committed to supporting the Home and Primary Authority scheme in respect of both proactive and reactive food safety issues. Although the authority is home authority for a number of businesses we currently do not have Primary Authority responsibility for any businesses within Wolverhampton.

In maintaining our home authority partnerships, officers from the Service will:-

- respond to enquiries from other local authorities about, or concerning, the business or its operations or procedures
- act on behalf of other local authorities as the primary regulatory link to the business
- provide advice to the companies on the interpretation of legislation
- provide assistance to enforcing authorities in the conduct of investigations and encourage the businesses to offer reasonable assistance.

The authority will have regard to the Primary Authority Partnership Scheme and associated official guidance when considering formal legal action.

3.6 Advice to Businesses

In order to compliment and enhance its enforcement functions the Service provides advice and information to businesses with the aim of assisting them to comply with their statutory obligations. Advice is available to those premises starting-up business and to those already trading. Advice includes compliance with legislation and nationally approved guidance.

Advice and information is provided both reactively and proactively on a planned basis in the form of advisory components of all interventions / visits and information provided by the council's website.

Apart from the 'feedstuff' related premises, advice to business with implications in relation to feeding stuffs is minimal, because retailers are selling sealed containers of long shelf life products.

3.7 Sampling

The Services carries out food sampling on both a reactive and proactive basis.

Reactive sampling, for either microbiological examination or compositional analysis takes the following forms: -

- Sampling of foods subject to complaint
- Unplanned sampling carried out during an inspection
- Un-programmed sampling associated with a food poisoning investigation
- Programmed sampling as determined by the sampling programme

Two sampling programmes are operated, one for microbiological examination and one for compositional analysis. These concentrate on businesses that will positively benefit from the taking of samples and the results and advice officers can offer to the business operator.

Microbiological Sampling Programme:

The microbiological sampling programme focuses on assisting food businesses to provide safe food to their customers.

Each sample is subject to 6 standard determinations:

- Aerobic Colony Count (ACC)
- Enterobacteriaceae
- E.coli
- Salmonella
- Staphylococcus aureus
- Listeria

Each sample result is interpreted in accordance with the most recently published guidelines from the Health Protection Agency (HPA) issue Nov 2009.

The microbiological sampling programme incorporates both national surveys and those organised at a local level through the West Midlands Food Liaison Group.

Compositional Sampling Programme

The compositional sampling programme consists of samples being subject to

- Presence /absence of certain constituents
- Whether food has been subject to certain processes
- Compliance with labelling requirements
- Composition of food, e.g. alcohol substitution, % lean meat, over-use of food colourings

The compositional programme incorporates both national and local surveys organised by CEnTSA (to be transferred this year to the Food Standards Agency) and participates in such surveys subject to available resources.

Sampling and surveys are based on the Home Authority Principle and target manufacturing businesses, new and existing. Premises having unsatisfactory results will be subject to follow-up formal sampling.

Water Sampling

There is only one commercial private water supply in Wolverhampton. In order to ensure compliance with the relevant regulations the Service ensures that samples of water from all private water supplies are taken and results analysed.

Feeding stuffs Sampling

Feeding stuffs sampling is limited to complaint investigation, as proprietary products should be sampled at source by the authorities acting as Home Authority for the producer. On average less than 5 samples per annum will be taken.

Documented sampling policies, procedures and programmes are reviewed on an annual basis.

3.8 Infectious Disease Control

In conjunction with Public Health England (PHE), Wolverhampton Council investigates cases of actual or suspected food poisoning and food borne infectious disease. The response is determined by: -

- The nature of the (suspected) illness
- The number of cases
- The nature of the employment of affected individuals
- The previous record of implicated food businesses

Approximately 200 individual cases are notified to the service every year, a number of these may constitute outbreaks, where a number of cases are associated with the source of the food poisoning.

In all cases implicating known food hazards the standards contained in the document 'Food Handlers - Fitness to Work' are observed.

Under the Public Health (Control of Disease) Act 1984 and associated regulations, duly authorised officers are provided with wider, more flexible powers to deal with food related incidents or emergencies where infection or contamination presents, or could present a risk to human health. It also places a duty on GP's to notify the proper officer of the Council of food poisoning cases.

3.9 Food Safety Incidents

All formal food alert warnings are investigated in line with the local interpretation of the recommended approach attached to each warning. The authority receives notification of each warning through the Food Standards Agency (FSA).

3.10 Liaison Arrangements

Wolverhampton Council is committed to open, transparent and proportionate enforcement which is consistent with Government advice, guidance and national and regional interpretation of legislative requirements.

In addressing this the importance of collaboration and consultation locally and nationally is recognised. Regionally there are liaison groups at Chief Officer (Head of Service) level in respect of Environmental Health and Trading Standards Services.

The Service will also respond to consultation exercises from the Government, the Local Government Association and relevant professional bodies.

Officers from the Service also meet and liaise with the following organisations:

- The West Midlands Food Liaison Group
- Central England Trading Standards Authorities Group (CEntSA) - Quality Standards Sub Group
- The Health Protection Agency
- Public Health
- Wolverhampton NHS Trusts Liaison Group
- Wolverhampton Business Solutions Centre
- The Government Agency Intelligence Network
- The West Midlands Regulatory Services Partnership

With respect to liaison arrangements with trade representatives the service can organise periodic food focus groups or forums and attend and support local trade groups when required.

Recently, Wolverhampton became actively involved with the partnership between regulators, representatives from trade and industry, the Chamber of Commerce and the Black Country Consortium. The aim of the partnership is to improve local regulatory delivery to meet business needs. This partnership has produced the Black Country Regulators Operating Framework which implements the requirements of the Regulators Code, referred to in section 2.6 above.

Feeding stuffs

Given the very low risk of contravention posed by the retail of feeding stuffs within the City, programmed promotional activities are not undertaken. Any need to warn of specific problems arising would be met by media release. In addition, complaints and any survey works organised by CEntSA would be undertaken by officers.

4.0 Resources

4.1 Financial Allocation

As with all areas of service the allocation of resources is undertaken in accordance with the agreed Medium Term Financial Strategy for the Council.

Food enforcement work benefits from the overall senior management resource provided through the Place Directorate.

This area of activity also benefits from central support services recharged through internal service level agreements.

The overall budgetary provision for Public Protection (Commercial) is in the region of £1,100,000. A wide range of other non-food related services are delivered within this budgetary provision. Provision for food hygiene and standards is currently £300,000 but as previously stated is subject to on-going review.

The services resourced through this budgetary provision are not confined to food related matters and include: -

- Food Hygiene
- Infectious Disease investigation and control
- Food Standards
- Sampling
- Health and Safety
- Public Health (relating to commercial businesses, i.e. nuisance, noise, damage, etc)
- Central Support Services
- Licensing Enforcement
- City Centre compliance and regulation
- Taxi enforcement
- Street Scene Compliance
- Student Training

As feeding stuffs enforcement activity is carried out as part of comprehensive Trading Standards duties it is not possible to accurately cost, but it will amount to less than 0.5% of the total budget for Trading Standards.

4.2 Staffing Allocation

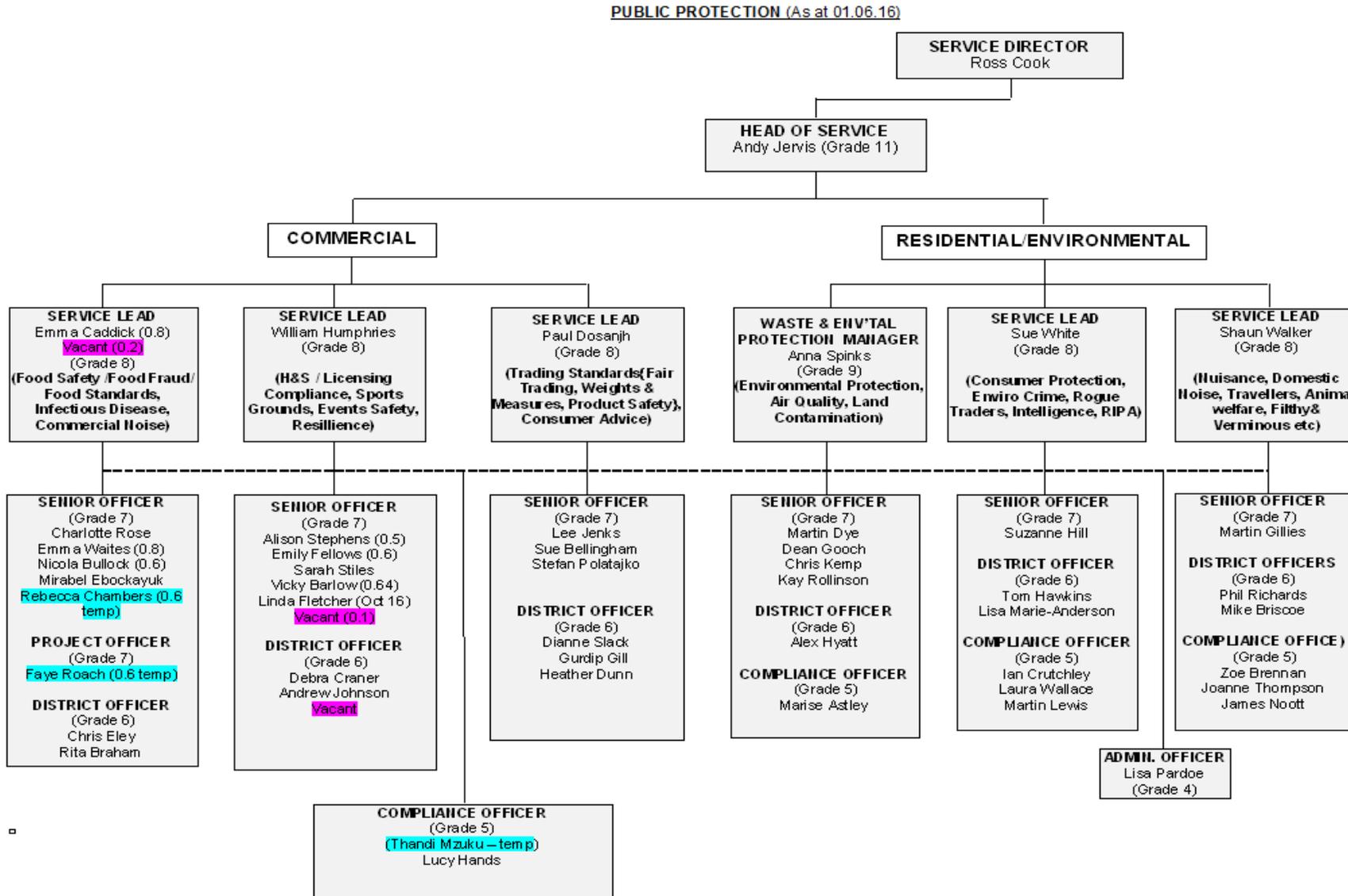
The strategic financial, human and service functions are undertaken through the Public Protection Services Management Team.

A detailed analysis of the proportion of the supervisory and operational time dedicated to food safety is contained in the following table, and the structure of Environmental Health (Commercial) shown below.

Post	% Food Safety	FTE
Head of Service (x1)	5%	0.05
Section Leader North (x0.8) ##	75%	0.6
Section Leader South (x1)	10%	0.1
District/Senior EHO (x10.74)	50%	5.37
Total Full Time Equivalent (FTE)		6.12

- This officer undertakes the authorities 'Food Lead' role.

The current structural chart for Regulatory Services is shown below:



4.3 Competency

The service operates to a strict regime of supervision and assessment prior to the delegation of responsibility to officers, which is in accordance with the relevant FSA Food Law Code of Practice.

Service Lead and Senior Officer posts, would normally be individuals with full delegated powers under the various statutes within the service's sphere of responsibility.

Officers with less than six months post qualification experience are subject to regular checking, monitoring and accompanied visits in accordance with the FSA Food Law Code of Practice and partake in regular intervention reflections with other officers.

All officers are subject to one formal monitoring visit per year. Prior to the delegation of powers to issue Hygiene Emergency Prohibition Notices (HEPN's) officers are required to pass an Assessment Panel interview.

4.4 Staff Development

As part of the Council's aim to provide services efficiently and effectively, an annual appraisal will take place with officers. As part of the appraisal process officers development needs will be examined to ensure they are trained to a level of competence appropriate to their work. The Food Law Code of Practice requires all officers involved in undertaking official controls to obtain a minimum of 20 hours CPD per year. 10 of which must be on core food matters directly related to the delivery of official controls. There are different ways officers will obtain this training. These include: -

- Internal and external training courses/events
- Cascade training delivered by officers who themselves have attended training
- Individual interviews
- Divisional meetings and briefings – used to disseminate information etc
- Attendance at ad hoc working groups
- "On the Job" training – as part of the delegation process
- Self-training – suitable journals and up to date information are provided
- Establishment of trainee/student placements
- Placement with other services or teams for training purposes and special projects

The service will ensure staff participate in any regional food standardisation exercise and in any organised in-house. There will also be opportunities for members of the division to attend one-off seminars on topical issues arising during the year. Staff attending these seminars are required to present a feedback session at the next available service meeting where it is deemed appropriate.

5.0 Quality Assessment

Various monitoring techniques are used in order to assess officer performance against set criteria, including the FSA 'Standard', the internal Work Programme and all other external standards established by various Codes of Practice and BIS/BRDO guidance etc: - for example

- Internal audit
- West Midlands Food Liaison Group
- Consultation mechanisms, e.g. Inspection Questionnaire, Food Focus Group
- Inspection monitoring
- Correspondence checking/file review
- Standardisation exercises
- Quarterly review of the Work Programme
- FSA audit

An annual review of requirements set out in the 'Standard' shall also form part of the Service Work Programme.

6.0 Performance Management and Review

All areas of Council Service are subject to service planning and performance measurement and review. This is managed through work programmes, service plans, corporate strategies and financial planning etc.

Performance against performance indicators is subject to regular reviews reported to the Service Director for City Environment. Similarly there is on-going monitoring of the deployment of financial resources against budgetary provision, again reviewed on a monthly basis.

The monitoring of performance against Service Plans and Work Programmes has been discussed earlier in this document; it involves Service Directors, Head of Service, Service Lead Officers and employee groups.

In addition, there is external review of performance through the Audit Commission, External Audit and statutory returns such as those to the Food Standards Agency (FSA).

Any areas for improvement identified as requiring action will be detailed as part of the review process. These will be addressed by the Public Protection Services Management Team as part of the review process and action taken shall range from immediate action to inclusion in the Service Plan for future years.

Regulatory and Investigatory Powers Act.

The service has fully implemented the requirements for the authorisation of officers and surveillance in the required circumstances.

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Cabinet (Resources) Panel

25 April 2017

Report title	Support for Universal Credit claimants	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor John Reynolds City Economy	
Key decision	No	
In forward plan	Yes	
Wards affected	All	
Accountable director	Keren Jones, City Economy	
Originating service	Skills	
Accountable employee(s)	Heather Clark	Service Development Manager
	Tel	01902 555614
	Email	Heather.Clark2@wolverhampton.gov.uk
Report to be/has been considered by	Place Leadership Team	6 March 2017
	Strategic Executive Board	21 March 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve a revenue budget of £89,000 funded through Department for Work and Pensions (DWP) grant to deliver Universal Credit Universal Support.
2. Delegate authority to Cabinet Member for City Economy, in consultation with the Service Director for City Economy to approve payments of grant to agreed Universal Support partners based on demand for support services.
3. Delegate authority to the Cabinet Member for Resources, in consultation with the Director Finance to finalise the budget for Universal Credit Implementation Support.

1.0 Purpose

- 1.1 To seek approvals related to the Department for Work and Pensions (DWP) funded Universal Support package for residents claiming Universal Credit;

2.0 Background

- 2.1 Cabinet (Resources) Panel agreed on 13 January 2016 to enter into the Universal Credit Delivery Partnership with the Department of Work and Pensions (DWP) to deliver Universal Support – delivered locally and delegate authority to the Cabinet Member for City Economy, in consultation with the Service Director City Economy to commission Universal Support – delivered locally. DWP have recently contacted us to enter into a Grant Funding Agreement to deliver Universal Support in 2017/18.

3.0 Universal Support

- 3.1 Universal Credit (UC) will replace both out of work and in work benefits and will require a culture change and behavioural shift for claimants. The rollout of Universal Credit in Wolverhampton began in February 2016 targeting single non-householders. The initial rollout was live service whereby claimants claim online but can manage their claim by phone. From December 2017, Wolverhampton will move to full service rolling out to other new claimants and claimants will need to claim and manage their account on line.
- 3.2 Some residents in Wolverhampton will face challenges in the transition to Universal Credit in relation to:
- The move to monthly payments and direct payment of housing costs will require claimants to be responsible for managing their money and paying their bills. The extent of indebtedness in Wolverhampton could impact on people's ability to manage the transition to monthly payments.
 - Claiming and managing their account online - currently many Wolverhampton residents do not have access to the internet at home and some lack the confidence or skills to use a computer independently.
The potential impact of getting this wrong for residents – debt, homelessness, mental health issues – is significant, and could also lead to a significant increase in demand for public services.
- 3.3 DWP are working with local authorities with the aim of delivering a joined up and coherent journey between services for claimants. To support residents affected by Universal Credit, the City of Wolverhampton Council set up an information hub <http://www.universalcreditwolverhampton.co.uk/> to help people understand the changes and access support to avoid getting into financial difficulty. This tool has been successful in helping people to navigate the complex support system, provide simple accessible information and access to support. The Council also commissioned personal budgeting and assisted digital support in 2016-17 funded by DWP.

- 3.4 The Council have the opportunity to continue to delivery Universal Support in 2017-18 funded through a DWP grant including Personal Budgeting Support and Assisted Digital Support as outlined in Appendix 1. Universal Support includes advice, assistance or support provided by Universal Credit or agreed Universal Support partners such as Local Authorities; Citizens Advice; Credit Unions; social landlords or charities to a Universal Credit claimant for the purpose of assisting them with:
- **Personal budgeting support** – 1-2 hours working out monthly income and outgoings, recognising priority bills, budgeting plan, setting up post office or transactional bank account, set up direct debits.
 - **Assisted Digital Support** – 1-2 hours supporting claimants to get on line and complete a claim and subsequently manage their claim online.
- 3.5 Funding relating to Universal Credit Universal Support will fund assisted digital and personal budgeting support. We are awaiting confirmation of further funding for Universal Credit Implementation Support which will cover management support, support for complex housing cases, housing benefit stop notices and payment deduction programme. Key partners actively involved in delivery of support to Universal Credit claimants include:

Stakeholder	Role
City Economy	Overall co-ordination of the support offer including project manage Universal Support, maintain Universal Credit information hub and link to progression routes into employment such as wolves@work.
Revenue & Benefits	Processing housing benefit and local council tax relief scheme. Support UC service centre in response to UC queries.
Welfare Rights	Benefit expertise, advocates and raising awareness of Universal Credit including upskilling frontline workers.
Housing team	Providing the link with housing providers particularly private landlords
Wolverhampton Homes	Informing and targeting tenants and delivery of personal budgeting and assisted digital with progression to further support through Click Start
Citizens Advice Bureau	Delivery of personal budgeting support and wider advice together with progression to further support through Click Start
Libraries	Delivery of Assisted Digital Support
Learning Platform	Delivery of Assisted Digital Support
City Direct	Triage and delivery of Assisted Digital Support
DWP	Funder and referrer onto Personal Budgeting and Assisted Digital Support.

- 3.6 Although yet to be confirmed, funding for Universal Credit Implementation Support may also be available to fund management support, support for complex housing cases, housing benefit stop notices and payment deduction programme. We anticipate this to be as follows. Delegated authority is requested to set this up once funding has been confirmed.

	£000	Description	Responsible Service
Management Support (Full & Live Service)	35	This is to support Universal Credit Implementation	City Economy
Support for complex housing cases (Full Service)	10	This is to fund Local Authorities for the clerical process of providing further information for complex housing costs to Universal Credit.	Revenue & Benefits
Housing Benefit Stop Notices	47	This is to fund Local Authorities for the clerical process of closing down a Housing benefit claim that has since migrated to Universal Credit	Revenue & Benefits
Payment Deduction Programme	18	This is to fund Local Authorities for the clerical process attached to claimants with historical debt (similar to MGP1) who have migrated to Universal Credit.	Revenue & Benefits

4.0 Financial implications

- 4.1 Approval is sought for a revenue budget up to £89,000 in 2017/18 based on the offer of grant from DWP to enable the Council to provide Assisted Digital Support (ADS) and Personal Budgeting Support (PBS). Payments will be made on a quarterly basis based on anticipated demand for these support services. DWP have confirmed CWC will receive at least 80% of this fund even if demand is lower than anticipated.
- 4.2 This report also seeks approval to delegate authority to Cabinet Member for City Economy, in consultation with the Service Director for City Economy to approve payments of grant to agreed Universal Support partners based on demand for support services. Universal Support partners include Citizens Advice Bureau and Learning Platforms.
- 4.3 Although yet to be confirmed, funding for UC Implementation Support may also be available to fund management support, support for complex housing cases, housing benefit stop notices and payment deduction programme. Delegated authority is requested for the Cabinet Member for Resources, in consultation with the Director Finance to approve revenue budgets for Universal Credit Implementation Support once funding has been confirmed. Indicative budgets are as follows:

Purpose of anticipated funding	£000	Service Area
Management Support (Full & Live Service)	35	City Development
Support for complex housing cases (Full Service)	10	Revenue & Benefits
Housing Benefit Stop Notices	47	Revenue & Benefits
Payment Deduction Programme	18	Revenue & Benefits
Total	110	

[CN/07042017/Q]

5.0 Legal implications

- 5.1 A grant funding agreement will need to be entered into between the DWP and City of Wolverhampton Council in relation to delivery of the universal support for Universal Credit. Agreements relating to commissioned activity will include a requirement to provide the management information required by DWP.
[RB/28032017/Y]

6.0 Equalities implications

- 6.1 Some equalities group experience particular challenges relating to digital and financial inclusion therefore the availability of personal budgeting and assisted digital support will have positive equalities implications.

7.0 Environmental implications

- 7.1 Digital inclusion has positive environmental implications since it allows transactions to be undertaken online.

8.0 Human resources implications

- 8.1 There are no human resource implications.

9.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications.

10.0 Schedule of background papers

iiiAppendix 1 Universal Support

Personal Budgeting Support

The objective of the Universal Credit Personal Budgeting Support is to support Claimants transitioning into UC with budget management to enable them to manage their money and pay their bills on time, prioritising rent payments.

The Outcomes of PBS should include but not be restricted to the Claimant being capable of undertaking the following activities:

- a. Work out monthly income and outgoings
- b. Recognise priority bills, such as rent
- c. Identify and cut back on non-essentials
- d. Complete and maintain a budgeting plan
- e. Convert from a Post Office card account/Simple payments to more appropriate banking products
- f. Have a transactional bank account
- g. Set up a direct debit for prioritised payments

Assisted Digital Support

The objectives of the Universal Credit Assisted Digital Support is to:

- a. provide support for Claimants who are capable of transacting with the UC website, with help.
- b. ensure that those who cannot self-serve are helped to access UC through appropriate channels.
- c. Identify need to access more intensive digital up-skilling to use the internet.
- d. Support digital inclusion

The outcomes of ADS will include but not be restricted to the Claimant being capable of undertaking the following activities on the UC website:

- a. Security awareness: to ensure claimant keeps (log-in) credentials safe
- b. Set and manage their own email account
- c. Access, navigate and understand the information required to gather data and complete online UC claims
- d. Navigate and update online, diaries, 'to do' lists, and Journals
- e. Upload documents, including curriculum vitae (CVs), medical certificates, and Jobsearch evidence
- f. Notify change of circumstances
- g. Use online account for enquiries
- h. Print Documents

Cabinet (Resources) Panel

26 April 2017

Report title	Grant Application 2017/2018 – Grand Theatre	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Reynolds City Economy	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Keren Jones, City Economy	
Originating service	Visitor Economy	
Accountable employee(s)	Mark Blackstock Tel Email	Head of Visitor Economy 01902 554447 markblackstock@wolvescivic.co.uk
Report to be/has been considered by	Place Leadership Team Strategic Executive Board	3 April 2017 11 April 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve a grant of £25,000 to the Grand Theatre for revenue support in 2017/18.
2. Delegate authority to the Council's Director of Governance to execute the Grant Funding Agreement.

1.0 Purpose

- 1.1 To present to Cabinet (Resources) Panel an application from the Grand Theatre relating to revenue assistance for 2017/18.

2.0 Background

- 2.1 The Council has approved grant aid each year to fund the net cost of operating the Grand Theatre since its refurbishment in 1983. The grant for 2017/18 is in line with the corporate plan objective for 'Developing a Vibrant City', contributing to the overall number of visitors and jobs in the city. The grant is subject to agreement by the Cabinet (Resources) Panel. It is recommended that the grant be set at the reduced sum of £25,000.
- 2.2 A grant funding agreement between the Council and the Grand Theatre is signed each year.

3.0 Progress

- 3.1 The Grant Funding supports the Grand Theatre in contributing to the city's current and future cultural offer to provide a programme of productions which is attractive to a diverse audience and provision of arts related education and outreach activity that encourages wide participation in cultural activity; supporting the City Council to fulfil its on-going equalities duty. Representatives of the Theatre participate in the collaborative working the City Council is facilitating across venues in the City to develop further the City's overall offer and the marketing of that offer.

4.0 Financial implications

- 4.1 The revenue budget provision for the Grand Theatre of £25,000 was approved by Council on 1 March 2017 as part of the Budget and Medium Term Financial Strategy 2017/18 to 2019/20.
- 4.2 The Grant level was reviewed as part of the consideration of the Council's Medium Term Financial Strategy. Consideration was given to the key role the Theatre has in supporting visitor economy but also the impact of additional investment in the theatre provided by Local Growth Fund could have in allowing the Grand Theatre to operate without Council support.

The outcome of the Medium Term Financial Strategy (MTFS) review has led to a reduction of grant £159,000 in 2016/17, £149,000 in 2017/18, and £25,000 in 2018/19, by which time there will be no direct financial support provided. As a result, the grant levels break down as follows:

2016/17	£174,000
2017/18	£25,000
2018/19	£0

[ES/12042017/Y]

5.0 Legal implications

- 5.1 Powers contained in section 137A of the Local Government Act 1972 and section 2 of the Local Government Act 2000 enable the Council to support the Grand Theatre.
[TS/10042017/T]

6.0 Equalities implications

- 6.1 The Grand Theatre programmes a diverse range of product and has popular programmes of activity for young people.

7.0 Environmental implications

- 7.1 The theatre is a Grade II listed building and part of the architectural heritage of the City. The major refurbishment of the building is now being followed up by a planned programme of maintenance in order to retain this asset for the City in the longer term.

8.0 Human resources implications

- 8.1 There are no human resource implications

9.0 Corporate landlord implications

- 9.1 The Grand Theatre is owned by the City of Wolverhampton Council and leased out to the Grand Theatre Trustees.

10.0 Schedule of background papers

- 10.1 There are no background papers.

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Cabinet (Resources) Panel

26 April 2017

Report title	Grant Application 2017/2018 – Light House Media Centre	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Reynolds City Economy	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Keren Jones, City Economy	
Originating service	Visitor Economy	
Accountable employee(s)	Mark Blackstock Tel Email	Head of Visitor Economy 01902 554447 markblackstock@wolvescivic.co.uk
Report to be/has been considered by	Place Leadership Team Strategic Executive Board	3 April 2017 11 April 2017

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve a grant of £54,000 to the Light House Media Centre for revenue support in 2017/18. £43,000 is set off from the grant amount as rent (payable to Corporate Landlord). This leaves an actual grant payment of £11,000.
2. Delegate authority to the Council's Director of Governance to execute the Grant Funding Agreement.

1.0 Purpose

- 1.1 To present to Cabinet (Resources) Panel an application from the Light House Media Centre relating to revenue assistance for 2017/18.

2.0 Background

- 2.1 The Council has approved grant aid to fund the net cost of the Light House Media Centre since it was made an arm's length organisation in 1994. Before that time the centre was funded as part of the mainline services of the Council.
- 2.2 The revenue budget includes a charge for rent that is returned to the Council. The rental charge is included in the base budget and amounts to £43,000 for 2017/18.
- 2.3 A grant funding agreement between the Council and Light House Media Centre is signed each year.
- 2.4 The venue's management take part in partner meetings and contribute to plans to develop the city's Visitor Economy.
- 2.5 The Grant Funding supports the Light House Media Centre in contributing to the city's current and future cultural offer by providing an overall programme in the cinema and Art Gallery that is attractive to a diverse audience, supporting the City Council to fulfil its on-going equalities duty. Representatives of the Centre participate in the collaborative working the City Council is facilitating across venues in the City to develop further the City's overall offer and the marketing of that offer.
- 2.6 The Grant level was reviewed as part of consideration of the 2016/17 Medium Term Financial Strategy. Consideration was given to the key role the Centre has in supporting visitor economy but also the need for long term financial independence.

The outcome of the Medium Term Financial Strategy (MTFS) led to a reduction of grant to £83,000 in 2016/17, £10,000 in 2017/18, and £11,000 in 2018/19. As a result, the grant levels break down as follows;

	Grant	Rent Income	Net Grant
2016/17	£64,000	(£43,000)	£21,000
2017/18	£54,000	(£43,000)	£11,000
2018/19	£43,000	(£43,000)	£0

- 2.7 The grant would be paid monthly to Light House Media Centre on receipt of their monthly management accounts by the Council's Service Director – City Economy and Finance Business Partner.

3.0 Progress

- 3.1 The Grant Funding supports the Lighthouse Media Centre in contributing to the city's current and future cultural offer to provide a programme of productions which is attractive to a diverse audience and provision of arts related education and outreach activity that encourages wide participation in cultural activity; supporting the City Council to fulfil its on-going equalities duty. Representatives of the Centre participate in the collaborative working the City Council in facilitating across venues in the City to develop further the City's overall offer and the marketing of that offer.

4.0 Financial implications

- 4.1 The revenue budget provision for the Light House Media Centre of £64,000 grant less rent income of £43,000 was approved by Council on 1 March 2017 as part of the Budget and Medium Term Financial Strategy for 2017/18 to 2019/20. This leaves an actual grant payment of £11,000.
- 4.2 The current level of rent paid by the Lighthouse Media Centre of £43,000 is based on a historic valuation which requires review.
[ES/12042017/Y]

5.0 Legal implications

- 5.1 Powers contained in section 137A of the Local Government Act 1972 and section 2 of the Local Government Act 2000 enable the Council to support the Light House Media Centre.
[TS/10042017/R]

6.0 Equalities implications

- 6.1 The Light House Media Centre attracts a diverse audience and has a national reputation for putting on activities that attract a deaf audience.

7.0 Environmental implications

- 7.1 The Chubb Building, which houses the Light House Media Centre, is Grade II listed and is part of the architectural heritage of the City.

8.0 Human resources implications

- 8.1 There are no human resource implications

9.0 Corporate landlord implications

- 9.1 The Chubb Building is owned by the Council. A long lease of the Chubb Buildings site (apart from the Cinema) was granted to Midland Industrial Association Ltd ("MIA") in 1991 for a term of 125 years. A long lease of the Cinema was agreed between the City

Council and the Lighthouse in 1995 (at a rent of £43,000 subject to rent review and for a proposed term of 99 years) but never completed. The Lighthouse currently occupy the Cinema and an amount equivalent to the base rent is deducted at source from the annual grant paid to the Lighthouse.

- 9.2 A lease of Unit 4 and 5 to the Lighthouse has been granted to the Lighthouse by MIA (for a term expiring 15 August 2031) with an annual rent of £17,070 plus service charge.
- 9.3 The City Council have a lease of The Gallery (first floor) from MIA (term expiring 22 June 2116 at a peppercorn rent but subject to a service charge). The Lighthouse occupy this and are paying the service charge direct to MIA. The annual charge is approximately £6,540.
- 9.4 It is highly likely that if the City Council were to demand a market rent from the Lighthouse for the Cinema then this would make their activities unviable and further threaten their solvency.

10.0 Schedule of background papers

- 10.1 There are no background papers.

Cabinet (Resources) Panel

25 April 2017

Report title	Schedule of Individual Executive Decision Notices	
Decision designation	AMBER	
Cabinet member with lead responsibility	All	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Democratic Support	
Accountable employee(s)	Dereck Francis Tel Email	Democratic Services Officer 01902 555835 dereck.francis@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for noting:

1. The Cabinet (Resources) Panel is asked to note the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees.

Schedule of Individual Executive Decision Notices

Part 1 – Open Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Andrew Johnson	Director of Governance	11 April 2017	Martyn Sargeant Tel 01902 555045
Title and summary of decision			
Local Returning Officer indemnity			
1. Agreed that City of Wolverhampton Council would not take out an additional insurance policy for the West Midlands Combined Authority mayoral election.			
2. Agreed that in the unlikely event of an election re-run, the Council would underwrite the cost up to the first £250,000, with the balance being recovered through the Council's insurance arrangements.			

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson and Councillor Steve Evans	Service Director, City Environment	23 March 2017	Julia Nock 01902 5500316
Title and decision summary			
Avion Centre and library car parks, Whitmore Reans – Waiting Restrictions			
1. Approved the introduction of waiting restrictions (Limited waiting 3 hours, no return within 1 hour, Mon-Sat Sam-6pm) at the Avion Centre car park and the Whitmore Reans Library car park, off Bargate Drive, as shown on the plan attached to the report.			
2. Authorised the Director of Governance to advertise and, subject to there being no unresolved objections, to implement the Traffic Regulation Orders.			

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director, City Environment	31 March 2017	Nick Broomhall 01902 555723

Title and decision summary

Transportation Network – Hilton Street, Kennedy Street and Water Street Traffic Regulation Order

1. Approved the implementation of waiting restrictions to parts of Hilton Street and Water Street in response to comments received during public consultation, and as shown on plan T4/3666B appended to the report.
2. Approved the implementation of waiting restrictions to parts of Kennedy Street as shown on plan T4/3667 appended to the report.
3. Authorised the Director of Governance to implement the relevant traffic regulation orders.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director, City Environment	11 April 2017	Nick Broomhall 01902 555723

Title and decision summary

Transportation Network – Miscellaneous Traffic Regulation Orders

1. Approved the implementation of prohibition of driving to part of Ward Street as shown on plan T4/3687 appended to the report.
2. Approved the implementation of waiting restrictions to parts of Queen Street, Ashley Street and Hilton Place as shown on plan T4/3509 appended to the report.
3. Approved the implementation of waiting and loading restrictions to parts of Woodfield Avenue as shown on plan T4/3486A appended to the report.
4. Approved the implementation of waiting and loading restrictions to parts of Boundary Way, Swancote Drive, Stourton Drive, Warstones Drive, Kinver Drive as shown on plan T4/3490A appended to the report.
5. Authorised the Director of Governance to implement the relevant traffic regulation orders.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director City Environment	31 March 2017	Keith Rogers 01902 552855

Title and summary of decision

Staffordshire and Wolverhampton Joint Local Access Forum - Membership 2017/2020

Approved the membership of the Staffordshire and Wolverhampton Joint Local Access Forum for 2017-2020.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director, City Environment	31 March 2017	Bob Willis 01902 555790
Title and decision summary			
New Cross Area Permit Holder Only Parking Scheme – Traffic Regulation Orders			
<p>1. Approved the implementation of the residents/business parking, Pay and Display scheme and waiting restrictions to parts of New Cross Avenue, Wolverhampton Road, Wolverhampton Road Service Road, Graiseley Lane, New Heath Close, Memory Lane, Victoria Road, Frome Drive, Vicarage Road, Frederick Road, South Avenue, Okemont Drive as shown on plan T3/841F appended to the report.</p> <p>2. Approved recommended action to overrule objections to the Pay and Display scheme and waiting restrictions to parts of New Cross Avenue, Wolverhampton Road, Wolverhampton Road Service Road, Graiseley Lane, New Heath Close, Memory Lane, Victoria Road, Frome Drive, Vicarage Road, Frederick Road, South Avenue, Okemont Drive in response to comments received during public consultation, and to implement as shown on plan T3/841 F appended to the report.</p> <p>3. Authorised the Director of Governance to implement the relevant traffic regulation orders</p>			

Part 2 – Exempt Items

1. Corporate

None

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Director of Finance	14 March 2017	Peter Connelly 01902 556213
Title and summary of decision			
Wolverhampton Swimming and Fitness Centre Facilities Management Transfer			
<p>Approved the Council entering into a Deed of Consent and Release which will allow Emcor Facilities Services Limited to novate the Wolverhampton Swimming and Fitness Centre Leisure PFI facilities management contract to PFPL Developments Limited and entering into a Deed of Collateral Warranty with PFPL Developments Limited from 1.</p>			

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