

# **MEETING OF THE CABINET**

**WEDNESDAY 12<sup>TH</sup> SEPTEMBER, 2012**

**AT 6.00 PM  
IN COMMITTEE ROOM 2  
AT THE COUNCIL HOUSE  
DUDLEY**

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

**STEVE GRIFFITHS  
DEMOCRATIC SERVICES MANAGER**

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## **IMPORTANT NOTICE**

### **MEETINGS IN DUDLEY COUNCIL HOUSE**

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There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

**Our Ref:**  
SG/KLF

**Your Ref:**

**Please Ask For:**  
Steve Griffiths

**Telephone No:**  
01384 815235

4<sup>th</sup> September, 2012

Dear Councillor

**MEETING OF THE CABINET – WEDNESDAY, 12<sup>TH</sup> SEPTEMBER, 2012**

You are requested to attend a meeting of the Cabinet to be held on Wednesday, 12<sup>th</sup> September, 2012 at 6.00p.m. in Committee Room 2 at the Council House, Priory Road, Dudley to consider the business set out in the agenda below.

The agenda and reports for this meeting can be viewed on the Council's website [www.dudley.gov.uk](http://www.dudley.gov.uk) (Follow the links to Meetings and Decisions and Committee Information).

Yours sincerely



Director of Corporate Resources

**AGENDA**

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

To report any changes in the representation of Minority Group Members at this meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of interest, in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting of the Cabinet held on 20<sup>th</sup> June, 2012 (copy attached).

**BUDGET, STRATEGIC, POLICY AND PERFORMANCE ISSUES**

5. CAPITAL PROGRAMME MONITORING (KEY DECISION) (TO FOLLOW)

To consider the joint report of the Chief Executive and the Treasurer.

6. STRAY AND ILLEGALLY GRAZING HORSES – POLICY ADOPTION (KEY DECISION) (PAGES 1 – 7)

To consider the report of the Director of the Urban Environment.

7. QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT (PAGES 8 – 9)

To consider the report of the Chief Executive.

**SERVICE RELATED CORPORATE ISSUES**

8. FOOD SERVICE PLAN 2012/13 (PAGES 10 – 18)

To consider the report of the Director of the Urban Environment.

9. RE-PUBLICATION OF THE STOURBRIDGE AREA ACTION PLAN (KEY DECISION) (PAGES 19 – 21)

To consider the report of the Director of the Urban Environment.

10. THE LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW LETTER 2011/12 (PAGES 22 – 32)

To consider the report of the Director of Corporate Resources.

11. ISSUES ARISING FROM SCRUTINY COMMITTEES (IF ANY)

The Director of Corporate Resources to report orally.

**To: All Members of the Cabinet:**

Councillor Sparks (Leader - Chair)

Councillor Ali (Deputy Leader)

Councillors K Ahmed, Crumpton, Foster, Islam, Lowe, Partridge, Waltho and Wood.

**Opposition Group Members nominated to attend meetings of the Cabinet:**

Councillors Blood, Harley, L Jones, Mrs Shakespeare, Vickers, Mrs Walker and Wright.

## MEETING OF THE CABINET

Wednesday, 20<sup>th</sup> June, 2012 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### PRESENT:-

Councillor Sparks (Leader of the Council) (Chairman)  
Councillor Ali (Deputy Leader)  
Councillors K Ahmed, Foster, Islam, Lowe, Partridge, Waltho and Wood

together with the following Minority Group Members appointed to attend meetings of the Cabinet

Councillors Blood, Harley, L Jones, Miller, Mrs Shakespeare and Mrs Walker (Conservative Group)

### OFFICERS:-

The Chief Executive, Director of Adult, Community and Housing Services, Director of Corporate Resources, Director of the Urban Environment, Acting Director of Children's Services, Treasurer, Assistant Director of Human Resources and Organisational Development and Mr Sanders (Assistant Principal Officer, Democratic Services) – Directorate of Corporate Resources.

### ALSO IN ATTENDANCE

Director of Public Health

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1            APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Crumpton, Vickers and Wright.

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2            CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Miller had been appointed to serve as a Minority Group representative in place of Councillor Vickers, for this meeting of the Cabinet only.

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3                    DECLARATIONS OF INTEREST

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Ali in respect of agenda item number 17 (Public Health) in view of his employment in the National Health Service in a neighbouring Primary Care Trust.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Lowe in respect of agenda item number 13 (Complaint to the Local Government Ombudsman – Enforcement Matter) since he was acquainted with some of the people referred to in the Ombudsman's report.

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4                    MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 14<sup>th</sup> March and 26<sup>th</sup> April, 2012, be approved as correct records and signed.

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5                    REVENUE AND CAPITAL OUTTURN 2011/12

A report of the Treasurer was submitted setting out the provisional financial results for the Council for the year ended 31<sup>st</sup> March, 2012.

RESOLVED

- (1) That the draft outturn for 2011/12 be noted.
- (2) That the effect of the General Fund Revenue Outturn on General Balances at 31<sup>st</sup> March, 2012, be noted.
- (3) That the position on earmarked reserves at 31<sup>st</sup> March, 2012, be noted.
- (4) That the latest forecast General Fund Revenue position for 2012/13, be noted.

(This was a Key Decision with the Cabinet being named as Decision Taker).

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## REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Treasurer was submitted providing an update on developments in Housing Revenue Account (HRA) finance; and proposing revisions to HRA budgets to reflect latest financial forecasts and revisions to the Public Sector Housing Capital Programme. The report also contained proposals regarding the retention of receipts arising from right to buy sales, together with information concerning changes to right to buy discounts and funding. The report also sought agreement to key priorities for the 30 year Business Plan for the HRA.

A question on management costs was asked, in relation to which the Cabinet Member for Housing, Libraries and Adult Learning agreed to arrange for a written response to be sent to the Member who raised the issue.

### RESOLVED

- (1) That receipts arising from right to buy sales, above the current budgeted level, be retained, so long as these additional receipts are used for provision of affordable rented council homes, as set out in paragraph 8 of the report submitted to the meeting.
- (2) That the Director of Adult, Community and Housing Services be authorised to sign the agreement with the Department for Communities and Local Government to retain additional right to buy receipts and use these for provision of affordable rented council homes, as set out in paragraph 8 of the report submitted to the meeting.
- (3) That the key elements of the Housing Revenue Account 30 Year Business Plan be approved as set out in paragraph 9 of the report submitted to the meeting.
- (4) That the Council be recommended:-
  - (a) To approve the revised Housing Revenue Account budget for 2012/13, as set out in paragraph 6 and Appendix 1 of the report submitted to the meeting.
  - (b) To approve the revised Public Sector Housing capital programme for 2012/13 to 2016/17, as set out in paragraph 7 and Appendix 2 of the report submitted to the meeting.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers)

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7

COUNCIL PLAN 2013: 2012 ANNUAL REFRESH

A report of the Chief Executive was submitted on the 2012 Council Plan refresh in line with the Council Plan policy framework for 2010-13.

RESOLVED

That the Council Plan 2012 refresh be endorsed and the alignment of Cabinet priorities to Council Plan and Directorate Strategic Plans be noted.

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8

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and which proposed certain amendments to the Programme.

RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report submitted to the meeting, be noted.
- (2) That the Council be recommended:-
  - (a) That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
  - (b) That the additional resources of £0.078m identified from usable housing capital receipts be earmarked for Disabled Facilities Grants, and that the Capital Programme be amended accordingly, as set out in paragraph 5 of the report submitted to the meeting.
  - (c) That the Oak Lane Improvements budget be increased by £105,000, and the Capital Programme amended accordingly, as set out in paragraph 6 of the report submitted to the meeting.
  - (d) That the MOT Testing Facility project be approved and included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.

- (e) That Area Committee Capital Allocations unspent from previous years and rolled forward into 2012/13 be no longer restricted to funding capital projects, as set out in paragraph 8 of the report submitted to the meeting.
- (f) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 9 and 10 of the report submitted to the meeting, be noted.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers)

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9

### IMPLEMENTING THE LOCALISM ACT 2011

A joint report of the Chief Executive and the Director of Corporate Resources was submitted on progress to date in ensuring legal compliance with the Localism Act, 2011 and consistency with the Council Plan on placing Dudley among the best boroughs in the country through strong community engagement and the associated community-focussed developments around “Our Society in Dudley”.

#### RESOLVED

- (1) That the content of the report and the corporate direction proposed by the Localism Act Steering Group be approved.
- (2) That the ongoing work, as set out in the report submitted to the meeting, be endorsed and the relevant Cabinet Members, the Chief Executive and Directors be authorised to pursue the implementation of the various provisions of the Localism Act 2011 as relevant to their particular areas of responsibility.
- (3) That the corporate progress be monitored by the Director of Corporate Resources through the Localism Act Steering Group.
- (4) That the repeal of the Petitions provisions be noted and the Chairs of Scrutiny Committees be requested to consider and report back to the Cabinet on the revision of the existing Petitions Scheme as contained in the Constitution.

(This was a Key Decision with the Cabinet being named as Decision Taker)

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10

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on the fourth Quarterly Corporate Performance Management Report for 2011/12, relating to performance for the period 1<sup>st</sup> January to 31<sup>st</sup> March, 2012.

In the discussion, the Leader of the Council confirmed that it remained the intention that the manner in which performance was monitored would be reviewed and that the issue of performance would continue to be discussed at the regular meetings held between the Shadow Leader and himself.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from the 1<sup>st</sup> January to the 31<sup>st</sup> March, 2012 be noted and its contents approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Scrutiny Committees to consider specific issues within their Terms of Reference.

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11

LOCALISED COUNCIL TAX SUPPORT (REBATE) SCHEME 2013/14

A report of the Director of Corporate Resources was submitted updating members regarding the Coalition Government's proposals for a new, localised council tax support (rebate) scheme from April 2013 and to seek approval to consult on a preferred scheme for Dudley for 2013/14 in advance of final decision-making by the full Council later in the municipal year.

In the discussion, in response to a question, the Cabinet Member for Finance confirmed the funding implications for the preferred option, as set out in the report now submitted. In response to a further question, the Cabinet Member indicated that the Equality Impact Assessment would not be affected since the preferred option was aimed at addressing the circumstances of vulnerable groups.

RESOLVED

That the option to match the eligibility rules and award levels of the existing Council Tax Benefit Scheme be agreed as the Council's preferred option for its 2013/14 localised Council Tax Support Scheme and that consultation proceed on this basis.

(This was a Key Decision with the Cabinet being named as Decision Taker)

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12                    APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Director of Corporate Resources was submitted seeking consideration of the appointment of Council representatives to outside organisations for the 2012/13 Municipal Year.

RESOLVED

That the Director of Corporate Resources, in consultation with the Leader of the Council and the Opposition Group Leader, as appropriate, be authorised to determine the appointment of representatives to serve on the outside organisations indicated in the Appendix to the report submitted to the meeting.

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13                    COMPLAINT TO THE LOCAL GOVERNMENT OMBUDSMAN – ENFORCEMENT MATTER

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on the conclusions of the Local Government Ombudsman into a complaint made in respect of an enforcement matter and which sought approval to the proposed remedy.

RESOLVED

- (1) That the content of the Ombudsman's report, attached as Appendix A to the report submitted to the meeting, be noted and that approval be given for the payment of compensation to the complainant and the 27 households most directly affected.
  - (2) That the Ombudsman's report be referred to the Environment Scrutiny Committee for consideration and comment.
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14                    REVIEW OF THE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT – APPROVAL TO ADOPT

A report of the Director of the Urban Environment was submitted seeking consideration of the adoption of the reviewed Parking Standards Supplementary Planning Document.

RESOLVED

That approval be given to the adoption of the Parking Standards Supplementary Planning Document, as reviewed.

(This was a Key Decision with the Cabinet being named as Decision Taker)

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15                    DRAFT NEW HOUSING DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT UPDATE – APPROVAL FOR PUBLIC CONSULTATION

A report of the Director of the Urban Environment was submitted seeking approval to the draft update to the New Housing Development Supplementary Planning Document for the purpose of publication for public consultation.

In the discussion, the Cabinet Member for Regeneration confirmed that arrangements would be made for Member consultation.

RESOLVED

That approval be given to the publication of the draft New Housing Development Supplementary Planning Document Update for public consultation for 6 weeks starting on 10<sup>th</sup> September, 2012.

(This was a Key Decision with the Cabinet being named as Decision Taker)

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16                    CONSULTATION ON THE FUTURE OF NEW BRADLEY HALL

A report of the Director of Adult, Community and Housing Services was submitted on the outcome of the formal consultation process regarding the future of New Bradley Hall residential care home.

RESOLVED

- (1) That New Bradley Hall remain open as a residential care home for long term residents: for the duration of their stay for current residents and for the foreseeable future.
- (2) That a Stakeholder Working Group comprising Members of both political groups and other stakeholders be set up to consider the full range of the wider implications for all older people in the Borough.

- (3) That deliberations around New Bradley Hall be fed into a much wider review in the light of the impending White Paper and Social Care Bill for a complete review of adult social care strategy, this to be carried out at the highest level by a relevant Scrutiny Committee and that the Stakeholder Working Group above feed into the wider review.
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17            PUBLIC HEALTH

A report of the Chief Executive was submitted seeking on further consideration of the arrangements for the transfer of the Public Health service to the Council.

In relation to the location of the service within the Chief Executive's directorate, the Leader of the Council explained that a central directorate was proposed in view of the different disciplines involved in Public Health.

RESOLVED

- (1) That minute number 111 of the meeting of the Cabinet held on 14<sup>th</sup> March 2012 be rescinded.
  - (2) That the Office of Public Health be located within the Directorate of the Chief Executive and the Director of Public Health report directly to the Chief Executive.
  - (3) That the report be noted.
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18            ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

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19            EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as specified below and, in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

Description of Item

Relevant paragraph of  
Part I of Schedule 12A

Staffing Issues – Directorate of  
Children’s Services

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STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Acting Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of the officers referred to in the report, on the grounds of compulsory redundancy, if successful redeployment is not achieved by 31<sup>st</sup> August, 2012.

RESOLVED

That the termination of the contracts of employment of the officers referred to in the report submitted to the meeting, on the grounds of redundancy, and the negotiated enhanced severance payments, in accordance with the terms and conditions set out in the report, be approved, should successful redeployment not be achieved by 31<sup>st</sup> August, 2012.

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The meeting ended at 6.40p.m.

LEADER OF THE COUNCIL

**Meeting of the Cabinet – 12<sup>th</sup> September 2012**

**Joint Report of the Chief Executive and Treasurer**

**Capital Programme Monitoring**

**Purpose of Report**

1. To report progress with the implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.

**Background**

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

<b>Service</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Public Sector Housing	35,741	29,839	30,861
Other Adult, Community & Housing	9,658	1,953	0
Urban Environment	24,316	15,343	12,968
Children's Services	22,535	4,979	67
Corporate Resources	2,922	1,651	920
Chief Executive's	1	228	0
<b>TOTAL</b>	<b>95,173</b>	<b>53,993</b>	<b>44,816</b>

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

4. In accordance with the requirements of the Council's Financial Regulations, details of progress with the 2012/13 Programme are given in Appendix A. It is proposed that the current position be noted, and that budgets be amended to reflect the reported variances.

## **Adult, Community and Housing**

### Dementia Gateways

5. It is planned to undertake a programme of improvements to Brettell Lane Day Centre (£960,000) and Brett Young Day Centre (£650,000) to create new Dementia Gateways to meet the specific needs of people with dementia. The total cost of £1,610,000 can be funded from available resources within the existing Adult Social Care Minor Works budget (£950,000) together with a contribution of £240k from next years annual capital Adult Social care grant received from the Department of Health and £420,000 from the estimated capital receipts from the sale of Amblecote House (adjacent to Brettell Lane Day Centre).. It is proposed that Amblecote House now also be declared surplus and disposed of; and that the capital receipt be earmarked for this project; and that subject to resource availability the overall project be approved and included in the Capital Programme

### Adult Social Care Grant

6. In February 2011, Cabinet agreed that spend to be funded from the above grant be included in the Capital Programme, to be used for initiatives such as the promotion of personalisation, alternatives to residential care, and to support service redesign.

It is proposed that it be noted that the minor works programme to be funded from these resources this year includes £80,000 of investment in Libraries and Archives. These items have been included as Libraries and Archives play an important role in the provision of information and advice which is central to our delivery of the personalisation agenda for which Adult Social Care has the lead role. Libraries are meeting and access points for people and are clearly seen as priorities by the Government in the recent Adult Social Care white paper.

## **Urban Environment**

### Leisure Centre Lockers

7. The 3 main leisure centres in Dudley, Halesowen & Stourbridge attract over 1.5 million visits per year and the lockers used by customers are in need of replacement after 5 years. The cost of replacement is £114,000 and can be met from existing revenue budgets over a four year period. It is proposed that this project be approved and included in the Capital Programme.

### Active Travel Network Development

8. The Council is currently working on a number of initiatives that seek to improve and expand the Borough's Active Travel Networks to provide better facilities for walking and cycling and encourage the use of sustainable modes of travel to access a range of destinations across the borough. Given the importance active travel plays in increasing physical activity, Dudley NHS Public Health have offered a contribution of £120,000 to be spent over the next 2 years (2012/13 – 2013/14).

It is proposed that the contribution be noted and the associated spend be included in the Capital Programme.

West Midlands Local Sustainable Transport Fund (LSTF) Project -  
Smart Network Smarter Choices

9. Centro, the West Midlands Integrated Transport Authority, has been awarded £33.218m LSTF grant to deliver the Smart Network Smarter Choices project on a number of strategic corridors across the West Midlands over the next few years.

In Dudley the main elements within the project are the A4123/A459 corridor linking Dudley and Wolverhampton, and the route 404 Bus service corridor linking Walsall, Sandwell and Brierley Hill. The overall project includes both revenue and capital elements, with the revenue elements concerning travel planning, training and promotion being co-ordinated by Centro and the capital elements being delivered by the district within which the measures fall.

The capital cost identified for infrastructure improvement works on the corridors in Dudley is £1,326,000. This can be met by a Council contribution of £175,000 (from the Local Transport Plan Integrated Transport Block funding) and £1,151,000 of the Department for Transport LSTF grant. These measures, which are yet to be fully developed and consulted upon, will address network efficiency along the route 404 corridor at Quarry Bank including improved cycle and pedestrian routes. On the A459 corridor it is proposed to improve pedestrian facilities within the existing traffic signals at the Kent Street/Jews Lane junction.

It is proposed that the grant allocation be noted and that subject to detailed confirmation the project be included in the Capital Programme.

### **Urgent Amendments to the Capital Programme**

Ward House Refurbishment

10. A Capital project was agreed by Cabinet at its meeting on 14th March for the refurbishment of Ward House, Himley at an estimated cost of £43,000 to allow the co-location of the Construction and Design Team (formerly Corporate Property) with the Buildings and Estates Team within the Directorate of Children's Services.

In addition to the originally planned works, it became apparent that there was a requirement for the replacement of part of the electrical board and repair work to toilet areas. The extent of the work has been increased to include the redecoration of all of the public corridor areas. Also, to minimise impact to the daily business of the Regional College and officers working within the building, it has, on occasion, become necessary to work out of hours and/or with additional labour on-site.

The total estimated cost of the project is now £96,000. Directorate revenue funds of £83,000 have been set aside for this purpose and £13,000 can be met from the Repairs & Maintenance budget.

To enable continuity of work with the preferred contractor, minimise disruption to the conference facilities at Ward House during term time, offer better value for money and enable swift co-location, a decision (ref. DCS/28/2012) was made by the Leader of the Council in consultation with the Treasurer on 5<sup>th</sup> July 2012 that the Capital budget for the refurbishment of Ward House be increased to £96,000.

## **Post Completion Review of Capital Projects**

11. The Post Completion Review required by Contract standing orders has now been undertaken for the following schemes, with a copy of the proformas summarising the reviews attached at Appendix B.

### **Urban Environment**

A457 Tipton Road, Sedgley – Resurfacing

A456 Manor Way, Halesowen (Eastbound) - Resurfacing

It is proposed that these be noted.

## **Finance**

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

## **Law**

13. The Council's budgeting process is governed by the Local Government Act 1972, the Local Government Planning and Land Act 1980, the Local Government Finance Act 1988, the Local Government and Housing Act 1989, and the Local Government Act 2003.

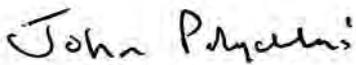
## **Equality Impact**

14. These proposals comply with the Council's policy on Equality and Diversity.
15. With regard to Children and Young People:
  - The Capital Programme for Children's Services will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
  - Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
  - There has been no direct involvement of children and young people in developing the proposals in this report.

## **Recommendations**

16. That the results of the Post Completion Review of capital projects, as set out in Appendix B be noted.
17. That the Council be recommended:
  - That current progress with the 2012/13 Capital Programme, as set out in Appendix A be noted and that budgets be amended to reflect the reported variances.

- That Amblecote House be declared surplus to requirements and disposed of by the Director of Corporate Resources; that £420,000 from the capital receipts from this disposal be earmarked for the Dementia Gateways project; and that subject to resource availability this project be approved and included in the Capital programme, as set out in paragraph 5.
- That it be noted that the Adult Social Care minor works programme this year includes £80,000 of investment in Libraries and Archives, as set out in paragraph 6.
- That the replacement of Leisure Centre Lockers be approved and included in the Capital Programme, as set out in paragraph 7.
- That the contribution of £120,000 from Dudley NHS Public Health towards Active Travel Network development be noted, and the associated spend included in the Capital Programme, as set out in paragraph 8
- That the Local Sustainable Transport Fund allocation be noted, and that subject to detailed confirmation, Dudley's element of the Smart Network Smarter Choices project be included in the Capital Programme, as set out in paragraph 9.
- That the Urgent Amendment to the Capital Programme, as set out in paragraph 10 be noted.



**John Polychronakis**  
**Chief Executive**



**Iain Newman**  
**Treasurer**

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### **List of Background Papers**

Relevant resource allocation notifications.

## 2012/13 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31 <sup>st</sup> July £'000	Forecast £'000	Variance £'000	Comments
Public Sector Housing	35,741	6,504	35,741	-	
Other Adult, Community & Housing	9,658	1,458	9,658	-	
Urban Environment	24,316	2,526	24,318	+2	Minor variances
Children's Services	22,535	2,096	22,535		
Corporate Resources	2,922	831	2,916	-6	See note 1
Chief Executive's	1	-	1	-	
<b>TOTAL</b>	<b>95,173</b>	<b>13,415</b>	<b>95,169</b>	<b>-4</b>	

Note 1: Outturn savings on Tower St. ICT Relocation project.

## Post Completion Review of Capital Schemes

<b>Title of Scheme: A457 Tipton Road, Sedgley Resurfacing</b>
<b>Date of Executive / Cabinet approval (As part of Highways Structural Maintenance Programme): 27 May 2011</b> (i.e. inclusion in Capital Programme)
<b>Original Budget (as first reported to Executive / Cabinet):.....£199,745</b> Planned Completion date:           22 April 2012
<b>Outturn Cost .....£189,534</b> Actual completion date:    1 May 2012
<b>Variation from Original Budget: .....Reduction of £10,211</b> Delay: 9 days
<b>Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet):</b>  An area of 330 m <sup>2</sup> of carriageway adjacent to the old fire station was omitted from the scheme to allow the developer to make any new service connections before resurfacing. Also the revised requirements from the Traffic and Road Safety team resulted in a reduction in the area of high friction surfacing of about 500 m <sup>2</sup> . The Sunday works were delayed and in particular the works planned for Sunday 22 <sup>nd</sup> April had to be postponed in view of the torrential rain.
<b>Original Objectives of Scheme (please indicate when and to whom these were reported):</b>  Resurface the carriageway of the A457 Tipton Road, Sedgley to overcome the deterioration of the pavement layers.
<b>Have these Objectives been met? (If "No" please provide explanation):</b>  Yes, although it will be some time before the extended life of the pavement structure is known.

Signed by: *John Millar* (Director).....

Date: 11/07/2012

**Title of Scheme: A456 Manor Way, Halesowen Eastbound Resurfacing**

**Date of Executive / Cabinet approval (As part of Highways Structural Maintenance Programme):** Annual grant for detrunked roads direct from DfT (i.e. inclusion in Capital Programme)

**Original Budget (as first reported to Executive / Cabinet):**.....£181,125  
Planned Completion date: 27 January 2012

**Outturn Cost** .....£159,155  
Actual completion date: 22 January 2012

**Variation from Original Budget:** ..... **Reduction of £21,970**  
Delay: none, completed 5 days early

**Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Executive / Cabinet):**

The original estimate had included a significant allowance for laying the surface course to thicknesses greater than 40mm. In the event there was no deterioration found in the binder course layer and the contractor was able to maintain an accurate laying profile.  
Four weeks had been programmed for the scheme in view of the time of year. However the weather was much better than expected and the scheme was completed in about three weeks.

**Original Objectives of Scheme (please indicate when and to whom these were reported):**

Resurface the eastbound carriageway of the A456 Manor Way, Halesowen to overcome the deterioration of the surface course, including transverse cracking.

**Have these Objectives been met? (If "No" please provide explanation):**

Yes. A polymer modified asphalt material has been used to improve the flexibility of the surface course and reduce the likelihood of future reflective cracking.

Signed by: *John Millar* (Director).....

Date: 11/07/2012

**Meeting of the Cabinet – 12<sup>th</sup> September 2012**

**Report of the Director of the Urban Environment**

**Stray and Illegally Grazing Horses – Policy Adoption**

**Purpose of Report**

1. To seek the adoption of the Stray and Illegally Grazing Horses Policy as developed by the Regeneration, Culture and Adult Education Scrutiny Committee.

**Background**

2. At the meeting held on 8 June 2011 the Regeneration, Culture and Adult Education Scrutiny committee were advised of issues relating to stray horses and illegal grazing in the Borough, the problems being caused by such practices and the action that the Council and its partners were taking in an attempt to address these problems.
3. In order to consider the matters raised in more detail the Committee resolved to set up a working group with 3 Council Members (Councillors K Turner, Islam and Mrs Simms), Police and RSPCA representatives and Council Officers as required. The remit of the Working Group was, in considering the various issues pertaining to stray horses and illegal grazing:-
  - To develop a draft policy for stray horses and illegal grazing on Council land, with due regard to practicalities and cost;
  - To present the draft policy for adoption by the Council
  - To monitor performance of the trial 'Reactive Service'.
4. The performance of the trial 'Reactive Service' was a crucial element in assessing the effectiveness of the Council's approach to tackling the specific issue of stray horses, particularly on the highway. The problems caused by horses straying on to the highway in early 2011 were such that in terms of reports received between 13 January and 12 February 2011, of the 611 service requests received by Dudley MBC Directorates and West Midlands Police 201 calls related to animals out of which 119 were about stray horses. The level of inconvenience being caused was considerable and the importance of finding a solution to the problem was paramount.

5. Consequently in partnership with West Midlands Police, the Council engaged a suitably qualified service provider who was prepared to provide a reactive service as a means of resolving this problem. The Service commenced in April 2011 as a pilot to see whether it was effective in dealing with the 'highway problem' and whether it could also have a positive 'knock on' impact in other respects with the overall problems created by stray/loose horses.
6. The results of the trial period were very encouraging in a number of respects. In the first instance since the trial was started in April 2011 and up to the end of June 2012 over 150 horses were collected and removed from on or adjacent to the highway, thereby significantly reducing the potential for accidents to occur or nuisance and inconvenience to residents.
7. At the same time the Council's Bailiff Service undertook two separate impoundment exercises and these have occurred without any reprisals from aggrieved horse owners. Furthermore the number of illegally grazing horses found on Council land also appears to have reduced. The Fens Pool/Buckpool 'green wedge' had, at its peak some 90 horses grazing on it and whilst this fluctuates, dependent on the activities of owners and traders this has been reduced to more acceptable levels.
8. As well as looking at the issue of controlling horse numbers, the Working Group considered animal welfare issues given that there has been significant levels of public concern expressed regarding this issue. In addition to the horses seized on account of them being either on or adjacent to the public highway or on Council land, the Council and the RSPCA/Redwings have also seized a number of horses on welfare grounds further reinforcing these agencies approach to this issue.
9. Finally the issue of Council grazing land was considered by the Working Group, particularly in the context of its location, condition and suitability. From the evidence submitted to the Working Group it was clear that there were sites that were currently not in use as they required significant levels of investment but that there were opportunities to work with potential graziers in terms of bringing them into use through partnership working. That said even if all of the present unlet sites were made available there would still be a lengthy waiting list given that the supply of land is not able to meet the growing demand for grazing land.

10. Consequently the Working Party developed the proposed Council policy for Stray and Illegally Grazing Horses (attached at appendix 1) and this was approved by the Scrutiny Committee at its meeting on 7 March 2012. In summary the policy endorses the Council and partners current approach as one that appears to have had success in dealing with associated problems of horse numbers on Council land and on the highway. The crucial element in all of this has been the partnership with the Police and the engagement of a service provider. This has ensured a consistent and robust response has been made as and when required which has had added benefits in other aspects of dealing with the stray/illegal grazing problem and as the policy proposes a recommendation that this service is retained.

### **Finance**

11. The enforcement activity detailed within the report in 2011/12 has been funded from resources held by the Directorate of the Urban Environment and has been built into the budget for 2012/13 onwards.

### **Law**

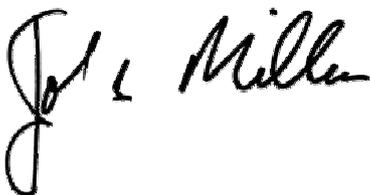
12. Section 111 of the Local Government Act 1972 provides that a local authority shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

### **Equality Impact**

13. This report has taken into consideration the Council's Equality and Diversity policies and in particular its impact on certain sections of the community including Travellers and young people.

### **Recommendation**

14. It is recommended that Cabinet approves the Stray Horses and Illegally Grazing Horses Policy as detailed at Appendix 1.



**J.B. MILLAR**  
**Director of the Urban Environment**

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### **List of Background Papers**

Report to Regeneration, Culture and Adult Education Scrutiny Committee  
7.3.12

**Draft Policy for Stray and Illegally Grazing Horses**

**1.0 INTRODUCTION**

1.1 The Council does not support the unauthorised use of Council owned land for grazing and believes that horse owners should make alternative suitable arrangements. The purpose of this document is to set out the established practices and state the Council's approved policy for this area of service, commensurate with the level of resources available.

**2.0 BACKGROUND**

2.1 The problem of illegally grazing and stray horses has been endemic within the whole of the Black Country for decades. It has been the practice of horse owners to tether or just leave their animals on parks, football pitches, nature reserves and other open land. The tethering of horses is not prohibited by law, but is unauthorised on Council Land.

2.2 This results in a range of problems including; direct damage to land, loss of amenities such as football pitches, planted and wooded areas being destroyed and potential injury to the public or motorists.

2.3 In addition to the health and safety problems, stray and tethered horses cause nuisance and result in a considerable volume of complaints from the public which are directed at both the Council and the police. This public concern is also reflected in frequent press coverage given to this subject.

2.4 Over the years the Council has tried many different approaches to dealing with the problem. These have resulted in repeated threats to staff, damage to vehicles and property and despite considerable cost and effort have had very limited effect on the core problem of illegally grazing horses.

2.5 It has become clear that the Council cannot eradicate illegal grazing on its land due to the extent of its ownership and the persistent desire, within the local population, to own horses. As a consequence the Council has had to adopt a reasonably practical approach to reduce the risk of injury to persons and damage to property. Therefore priority will be given to situations where there is the highest risk, such as on or adjacent to highways, or well used footpaths, or where the numbers of horses in any one area are increasing to unacceptable levels. The Council monitors the risks associated with stray or illegally grazing horses through its Corporate Risk Register JCAD which is regularly reviewed at Divisional and Directorate level.

2.6 The Council's Animal Welfare Charter which was adopted in 2003 and is currently under review, sets out five basic freedoms to which animals are entitled:

- Freedom from fear and distress
- Freedom from hunger and thirst
- Freedom from pain, disease and injury
- Freedom to express their normal behaviour
- Freedom from physical distress

In addition, with regard to the tethering of horses, the policy states that the Council will enforce the Protection Against Cruel Tethering Act 1988 and will not allow the tethering of horses or ponies over protracted periods and/or without access to adequate water, grazing and shelter, on land owned or managed by the Council.

2.7 Council Officers and the Police are authorised under the Animal Welfare Act 2006 and can be called upon to deal with welfare issues as they have the powers to seize animals.

### **3.0 POLICIES**

The Council's agreed approach to dealing with this issue is set out in the following 4 policies:

#### **POLICY 1 : HORSES ON THE HIGHWAY**

**The Council in partnership with the Police will endeavour to remove all stray horses reported on, or near the highway , using the legal powers and resources available to them.**

In order to deal with the problem of loose horses on or in proximity to the highway, the Council will retain the services of a bailiff who can provide a ***reactive impoundment service***. All action taken by the bailiff will be supported by the Police. The Council and the Police will encourage members of the public to report any incidents directly to the police, information from calls relating to this matter reported to the Council's horse reporting line, will be forwarded immediately to the Police.

#### **POLICY 2: ILLEGALLY GRAZING HORSES**

**The Council will endeavour to restrict the levels of stray and tethered horses, on publicly owned and accessible land, to a minimum using the legal powers and resources available to it.**

This is to be achieved by the retention of an independent service which will provide planned and targeted action. Specifically the service will survey the Borough for illegal grazing and, in conjunction with the Council, will be responsible for posting of prohibition notices and taking planned and targeted action. Priority will be given to situations where there is highest risk, namely adjacent to highways or well used footpaths or where the number of horses in any one area are increasing to unacceptable levels.

The Council will continue to encourage members of the public to report any incidents to the Council's horse **reporting line 01384 814182** (24 hour answer phone) and all information will be forwarded to both the Agency and the Police as appropriate. This number is posted on the Dudley MBC web site and periodically included in press releases. Dudley Council Plus also communicates this number to the public when required. All information will be treated in confidence.

Private property owners, school, or housing land managers retain the responsibility to remedy their issues with stray and illegally grazing horses. However lines of communication with the Directorate of the Urban Environment will be established and advice given on procurement of the services of an appropriate agency.

### **POLICY 3: COUNCIL GRAZING LAND**

**Where the Council leases land for grazing it will require that all tenants comply with legislation pertaining to passports and identity chipping and that they hold the appropriate insurance.**

**The Council will regularly review it's portfolio of grazing land with a view to maximising occupancy and meeting demand.**

The Council currently has 112 acres of land across the Borough which is designated for grazing. However this is not sufficient to meet the demand and there are a significant number of people on a Waiting List. In addition a high number of these fields are in need of fencing repairs before they can be re-let.

A significant number of fields are in, or adjacent to, areas of considerable nature conservation interest such as Local or National Nature Reserves, or within recognised wildlife corridors. In both of these cases, the Council is mindful of it's wider duties to protect the natural heritage of the Borough and would wish to retain the land and manage it by grazing as a means to protect its designated Local and National Nature Reserves and Wildlife Corridors, grazing being an expedient means of managing the land.

## **POLICY 4: PROMOTION OF RESPONSIBLE HORSE OWNERSHIP AND WELFARE**

**The Council will work with welfare organisations to promote responsible horse ownership and welfare. However where this approach fails the Council will, in partnership with the police and welfare organisations, take more direct action using its powers under the Animal Welfare Act 2006.**

The education of horse owners is key to ensuring the welfare of horses and, therefore, minimise any intervention by the Council and/or other agencies. Where appropriate the Council will work with welfare organisations in promoting responsible horse ownership.

Where education is inappropriate or failing, the Animal Welfare Act 2006 provides powers for local authority officers and police officers to take action to deal with welfare issues. These powers include the service of *Improvement Notices* to deal with specific welfare issues (these powers are available only to local authority officers) as well as emergency action which can be taken by both local authority officers and the police. The local authority has the power to prosecute under the Act although private prosecutions by such organisations as the RSPCA may also be brought.

The Council will continue to work with and support the work of horse welfare organisations when responding to any instances of horse welfare. It must, however, be acknowledged that the Council is only able to deal with some of the more serious welfare issues with the help of outside organisations who have the necessary land resources and veterinary expertise available.

**Meeting of the Cabinet – 12th September 2012**

**Quarterly Corporate Performance Management Report**

**Report of the Chief Executive**

**Purpose of Report**

1. To present the first Quarterly Corporate Performance Management Report for 2012/13, relating to performance for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2012.

**Background**

2. The over-riding purpose of the Quarterly Corporate Performance Management Report is to provide the Cabinet with a regular update on the management of services and performance levels being achieved within the Council, across the seven Council Plan thematic priorities, set by the cabinet in the June meeting.

3. The report contains the following sections:

**Section 1** a brief introduction.

**Section 2** a performance summary, incorporating the key service achievements and issues affecting Dudley MBC during quarter 1.

**Section 3** more detailed progress on the key performance indicators and key activities identified to determine our delivery of the Council Plan priorities.

**Section 4** current sickness absence information for April to June 2012.

4. A full copy of the Quarterly Performance Management report is available in the Members Room and on the Internet via the Committee Management Information System. A copy can be sent to any Member of the Council on request.

## **Finance**

5. There are no direct financial implications.

## **Law**

6. The Quarterly Corporate Performance Management Report will significantly contribute towards delivery of the framework for performance assessment as outlined in the Local Government White Paper 2007 "*Strong and Prosperous Communities*".

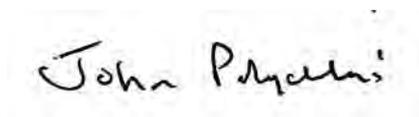
## **Equality Impact**

7. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report.

The Quarterly Corporate Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

## **Recommendations**

8. It is recommended that:
  - The Cabinet receives the Quarterly Corporate Performance Management Report and approves its content.
  - The information contained within the Quarterly Corporate Performance Management Report be referred to Scrutiny Committees to consider specific issues within their terms of reference.



John Polychronakis  
Chief Executive

Contact Officers: Geoff Thomas ext 5270 / Michael Wooldridge ext 4737 / Diane Shenton ext 8191

**Meeting of the Cabinet - 12<sup>th</sup> September 2012**

**Report of the Director of the Urban Environment**

**Food Service Plan 2012/2013**

**Purpose of report**

- 1 To advise Cabinet of the contents of Directorate of the Urban Environment (DUE) Food Service Plan 2012/2013.

**Background**

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

- 6 Service plans are developed under the framework agreement produced by the Food Standards Agency and provide the basis on which local authorities are monitored and audited by the Agency. It is a requirement that food service plans are submitted to Members for approval to ensure local transparency and accountability.
- 7 A report on the Food Service Plan 2012-13 was considered by the Scrutiny Committee for Environment on 14<sup>th</sup> June 2012. A summary of the service plan is appended to this report (Appendix 1). A full copy of the Food Service Plan is located in the Members' Room.
- 8 Regarding performance in 2011/2012 items to note are:
- 1041 food hygiene inspections and 272 food standards inspections were carried out during the year.
  - The proportion of food premises in the borough that are broadly compliant with food hygiene legislation is 89%. Statistics produced by the Food Standards Agency in November 2011 show Dudley to have the highest proportion of broadly compliant food premises in the West Midlands and the 4<sup>th</sup> highest for Metropolitan boroughs in the country (4/37). The national range for metropolitan boroughs is between 64% and 94%.
  - The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. There has been a 10% increase in the number of 4\* and 5\* premises in the 12 months to March 2012, up from 830 to 917. There has also been a 40% reduction in premises rated in the lowest category, zero stars, down from 44 to 26 in the same period.
  - 69 Dudley Food for Health Awards were made to catering establishments in the borough. This included 27 small independent food businesses who achieved the award for the first time. In conjunction with NHS Dudley, additional support is offered to the proprietors of small independent businesses to help them improve their menus to offer healthier nutritional food choices. This work also contributes to the delivery of the Health Inequalities and Obesity Strategies.
  - 423 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis.
  - The council has a clearly laid down enforcement policy, which focuses on providing advice and guidance for businesses to secure compliance. However, where businesses consistently fail to comply with the law or present a severe threat to public health it is important that action is taken to protect consumers. During the year, 5 prosecutions were completed involving 2 public houses, 2 retailers and one takeaway which failed to achieve minimum levels of food hygiene and safety. All prosecutions are published in the prosecution register on the Council's website.

### **Finance**

- 9 Financial implications from implementing the Food Service Plan are met from within existing budgets

### **Law**

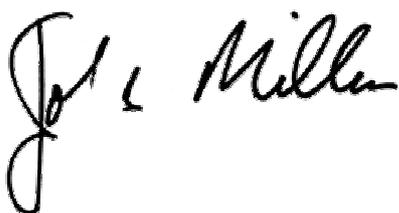
- 10 The Council's duties with respect to protecting consumer interests in relation to food safety and standards are set out under the Food Safety Act 1990.
- 11 Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
- 12 Section 111 of the Local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

### **Equality Impact**

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

### **Recommendation**

- 15 It is recommended that Cabinet endorses the contents of the Food Service Plan of the Directorate of the Urban Environment 2012/2013 and recommends referral to full Council.



**J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT**

**Contact Officer:** Dolores Nellany  
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### **BACKGROUND PAPERS**

Food Service Plan 2012-13



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

**Food Service Plan**  
**Summary**  
**2012/2013**

# **Food Law Enforcement Service Plan 2012 – 2013**

## **Summary**

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

#### **1.1 Aims**

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

#### **1.2 Objectives**

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

The Environmental Health and Trading Standards Service directly supports and contributes to the themes and priorities in the Council Plan and the Dudley Community Strategy and the objectives and the Health and Well Being Agenda by ensuring the provision of the following:

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

## **2. Service Delivery**

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

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

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

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

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

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

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

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

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

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

Dudley has 2345 food premises within its area as of 1<sup>st</sup> April 2012. This is made up of

<b>47</b>	<b>Manufacturers/Producers</b>
<b>38</b>	<b>Distributors</b>
<b>660</b>	<b>Retailers</b>
<b>502</b>	<b>Restaurants, Cafes, other Caterers</b>
<b>348</b>	<b>Pubs/Clubs</b>
<b>17</b>	<b>Hotels/Guest Houses</b>
<b>263</b>	<b>Takeaways</b>
<b>125</b>	<b>Schools/Colleges</b>
<b>228</b>	<b>Caring establishments</b>
<b>114</b>	<b>Mobile traders</b>
<b>3</b>	<b>Packers</b>

For Food Safety inspection purposes the ratio of premises in each score banding on 1<sup>st</sup> April 2012 as set out in The Food Standards Agency Code of Practice is as follows:

<b>Category A (inspected at 6 month intervals)</b>	<b>10</b>
<b>Category B (inspected at 12 month intervals)</b>	<b>105</b>
<b>Category C (inspected at 18 month intervals)</b>	<b>979</b>
<b>Category D (inspected at 2 year intervals)</b>	<b>530</b>
<b>Category E (inspected at 3 year intervals)</b>	<b>610</b>
<b>Unrated premises</b>	<b>111</b>

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

There are 2 licensed abattoirs in the Borough.

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

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

<b>high</b>	<b>20</b>
<b>medium</b>	<b>688</b>
<b>low</b>	<b>754</b>

### **4. Review of Activity from Service Plan 2011/2012**

- **99% (827)** high and **52% (214)** low risk food hygiene inspections that were due were achieved against targets of 100% and 50% respectively.
- **100% (23)** programmed high and **85% (161)** medium risk food standards inspections that were due were achieved against targets of 100% and 85% respectively.

- **319** food samples were procured and examined for microbiological safety. All unsatisfactory samples (56) received appropriate follow up.
- **104** food samples were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards. Fines and costs issued by the courts totalled over £32,000.
- **163** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **603** food service requests were actioned by FOS during the year. Of this total figure, 82 related to food complaints, 204 related to food premises conditions and food hygiene practices and 317 were general requests for service.
- The number of infectious disease investigations for the year was **627**, of which **445** were cases of campylobacter; these were responded to by postal questionnaire or advice. The response time for the remaining cases is 24 hours with some diseases requiring immediate attention. One small outbreak of campylobacter infection linked to a restaurant in the borough was investigated.
- The Dudley Food for Health Award, delivered in conjunction with the public health division of the NHS Dudley (Dudley PCT), proactively encourages premises to provide a healthy eating choice whilst ensuring compliance with food hygiene regulations. This work contributes to meeting targets in the Health Inequalities Strategy and Obesity Strategy. 69 Awards were made during the year to catering premises, including 1 Platinum, 37 Gold, 23 Silver and 8 Bronze Awards.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. The proportion of food premises that are broadly compliant with food hygiene legislation was almost 90% at the year end. Inspections for 1913 food premises were published on the website at the year end of which 454 premises (24%) were 5 star (excellent), 463 (24%) were 4 star (very good), 630 (33%) were 3 star (good), 216 (11%) were 2 star (acceptable), 124 (7%) were 1 star (poor) and 26 (1%) were no star (very poor).
- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included counterfeit spirit drinks and an imported food survey. Projects undertaken in conjunction with the public analyst and other local authorities as part of the Worcestershire Scientific Services Food Projects included meat species in takeaway and pre-packed meat products, levels and labelling of artificial colours in foods and dilution ratios and substitution of diet for full sugar in post mix drinks.
- A project was also carried out in conjunction with the Dudley Food for Health Steering Group to encourage local butchers to use less salt in sausages.

## **5. Issues for consideration during the year 2012/2013**

- Following progress of the transfer of public health functions from PCTs to local authorities by 2013 will be necessary as the service already has close links through partnership working with public health professionals in the areas of obesity prevention and healthy eating and will have important contributions to make to targets in the new Public Health Outcomes Framework.
- The Food Standards Agency's review of official food control delivery needs to be followed and consultation participated in. Options are due to be worked up from April 2012 with formal consultations commencing in Jan 2013 and a decision due by July 2013. Options likely to be considered include no change to current system, amending current system or a centralised model of delivery.
- Consideration will need to be given in 2012-13 to Dudley joining the National Food Hygiene Rating Scheme. Following the introduction of the national scheme in November 2010, it is now receiving support from the majority of local authorities.
- The number of small food businesses changing hands and requiring re-registration and inspection has steadily increased over the past 3 years due to the current economic climate. 457 new food registrations were received in 2011-12, up by 41% in 3 years. In particular there has been an increase in new registrations from home bakers making celebration and cup cakes and from small mobile food traders. Although home bakers are considered to be low risk, they do require an initial inspection before being considered for an alternative intervention strategy. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- There has been an increase in the number of food hygiene cases being progressed for prosecution. During 2011-12, four food hygiene prosecutions and one food standards prosecution were successfully concluded incurring fines and costs of over £32,000 with a further 7 cases being progressed with a view to prosecution. Three food businesses were also closed during 2011-12 using Emergency Prohibition Notice powers. The zero star strategy programme has seen several small food businesses improve over a short period of time by commitment of the proprietor to work closely with an officer as an alternative to imminent prosecution. This has resulted in a 40% reduction in zero star premises in 12 months (down from 44 to 26) However, this work is labour intensive in terms of officer resources.

**Meeting of the Cabinet - 12<sup>th</sup> September 2012**

**Report of the Director of the Urban Environment**

**Re-Publication of the Stourbridge Area Action Plan**

**Purpose of Report**

1. To inform Cabinet of progress on the Stourbridge Area Action Plan (AAP) and to seek approval for the AAP to be published for a final six week period of public consultation and subsequently submitted to the Secretary of State for examination.

**Background**

2. The preparation of an AAP for Stourbridge is a key activity in delivering a priority of the Council Plan (2013) - improving the vibrancy and attractiveness of the Borough's town centres.
3. Within the adopted Black Country Core Strategy (February 2011), Stourbridge is identified within a network of town centres, that form a distinctive and valued part of the Black Country's character. The general aim of the Core Strategy is to shape and revitalise these centres to meet the community's needs in the most accessible and sustainable way. The policies of the Stourbridge AAP seek to carry forward and provide a focus for these strategic planning aims.
4. The AAP will guide new investment into Stourbridge Town Centre up to 2026, including identifying where new shops and homes will be located, along with the transport infrastructure and new public spaces which are needed to help support that growth and benefit the local community and local environment in general.
5. The AAP Publication Stage policies have been shaped by previous rounds of public engagement. This includes the initial evidence gathering, public consultation on 'Issues and Options' (February 2010) and 'Preferred Options' (July 2011) and a previous 'Publication' consultation (March 2012). This consultation has involved Council Members, landowners, town centre traders, developers and key interest groups, and included the display of information at libraries and at events in The Ryemarket, where officers were present to respond to any questions and views offered by members of the community and ward members who attended.
6. Following Cabinet approval for Publication of the AAP in March 2012, the National Planning Policy Framework was published. The AAP has now been revised to take account of the latest Government policy and now needs to be re-issued for 'Publication' stage consultation.

7. This Publication AAP document sets out Dudley Council's finalised set of strategies and policies, some of which are site specific. This final version is to be subject to a further period of consultation prior to submission.
8. The key themes present in the Publication document are:-
  - Public Realm improvements within the town centre core, including the provision of a more attractive, accessible and pedestrian friendly shopping environment;
  - Greater pedestrian accessibility to the Town Centre across the ring road, and measures to soften the visual impact of the ring road;
  - Improvements to the River Stour (the "rediscovery of the river"), including its de-culverting, and the provision of a green open space corridor centred on it, with pathways along the river banks and improvements which focus on enhancements to the area's nature conservation value;
  - Proposals to shape development on a series of Opportunity Sites, with an emphasis on providing for new residential development within the river corridor to the north of the town, while providing measures to ensure that industry there continues to thrive where it remains viable;
  - The uplift of the Stourbridge Wharf area (at Canal Street) with an emphasis on providing space for creative/cultural industry and visitor economy related businesses, including entertainment and leisure uses, as well as upgrading the environment with measures which are sensitive to the area's historic value.
9. The period of consultation on the Publication Stage document is recommended to begin on the 1<sup>st</sup> October 2012 and run for a period of 6 weeks until 12<sup>th</sup> November 2012. During that time, the document will be able to be viewed at the reception areas at 3 St James's Road Dudley, Mary Stevens Park, Stourbridge and Dudley Council Plus, as well as at all main libraries and on the Council's website. It will also be the subject of other, similar publicity measures to those which were carried out on previous versions of the plan and will include a session specifically designed for all 72 members of the Council. Under the Localism Act 2011 the Council has a new 'duty to cooperate' with its neighbouring Councils and key stakeholders. Various meetings continue to be held to ensure that the Council can meet its obligations in relation to this duty.
10. Following this consultation, it is anticipated that the AAP will be submitted to the Planning Inspectorate during early 2013. The submitted plan is then likely to be subject to a formal Examination in Public in summer 2013 and adopted in winter 2013.

## **Finance**

11. The AAP will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

## **Law**

12. This AAP is a Development Plan Document (DPD), produced in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2012.

- 13 Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

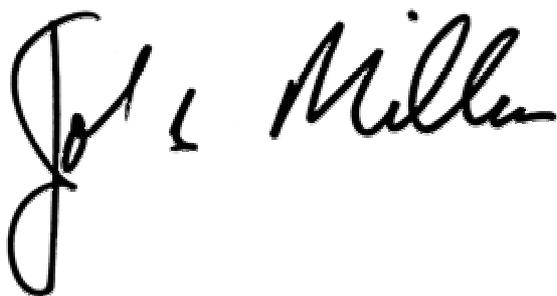
### **Equality Impact**

14. The AAP will set the detailed planning framework for the development of the Stourbridge area at least up to 2026. The AAP will seek to ensure that sufficient homes, shops and employment, social, educational and recreational facilities are planned and provided for in that time to meet the needs of all the communities in the area.
15. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

### **Recommendations**

16. It is recommended that:-

- The Cabinet approves the Publication of the Stourbridge Area Action Plan for a statutory period of public consultation.
- That Cabinet recommends to Council that following public consultation, the Stourbridge Area Action Plan is submitted to the Secretary of State so that it may be subjected to a Public Examination.
- That authority is delegated to the Director of the Urban Environment, in consultation with the Leader of the Council and Cabinet Member for Regeneration, to agree any minor recommended changes to the document prior to submission to the Secretary of State, following consultation which concludes on the 12<sup>th</sup> November 2012.



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**J. B Millar**  
**Director of the Urban Environment**

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**List of Background Papers**  
Stourbridge Area Action Plan Publication

**Meeting of the Cabinet – 12<sup>th</sup> September, 2012**

**Report of the Director of Corporate Resources**

**The Local Government Ombudsman’s Annual Review Letter 2011/12**

**Purpose of Report**

1. To consider the Annual Review Letter for 2011/12 from the Local Government Ombudsman in respect of complaints received against this Council and dealt with by the Ombudsman’s office over the year ending 31<sup>st</sup> March, 2012.

**Background**

2. Attached as Appendix 1 to this report is a copy of the Annual Review Letter of the Local Government Ombudsman for the year ended 31<sup>st</sup> March 2012.

The Ombudsman states that she is pleased to say that she has no concerns about the Council’s response times and that there are no issues arising from the complaints that she would want to bring to the Council’s attention.

3. Also attached as Appendix 2 is statistical information. Comments on this are as follows:-

- The number of enquiries and complaints received in 2011/12 – 84 – has again reduced slightly down from 88 in 2010/11; with a slight increase from 34 to 37 in the number of complaints passed to the investigative team.
- Of the 84 enquiries and complaints received the largest number (20) were in respect of housing, down by 8 on the previous year, a continuing trend. The next highest category was Planning and Development followed by Education and Children’s Services. Of the latter category these mainly relate to appeal hearings heard by Independent Appeals Panels.
- In respect of the 37 complaints determined in the year to 31<sup>st</sup> March, 2012, one formal report finding maladministration causing injustice was issued. This is the first such report in the last four years.

Seven complaints – down from 8, in 2010/11, were determined by way of remedy of injustice during enquiries whilst in respect of 22 complaints these fell into the categories of “not enough evidence of fault” and “no or minor injustice and other”. Of the remaining complaints seven were not investigated for the reasons stated in Appendix 2.

- Regarding the seven complaints determined by way of the remedy of injustice during enquiries, five related to housing issues with one each relating to Adult Care Services and Education and Children's Services. Compensation of £4450 has been paid in respect of these complaints.
- Details of the complaints made and investigated are attached at Appendix 3 to this report. In accordance with legal requirements anonymity in respect of the complainants has been maintained.

### **Finance**

4. There are no direct financial implications arising from the content of this report. Any compensation determined, arising from an investigation by the Local Government Ombudsman, is met from existing Directorate budgets.

### **Law**

5. The Commission for Local Administration was created under Parts I and 3 of the Local Government Act 1974.

### **Equality Impact**

6. This report accords with the Council's Equality Policy. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council. Some of the complaints made concern children and young people and so, dependent on the remedy proposed, if any, there may have been either a direct or indirect impact on them.

### **Recommendations**

7. That the information contained in the report, and Appendices to the report, submitted be noted and that the Chief Executive and Directors be requested to:-
  - (a) Review their internal arrangements, as appropriate; and
  - (b) Continue to ensure that requests for information of complaints received are dealt with by the date requested. This will ensure that responses can be submitted to the Ombudsman's office within the timescale set and the Council's excellent performance on response times can be maintained.
8. That all Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
9. That the Annual Review Letter be posted on the Council's website.



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**Director of Corporate Resources**

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### **BACKGROUND PAPERS**

The Local Government Ombudsman's Annual Review Letter for the year ended 31<sup>st</sup> March 2012.

# Local Government OMBUDSMAN

Appendix 1

22 June 2012

*By email*

Mr J Polychronakis  
Chief Executive  
Dudley Metropolitan Borough Council

Dear Mr Polychronakis

## **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

I am pleased to say that I have no concerns about your authority's response times and there are no issues arising from the complaints that I want to bring to your attention.

## ***Changes to our role***

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

### ***Supporting good local public administration***

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

### ***Publishing decisions***

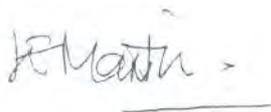
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Advice given	2	0	4	2	3	1	3	4	19
Premature complaints	3	2	2	4	4	1	13	7	36
Forwarded to Investigative team (resubmitted)	0	0	0	0	1	1	2	2	6
Forwarded to Investigative team (new)	5	0	1	8	2	1	2	4	23
<b>Total</b>	<b>10</b>	<b>2</b>	<b>7</b>	<b>14</b>	<b>10</b>	<b>4</b>	<b>20</b>	<b>17</b>	<b>84</b>

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Appendix 2

Investigative team - Decisions

No power to investigate	Not investigated		Investigated			Report	Total
	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
1	3	3	18	4	7	1	37

Response times to first enquiries	No of first enquiries	Avg no of days to respond
	24	23.3

**A – COMPLAINTS INVESTIGATED – FINDINGS OF NOT ENOUGH EVIDENCE OF FAULT/NO OR MINOR INJUSTICE OR OTHER IN THE FOLLOWING MATTERS**

<u>Category of Complaint</u>	<u>Details of the Complaint Made</u>
1. Adult Care Services	That the Council failed to continue to commission care when a property was sold and issues relating to costs and fees for care.
2. Corporate and other services	<p>(a) That the Council's process for determining the extension of a contract was not transparent and fair</p> <p>(b) That the Council failed to provide relevant information arising from a search enquiry</p>
3. Education and Children's Services	<p>(a) That the Council failed in its duty to protect a child in its care following a series of alleged assaults</p> <p>(b) That the Council unfairly removed a foster child from the complainants care and failed to address complaints in a timely manner</p> <p>(c) Complaint in respect of alleged failings by the Council in relation to the complainant and her children</p> <p>(d) That the Independent Appeals Panel, hearing school appeals unreasonably refused a second appeal for a place for the appellant's child at the school of their choice</p> <p>(e) That the Council wrongly acted on the complaint made regarding an Emergency Residence Order and issues relating to this.</p> <p>(f) That there was administrative fault in the way the Council considered an application for admission to a school and the way in which the Admissions Appeal Panel considered the appeal</p>

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|----|---|--|
| 4. | Environmental Services and Public Protection and Regulation | That the operation of the new refuse collection services adversely affected the complainant  |
| 5. | Highways and Transport                                      | That the Council had erected unnecessary fencing along the edge of the pavement in front of the complainants home  |
| 6. | Housing   | <p>(a) Complaint in respect of the provision of central heating</p> <p>(b) That the Council had failed to control anti social behaviour and possible breaches of tenancy leading to the complainant suffering anti social behaviour and loss of amenity</p> <p>(c) That the Council unreasonably delayed carrying out significant repairs; the poor standard of work done; failed to take into account family medical and other circumstances when carrying out repairs and failed to give the family sufficient priority to move previously.</p> <p>(d) Further complaint made regarding issues in respect of trees in a neighbours gardens.</p> <p>(e) That the heating system in the complainants home was inadequate</p> <p>(f) That the Council failed to take sufficient action to investigate and identify the cause of damp and mould in the property occupied; to repair damage; carry out related works in relation to the loft and windows of the property.</p> <p>(g) That the Council unreasonably failed to take effective and/appropriate action to deal with a complaint of nuisance or continue a request to be moved from the nuisance neighbour</p> |
| 7. | Planning and Development                                    | (a) That the Council failed to consider properly the colour of the roof of a new school sport hall when granting planning permission   |

- (b) That the Council did not handle planning matters at a site near to the complainants home
- (c) That the Council failed to take enforcement action against a neighbour over the removal of hedges and trees to allow the building of a garden wall along the grass verge and claim the area of land
- (d) That the Council failed to give adequate consideration to the impact on amenity when granting planning permission for a single storey and two storey extension at a neighbours property

<b>B – COMPLAINTS INVESTIGATED – INJUSTICE REMEDIED DURING ENQUIRIES IN THE FOLLOWING MATTERS</b>
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<u>Category of Complaint</u>	<u>Complaint Made</u>	<u>Outcome</u>
1. Adult Care Services	Failure to provide services to meet care needs and complaint process failed to address all issues raised as part of this failure	Investigation discontinued as the Council apologised for the stress caused; paid £500 for the additional stress caused and for the time and trouble in making the complaint and agreed to a review of policy/remind staff that once assessed eligible needs have been identified services should be offered to meet those needs and that the Council has not discharged its function until this offer has been made regardless of the fact that they might be refused.
2. Housing	(a) That the Council failed to take action to control disturbance experienced from dogs barking	Settlement of this complaint arising from action taken by Council officers and action to be taken

- |     |   |   |
|-----|---|---|
| (b) | That the Council failed to inspect and repair the roof of the complainant's home in accordance with timescales set down in the repairs handbook   | Settlement of this complaint by the payment of compensation of £50 and an amendment to the Repairs Handbook to reflect the possible use of discretion when considering roof repairs.                                    |
| (c) | That the Council acted unreasonably and in disregard of the complaints amenity in the consideration given to requests made for trees and hedges in a neighbours front and rear gardens, on Council land, to be cut back | Investigation discontinued due to the settlement of this complaint arising from works undertaken by the Council to trees complained of.   |
| (d) | About the Council's handling of the removal of a firm from the approved list of contractors   | Investigation discontinued arising from payment of compensation of £3900 comprising legal costs, a percentage of a lost contract and a time and trouble payment. Also reinstatement on the list of approved contractors |
| (e) | That the Council failed to take sufficient action to prevent the complainants being caused a nuisance by neighbours   | Investigation discontinued as the Council agreed to take action that will provide a satisfactory remedy to the complainant in the light of the review of the anti social behaviour policy                               |

3. Education and Children's Services

That the Independent Appeals Panel, hearing school appeals, unreasonably refused the applicant's appeal for a place for their child at the school of their choice

Investigation discontinued as the offer of a further appeal hearing was made and agreed.

**C – REPORT RECEIVED IN THE FOLLOWING MATTER**

<u>Category of Complaint</u>	<u>Complaint Made</u>	<u>Outcome</u>
1. Environmental Services and Public Protection and Regulation	That over 100 local residents had been affected by noise, smell and other disturbance from a nearby aluminium foundry and that there had been unreasonable delay by the Council in controlling and taking action to limit the problems caused by the foundry	<p>Compensation has been agreed to 27 properties that have been identified as being most affected by disturbance from the site together with a time and trouble payment to the complainant. Each property and the complainant to receive £250.</p> <p>In addition the Cabinet when it considered the report on 20<sup>th</sup> June 2012 agreed that it be referred to the Environment Scrutiny Committee for consideration and comment.</p>