

Council

Monday 23rd July
2012
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

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Do Not stop to collect personal belongings.

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Do Not re-enter the building until told to do so.

The emergency **Assembly Area** is on **Walter Stranz Square**.



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7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Alan Mason (Mayor)	Carole Gandy
	Wanda King (Deputy Mayor)	Adam Griffin
	Joe Baker	Bill Hartnett
	Roger Bennett	Pattie Hill
	Rebecca Blake	Roger Hill
	Michael Braley	Gay Hopkins
	Andrew Brazier	Phil Mould
	Juliet Brunner	Brenda Quinney
	David Bush	Mark Shurmer
	Michael Chalk	Yvonne Smith
	Simon Chalk	Luke Stephens
	Greg Chance	Debbie Taylor
	Brandon Clayton	Derek Taylor
	John Fisher	Pat Witherspoon
	Andrew Fry	

1. Welcome	The Mayor will open the meeting and welcome all present.
2. Apologies	To receive any apologies for absence on behalf of Council members.
3. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
4. Minutes Chief Executive	To confirm as a correct record the minutes of the meeting of the Council held on 11th June 2012. (Minutes circulated in Minute Book 3 - 2011/12)
5. Announcements	To consider Announcements under Procedure Rule 10: a) Mayor's Announcements b) Leader's Announcements c) Chief Executive's Announcements. (Oral report)

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<p>6. Questions on Notice Chief Executive</p>	<p>No questions have been submitted to date under Procedure Rule 9.2.</p>
<p>7. Motions on Notice (Pages 1 - 2) Chief Executive</p>	<p>To consider the following Motion submitted by Councillor Bill Hartnett in accordance with Procedure Rule 11:</p> <p>Worcestershire Joint Services Review.</p> <p>(Motion attached)</p>
<p>8. Executive Committee (Pages 3 - 28) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>26th June 2012</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none">• Revision of the Medium Term Financial Plan 2012/13 – 2014/15;• Income Management and Payment Card Industry Compliance; and• Financial Reserves Statement 2011/12. <p>(Reports and decisions attached)</p> <p>(Minutes circulated in Minute Book 3 – 2012/13)</p>
<p>9. Regulatory Committees (Pages 29 - 32) Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>Audit & Governance Committee - 28th June 2012</p> <p>Planning Committee - 20th June 2012</p> <p>There is one outstanding recommendation from the meeting of the Audit & Governance Committee on 28th June 2012 for the Council to consider:</p> <ul style="list-style-type: none">• Audit & Governance Committee – Procedure Rules <p>(Report and decision attached)</p> <p>(Minutes circulated in Minute Book 3 – 2012/13)</p>

<p>10. Standards Committee - Localism Act 2011</p> <p>(Pages 33 - 54)</p> <p>Monitoring Officer</p>	<p>To consider finalised drafts of the Code of Conduct and arrangements for handling standards complaints following the publication of the Regulations by the Government, and the appointment of two Independent Persons for the Council under the Localism Act 2011.</p> <p>(Report attached)</p> <p>(All Wards)</p>
<p>11. Joint Health and Well-Being Strategy - Consultation</p> <p>(Pages 55 - 74)</p>	<p>To consider the attached consultation document from the Worcestershire Well Being Board on the Worcestershire Joint Health and Well Being Strategy.</p> <p>(Report attached)</p> <p>(All Wards)</p>
<p>12. Local Government Pension Scheme 2014 - Employer Consultation on Revisions to Scheme</p> <p>(Pages 75 - 84)</p>	<p>To consider the attached information from the Local Government Association and to make any comment on the proposed revision to the Local Government Pension Scheme 2014</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>13. Urgent Business - Record of Decisions</p> <p>Chief Executive</p>	<p>To note the following decision taken in accordance with Paragraph 5 of Part 6 of the Constitution since the last ordinary meeting of the Council:</p> <p><u>Appointment to outside body – Greater Birmingham & Solihull Local Enterprise Partnership (LEP).</u> (Deputy Chief Executive)</p> <p>Agreement was sought to confirmation of the appointment of Councillor Roger Hollingworth as the joint representative for Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council on the Greater Birmingham & Solihull LEP. The grounds for urgency were that, without this agreement, Councillor Hollingworth would be unable to attend meetings of the Greater Birmingham & Solihull LEP on behalf of this Council.</p> <p>It was therefore RESOLVED that</p> <p>Councillor Roger Hollingworth be appointed to represent Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council on the Greater Birmingham & Solihull Local Enterprise Partnership.</p> <p>(Council decision)</p>

14. Urgent Business - general (if any)	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)</p>
15. Exclusion of the Public	<p>Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (<i>to be specified</i>) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p> <p>[Subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">• Para 1 – <u>any individual</u>;• Para 2 – <u>the identity of any individual</u>;• Para 3 – <u>financial or business affairs</u>;• Para 4 – <u>labour relations matters</u>;• Para 5 – <u>legal professional privilege</u>;• Para 6 – <u>a notice, order or direction</u>;• Para 7 – <u>the prevention, investigation or prosecution of crime</u>; <p>may need to be considered as ‘exempt’.]</p>

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<p>(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)</p>
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REDDITCH BOROUGH COUNCIL**COUNCIL**

23rd July 2012

NOTICE OF MOTION – WORCESTERSHIRE JOINT SERVICES REVIEW

Relevant Portfolio Holder(s)	Cllr Debbie Taylor
Relevant Head of Service	Head of Legal, Equalities & Democratic Services
Not a Key Decision	

The following Notice of Motion has been submitted in accordance with Procedure Rule 11 by Councillor Bill Hartnett:

"This Council fully supports the community-led "Save the Alex" Campaign which is totally opposed to the closure of Accident & Emergency and Maternity services at the Alexandra Hospital.

It has been confirmed by Professor Rod Griffiths, the Independent Chair of The Joint Services Review Stakeholder Reference Board, at a public meeting on 21st June that the reason for the potential loss of services at the Alexandra Hospital is because going forward "we have a lot less money"

Encouraged by Professor Rod Griffiths' statements, Council agrees to write to the Health Minister, Andrew Lansley MP, requesting that the shortfall of funding for Worcestershire NHS, said to be £200 Million over 4 years or approximately £1 Million per week (of which the acute hospitals share is £50 Million), is funded by Government, thus safeguarding all services in the County.

Also requesting the Minister receives a delegation of leaders from Redditch Borough Council, Bromsgrove District Council, Stratford-on Avon District Council and the "Save The Alex" campaign so that we can make our case.

Further, the Chief Executive, the Leader of the Council and the Leader of the Opposition are tasked to:-

(1) vigorously represent the Council's position to Worcestershire Acute Hospitals Trust (WAHT), Worcestershire Health Care Trust (WHCT) and Worcestershire NHS;

(2) pursue with all Worcestershire and Neighbouring NHS Trusts all alternative organisational strategies which will safeguard services in Redditch; and

(3) join with any campaigns which advance and promote the Council's position."

Proposed by: Cllr Bill Hartnett

Seconded by: Cllr Carole Gandy

REDDITCH BOROUGH COUNCIL**COUNCIL**23rd July 2012

**17. REVISION OF THE MEDIUM TERM FINANCIAL PLAN 2012/13 –
2014/15****RECOMMENDED that**

- 1) the revisions to the Medium Term Financial Plan be approved together with the required virements as detailed at 3.7.2;**
- 2) the scheme identified at 3.7.1 be reduced to £200k and this be amended within the Council's Capital Programme 2012/13;**
- 3) £67k be returned to balances in 2012/13; and**
- 4) approval to use the General Power of Competence be granted to enable the service to be provided.**

**EXECUTIVE
COMMITTEE**26th June 2012**REVISIONS TO THE MEDIUM TERM FINANCIAL PLAN 2012/13 – 2014/15**

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas, Head of Finance and Resources
Wards Affected	All Wards / None specific
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To enable Members to consider the proposed revisions to the Medium Term Financial Plan and to recommend approval to Council.

2. RECOMMENDATIONS

The Committee is requested to **RECOMMEND** that

- 1) **the revisions to the Medium Term Financial Plan be approved together with the required virements as detailed at 3.7.2;**
- 2) **the scheme identified at 3.7.1 be reduced to £200k and this be amended within the Council's Capital Programme 2012/13;**
- 3) **that £67k be returned to balances in 2012/13;**
- 4) **approval to use the General Power of Competence be granted to enable the service to be provided; and**

RESOLVE that

- 5) **Officers continue to work with colleagues and external partners to ensure the proposed service changes can be implemented as soon as practicable.**

3. KEY ISSUES**Financial Implications**

- 3.1 The Medium Term Financial Plan was approved by Members in February 2012 with a 0% increase in Council Tax.
- 3.2 Following change of political control following Council elections in May 2012 and as a result of discussions at Council on 21st May 2012.

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Members have requested Officers assess the funding implications of a number of changes to the original budget as currently approved and to advise Members of the financial impact of these changes. The revisions are to be funded by virement and return of funds to balances to ensure that there is no impact on the 2012/13 Council Tax requirement as approved within the statutory deadline.

3.3 The additional services to be considered for funding include;

- Free Swimming for under 16s and over 60s
- Pre 9.30 concessionary Bus Travel
- Additional Apprentice position

3.4 Free Swimming for under 16's and over 60's

3.4.1 Officers have reviewed the potential of granting free swimming sessions to Redditch residents who are under 16 or over 60. All public sessions would be available for free entrance. It is anticipated that by granting free swimming to those eligible the benefits will include:

- Increased participation in physical activity across the Town
- Encouragement for young children to learn to swim. This is important as swimming is a life skill and can also save lives, should children fall into open water.
- The aim to address health inequalities in the Town, and offers an incentive to prevent residents from smoking and drinking excessively, thus reducing risks of heart disease, diabetes and other serious illnesses
- Breaking down the cost barrier for individuals and families on low incomes
- Encouraging residents to use our Sports facilities thus encouraging them to participate in other activities and increase secondary sources of income such as the purchase of Reddicards
- supporting the schools objective of teaching children to swim as part of the curriculum

3.4.2 Previously free swimming was funded with a £140m Central Government initiative. It was introduced in Redditch in April 2009 for a 16 month period, ending in August 2010. This resulted in significant increase in swimming particularly for Under 16 year olds, where swimming usage compared with the previous year 2008/9, increased by 53%.

3.4.3 Following the opening of the Abbey Stadium facility officers have reviewed the usage of the pool and estimated the potential cost associated with free swimming. Based on the estimated additional

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number of users within the facility it is anticipated that the additional cost would be £71k per annum This reflects the loss of income together with an assessment of annual costs relating to additional staffing and increased maintenance required for the facility. It is anticipated that the service will require funding for approximately 8 months (£47k) for 2012/13 to reflect the period of approval and implementation.

3.5 Pre 9.30 Concessionary Bus Travel

3.5.1 The contract for all concessionary bus travel is now held with Worcestershire County Council and there are currently no concessions for pre 9.30 travel across the County. Officers are in discussion with County Transport colleagues to identify the contractual arrangements that need to be in place to enable our eligible residents to benefit from pre 9.30am concessionary travel.

3.5.2 The anticipated cost associated with the enhanced provision is £86k per annum. This is dependant on County negotiating the contract with the bus companies and the ability to use County passes for our eligible residents.

3.5.3 It is assumed that there will be a period of contractual discussion implementation following member approval with an estimated cost of £43k required for funding in 2012/13. This cost may reduce depending on the time required to implement the service.

3.5.4 The Localism Act includes a General Power of Competence which repeals the well-being powers in the Local Government Act 2000 as far as they relate to England. The power for local authorities equates to those of an 'individual with full capacity', and the only limits or restrictions placed on the power are statutory. The provision of discretionary travel can be provided within these powers.

3.6 Additional Apprentice Position

3.6.1 The Authority currently funds 4 apprentice posts within different roles. It is proposed that a further post be created to be trained to undertake the PAT (electrical testing) for the Council. The trainee would work alongside a qualified electrician and would undertake a formal training programme. The cost of the new post would be £8k which could be more than offset by the current contract for PAT testing of £30k. Officers are currently working with County colleagues to review the contractual arrangement currently in place. This will include an assessment of the training required and a risk assessment to ensure the staff and assets are suitably protected. Any costs associated with

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the transition to the new arrangements will have to be covered by balances.

3.7 Savings to fund budget proposals

3.7.1 It is proposed that a number of budgets be reduced to provide the funding required for the services as identified above. The reductions to revenue budgets 2012/13 – 2014/15 include :

- Reduction in consultancy budget of £89k. This budget is utilised to call on additional professional support and advice when required. The majority of the budget (£65k) relates to the local plan enquiry that has to be undertaken by external advisors. It is proposed that this budget be transferred to fund the new proposals and any requests for consultancy support be presented to Executive Committee and Council to be funded from balances during the year. The £65k budget is only available for 2012/13 and further savings will have to be made in future years.
- The provision of Redditch Matters by online publication to save the budget of £17k. The current production does not raise enough advertising revenue to support the costs and therefore an online edition is to be trialed in July 2012. It is anticipated that any revenue gained in the future can be used to improve access and marketing of the online publication.
- Removal of the budget for the Leisure options appraisal to save £15k. Members have requested that officers look at alternative ways to support the leisure developments in the future. This is a one year budget allocation (2012/13) and therefore additional savings will have to be delivered to enable the proposed services to be continued.
- Reduction of the advertising budget by £10k. Officers will continue to consider all opportunities for online advertising with the aim to target customers with information on events and leisure facilities.
- Reduction by £50k of the funding for the capital repairs of public buildings. This will leave a budget of £200k and will save £2k of revenue costs. In addition officers have confirmed a reduction in the capital costs for the currently approved schemes to provide security fencing at the depot (reduce by £10k) and to improve the footpaths in Morton

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Stanley Park (reduce by £12k). Therefore the borrowing costs which are funded by revenue will reduce by a further £2k.

- 3.7.2 It is proposed that virements be actioned in 2012/13 to support the new services. In addition the proposed savings will deliver a return of £67k to balances in 2012/13. The table below represents the revised funding allocations.

	£'000
Services to be provided:	
Free Swimming (under 16 & over 60)	47
Pre 9.30 Concessionary Travel	43
Apprentice post	8
Total Cost	98
Funded by :	
Reduction consultancy budget	89
Removal of Leisure option appraisal funding	15
Provide Redditch Matters online	17
Reduction in advertising budget	10
Removal of PAT Testing budget	30
Reduction of capital schemes – saving on revenue borrowing costs	4
Total Savings	165
Net return to balances	67

3.8 Impact on Medium Term Financial Plan to 2014/15

- 3.8.1 The Medium Term Financial Plan 2012/13 – 2014/15 as approved in February 2012 included a number of savings that had to be achieved to ensure a balanced budget would be delivered over the 3 year period. The proposed revisions to the plan will reduce the current requirement for a transfer from balances of £259k to £192k. This £67k will therefore increase the current level of balances.
- 3.8.2 In 2013/14 £192k is the revised initial shortfall that has to be funded from savings. In addition there is an assumed cut in Government Grant of £211k, incremental pay increases to staff and the increase in pension

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contributions from the employer. The full year effect of the proposed revisions to budget currently funded from one-off budget allocations will have to be met of £80k. This results in a shortfall of £706k for 2013/14.

3.8.3 In 2014/15 the shortfall of £344k is mainly due to an assumption of a further 5% cut in Government Grant, additional % increase for superannuation and the incremental increases for employees.

3.8.4 The savings to be delivered over the 3 year financial plan are :

2012/13	£192k (to be funded from balances)
2013/14	£706k
2014/15	£344k

3.8.5 This does not take into account any additional costs relating to the changes to Council Tax benefit or other welfare changes which may require additional funding from the Borough.

3.8.6 Balances are currently £1.160m. With the reduced requirement of release in 2012/13 of £192k to meet the revised budget requirement in 2012/13 the Council will be left with £968k to meet future one off commitments. The prudent level of balances to be held for an organisation the size of Redditch Borough Council is £750k.

Legal Implications

3.9 The Council has a statutory responsibility to set a balanced budget and a Council Tax for each financial year. The proposed amendments to the budget do not change the Council Tax levels or the total budget requirement and therefore can be proposed as virements during 2012/13.

Service / Operational Implications

3.10 The proposed changes to service provision as detailed above will have a number of operational implications to include:

- Ensuring access is limited to eligible residents who are under 16 and over 60. Officers are currently considering the most effective way to achieve this in line with the previous system.
- Ensuring access is available for the pre 9.30am bus travel. Officers are working with County colleagues and JMP transport advisors to ensure the contractual arrangements are in place for implementation of the scheme.

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- Redditch Matters online publication. The trial in July will be monitored and actively marketed with partners to ensure access is available and that our residents are aware of the new publication.
- Reduction in advertising and capital programme bids. Officers will consider alternative advertising opportunities and ensure risks associated with the reduction in capital bids be mitigated.

Customer / Equalities and Diversity Implications

- 3.11 The additional services will provide greater access to Council swimming facilities for the young and over 60s which as detailed in the report should improve the health and well being of our residents. Discretionary transport will ensure that eligible residents can access services at a time convenient to them.

4. RISK MANAGEMENT

- 4.1 Officers have considered the risks associated with the proposed changes and will look to mitigate the following risks identified:
- 4.2 **Reduction in capital programme for Public Building repairs to £200k:**
- Risk –deterioration of public buildings and additional costs associated with inability to repair when required.
 - Mitigation – officers to work with County colleagues (property services) to assess priority works to ensure these are undertaken with budget allocated and therefore mitigate the risk as identified above..

5. APPENDICES

None

6. BACKGROUND PAPERS

Medium Term Financial plan – supporting documents

AUTHOR OF REPORT

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17. **INCOME MANAGEMENT AND PAYMENT CARD INDUSTRY COMPLIANCE**

RECOMMENDED that

- 1) **prudential borrowing of up to £35k (revenue impact £3.6k p.a.) and additional maintenance costs of £5k to be met from revenue balances, be approved for the upgrade/replacement for the Northgate PARIS system in order to achieve compliance with the PCI PA-DSS standards; and**
- 2) **a joint procurement exercise be undertaken with Bromsgrove District Council and the invitation to participate be extended to other authorities in the County.**

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**INCOME MANAGEMENT SYSTEM AND PAYMENT CARD INDUSTRY
COMPLIANCE**

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	
Relevant Head of Service	Teresa Kristunas, Head of Finance & Resources
Wards Affected	All Wards
Ward Councillor Consulted	
Non-Key Decision	

1. SUMMARY OF PROPOSALS

There is a need to upgrade/replace the current income management system in order to ensure that the system used by the Council is PCI PA-DSS compliant. This will require investment.

2. RECOMMENDATIONS**2.1 The Executive Committee is requested to RECOMMEND that**

- 1) prudential borrowing of up to £35k (revenue impact £3.6k p.a.) and additional maintenance costs of £5k to be met from revenue balances, be approved for the upgrade/replacement for the Northgate PARIS system in order to achieve compliance with the PCI PA-DSS standards; and**
- 2) a joint procurement exercise be undertaken with Bromsgrove District Council and extend the invitation to participate to other authorities in the County.**

3. KEY ISSUES

- 3.1 The Council needs to make changes to their income management systems in order to comply with the Payment Industry Data Security Standard (PCI PA-DSS). The Standard relates to the environment in which card transactions take place in particular the storage and accessibility of card details. It will no longer be appropriate for organisations to hold card details on site. Therefore, going forward, the Council will be required to use either a bureau service for card transactions or consider a hosted solution. A decision on the way forward needs to be made by July 2012, although implementation can be much later. Due to the number of customers that need to make changes, migration to a new solution could take another 18 to 24**

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months. The consequences of not upgrading could result in a fine or the withdrawal of the facility to accept card payments.

- 3.2. The Council currently uses Northgate's PARIS system for income management. In addition to making changes to become PCI PA-DSS compliant the Council needs to introduce Chip and Pin functionality.
- 3.3. Discussions have taken place with Northgate regarding their readiness to enable their product to become PCI PA-DSS accredited. Northgate have entered into an arrangement with a third party, Logic Group to provide a bureau solution but, at the time of writing, this had not been accredited. The Logic Group are the largest provider of gateway solutions in the UK. In terms of a hosted solution Northgate will be implementing the first hosting arrangement for a local authority in June. There are 5 further authorities due to go hosted during 2012.
- 3.4 Malvern Hills, Worcester City and Worcestershire County Council have recently tendered for a shared hosted solution for income management that will deliver enhanced functionality and be PCI PA-DSS compliant. The new contract with Civica will deliver ongoing revenues savings for each authority.
- 3.5 Based on the current position Northgate, that their product is currently not PCI PA-DSS accredited and the hosted solution is not tried and tested and the outcomes achieved by the authorities named above it may be beneficial for the Council to tender its requirements for a compliant income management system.
- 3.6 Bromsgrove District Council are in a similar position to Redditch in that they need to move to a bureau or hosted service in order to have an income management system that is PCI PA-DSS compliant. Bromsgrove currently use Civica's ICON system. Entering into a joint procurement exercise could be beneficial to both authorities.

Financial Implications

- 3.7 There is a need to upgrade/replace the Northgate PARIS income management system in order to be PCI PA-DSS compliant and this will require capital investment estimated to be in the region of £35k. There will also be a revenue impact in term of borrowing costs and ongoing maintenance estimated to be in the region of £9.0k. This will be met from revenue balances for 12/13 and addressed as part of the budget process for future years.

Legal Implications

- 3.8 There are no legal implications identified.

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Service/Operational Implications

- 3.9 If card payment facilities were to be withdrawn this would impact on service delivery and have operational implications. A number of Council services are based on being able to accept card payments.

Customer / Equalities and Diversity Implications

- 3.10 Not being able to accept card payments would have implications for customers.

4. RISK MANAGEMENT

There is risk of card payment facilities being withdrawn or a find if the Council does not move to either a bureau or hosted solution that is PCI PA-DSS compliant.

5. APPENDICES

None.

6. BACKGROUND PAPERS

No background papers have been identified in respect of this report.

AUTHOR OF REPORT

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17. **FINANCIAL RESERVES STATEMENT – 2011/12**

RECOMMENDED that

- 1) **the movement in reserves as detailed in Appendix 1 to the report be approved;**
- 2) **additional General Fund Reserves of £490K be approved;**
- 3) **the use of General Fund Reserves of £498K be approved; and**
- 4) **additional HRA Reserves of £10K be approved.**

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FINANCIAL RESERVES STATEMENT – 2011/12

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	✓
Relevant Head of Service	Teresa Kristunas, Head of Finance & Resources
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To advise Members on the earmarked reserves for the year ending 2011/12 and to seek members approval for the movements in reserves.

2. RECOMMENDATIONS

The Executive Committee is requested to RECOMMEND that

- 1) the movement in reserves as detailed in Appendix 1 to the report be approved;**
- 2) additional General Fund Reserves of £490K be approved;**
- 3) the use of General Fund Reserves of £498K be approved;**
- 4) additional HRA Reserves of £10K be approved; and**

the Executive Committee is requested to resolve that;

- 5) Heads of Service be requested to undertake a review of the earmarked reserves within their service areas and provide a report, including a justification for the maintenance of these reserves, for submission to the Committee alongside the budget monitoring report for the second quarter of the 2012/13 financial year.**

**EXECUTIVE
COMMITTEE**26th June 2012

3. KEY ISSUES**Financial Implications**

- 3.1 The accounts for 2011/12 are in the process of being prepared and as part of the closedown process a review of reserves and provisions has been undertaken.
- 3.2 In discussion with Heads of Service and in considering the future plans of the Authority, a number of new reserves have been proposed, together with the release of funds currently set aside.
- 3.3 The new reserves that are proposed are included at Appendix 1.
- 3.4 If approval is granted to the proposed reserves as identified above, the revised position for General Fund will be £2.6Million to fund future plans of the Authority. The full schedule including the new reserves is attached at Appendix 1.
- 3.5 The level of reserves is significant and therefore it is proposed that officers review individual balances and report the justification of the continuation of the reserve.

Legal Implications

- 3.5 Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.
- 3.6 Section 25 of the Local Government Act 2003 places a specific personal duty on the Chief Financial Officer to report on the adequacy of reserves and the robustness of the budget.

Service/Operational Implications

- 3.7 The Council currently sets aside specific amounts as reserves for future policy purposes or to cover contingencies. In addition the Council has specific provisions for liabilities or losses that result from past events.

Customer / Equalities and Diversity Implications

- 3.8 The adequate provision of reserves will ensure the Council has appropriate funds in place to meet future demands of its customers.

EXECUTIVE COMMITTEE

26th June 2012

4. RISK MANAGEMENT

The closedown of the accounts and the relevant accounting treatment of provisions and reserves is contained within the Financial Services Risk Register and monitored on a quarterly basis

5. APPENDICES

Appendix 1 – Statement of Reserves 2011/12

6. BACKGROUND PAPERS

Final Accounts working papers 2011/12

AUTHOR OF REPORT

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Tel: (01527) 64252 x 3790

		2011/12			APPENDIX 1
		2010/11 Bal b/fwd £	Contrib. in year £	Used in year £	2011/12 Bal c/fwd £
1	Shopmobility Donations	-54,906		22,643	-32,263 Public donations specific for purchase of mobility equipment
2	Crematorium Donations	-5,747			-5,747 To fund improvements and enhancements to the cemetery grounds - project currently identified but reserve requires additional donations prior to scheme being financially viable.
3	Forge Mill Museum Donations	-2,534			-2,534 To be transferred to revenue balances in 2012/13
4	Heming Road Units	-44,768			-44,768 To be used for repairs & maintenance 2012/13
5	Car Loan Insurance Fund	-6,416	-208		-6,624 Deductions from borrowing to pay off employee car loans on death in service.
6	Community Safety(BSC)	-65,795			-65,795 To support specific service costs in 2012/13
7	Taxi licensing	-6,291			-6,291 To support specific service costs in 2012/13
8	Mercury emissions	-302,250	-73,070		-375,320 To part fund the installation of mercury abatement equipment, new cremators and general refurbishment of crematorium buildings
9	Job Evaluation	-755,000			-755,000 Costs associated with the implementation and pay protection for Job Evaluation - awaiting implementation
10	Land Drainage	-7,924	-11,670		-19,594 Creation of North Worcs Water Management Service meant that some projects relating to land drainage were not undertaken in 11/12 and the Management Board agreed that this money be carried over (in all partner districts) to complete works.
11	Planning	-57,000	-27,440		-84,440 To fund future local plan enquiry
12	Town Centre Grant	-55,722	-15,000	18,902	-51,820 To support specific Town Centre projects in 2012/13
13	Charles Henry Foyle Trust	-4,354			-4,354 To be used for future exhibition costs
14	Action Sport	-51,292	-27,310	11,172	-67,430 To support specific service costs in 2012/13

15	Homelessness Grant	-135,824	-54,563	37,270	-153,117	Grant to fund specific projects c/fwd
16	Mort rescue	-39,979		2,638	-37,340	Funds available for mortgage support not fully utilised
17	Social hsg fraud	-9,105		9,105	0	Fully spent in 2011/12
18	Risk	-14,600	-6,600		-21,200	To fund specific risk mitigation projects in 2012/13
19	Health & Well Being	-36,803		10,043	-26,760	To support specific service costs in 2012/13
20	Redditch Partnership	-5,000	-5,000		-10,000	Police grant c/fwd (B'grove & Redditch network)
21	Arts	-26,687	-7,135	16,802	-17,020	Grants received to fund future projects
22	Benefits	-15,887	-7,263		-23,150	Admin grant for benefit changes (rec March 2012)
23	Economic Development	-9,750		9,750	0	Transferred to Economic Development service
24	Family Learning	-4,955		1,025	-3,930	To support specific service costs in 2012/13
25	Areas of Highest Need	-226,070		65,250	-160,820	Carried forward balance of 3 year grant from WCC
26	Recycling	-26,050		16,840	-9,210	Balance of WCC funding to be used for route optimisation / all green all grey project that will improve the efficiency of the waste collection rounds and save money.
27	Land charges	-100,000			-100,000	To fund potential legal claims in respect of land charge payments received
28	Sure Start	-9,903			-9,903	Carried forward balance of 3 year Sure Start contract grant.
29	Lifeline	-24,342			-24,342	To be used in future years to cover shortfall in service.
30	Community Safety	-168,337	-2,561	75,311	-95,587	Grants received to fund future projects
31	Shared services/transformation	-250,000		200,000	-50,000	To fund costs associated with shared service and transformation

32	Reg, Services balance	-70,802		802	-70,000	To fund costs associated with the future restructures of Worcestershire Regulatory Services
33	Customer Services	0	-20,000		-20,000	To fund the queue management system in customer services from staff savings
34	PCT	0	-156,000		-156,000	Grant from Clinical Commissioning Group to fund specific projects
35	Warmer Homes	0	-1,000		-1,000	WCC funding to be used for insulation
36	Elections		-6,000		-6,000	To support the legal requirement to undertake an Absent Voters review and to fund all associated costs in January 2013.
37	Grants to Vol Bodies		-12,660		-12,660	Jubilee Events in 2012/13/Batchley Support Grp to be paid in2012/13
38	Strategic Housing		-1,250		-1,250	DCLG Revenue contrib to Hsg R&D
39	Boulders Play Area		-23,670		-23,670	Play area work -income from insurance claim for fire damage
40	Elections		-16,000		-16,000	Following a change in funding allocations the reserve is required to fund replacement ballot booths and boxes in the future.
41	Planning transformation		-10,000		-10,000	Backfilling of posts during transformation
42	Countryside Centre		-6,000		-6,000	drainage system
	GF Earmarked Reserves	-2,594,094	-490,400	497,553	-2,586,941	
43	Supporting People(HRA)	-19,166	-10,341		-29,507	Funding for post not all used in year
	HRA Earmarked Reserves	-19,166	-10,341	0	-29,507	
44	Capital Reserve- Vehicles & Plant	-260,495			-260,495	To fund vehicle & plant programme
45	Planning grant	-71,595			-71,595	Transferred to Balances in 2012/13
46	Capital Reserve-HRA	-5,450,000			-5,450,000	To fund future housing capital programme
47	Major Repairs Reserve	-3,843,949	2,267,815		-1,576,134	To fund future housing capital programme
	Capital Reserve	-9,626,039	2,267,815	0	-7,358,224	
	TOTAL BALANCES	-8,395,350	1,767,074	497,553	-9,974,672	

REDDITCH BOROUGH COUNCIL

COUNCIL

23rd July 2012

4. **AUDIT AND GOVERNANCE COMMITTEE - PROCEDURE RULES**

RECOMMENDED that

the Audit & Governance Committee's Procedure Rules be approved for inclusion in the Council's Constitution.

AUDIT & GOVERNANCE

28th June 2012

AUDIT & GOVERNANCE PROCEDURAL RULES

Relevant Portfolio Holder	Councillor Phil Mould, Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas, Head of Finance and Resources.
Wards Affected	None.

1. SUMMARY OF PROPOSALS

To seek Members' approval of the Audit & Governance Procedural rules for 2012/13.

2. RECOMMENDATIONS**2.1 The Committee is asked to RECOMMEND that**

subject to any member comments, the Audit & Governance Procedural rules be approved

3. KEY ISSUES

3.1 The council needs to demonstrate that it is effectively delivering the core functions of an Audit Committee, as identified in the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.

3.2 There are currently no formal procedure rules in place for Audit & Governance and therefore the constitutional working group has agreed that the Committee should consider procedure rules and a draft set are attached at Appendix 1 for consideration. These rules will be reviewed on an annual basis to ensure they support the effective function of an Audit and Governance Committee.

Financial Implications

3.3 There are no specific financial implications.

Legal Implications

3.4 None as a direct result of this report

Service/Operational Implications

3.5 The procedure rules provide a formal framework for the functioning of the Committee and ensure that officers and members are aware of this framework to deliver an effective Audit Committee together with supporting the good Governance arrangements in place at the Council.

AUDIT & GOVERNANCE

28th June 2012

Customer / Equalities and Diversity Implications

3.6 There are no customer/equalities and diversity implications.

4. RISK MANAGEMENT

There may be a risk in relation to the provision of good Governance if the procedure rules are not adopted. In addition there would be a limited framework for officers and members to work within.

5. APPENDICES

Appendix 1 – Draft Audit & Governance Procedural Rules

6. BACKGROUND PAPERS

AUTHOR OF REPORT

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AUDIT & GOVERNANCE COMMITTEE PROCEDURE RULES
(New draft document – subject to further consideration by the Audit & Governance Committee, and recommendations thereon to the Council.)

1. Role of the Audit and Governance Committee

- 1.1 *The Council has established an Audit and Governance Committee.*
- 1.2 *The Audit and Governance Committee will work in partnership with the Executive Committee and Officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the Borough.*
- 1.3 *The ultimate responsibility for Audit rests with the Council's Section 151 Officer. Therefore the Audit and Governance Committee can make informed recommendations but it is not the role of the Audit and Governance Committee to be a substitute for management of Internal Audit.*
- 1.4 *The Audit and Governance Committee does not have the power to make decisions with regard to Internal Audit or to direct Officers with regard to Internal Audit.*

2. Terms of Reference

- 2.1 *The Terms of Reference of the Audit and Governance Committee are as follows:*
 - a. *To review and monitor the annual audit plans of both the internal and external auditors.*
 - b. *To receive and comment upon external auditors' reports.*
 - c. *To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.*
 - d. *To consider and approve the Council's Annual Statements of Accounts.*
 - e. *To consider, monitor and review the Council's overall corporate governance arrangements.*
 - f. *To ensure that a corporate risk management strategy is in place, to consider, monitor and review the effectiveness of the Council's risk management arrangements and seek assurances that action is being taken to address identified risk related issues.*

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- g. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.*
- h. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.*
- i. To enhance the profile, status and authority of the internal audit function that will demonstrate its independence.*
- j. To contribute towards making the Council, its Committees and Directorates more responsive to the Audit function.*
- k. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.*
- l. To receive and consider such internal audit reports that the Chair and/or Acting Deputy Chief Executive considers necessary.*
- m. To keep under review and make recommendations on proposed amendments to Financial Regulations.*
- n. To consider and make recommendations if appropriate on, the Annual Governance Statement.*

2.2 Within those Terms of Reference, the Audit and Governance Committee will:

- a. agree annual and strategic audit plans;*
- b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;*
- c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;*
- d. receive and consider executive summaries of financial process / procedures;*
- e. receive and consider executive summaries of Value For Money reports;*
- f. receive and consider executive summaries of contract audit reports;*
- g. receive and consider executive summaries of any special investigations undertaken by Internal Audit;*
- h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems;*
- i. monitor the proportion of key recommendations actioned since the previous meeting;*
- j. consider all external audit reports including the Annual Audit Letter.*

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3. Composition

The Audit and Governance Committee will comprise such number of Councillors as are determined at the Council's Annual Meeting. All Councillors may be members of the Audit and Governance Committee.

4. Co-optees

The Audit and Governance Committee shall be entitled to appoint a number of people as non-voting co-optees.

5. Chair

- a. The Committee's Chair and Vice-Chair will normally be appointed at the Council's Annual Meeting.*
- b. If the Chair / Vice-Chair are not so appointed, they shall be appointed at the first meeting of the Audit and Governance Committee.*

The Chair and Vice-Chair shall not be members of the controlling political group.

6. Meetings of the Audit and Governance Committee

- 6.1 There shall be at least 4 ordinary meetings of the Audit and Governance Committee in each year.*
- 6.2 Extraordinary meetings may be called from time to time as and when appropriate.*
- 6.3 A meeting of the Audit and Governance Committee may be called by the Chair of the Audit and Governance Committee, by any 3 members of the Audit and Governance Committee or by the Chief Executive if s/he considers it necessary or appropriate.*

7. Quorum

The quorum for a meeting of the Audit and Governance Committee shall be 3 members.

8. Attendance of Officers at meetings

- 8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit and Governance Committee.*

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- 8.2 *The Audit Services Manager shall be expected to attend each meeting of the Audit and Governance Committee.*

9. Participation in Meetings

No member of the Audit and Governance Committee may be involved in the consideration of a decision in which s/he has been directly involved. If any member of the Audit and Governance Committee finds that a decision in which s/he has been directly involved is to be considered, s/he shall declare the fact to the Audit and Governance Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

10. Work Programme

- 10.1 *The Audit and Governance Committee will be responsible for setting its own work programme and in doing so shall take into account of:*
- a. *the views of members of the Audit and Governance Committee who are not members of the largest political group on the Council;*
 - b. *suggestions of matters for consideration made by the Executive Committee;*
 - c. *suggestions of matters for consideration made by the Council.*

11. Procedure at Audit and Governance Committee meetings

The Audit and Governance Committee shall at each meeting consider the following business:

- a. *consideration of the accuracy of the minutes of the previous meeting;*
- b. *declarations of interest;*
- c. *responses of the Executive Committee to reports of the Audit and Governance Committee; and*
- d. *matters set out on the agenda for the meeting in accordance with paragraph 12 below.*

12. Agenda items

- 12.1 *Any member of the Audit and Governance Committee shall be entitled to give notice to the Section 151 Officer that s/he wishes an item relevant to the functions of the Audit and Governance Committee to be included on the agenda for the next available meeting of the Committee. On receipt of*

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such a request the Section 151 Officer will ensure that it is included on the next available agenda.

12.2 *Where a matter is referred to the Audit and Governance Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Audit and Governance Committee following the referral.*

12.3 *The Audit and Governance Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Executive Committee to review particular areas of Council activity. The Audit and Governance Committee shall report its findings and any recommendations back to Council or Executive Committee (as appropriate).*

13. Investigations and Enquiries

The Audit and Governance Committee may

- a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;*
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit and Governance Committee in its deliberations;*
- c. invite witnesses to attend to address the Audit and Governance Committee on any matter under consideration;*
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any such budget set by the Council each year for such purposes is not exceeded.*

14. Members and Officers giving account

14.1 *The Audit and Governance Committee may review internal control mechanisms and systems that exist in any Council Department. As well as reviewing documentation, in fulfilling its Terms of Reference, it may require any member of the Executive Committee, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:*

- a. any particular decision or series of decisions;*
- b. the extent to which the actions taken implement Council policy; and /or*

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c. his/her performance;

and it is the duty of those persons to attend if so required.

14.2 If any Councillor or Officer is required to attend meetings of the Audit and Governance Committee under this provision, the Councillor or Officer will be given reasonable notice in writing of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Audit and Governance Committee. Where the account to be given to the Audit and Governance Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation

14.3 If the Councillor or Officer is unable to attend on the required date, the Audit and Governance Committee shall in consultation with the Councillor or Officer arrange an alternative date for attendance.

15. Attendance by others

15.1 The Audit and Governance Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Any such person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

15.2 If the Audit and Governance Committee is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit and Governance Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Audit and Governance Committee which arise from that motion.

15.3 If the Audit and Governance Committee invites a person to address a meeting or to give evidence, the following principles will be observed:

- a. the investigation will be conducted fairly and all members of the Audit and Governance Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;*
- b. those assisting the Audit and Governance Committee by giving evidence will be treated with respect and courtesy; and*

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- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.*

16. Reports from the Audit and Governance Committee

- 16.1 *Once it has formed recommendations on proposals for development, the Audit and Governance Committee will make its findings public and will report to the Executive Committee.*
- 16.2 *The Audit and Governance Committee may report directly to full Council where the Section 151 Officer and/or Audit Services Manager advises the Audit and Governance Committee that it is appropriate to do so.*
- 16.3 *If the Audit and Governance Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.*
- 16.4 *The Council or the Executive Committee shall consider the report of the Audit and Governance Committee within two months of it being submitted.*

17. Consideration of Audit and Governance Committee Reports by the Executive Committee

The agenda for Executive Committee meetings shall include an item at which minutes and/or reports of the Audit and Governance Committee will be considered. The minutes and/or reports of the Audit and Governance Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda).

18. The party whip

The party whip must not be applied at Audit and Governance Committee meetings.

19. Finance

The Audit and Governance Committee may exercise overall responsibility for any finances made available to it.

COUNCIL

23rd July 2012

STANDARDS COMMITTEE – LOCALISM ACT 2011

Relevant Portfolio Holder	Cllr Phil Mould, Portfolio Holder, Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	None specifically.
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non Key

1. SUMMARY OF PROPOSALS

- 1.1 To adopt the finalised Code of Conduct following publication of Regulations, which enabled the draft Code of Conduct to be completed.
- 1.2 To adopt the Arrangements for handling standards complaints against elected/co-opted members, finalised since the Annual Meeting.
- 1.3 To adopt the Code and Arrangement following the making of the Commencement Order for the standards provisions under the Localism Act, enabling these provisions to come into force.
- 1.4 To appoint the Independent Person/s (to be named at the meeting)
- 1.5 To delegate to the Standards Committee and Monitoring Officer authority to administer the standards procedures and processes adopted by the Council and make consequential amendments to the Constitution.
- 1.6 To agree to continue the requirement for Members to register Gifts and Hospitality.

2. RECOMMENDATIONS

The Council is asked to RESOLVE that

- 1) the Code of Conduct attached at Appendix 1 to this report be approved;**
- 2) the Arrangements for Managing Standards complaints at Appendix 2 to this report be approved;**
- 3) the two candidates recommended by the selection panel (to be named at the meeting) be appointed as Independent Persons under**

the Localism Act 2011;

- 4) authority be delegated to the Standards Committee and Monitoring Officer to administer the Standards procedures and processes relating to the Code of Conduct and Arrangements for managing standards complaints as adopted by the Council;
- 5) authority be delegated to the Monitoring Officer to make any additional consequential amendments to the Constitution required to implement the arrangements and processes and the decision regarding gifts and hospitality at 6), below ; and
- 6) Members agree to continue the practice of registering all gifts and hospitality on a publically available register recognising that they continue to have a duty to act with openness, honesty and integrity and in order to comply with the requirements of the Council's Anti-Bribery Policy

3. KEY ISSUES

Financial Implications

- 3.1 None

Legal Implications

- 3.2 Under the Localism Act 2011, the Council must adopt a Code of Conduct and have in place arrangements under which allegations that a Member or co-opted Member of the authority (or parish council within the authority's area), has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.
- 3.3 The Localism Act requires that the Council must appoint at least one Independent Person, who must be consulted by the authority before it makes a decision on an investigated allegation against a Member (that is at the hearing stage) and otherwise can be consulted by the authority, the Member complained against or a Parish Member who is the subject of an allegation.
- 3.4 On 6 June 2012, The Localism Act 2011 (Commencement No6 and Transitional, Savings and Transitory Provisions) Order 2012 ("the Commencement Order") disapplied the old standards regime from 1 July 2012, brought the new regime into force from the same day and partially commenced certain provisions from 7 June 2012, enabling authorities to prepare for the new regime.

COUNCIL**23rd July 2012**

- 3.5 Under the Bribery Act 2010, which came into force on 1 July 2011, the Council is required to have an anti-bribery policy and needs to have “adequate procedures” in place to prevent bribery of or by or of both Members and Officers of the Council and s27 of the Localism Act imposes a duty on the Council to promote high standards of conduct by Members and co-opted Members of the authority.

Service / Operational Implications**Code of Conduct**

- 3.7 At the Annual Meeting of the Council on 21 May 2012, the Council approved a draft Code of Conduct and draft arrangements for handling complaints against Members and co-opted Members of the authority (and Feckenham Parish Council).
- 3.8 The Code of Conduct must include the provisions the authority considers appropriate in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
- 3.9 It was not possible to complete the Code of Conduct prior to the publication (on 6 June 2012) of “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012” (“the Regulations”) as no definition of what comprised a “disclosable pecuniary interest” was available until then.
- 3.10 The finalised Code of Conduct is attached at **Appendix 1**

Arrangements for Managing Standards complaints

- 3.11 Draft arrangements presented to the Annual Meeting have been finalised and are attached at **Appendix 2**
- 3.12 The Arrangements refer to procedures for investigating complaints and for arranging hearings, where required, under those arrangements. At the Annual Meeting of the Council, authority was delegated to the Monitoring Officer, in consultation with Party Group leaders, to determine the process for managing an investigation and hearing, when required.

Commencement and Adoption

- 3.13 On 6 June 2012, The Localism Act 2011 (Commencement No6 and Transitional, Savings and Transitory Provisions) Order 2012 (“the Commencement Order”) disapplied the old standards regime from 1 July 2012, brought the new regime into force from the same day and partially commenced certain provisions from 7 June 2012.

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- 3.14 Following the making of the Commencement Order referred to at 3.3 above, the Council is required to ratify the Code of Conduct and Arrangements as finalised after the Order was made.

Independent Persons

- 3.14 At the Annual Meeting of the Council on 21 May 2012, authority was delegated to the Monitoring Officer to carry out the recruitment and selection of Independent Persons, which are required by the Localism Act to assist with the discharge of the management of complaints against Members and co-opted Members of the Council and Feckenham Parish Council.
- 3.15 Following the Annual Meeting the process to advertise and interview candidates for the position of Independent Persons was implemented and interviews have taken place in the last two weeks.
- 3.16 The outcome of the selection process will be provided to Members at the Council meeting and this report invites the Council to appoint the successful candidates as Independent Persons.

Delegations

- 3.17 The discharge of the functions relating to Standards under the Localism Act 2011 are Council functions and in order for the Standards Committee and the Monitoring to implement and administer the Standards procedures and processes relating to the Code of Conduct and Arrangements for managing standards complaints as adopted by the Council, a delegation to this effect is required and is set out at Recommendation 4 to be resolved by the Council.
- 3.18 A further delegation is proposed, which will enable the Monitoring Officer to make any additional consequential amendments to the Constitution required to implement the arrangements and processes adopted by the Council and the decision regarding Gifts and Hospitality, if approved.

Gifts and Hospitality

- 3.19 The Localism Act 2011 (and Regulations made under the act) did not include any provisions requiring members or co-opted members to register gifts and hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members and co-opted Members.

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23rd July 2012

- 3.20 To comply with the requirements of the Bribery Act 2012, the Council adopted an Anti-Bribery Policy at its February 2012 meeting.
- 3.21 Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.
- 3.22 Under Section 7 of the Bribery Act 2010, an organisation will have a defence to the corporate offence under Section 7 if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.
- 3.23 Maintaining a requirement for gifts and hospitality to be registered will be one of the procedures that are in place designed to prevent bribery within the organisation and will also support the Council's duty under the Localism Act to promote high standards of conduct and individual Members/co-opted Members' regard for the principles of "selflessness", "integrity" and "openness" within the Code of Conduct.
- 3.24 Previously, there were monetary limits on the requirement to register gifts and hospitality but it is recommended to the Council that it will be considerably simpler for all concerned if these are removed and a simple requirement for all gifts and hospitality be introduced. As well as being more straight-forward, this also supports the anti-bribery and transparency requirements under the Bribery Act 2010 and the Code of Conduct referred to in 3.23 above.
- 3.25 If the proposal regarding Gifts and Hospitality is approved, the Code of Conduct for Councillors regarding Gifts and Hospitality will be amended to reflect the decision, under the delegation to the Monitoring Officer to make necessary consequential changes to the constitution

4. RISK MANAGEMENT

- 4.1 The Chief Executive and the Monitoring Officer work closely with the Leaders of all Party Groups to ensure that effective working relationships with all Members can be maintained.
- 4.2 By adopting the Code of Conduct and the arrangements as attached to this report the Council is ensuring that it complies with the statutory requirements for managing complaints and to discharge the duty to promote high standards in public life, at Borough and Parish level.

COUNCIL

23rd July 2012

- 4.3 Maintaining a requirement for Members and co-opted Members to register gifts and hospitality will also assist with the Council's anti-bribery arrangements and the duty to promote high standards of conduct.

5. APPENDICES

Appendix 1 - Code of Conduct

Appendix 2 – Arrangements for managing standards complaints

6. BACKGROUND PAPERS

Localism Act 2011

Statutory Instruments No 2012/ 1463 – The Localism Act 2011 (Commencement, No 6 and Transitional Savings and Transitory Provisions) Order 2012; and
Statutory Instrument No 2012 / 1464 – The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Reports / Minutes of Annual Meeting of the Council on 21 May 2012.

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of Redditch Borough Council.
- (2) You should read this Code together with the Ten Principles of Public Life which are set out in Appendix 1
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
"meeting" means any meeting of
 - (a) the authority;
 - (b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;
 - (c) the executive of the authority or it's committees"Monitoring Officer" means the Monitoring Officer for the principal Council which is Redditch Borough Council;

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

PART 16

4. You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity.

PART 16

7. You must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
- .
8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife: or
 - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

PART 16

Registration of DPIs

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

Other Disclosable Interests

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
 - a pecuniary interest in the matter under discussion; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) DPIs: formal meetings

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

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(2) DPis: informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have a been granted a dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:

PART 16

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgment – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Redditch Borough Council**Arrangements for Managing Standards Complaints under the
Localism Act 2011****1. Introduction**

- 1.1 Sections 28(6) and (7) of the Localism Act 2011 require the Borough Council to have in place “arrangements” under which allegations that an elected Member or voting co-opted Member of the authority or of a parish council within the authority’s area, or of a committee or sub-committee of the authority or parish council, has failed to comply with the relevant authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the Borough Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or by the Member or co-opted Member against whom an allegation has been made.
- 1.3 These arrangements set out how a complaint that an elected or voting co-opted Member of the authority or of a parish council within the authority’s area has failed to comply with his/her authority’s Code of Conduct can be made, and how such allegations will be dealt with by the Borough Council.

2. The Code of Conduct

- 2.1 The Borough Council has adopted a Code of Conduct for Members. The Code is available on the authority’s website or on request from Reception at the Town Hall.
- 2.2 Feckenham Parish Council (the only Parish Council within the authority’s area) is also required to adopt a Code of Conduct. A copy of the Parish Council’s Code can be obtained from the Clerk to the Parish Council.

3. Making a complaint and complaint acknowledgement

- 3.1 Complaints must be made in writing to:

Mrs C Felton
Monitoring Officer
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
B98 8AH
Email: c.felton@bromsgroveandredditch.gov.uk

- 3.2 The Monitoring Officer is a senior Officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the authority has all the information it needs to be able to process a complaint, the model Complaint Form should ideally be completed. The form is available on the authority's website or is available on request from Reception at the Town Hall.
- 3.4 Complainants are asked to provide their name and contact details in order that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed of progress with the complaint. If a complainant wishes to keep his/her details confidential this should be indicated on the form, in which case the authority will not disclose the complainant's details to the Member against whom a complaint has been made (the 'subject Member') without the complainant's prior consent. The authority would not normally investigate anonymous complaints unless there is a clear public interest in doing so.
- 3.5 The Monitoring Officer will issue a written acknowledgement of a complaint to the complainant within 3 working days of receiving it. At the same time the Monitoring Officer will write to the Member against whom the complaint has been made to notify them of the complaint (subject to 5.4 below). Both the complainant and the subject Member will be kept informed of progress with the complaint.
- 3.6 If, at any stage during the process, a complainant wishes to withdraw his/her complaint, the Monitoring Officer will consider, in consultation with the Independent Person, whether it is appropriate for the complaint to be terminated, or whether it is in the public interest for the complaint to proceed to conclusion.

4. Review of Complaint by the Monitoring Officer and options available to the Monitoring Officer following review

- 4.1 The Monitoring Officer will review every complaint received and, following consultation with the Independent Person, will make a decision as to what action, if any, should be taken with the complaint. Where the Monitoring Officer has taken a decision, she will inform the subject Member, complainant, and if the subject Member is a parish councillor the Parish Council Clerk, in writing of her decision and the reason(s) for the decision.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, she may request information from the complainant, subject Member or any other relevant party. Examples of a relevant party include:
- a Leader of a Political Group;
 - a Chair, Vice-Chair, or Clerk or Executive Officer of a Parish Council;

- a representative of the Worcestershire Association of Local Councils;
 - a representative of the Police or other relevant regulatory body;
 - the Borough Council's Chief Executive; or
 - any other party who the Monitoring Officer is of the opinion might be in a position to assist in providing relevant information in relation to a complaint.
- 4.3 If a complaint identifies possible criminal conduct or breach of other regulation by any person the Monitoring Officer has the power to refer the matter to the Police or other regulatory agency. The Monitoring Officer will, at the same time and in consultation with the Independent Person, continue to undertake any separate course of action which might be deemed necessary on behalf of the authority in relation to the complaint, with a view to maintaining high standards of Member conduct.
- 4.4 Subject to 4.3 above, the Monitoring Officer may decide:
- that no further action be taken with respect to the complaint (which would apply where, for example, a complaint is found to be factually incorrect and therefore has no basis, or where a complaint is unsubstantiated or does not relate to a possible breach of the Code of Conduct);
 - to seek to resolve the complaint informally, via local resolution; or
 - that a formal investigation into the complaint is required.

In all cases the Monitoring Officer will write to the relevant parties detailing her decision and the reason(s) for the decision.

- 4.5 Where the Monitoring Officer attempts to deal with a complaint informally via local resolution she will liaise with the relevant parties to seek to agree a way forward. "Relevant parties" will always include the relevant Party Group Leader. If the subject Member accepts that his/her conduct was unacceptable and offers an apology, and/or other remedial action is offered or undertaken by either the subject Member or the authority, the Monitoring Officer will notify the complainant of any reasonable terms offered.
- 4.6 If the complainant and the subject Member accept the terms offered the Monitoring Officer will write to all relevant parties detailing the outcome and the matter will be closed.
- 4.7 If the complainant or the subject Member (in consultation with the relevant Group Leader) does not accept the terms offered the Monitoring Officer will, in consultation with the Independent Person, refer the matter to an Assessment Sub-Committee of the Standards Committee to determine whether the complaint merits formal investigation.

5. Formal Investigation

- 5.1 The Council has delegated authority to the Monitoring Officer, in consultation with the Party Group Leaders, to determine the process for managing an investigation and a hearing.
- 5.2 If either the Monitoring Officer or the Assessment Sub-Committee decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another Officer of the authority, an Officer of another authority or an external investigator.
- 5.3 The Investigating Officer will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate. The Investigating Officer will decide whether he/she needs to meet or speak with the complainant, the subject Member or any other parties to understand the nature of the complaint and so any parties can explain their understanding of events and suggest what documents the Investigating Officer might need to see, and who the Investigating Officer may need to interview.
- 5.4 In exceptional cases, where it is appropriate to keep a complainant's identity confidential or disclosure of details of the complaint to the subject Member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the subject Member, or delay notifying the subject Member until the investigation has progressed sufficiently.
- 5.5 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and the subject Member, to give both parties an opportunity to comment on the report and identify any matters which are not agreed or which require further attention.
- 5.6 Having received and taken account of any comments which either the complainant or the subject Member might make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- 5.7 The Monitoring Officer will review the Investigating Officer's final report and, in consultation with the Independent Person, will determine the next course of action to be taken with this. If the Monitoring Officer is not satisfied that the investigation has been conducted fully and feels that any aspect of the Investigating Officer's final report is incomplete, or requires further attention, she may ask the Investigating Officer to reconsider his/her report.

6. No evidence of a failure by the subject Member to comply with the Code of Conduct

If the Investigating Officer finds that there is no evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings,

the Monitoring Officer will, following consultation with the Independent Person, write to the complainant, the subject Member, and if the complaint relates to a parish councillor the Parish Council Clerk, confirming that she is satisfied that no further action is required. A copy of the final report will be sent to the complainant and subject Member and the matter will be closed.

7. Evidence of a failure by the subject Member to comply with the Code of Conduct

- 7.1 If the Investigating Officer finds that there is evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person and depending on the nature and seriousness of the failure in question, determine whether to send the matter for a local hearing of the Hearings Sub-Committee of the Standards Committee or to seek to resolve the matter via local resolution.

Local Resolution

- 7.2 If the Monitoring Officer attempts to conclude the matter via local resolution she will, in consultation with the Independent Person, liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the subject Member in the future. If a fair resolution is agreed and the subject Member complies with the suggested resolution the Monitoring Officer will write to the relevant parties to confirm the position and will report the matter to the Standards Committee for information. The matter will then be closed.
- 7.3 If the complainant tells the Monitoring Officer that any proposed resolution is not, in their view, adequate, or if the subject Member is not prepared to undertake any proposed action, such as giving an apology, the Monitoring Officer will, in consultation with the Independent Person, determine whether to close the matter without further action or to refer it for a local hearing. The Monitoring Officer will write to the relevant parties to confirm her decision and the reasons(s) for the decision.

Local Hearing

- 7.4 The Council has delegated authority to the Monitoring Officer, in consultation with the Party Group Leaders, to determine the process for managing an investigation and a hearing.
- 7.5 The Hearings Sub-Committee will decide whether the subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
- 7.6 Where a local hearing is to take place, the Monitoring Officer will conduct a 'pre-hearing process' which is aimed at facilitating the smooth running of the hearing. As part of this process the subject Member will be asked to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Hearings

Sub-Committee may also issue directions as to the manner in which the hearing will be conducted.

- 7.7 At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Sub-Committee. The subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 7.8 The Hearings Sub-Committee may, with the benefit of any advice from the Independent Person, conclude that the subject Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the subject Member did fail to comply with the Code of Conduct, the Chair will inform the subject Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the subject Member an opportunity to make representations in relation to the failure and will consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

8. Action that can be taken where a Member has failed to comply with the Code of Conduct

- 8.1 The Council has delegated to the Standards Committee and the Monitoring Officer authority to administer complaints in accordance with the agreed process. The following actions may be taken after a hearing:
- 8.1.1 Publish findings in respect of the Member's conduct;
 - 8.1.2 Report findings to Council, or to the Parish Council, for information;
 - 8.1.3 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - 8.1.5 Instruct the Monitoring Officer to, or recommend that the Parish Council, arrange training for the Member;
 - 8.1.6 Remove the Member, or recommend to the Parish Council that the Member be removed, from all outside appointments to which

he/she has been appointed or nominated by the authority or by the Parish Council;

8.1.7 Withdraw, or recommend to the Parish Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

8.1.8 Exclude, or recommend that the Parish Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 There is no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9. Decision of the Hearings Sub-Committee

9.1 At the end of the hearing, the Chair will state the decision of the Sub-Committee as to whether the Member failed to comply with the Code of Conduct and any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable after the hearing, the Legal Advisor to the Hearings Sub-Committee will prepare a formal decision notice in consultation with the Chair of the Sub-Committee. A copy of the decision notice will be sent to the complainant, the subject Member, and if the complaint relates to a parish councillor to the Parish Council Clerk. The decision notice will be made available for public inspection and the decision will be reported to the next convenient meeting of the Council.

10. Hearings Sub-Committee

10.1 The Hearings Sub-Committee is a Sub-Committee of the Council's Standards Committee.

10.2 The Independent Person will be invited to attend all meetings of the Hearings Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. The Independent Person

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the authority or the County Council, Fire Authority or Police Authority;

- 11.2 Is or has been within the past 5 years, a Member, co-opted Member or Officer of a parish council within the authority's area, or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
- 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements and the Chair of the Hearings Sub-Committee may depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

- 13.1 There is no right of appeal for a complainant or the subject Member of a decision of the Monitoring Officer or of the Hearings Sub-Committee. Any decision would however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.
- 13.2 If a complainant feels that the authority has failed to deal with his/her complaint properly, he/she may make a complaint to the Local Government Ombudsman.

Worcestershire
Health and Well-being Board

Joint Health & Well-being Strategy

2012-15

DRAFT FOR CONSULTATION



Wyre Forest
Clinical Commissioning Group



South Worcestershire
Clinical Commissioning Group



Redditch and Bromsgrove
Clinical Commissioning Group

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Executive summary

From the Cabinet Member for Health and Well-being

It is my great pleasure to present Worcestershire's first Joint Health and Well-being Strategy. The Strategy is a statement of the Health and Well-being Board Board's vision, priorities and goals for 2012-15, based on the findings of the Joint Strategic Needs Assessment.

Our vision is to improve health and well-being outcomes, adding life to years as well as years to life, especially for those communities and groups with the poorest health. We will seek to create a health and well-being system fit for the 21st century - which:

- Is based on shared responsibility.
- Reduces dependence on health and social care services.
- Offers health and social care services that are high quality and value for money.
- Protects the public.
- Is transparent and accountable.

Health and well-being in Worcestershire has been improving and is better than the national average. However this strategy comes at a time of huge challenges from:

- An ageing population.
- A growing burden of lifestyle related ill-health, particularly due to obesity.
- A growing need for savings across the public sector finances, including health and social care services.
- Relatively poor health in our most disadvantaged communities.

In this context we have chosen five priorities. Some of them will require long term action to improve education, employment, housing, transport and the environment. Others need be addressed in the short term, with action to improve and integrate health and social care services. The priorities are:

- Older people and management of long term conditions.
- Mental health.
- Obesity.
- Alcohol.
- Acute hospital services.

The Board will work with all partners to help align policies, services, resources and activities with the Strategy. This will enable joined up action to tackle issues that will benefit from multi-agency working. In particular we will work to ensure that the commissioning plans of the County Council and the local NHS are consistent with the Strategy, and that NHS, public health, social care and related children's services are integrated wherever possible.

The Strategy is being released for consultation in the first instance. We want to hear what you think and very much welcome comments to help us develop a final version.

Introduction

What is the Health and Well-being Board?

1. Worcestershire Health and Well-being Board (the Board) is the new forum where local leaders come together to improve the health and wellbeing of our population.
2. The Board is being established by the County Council and the local Clinical Commissioning Groups under the Health and Social Care Act 2012. The Board will operate in 'shadow' form in 2012/13 and will formally assume its new statutory responsibilities in April 2013.

What does it do?

3. The purpose of the Board is to:
 - Lead and build partnerships for health and well-being across local organisations and the wider community.
 - Establish a shared understanding of health and wellbeing needs and how these can be met.
 - Secure better health outcomes, quality of care and value for money.
 - Support joint working and integration of services across the County Council, NHS and other partners – including the further development of joint commissioning and pooled budgets.
 - Lead strategic planning and drive commissioning of NHS, public health, social care and related children's services.
 - Strengthen democratic legitimacy by allowing elected Members and the public to influence the strategic planning and commissioning of services.
 - Become a forum for public discussion and accountability of policies, services and activities which influence the health and well-being of the community.
 - Develop a consensus around major service change.
4. To do this the Board will:
 - Oversee the production of a Joint Strategic Needs Assessment to provide a clear statement of the health and well-being needs of the population.
 - Develop a Joint Health and Well-being Strategy based on this assessment, to provide a framework for how these needs are to be addressed.
 - Consider whether the commissioning plans of the County Council and the local NHS are consistent with the Joint Health and Well-being Strategy.
 - Influence how the County Council, local NHS and other partners organise and provide services.

Who sits on the Board?

5. The Board includes those members listed below. The Health and Social Care Act mandates at least one elected Member and those members indicated by an asterisk. The Board wants to hear from all parts of the community to help it understand local people's needs and views.
 - Leader of the County Council.
 - Cabinet Member for Health and Well-being.
 - Members from each of the three Clinical Commissioning Groups: Redditch and Bromsgrove, South Worcestershire and Wyre Forest.*
 - One member from the District Councils in each of the Clinical Commissioning Group areas.
 - Director of Public Health.*
 - Director of Adult Social Services.*
 - Director of Children's Services.*
 - Chair of Worcestershire Healthwatch.*
 - Member from the Voluntary and Community Sector.
 - Member from the West Mercia PCT Cluster.

What is the Joint Health and Well-being Strategy?

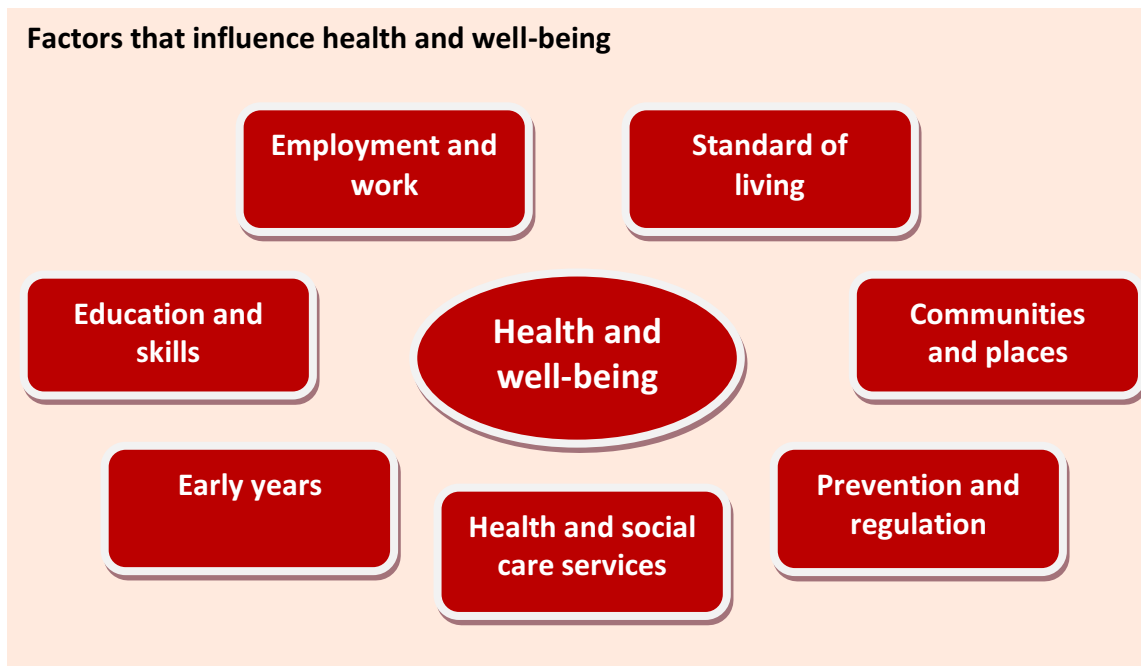
6. Worcestershire's Joint Health and Well-being Strategy (the Strategy) is a statement of the Board's vision, priorities and goals for 2012-15, based on the findings of the Joint Strategic Needs Assessment. Preparation of the Strategy is a statutory duty for the County Council and the Clinical Commissioning Groups under the Health and Social Care Act 2012. The Strategy will provide a basis for the public to hold local organisations to account for achieving the stated outcomes.
7. The Strategy sets the context for other health and well-being Plans and for commissioning of NHS, public health, social care and related children's services. The Board will work with all partners to help align policies, services, resources and activities with the Strategy. This will enable joined-up action to tackle issues that will benefit from multi-agency working.
8. The Board will expect that the commissioning plans of the County Council and the local NHS are consistent with the Strategy, as required by the Health and Social Act 2012. The Strategy will provide a basis for commissioners of NHS, public health, social care and related services to integrate commissioning plans and pool budgets wherever possible, using the powers under Section 75 of the NHS Act 2006 where appropriate.

Vision

9. The aim of the Board is to ***improve health and well-being outcomes, adding life to years as well as years to life, especially for those communities and groups with the poorest health.***
 10. To realise this, the Board will seek to create a health and well-being system fit for the 21st century. This means a system which:
 - **Is based on shared responsibility:**
 - ✓ Enables organisations to work in partnership across the public, voluntary and private sector;
 - ✓ Maximises everyone's contribution to build communities and environments conducive to good health and well-being;
 - ✓ Encourages individuals, families and communities to take responsibility and take action to improve their health and well-being;
 - ✓ Recognises local assets and strengthens the ability of local communities to develop local solutions to local issues; and
 - ✓ Provides targeted support where necessary to increase individual, family and community resilience and self-reliance.
 - **Reduces dependence on health and social care services:**
 - ✓ Encourages and enables healthy lifestyles;
 - ✓ Invests in prevention, early intervention and early help;
 - ✓ Promotes recovery, independence and self-care;
 - ✓ Uses evidence of what works and innovates where appropriate; and
 - ✓ Adopts a family centred approach.
 - **Offers health and social care services that are high quality and value for money:**
 - ✓ Integrates health and social care services and ensures that the whole system works as effectively as possible;
 - ✓ Offers 24 hour community services and care as close to home as possible;
 - ✓ Offers choice and personalisation of services;
 - ✓ Improves the experience of patients and service users; and
 - ✓ Reduces the need for acute hospital services and care home placements, and concentrates these where necessary to maintain and improve safety.
 - **Protects the public:**
 - ✓ Ensures that the public is protected against infectious diseases and other threats to health; and
 - ✓ Safeguards children and vulnerable adults.
 - **Is transparent and accountable:**
 - ✓ Gives public, patients, service users and carers an opportunity to shape how services are organised and provided; and
 - ✓ Allows people in Worcestershire to be confident in the Board and its decisions.
-

Priorities

11. The Board has chosen five priorities for 2012-15. These have been selected based on the findings of the Joint Strategic Needs Assessment. Some of them will require long term action to improve education, employment, housing, transport, the environment, and all of the other factors that influence health and well-being. Others need be addressed in the short term, with action to improve and integrate health and social care services.



12. The priorities are:
- Older people and management of long term conditions.
 - Mental health.
 - Obesity.
 - Alcohol.
 - Acute hospital services.
13. These priorities have been chosen because individually and collectively they:
- Are relevant to a range of age groups.
 - Affect large numbers of people.
 - Relate to major causes of illness and death.
 - Require substantial health and social care spend.
 - Are of high importance to the local public.
 - Have significant potential to improve outcomes.
 - Require major transformational change in the way that services are provided in order to improve outcomes.
 - Require strong leadership, political consensus and co-ordinated action across organisations and wider society to achieve change.

14. The Board will work to ensure that the priorities are addressed for the whole population, and especially for the following groups:
 - Children and young people.
 - Older people.
 - Communities and groups with poor health outcomes.
15. The priorities reflect priorities for “Health and Well-being” in the County Council’s Corporate Plan“; Improving Health and Well-being” in the Worcestershire Sustainable Community Strategy; and “Growing Up Healthy” in the Children and Young People’s Plan. They also link to other health and well-being and health and social care Plans.
16. For each of the priorities, the Board will set a series of outcomes, with associated indicators to allow progress to be measured. It will then either review and refresh existing Plans, or ensure the development of new Plans which set out how the priorities are to be addressed and the outcomes achieved.
17. The Board will influence and support achievement of these outcomes by:
 - Providing leadership and advocacy.
 - Facilitating participation and debate.
 - Building relationships and enabling partners to align policies, services, resources and activities to increase their collective impact on health and well-being.
 - Progressively integrating commissioning and provision of NHS, public health and social care services.
18. Those issue and services not chosen as priorities are still important. The Board will seek assurance at least annually that the full range of health and well-being issues are being addressed, and that all NHS, public health, social care and related children’s services are performing to a high standard – including those listed below. In addition the Board will consider and respond to other important issues as they emerge.
 - Children and young people’s services.
 - Learning disability, physical disability and sensory impairment services.
 - Screening and immunisation services.
 - Sexual health services.
 - Healthy lifestyle services.
 - Substance misuse services.
 - Arrangements for emergency preparedness, resilience and response.

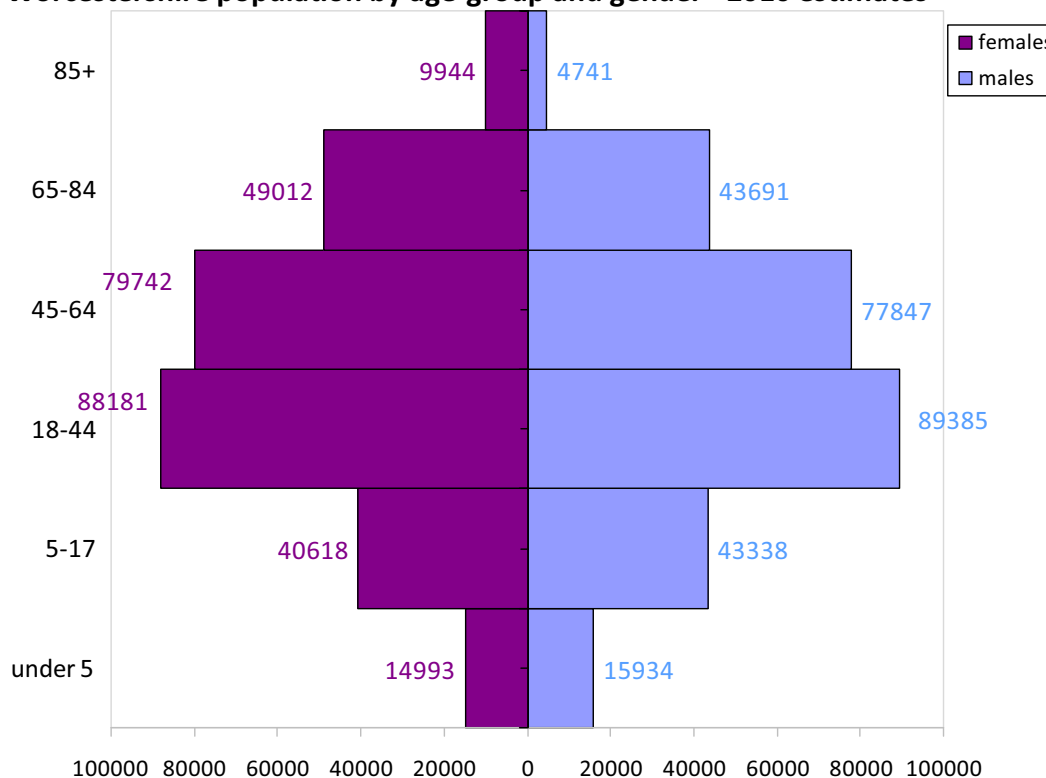
Context

19. Headlines from the Joint Strategic Needs Assessment are set out below.

Health and well-being in Worcestershire

20. There are 557,000 people in Worcestershire. Nearly one in five are aged 65 or over and one in forty are aged 85 or over.

Worcestershire population by age-group and gender - 2010 estimates



21. People are mainly of White British origin, with 2.8% White Other, 2.9% Asian, 1.1% Black, 1.3% Mixed, and 0.8% Chinese or other. The proportion of people with a Black and Ethnic Minority origin is higher in younger age groups, and higher in some urban areas of Redditch, Worcester and Kidderminster. On the whole the population is more affluent than the England average. However there are pockets of disadvantage, with 13 areas in the most deprived 10% of areas nationally. These are in:

- **Malvern Hills:** Sherrard's Green.
- **Redditch:** Winyates estate (area around Ipsley C.E. Middle School), St. Thomas More First School Area, Church Hill (YMCA Surrounding Area), Batchley.
- **Worcester City:** Old Warndon East of Cranham Drive, Tolladine, Brickfields, South-West Gorse Hill, Cranham Primary School Area.
- **Wyre Forest:** Rifle Range Area (Jubilee Drive, Avon Road, Shrawley Avenue), Horsefair Area.

22. The population is projected to increase to over 600,000 in the next 20 years. This increase will be mainly in the older age groups. The number of people aged 65 and over will increase by 30,000, and the number aged 85 and over by 6,000 by 2020. The number in young age groups is expected to decrease, with the number of births falling from around 6,250 now to around 6,100 by 2020, and the number of children and young people falling accordingly.
23. Overall health in Worcestershire is better than the England average. Life expectancy at birth is 82.7 years for women and 78.8 years for men compared to 82.3 and 78.3 nationally, and has risen by about 3 years over the last decade. Death rates from the major killers - heart disease, stroke and cancer - are below national rates and have been declining. This overall picture conceals some marked variations: life expectancy in the most deprived 20% of the county is 5.7 years less than in the most affluent; the death rate from heart disease and stroke in the most deprived 10% of the county is almost double the Worcestershire average.
24. If we are going to continue to improve health and well-being we are going to have to address some serious challenges. These are:
 - An ageing population;
 - A growing burden of lifestyle related ill-health, particularly due to obesity;
 - The state of public sector finances and the growing need for efficiency savings across all services; and
 - Poor health in our most disadvantaged communities, which means that relatively small numbers of people suffer disproportionately from ill health and require a correspondingly high level of health and social care resources.

Health and social care services

25. The local NHS budget for 2012/13 is almost £900 million. The County Council's budget for social care and related services is £120 million for adults and £40 million for children. The local NHS needs to make efficiency savings of around £200 million over the next four years to address the emerging gap between the demand for healthcare and the funding available. The County Council needs to make savings of around £90 million from its total budget of £309 million over the next five years as a result of the growing demand and cost of social care and other services, and reduced funding from national government.
26. This is clearly a huge challenge. To meet it, we will need to transform local health and social care services from a reactive to a proactive model of care with a much greater emphasis on personal responsibility, prevention, early intervention and early help. We will need integrated services working together to preserve people's health and independence and avoiding expensive hospital admissions and care home placements wherever possible.

Older people and management of long term conditions

27. Older people require the bulk of health and social care services. Typically they account for half of all GP appointments, three-quarters of hospital in-patient bed days, three quarters of residential care placements and 90% of nursing care placements.
28. As the population ages we will tend to see a rise in the number of people with long term conditions and requiring care. There are currently 41,000 people living with diabetes; 25,000 with heart disease; 15,000 with chronic lung disease; 7,500 with dementia and 9,000 living with cancer. 3,000 new cases of cancer are diagnosed each year, more than half in the 50-74 age group. There are 4,700 older users of social care, costing around £63 million each year.

Mental health

29. There are 56,000 adults and 9,500 children with mental health problems in Worcestershire. There are 8,000 patients on the mental health service caseload, and over 1,000 hospital admissions for mental health problems each year, with the admission rate three times higher in the most deprived 20% of the county than in the most affluent. There are 840 mental health users of social care, with use of social care in the most deprived 10% of the county almost double the Worcestershire average.
30. The local NHS spends over £50 million for adults' and £5 million for children's local mental health services each year, with additional spend of over £20 million on medicines and specialist services. The County Council spends £9.5 million on adults' and £0.5 million on children's social care for mental health users.

Obesity

31. Over a quarter of adults are obese, with another 40% overweight. 10% of five year olds and 18% of eleven year olds are obese. Almost twice as many children are obese in the most deprived 20% of the county than in the most affluent. If the current trend continues, almost two thirds of adults will be obese by the middle of this century.
32. Obesity leads to a range of health problems including diabetes, high blood pressure, heart attack, stroke and cancers. There are 400 deaths due to obesity related ill-health each year. Obese women are 20% and men 12% more likely to have a hospital admission than normal weight individuals and lengths of stay are longer. There are over 6,000 hospital admissions due to obesity related ill-health each year.
33. The local NHS spends over £80 million treating obesity related ill-health and another £60 million treating the consequences of excess weight. The costs of obesity and excess weight to wider society are even higher, in the order of a third of a billion pounds in sickness absence, benefits and lost earnings each year.

Alcohol

34. More than one in five adults in Worcestershire drink at a level which increases the risk to their health, and one in twenty drink at a level which poses a high risk. Nearly half of 11-15 year olds have drunk alcohol, and those young people who do drink are drinking more frequently and more than the national average.
35. Excess alcohol consumption leads to a range of health problems high blood pressure, stroke, cancers and depression. There are 50-60 deaths due to alcohol related ill-health each year, and 9,000 hospital admissions either wholly or in part due to alcohol, with the admission rate three times higher in the most deprived 20% of the county than in the most affluent.
36. It also leads to social problems including crime, antisocial behaviour, domestic violence and family breakdown. There are nearly 6,000 alcohol related offences each year, including 16% of all offences, over half of public order offences and nearly half of violent offences. Two thirds of alcohol-related offences occur at night time and a fifth are concentrated in town centres.
37. The local NHS spends over £25 million treating alcohol related ill-health. The costs of alcohol to wider society are even higher, approaching a quarter of a billion pounds due to social problems, crime and in sickness absence, benefits and lost earnings each year.

Acute hospital services

38. There are around 750,000 outpatient attendances, 85,000 planned admissions, 135,000 A&E attendances and 45,000 emergency admissions to acute hospitals each year, most of them to the Worcestershire Acute Hospitals Trust.
39. In order to respond to the financial challenge facing health and social care services we will need to contain and where possible reduce acute hospital activity and costs. With this in mind we will need to think about whether and how acute hospital services might need to be reconfigured to maintain and improve safety. We will also need to think about what alternatives need to be developed in the community.

Outcomes and indicators

40. The outcomes that the Board is aiming to achieve are set out below, along with the high-level indicators it will use to measure progress. These indicators have been drawn largely from the national NHS, Public Health and Social Care Outcomes Frameworks. They will be included on a Worcestershire Health and Well-being dashboard which will reflect the starting position, the aspirations of the Board in terms of targets, and the improvements that we are making collectively over time.

Overall health and well-being	
Outcomes	Indicators
Give every child the best start in life	<ul style="list-style-type: none"> ▪ Infant deaths ▪ Low birth weight babies ▪ Mothers smoking at delivery
Enable children, young people and adults to maximise their capabilities and have control over their lives	<ul style="list-style-type: none"> ▪ Proportion of children in poverty ▪ GCSE achieved (5A*-C inc. Eng and Maths) ▪ Young people not in education, employment or training
Create fair employment and good work	<ul style="list-style-type: none"> ▪ Long term unemployment
Strengthen the role and impact of ill-health prevention.	<ul style="list-style-type: none"> ▪ Life expectancy and healthy life expectancy ▪ Differences in life expectancy and healthy life expectancy between communities ▪ Premature death from heart disease and stroke and cancers

Priority: Older people and management of long term conditions	
Outcomes	Indicators
Promote independence and quality of life	<ul style="list-style-type: none"> ▪ Older service users who feel they have control over their daily life ▪ Proportion of people feeling supported to manage their condition ▪ Health-related quality of life for people with long-term conditions
Give people control over their care	<ul style="list-style-type: none"> ▪ Older service users who receive self-directed support, and those receiving direct payments
Reduce or delay the need for hospital care and care home placements	<ul style="list-style-type: none"> ▪ Management of long term conditions in primary care ▪ Permanent admissions to residential and nursing homes ▪ Unplanned hospital admissions for patients with conditions which should be managed in the community ▪ Deaths at home
Strengthen the role and impact of ill-health prevention	<ul style="list-style-type: none"> ▪ Hip fractures in older people ▪ Excess winter deaths
Enhance recovery and rehabilitation	<ul style="list-style-type: none"> ▪ Delayed transfers of care from hospital, and those which are attributable to adult social care ▪ Older people still at home 91 days after discharge from hospital into reablement and rehabilitation services

Priority: mental health	
Outcomes	Indicators
Promote recovery, independence and quality of life	<ul style="list-style-type: none"> ▪ Adults in contact with specialist mental health services in paid employment ▪ Adults in contact with specialist mental health services living independently, with or without support ▪ Mental health service users who feel they have control over their daily life
Give people control over their care	<ul style="list-style-type: none"> ▪ Mental health service users who receive self-directed support, and those receiving direct payments
Enhance primary care mental health services and reduce the need for specialist services	<ul style="list-style-type: none"> ▪ Referrals to specialist mental health services ▪ Length of time in treatment with specialist mental health services
Improve the experience of patients and service users	<ul style="list-style-type: none"> ▪ Children and young people waiting for more than 18 weeks for mental health services ▪ Young people transferring to adult mental health services with a high quality transition plan in place
Improve the physical health of people with mental health problems	<ul style="list-style-type: none"> ▪ Premature death in people with serious mental health problems

Priority: Obesity	
Outcomes	Indicators
Create and develop healthy and sustainable places and communities	<ul style="list-style-type: none"> Physically active adults
Strengthen the role and impact of ill-health prevention	<ul style="list-style-type: none"> Childhood obesity in Reception and Year 6 People with diabetes

Priority: Alcohol	
Outcomes	Indicators
Create and develop healthy and sustainable places and communities	<ul style="list-style-type: none"> Number of responsibly managed licensed premises
Strengthen the role and impact of ill-health prevention	<ul style="list-style-type: none"> Alcohol related hospital admissions (all ages) Alcohol related crime (all ages) Domestic violence incidents where alcohol was a factor

Priority: Acute hospital services	
Outcomes	Indicators
Ensure that services are safe	<ul style="list-style-type: none"> Hospital-related blood clots Healthcare associated infections with MRSA or <i>Clostridium difficile</i> Newly-acquired pressure ulcers Patient safety incidents causing severe harm or death
Ensure that services are being used effectively	<ul style="list-style-type: none"> First and follow up outpatient appointments Number of A&E attendances
Improve patient experience	<ul style="list-style-type: none"> 18 week wait for outpatients 4 hour wait in A&E Patient experience of hospital care: overall and outpatients, A&E and maternity Responsiveness to in-patients' personal needs
Ensure that services are high quality and affordable in the long term	<ul style="list-style-type: none"> Robust plan for maintaining the quality and financial viability of services, arising from the Joint Services Review

Implementation and governance

41. To ensure that the Strategy is driving the health and well-being system the Board will:
- Consult on a draft Strategy.
 - Raise awareness of the Strategy at every opportunity.
 - Discuss with partners the contribution they can make through their own health and well-being related policies, services and activities and how these can be aligned with the Strategy.
 - Monitor progress against the outcomes.
 - Receive and consider assurances from the County Council's Integrated Joint Commissioning Executive, the Clinical Commissioning Groups and the NHS Commissioning Board that commissioning plans for health and social care services are integrated and consistent with the Strategy.
 - Ensure that there are Plans in place for each priority and review the progress of these periodically.
 - Receive and consider assurances that the full range of health and well-being issues is being addressed, and that all NHS, public health, social care and related children's services are performing to a high standard.
42. The Board will work with and through a range of committees and related groups to develop, implement and/or monitor the impact of Plans for each priority – including:

Integrated Joint Commissioning Executive	Plans for older people and long term conditions, mental health, obesity and alcohol as they relate NHS, public health, social care and related services.
Healthy Lives Action Group	Plans for obesity.
Children's Trust	Plans for mental health, obesity and alcohol as they relate to children and young people.
Adults' and Children's Safeguarding Boards	Plans for older people and long term conditions, mental health and alcohol as they relate to Safeguarding.
Drug and Alcohol Action Board	Plans for alcohol.
NHS Quality, Innovation, Prevention and Partnership Board	Plans for older people and long term conditions, mental health and acute hospital services.

43. The Board will also work closely with other groups where health and well-being issues are considered to ensure that the same information is presented and that discussions and conclusions are shared – including:
- County Council Cabinet and the District Councils.
 - CCG Boards, local NHS Trust Boards and the Clinical Senate.
 - Health Overview and Scrutiny Committee and the Adult Care and Well-being and Children and Young People's Overview and Scrutiny Panels.
 - The Worcestershire Partnership and District Local Strategic Partnership.

Involvement and consultation

44. The Board is under a statutory duty to involve the public, patients, service users and carers in the development of the Strategy. To this end the Strategy will be subject to a consultation process as follows:

30 May 2012	Draft Strategy released for consultation
30 May-17 August	Briefings for partners, patients, service user and carer representatives and an opportunity to comment
17 August	Deadline for comments
26 September	Strategy approved

45. The Strategy will be published on the website and cascaded to local stakeholders for comment. It will be made available in a range of languages and briefings will target 'hard to reach' groups.
46. Comments can be made via email to hwb@worcestershire.gov.uk
47. We would welcome comments on any and all aspects of the Strategy, and particularly on the following points:

Overall	<ul style="list-style-type: none"> ▪ Is the Strategy clear? ▪ Is there anything that you don't understand?
Vision: Paragraph 8 and table	<ul style="list-style-type: none"> ▪ What do you think of the vision? ▪ Is there anything obviously missing? ▪ Is there anything you disagree with?
Priorities: Paragraphs 11-15	<ul style="list-style-type: none"> ▪ What do you think of these priorities? ▪ Is there anything else you think should be included – what and why? ▪ Are there any that you would take out -what and why? ▪ What other NHS, social care and public health services should the Board be seeking assurance about?
Outcomes and indicators: Paragraph 37 and tables	<ul style="list-style-type: none"> ▪ What do you think of these outcomes? ▪ What else do you think should be included? ▪ Are there any that you would take out? ▪ Are there any other indicators you can suggest?

Taking action

48. For each of the priorities, the Board will expect Plans to include or refer to:
- A list of actions, including those elements set out in the framework below, and with an identified lead agency, associated resources and timescales.
 - Relevant performance measures.
 - Details of arrangements for partnership and governance.



49. Set out below are some of the actions which the Board might expect to see against each priority. These are for illustration only and are not intended to be exhaustive.

Actions: Older people and management of long term conditions	
Leadership and advocacy	<ul style="list-style-type: none"> ▪ Raising awareness of the health and social issues facing older people and reducing stigma
Building healthy communities and environments	<ul style="list-style-type: none"> ▪ Promoting social networks to ensure quality human contact ▪ Ensuring that housing for older people is safe and warm ▪ Ensuring adequate transport networks and access to services
Supporting personal and family responsibility and self care	<ul style="list-style-type: none"> ▪ Information and advice about common health and social issues ▪ Support for self management and support for carers ▪ Signposting to appropriate services
Early intervention and early help	<ul style="list-style-type: none"> ▪ Early diagnosis and risk stratification ▪ Telemedicine and assistive technologies ▪ Strengthening community services and enabling volunteers
Promoting recovery and independence	<ul style="list-style-type: none"> ▪ Rehabilitation ▪ Intermediate care
Integrated treatment and care	<ul style="list-style-type: none"> ▪ Care planning ▪ Virtual wards / hospital at home ▪ Rapid intervention and avoidance of hospital admission ▪ High quality end of life care

Actions: mental health	
Leadership and advocacy	<ul style="list-style-type: none"> ▪ Raising awareness of the health and social issues facing people with mental health problems and reducing stigma
Building healthy communities and environments	<ul style="list-style-type: none"> ▪ Improving standards of education and economic opportunities - especially in communities and groups with the poorest health ▪ Promoting social networks to reduce isolation ▪ Improving the quality of housing and the built environment ▪ Access to green spaces and leisure services ▪ Tackling bullying in schools
Supporting personal and family responsibility and self care	<ul style="list-style-type: none"> ▪ Information and advice about common mental health problems - for adults and children and their parents ▪ Support for self management ▪ Signposting to appropriate services for people concerned about their own or their children's mental health
Early intervention and early help	<ul style="list-style-type: none"> ▪ Strengthening community services and enabling volunteers
Promoting recovery and independence	<ul style="list-style-type: none"> ▪ Employment opportunities for people recovering from severe mental health problems
Integrated treatment and care	<ul style="list-style-type: none"> ▪ Care planning ▪ Rapid intervention and crisis support

Actions: Obesity	
Leadership and advocacy	<ul style="list-style-type: none"> ▪ A 'Big Debate' about individual and family responsibility and the role of healthy communities and environments ▪ Support for local Members and community leaders to promote healthy weight ▪ Use of the Public Health Responsibility Deal
Building healthy communities and environments	<ul style="list-style-type: none"> ▪ Improving standards of education and economic opportunities - especially in communities and groups with the poorest health ▪ Active transport policies ▪ Access to green spaces and leisure services ▪ Use of planning and regulatory powers to control access to unhealthy food ▪ Early Years settings, schools and workplaces which promote a healthy weight
Supporting personal and family responsibility and self care	<ul style="list-style-type: none"> ▪ Information and advice about maintaining a healthy weight - for adults and children and their parents ▪ Signposting to opportunities for exercise and a healthy diet
Early intervention and early help	<ul style="list-style-type: none"> ▪ Identification and targeted support for overweight adults and children and their parents
Integrated treatment and care	<ul style="list-style-type: none"> ▪ Weight management services - publically and privately funded

Actions: Alcohol	
Leadership and advocacy	<ul style="list-style-type: none"> ▪ A 'Big Debate' about individual and family responsibility and the role of healthy communities and environments ▪ Support for local Members and community leaders to promote safe drinking ▪ Use of the Public Health Responsibility Deal
Building healthy communities and environments	<ul style="list-style-type: none"> ▪ Improving standards of education and economic opportunities - especially in communities and groups with the poorest health ▪ Improving the quality of housing and the built environment ▪ Access to green spaces and leisure services ▪ Use of planning and regulatory powers to control access to alcohol ▪ Management of the night time economy
Supporting personal and family responsibility and self care	<ul style="list-style-type: none"> ▪ Information and advice about safe drinking - for adults and children and their parents ▪ Signposting to support for people concerned that their own or their children's drinking habits are putting their health at risk
Early intervention and early help	<ul style="list-style-type: none"> ▪ Proactive identification of adults and children whose drinking habits are putting their health at risk ▪ Brief interventions ▪ Tackling alcohol related anti-social behaviour and crime
Promoting recovery and independence	<ul style="list-style-type: none"> ▪ Employment opportunities for people recovering from alcohol related health or criminal justice problems
Integrated treatment and care	<ul style="list-style-type: none"> ▪ High quality alcohol treatment services

LGPS 2014

EMPLOYER OVERVIEW

This brief overview sets out the main features of the proposed LGPS 2014 which commences from 1st April 2014. This new scheme has resulted from the first phase of the LGPS 2014 project - a process of negotiation between the Local Government Association (LGA) and the local government unions in consultation with government. Full details of the LGPS 2014 proposals including proposed member contributions and examples of benefits are available on the LGPS website (www.lgps.org.uk).

COSTS OF THE LGPS 2014

The design of the LGPS 2014 has been costed by the Government Actuary's Department (GAD) at 19.5% of pensionable payroll. As the employee contribution yield is proposed to remain at 6.5% this gives a notional employer Future Service Rate (FSR) of 13%. This compares with the most recent GAD costs of 21.7% for the current scheme (15.2% employer FSR).

Each LGPS fund will have different individual circumstances for fund actuaries to take in account when determining the FSR. However we would expect to see an average reduction in the FSR in the region of 2%, across the 89 funds in England and Wales. That translates to around £600m per annum across the 89 funds.

This reduction in the FSR would be largely achieved by the link between Normal Pension Age and State Pension Age for all membership in the LGPS 2014 as contained in the design of the LGPS 2014.

An automatic link between State Pension Age and longevity will be announced by the Office of Budget Responsibility later in the summer. This link between longevity and pension age will negate a significant degree of the risk (and potential future cost) currently associated with increasing longevity.

However, the FSR is only one element which goes toward the total employer contribution rate. The other major factor is the past service cost.

The revised scheme design will have no impact on past service costs which will continue to be managed via existing deficit reduction strategies and employer contributions. If assumptions in relation to fund performance prove to have been optimistic at the 2013 valuation then any improvements to the overall employer rate due to the revised design may well be wiped out.

Given the difficult market conditions currently in effect many employers may see the impact of the new scheme design reflected in total contribution rates being not as high as they would otherwise have been rather than seeing a reduction.

FUTURE COST MANAGEMENT

A revised scheme design is just the first part of the process contained in the LGPS 2014 project. A mechanism to manage future costs is still to be agreed. This mechanism will impose a cap and collar on future costs, modifying the scheme design should costs move outside of a tight set of parameters.

The mechanism will operate within the provisions of the upcoming Public Service Pensions Bill and will be included in scheme regulations in place for the 2013 valuation.

Future costs will also be managed by the link between Normal Pension Age and State Pension Age for all membership in the LGPS 2014.

In order to ensure that this link continues to effectively manage risk in the scheme we propose working with fund actuaries to develop an LGPS longevity index. Such an index would enable fund actuaries to track the match between increases to SPA and longevity within the scheme and recommend action should they diverge.

These measures combine to ensure that in future not all of the risk falls on the employer but is shared with employees.

NEW SCHEME BENEFITS

The table below shows the main provisions of the proposed new Local Government Pension Scheme (LGPS 2014) for membership from 1st April 2014.

	LGPS 2014
Basis of Pension	Career Average Revalued Earnings (CARE)
Accrual Rate	1/49 th
Revaluation Rate	Consumer Price Index (CPI)
Normal Pension Age	Equal to the individual member's State Pension Age (minimum 65)
Contribution Flexibility	Members can opt to pay 50% contributions for 50% of the pension benefit

Definition of Pensionable Pay	Actual pensionable pay - to include non contractual overtime and additional hours for part time staff
Vesting Period	2 years

LGPS 2014 contains some new features. All other benefits remain the same as in the current scheme.

Although some other changes were discussed, including to the ill health tiers, no agreement was reached at this point. However the door remains open to a future review of the ill health provisions.

MAJOR CHANGES FROM THE CURRENT SCHEME

CAREER AVERAGE

The shift to a career average or CARE basis for calculating benefits with a 1/49th accrual rate will be broadly cost equivalent to the current final salary with a 1/60th accrual rate basis of calculation. This is because CPI (Consumer Price Index) is proposed to be the revaluation rate used to increase each year's pension for inflation. CARE pensions are calculated each year then revalued rather than being based on the final year's pensionable pay.

THE 50/50 OPTION

LGPS 2014 is proposed to contain an option for members to pay 50% of the contributions for a 50% pension whilst retaining the full value of other benefits of the scheme. This is intended to attract non-members on low pay to the scheme and retain members who suffer periods of financial difficulty.

This will be a useful tool in encouraging younger employees to join the scheme thereby managing the risk of increased employer rates brought about by an increased maturity in membership.

Although not having any immediate effect on employer rates (i.e. the employer rate is the same for all members regardless of whether they pay full or 50/50 option) it will have an effect at valuation. For example, a significant take up of this option by existing members would result in a lower employer rate at subsequent valuations. Although an increase in participation by existing non members may result in increased cash costs in the short term these should be mitigated by the resulting impact on overall rates brought about by improvements in membership profile.

However the option is not designed to replace long term membership of the full scheme but is intended to provide a short term alternative to those considering opting out of the scheme.

CONTRIBUTIONS BASED ON ACTUAL PAY FOR PART-TIME STAFF

In LGPS 2014, all members are proposed to have contribution rates determined by reference to their actual – rather than full time equivalent - pay which is not the case in the current scheme. This will mean that some part-time workers will pay a lower contribution rate than in LGPS 2008. It should also result in a simpler definition of pensionable pay for the new scheme that will be easier to calculate and remove many of the current complexities for employers.

However employers will still be required to hold and supply the data necessary to calculate pensionable pay on the current basis for pre 2014 membership.

NEW SCHEME CONTRIBUTIONS

The average member contribution to LGPS 2014 will remain at 6.5% as now. However, it is proposed there will be changes to bands and some rates. The lowest paid would pay the same or less and the highest paid would pay higher contributions on a more progressive scale after tax relief.

The bands and rates will be reviewed prior to the introduction of LGPS 2014 to ensure they obtain a yield of 6.5% of pensionable payroll taking into account any movements in pay up to the review. Please note that the rates quoted after tax relief are indicative and will depend on members' individual circumstances.

PROPOSED CONTRIBUTION BANDS AND RATES FOR APRIL 2014

Pensionable Pay	Headline/Gross Contribution	Contribution After Tax Relief
Up to £13,500	5.5%	4.40%
£13,501 - £21,000	5.8%	4.64%
£21,001 - £34,000	6.5%	5.20%
£34,001 - £43,000	6.8%	5.44%
£43,001 - £60,000	8.5%	5.10%
£60,001 - £85,000	9.9%	5.94%
£85,001 - £100,000	10.5%	6.30%
£100,001 - £150,000	11.4%	6.84%

More than £150,000	12.5%	6.88%
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This is a major shift from the government's initial reference scheme which proposed a 3% increase in the average employee contribution rate i.e. up from 6.5% to 9.5%. At the same time a commitment to protect all members below £15,000 (a third of the membership) from any increases and those below £21,000 (another third) to a maximum increase of 1.5% was given by the government. This would have resulted in rises significantly above 3% for the remaining third of the membership.

A very strong message from members that any increases would result in damaging levels of optants out was very much in mind when reaching this agreement. However forthcoming cost control mechanisms mean that future rises in employee contributions are not ruled out.

PROTECTION OF CURRENT BENEFITS

The new LGPS will start on 1st April 2014. Only membership after that point will be in the new scheme, under the new LGPS 2014 rules.

Existing pensioner and deferred members will not see any change to their benefits.

Employees with membership in the current final salary scheme will retain the link to final salary for all membership built up before 1st April 2014 and the Normal Pension Age as under the current rules for membership up to that date.

Previously agreed protection will continue, including the provisions for those members who were protected against the removal of the Rule of 85 in 2006. There will also be additional protection for members within 10 years of age 65 as at 1st April 2012.

PENSION PROTECTION ON TRANSFER

It is proposed that the provisions of the current scheme are extended to ensure that all staff whose employment is compulsorily transferred will still be able to retain membership of the LGPS when transferred.

This is an undertaking given by government in all of the public service pension scheme Heads of Agreement. However as many of these schemes do not have the Admitted Body Status provisions of the LGPS the exact impact of this undertaking is still to be determined.



The Leaders of:

County Councils (England)
District Councils (England)
Metropolitan Borough Councils (England)
Unitary Councils (England)
County and County Borough Councils in Wales
London Borough Councils
South Yorkshire Pension Authority
Tameside Metropolitan Borough Council
Wirral Metropolitan Borough Council
Bradford Metropolitan City Council
South Tyneside Metropolitan Borough Council
Wolverhampton Metropolitan Borough Council
London Pension Fund Authority
Environment Agency

Regional Employers Directors
Town Clerk, City of London Corporation
Clerk, South Yorkshire PTA
Clerk, West Midlands PTA
Fire and Rescue Authorities in England and Wales
Police Authorities in England and Wales
National Probation Service for England and Wales

Association of Colleges
Universities and Colleges Employers Association
Association of Consulting Actuaries
Association of District Treasurers
Society of County Treasurers
Society of Welsh Treasurers
Society of Metropolitan Treasurers
Society of London Treasurers

LGPC
London Councils

Audit Commission

ALACE
PPMA
SOLACE
CIPFA
ALAMA

Barnett Waddingham
Aon/Hewitt
Mercer
Hymans Robertson

27th June 2012

Dear Colleagues

Local Government Pension Scheme 2014 employer consultation

On 31st May the LGA and local government unions, with the support of government, announced that agreement had been reached on proposals for a revised Local Government Pension Scheme (LGPS) to be implemented from 1st April 2014. We write now to seek your support for these proposals which we believe provide a solid base for an affordable, fair and sustainable scheme.

As government has confirmed that a favourable outcome of this consultation (together with those being undertaken by the local government unions) will enable them to move directly to a statutory consultation in the autumn we would urge you to respond to this consultation.

In order to ensure that all scheme employers have the opportunity to be part of this consultation we would ask that regional employer organisations and LGPS administering authorities confirm that this letter has been forwarded to all employers within their organisation or fund.

It should be stated at this point that the process of reform was only ever designed to address the future cost of the LGPS. There was no remit to consider or recommend any action to be taken in respect of past service costs and deficits.

The process undertaken to reach agreement and more information on the proposals including

- a) an employer focused Overview document (also attached with this letter) and
- b) an FAQ document which will be updated throughout the consultation

can be found at www.lgps.org.uk.

The proposals were agreed as a result of a process of reform that commenced with the publication of the report of the Independent Public Service Pensions Commission (chaired by Lord Hutton) in March of 2011. The report set out a number of recommendations that the government accepted as the basis for reform.

The major driver for reform outlined in the report was the increasing burden being placed on pension schemes from improved longevity. In the foreword to the report Lord Hutton stated;

'As I set out in my interim report rising life expectancy has led to a substantial increase in the proportion of adult life that a public service worker can expect to spend in retirement. To adjust to this change I am recommending that Normal Pension Age is linked to State Pension Age and tracks planned increases [to the State Pension Age]....

This link to State Pension Age will address rising longevity, the main risk to the sustainability of public service pensions.'

These proposals contain such a link between the LGPS pension age and State Pension Age and we, like Lord Hutton, consider that achieves the long term sustainability sought by this process,

Lord Hutton's report set out a number of other recommendations on benefit design. The first of these being a move from final salary to career average revalued earnings (CARE) for all service in the new scheme while maintaining the final salary link for existing service. The purpose of this change was not cost, rather (according to Lord Hutton's forward);

'I believe this is the fairest way of spreading the effect of change across the generations, and represents the quickest way of ending the in-built bias against those public service employees whose pay stays low over their career, inherent in final salary schemes.'

These proposals contain such a move to CARE for all service from 2014. The accrual rate proposed of 1/49th with a revaluation rate of the Consumer Price Index (CPI) has been costed by the Government Actuary's Department (GAD) as being broadly the same as the current 1/60^{ths} final salary accrual rate. The www.lgps.org.uk site contains a set of worked examples that show how the benefits from the new scheme compare with those of the current scheme.

Lord Hutton did include a recommendation to increase employee contributions to public sector schemes. Although this will be implemented for the unfunded schemes we have not proposed any increase in the overall yield from employee contributions which will remain at 6.5% of pensionable payroll. However we have proposed a shift to rates that are more progressive net of tax relief and moving to rates for part time employees based on actual rather than full time equivalent pay. Both of these changes have resulted in increases for higher rate tax payers but 95% of employees will not face higher contribution rates.

In reaching the proposal on contribution rates we were mindful of the impact that significant levels of optants out, amongst a workforce that have not had a pay rise in three years and are in the main low paid, could have on fund cash flows and resultant maturity profiles. More information on this option can be found in the employer overview document attached.

Finally we have proposed a 50/50 option that is designed to provide an alternative to opting out for mainly younger and lower paid staff (particularly once automatic enrolment is in place) and if successful should address the increasing maturity of the scheme membership.

Taken together the changes we are proposing have been costed by GAD at a future service total of 19.5% (6.5% employee and 13% employer) compared with 21.7% for the current scheme with the majority of the reduction coming from the move to State Pension Age.

Future scheme costs will be controlled via a cost management mechanism which will be introduced alongside the scheme design changes. The mechanism will contain triggers and responses designed to ensure that future scheme costs do not breach defined 'cap and collar' limits. Details of the mechanism will follow the publication of the Public Service Pensions Bill in the autumn.

The form attached with this letter asks that you indicate your general support (or not) for these proposals. We are aware that not all employers will like all the proposals and that, in different circumstances, different choices may have been possible. However we consider these proposals to be the best possible outcome of a process of negotiation that had the further aim of reaching agreement with unions in order to avoid a drawn out period of industrial unrest and uncertainty amongst scheme members. In such circumstances we would hope you agree that achieving the central objective of the link to State Pension Age is worthy of your support.

Should the outcome of the consultation be positive, government will move forward with a statutory consultation in the autumn. If not, the government will have to take its own view on the next steps. However in that case any introduction of a new scheme by 2014 would be far from certain.

Yours sincerely



Mayor Sir Steve Bullock: Chair LGA Workforce Board (Labour)



Cllr Steve Comer: LGA Pensions lead team (Liberal Democrat)



Cllr Roger Phillips: LGA Pensions lead team (Conservative)