

Executive Committee

Wed 20 May
2009
7.00 pm

Committee Room 2
Town Hall
Redditch



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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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Committee Support Services**

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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.

Special Arrangements

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Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

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If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Executive

20 May 2009

7.00 pm

Committee

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs: C Gandy (Chair) B Clayton
P Anderson M Hall
M Braley (Vice-Chair) C MacMillan
J Brunner

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Leader's Announcements	<ol style="list-style-type: none">To give notice of any items for future meetings or for the Forward Plan, including any scheduled for this meeting, but now carried forward or deleted; andany other relevant announcements. <p>(Oral report)</p>
4. Minutes (Pages 1 - 16) Chief Executive	To confirm as a correct record the minutes of the meeting of the Executive Committee held on 1 and 22 April 2009. (Minutes attached)
5. Annual Corporate Health and Safety Report (Pages 17 - 28) Head of Human Resources and Communications	To bring to Members' attention the work undertaken by the Council's staff on Health and Safety over the past year (2008/9) and to outline the work programme for the 2009/10 municipal year. (Report attached) (No Specific Ward Relevance)

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<p>6. Home Energy Conservation and Affordable Warmth</p> <p>(Pages 29 - 38)</p> <p>Head of Environment</p>	<p>To inform Members of the introduction of National Indicator 187 which deals with the Council's performance in Tackling Fuel Poverty, seek authority to provide additional financial incentives to provide home insulation and also to undertake an area based home energy conservation and affordable warmth initiative.</p> <p>(Report attached)</p> <p>All Wards</p>
<p>7. Paolozzi Mural Trust</p> <p>(Pages 39 - 44)</p> <p>Head of Legal, Democratic and Property Services</p>	<p>To determine ownership, Trust formation and responsibility for management of the existing Trust Fund.</p> <p>(Report attached)</p> <p>(Abbey Ward)</p>
<p>8. Easemore Road - Sale of Land and Consortium Update</p> <p>(Pages 45 - 54)</p> <p>Head of Legal, Democratic and Property Services</p>	<p>To advise Members of the current position regarding the sale of land at Easemore Road and to seek approval to a revised consortium.</p> <p>(In view of the fact that it contains information relating to provisional terms of a land disposal under negotiation, Appendix 1 to this report is not for publication and has been circulated only to relevant Officers and Members of the Council).</p> <p>(Report attached)</p> <p>(Abbey Ward)</p>
<p>9. Overview and Scrutiny Committee</p> <p>(Pages 55 - 62)</p> <p>Chief Executive</p>	<p>To receive the minutes of the meeting of the Overview and Scrutiny Committee held on 8 April 2009.</p> <p>There are no recommendations to consider.</p> <p>(Minutes attached)</p>

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<p>10. Housing Mutual Exchange Task and Finish Group - Recommendations</p> <p>(Pages 63 - 66)</p> <p>Housing Mutual Exchange Task and Finish Group</p>	<p>To consider the outcomes of a review into the Council's Housing Mutual Exchange and Home Swap procedures.</p> <p>(Report attached)</p> <p>All Wards</p>
<p>11. Minutes / Referrals - Overview and Scrutiny Committee, Executive Panels, Neighbourhood Groups etc.</p> <p>Chief Executive</p>	<p>To receive and consider any outstanding minutes or referrals from the Overview and Scrutiny Committee, Executive Panels, Neighbourhood Groups, etc. since the last meeting of the Executive Committee, other than as detailed in the items above.</p>
<p>12. Redditch Borough Council Establishment</p> <p>(Pages 67 - 70)</p> <p>Chief Executive</p>	<p>To provide an update on the Council's current establishment and the incidence of vacant posts within individual Directorates.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>13. Advisory Panels - update report</p> <p>(Pages 71 - 74)</p> <p>Chief Executive</p>	<p>To consider, for monitoring / management purposes, an update on the work of the Executive Committee's Advisory Panels and similar bodies, which report via the Executive Committee.</p> <p>(Report attached)</p>
<p>14. Action Monitoring</p> <p>(Pages 75 - 76)</p> <p>Chief Executive</p>	<p>To consider an update on the actions arising from previous meetings of the Committee.</p> <p>(Report attached)</p>

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15. Exclusion of the Public	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, 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 grounds 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>
16. Confidential Minutes / Referrals (if any)	To consider confidential matters not dealt with earlier in the evening and not separately listed below (if any).



Executive Committee

1 April 2009

MINUTES

Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors P Anderson, J Brunner, B Clayton and C MacMillan

Also Present:

Councillor A Fry and M Collins (Vice-Chair, Standards Committee)

Officers:

G Revans, Jackie Smith, S Hanley, S Mullins, S Garratt, R Kindon, A Marklew and M Bough

Committee Services Officer:

I Westmore

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor MacMillan declared a personal but not prejudicial interest in Item 8, Energy Framework Agreement, as a former employee of British Gas.

3. LEADER'S ANNOUNCEMENTS

The Leader advised that she had accepted the following matter as Urgent Business:

Item 17 – Preferred Registered Social Landlords Development Partners.

4. MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on 18 February, 23 February and 2 March 2009 be confirmed as

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Chair

correct records and signed by the Chair, subject to the amendment of the figure in recommendation 7) of Minute 226 (18 February) to read £35,100 rather than £351,000.

5. CORPORATE PLAN 2009 - 2012

Members considered a Corporate Plan which had been developed around the vision and priorities agreed by the Council on 8 December 2008. For the first time the Council was looking to adopt a three-year Corporate Plan rather than a Plan covering a single year.

The Plan attempted to demonstrate that the Council had a clear vision and that it had priorities that would enable it to achieve that vision. Officers explained that there were several gaps within the document, some of which could not be completed until nearer the Council meeting in mid-April.

Members proposed a number of amendments and additions and Officers undertook to incorporate the following amendments prior to Council on 20 April 2009:

- 1) an explanatory note to be incorporated where no specific resource allocations were identified in the section demonstrating how the Council was to achieve its priorities;
- 2) a footnote to be added explaining that the Council opposed the designation of the town as a Settlement of Significant Development;
- 3) an explanation to be added stating that the location of housing to the north of Redditch was a matter for Bromsgrove and Stratford on Avon District Councils.

In addition, Officers undertook to explore further the following matters prior to submission of the document to Council on 20 April 2009:

- 4) addition of an explanatory note that RBC performance against national Performance Indicators beyond the latest available audited information (2007/08) demonstrated improvement;
- 5) the designation of the services provided by the Council ("What we do") as either statutory or discretionary; and
- 6) whether there had been significant changes to the basket of Performance Indicators between 2006/07 and 2007/08.)

RECOMMENDED that

the Corporate Plan 2009-2012 attached to the report at Appendix 1 be adopted, subject to the comments above.

6. TAXI LICENSING HANDBOOK

The Committee received a proposed Countywide policy in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers' Licences issued under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. It was noted that the only four of the six Worcestershire District Councils would be proceeding with the Handbook initially as the remaining two were tied into using their existing handbooks at the present time.

Members were extremely supportive of the new Handbook and saw it as a good example of partnership working. The positive responses to the consultation over the new Handbook were also noted.

Officers highlighted two proposed amendments within Appendix 1:

Rewording a sentence on Page 83 to read: "If you fail the test or any part of it at the first attempt, then you can take **a test** within the following month without charge; further tests will incur the appropriate fee"; and

the deletion of a superfluous "a current" in the section entitled "More than one offence" (Page 103).

RECOMMENDED that

- 1) the policy as stated in the Taxi Licensing Handbook attached at Appendix 1 to the report be approved and added to the Constitutional Policy Framework; subject to which**

RESOLVED that

- 2) with effect from July 2009, the Taxi Licensing Handbook be published for the benefit of licence holders, Officers and Members as set out in Appendix 1 to the report;**
- 3) power be delegated to the Head of Environment or Licensing Manager in consultation with the Portfolio Holder to update the handbook following any new guidance and implementation of any policy changes; and**

- 4) **a further report streamlining the delegation process be put before Members for consideration at a future meeting of the Executive Committee.**

7. ASSET MANAGEMENT STRATEGY 2009/12

The Committee considered the adoption of the Asset Management Strategy for 2009-2012 which had been produced on the Council's behalf by a consultant for the Housing Quality Network.

Members appreciated that the Strategy represented a very important living document for the Council. It was noted that a failure to be cognisant of the Strategy could lead to a crisis of assets and aspirations. The Committee also took the view that, if the Council was to retain assets then it needed to maintain them or else they may become liabilities.

RECOMMENDED that

the Asset Management Strategy 2009-2012 attached to the report at Appendix 1 be adopted.

8. ENERGY FRAMEWORK AGREEMENT

Officers stated that the purpose of this report was simply to add a further company to the framework agreement following the loss of an original energy supplier which had gone into administration.

RECOMMENDED that

the requirements of Standing Order 46 be waived and British Gas Business be added to the Framework Agreement for energy.

9. OVERVIEW AND SCRUTINY COMMITTEE

The Committee received the minutes from a recent meeting of the Overview and Scrutiny Committee. There was some discussion of the recommendations that had been made in relation to the Corporate Plan. It was agreed that, where these recommendations had been adopted in the final document, they could be deemed to have been accepted by the Executive Committee.

The Portfolio Holder for Community Safety queried the wording of the final paragraph on page 185 and the misleading impression that might be given as to her degree of understanding of the situation in question.

RESOLVED that

Portfolio Holder Annual Report – Community Safety

- 1) **the Council continue to support effective partnership working for the delivery of Community Safety in the Borough;**

Corporate Plan Part II – Pre-Scrutiny

- 2) **the recommendations of the Overview and Scrutiny Committee be noted; and**
- 3) **the recommendations of the Overview and Scrutiny Committee be supported where the proposed amendments had been already incorporated into the Corporate Plan and not supported where the amendments had not previously been incorporated.**

10. SHARED SERVICES BOARD

RESOLVED that

the minutes of the meeting of the Shared Services Board held on 3 March 2009 be noted.

11. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS, NEIGHBOURHOOD GROUPS ETC.

There were no minutes or referrals under this item.

12. ONE STOP SHOP ADVISORY PANEL

The Committee considered a number of recommendations from the One Stop Shop Advisory Panel, one of which proposed a change of name. A second recommendation concerned a cost reduction measure through the use of signage using the Worcestershire Hub logo without the Redditch Borough Council logo. Members considered that the Hub logo had sufficient recognition locally not to result in potential problems.

RESOLVED that

- 1) **the new style signs not incorporating the Redditch Borough Council logo be used for the entrances to the face-to-face areas on the grounds of reduced cost to the Council; and**

- 2) **the Panel be renamed the Customer Services Advisory Panel.**

13. ADVISORY PANELS - UPDATE REPORT

The Committee received the update on the activity of the Council's advisory panels, working groups and similar bodies.

It was noted that the Community Safety Advisory Panel was not able to meet at present owing to the indisposition of the Lead Officer.

The next meeting of the Housing Advisory Panel had been put back until a date in late April / early May.

The next meetings of the Modernising Democracy Steering Group and Procurement Steering Group were to be rearranged to later dates.

It was noted that a view needed be taken on the future role of the Fees and Charges Sub-Committee in advance of the coming municipal year.

RESOLVED that

subject to Members' comments, the report be noted.

14. ACTION MONITORING

Members noted the Action Monitoring Sheet.

Members requested that Officers explore separate meetings with the Citizens' Advice Bureau (CAB) and Credit Union if a mutually convenient date for all parties could not be found. Members also wished Officers to convey their concern that residents were experiencing extreme difficulty in contacting the CAB.

The Leader reported that discussions had still to be conducted with other local authorities in the north of the County in respect of a joint-funded post to support the grants process and that other options were being explored.

Officers were to confirm whether Councillor Hall had been provided with further information concerning Gypsy, Traveller and Show People's sites.

Members noted the recent lack of reporting of staff vacancy and sickness absence figures.

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15. URGENT BUSINESS - PREFERRED REGISTERED SOCIAL LANDLORDS DEVELOPMENT PARTNERS

Members considered a report proposing the establishment of a Members' Panel to assist in the selection process for Preferred Registered Social Landlords Partners.

RECOMMENDED that

a Member Selection Panel comprising two Members of the Conservative Group and one Member each from the Labour and Liberal Democrat Groups be created to formally interview and select Preferred RSL Partners.

The Meeting commenced at 7.00 pm
and closed at 8.15 pm

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Chair



Executive Committee

22 April 2009

MINUTES

Present:

Councillor C Gandy (Chair), Councillor M Braley (Vice-Chair) and Councillors P Anderson, J Brunner, B Clayton and C MacMillan

Also Present:

Councillors K Banks and R King

Officers:

G Revans, R Seager, H Halls, K Dicks, S Hanley, Jane Smith, L Miller and J Willis

Committee Services Officer:

D Sunman

278. APOLOGIES

There were no apologies for absence.

279. DECLARATIONS OF INTEREST

There were no declarations of interest.

280. LEADER'S ANNOUNCEMENTS

The Leader advised that she had accepted the following matters as Urgent Business:

Item 9 – Local Land Charges Fees; and

Item 10 – Shared Services Board Minutes.

281. MINUTES

Members noted that Minute 259 (2) had been referred to and approved by the Council on 20 April as a Recommended rather than a Resolved item.

RESOLVED that

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Chair

the minutes of the meeting of the Committee held on 11 March 2009 be confirmed as a true record and signed by the Chair.

282. AIR QUALITY STRATEGY AND PLANNING PROTOCOL FOR HEREFORDSHIRE AND WORCESTERSHIRE

The Committee received a report which detailed the background to and the purpose of the Air Quality Strategy and Planning Protocol for Herefordshire and Worcestershire. Officers reported that the Strategy identified commitments in relation to communication and cooperation between Local Authorities, external organisations and the community to meet the requirements set out in the Environment Act 1995. Members were informed that the Strategy provided a unified approach to Air Quality across all Local Authorities in Hereford and Worcestershire and would assist the Council in meeting its statutory duty to assess air quality within the Borough. Officers outlined the positive impact of the Strategy on residents, businesses and developers. Members were advised that the Council's Planning Policy Statement guidance had been incorporated into the Air Quality Strategy Planning Protocol. Officers confirmed that work was ongoing in one area to identify whether an Air Quality Management Area (AQMA) should be declared.

RECOMMENDED that

- 1) the Air Quality Strategy (Appendix 1 of the report) and the Air Quality Strategy Planning Protocol (Appendix 2 of the report) be approved and adopted; and**
- 2) the Air Quality Strategy be added to the Constitutional Policy Framework.**

283. CUSTOMER ACCESS STRATEGY AND TRANSFORMATIONAL GOVERNMENT STRATEGY

The Committee received the first progress report following approval of the Customer Access and Transformational Government Strategies in March and September 2008 respectively. Officers reported that progress against the action plans was mainly on target and that links to the Strategies had been built into Service Plans to ensure their priority in terms of delivery. Members did not make any decision on the frequency of future reports as outlined in Paragraph 2 (2) of the report.

RESOLVED that

the report on progress made, as detailed in the report, be noted.

284. CHILDREN'S CENTRES - FUTURE CONTRACTS

The Committee considered a report on whether to submit tenders to deliver Children's Centre Services in respect of the Willow Trees and Maple Trees Children's Centres in Redditch and / or three new Centres that will be developed in Bromsgrove. Members recognised the excellent work carried out by the Children's Centres in Redditch and in particular families being supported through the current economic climate. Officers informed Members that invitations to tender for three new Bromsgrove Children's Centres were to be phased over a longer period and advertised individually.

RECOMMENDED that

- 1) no tenders be submitted in respect of additional Children's Centres in Redditch; and**
- 2) no tenders be submitted in respect of the new Children's Centres planned in Bromsgrove.**

285. GOVERNMENT CONNECT

Members received a report seeking delegated authority to make minor changes to existing policies in regard to the Recruitment and Selection and IT Equipment Use and Security to comply with the requirements of the Gov. Connect scheme. Officers reported that the scheme provides a secure network for information sharing between Local Authorities, Central Government, Health and Fire Authorities. They were informed that the Council could be audited and if found to be non-compliant could have its authorisation to the Gov. Connect scheme suspended or terminated. Members were advised that should this happen the Council would be unable to process Council Tax and Housing Benefits claims on behalf of the Department of Works and Pensions.

RECOMMENDED that

authority be delegated to Officers to make minor policy changes to relevant existing recruitment and security policies to comply with the requirements of the Gov.Connect scheme, as follows:

- 1) **authority be delegated to the Head of Customer and IT Services, in consultation with the Portfolio Holder for Corporate Management, to make relevant minor changes to the IT Equipment Use and Security Policy; and**
- 2) **authority be delegated to the Head of Human Resources and Communications, in consultation with the Portfolio Holder for Corporate Management, to make relevant minor changes to the Recruitment and Selection Policy.**

286. LOCAL LAND CHARGES FEES

Members considered a report which sought authority to amend currently approved fees for Local Land Charges in line with the Local Authorities (Charges for Property Searches) Regulations 2008. Officers reported that these Regulations confirmed that all Local Authorities must make searches available to all on equal terms and equal costs.

RECOMMENDED that

- 1) **the Democratic Services Manager, in consultation with the Portfolio Holder for Corporate Management, be authorised to review and amend Local Land Charges Fees to meet the latest statutory requirements and related guidance;**
- 2) **in view of the requirement to set fees at a maximum of recovery level only, ongoing authority be delegated to the Democratic Services Manager to review and amend the fees at an appropriate frequency, subject to the reporting of fees in the Council's annual Fees and Charges reports.**

RESOLVED that

- 3) **urgent approval of the above recommended delegation 1) be sought under Standing Order 36 Urgent Business arrangements, in order that the revised fees and charges for Local Land Charges services may take effect from 1 May 2009;**
- 4) **the revisions be notified to all other interested parties as a matter of urgency, including via the Council's website;**
- 5) **the effect of the fee changes be regularly monitored against the costs of providing the service and further reports be submitted to Members as appropriate.**

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(This report had been accepted as a matter of Urgent Business - not having met the publication deadline - and was considered at the meeting as such, with the approval of the Chair, in accordance with the Council's constitutional rules and powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that the information, which was not available at the time of the agenda going to print, was required to be considered at the present meeting to allow the charges to take effect from 1 May 2009.)

287. SHARED SERVICES BOARD

Members received the minutes of the Shared Services Board meeting held on 30 March 2009.

RESOLVED that

- 1) Members note the reported progress to date and that Officers continue to apprise Shared Services Board Members of key issues and progress at each meeting; and**

RECOMMENDED that

- 2) Internal Audit be removed from the list of 'medium term wins' and that it be considered as a Shared Service as part of the 'enhanced two tier' programme; and**
- 3) the additional cost of £6,370 arising from procuring Serco to undertake preparation of the full business case be met by the two authorities 50:50 from savings arising from the overall project.**

(These minutes had been accepted as a matter of Urgent Business - not having met the publication deadline - and was considered at the meeting as such, with the approval of the Chair, in accordance with the Council's constitutional rules and powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that the information, which was not available at the time of the agenda going to print, was required to be considered at the present meeting to meet required deadlines.)

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288. SHARED SERVICES BUSINESS CASE - ELECTORAL AND COMMUNITY SAFETY SERVICES - CONSULTATION RESPONSE

Members received a report outlining the feedback from staff regarding the proposed Shared Services for Electoral and Community Safety Services. In view of the fact that the report contained information relating to consultations / negotiations in connection with labour relations, this discussion took place after the exclusion of the press and public. There is nothing exempt, however, in this record of the proceedings.

RESOLVED that

- 1) that the outcomes of consultation be noted; and**

RECOMMENDED that

- 2) Shared Services for Electoral and Community Safety Services be implemented.**

289. OVERVIEW AND SCRUTINY COMMITTEE

Members received the minutes of the Overview and Scrutiny Committee held on 18 March 2009. There were no matters for the Executive Committee's decision.

RESOLVED that

the minutes of the meeting of the Committee held on 18 March 2009 be received and noted.

290. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS, NEIGHBOURHOOD GROUPS ETC.

There were no minutes or referrals.

291. ADVISORY PANELS - UPDATE REPORT

Members considered an up-date report on the work of the Executive Committee's Advisory Panels and similar bodies.

RESOLVED that

the report be noted.

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292. ACTION MONITORING

Members noted the Action Monitoring Sheet and requested that Officers submit an early report to the Executive Committee on staff vacancy and sickness absence figures.

293. EXCLUSION OF THE PUBLIC

RESOLVED that

under S100 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 following matter on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the said Act, as amended.

Shared Services Business Case – Electoral and Community Safety Services - Consultation Response. (Decision 11 above refers.)

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294. CONFIDENTIAL MINUTES / REFERRALS (IF ANY)

No Confidential Minutes or Referrals were discussed.

The Meeting commenced at 7.00 pm
and closed at 8.35 pm

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Chair

Executive Committee

No specific Ward Relevance

20 May 2009

ANNUAL CORPORATE HEALTH AND SAFETY REPORT

(Report of the Head of Human Resources)

1. Summary of Proposals

To bring to Members' attention the work undertaken by the Council's staff on Health and Safety over the past year (2008/9) and to outline the work programme for the 2009/10 municipal year.

2. Recommendations

The Committee is asked to RESOLVE that

the work on Health and Safety be noted and the Health and Safety work programme outlined for the following year be endorsed and supported.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 The activities outlined in this financial year have all been contained within budget.

Legal

- 3.2 The Council as an employer and provider of services to the public has very clear and strict legal health and safety obligations. The main piece of legislation is the Health and Safety At Work Act (1974), although a wide range of additional legislation, and Codes of Practice relate specifically to health and safety issues which affect Redditch Borough Council staff eg Control of Substances Hazardous to Health, Display Screen Equipment etc.
- 3.3 The effect of the 1974 Act is to make criminally enforceable the common law duty to take reasonable care for the safety of employees. This applies both to the organisation, Councillors, Directors and Managers as individuals. Penalties for serious breaches range from fines to a prison sentence or both. Section 37 of the Act provides that:

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- 3.4 "Where an offence committed by a corporate body is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of any director, manager or other similar officer of the body corporate he as well as the body corporate shall be guilty of that offence and shall be liable to be punished accordingly"
- 3.5 There are also clear requirements for employees to take reasonable care for their own health and safety, anyone who may be affected by their acts and co-operate with their employer to enable legal obligations to be met.

Corporate Manslaughter

- 3.6 The Corporate Manslaughter and Corporate Homicide Act 2007 came into force on 6 April 2008, across the UK. The Act sets out a new offence for convicting an organisation where a gross failure in the way activities were managed or organised, results in a person's death. This will apply to a wide range of organisations across the public and private sectors. In England and Wales and Northern Ireland, the new offence will be called corporate manslaughter. Courts will look at management systems and practices across the organisation, providing a more effective means for prosecuting the worst corporate failures to manage health and safety properly.

Policy

- 3.7 The items in this report will enable the authority to adhere all health and safety policies in place, to ensure a safe and healthy working environment

Risk

- 3.8 The report is based around current health and safety legislation and the risk to the authority for not carrying out the items in the report could result in a poor health and safety culture leading to an increase in accidents etc or in extreme cases could lead to legal prosecution under the Health And Safety At Work Etc Act 1974 and underlying regulations.

Sustainability / Environmental

- 3.9 There are no sustainability or environmental implications arising from this report.

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Report

4. Background

- 4.1 In March 1999 Corporate Services agreed a revised method for managing Health and Safety, and Terms of Reference for a Safety Committee. It was also agreed that an annual report would be brought to elected members each year which incorporates the work of the Committee and the wider work of the Human Resources team in promoting health, safety and welfare.
- 4.2 The Health and Safety Committee met for a Planning and Review day in January 2008 where it reviewed its activity during the year and planned the work programme that is outlined in this report.

5. Key Issues

5.1 Stress related illness

2009 will see continued emphasis put on the management of stress in the workplace and stress related illness/absence. With release of the Health and Safety Executive's Stress Management Standards, the framework is in place for managers and supervisors to assess problems that may be a cause for stress related problems that occur. Stress risk assessment will be an ongoing priority for this year with training courses in stress management for managers, supervisors and staff continuing to take place.

5.2 Health and Safety Audit

The annual audit has been changed, as follows: a range of health issues are specifically included,

- a) the role of the directorate representative, particularly in checking documentation, has been expanded
- b) the directorate level audits, which feed into the corporate score, have been changed to include free text observations alongside a proper assessment against the audit criteria
- c) all audits are now done by a panel including the Safety Advisor (where possible), Fire Officer and DHSLO representatives
- d) written reports of each directorate audit will be circulated to the specific directorate.

These changes have been evaluated, and the process will be further improved next year.

5.3 Health and Safety Initiatives

The following initiatives took place:

Summer Sort Out Week

- 5.4 Building on last year's success, this year's campaign included (very public) photo display boards of the worst "offenders"

Health and Safety Provision

- 5.5 This year has seen a continuation of the popular and successful training events for staff.
- 5.6 Following accreditation in 2007 from the Chartered Institute of Environmental Health, RBC has the capability of running the full Managing Safety Certificate aimed directly at managers and above. The 6 Day course will give information on the duties and responsibilities of managers and above with regard to Health and Safety. The course is due to be offered in 2009.
- 5.7 Following accreditation in 2001 from the Chartered Institute of Environmental Health to run the full Supervising Health and Safety Certificate for Managers in-house, over 150 managers and supervisors have studied for and achieved this qualification between 2002 and 2008.
- 5.8 As well as this the CIEH foundation in health and safety is now well under way and over 250 members of staff have now taken and passed this qualification.
- 5.9 The CIEH Stress awareness for managers has been in place for a while and a large number of managers have attended and gained the certificate in stress awareness.
- 5.10 A further 20 other programmes have run eg sharps and infectious diseases, manual handling, fire safety, working at height, stress awareness etc. as well as bespoke courses developed and delivered outside of core hours to ensure that certain members of staff are trained without disruption to services.
- 5.11 Occupational Health is being carried out by an outside agency and services such as eye tests etc have been carried out by other outside agencies. Sessions such as healthy lifestyle etc have been discontinued.
- 5.12 Hepatitis B inoculations have continued this year in a planned program that will continue into 2009.

-
- 5.13 Hand arm vibration equipment has been purchased and the training received so that a program of testing can now be set up in 2009 to ascertain the levels of vibration being received by operatives. Health surveillance has been carried out on all Landscape operatives to ascertain any onset of the Vibration White Finger disease.
- 5.14 2008 saw the launch of the Human resources intranet site. Included in this is a comprehensive health and safety section that includes most of the information on systems, legislation etc needed by managers to fulfil their health and safety commitments.

Corporate Health and Safety Audit

- 5.15 The Corporate Health and Safety audit was undertaken during November/December 2008, to compare progress with the previous audits undertaken.
- 5.16 The Corporate Audit has been carried out using the results of the Directorate Audits, six monthly updates of these audits, and communication with Staff, Managers and Directors with the aim of identifying the level of understanding, the systems in place and the records kept for Health and Safety.
In the audit process each safety item is given a score dependent on the degree of success or the amount of data available.

For example:

Risk Assessment

If all assessments are in place and within review date then a score of 5 is allocated

If only some assessments are in place or they are out of review date then a score of 3 is allocated

If there are no assessments in place then a score of 0 is allocated.

This process is then carried out over all departments/areas.

If there were 12 areas the scores from these areas would be added together divided by the possible perfect score (in this case it would be 60), multiplied by 100.

For example this would look like $35/50 = 0.7 \times 100 = 70\%$

This gives the overall percentage of where the authority is at for each criteria.

This then broken down and analysed so that the forward work plan can be produced by the safety committee at its away day.

The summary percentage scores are used as an indicator to benchmark the years audit against the previous year.

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5.17 The summary scores

	Section	2007	2008
1	Health and Safety Policy	88.57	91.30
2	Organisation	85.00	85.71
3	Planning	61.00	60.00
4	Implementation		
	A) Selection and training	74.21	87.86
	B) Consultation and communication	88.75	89.41
	C) Risk assessment	78.00	56.89
	D) Noise	60.00	60.00
	E) Manual Handling	58.55	76.00
	F) Personal Protective Equipment (PPE)	77.50	84.17
	G) Safe Systems/Permits	90.00	65.14
	H) Management of Third Parties on Site	57.14	61.00
	J) Electrical Safety	90.20	93.20
	K) Workplace Safety	86.35	87.65
	L) Work Equipment Safety	82.76	91.62
	M) Fire/Emergency Arrangements	83.29	81.50
5	Health		
	A) COSHH	76.89	88.44
	B) Hand Arm Vibration	20.00	100.00
	C) Display Screen Equipment	64.29	74.57
	D) First Aid	90.00	76.40
6	Monitoring		
	A) Active	76.00	83.50
	B) Reactive	80.00	81.82
7	Audits	82.86	100.00
	Review	85.00	91.67

All areas in the audit that are showing below average scores will be addressed through the work programme being developed for the coming year.

Health and Safety Policy

- 5.18 The Council's Health and Safety Policy is subject to a three yearly review, and a revised policy has been approved and is now in circulation.
- 5.19 Planned Work Programme for the Year Ahead.
- 5.20 The health and safety work programme for the Year 2008/9 includes the following targets;

Crossgate Depot Works

- 5.21 There are issues at Crossgate depot that require some further work in the segregation of pedestrians and vehicles. Plans are in place to carry out the work in 2009 to the HSE's satisfaction.

Vibration

- 5.22 An equipment tracking and monitoring system is being put into place to help identify pieces of equipment and the amount of time that they can be safely used.
- 5.23 Ongoing training is being set up for all operatives that deal with vibrating equipment in the workplace.

European Health and Safety Weeks 2008/9

- 5.24 In line with the European Health and Safety weeks for 2008/9, there will be a program of training and events around producing and reviewing both generic and specific risk assessments. This will include preferred contractors to the authority, thus insuring that all parties working for RBC will be consistent in their approach to health and safety.

Health and Safety Training

- 5.25 To introduce the Chartered Institute of Environmental Health CIEH Level 4 Award in Health and Safety in the Workplace for Managers, Heads of Service, Directors, etc.

Fire

- 5.26 Fire awareness/warden training for managers to be put into place. Fire risk assessments to be produced for all RBC site including high occupancy buildings.
Review of fire detection equipment in these buildings.

Audit of all fire signage to ensure compliance with the Fire Reform Order 2005.

Personal Emergency Evacuation Plans (PEEP's) to be produced for all vulnerable, disabled persons and persons with restricted mobility. Fire alarm and detection system for Crossgate Depot to be upgraded to conform with current requirements.

Building Security

- 5.27 To look at security systems for all buildings and to instigate a campaign to highlight security. The campaign is to be called 'Lock it or Lose It' and will be aimed at making staff aware that personal items should be locked away and not left unattended in offices etc.

First Aid

- 5.28 To evaluate First Aid cover/provision for RBC to and to enhance the level of 'First Aider' cover for all workplaces within the authority to comply with the 'Health and Safety (First Aid) Regulations 1981'.

Policy Updates

- 5.29 To up date the corporate policy on Legionella
To update the Drivers/Driving Policy including 'Grey Fleet' criteria

Document Checks for Casual and Essential Car Users

- 5.30 To put in place a system through HR to check and record Licence, MOT's and Insurance for casual and essential car users for Redditch Borough Council. Copies of the documents to be appended to individual employees on the Chris 21 system.

To ensure adherence to legal requirements and best practice

- 5.31 a) To continue to develop risk assessments on stress levels for different jobs, accompanied by education for managers and staff on mental health problems at work
- b) To highlight all new and updated pieces of legislation, such as Stress, Working at Height, Noise at Work, and Vibration, with managers and supervisors.
- c) To complete the hand arm vibration assessment of all relevant Council machinery taking into account the vibration levels set out in the legislation.
- d) To update health monitoring for staff at risk from hand/ arm vibration to detect any variation from the previous tests.

- e) To continue hepatitis vaccinations for relevant staff
- f) All remaining managers/supervisors to obtain the Supervising Health and Safety certificate by December 2009
- g) To carry out an authority wide risk assessment audit and implement a revised Risk Assessment format to comply with the HSE's Five steps to risk assessment documentation.
- h) To review the safety committee membership in the light of directorate changes and personnel changes.

To promote health and safety issues

- 5.32
- a) Summer Sort Out week to be carried out with recycling of materials as an overriding theme and also to be linked to promotion of accident awareness (such as Slips, Trips and falls from poor housekeeping etc.)
 - b) To update the "Manager's Guide to Safety Records" which is in the same format as the guide to absence records, enabling managers to keep a central record of all health and safety information.
 - c) To continue the use of the one day certificate in Basic Health and Safety through the Chartered Institute of Environmental Health for staff members along side specific health and safety training, to raise the awareness of the importance of health and safety legislation and compliance.
 - d) To produce computer based Health and Safety induction both corporate and departmental.
 - e) To continue with the spot audit checks on all departments to ascertain the authority's level of health and safety compliance.

To audit health and safety performance

- 5.33
- a) To develop a system of health and safety "notices" for staff and managers, with an easy to use system for health and safety "whistleblowing".
 - b) To continue with planned and unplanned safety spot checks throughout the authority to ensure that health and safety systems are in use and being adhered to.

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6. Other Implications

Environmental	:	None specific.
Equal Opportunities	:	None specific.
Asset Management	:	None specific
Community Safety	:	None specific.
Human Resources	:	Contained in report.
Social Exclusion	:	None specific.

7. Lessons Learnt

- 7.1 This year has been a period of consolidating rapid changes to the structure of health and safety provision at the Council, and has seen a steady rate of progress through the 2008 work plan. Fundamental systems for health and safety have been reviewed to drive up quality in the management of health and safety across the organisation. A more organised approach to auditing and planning the workload has born fruit through a varied range of successful initiatives, and a further useful programme of activities for 2008/9.

8. Background Papers

Previous committee reports and minutes of the Health and Safety Committee, Corporate Audit and local audit reports, training programmes and Human Resources Best Value Review data, all held within Human Resources.

9. Consultation

The following have been consulted in the preparation of this report:

Members of the Safety Committee and the Human resources Head of Service, Committee Services Manager, Trade Union representatives.

10. Author of Report

The author of this report is John Walker (Safety Advisor) (john.walker@redditchbc.gov.uk), in conjunction with Elaine Storer (Head of Human Resources) (ext. 3294, elaine.storer@redditchbc.gov.uk) and members of the Safety Committee.

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11. Appendices

None.

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All Wards

20 May 2009

HOME ENERGY CONSERVATION AND AFFORDABLE WARMTH

(Report of the Head of Environment)

1. Summary of Proposals

The report informs Members of the introduction of National Indicator 187 which deals with the Council's performance in Tackling Fuel Poverty.

The Council's authority is sought to provide additional financial incentive to certain private home owners and landlords of rented property to have their homes insulated.

The Council's authority is also sought to undertake an area based home energy conservation and affordable warmth initiative, in the Town Centre, for some of the least efficient housing in the Borough.

2. Recommendations

The Committee is asked to **RESOLVE** that

- 1) **applications be invited from house owners in the Borough aged 60 or over, living in a Council Tax band A to D property and not in full time employment or in receipt of benefits, to have loft and/or cavity wall insulation installed in their homes free of charge;**
- 2) **applications be invited from accredited private landlords in the Borough, owning tenanted properties in a Council Tax A to D band, to have loft and/or cavity wall insulation installed free of charge;**
- 3) **applications be invited from the owners of pre-1919 houses in the Town Centre area to apply for lifetime loans, to enable their homes to be adequately insulated and heated, on a non-means tested basis covering 50% of the cost of the work.**

3. Financial, Legal, Policy, Risk and Sustainability ImplicationsFinancial

- 3.1 There is a capital expenditure element to the report, estimated to be in the region of £100,000, during 2009/10. Capital funding is available utilising the Council's Energy Efficiency Installations Budget of £147,000 for the current financial year.
- 3.2 The cost of administering the over 60's and landlords scheme by "Act on Energy" will be included in the Service Level Agreement the Council has with them, which can be contained within existing budgets.

Legal

- 3.3 Under the Home Energy Conservation Act 1995, Local Authorities are required to identify ways to increase energy efficiency in homes in the Borough by 30% by the year 2011. The Council's performance to date is 26% (up to 31 March 2008) and we are on target to meet the requirement.
- 3.4 The Government's report "The UK Fuel Poverty Strategy" clearly identifies the key roles local authorities can play in delivering the strategy, which aims to end fuel poverty for vulnerable households by 2010. This includes working with the private sector and energy providers to fund energy efficiency measures.
- 3.5 The Government's National Indicator 187, adopted by Councils in Worcestershire as part of their Local Area Agreements, obliges the Council to reduce the number of householders living in fuel poverty.

Policy

- 3.6 The Council adopted an Affordable Warmth Strategy in 2003 which includes working with partners to eradicate fuel poverty in the Borough.

Risk

- 3.7 No risk has been identified regarding the installation of energy efficiency measures. Home owners taking up measures on offer deal directly with energy supplier's approved installers.
- 3.8 There is a risk to the Council in not meeting its obligation under National Indicator 187 which will affect agreed targets with the Government office.

Sustainability / Environmental

- 3.9 Would help to contribute to a reduction in energy usage, which reduces the impact on climate change.
- 3.10 Would contribute to the aims of National (Nottingham Declaration) and Regional (Worcestershire Climate Change Strategy) Agenda by promoting and encouraging the environmental, social and financial benefits of increasing the energy efficiency of homes in the Borough.
- 3.11 Would contribute to the aim of the authority to reduce home energy consumption under the Home Energy Conservation Act 1995. The Act requires the Council to improve energy efficiency in homes by 30% by the 2011.
- 3.12 Could form a significant element of the Council's Climate Change Action plan.
- 3.13 Will contribute to new national indicators on mitigating and adapting to climate change (NI 186) in reducing CO₂ emissions in the Borough.

Report**4. Background**

- 4.1 Millions of households in the UK cannot afford sufficient warmth for health and comfort. This results from a combination of factors, including, low household income; poor quality housing; and inefficient and expensive heating systems. The circumstances of individual households often include age, ill-health or disability factors which increase the demand for warm homes.
- 4.2 When households are unable to afford to heat their homes adequately they are termed to be in "fuel poverty". The accepted definition of fuel poverty is the need to spend 10% or more of household income to keep warm.
- 4.3 The definition of fuel poverty currently applies to an estimated 4.5 million households in England alone. It is also estimated that there are 6500 households deemed to be in fuel poverty in the Borough. The number in fuel poverty is increasing as the impact of recent higher energy bills is felt by householders and those relying on means tested benefits due to unemployment, is more prevalent.

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- 4.4 The average cost of gas heating a 3 bedroom family home as calculated by the fuel utility companies, is now put at over £900 per annum for a poorly insulated property.
- 4.5 Poor energy efficiency levels are the root cause of fuel poverty. One of the results is chronic ill health to members of the household. It is estimated that there are some extra 300 winter deaths in Worcestershire - mainly from heart and respiratory conditions made worse by cold living conditions in poor quality housing stock with low levels of energy efficiency.
- 4.6 In furtherance of the Government's desire to eradicate fuel poverty a new National Indicator (NI 187) was introduced in April 2008 as part of the new performance framework. Worcestershire has NI 187 within its Local Area Agreement therefore placing an additional obligation on the Council to identify those in fuel poverty living in poor housing conditions.
- 4.7 The definition of NI 187 (tackling fuel poverty) is "the % of people receiving income based benefits living in homes with a low and high energy efficiency rating".
- 4.8 We are required to monitor our performance in tackling fuel poverty from April 2009. To assess what the current position is in Redditch a random survey of 2250 residents in the Borough in receipt of means tested benefits was carried out in January 2009.
- 4.9 In a pro-active approach to fuel poverty and energy efficiency the Council organised 12 half day energy surgeries in the 2008/9 winter at the Town Hall. These sessions resulted in over 50 residents being seen and given advice on ways to reduce their energy bills and access grants.
- 4.10 In addition to Warmfront funding, the fuel utility companies have Carbon Emission Reduction Targets, (CERT) which reduces the actual cost of insulation measures to the customer by approximately 50%.
- 4.11 Many Local Authorities devise local schemes with fuel utility companies aimed at maximising insulation measure take up and leveraging CERT funding.
- 4.12 With regard to the Council's own housing stock it is proposed that all property will have received insulation and heating measures as recommended for the private sector by 2012. This is over and above the minimum Decent Homes Standard properties currently enjoy and will further reduce fuel poverty in the Borough.

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5. Key Issues

- 5.1 We do not currently have an initiative to fund installation of insulation measures for those believed to be in fuel poverty. The Council does match fund an initiative with British Gas to provide Council Tax Rebates for those "able to pay" who have loft and cavity insulation fitted. To date some 300 measures have been installed benefiting Redditch home owners. Additionally Solar Heating installed by British Gas attracts a Council Tax discount. These measures, whilst reducing carbon emissions and reducing fuel bills for householders, are not targeted at those believed to be fuel poor.
- 5.2 The results of the January 2009 survey of those residents in receipt of benefits in the Borough show that some 6% of those are living in properties with the lowest energy efficiency rating. Whilst some 50% of the sample, are living in properties with the highest level of energy efficiency rating.
- 5.3 The Key Issue is how to target resources to remove households from living in fuel poverty in the Borough and increase the numbers of benefit dependant households living in properties with high energy efficiency ratings.
- 5.4 More than half of the fuel poor households in the Borough include people over the age of 60 and pensioners living alone are particularly susceptible. Whilst the Governments Warmfront Grant provides for free insulation measures for the over 60's in receipt of means tested benefits, 50% of this group do not qualify for benefits, because they are in receipt of small occupational pensions or work part time that precludes them from qualifying.
- 5.5 Furthermore there is evidence that those in their mid to late 60's are not providing for insulation measures from their own resources as they are aware that when they reach the age of 70 years they will qualify to receive free insulation measures under the Government's Scheme if they have little or no insulation in their homes.
- 5.6 Private landlords in the Borough have in the past not invested greatly in insulating their properties. Indeed private sector housing surveys in the Borough find that private tenants often live in poorly maintained properties, lacking in energy efficiency installations.
- 5.7 Whilst the Government's Warmfront Scheme does enable vulnerable households, on means tested benefits, in the private tenanted sector to apply for free insulation measures there is little take up. This is mainly because the majority of tenants living in the older private rented housing stock in Borough do not believe that they will have a long stay in the property and they also have to seek the landlord's

permission to have the work done. Additionally they are often unaware that these measures are available to them and it is the tenant that needs to apply for the grant and not the landlord. Many private tenants are directly responsible for paying fuel bills.

- 5.8 The Midland Landlord Accreditation Scheme (MLAS) supported by the Council, is a scheme that aims to recognise and promote good landlords who provide their tenants with good quality, safe accommodation. To date there are 13 Redditch landlords that have achieved accreditation.
- 5.9 There are properties in the Borough that cannot be fully insulated by traditional means. The properties often identified with the lowest energy efficiency ratings are those with 3 storeys in the Town Centre, having solid walls, with no cavities to insulate and bedrooms in the attics requiring insulation measures that are not available under the Governments Warmfront Scheme. 25% of residents are believed to be in fuel poverty in the area.

6. Proposals

- 6.1 In furtherance to our responsibilities to tackle fuel poverty in the Borough and to reduce the numbers of households living in homes with a low energy efficiency rating, in accordance with NI 187, (Paragraphs 4.6 & 4.7 refer)
It is proposed that the following three measures are taken:-

Over 60's Scheme

- 6.2 That applications be invited from house owners in the Borough, aged 60 or over, not in receipt of a means tested or disability benefit, living in a Council Tax A to D banded property, who are not in full time employment to have loft and/or cavity wall insulation installed free of charge. Those aged 70 or over will be referred to Warmfront or a fuel utility offering free insulation measures.
- 6.3 That the measures in 6.2 be limited to the first 200 installation measures costing the Council approximately £40,000 in total.

Landlords Scheme

- 6.4 That applications be invited from private accredited landlords in the Borough, owning tenanted property in a Council Tax Band A to D, to have loft and/or cavity wall insulation installed free of charge as a benefit of achieving accreditation status.
- 6.5 That the measures in 6.4 be limited to the first 100 installation measures costing the Council approximately £20,000 in total.

Town Centre Scheme

- 6.6 That applications be invited from house owners living in pre-1919 three storey houses in the Town Centre area to apply for non means tested life time loans to enable their homes to be adequately insulated and heated covering 50% of the cost of the work.
- 6.7 That the measures in 6.6 be limited to a budget of £40,000. Those residents in receipt of means tested benefits will continue to be able to apply for 100% life time loans for this work under the existing provisions of the arrangements managed by the Council's Care and Repair Agency. Lifetime grants become repayable to the Council once the property is sold.
-
- 6.8 The administration of the over 60's and landlords scheme identified in 6.2 and 6.4 be carried out by "Act on Energy", the energy efficiency advice centre and charity with which the Council has a Service Level Agreement to provide a service for the residents of Redditch. "Act on Energy" will work with a fuel utility company to lever approximately 50% of the costs of the work.
- 6.9 It is believed that the measures identified above, if approved by Council, will go some way in achieving the Council's target of reducing the number of fuel poor in the Borough's least energy efficient homes by 3% over the next 2 years. Further these measures will also, hopefully, increase the number of households receiving benefits to live in higher rated energy efficient homes by at least 3% over the next 2 years. A two year target of 3% being adopted by all the Local Authorities in Worcestershire to meet the objectives of National Indicator 187.
- 6.10 As well as reducing fuel poverty in the Borough these measures will also help with our Climate Change commitment in reducing the CO₂ emissions in the Borough attributed to domestic property.
- 6.11 Many Local Authorities have adopted schemes designed to supplement what the Warmfront and fuel utilities are able to offer by way of insulation measures. In particular, Bromsgrove and Wyre Forest have an over 60's scheme, similar to that proposed in 6.2 and Wychavon have a landlord scheme similar to 6.4 above.
- 6.12 It is proposed to continue with the energy surgeries at the Town Hall in the winter of 2009/10, see (Paragraph 4.9 refers).
- 6.13 It is also proposed that the British Gas Council Tax Insulation Scheme previously approved by Members, will continue during 2009/10. Under the scheme householders receive a £120 tax rebate

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jointly funded, per insulation measure, for those unable to receive free installation.

6.14 If the measures in the recommendations are approved by Members it is proposed that the schemes be advertised in the local press to maximise take up.

6.15 An aerial thermal imaging exercise has recently been completed for the County. The results have not yet been analysed. When they have been those properties showing roof heat loss will be targeted by the Council and home owners encouraged to insulate their lofts. The measures included in the proposals will help promote improvements.

7. Other Implications

Asset Management - No implications have been identified.

Community Safety - No implications have been identified.

Human Resources - No implications have been identified.

Social Exclusion - No implications have been identified.

8. Lessons Learnt

8.1 By working with fuel utilities, who have access to considerable financial resources, utilising our local housing knowledge we can help hard to reach households, not currently benefiting from affordable warmth as demonstrated by other Local Authorities.

8.2 Our current insulation initiatives whilst reducing CO₂, are not targeted at those believed to be in fuel poverty.

9. Conclusion

9.1 Offering free insulation measures to those on low incomes, benefiting those that live in the lowest energy efficient homes and those hard to treat, will go some way to further alleviate fuel poverty in the Borough.

9.2 By carrying out such measures the energy efficiency of the properties in the Borough will be improved and the Council's Climate Change responsibility will be further enhanced.

9.3 If these measures are accepted by Members it would be seen as a further commitment by the Council to produce energy efficiency in

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the home in line with national policy, address fuel poverty and enhance the reputation of Redditch on environmental issues. Funding for the measures as outlined in the report have already been identified, whilst not affecting the Council's existing schemes to provide the incentive of Council Tax Rebates in partnership with British Gas for insulation and solar hot water heating.

10. Background Papers

None.

11. Consultation

There has been no consultation with private tenants groups and Council tenants are not included in the proposals.

12. Author of Report

The author of this report is Don Wright (Housing Surveyor, Environmental Health), who can be contacted on extension 3355 (e-mail:) don.wright@redditchbc.gov.uk for more information.

13. Appendices

None.

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Abbey Ward

20 May 2009

PAOLOZZI MURAL TRUST

(Report of Head of Legal, Democratic and Property Services)

1. Summary of Proposals

- 1.1 To consider actions that are required to regularise the Council's Trusteeship of the Paolozzi Murals and the Paolozzi Mural fund.
- 1.2 To consider the appointment of the Leader of the Council and the Chief Finance Officer to be the Trustees of the Trust.
- 1.3 To consider the name under which the Trust should be registered.

2. Recommendations

The Committee is asked to RECOMMEND

- 1) **that authority be delegated to the Legal Services Manager to take all necessary steps required by law to register the Trust as a charity with the Charity Commission;**
- 2) **that the Trust be registered as a charity with such name as may be proposed by Members subject to such name being available for registration purposes.**
- 3) **that the Leader of the Council and the Council's Chief Finance Officer be appointed by the Council to perform the Council's Trustee role for the Trust;**

3. Financial, Legal, Policy, and Risk Implications

Financial

- 3.1 The Council and all Co Trustee need to make arrangements to receive the Paolozzi Mural fund and deal with the investment and expenditure of the same in accordance with the Trust Deed. The Mural Fund currently stands at £133,171 although the purposes for which the Mural Fund can be used are restricted.
- 3.2 The trust deed provides that the owners of the murals (Scottish Widows) shall insure the mural to it's full replacement cost at their expense.
- 3.3 There are no fees payable for charitable registration. All legal costs will be met internally within existing resources.

Legal

- 3.4 Under Section 139 of the Local Government Act 1972, the Council may accept, hold and administer gifts or property (real or personal) for the benefit of the inhabitants of their area and may execute any works accidental to or consequential on the exercise of this power. 'Real' property is generally land and 'personal' property is generally movable property (e.g. paintings), Section 111 of the Local Government Act 1972 enables the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of the Council's functions, which includes the exercise of any powers in the 1972 Act, such as Section 139. In relation to the murals the Council's powers, as trustees, to deal with them is limited by the trust deed. Under the trust deed the trustees must preserve the mural and facilitate its enjoyment by members of the public. The trustees are under a duty to maintain the murals and may raise funds by way of donations to do so.
- 3.5 Section 9(3)(a)(1) of the Charities Act 2006 makes it obligatory for a charity to register if: it is set up for charitable purposes, it is not exempt and has an income of over £5000 per year.
- 3.6 In addition to the requirement for compulsory registration, duties are imposed upon the Trustees under the common law to act in accordance with the Trust, which in the present case is to 'facilitate the preservation' of the Paolozzi Murals and 'enable the same to be enjoyed by members of the public'.
- 3.7 There are also common law duties relating to accounting for Trust property and an overriding duty of care and good faith in relation to Trusteeship.

Policy

- 3.8 The Council currently has no policy in relation to the position where the Council is a Trustee.

Risk

- 3.9 Failure to register the Trust as a charity and comply with the requirements of the Charities Act 2006 may lead to the Charity Commission taking remedial action against the Trustees to regularise the position in relation to the Trust. The Commission has unlimited powers and can in effect 'do anything' necessary to ensure that the charitable trust is run in accordance with the law. This could include removal or suspension of a Trustee, or calling for an account for the application of Trust property.

Report**4. Background**

- 4.1 In or around 1983 the Redditch Development Corporation, whilst building the Kingfisher Centre in Redditch, commissioned a set of 12 Murals from Sir Eduardo Paolozzi CBE RA. The commission was partly paid for from a grant from the Arts Council. At the time the grant from the Arts Council represented the largest grant it had made in the UK. It is understood that full funds were also forthcoming from the Needle Industries Group.
- 4.2 The Murals were duly erected in Millward Square in the Kingfisher Centre. On the 24th of February 1989, the then owners of the Kingfisher Centre, Shell Pension Trust Limited and Commercial Union Life Assurance Company Limited executed a lease of the Murals effectively giving the Murals on Trust to Redditch Borough Council and Needle Industries Group Limited. At the same time a fund of £40,000 was set aside for the maintenance of the Murals ('the Mural Fund').
- 4.3 The Deed of Trust requires that Shell Pension Trust Limited and Commercial Union Life Assurance Company Limited (the landlords) have to clean and maintain the Murals and insure them up to a premium of £1,000 per annum. There are provisions regarding replacing the Murals if they are destroyed.
- 4.4 The over-riding purpose of the Trust is to ensure that the Murals shall at all times be within Millward Square and capable of being readily viewed by the public. There are provisions for relocating the Murals and a provision that at the end of the Trust in 2025 Redditch Borough Council and the Needles Industries Group can purchase the Murals for nominal consideration.
- 4.5 Up until 2010 all interest that is earned on the Mural Fund has to be accumulated, except in so far as it is spent on the maintenance of the Murals. After 2010 income that is not used for the maintenance of the Murals may be used to promote the Visual Arts in Redditch.
- 4.6 Since the Trust was set up, Shell Pension Trust Limited and Commercial Union Life Assurance Company Limited have become part of the Scottish Widows Investment Group.
- 4.7 Needle Industries Group Limited has ceased trading, but now forms part of Coates PLC.
- 4.8 Once the Mural Fund was set up, it was supposed to have been transferred to a joint account between Redditch Borough Council and Needle Industries Group Limited. Unfortunately, this was never done and the Mural fund is still held in an account controlled by the

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Accountants for Scottish Widows. It would appear that with accumulated interest the fund now amounts to over £133,171.

5. Key Issues

- 5.1 In 1988 investigations were made with the Charity Commission with a view to registering the Mural Trust as a charity. At that time registration was voluntary and was usually undertaken so as to obtain various advantages of charitable registration foremost amongst which would be tax free status. The Council received a letter from the Charity Commission confirming that clearance had been obtained from the Inland Revenue and that the charity could be registered. Unfortunately, the registration forms were never completed.
- 5.2 Since 1988 the law has changed considerably, particularly in 2006 with the coming into force of a new Charities Act. As a result of the changes since 1988, it would now appear that it is compulsory for the charity to be registered and that failure to do so could result in the Charity Commission taking proceedings against the Trustees to regularise the position.
- 5.3 The Legal Department have written to the Charity Commissioners seeking their advice on the issues of registration and incorporation. In order to register the Trust, the Trust will need to have a name which is not already taken by another charitable organisation. Officers have checked with the Charity Commission and the name of "The Redditch Paolozzi Mural Trust" would currently be available, if the Council wishes to seek registration of the Trust in this name. If some other name is proposed, then Officers will need to check whether or not the proposed name is available.
- 5.4 The Council has received a request from Scottish Widows Accountants to provide details of the account to which the Mural Fund should be sent. Enquiries were made revealing that Needle Industries Group Limited had now become a part of Coates PLC who were requested for their views regarding the destination of the Mural Funds. Coates PLC have made it very clear that they do not wish to be involved with the Murals and wish to be released from the Trust.
- 5.5 The Council, being a corporation, needs to appoint 2 officers to be signatories for the trust. The leader of the Council and the Chief Finance Officer, for the time being, have been identified as appropriate persons. As the appointments are expressed to be of officers "for the time being" difficulties of replacement appointments or retirement should be minimised. Changes of the details of all appointees will have to be disclosed to the Charity commission.

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6. **Conclusion**

The situation needs to be regularised, particularly with regards to the Mural Fund. This can be done by registration as a charity and appointment of Trustees. Once this is done the Trustees can then consider any actions that may be undertaken to fulfil the primary objectives of their Trust namely to promote the viewing of the Murals, their maintenance and safety. Excess interest on the mural fund may possibly be applied for the Visual Arts in Redditch.

7. **Background Papers**

The Lease of the 24th of February 1989 and a copy of a letter from the Charity Commissioners the 19th of July 1988. Numerous files and correspondence with landlords and Co Trustees.

8. **Consultation**

There has been no consultation other than with the Portfolio Holder and relevant Council Officers.

10. **Author of Report**

The author of this report is Andy Teepe (Senior Solicitor) who can be contacted on extension 3264 (e-mail: andy.teepe@redditchbc.gov.uk) for more information.

11. **Appendices**

None.



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Abbey Ward

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EASEMORE ROAD - SALE OF LAND AND CONSORTIUM UPDATE

(Report of Head of Legal, Democratic & Property Services)

1. Summary of Proposals

To advise Members of the current position regarding the sale of land at Easemore Road and to seek approval to a revised consortium.

2. Recommendations

The Committee is asked to **RESOLVE** that

the Council leads the consortium and progresses a sale of the combined site, for open market or affordable housing on the best terms possible, in agreement with the other members of the consortium.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 A sale of the land was agreed in 2005 to MPF Homes Limited. MPF Homes did not complete the documentation and withdrew their offer due to the current market conditions. It is unlikely that the Council will achieve a similar offer within the next 2 – 3 years. Details are contained in confidential appendix 1.
- 3.2 A local agent, Nigel Poole, had been acting for all the members of the consortium but with the collapse of this sale it has been agreed by the members of the consortium that the Council will take the lead role. No abortive sale fee or agency fee will be paid as the agent did not secure a sale. This will mean that the Council will not have to pay agency fees and will be able to control the sale.
- 3.3 Property Services do not propose to charge the consortium an “agents fee” for facilitating the disposal. However, all marketing, legal and surveyors costs together with any reasonable expenses will be recovered from the eventual sale proceeds. It is envisaged that costs will be apportioned pro rata based upon the percentage of each Members land holding. The exact details are yet to be discussed and agreed by the Consortium.

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Legal

- 3.4 The Council is required to dispose of any interest in land at the best price possible in accordance with Section 123 of the Local Government Act 1972.
- 3.5 This report is not considered to be exempt in accordance with S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. However, the provisional terms of land disposal under negotiation are exempt and are contained in the confidential appendix to the report. For the Council to reveal provisional "without prejudice" terms at this stage may affect the Council's bargaining position with individual owners and third parties. It is therefore felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 3.6 It is anticipated that the terms and percentage of sale proceeds for the consortium will be the subject of a binding contract to be prepared in due course. In the meantime it is proposed to prepare a concordat or similar document to ensure transparency and to clearly state the Council's role in relation to the consortium

Policy

- 3.7 The Council's agreed Strategy for the Asset Management Plan is to ensure that asset holdings reflect organisational requirements to meet current service delivery needs.

Risk

- 3.8 If the land is not developed it will continue to attract vandals and encourage further anti-social behaviour and possible arson attacks. A developer is unlikely to find the site attractive unless there is a lead contact speaking on behalf of the Consortium. Any Member of the Consortium will be able to withdraw from the sale until contracts are completed.

Report

4. Background

- 4.1 The Council was approached about 6 years ago by Nigel Poole who was trying to put together a sale of back land which could be used for housing development. The Council owned about a third of the site and the rest was owned by a number of private owners occupying properties 144 to 162 Easemore Road.
[A plan will be attached as appendix 2]

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- 4.2 The land was originally transferred to the Council under the Community Related Assets package by Redditch Development Corporation but is not subject to clawback provision.
- 4.3 Unfortunately, owing to problems relating to a complex title and the need to remarket the site the sale has taken a lot longer than originally envisaged to proceed. It has now fallen victim to the downturn in the property market
5. **Key Issues**
- 5.1 Property Services Officers have had a meeting with the members of the proposed consortium who have decided that they no longer wish Nigel Poole to act for them. There is unanimous support amongst the proposed consortium members for the Council's Property Services Team to lead the project. The consortium has also agreed that the Council could negotiate with a Housing Association even though this would almost certainly result in a lower values capital receipt for all members of the consortium. Without the land input of the Consortium Members the Council would only be able to develop a much smaller site and would not achieve economies of scale. It would also make the site less attractive to a developer as another planning application would have to be submitted.
- 5.2 A concordat or similar document will need to be prepared and signed by all consortium members to allow the matter to progress. Property Services will also consider putting binding documents in place to minimise the risk of Members withdrawing and thereby making the site more attractive to a developer.
- 5.3 In the current economic climate the majority of development taking place is with Housing Associations for affordable schemes.
- 5.4 A sale to a Housing Association would result in a lower capital receipt but would provide housing units of the preferred type to meet local demand and the Council could secure nomination rights subject to negotiation. It is likely that a disposal for affordable housing would be concluded this financial year.
- 5.5 In order to facilitate a sale to the private sector which would result in higher receipts the Council may have to look at alternative ways of helping to promote the development. It is possible that the Council could consider not receiving its share of the capital sum until the properties are completed when it could receive a share when each property is sold. In effect the Council would be making an interest free loan to the developer in return for an agreed equity share. There are other alternatives that the Council could explore and

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informal discussions are taking place with the Homes and Communities Agency concerning possible options.

- 5.6 Alternatively the Council could consider selling the land to a Housing Association. This would undoubtedly result in a lower receipt but would possibly be achieved in a comparatively quicker timescale. The current planning permission allows for the construction of 24 houses but it is possible that the Housing Association would submit a new planning application for a greater density.
- 5.7 The sale of the land would provide a substantial capital sum to support the General Fund.

6. Other Implications

- | | | |
|------------------|---|--|
| Community Safety | - | The development of this site will help reduce vandalism in the area and is supported by the police. |
| Human Resources | - | None other than additional Property Services Officer time to lead the consortium. |
| Social Exclusion | - | None identified. |
| Sustainability | - | Issues around sustainability are addressed via the planning process. |
| Asset Management | - | The proposed sale is in accordance with the current Asset Management Plan and was appraised using good asset management practice guidelines. |

7. Lessons Learnt

The Council would benefit from the sale of this area of land from a capital receipt and a contribution towards its housing targets.

8. Background Papers

Relevant papers held within the Property Services Team

9. Consultation

There has been no consultation other than with relevant Borough Council and County Council Officers.

10. Author of Report

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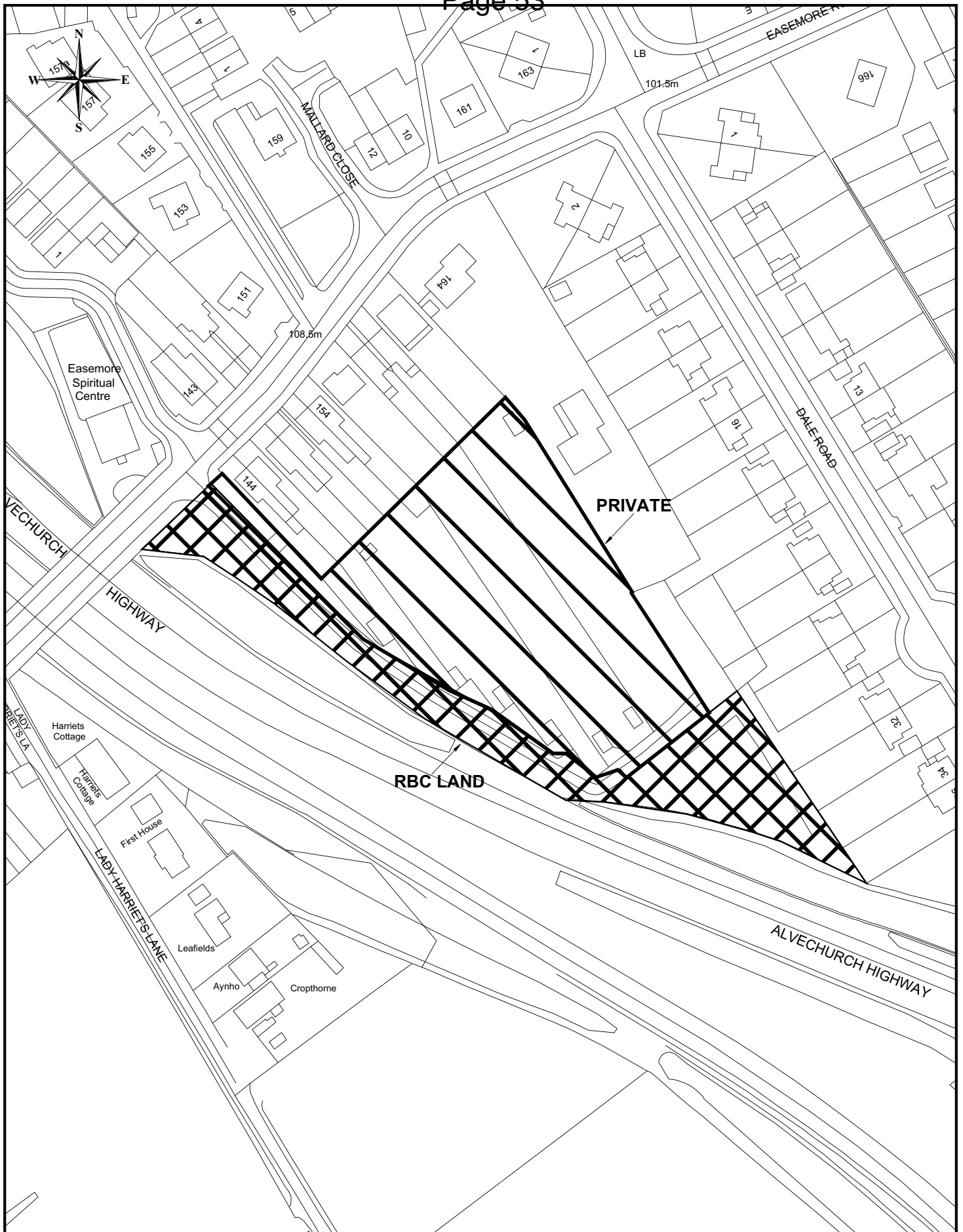
The authors of this report are Heather Wersocki (Valuer, Property Services), who can be contacted on extension 3293 (e-mail: heather.wersocki@redditchbc.gov.uk) and Rob Kindon (Property Services Manager) who can be contacted on extension 3303 (rob.kindon@redditchbc.gov.uk) for more information.

11. **Appendices**

- Appendix 1 - Confidential appendix containing provisional terms of land disposal under negotiation
- Appendix 2 - Plan

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Property Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH

Project: **Council Ownership Details**

Drawn: PMS

Drawing: **Easmore Road Consortium**

Scale: 1/1250

Drawing No:

Date: 01/05/2009

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 Redditch Borough Council LA100024252 2009



Overview and Scrutiny Committee

Wednesday, 8 April 2009

MINUTES

Present:

Councillor Phil Mould (Chair), Councillor David Smith (Vice-Chair) and Councillors M Chalk, W Hartnett, R King, W Norton and D Thomas

Also Present:

Councillor D Hunt

Officers:

M Bough, S Hanley and T Horne

Committee Services Officer:

J Bayley and H Saunders

197. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Banks and Taylor.

198. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest or of any party whip.

199. MINUTES

The minutes of the previous meeting were submitted for consideration of their accuracy.

Under this item Councillor King referred to the Committee's decision at that meeting to reject the proposed review of the Overview and Scrutiny process. The record of the subsequent discussion is included under the relevant Minute (No. 202) below.

.....
Chair

Overview and Scrutiny Committee

Wednesday, 8 April 2009

RESOLVED that

the minutes of the meeting of the Committee held on Wednesday 8 April be confirmed as a correct record and signed by the Chair.

200. ACTIONS LIST

The Committee considered its agreed list of actions and specific mention was made of the following matters:

a) Flooding Working Group

Members were informed that the Officer Working Group, established to respond to the recommendations of the Worcestershire Joint Scrutiny into Flooding Task and Finish Group, had met several times since February. Officers on this Group had also met with colleagues at the County Council and at other District Councils to discuss how to progress the recommendations from the review. Generic and local flood plans were programmed to be produced. These would contain individual sections for each District and would also include reference to the local resilience forum. The Committee was informed that these plans would not be available until May. However, work was being undertaken by Officers to address the Task and Finish Group's recommendations and the resource implications for the Council. The Officers' findings would be reported to the Executive Committee in due course.

b) National Angling Museum

Members referred to the Committee's approval of the National Angling Museum Task and Finish Group. Members requested that the website domain for National Angling Museum be bought by the Council in advance of the launch of this Task and Finish Review.

RESOLVED that

- 1) Officers arrange for the website domain name of 'National Angling Museum' be bought by the Council; subject to which,**
- 2) the Actions List be noted.**

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201. CALL-IN AND PRE-SCRUTINY

Members discussed possible items for Call-in and also items from the Forward Plan for pre-scrutiny, in particular referring to the Redditch Economic Development Strategy. This strategy was due to be presented for the consideration of the Economic Advisory Panel followed by the Executive Committee on 1 July. Members requested that the Redditch Economic Development Strategy be considered at the following meeting of the Overview and Scrutiny Committee.

RESOLVED that

the Redditch Economic Development Strategy be considered at the following meeting of the Committee on 30 April.

202. TASK & FINISH REVIEWS - DRAFT SCOPING DOCUMENTS

The following matters were considered under the heading of 'Draft Scoping Documents':

a) Overview & Scrutiny Committee Review

Under the minutes item, as recorded above, Councillor King had referred to the Committee's decision to reject his proposed review of the Overview and Scrutiny process.

Cllr King asked the Committee to reconsider this decision, as he felt that the reasons given for rejecting the review were not valid. The Vice Chair, who had chaired the meeting in question, explained that Members had debated and voted on whether to approve each of the three reviews that had been proposed during that meeting and that the majority of Members present had voted to reject the proposed review of the Overview and Scrutiny process.

The Chair suggested, however, that, if Councillor King wished to resubmit the scoping document for the reconsideration of the Committee, he was free to do so.

b) Dial-a-Ride

The Committee considered a draft scoping document for the proposed Dial-a-Ride review. The proposer of this item, Councillor Robin King, explained that the Audit Committee had recently received a report regarding the Dial-a-Ride service written by Officers from the internal Audit Team. This report had highlighted issues regarding the value for money of the service.

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Councillor King informed the Committee that an internal review was being undertaken by Officers which was due to be completed over the following four weeks. Officers had advised Councillor King to wait until the outcome of this review was known before embarking on a scrutiny review of the service. However, Councillor King felt that it was important to begin this review as soon as possible.

Members questioned the timeframe set for the review. It was felt that nine to twelve months was too long, especially as other recently completed detailed reviews had only taken six months. The Committee agreed that this review could be completed within six months.

Officers explained that the remit of the Officer review included examining issues of funding, in particular, the level of funding provided by Worcestershire County Council to deliver the service. A further aim of this review was to consider ways in which the cost of the service to the Council could be reduced. Members agreed that the focus of the scrutiny review was slightly different in that it would consider ways of improving the day-to-day running of the service. It was also deemed important for Members to be given responsibility for setting the long-term vision for the service.

RESOLVED that

- 1) **a Task and Finish Group be established to review the Dial-a-Ride service;**
- 2) **Councillor Robin King be appointed to Chair the Task and Finish Group;**
- 3) **subject to the agreement of the Conservative Group Leader, Councillor Norton be appointed as Vice Chair of the Task and Finish Group; and**
- 4) **Councillors King and Norton be requested to meet with relevant Officers as soon as possible to refine the terms of reference of the review.**

203. TASK AND FINISH GROUPS - PROGRESS REPORTS

The Committee received reports in relation to current reviews.

- a) Council Flat Communal Cleaning – Chair, Councillor P Mould

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Councillor Mould informed the Committee that the rescheduled Council Flat Communal Cleaning Consultation meeting was due to take place on Tuesday 14 April at 8pm.

b) Housing Mutual Exchange – Chair, Councillor D Smith

Councillor Smith explained that the first meeting of the Group had been arranged to take place on Wednesday 15 April at 7pm.

c) National Angling Museum and Neighbourhood Groups Reviews

Officers explained that a Chair needed to be appointed for both of these reviews which had been approved at the previous meeting. The Committee also had to set the timescales for each of the reviews.

As the Council Flat Communal Cleaning Review was due to be completed in June 2009, Councillor Mould explained that he would be available to Chair the National Angling Museum Review. However, Members agreed that members of the Committee that had not previously chaired a review should be offered the opportunity to do so before appointing a Member who had experience of chairing. Councillor Mould noted that he would ask Councillor Taylor if she wished to chair the National Angling Museum review.

The Chair suggested that the Neighbourhood Groups Review be scheduled to begin after the completion of the Council Flat Communal Cleaning Review to ensure that there was both the Member and Officer capacity available to support this review. Councillor Smith offered to Chair this Task and Finish Group. However, it was pointed out that he would still be the Chair of the Housing Mutual Exchange Review. Therefore, the Committee agreed that Councillor Banks should first be offered the opportunity to Chair this Group.

RESOLVED that

- 1) **The Chair contact Councillor Taylor to offer her the opportunity to Chair the National Angling Museum Review;**

Overview and Scrutiny Committee

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- 2) **Officers contact Councillor Banks to offer her the opportunity to Chair the Neighbourhood Group Review; and**
- 3) **the Task and Finish Group update reports be noted.**

204. PASSENGER TRANSPORT IN REDDITCH

The Committee considered a written update provided by Officers from Worcestershire County Council's Integrated Passenger Transport Unit. Officers explained that Officers from Worcestershire County Council had been unable to attend the meeting. They had, however, offered to attend a future meeting of the Committee to provide further information to Members, if required.

Members considered the report and noted that there had been issues regarding Worcestershire Primary Care Trust's (PCT) engagement in resolving the problems with public transport access to the Alexandra Hospital. Members agreed to invite a representative from the PCT to a future meeting of the Committee to discuss this matter further. This meeting would take place after the Annual Meeting of the Council in May due to the busy agenda for the meeting that was scheduled to take place on 20 April.

Members discussed details provided regarding the Taxi-Bus service and requested further information regarding the bus company Red Diamond's takeover of this service. Members also noted that at a previous meeting of the Committee, which had been attended by Officers from Worcestershire County Council, Members had requested that they look at the viability of providing a bus stop at the Arrow Valley Park. The Committee requested that Officers provide a written update to the Committee on progress in relation to this issue.

RESOLVED that

- 1) **an item regarding the public transport interchange at the Alexandra Hospital be added to the Work Programme;**
- 2) **Officers at Worcestershire County Council be asked to provide further information as detailed in the preamble above; and**
- 3) **the report be noted.**

Overview and Scrutiny Committee

Wednesday, 8 April 2009

205. THIRD SECTOR TASK AND FINISH GROUP - STAGE ONE MONITORING UPDATE

Members considered the contents of a draft Grants Policy and a draft Shopping, Investing and Giving Policy. Officers explained that, as part of the Overview and Scrutiny monitoring process, these draft policies had been presented to provide an opportunity for Members to scrutinise the implementation of a number of the Third Sector Task and Finish Group's recommendations.

The former Chair of the Third Sector Task and Finish Group, Councillor Thomas, thanked Officers for drafting the two policies within such a short timeframe. She explained that she had studied the policies and was pleased to see that all recommendations made by the Group had been incorporated within them. She pointed out, however, that it was important that all of the Group's recommendations should be monitored. In particular, she was concerned to find out about whether there would be any action in relation to the Group's sixth recommendation, which had requested the introduction of a clerical support post.

RESOLVED that

the report be noted.

206. DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT

The Committee considered a draft Overview and Scrutiny Committee Annual Report for 2008/09. Officers explained that this was the Committee's opportunity to make any changes to the structure, format and content of the report before it was presented to the full Council on 20 April.

Officers explained that they had tried to incorporate quotes from Officers and Members involved in the scrutiny process throughout the report. It was suggested that any further quotes that Members wished to have incorporated into the report be forwarded to Officers as soon as possible.

RESOLVED that

- 1) **the Council be asked to consider the Overview and Scrutiny Committee Annual Report; and**
- 2) **the report be noted.**

Overview and Scrutiny Committee

Wednesday, 8 April 2009

207. REFERRALS

There were no referrals.

208. WORK PROGRAMME

Members considered the Committee's Work Programme. Officers reminded the Committee that at the meeting due to be held on 30 April, a presentation by Officers from Worcestershire County Council was scheduled to take place regarding the emergency planning procedures in place in the County. At the same meeting, the Head of Legal, Democratic and Property Services would be present to provide Members with information regarding the Community Call for Action (CCfA) process.

Officers drew Members' attention to an opportunity that had arisen for Members to learn more about the Comprehensive Area Agreement (CAA) and its implications for scrutiny. A workshop session had been organised for Members which was due to be held on Friday 24 April from 9.45am until 1pm. The Chair volunteered to attend this workshop.

Members suggested that an item be added to the Work Programme regarding the recently approved Budget Strategy. This would require the Committee to examine the Budget Strategy, the projected deficit, and how this deficit could be resolved.

RESOLVED that

- 1) **an item regarding the Budget Strategy and deficit be added to the Committee's Work Programme for the consideration on 17 June 2009;**
subject to which amendment,
- 2) **the Work Programme be noted.**

The Meeting commenced at 7.00 pm
and closed at 8.30 pm

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All wards

20 May 2009

Housing Mutual Exchange Task and Finish Group - Report

(Report of the Housing Mutual Exchange Task and Finish Group)

1. Summary of Proposals

The Housing Mutual exchange Task and Finish Group have reviewed the Council's Housing Mutual Exchange and Home Swap procedures. The Group have concluded that current procedures at the Council are satisfactory and require no further scrutiny at present. However, Members are recommending that existing inspection practices are more explicitly stated in the Council's Housing Mutual Exchange Policy and Procedure documentation to ensure that the process is transparent.

2. Recommendation

The Committee is asked to RESOLVE that:

subject to suitable rewording by Officers the following details should be incorporated into the Council's Housing Mutual Exchange Policy and Procedure:

“The Repair and Maintenance Officers should be employed to make the initial checks on each property to establish that no unauthorised alterations have been made to the properties and whether any rechargeable works need to be undertaken.

Any defects should be photographed and the details placed on file together with written reports concerning both properties.

Electrical tests for both properties should be arranged by Repairs and Maintenance.

The Tenancy Officer who is responsible for the mutual exchange together with the tenants involved should be advised in writing of any works required to be undertaken by them or the Council.

Normal Housing Mutual Exchange and Home Swap procedures should commence after the actions listed above have been completed satisfactorily. (i.e. the Tenancy Officer responsible for the exchange should visit both properties with both tenants).”

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

3.1 There are no financial implications.

Legal

3.2 There are no legal implications.

Policy

3.3 The Housing Mutual Exchange Task and Finish Group is recommending that the Housing Mutual Exchange Policy and Procedure documentation be amended to state current practice more explicitly. This would not require a change to the Council's current working policy.

Risk

3.4 There are no risk implications.

Sustainability / Environmental

3.5 There are no sustainability, environmental or climate change implications.

Report

4. Background and Key Issues

4.1 The Housing Mutual Exchange Task and Finish review took place in April 2009. Members were tasked with scrutinising the Council's Housing Mutual Exchange and Home Swap processes and with making recommendations that would lead to procedural improvements if required.

4.2 A particular case in the Crabbs Cross ward encouraged the Chair of the Group, Councillor Smith, to instigate the Task and Finish review. This case had been the subject of a Local Government Ombudsman's review in 2007, which had concluded by making a number of recommendations for the consideration of the Council.

4.3 The Group convened two meetings. During the course of these meetings: relevant Officers were interviewed by Members; the Group received a presentation on the subject of the Choice Based Lettings system and the role of mutual exchanges within that system; and

Members scrutinised the contents of the Council's Housing Mutual Exchange Policy and Procedure.

- 4.4 The Group concluded that the Council had responded to all of the recommendations contained within the Local Government Ombudsman's report. They were also satisfied that the Council's Housing Mutual exchange and Home Swap processes worked effectively. Consequently, they concurred that the Council's Housing Mutual Exchange process required no further scrutiny.
- 4.5 However, the Group agreed that current practice at the Council for inspecting properties that were the subjects of exchanges was not clearly stated in the Council's Housing Mutual Exchange Policy and Procedure documentation. Therefore the Group recommended that current practice should be more explicitly stated in this documentation to ensure that the process was transparent for both Officers and residents.
- 4.6 The Group have identified the particular processes which they believe need to be more clearly detailed in the Council's Housing Mutual exchange Policy and Procedure. However, they agreed that relevant Officers should rephrase the points that have been raised in the recommendation because those Officers should be able to incorporate the most appropriate terminology into the document.

5. Other Implications

- 5.1 Asset Management - There are no Asset Management implications.
- 5.2 Community Safety - There are no Community Safety implications.
- 5.3 Human Resources - There are no Human Resources implications.
- 5.4 Social Exclusion - There are no social exclusion implications.

6. Lessons Learnt

No lessons have been learnt during this review.

7. Background Papers

- 7.1 Draft Internal Audit Report: Housing Mutual Exchange, (8 December 2008).

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7.2 Local Government Ombudsman's Report, Summary, (2007).

7.3 Mutual Exchange Procedures (Redditch Borough Council).

8. Consultation

Relevant Officers, including the Head of Housing and Community Services and the Housing Options Manager, have been consulted by the Housing Mutual Exchange Task and Finish Group.

9. Author of Report

The author of this report is Jess Bayley (Overview and Scrutiny Support Officer), who can be contacted on extension 3268 (e-mail: jess.bayley@redditchbc.gov.uk) for more information.

10. **Key**

- 10.1 Housing Mutual Exchange - Housing Mutual Exchange is a term which applies to exchanges involving properties situated within the Borough.
- 10.2 Home Swap - Home Swap is a term which applies to the exchange of a property situated within the borough with a property located in another local authority area.

Executive Committee

No Direct Ward Relevance

20 May 2009

REDDITCH BOROUGH COUNCIL ESTABLISHMENT – VACANT POSTS

(Report of the Head of Financial, Revenues and Benefit Services)

1. Summary of Proposals

To provide to Committee an update on the Council's establishment and the number of vacant posts currently in place as at 31st March 2009.

2. Recommendations

The Committee is asked to, subject to any comments, to note the report.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

3.1 There are no specific financial implications.

Legal

3.2 There are no legal implications.

Policy

3.3 There are no specific policy implications.

Risk

3.4 There is a risk to service delivery and performance if vacant posts remain unfilled for any significant period of time.

Sustainability / Environmental

3.5 There are no specific Sustainability/Environmental implications.

Report

4. Background

At 11 June 2008 meeting of this Committee members requested a brief report be brought, to alternate future meetings, outlining the current vacant posts within the authority's establishment.

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Committee

20 May 2009

5. Key Issues

- 5.1 A table has been included at Appendix A detailing all vacant posts as at 31st March 2009, notes are included to explain where the vacancies were covered by temporary staff or other arrangements
- 5.2 An update on the current position regarding these vacancies will be provided verbally at the meeting.

6. Other Implications

Asset Management - None

Community Safety - None

Human Resources - None

Social Exclusion - None

7. Lessons Learnt

None

8. Background Papers

Records within Financial Services Section.

9. Consultation

Relevant Borough Council Officers have been consulted on the content of this report.

10. Author of Report

The author of this report is Sam Morgan (Financial Services Manager), who can be contacted on extension 3790 (e-mail: sam.morgan@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 – Vacant Posts as at 31st March 2009

Executive Committee

Appendix 1

20 May 2009

Vacant Posts as at 31 March 2009			
Service Area	Job Title	Grade	Date Vacant/Notes
Financial Services	Group Accountant	MO3	23/03/2008
Policy	Policy Manager	MO2	Pre 2008/09 Post covered by a secondment.
Community Safety	Community Safety Assistant	Sc3	02/06/2008
PA & Directorate Support	Admin Team Officer	Sc3	Vacant pre October 2008 Used to provide additional PA support during shared CEO trial.
Property Services	Valuer Valuer	SO1 SO1	31/08/2008 02/12/2007 Both posts are covered by agency staff
Electoral Services	Senior Registration Officer	SO1	01/12/2007 This post has been covered by a secondment.
Economic Development	Economic Development Manager	MO1	13/05/2007
Licensing	Licensing Officer Licensing Enforcement Officer	Sc4 Sc6	New post covered by temporary staff. Deleted April 2009
IT Services	Web Development Officer 18.5 hours ICT Officer Records Management Officer 18.5	Sc6 SO1 Sc6	All vacant since October 2008. Savings used to fund Web Development Officer from an agency
One Stop Shop	One Stop Shop Adviser	Sc3-5	January 2009
Community Care	Community Warden Community Warden (20 hrs)	Sc3 Sc3	January 2009 January 2009
Asset & Maintenance	Head of Asset & Maintenance Services	M07/M08	01/08/2007 Post under review/ amended from April 2009
Housing R&M	Plasterer Carpenters x 3 Plumber	Sc 4/5/6	2008/09 all Covered by agency staff
Tenant Participation	Tenant Participation Officer 18.5 Hours	Sc6	December 2008

Executive Committee

Appendix 1

20 May 2009

Care & Repair Agency	Care & Repair	SO2	January 2009 covered by temporary staff
Housing Services	Tenancy Officer	Sc6	15/12/2008
	Welfare Officer 20.5 hours*	Sc6	15/12/2008
	Housing Performance and Database Officer*	Sc6	15/12/2008
	Team Leader	SO2	15/12/2008
	Tenancy Officer x 2	Sc6	19/01/2009
	Welfare Officer 16.5 hours	Sc6	15/12/2008
	Gas Contract Supervisor	SO1	01/09/2007
	Property Services Officer	SO1	22/01/2006
Housing Services cont	Housing Options Asst	Sc3	15/12/2008
	Tenancy Officer* – Allocations	Sc6	New
	Housing Options Officer* 18.5hr	Sc5	15/12/2008
	Posts vacant from 15/12/2008 part of Service Review.		All posts are covered by agency staff or secondment arrangements except where *.
Cleaner	Cleaners x 2	Sc1	07/10/2007 covered by cleaning company
Cleansing	Operative	Sc4	Vacant from 01/06/2008 covered by agency worker
Leisure	Assistant Community Centre Dev. Officer	Sc3	15/11/2007
Leisure	AVCC Manager	Sc6	25/3/07 Acting up arrangements in place.
Human Resources	Senior Payroll Officer	SO1-2	13/8/2008 Post filled from 24/4/2009.

Executive Committee

No direct Ward relevance

20 May 2009

ADVISORY PANELS, WORKING GROUPS, ETC - UPDATE REPORT

(Report of Chief Executive)

1. Purpose of Report

To provide, for monitoring / management purposes, an update on the work of the Executive Committee's Advisory Panels, and similar bodies which report via the Executive Committee. At a meeting of the Committee in early 2009 it was agreed that Portfolio Holders review the present arrangements for their respective Advisory Panels and Working Parties and come to a conclusion as to whether they were still serving a purpose. The matter was to be discussed more generally at the next meeting of the Constitutional Review Working Party.

2. Recommendation

The Committee is asked to RESOLVE that
subject to Members' comments, the report be noted.

3. Updates

A. ADVISORY PANELS

	<u>Meeting :</u>	<u>Lead Members / Officers :</u> (Executive Members shown <u>underlined</u>)	<u>Position :</u> (Oral updates to be provided at the meeting by Lead Members or Officers, if no written update is available.)
1.	Community Safety Advisory Panel	Chair <u>Cllr Brunner</u> / Vice-Chair Cllr Banks Angie Heighway	No meetings planned at present.
2.	Economic Advisory Panel	Chair <u>Cllr MacMillan</u> John Staniland / Georgina Harris	Last meeting - 7 April 2009.

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3.	Environment Advisory Panel	Chair <u>Cllr MacMillan</u> / Guy Revans.	Next meeting – 23 June 2009.
4.	Housing Advisory Panel	Chair <u>Cllr B Clayton</u> / Vice-Chair Cllr Pearce Jackie Smith	Next meeting – 12 May 2009.
5.	Leisure Contracts Advisory Panel	Chair <u>Cllr Anderson</u> / Vice-Chair Cllr MacMillan Ken Watkins / Kevin Cook	Last meeting – 20 January 2009. No requirement for meeting at present.
6.	Customer Services Advisory Panel	Chair <u>Cllr Braley</u> Jackie Smith / Jane Smith	Last meeting – 17 March 2009
7.	Planning Advisory Panel	Chair <u>Cllr MacMillan</u> / Vice- Chair Cllr Chalk John Staniland / Ruth Bamford	Next meetings 5 May, 11 May and 28 May 2009.

B. OTHER MEETINGS

8.	Constitutional Review Working Party	Chair Cllr MacMillan / Vice Chair <u>Cllr Braley</u> Steve Skinner	Next meeting – to be arranged.
9.	Fees and Charges Sub- Committee	Chair <u>Cllr MacMillan</u> / Vice- Chair Cllr Anderson Teresa Kristunas	Group in abeyance until next municipal year. View needed on the future role of the Fees and Charges Sub- Committee in advance of the next municipal year.

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10.	Grants Panel	Chair Cllr Mould / Vice Chair <u>Cllr Braley</u> Angie Heighway	Last meeting – 27 January 2009. Cllr Braley investigating if a new meeting is required.
11.	Independent Remuneration Panel	Independent Members / Chair Mr Andrew Powell	Next meeting – to be arranged. Currently working up proposals for 2010 Allowances Scheme.
12.	IT Steering Group	Chair <u>Cllr Braley</u> / Vice-Chair Cllr MacMillan Jane Smith / Rob Seager	Last meeting – 2 February 2009. Meetings of group in abeyance.
13.	Member Development Steering Group	Chair <u>Cllr MacMillan</u> / Vice- Chair Cllr Brunner Steve Skinner / Trish Buckley	Next meeting - 6 May 2009
14.	Procurement Steering Group	Chair <u>Cllr MacMillan</u> / Vice- Chair Cllr Hall Sue Hanley	Next meeting – 14 May 2009.

4. Author of Report

The author of this report is Ivor Westmore (Member and Committee Support Services Manager), who can be contacted on extension 3269

(e-mail: ivor.westmore@redditchbc.gov.uk) for more information.

5. Appendices

None.



Executive Committee

No direct Ward relevance

20 May 2009

ACTION MONITORING

(Report of the Chief Executive)

Portfolio Holder(s) / Responsible Officer	Action requested	Status
13 January 2009		
	Third Sector Task and Finish Group	
Cllr Gandy A Heighway	1) Discussions to be held with other local authorities in the north of the County in respect of the provision of a joint-funded post to support the grants process.	Discussions to be arranged.
Cllr Gandy / Executive Committee	2) The Executive to consider the further work to be undertaken (detailed in recommendation 5) and come back with suggestions for further work in due course.	Awaiting further consideration by relevant Members.
2 March 2009		
Cllr MacMillan / R Bamford	Bromsgrove And Stratford-On-Avon District Councils' Core Strategy Responses Officers undertook to provide Councillor Hall with further information concerning Gypsy, Traveller and Show People's sites in Bromsgrove District following the meeting.	Awaiting final confirmation that information has been provided to Councillor Hall.
Cllr MacMillan R Bamford / G Harris	The Worcestershire Economic Strategy And Delivery Plan Members were keen that both local Civic and Business Leaders be actively engaged in the role of ambassadors for the town in order that Redditch might be promoted as a place in which to do business and that this be reflected in the developing Redditch Economic Strategy.)	Officers aware.

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Portfolio Holder(s) / Responsible Officer	Action requested	Status
11 March 2009		
Cllr Braley / A Heighway	Quarterly Performance Indicator Monitoring – October To December 2008 Officers were asked to check percentage figures for NI157(b) – Processing of minor planning determined within 8 weeks.	Officer aware.
1 April 2009		
Cllr Braley / T Kristunas / E Storer	Staff Vacancy and Sickness Absence Reporting Members noted the recent lack of reporting of staff vacancies and sickness absence figures.	Report scheduled to be taken on 20 May and at subsequent meetings thereafter.
<u>Note:</u>	<i>No further debate should be held on the above matters, or substantive decisions taken, without further report OR unless urgency requirements are met.</i>	Report period: 13/8/08 to 22/04/09