



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 4TH JANUARY 2012
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 7th December 2011 (Pages 1 - 6)
4. Minutes of the meeting of the Shared Services Board held on 10th November 2011 (Non Confidential Items) (Pages 7 - 10)
 - (a) to receive and note the minutes
 - (b) to consider any recommendations contained within the minutes
5. Minutes of the meeting of the Audit Board held on 15th December 2011 (Pages 11 - 14)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. To receive verbal updates from the Leader and/or other Cabinet Members on any recent meetings attended in an ex-officio capacity (Pages 15 - 16)
7. Medium Term Financial Plan 2012/13 - 2014/15 (Pages 17 - 20)

8. Home Insulation Funding (Pages 21 - 26)
9. Anti-Bribery Policy and Officers' Code of Conduct (Pages 27 - 30)
 - Appendices For Item 7 - Medium Term Financial Plan 2012/13 - 2014/15 (Pages 31 - 40)
 - Appendices For Item 9 - Anti Bribery Policy And Officers' Code Of Conduct (Pages 41 - 60)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting
11. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	
12	1 and 4	"

12. Minutes of the meeting of the Shared Services Board held on 10th November 2011 (Confidential Item) (Pages 61 - 62)

To receive and note the minutes

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

21st December 2011



INFORMATION FOR THE PUBLIC

Access to Information

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- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 7TH DECEMBER 2011 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant and C. B. Taylor

Observers: Councillors S. R. Colella and E. J. Murray

Officers: Ms. S. Hanley, Ms. J. Pickering, Mr. J. Godwin, Mrs. S. Sellers, Mr. A. Coel, Ms. A. Glennie, Ms. C. John and Ms. R. Cole.

78/11 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M. J. A. Webb.

79/11 DECLARATIONS OF INTEREST

No declarations of interest were received.

80/11 MINUTES

The minutes of the meeting of the Cabinet held on 2nd November 2011 were submitted.

RESOLVED that the minutes be confirmed as a correct record.

81/11 OVERVIEW AND SCRUTINY BOARD

The minutes of the meetings of the Overview and Scrutiny Board held on 24th October 2011 and 21st November 2011 were submitted.

In respect of the minutes of the meeting held on 24th October 2011 it was

RECOMMENDED that the recommendation contained in minute 57/11 relating to changes to the Constitution with regard to Corporate Delegations in respect of consultations be approved; and accordingly the wording be amended to read as follows:

“1.1 Where the Council is asked to respond to a consultation on a matter for which the local authority has a responsibility or where it affects the District of Bromsgrove and where the time scales for responding permit then they shall be a matter for the Full Council to consider.

1.2 In any event all consultations will pass automatically upon receipt to the Chief Executives Department and will either be managed in

accordance with 1.1 above or where 1.1 does not apply will be passed to the Leader of the Council for comment and the relevant Head of Service or Director to provide a response as appropriate.

For the purposes of this delegation a consultation shall not be regarded as affecting the District of Bromsgrove if it relates to a national issue and would have no more effect on the District of Bromsgrove than it would on any other area; or

If it relates to actions taken by or statements made by a body or individual connected with the District, but those actions or statements are not specifically related to the District of Bromsgrove.”

RESOLVED:

- (a) that further to minute 61/11, the Deputy Chief Executive be requested to check the position regarding availability of training on the Safeguarding of Children and Vulnerable Adults Policy and whether this could be offered to Bromsgrove District Councillors; and
- (b) that the remainder of the minutes be noted.

In respect of the minutes of the meeting held on 21st November 2011 it was

RESOLVED that the minutes be noted.

82/11 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

The Leader reported that he had attended an Executive meeting of the District Councils' Network.

83/11 **HOME CHOICE PLUS ALLOCATIONS POLICY REVIEW**

The Cabinet considered a report on a review undertaken by the Home Choice Plus Steering Group into the Social Housing Allocations Policy. The review had been required following the publication by the Government in December 2009 of “Fair and Flexible: Statutory Guidance on Social Housing Allocations for Local Authorities”.

It was noted that the review had been undertaken jointly with other Authorities and that users of the service had been invited to participate in the review process. The Policy would need to be submitted for external legal review to ensure it was legally compliant and sufficiently robust.

Members received a presentation which illustrated how the changes proposed would alter the present situation and make the best use of the social housing available whilst ensuring compliance with the new legislation. The presentation also clarified the position regarding local connection and the use of special circumstances within the allocation process.

It was noted that further amendments would be required at a later stage in view of welfare reform, the Localism agenda and the objectives of the Tenancy Strategy which the Council would be required to develop. A further report would therefore be submitted at a later stage.

RESOLVED:

- (a) that the draft Home Choice Plus Allocations Policy be approved and that delegated authority be granted to the Head of Community Services, in consultation with the Portfolio Holder for Strategic Housing, to approve any final amendments necessary following legal review; and
- (b) that the position in relation to local connection and the use of special circumstances be noted.

84/11 **SOLAR PANELS SCHEME AT THE DEPOT - INFORMATION REPORT ON URGENT ACTION**

Members considered a report on urgent decisions taken by the Chief Executive under delegated powers in relation to the scheme previously approved by the Council to install solar panels at the Council Depot.

It was reported that the decisions taken by the Chief Executive related to changes announced by Government to the Solar Photo Voltaic Feed-in Tariff Scheme and to the opportunity to respond to Government consultation on the proposed changes. The decision had been required urgently in order for the procurement and installation process to proceed and for a consultation response to be prepared prior to the deadline.

It was noted that if the proposed changes to the tariffs were implemented the return on the investment would still be approximately between 5% and 6%. In addition the benefits of a reduction in carbon emissions and savings in electricity costs would remain.

RESOLVED that the action of the Chief Executive in determining the matters set out below, in accordance with his delegated powers in relation to urgent matters, be noted.

- (a) that authority be granted to the Climate Change Manager to respond to the Government consultation on Proposed Changes to the Solar Photo Voltaic Feed-in Tariff Scheme including any comments from the Portfolio Holder and the Cabinet; and
- (b) that officers be authorised to continue with the current project plan as approved by the Cabinet and Council on 22nd June 2011, taking into account the revised financial projections as set out in the appendices to the report and on the basis that the figure invested remain at the previously agreed figure of £68,000.

85/11 **COUNCIL TAX BASE CALCULATION 2012/13**

The Cabinet considered the report on the requirement for the Authority to determine a Council Tax Base for the forthcoming financial year.

RESOLVED that in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the Council's Tax Base for 2012/2013 assuming a collection rate of 99% be calculated at £36,643.86 for the area as a whole and that the calculation for each Parish be as set out in appendix 1 to the report.

86/11 **MEDIUM TERM FINANCIAL PLAN 2012/13 - 2014/15**

The Executive Director of Finance and Corporate Resources gave a presentation on the latest position on the Authority's financial position 2012/13 – 2014/15.

In particular reference was made to the list of potential Revenue and Capital Bids which had had been designated by officers and through the Budget Jury process as high or high to medium priority. It was stressed that Members would be making decisions on the budget in forthcoming meetings.

It was also noted that the Equalities and Diversity Forum had put forward a number of proposals for Members' consideration within the total budget of £5,000 allocated for Equality and Diversity projects.

The Executive Director of Finance and Corporate Resources reported that officers were still working to address any budget gap for 2012/13.

RESOLVED that the current position be noted.

87/11 **VICTORIA GROUND CAPITAL WORKS**

Consideration was given to a report on capital works required at the Victoria Ground, Bromsgrove.

It was reported that the works required had been revealed as a result of a dilapidation survey undertaken in late 2010 and related mainly to the condition of the building fabric including the roof, electrical system and internal fittings. The cost of the required works was £42,000. It was noted that the cost of developing the building as a community facility would be met by the occupiers Bromsgrove Sporting in accordance with the original Business Case and Lease arrangements.

It was noted that officers had identified that the cost of the works could be met from within the existing 2011/2012 Capital Programme by way of virement of £42,000 from the Bridge Maintenance budget allocation which had recently been reviewed by officers.

RESOLVED

- (a) that the required works to the Victoria Ground as set out in the report be approved; and
- (b) that the cost of £42,000 be met from within the existing 2011/2012 Capital Programme by way of a virement from the Bridge Maintenance budget allocation.

88/11 **FUTURE ENGAGEMENT WITH PARISH COUNCILS**

The Cabinet considered a report on the future of the Parish Forum and subsequent arrangements for future engagement with Parish Councils in view of the need for the Council to consider how its resources, including officer time could best be utilised.

The need to maintain good links with the Parish Councils was recognised in the report including the on-going provision of training opportunities and regular meetings between the Monitoring Officer and Parish Council Clerks. In addition it was suggested that when appropriate, officers could attend for part of the Bromsgrove Area Committee of the Worcestershire County Association of Local Council (CALC) meetings to give presentations or interact with Parish Council representatives on specific issues.

Members noted the suggestions put forward by CALC as a result of the consultation exercise on the proposal to discontinue the present quarterly Parish Forum meetings.

Members were not minded to approve the proposals put forward by CALC for a specific Portfolio Holder to be given the responsibility for managing the relationship with Parish Councils and for twice yearly meetings to be held between the District and Parish Councils. As an alternative however, the Leader undertook to discuss with the Chairman of CALC other possible arrangements which could achieve a similar result. Members also referred to the opportunities for links between the Parishes and the District to be maintained and strengthened through Members who were both District and Parish Councillors and by District Councillors attending for part of Parish Council meetings if appropriate.

RESOLVED:

- (a) that the Parish Council Forum be discontinued with immediate effect;
- (b) that, as an alternative arrangement, meetings of the Bromsgrove Area Committee of CALC be used as a vehicle for presentations and interaction between the Council and Parish Councils by way of a slot at the start of such meetings;
- (c) that the Leader discuss with the Chairman of the Bromsgrove Area Committee of CALC the feasibility of any additional means by which the links between the District and Parish Councils could be maintained; and
- (d) that the effectiveness of the changed arrangements be subject to review within twelve months.

89/11 **CORPORATE PERFORMANCE REPORT - QUARTER 2 2011/12**

The Cabinet considered the 2011/2012 Quarter 2 Corporate Performance Report together with a number of options for methods of performance reporting for the remainder of 2011/2012, in view of the proposed changes to strategic and performance reporting which would evolve through Systems Thinking and the Transformation agenda which would come into effect in 2012/2013.

Members felt that there was little value in continuing to report formally on all of the existing performance indicators in view of the move towards developing performance measures as part of the transformation process.

RESOLVED:

- (a) that Heads of Service together with their Portfolio Holder(s) select key performance indicators to be reported formally on a quarterly basis until the end of 2011/2012;
- (b) that the way in which performance reporting will change as the Transformation agenda progresses be noted; and
- (c) that the update on key performance indicators for the period ended 30th September 2011 be noted.

The meeting closed at 8.10 p.m.

Chairman

SHARED SERVICES BOARD

10th November 2011 at 5.30pm

COMMITTEE ROOM 2, TOWN HALL, REDDITCH

Present: Councillors Carole Gandy (Chair), Michael Braley, Malcolm Hall and Bill Hartnett (Redditch Borough Council).
Councillors Mark Bullivant (substitute Member), Margaret Sherrey and Mike Webb (Bromsgrove District Council).

Officers: Kevin Dicks, Sue Hanley, Helen Mole and Jayne Pickering.

Notes: Steve Skinner.

1. APOLOGIES

Apologies for absence were received on behalf of Cllrs Roger Hollingworth and Steve Colella (BDC).

2. MINUTES

the minutes of the previous meeting of the Board held on 18th August 2011 were agreed as a correct record (the meeting of 29th September having been cancelled).

3. MATTERS ARISING

Two Members sought brief clarification of action taken in relation to actions arising from the notes of the previous meeting.

CONFIDENTIALITY

With the exception of Minute 7 below these notes are an open public record of proceedings of the Board.

[Meetings of the Board are not subject to statutory Access to Information requirements; but information relating to individual post holders and/or employee relations matters would nonetheless not be revealed to the press or public.]

4. PROGRESS REPORT

The Board considered the latest report on the progress of Shared Services.

The Chief Executive took Members through the report and provided clarifications and explanation of specific points of detail as they arose.

During consideration of this item a number of key points were noted:

a) Reporting to Shared Services Board

Mr Dicks advised that, with Members' agreement, reporting to the Board would now focus less on the established Shared Services and more on the development and implementation of the next services.

b) Financial reporting

Ms Pickering took Members through the financial details and offered to provide any supplementary information required.

Total aggregated savings to date (for the period 2009 to 2011) of just over £2 million had been realised from the roll out of Shared Services.

c) Overview of Human Resources Implications

Mr Dicks agreed to provide the Board with further information on HR impacts of Shared Services reviews: how many jobs had been gained or lost in which areas, etc. (without of course giving personal details).

d) Single Business Case - Timetable

Mr Dicks advised that a final draft HR timetable was currently being finalised. The consultation process was still open until 17th December and if Members were contacted by staff, Mr Dicks asked that relevant comments were passed to the Officers who might need to consider them.

e) Worcestershire Regulatory Services Successes

It was noted that WRS had recently won a national award in respect of its noise abatement work.

Members also acknowledged that work in relation to the landfill site at Marlpool Drive, Redditch, had been excellent and they congratulated the Shared Service Team. The Board agreed this kind of example proved the benefit of the new service, as the relevant expertise and Officer resource would not have been available previously to Redditch Borough Council alone.

f) Governance issues and Shared Services

Members queried governance arrangements where authorities other than Redditch and Bromsgrove Councils were involved in Shared Services.

Mr Dicks advised that all Shared Services information was provided to the Board for information, if nothing else. But matters requiring decision by other external bodies would need to be dealt with separately.

The SLA Client Officer Group with Members was the key place to do this, together with direct referral to the authorities themselves, as appropriate.

g) Members' IT

Members reported that earlier issues with new IT equipment provision had now been 99% resolved. (Cllr Hall mentioned that issues relating to his own IT arrangement required further attention.)

h) Audit

Marked as 'Green' in the traffic light reporting system, the Board agreed, further to Members' comments, to take this element back for further consideration and review.

i) Telephony

Officers offered to provide further information on costs to Cllr Hartnett.

WRS had experienced some particular telephony issues, connected with some old Redditch telephone numbers which only comprised 5 digits. It was now hoped to launch their new telephony arrangements in the first week of December.

j) IT Helpdesk

Members noted progress with the shared IT Helpdesk service. This showed continuing improvement, but there was still scope for transformation. One issue was the need to improve other Officers' understanding of IT.

It was AGREED that

progress to date be noted, subject to Members' comments and any specific further actions, as detailed above.

5. OPERATIONAL SHARED SERVICE FRAMEWORK AGREEMENT

The Board received and considered the proposed Operational Shared Service Framework Agreement.

It was AGREED that

the report be noted.

6. SHARED SERVICES BOARD – CALENDAR OF MEETINGS

Members discussed the frequency of Shared Services Board through the rest of the current municipal year and from May 2012 onwards.

Mr Dicks suggested a move to quarterly meetings once current major proposals had been implemented. It was acknowledged that additional meetings could then be called as and when required.

It was consequently **AGREED that**

next meetings of the Board be held as follows:

26th January 2012 - RBC Committee Room 3 at 5.30 pm

8th March 2012 - BDC Conference Room at 5.30 pm

19th April 2012 - RBC Committee Room at 5.30 pm

31st May 2012 - BDC Conference Room at 5.30 pm.

Thereafter meetings to be scheduled quarterly (but Officers to provisionally set a number of additional 6-weekly meetings in case required).

CONFIDENTIALITY

The content of the following report to this meeting, remains confidential / 'exempt' at this stage in view of the fact that information relating to individual post holders and employee relations matters would be revealed.

7. MANAGEMENT ARRANGEMENTS

Current senior management arrangements of the Council were considered and reviewed. Confidential recommendations were drawn up for decision by the relevant meetings of Redditch and Bromsgrove Councils.

The meeting commenced at 5.30 pm
and closed at 7.00 pm.

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT BOARD

THURSDAY, 15TH DECEMBER 2011

AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), Dr. B. T. Cooper,
Miss P. A. Harrison and Mrs. H. J. Jones

Observers: Councillors C. J. Bloore, R. J. Shannon and S. P. Shannon

Officers: Mrs. D. Randall, Ms. G. Tanfield and Mr. A. C. Stephens

13/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. S. Brogan, Mrs. M. T. Buxton and S. J. Dudley.

14/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

15/11 **MINUTES**

The minutes of the meeting of the Audit Board held on 9th June 2011 were submitted.

It was reported that the reference to the Bribery Act 2003 in minute no. 6/11 should, in fact, refer to the Bribery Act 2010. In addition, with reference to minute no. 9/11, a copy of the revised Internal Audit Plan 2011/2012 was circulated to Members of the Board.

RESOLVED that, subject to the amendment to minute no. 6/11 referred to above, the minutes be approved as a correct record.

16/11 **PROTECTING THE PUBLIC PURSE: FIGHTING FRAUD AGAINST LOCAL GOVERNMENT**

Consideration was given to a report which outlined the work of the Audit Commission in the field of fraud detection and prevention, and the identity of fraud risks, together with detailing some of the actions taken by local authorities to tackle fraud and provide links to tools to help councils improve their counter-fraud defences.

RESOLVED

(a) that the Council commits itself to fight fraud, bribery and corruption which may be perpetrated against it in accordance with the self-

- assessment checklist reproduced at Appendix 1 to the report; and that the Corporate Anti-Fraud Team take an active role in identifying and preventing any future fraud, bribery and corruption risks; and
- (b) that the completed checklist be presented to the next meeting of the Board for information.

17/11 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:

<u>Minute No.</u>	<u>Paragraphs</u>
18/11	1 and 2

18/11 **CORPORATE ANTI FRAUD PERFORMANCE REPORT 2010 - 2011**

The Board gave consideration to a report which outlined the activities of the Corporate Anti-Fraud Team during 2010/2011, and for the period April to September 2011. Members of the Board asked several questions of the Financial Services Manager in respect of the fraud figures referred to in the report, the full details of which would require a response from the Fraud Services Manager.

RESOLVED:

- (a) that the report be noted; and
- (b) that further information on the two cases referred to in paragraphs 3.1 and 3.2 be presented to the next meeting.

19/11 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:

<u>Minute No.</u>	<u>Paragraph</u>
20/11	7

20/11 **INTERNAL AUDIT MONITORING REPORT**

Consideration was given to a report on Internal Audit's performance for the period 1st April to 30th October 2011 against the performance indicators agreed for the Service for the financial year 2011/2012.

RESOLVED:

- (a) that the Internal Audit Monitoring Report and the Recommendation Tracker be noted;
- (b) that the Forward Plan of work undertaken as part of the Internal Audit Monitoring Report be presented to the Board in order for Members to contribute to it; and
- (c) that an additional meeting of the Board be arranged in order that Heads of Service can attend and questioned on the outstanding audits yet to be completed.

(Note: At 6.50 p.m. the meeting was adjourned to allow Members of the Board to peruse an additional appendix detailing the progress made against each of the outstanding actions from the 2008/2009, 2009/2010 and 2010/2011 audits. The meeting reconvened at 7.00 p.m. and, after consideration of the appendix, proceedings reverted back to being held in public session.)

21/11 **TREASURY MANAGEMENT OUTTURN REPORT**

Consideration was given to a report relating to the Council's Treasury Management performance for the financial year 2010/2011.

RESOLVED that the Treasury Management Performance report for 2010/2011, as detailed in Appendix 1, be noted.

RECOMMENDED that the maximum level of investment to be held within a single organisation (bank or building society), as detailed in the report, be set at £3 million, subject to market conditions.

The meeting closed at 7.25 p.m.

Chairman

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Agenda Item 6

THERE ARE NO ENCLOSURES FOR THIS AGENDA ITEM

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CABINET

4TH JANUARY 2012

MEDIUM TERM FINANCIAL PLAN 2012/13 – 2014/14 REVENUE AND CAPITAL BIDS

Relevant Portfolio Holder	Roger Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering (Exec Director)
Wards Affected	All
Ward Councillor Consulted	None specific

1. SUMMARY OF PROPOSALS

1.1 To enable Members to consider the Revenue and Capital bids for 2012/13- 2014/15 and to propose any revisions to the priorities categorisation.

2. RECOMMENDATIONS

2.1 **Members are requested to consider the Revenue and Capital bids as attached at Appendix A and to propose any revisions to the officer priorities that are included. In addition Members are requested to propose any new bids that may need to be considered as part of the 2012/13 – 2014/15 Medium Term Financial Plan**

2.2 **Members are asked to note the current position for 2012/13 – 2014/15 and to request that officers review the savings that can be delivered to achieve a balanced budget.**

3. KEY ISSUES

Financial Implications

3.1 As part of the review of the Medium Term Financial Plan officers have assessed the funding requirements of their services to enable improvements to be made to the community. A number of Revenue and Capital Bids have been developed and are attached at Appendix A for Members consideration.

3.2 An officer review has been undertaken of the bids and they have been classified as “High, Medium or Low” depending on the link to the Council priorities. Within the summary statement at 3.7 only those rated as “High” have been included for funding within the medium term financial plan. These bids are detailed at Appendix A (revenue) and B (capital).

BROMSGROVE DISTRICT COUNCIL

CABINET

4TH JANUARY 2012

- 3.3 In addition a full detailed review of all unavoidable pressures (costs associated with maintaining current delivery) and proposals for income generation have been identified.
- 3.4 Any additional income currently generated that delivers more than the target revenue has been built into the projections as a revised target to achieve.
- 3.5 As Members are aware 2012/13 is the final year of the 2 year grant settlement as included in the Comprehensive Spending Review. The confirmed grant of £3.304m reflects a reduction of £526k on that received for 2011/12 and results in a 28% cut over the 2 year period.
- 3.6 The current summary position at 3.7 includes the financial impact of the areas reviewed above in addition to the following assumptions:
- Zero pay award in relation to inflationary increase
 - Zero Council Tax increase to be funded from grant received
 - Over £600k of further savings included as a result of shared service and transformation
 - Potential costs of the development of Parkside with the County Council
 - Potential costs of a new Leisure Centre of £12m from 2013/14 (this will be subject to formal feasibility appraisal and member agreement)
- 3.7 The revised position is shown below. This includes funding of bids that are categorised as High only.

	2012/13 £'000	2013/14 £'000	2014/15 £'000
Base cost of General Fund Services	12,330	12,811	12,855
Pressures – High bids	80	39	39
Pressures –unavoidables	215	222	260
Savings (quick wins, additional income, shared services, adjustment re concessionary fares)	-1,228	-1,828	-1,654
Investment Income	-105	-110	-85
Cost of Borrowing	33	756	1,076
Net operating expenditure	11,325	11,890	12,491
Area Based Grant	-113	-113	-113
Surplus from Collection Fund	-106		
Government Grant	-3,304	-3,304	-3,304
New Homes Bonus	-366	-366	-366
Assumed Council Tax @ 0% (offset by 2.5% Gov Grant) 2012/13 & 2.5% 2013/14 & 14/15)	-7,067	-7,269	-7,476
Council Tax Grant	-352	-176	-176
Overall Shortfall	17	662	1,056

- 3.8 The Council is to set a balanced budget for 2012/13 – 2014/15 and therefore will have to approve further savings, increase income or reduce high pressures for the 3 year period. Any additional spending, over and above the pressures identified above, would also need to be funded by additional savings.

Legal Implications

- 3.9 None as a direct result of this budget update.

Service / Operational Implications

- 3.10 The bids proposed will ensure that services to the community can be further developed and improved.

Customer / Equalities and Diversity Implications

- 3.11 The Equality and Diversity bids have been included for members consideration. These have been proposed by the Equality and Diversity Forum. In addition all new bids / services will have an impact assessment prepared to ensure they meet the needs of all the community.

4. RISK MANAGEMENT

- 4.1 An impact assessment is undertaken of all Council bids to ensure that any impact and risk to the community is identified and addressed.

5. APPENDICES

Appendix A – Revenue Bids

Appendix B – Capital Bids

Appendix C - Equality and Diversity Forum Bids

AUTHOR OF REPORT

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CABINET

4th January 2012

HOMES INSULATION FUNDING OPPORTUNITY

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Angie Heighway
Wards Affected	All Wards
Ward Councillor Consulted	Not applicable
Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The Council's agreement is sought to accept an offer of £40K funding from Worcestershire County Council specifically for the purpose of installing free cavity wall, draught-proofing and loft insulation measures for Bromsgrove District homeowners aged 60 years or over. This is subject to acceptance of conditions requiring the spend of the funding by 31 December 2012, preferred use of Worcestershire based contractors and promotional branding recognition for Warmer Worcestershire.

2. RECOMMENDATIONS

The Cabinet is asked to **RECOMMEND** that

- 1) the funding of £40,000 from Worcestershire County Council be incorporated into the Council's 'Energy Efficiency Grants Home Insulation project' budget and the Capital Programme be amended accordingly.

The Cabinet is asked to **RESOLVE** that

- 2) authority be delegated to the Head of Community Services to formally accept, and account for expenditure of, the Worcestershire County Council 'Home Energy Efficiency Improvements' funding offer of £40,000 and associated funding conditions;
- 3) applications be invited from homeowners within the District aged 60 or over to have loft and/or cavity wall insulation and draught-proofing measures installed in their homes free of charge; and
- 4) the Head of Community Services, in consultation with the Portfolio Holder for Strategic Housing be authorised

- a) to expend up to the sum approved by the Council, for the purposes indicated in the report; and
- b) to utilise such funding remaining at 1st April 2012 to extend the insulation offer to any District resident irrespective of age or status or for other Home Energy Efficiency initiatives, subject to the agreement of Worcestershire County Council.

3. KEY ISSUES

Financial Implications

- 3.1 Over the past three financial years, the Council's Capital programme has included a budget to provide loft and cavity insulation measures to householders over 60yrs in Council Tax band A-E properties. The Capital programme for 2011/12 no longer includes funding for the project to continue and the budget only remains to meet the committed expenditure approved during 2010/11.
- 3.2 The County Council wishes to forward the funding offered at the earliest opportunity if accepted given the December 2012 expenditure deadline. Expenditure will therefore extend across 2011/12 and 2012/13 financial years. Jayne Pickering and Kate Goldey have been consulted with regard to the financial implications.

Legal Implications

- 3.3 The Home Energy Conservation Act 1995 requires that Local Authorities identify ways to increase energy efficiency in homes by 30% by April 2011.
- 3.4 The UK Fuel Poverty Strategy 2001 clearly identifies the key role of local authorities in ending fuel poverty in vulnerable households by 2010 by delivery of programmes to improve the Home Energy Efficiency of fuel poor households.
- 3.5 Legal Services have been consulted with regard to the legal implications.

Service/Operational Implications

- 3.6 Worcestershire County Council has offered Bromsgrove District Council £40,000 funding for the purposes of offering free home insulation for persons over 60 years of age in the District. The scheme

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is to be promoted using the Warmer Worcestershire brand via the Warmer Worcestershire Network of which BDC is a member.

- 3.7 The County Council offer of funding is subject to the following conditions:-
- i) That the funding is to be used to offer free cavity and loft insulation and draft proofing to over 60's until next Spring, when any remaining funding can be used to offer free insulation to any householder in the District.
 - ii) Where possible the work goes to Worcestershire based contractors or the contractor is required to employ and train local labour.
 - iii) The funding is to be spent by 31st December 2012.
 - iv) The insulation programme is promoted using the Warmer Worcestershire branding.
 - v) The County Council is recognised as a funder in any related publicity.
- 3.8 The Council in partnership with other Worcestershire Councils, Worcestershire Primary Care Trusts, energy providers and business partners has adopted an Affordable Warmth Strategy For Worcestershire with the aim of eradicating fuel poverty and the provision of affordable warmth for all households within 10-15 years. A key aim of the Action Plan is the access of funding and other resources with which to deliver the Strategy.
- 3.9 Results from Worcestershire Countywide Housing Condition Survey suggest that 20% of dwellings in Worcestershire fail the Decent Homes Standard as a result of inadequate thermal comfort compared to 17% nationally.
- 3.10 The offer of funding from the County Council comes at a time when the District Councils funding for Energy Efficiency Grants has been exhausted. It is envisaged that the new funding on offer could enable insulation measures to be installed in approximately 250 properties across the District. Besides benefiting the occupants these measures will also reduce energy consumption thereby contributing to the councils CO2 Reduction and Climate Change objectives.
- 3.11 The provision of grant support and assistance to help address private sector housing conditions, improvement and promotion of energy efficiency and reduction of fuel poverty are all elements that assist in addressing the Council's Climate Change Priority.
- 3.12 The Council has an existing Service Level agreement with Act On Energy whereby the Council receive support and administration in the delivery of the Affordable Warmth Strategy and Action Plan.

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- 3.13 Applications received under the scheme will be forwarded to a contractor who will be appointed through a joint procurement process with other Worcestershire District Councils in accordance with the County Council conditional requirements.

Customer / Equalities and Diversity Implications

- 3.14 Whilst the government's Warmfront Grant provides free insulation measures to over 60's in receipt of means tested benefits approximately 50% of this age group do not qualify for benefits and therefore tend to wait until they reach the age of 70 when they qualify for free insulation measures via government or Energy Provider schemes.
- 3.15 The funding condition relating to qualifying criteria require only that applicants are over 60 years old thus bridging the gap for customers who do not qualify for schemes providing free insulation measures to those over 70 years of age.
- 3.16 Worcestershire County Council have confirmed that the funding is intended to maximise the provision of insulation measures across the County before the government CERT funding expires in December 2012. The offer states that after 1st April 2012 the funding can be used to offer free insulation to any household in the District.

4. RISK MANAGEMENT

- 4.1 Worcestershire County Council has confirmed that any funding sum remaining unspent as of 31st December 2012 should be returned. It is however anticipating that an underspend is most unlikely considering the generous qualifying criteria set for applicants under the funding offer conditions.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

BROMSGROVE DISTRICT COUNCIL

CABINET

4th January 2012

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Date 4 January 2012

ANTI-BRIBERY POLICY AND OFFICERS' CODE OF CONDUCT

Relevant Portfolio Holder	Roger Hollingworth
Portfolio Holder Consulted	No
Relevant Head of Service	Yes
Wards Affected	All wards
Ward Councillor Consulted	n/a
Non Key Decision	

1. **SUMMARY OF PROPOSALS**

- 1.1 The Bribery Act 2010 came into force from 1 July 2011. As a result, the Council needs to update its policies and procedures to demonstrate that it is supporting the principles of the Bribery Act and complying with the legislative requirements imposed upon it. To this end this report asks Members to approve a new policy on Bribery and a new Code of Conduct for Officers. These are important documents as if the Council was ever affected by an allegation of bribery it would be a defence to demonstrate that the Council had "adequate procedures" in place to prevent bribery, and these policies would form part of the "adequate procedures".

2. **RECOMMENDATIONS**

- 2.1 The Cabinet is asked to RECOMMEND to the Council:-
1. That the Anti-Bribery Policy attached at Appendix 1 is approved; and
 2. That the Officers' Code of Conduct attached at Appendix 2 is approved and included in the Council's Constitution.

3. **KEY ISSUES**

Financial Implications

- 3.1 There are no financial implications arising out of this report.

Legal Implications

- 3.2 The Bribery Act 2010 came into force from 1 July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

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3.3 There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7)

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

3.4 An individual guilty of an offence under sections 1, 2 or 6 is liable

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

3.5 If the Council were not to have in place adequate procedures as required under the Bribery Act 2010, it would be more difficult for the Council to defend any prosecution brought against it under the Bribery Act.

Service / Operational Implications

3.6 Members approval is sought of the two documents attached to this report. The Corporate Anti-Bribery Policy at Appendix 1 sets out the Council's policy on bribery issues. Key points for Members to note are as follows:-

- The Council is advocating a zero tolerance approach to bribery and corruption.
- Under the terms of the policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. The policy extends to all the Council's business dealings, transactions and decisions.
- The policy applies equally to employees and Members
- Under the new policy all employees and Members are going to have to make sure that they properly declare any gifts or hospitality that they receive. Arrangements for Members to declare gift and hospitality are

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already in place under the Code of Conduct for Councilors for Gifts and Hospitality (Part 17 of the Constitution).

- 3.7 In reviewing the requirements of the Bribery Act officers identified that there were a number of elements relating to staffing issues which needed to be brought together under one policy within the Constitution. In view of the need to demonstrate adequate procedures under the Bribery Act it was decided a Code of Conduct for Officers should be introduced. Accordingly officers have drafted an Officers' Code of Conduct which is attached at Appendix 2.
- 3.8 The Officers' Code of Conduct draws together various aspects relating to the conduct of officers. Members may wish to note that the key areas it covers include:-
- The requirement of officers to act with integrity and impartiality
 - Rules around disclosure of information
 - Personal interests of staff
 - Bar on committing any offences under the Bribery Act
 - Requirement to declare gifts and hospitality
 - Interests that need to be recorded on the Employees Register of Interests
- 3.9 In terms of staff processes for registering interests and gifts and hospitality, it is proposed that a central register be set up and administered by the Information Management Team.
- 3.10 As regards raising awareness amongst staff about the Bribery Act, information has already been circulated via an Oracle Email and staff have also received several Fraud Newsletters (by email) from the Corporate Anti-Fraud Team. More work is planned to inform staff of the Anti-Bribery Policy through the Managers Forum and by issuing further reminder on the Orb. The induction process for new staff now includes information about the Bribery Act.
- 3.11 In terms of further work relating to the Bribery Act, a Risk Plan has been developed identifying all areas that need to be considered by the Council, to ensure that policies and procedures are in place to reduce any potential threat against the Council. Officers are continuing to work on the Risk Plan to ensure that all appropriate actions have been identified and completed.

Customer / Equalities and Diversity Implications

- 3.12 There is no direct impact on customers of Bromsgrove District Council, other than to raise awareness of the zero tolerance stance. The Anti-Bribery Policy will be included, once approved, in the Anti-Fraud area of the Council's website. Internally, the information will be included in the

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Corporate Anti-Fraud area of the Intranet (Orb). The Policy will be linked to the Corporate Anti-Fraud Strategy, the Whistleblowing (Confidential Reporting) Code and to Employment Terms and Conditions. The Officers Code of Conduct will be included in the Council's Constitution and be available to staff through the Orb.

4. RISK MANAGEMENT

- 4.1 The Risk Plan (referred to at para 3.11 above) will be used to assess the likely level of risk of Bribery.

The main risks associated with not progressing the requirements of the Bribery Act 2010 could include:

- Disbarment from contracts
- Loss of reputation
- Negative publicity for the Council
- Loss of contract specifications/the wrong people doing the jobs under contract

5. APPENDICES

Appendix 1 – Anti-Bribery Policy
Appendix 2 - Officers' Code of Conduct

6. BACKGROUND PAPERS

Anti Bribery Policy Risk Plan

7. KEY

None

AUTHORS OF REPORT

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APPENDIX A

Revenue Bids – BDC

Description	Commentary	2012/13 £'000	Director
Housing	<p>To support homeless projects across the District eg Step up Tenancy Scheme. Concerns that there will be an increase in homelessness following changes to benefit entitlement and rates – particularly for the young. This would fully utilise the grant funding of £113k (£103k currently in the budget) that is received by the Council to support homeless prevention. The grant was ringfenced but is now available to be used for general services.</p>	10	H

Revenue Bids - BDC

Description	Commentary	2012/13 £'000	Director
Maintenance of Ledger system	The current finance system (Agresso) has not been upgraded for 3 years and the teams have to manually interpret information to provide management reports to officers and members. This would enable the latest version to be installed and improve the reporting and accessibility of financial information.	20	H
Energy Advisor	To utilise the services of an external professional energy advisor to ensure the Council getting best deals / use of utilities.	6	H (if generate savings)

Revenue Bids - BDC

Description	Commentary	2012/13 £'000	Director
Data analysis for procurement	To fund external advise and analysis of the Councils spend & comparison to other Councils to ensure best opportunities are sought for savings through procurement.	6	H (if generate savings)
Members allowances	To fund members allowances as approved by external panel	23 (figure to be advised)	M (dependant on panel)
Leisure Feasibility options appraisal	To commission external support to develop a feasibility study to review alternative ways of providing leisure services to deliver savings for the Council in the future	15	H

Revenue Bids - BDC

Description	Commentary	2012/13 £'000	Director
Economic Development	To support projects across the District in supporting businesses and economic growth to include	20	H

Capital Bids - BDC

Description	Commentary	2012/13 £'000	Director
BVRT	To replace BVRT bus with a new vehicle to ensure that a reliable service can be delivered in partnership with WRVS. Officers reviewing potential of funding through sponsorship and link with Redditch Dial A Ride provision.	38	H
Housing	To provide grant to Registered Housing Landlord to provide affordable homes – grant would be conditional on building being undertaken and subject to legal agreement in relation to nomination rights. Partnership with BDHT or West Mercia.	200	H

Capital Bids - BDC

Description	Commentary	2012/13 £'000	Director
<p>Planning - Town Centre</p>	<p>Project Management Continued management of town centre regeneration £100k per annum split 50/50 with County. This ensures that the District has a dedicated officer to support the Town Centre improvements and regeneration and provides a co-ordinated approach for all stakeholders</p>	<p>50</p>	
<p>Additional Green & Grey Bins</p>	<p>Cost for 13/14 & 14/15 - £150kpa. To extend the AWC twin bin service to the majority of the properties not currently receiving the standard service within the District (Approx 5000 currently receive a none standard service)</p>		<p>M /H</p>

Capital Bids - BDC

Description	Commentary	2012/13 £'000	Director
Cemetery Extension infrastructure at North Bromsgrove Cemetery Phase one	The current burial space at Bromsgrove North Cemetery is almost used up and there is a need to develop the next phase of the cemetery including roads, path, water, plinths, bins, etc. - Cost from 13/14 £100k /14/15 £300k		H
Toilets	The toilets in Bromsgrove Cemetery are currently closed as they are in very poor condition and suffer from serious ASB issues. We are currently hiring a porta loo for staff and public use which is an ongoing revenue cost and also is not sustainable long term..	25	M
Depot security	Following a crime risk assessment additional security is required at Bromsgrove District Council's depot; including new fencing and gates, new doors and roller doors to plant storage areas.	65	H

Capital Bids - BDC

Description	Commentary	2012/13 £'000	Director
Fleet replacement	Revised sum for the agreed annual fleet replacement required to replace a number of vehicles & plant such as waste collection and street cleansing vehicles, mowers, etc	519	H
Redevelopment of Parkside School	To redevelop Parkside school with the County Council to provide a single site for customers to access a number of facilities including the Library and Customer Service Centre. This would realise revenue savings in relation to utility costs together with a capital receipt from the sale of the current asset (Burcot Lane). The anticipated net cost would be approx £900k.	500	H
Redevelopment of a new Leisure Centre	To develop a new Leisure Centre. This is a proposal that has been included in future years budgets of £12m from 2013/14 but would be subject to a full appraisal and approval by Members		

Capital Bids - BDC

Description	Commentary	2012/13 £'000	Director
Sanders Park	Improve Parking due to H&S concerns (check issues)	32	H / M
Xmas Lights	Replace Xmas lights following High Street refurbishment as the current lights will be in need of upgrade due to the period of time they have been used	20	H / M
Battlefield Brook	To improve brook infrastructure	15	H / M
Loans to Businesses	To provide loans to high credit worthy businesses to set up in the District. Loans assessed and managed via Finance Birmingham as supported through Birmingham City Council and the LEP. Loan repayments would be used to generate further loans to businesses.	1,000	H
New Ledger system	To enable the implementation of a single system for accounting across the Councils	150	M
Allotment Extension	To increase allotments available and improve water supply	10	M

E&D Bids - BDC

Description	Commentary	2012/13 £	Director
Access Guide for residents with Disabilities	To develop (with the Town Centre project Team) an access guide for people with disabilities.	500	H
One for All Day	To support the EID festival day where all faiths are invited to join Bromsgrove Muslim Community Network	2,500	H
Just Us	To support the Disabled residents of Bromsgrove to enable regular meetings and access reviews	500	H
Assisted Technology – visual impairment	Develop safe and sound application for mobile phones to provide improved security and enhanced access for those with visual impairment	1,000	H



Bromsgrove
District Council

www.bromsgrove.gov.uk

Corporate Anti-Bribery Policy
Bribery Act 2010



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Introduction

The Bribery Act 2010 came into force on 01 July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

Bromsgrove District Council through myself and the Senior Management Team is determined to maintain its reputation as an authority which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of Council activity.

To achieve this goal the Council will work to identify and eliminate any form of bribery through the introduction of this anti-bribery policy and through a risk assessment process and ongoing monitoring and review.

Elected Members and employees should play a key role in counter-fraud initiatives. This includes providing a corporate framework within which counter-fraud arrangements can flourish, and the promotion of an anti-fraud culture across the whole Council. This should provide a sound defence against internal and external abuse of public funds.

Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.

Through the 'Whistle Blowing Policy' employees are encouraged to report any suspicion of bribery, safe in the knowledge that they are able to report concerns in confidence and without risk of reprisal

Kevin Dicks
Chief Executive
Bromsgrove District Council
November 2011

Policy Statement

Bribery is a criminal offence. The Council through its employees and elected Members does not, and will not, pay bribes or offer improper inducements to anyone for any purpose or, accept bribes or improper inducements. It is the Council's policy to conduct all business in an honest and ethical manner. The Council takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all business dealings and relationships. The Council will operate and enforce effective systems to counter bribery.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

In this policy, **third party** means any individual or organisation we come into contact with during the course of our work. This includes actual and potential customers, suppliers, advisers, contractors, government and public bodies (including their advisers, representatives and officials), politicians and political parties. This list is not exhaustive.

This policy applies to all individuals, working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed term or temporary), elected members (including independent Members), consultants, contractors, agents, trainees, seconded staff, casual and agency staff, volunteers, or any other person associated with the Council, wherever located.

This policy also applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this document.

What is Bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure

- accept payment from a third party that you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy

Objective of the Policy

This policy provides a coherent and consistent framework to enable Bromsgrove Council employees and elected Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

Role of Employees

Employees are governed in their work by the various policies, protocols, codes, rules and procedures, particularly regarding conduct issues and are responsible for ensuring that they follow any instructions given to them by management, particularly in relation to the safekeeping of assets.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly with integrity, at all times, and to safeguard the organisations resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities
- read, understand and comply with this policy
- avoid any activity that may lead to, or suggest, a breach of this policy

Staff must notify the Corporate Anti-Fraud Team as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. The Council reserves the right to terminate it's contractual relationship with other workers if they breach this policy.

Role of Elected Members

As elected representatives, all Members of the Council have a duty to the citizens of the District to protect the Council from any acts of fraud and bribery and ensure that resources are used prudently and within the law to safeguard public money, including ensuring they do not procure an advantage improperly. Elected Members are required to operate and adhere to the Council's Constitution, which incorporates a Code of Conduct for Members (Part 16 of the Constitution).

The Code includes rules regarding:

- The disclosure of relationships
- The declaration of gifts and hospitality
- Registering personal interests

Elected Members are also referred to the Code of Conduct for Councilors in relation to Gifts and Hospitality set out at Part 17 of the Constitution. This sets out the process that should be followed by elected Members when declaring gifts. See further below under "Record Keeping".

The Council's commitment to action

The Council commits to:

- setting out a clear anti-bribery policy and keeping it up to date
- making all employees aware of their responsibilities under the terms of this policy
- training all employees so that they can recognise and avoid the use of the bribery by themselves or others
- encouraging employees to be vigilant and to report any suspicions of bribery, providing suitable lines of communication with the Corporate Anti-Fraud Team
- ensuring that sensitive information is treated appropriately
- rigorously investigating allegations of bribery, taking such cases to prosecution where relevant
- assisting the Police or other authorities in more complex cases
- taking action against any individual found to be involved in bribery
- provide information to all employees to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery

Facilitation Payments

These are illegal, and will not be tolerated. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and Hospitality

The Council's policy on gifts and hospitality for staff has been updated and is now found within the Officers' Code of Conduct. A copy is included in the Council's Constitution and can be found on the Orb at [insert link](#) (Corporate/Policies/BDC Policies/HR).

The Officer's Code of Conduct makes it clear that:

You should not accept significant personal gifts from contractors and service providers such as food, drink, cars, clothes and jewellery.

Inexpensive calendars, diaries, blotting pads, pens etc (perhaps marked with the donor's name) are acceptable. If in any doubt about whether you should accept a gift, it is best to refuse it.

However, you are prohibited from accepting a gift, or giving a gift to a third party if the following requirements are met:

- it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it is given in the Council's name, not in your name
- it includes cash or a cash equivalent (such as gift certificates or vouchers)
- if it is inappropriate for the circumstances
- if the gift received is an inappropriate type and value, and given at an inappropriate time;
- it is given secretly and not openly
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of your Head of Service.

Public Contracts and failure to prevent bribery

Under the Public Contract Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts.

However, the Council has the discretion to exclude organisations convicted of this offence.

Record Keeping

We must keep records and have appropriate internal controls in place which will evidence the business reasons for:-

- Receiving or declining gifts and hospitality which are offered to staff or elected Members
- Providing gifts or hospitality on behalf of the Council to third parties

Staff must ensure that any gift or hospitality for employees that is accepted, offered or refused, should be recorded in the Corporate Gift and Hospitality Register. The Register is held centrally by the Information Management Team.

Any gifts or hospitality received by elected Members must be reported to the Council's Monitoring Officer in accordance with Part 17 of the Constitution (Gifts and Hospitality – Code of Conduct for Councillors).

How to raise a concern

All elected Members and employees have a responsibility to help detect, prevent and report instances of bribery. If you have a concern, **please speak up** – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Please refer to the Whistle-blowing (Confidential Reporting Code) Policy for the procedure of how to make your concerns known. It can be found on the Orb at [insert link](#) - (Director of Finance and Corporate Resources/Head of Resources/Corporate Fraud/Team Documents/Corporate Fraud).

Staff who do not have access to the intranet can contact the Corporate Anti-Fraud team directly on:

Email fraud@bromsgrove.gov.uk
Telephone 01527 881221
Web www.bromsgrove.gov.uk/fraud

Preferably your disclosure will be made and resolved internally. However where this proves inappropriate and you are not happy to speak with the Corporate Anti-Fraud Team, your concerns can be raised externally. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media),

Concerns can be anonymous. We will act as soon as possible to evaluate the situation. We have a clearly defined Corporate Anti-Fraud and Corruption Strategy which sets out procedures for investigating fraud, bribery and corruption. It is however, easier and quicker to evaluate allegations, if they are not anonymous, as your assistance may be well be needed to clarify elements of the allegation made.

Bribery Act Offences

There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7)

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

Bribery Act Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

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OFFICERS' CODE OF CONDUCT

STANDARDS

- 1.1 The public is entitled to demand conduct of the highest possible standard, of a Local Government employee. Public confidence in their integrity **is paramount and it would be shaken if there were any** suspicion, that they could be influenced by improper motives. Under no circumstances should an employee use their authority or office for personal gain.
- 1.2 It is not enough to avoid actual impropriety. An employee should at all times avoid any occasion for suspicion to be raised or any appearance of improper conduct.
- 1.3 Where their duties demand it, employees should provide appropriate advice to Councillors and fellow employees with impartiality.
- 1.4 No employee should become personally involved in any transaction in which the Authority has a direct or indirect interest, except as an employee of the Authority.
- 1.5 The Council has an adopted Whistleblowing Policy to address situations where Staff may have concerns about something that is happening within the Council, including possible breaches of this Code of Conduct, perceived impropriety, breach of procedure or shortfall in delivery of service.

The Whistleblowing/Confidential Reporting Policy has been put in place to enable staff to bring attention to those concerns whilst at the same time ensuring they are protected from any victimisation or harassment.

DISCLOSURE OF INFORMATION

- 2.1 There is a general principle of open government.-The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Under no circumstances should an employee use information gained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in some way.
- 2.2 Employees must not communicate to the public or press, the proceedings of any confidential committee meeting, etc., nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so. Confidentiality of information still applies when an individual is no longer employed by the Authority.

- 2.3 Authorised information given by an employee in the course of his/her duty should be true and fair and never designed to mislead.
- 2.4 Personal information relating to individual councillors or members of the public and commercially sensitive information about other organisations should not be divulged by any employee unless required or sanctioned by the law.

POLITICAL NEUTRALITY

- 3.1 Employees serve the Authority as a whole. It follows they must serve all councillors, and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected equally.
- 3.2 Where political groups seek officer guidance to a group meeting, on a particular issue, the Chief Executive should always be made aware of this request. There are no restrictions as to what level of officer can attend a political group to give advice but the Chief Executive or one of the two Corporate Directors must always be present. All political groups are entitled to the same level of information about Council matters. However, officers attending a political group meeting have a responsibility to keep confidential any discussion that takes place within that group when they are present.
- 3.3 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in Paragraph 3.1 and 3.2.
- 3.4 The Local Government and Housing Act 1989, Part 1, contains provisions to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council [s1(1)], from being an MP or MEP and are subject to prescribed restrictions on their political activity.

The Local Government Officers [Political Restriction] Regulations 1990 and the Local Government [Politically Restricted Posts] [No.2] Regulations 1990 covers the posts which are politically restricted. These are :

- [a] specified posts such as the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal;
- [b] all posts which meet the duties-related criteria for determining a “sensitive post” irrespective of remuneration level, unless the postholder appeals successfully against determination. These posts are defined as those which:

- [i] give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented [but excluding purely factual information] or
- [ii] speak on behalf of the authority on a regular basis to journalists and broadcasters.

3.6 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

RELATIONSHIPS

4.1 COUNCILLORS

Employees are responsible to the Authority, through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 THE LOCAL COMMUNITY AND SERVICE USERS

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the policies of the Authority.

4.3 CONTRACTORS

Employees should make known to their Line Manager any relationships of a business or private nature with external contractors, or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Line Manager.

APPOINTMENT OF STAFF AND OTHER EMPLOYMENT MATTERS

- 5.1 Employees involved in appointments of staff should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

PERSONAL INTERESTS

- 6.1 Employees should not subordinate their duty to the Authority to their private interests or place themselves in a position where duty and private interest may conflict.
- 6.2 All employees should be clear about their contractual obligations and should disclose any personal interests [either financial or non-financial] that could actually or potentially conflict with the Authority's interests or which others may deem to affect the employee's impartiality in any matter relating to their duties. Such interests might include :
- taking outside work or giving professional advice, whether paid or unpaid, which could conflict with or have an impact on the Authority's work or interests;
 - involvement with an organisation receiving grant-aid from the Authority;
 - membership of a National Health Service Trust Board;
 - involvement in any organisation or pressure group which may seek to influence the Authority's policies;
 - any pecuniary interest [whether direct or indirect] in contracts let by the Authority.
- 6.3 The Authority will not preclude employees from undertaking additional employment providing that it does not, in the view of the Authority, conflict with or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business.

- 6.4 Employees on Scale SO1 and above, who wish to take outside work or give professional advice, whether paid or unpaid, in addition to their full-time employment with the Authority, must obtain the written approval of their Line Manager. A record of such work or advice should be kept in the Employee's Interests Register relating to outside work / advice provision.
- 6.5 Whilst part-time employees and those on Scale 6 and below do not need to obtain the approval of their Line Manager, they should, nonetheless, declare any other work they undertake, whether paid or unpaid, outside their employment with the Authority and record it in the Employee's Interests Register.
- 6.6 Employees should declare to their Line Manager or Director, membership of any organisation which is not open to members of the public who are not members of that organisation and requires members to make a commitment of allegiance and secrecy about the rules, membership or conduct of the organisation.

INTELLECTUAL PROPERTY

- 7.1 All inventions, creative writings and drawings created by an employee in the course of their normal duties or duties specifically assigned to them are the property of the authority.

EQUALITY ISSUES

- 8.1 All employees should ensure that policies relating to equality issues, as agreed by the Authority in its Equal Opportunities Policy, are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

SEPARATION OF ROLES DURING TENDERING

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees, who have both a client and contractor responsibility, must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform their Line Manager and withdraw from the contract awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

BRIBERY AND CORRUPTION

- 10.1 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

It is also a criminal offence to use a third party as a conduit to channel bribes to others.

- 10.2 **The Council has an Anti-Bribery Policy, which must be read in conjunction with this Code of Conduct.**
- 10.3 Where it is proved that a gift or other consideration has been received by, paid to or given to an employee by a person holding or seeking to obtain a contract from the Authority, then the gift or other consideration shall be deemed to have given and received **in** breach of provisions of the Bribery Act, unless the contrary is proved.
- 10.4 The law relating to the acceptance of inducements or rewards is set out in the Bribery Act 2010
- 10.5 An employee's spouse's interests count as those of the employee [if he/she is living with the employee] but a partner's, son's or daughter's interests do not.

USE OF FINANCIAL RESOURCES

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge of the Authority.

HOSPITALITY AND GIFTS

12.1 When offered any form of hospitality or gift, employees must be aware of the possibility of such actions affecting or being seen to affect their judgment when official dealings with the donor or potential donor takes place **and the potential risk of falling foul of the Anti-Bribery Policy**. Employees must ensure that any hospitality or gift is not of a level or amount which would lead to any reasonable person to believe that the employee might be influenced.

12.2 Employees should only consider acceptance of any offer of hospitality or a gift where the employee regards it as normal and reasonable. "Normal and reasonable" is defined for this purpose as no more than the Authority would be prepared to offer in the equivalent circumstances. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

12.3 Examples of hospitality which would be considered reasonable are :-

- i. Up to three working meals;
- ii. One non-working meal;
- iii. Attending a professional function as a member of a profession;
- iv. Attending purely social or sporting functions only when these are part of the life of the community or where the Authority should be seen to be represented and they should be properly authorised and recorded.
- v. Attendance at conferences and courses where the hospitality is clearly of a corporate nature, where authority in advance has been obtained, and where no purchasing decisions are compromised.

12.4 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the official code of conduct operating within the Authority.

Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

- 12.5 Gifts and favours should not be accepted, other than items of very small intrinsic value and then only if it bears the Company's name or insignia and can thus be regarded as being in the nature of advertising matter. All offers of personal favours such as specially discounted goods or buying at trade prices must be rejected unless the offer is open to all staff employed by the Authority. Gifts considered reasonable would be, for example, pens, notepads, calendars and diaries.
- 12.6 If when making personal purchases, a Council contractor is identified as the best source of supply, then employees must ensure that a priced V.A.T. invoice is raised and that a receipt is issued by the contractor as proof of payment.
- 12.7 If any doubt remains in the employee's mind as to whether an offer of hospitality or a gift is acceptable, the matter should be discussed immediately with their Line Manager for guidance on whether the offer is normal and reasonable.

In reaching a decision, the following will be taken into consideration:

- The value and nature of the offer
 - Could you explain the gifts/hospitality to somebody else?
 - Is it socially acceptable and not lavish or extravagant?
 - Does it feel right?
 - Will you be influenced by this gift/hospitality?
 - How would others perceive it?
 - Would they perceive that you might be influenced by such gifts/hospitality?
 - Could you reciprocate that which is being offered? If the answer is no, then there is a risk that this could be interpreted as an attempt to influence.
- 12.8 All gifts and hospitality offered, whether accepted or not, must be entered in the Employees' Interests Register.

SPONSORSHIP - GIVING AND RECEIVING

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Local Government activity whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their

Line Manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

EMPLOYEES' INTERESTS REGISTER

- 14.1 The Employees Interests Register will be maintained by the Information Management Team
- 14.2 Officers are expected to make suitable entries in the Interests Register in respect of the following :-
 - i. All gifts/hospitality or inducements offered to them, whether accepted or not - see 6.2;
 - ii. Involvement with any organisation of the type described in 6.2;
 - iii. Any pecuniary interest [whether direct or indirect] in contracts led by the Authority;
 - iv. Any outside employment taken or professional advice offered, paid or unpaid, undertaken by an officer - see 6.4 and 6.5;
 - v. Membership of an organisation, as described in 6.6.
- 14.3 Failure to fully register any of the matters outlined above will be a disciplinary matter.

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By virtue of paragraph(s) 1, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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