

MEETING OF THE CABINET

Monday, 12th February, 2007 at 6.00 p.m.
in the Council Chamber at the Council House, Dudley

PRESENT:-

Councillor Caunt (Leader of the Council - Chairman);
Councillors Adams, Evans, Fraser-macnamara, Knowles, Mrs. Martin,
Miller and Mrs. Millward.

Opposition Group Members appointed to attend meetings of the
Cabinet:
Councillors Ali, G. H. Davies, Ms. Foster, Lowe, Sparks, Ms. Partridge
and Mrs. Ridley (Labour Group).
Councillor Tyler (Liberal Democrat Group).

OBSERVER:-

Councillor Banks.

OFFICERS:-

The Chief Executive, the Director of Adult, Community and Housing
Services, the Director of Finance, the Director of Law and Property, the
Director of the Urban Environment, the Assistant Director of Adult,
Community and Housing Services, the Assistant Director of Children's
Services, the Head of Personnel and Support Services and the
Democratic Services Manager together with other officers.

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors Crumpton, Mrs. Shakespeare and Mrs. Walker.

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DECLARATIONS OF INTEREST

Members declared interests, in accordance with the Members' Code of
Conduct, as follows:-

Councillor Ms. Foster – personal interest in references to Dudley Credit
Union in Agenda Item No. 5 - in view of her involvement with the
Dudley Credit Union.

Councillors G. H. Davies and Mrs. Ridney – personal and prejudicial interests in references to Coseley Youth Centre in Agenda Item No. 12 – in view of their membership of the Youth Centre Advisory Committee.

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MINUTES

RESOLVED

That the minutes of the meetings held on 13th December, 2006 and 9th January, 2007 be confirmed as correct records and signed.

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REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2007/08

The Cabinet considered a joint report of the Chief Executive and the Director of Finance on the deployment of General Fund revenue resources, a number of statutory calculations to be made by the Council and, subject to the receipt of the Joint Authority precepts, the Council Tax to be levied for the period 1st April, 2007 to 31st March, 2008.

Cabinet Members and the Director of Finance responded to specific questions concerning the budget proposals. It was noted that the recommendations would be referred to the Council for consideration at its meeting on 5th March, 2007.

RESOLVED

That the Council be recommended to approve the following:-

- (1) The budget requirement for 2007/08, and service allocations as set out in the report.
- (2) The statutory amounts required to be calculated for the Council's spending; income and use of reserves; budget requirement and; transfers to and from its collection fund as referred to in Section 67(2)(b) be now calculated by the Council for the year 2007/08 in accordance with Sections 32 to 36 of the Local Government Finance Act, 1992 as shown in Appendix 3 of the report.

- (3) That, having calculated the aggregate in each case of the amounts in Appendix 3 of the report, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992 agrees the following levels of Council Tax for Dudley Council services for 2007/08:-

Valuation Bands

A	B	C	D	E	F
£	£	£	£	£	£
672.82	784.96	897.10	1009.23	1233.51	1457.78
G	H				
£	£				
1682.06	2018.47				

- plus the amounts to be notified for the Police and Fire and Rescue Authority precepts.

- (4) That the Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.
- (5) That the Council remind the Chief Executive and Directors to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2007/08 budget, particularly in the context of commitments into later years and the impact that overspending in 2007/08 will have on the availability of general balances to support spending in 2008/09 and 2009/10.
- (6) That the provisional Annual Efficiency Statement (AES) as set out as Attachment A to the report be noted.
- (7) That the Medium Term Financial Strategy (MTFS) set out as Attachment B to the report be approved.

The Cabinet considered a joint report of the Director of Adult, Community and Housing Services and the Director of Finance on proposals:-

- (a) To set a rent increase for Council homes;

- (b) To set rent increases for garages in the Brierley Hill and North Dudley areas;
- (c) To set the Housing Revenue Account (HRA) budget for 2007/08 in the light of the latest Government determinations for housing finance and the Council's spending and resource assumptions;
- (d) To set a capital expenditure budget for the improvement and programmed maintenance of the Council's housing stock in 2007/08, 2008/09, 2009/10 and 2010/11;
- (e) To review the medium-term financial strategy for the HRA and Public Sector Housing Capital.

RESOLVED

- (1) That approval be given to a rent increase for Housing Revenue Account (HRA) dwellings on 11th June, 2007 with an average increase of £2.91 and a maximum increase of £5.18 in line with Government rent guidance;
- (2) That an increase of 3.6% in other charges, as outlined in paragraphs 8 and 9 of the report, be approved;
- (3) That the amendments to Homecall charges for residents other than Council tenants as outlined in paragraph 10 of the report be noted;
- (4) That the proposed garage rent increases and dates of future increases, as set out in paragraphs 11 and 12 of the report, be approved;
- (5) That subject to the approval of the Council:-
 - (a) The revised HRA budget for 2006/07 and HRA budget for 2007/08 outlined in Appendix 1 to the report be approved;
 - (b) The public sector housing revised capital budget for 2006/07 and capital budgets for 2007/08 to 2010/11, as set out in Appendix 2 to the report, be approved;
 - (c) The Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, be authorised to manage and allocate resources to the capital programme as outlined in paragraph 23 of the report;

- (d) The Director of Adult, Community and Housing Services be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 24 of the report;
 - (e) The medium term financial strategy set out in Appendix 4 to the report be approved.
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TRANSPORT SETTLEMENT PROPOSED TRANSPORT CAPITAL PROGRAMME FOR 2007/08 AND ROAD SAFETY GRANT

The Cabinet considered a joint report of the Director of the Urban Environment and the Director of Finance on the allocation of monies to the Council from the West Midlands Local Transport Plan (LTP2) settlement for 2007/08. Consideration was given to the Transport Capital Programme for 2007/08 and the allocation of funding associated with the Road Safety Grant.

RESOLVED

- (1) That the Transport Capital Settlement for 2007/08 be noted.
- (2) That the Council be recommended:-
 - (a) To approve the report and the allocation of Transport Capital Funding as set out in Appendix 1 to the report.
 - (b) To approve the following:-
 - (i) The schemes and programming identified in Appendix 2 to the report – Bridge Strengthening; and that advance work be undertaken on bridges not included in the current year.
 - (ii) The schemes and programming identified in Appendix 3 to the report – Retaining Walls; and that advance work be undertaken on walls not included in the current year and that the Director of the Urban Environment be authorised to bring forward construction work as funding permits.

- (iii) The schemes identified in Appendix 4 to the report – Railway Road Vehicle Incursion; that design work be undertaken as resources permit, and that the Director of the Urban Environment be authorised to bring forward construction as funding permits.
- (iv) The schemes identified in Appendix 5 to the report – Upgrading of Parapets; that design work be undertaken as resources permit and that the Director of the Urban Environment be authorised to bring forward construction as funding permits.
- (v) The schemes identified in Appendix 6 – Bus Showcase; and that the Director of the Urban Environment be authorised to undertake work as funding is made available.
- (vi) The schemes and programming identified in Appendix 7 – Local Safety Schemes; and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (vii) The schemes and programming identified in Appendix 8 – Proposed Safer Routes to School Measures; and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (viii) The schemes and programming identified in Appendix 9 – Pedestrian Crossing Programme; and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (ix) The acquisition of land and property purchase associated with approved schemes as funding permits.
- (x) That the Director of the Urban Environment continue to initiate studies into future minor improvement schemes.

- (xi) That the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to identify, and where appropriate, implement any remedial works to local safety schemes of a minor nature, the introduction of antiskid material and provision of variable speed message signs and mobile speed camera sites.
 - (xii) That the Director of Law and Property, in conjunction with the Director of the Urban Environment, commence property acquisition by negotiation for schemes identified in Appendix 1 to the report.
 - (xiii) That any scheme within the Local Safety Schemes and Safer Routes to School programme of work which cannot be implemented within the relevant timescale or financial resources available for that particular programme of works, be deferred and submitted for re-assessment for possible inclusion in a future programme of works.
 - (xiv) That the Director of the Urban Environment continue to progress the highway improvement programme associated with outcomes from the Black Country Study and regeneration initiatives as set out in Appendices 1 - 10 of the report.
 - (xv) That the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to approve the programme of Street Lighting Improvement and the programme of Highway Maintenance.
 - (xvi) That the Road Safety Grant be allocated as set out in the report.
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CONSULTATION ON SPATIAL OPTIONS FOR THE WEST MIDLANDS REGIONAL SPATIAL STRATEGY PHASE 2 REVISION – PROPOSED RESPONSE BY DUDLEY MBC

The Cabinet considered a report of the Director of the Urban Environment on the publication of the Spatial Options in connection with the Phase 2 Revision of the West Midlands Regional Spatial Strategy (RSS). The Options were the subject of consultation and the Cabinet considered issues and proposed responses in relation to key topics to form the basis of the Council's response to the Regional Planning Body.

RESOLVED

- (1) That the views expressed in the report and the Appendix be supported and that the Director of the Urban Environment be authorised to submit an appropriate response to the Regional Planning Body on the basis of the report now submitted.
- (2) That the Director of the Urban Environment, in consultation with the Cabinet Member for Economic Regeneration, be authorised to take any necessary action in connection with the submission of a Black Country response on Phase 2 of RSS and the request that the Joint Advisory Group should co-ordinate responses to the review within the Sub Region.

PUBLIC CONSULTATION ON THE BLACK COUNTRY CORE STRATEGY

The Cabinet considered a report of the Director of the Urban Environment seeking endorsement to undertake local consultation events for the Black Country Core Strategy.

RESOLVED

That the proposals to undertake local public consultation events for the Black Country Core Strategy, as outlined in the report, be endorsed.

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BRINGING THE LOCAL DEVELOPMENT SCHEME INTO EFFECT

The Cabinet considered a report of the Director of the Urban Environment on proposals to bring the Local Development Scheme into effect on 13th February, 2007. In connection with the report, Members commented on the current arrangements and associated issues relating to the processes for the consideration of planning applications by the Development Control Committee.

RESOLVED

That approval be given to bring the Local Development Scheme into effect on 13th February, 2007.

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PLANNING POLICY STATEMENT 3 – HOUSING

The Cabinet received a report of the Director of the Urban Environment on the new Planning Policy Statement 3 (PPS3) 'Housing'. The report advised Members of the implications of the document for Dudley.

RESOLVED

That the contents of the report, and Appendix 1 thereto, be noted.

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EXTRA CARE HOUSING – CURRENT PHASE

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the progress with regard to the Extra Care Housing Project. The Cabinet was recommended to endorse the first phase location arrangements, including the initial choice of sites at Broad Street, Coseley and Russells Hall, Dudley.

In respect of the Coseley site, it was noted that early consideration would be given to the reprovision of displaced youth facilities. Discussions with developers were in the early stages and the details of the number of properties to be provided, the percentage of the site to be used for housing and issues relating to car parking in respect of the Russells Hall site would be considered as the project progressed.

RESOLVED

That the progress be noted and that the initial choice of sites, as identified in the report, be supported.

REVIEW OF GOVERNMENT WHITE PAPER “STRONG AND PROSPEROUS COMMUNITIES”

The Cabinet considered a report of the Chief Executive on the key aspects of the Local Government White Paper “Strong and Prosperous Communities”. The White Paper contained proposals for a range of significant changes to the organisation of local authorities, and the relationship with Central Government, partner organisations and local communities. Further reports on the specific implications for the Council would be submitted as and when more details became available.

RESOLVED

That the implications of the White Paper “Strong and Prosperous Communities” for the future structure and operation of the Council be noted.

CAPITAL PROGRAMME MONITORING AND BIDS FOR EXTERNAL FUNDING

The Cabinet considered a joint report of the Chief Executive and the Director of Finance on progress with the implementation of the Capital Programme, proposed amendments to the Capital Programme, the approval of bids for external funding and proposals relating to the “Prudential Indicators” as required to be determined by the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003.

RESOLVED

- (1) That current progress with the 2006/07 Capital Programme, as set out in paragraph 2 and Appendix A to the report be noted.
- (2) That the Dancing Cavern project be supported, and that the Chief Executive be authorised to make the necessary applications for funding to the Big Lottery Reaching Communities Fund, as set out in paragraph 20 of the report.
- (3) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report, be noted.

- (4) That the Council be recommended:-
- (a) That the expenditure of a further £0.5m on Disabled Facilities Grants be approved and the Capital Programme be amended accordingly, as set out in paragraph 8 of the report.
 - (b) That the Director of Adult, Community and Housing Services be authorised to make a formal bid to the Department for Communities and Local Government (DCLG) for funding for additional plots at the Oak Lane Gypsy Site, and that subject to such funding being received the project be approved as included in the Capital Programme as set out in paragraph 9 of the report.
 - (c) That the expenditure of £35,000 on Stairlifts be approved and included in the Capital Programme, as set out in paragraph 10 of the report.
 - (d) That the Capital Programme be amended to reflect the increased estimated cost of the People Using Local Services Everyday (PULSE) team relocation, as set out in paragraph 11 of the report.
 - (e) That subject to the increase in revenue budget being approved, the expenditure on a further 50,000 wheeled bins be approved and included in the Capital Programme, and that the expenditure of the Waste Performance and Efficiency Grant on vehicles for use in the green waste collection service be approved and included in the Capital Programme, as set out in paragraph 12 of the report.
 - (f) That the acquisition of a new Document Management System for Planning and Development be approved and included in the Capital Programme, as set out in paragraph 13 of the report.
 - (g) That the grant from the Cory Environmental Trust for improvements at Mary Stevens Park be noted, and the scheme be included in the Capital Programme, as set out in paragraph 14 of the report.

- (h) That the Personalised Learning Centre project at the Dormston School be approved and included in the Capital Programme, as set out in paragraph 15 of the report.
 - (i) That the Youth Offending Team Infrastructure project be approved and included in the Capital Programme, as set out in paragraph 16 of the report.
 - (j) That the Computers for Pupils funding be noted, and that the related expenditure be approved and included in the Capital Programme, as set out in paragraph 17 of the report.
 - (k) That, subject to an appropriate decision by the Cabinet Member for Children's Services, the project to relocate Rosewood Special School be approved and included in the Capital Programme, as set out in paragraph 18 of the report.
 - (l) That the extra funding for the Wrens Nest Primary School replacement be noted and the Capital Programme be amended accordingly, as set out in paragraph 19 of the report.
 - (m) That the urgent amendments to the Capital Programme, as set out in paragraphs 21 and 22 of the report, be noted.
 - (n) That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C of the report, be approved.
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NORTH PRIORY ESTATE REGENERATION PROJECT: PROJECT UPDATE AND NORTH PRIORY ESTATE COMPULSORY PURCHASE POWERS

The Cabinet considered a joint report of the Director of Adult, Community and Housing Services and the Director of Law and Property on the progress of the North Priory Estate Regeneration Project. The report contained proposals to suspend tenants' right to buy, to pay home loss and disturbance allowances, to commence the acquisition, by agreement, of property and rights and to use compulsory purchase powers, if necessary, to facilitate the implementation of the North Priory Estate Regeneration Project.

RESOLVED

- (1) That the Council make a Compulsory Purchase Order(s) under Section 226 (1)(a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land shown on the Plan submitted to the meeting, or the acquisition of new rights, for the purpose of regenerating the North Priory estate.
- (2) That the Director of Adult, Community and Housing Services and the Director of Law and Property, in consultation with the Cabinet Member for Economic Regeneration, be authorised to:-
 - (i) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - (ii) acquire interests in land and new rights within the Compulsory Purchase Order(s) either by agreement or compulsorily;
 - (iii) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate, seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.

- (3) That the Director of Adult, Community and Housing Services be authorised to pay home loss payments and disturbance allowances to the residents of the North Priory regeneration scheme.
- (4) That the Director of Adult, Community and Housing Services be authorised to serve demolition notices on the secure tenants on the North Priory regeneration scheme.

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CROWN CENTRE, STOURBRIDGE – COMPULSORY PURCHASE POWERS

The Cabinet considered a joint report of the Director of Law and Property and the Director of the Urban Environment on proposals to use compulsory purchase powers to acquire the leasehold interests and any other rights within the Crown Centre and Bell Street multi-storey car park, Stourbridge and to authorise the acquisition of property and rights by agreement.

RESOLVED

- (1) That, subject to securing a suitable financial indemnity from a development partner to cover any costs incurred, the Council makes a Compulsory Purchase Order(s) under Section 226(1)(a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land shown on the Plan submitted to the meeting, or the acquisition of new rights, for the purpose of securing mixed use development including retail, office, residential, leisure and car parking.
- (2) That the Director of Law and Property, in consultation with the Cabinet Member for Economic Regeneration, be authorised to:-
 - (i) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - (ii) acquire interests in land and new rights within the Compulsory Purchase Order(s) either by agreement or compulsorily; and

- (iii) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate, seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
 - (3) That the Director of Law and Property be authorised to negotiate and complete any undertakings with developers regarding costs and any required development agreement(s) prior to the making of any Order(s).
 - (4) That the Director of Law and Property be authorised to negotiate terms for the sale of the Bell Street car park as part of any comprehensive redevelopment of the site and for the transfer of any land acquired under the Order or already in the ownership of the Council to a development partner to allow the scheme to proceed.
 - (5) That the Council be recommended to include any capital expenditure associated with an Order in the Capital Programme.
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PROMOTING INDEPENDENCE FOR PEOPLE WITH PHYSICAL DISABILITY

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the progress on the strategy for the future development of residential care for physically disabled people and recommendations with regard to the future use of Bridge House.

RESOLVED

- (1) That the work of the residents and staff of Bridge House and their relatives be commended in arriving at the significant milestone as set out in the report and taking on the challenge of independent living, or alternative accommodation.
- (2) That Bridge House be redesignated as a respite and rehabilitation unit.
- (3) That disabled people, relatives and family carers be actively involved in the planning of future provision of respite care and rehabilitation, to meet their needs and aspirations for support and help people to live fulfilling and independent lives.

- (4) That the funding currently available for Bridge House be retained to support physically disabled people to live independently in their own homes through packages of care and in providing respite care and rehabilitation to support disabled people and their families.

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EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that:-

- (a) they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated below; and
- (b) in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Item</u>	<u>Paragraph No.</u>
Crown Centre, Stourbridge – Tenure Arrangements.	3
Management Arrangements within the Chief Executive's Directorate.	1

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CROWN CENTRE, STOURBRIDGE – TENURE ARRANGEMENTS

The Cabinet considered a report of the Director of the Urban Environment on the re-negotiation of the tenure arrangements at the Crown Centre and Bell Street Car Park, Stourbridge and proposals to introduce a new ground lease for 250 years.

RESOLVED

That the Director of Law and Property be authorised:-

- (1) To negotiate and agree suitable terms for the surrender of the existing headlease and underlease at the Crown Centre, Stourbridge and its replacement with an agreement for a lease and/or new headlease to include the Crown Centre and Bell Street car park for a term of 250 years at a market rent (subject to a minimum rent of £100,000) and otherwise on terms to be agreed by the Director of Law and Property.
- (2) To negotiate and agree a development agreement or other undertaking from the developer to replace the existing car park with a new facility to provide a minimum of 500 car spaces and to make them available to shoppers and visitors on a short-term basis similar to the tariffs and regime operated at nearby public car parks.

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MANAGEMENT ARRANGEMENTS WITHIN THE CHIEF EXECUTIVE'S DIRECTORATE

The Cabinet considered a report of the Chief Executive on proposed amendments to the management arrangements within the Chief Executive's Directorate, with particular reference to Dudley Council Plus, the Customer Access to Services (CATS) Programme and Electoral Services. In connection with the proposed changes to the management arrangements, the Cabinet considered a request for voluntary severance in respect of Mr K M.

RESOLVED

- (1) That the alterations to the management arrangements within the Chief Executive's Directorate, as set out in the report, be approved.
- (2) That the request for voluntary severance in respect of Mr. K.M. be approved.

The meeting ended at 7.20 p.m.

LEADER OF THE COUNCIL