

MEETING OF THE CABINET

Wednesday, 9th September, 2009 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Mrs. Millward (Leader of the Council) (Chairman)
Councillor Jones (Deputy Leader)
Councillors Adams, D. Blood, Evans, Mrs. Faulkner, Simms, Stanley,
A. Turner and Mrs. Walker

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

Councillors Ali, Crumpton, Islam, Lowe, Ms. Partridge and Sparks
(Labour Group)

OFFICERS:-

Chief Executive, Director of Adult Community and Housing Services,
Director of Children's Services, Interim Director of Law and Property,
Interim Director of Finance, Assistant Director of the Urban
Environment (Economic Regeneration and Transportation), Mr Sanders
(Directorate of Law, Property and Human Resources) and other
officers.

25

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors Ms Foster and Mrs Ridney.

26

CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillors Crumpton and Islam were serving in
place of Councillors Mrs Ridney and Ms Foster, respectively for this
meeting of the Cabinet only.

27

DECLARATIONS OF INTEREST

A declaration of Personal and Prejudicial Interest, in accordance with
the Members' Code of Conduct, was made by Councillor Crumpton in
item 23 on the Agenda (Single Status and Equal Value Claims) in view
of his membership of the GMB.

A declaration of Personal Interest, in accordance with the Members' Code of Practice, was made by Councillor Crumpton in respect of paragraph 9 of item 12 (Capital Programme Monitoring) in view of his attendance at meetings of the Tanhouse Tenants and Residents Association.

28

MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on the 17th June, 2009, be approved as a correct record and signed.

29

SPENDING PROJECTIONS 2009/10

The Cabinet considered a report of the Interim Director of Finance on the projected revenue out-turn on the General Balances for 2009/10.

In the light of the Council's overall financial position, the Leader reiterated the need to exercise stringent budgetary control for the remainder of the current financial year.

RESOLVED

That the Council be recommended:

- (1) That the forecast overspending set out in paragraph 4 of the report submitted to the meeting, be noted.
- (2) That approval be given to "earmarking" General Balances to fund the projected overspending in the Directorate of Children's Services, if ultimately required.
- (3) That the projected underspending in Finance, ICT and Procurement will be transferred to General Balances be noted.
- (4) That the need to exercise stringent budgetary control for the remainder of the current financial year in accordance with the Council's Approved Financial Management Regime be reiterated to all Cabinet Members, Directors and budget holders.
- (5) That the effect on the Council's Medium Term Financial Strategy be noted.
- (6) That action is taken to replenish General Balances when the opportunity arises.

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

30

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

The Cabinet considered a report of the Interim Director of Finance on the update of the Council's Capital Strategy.

RESOLVED

That the draft Capital Strategy attached to the report submitted to the meeting, be approved as the basis of consultation with Select Committees.

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

31

PROCUREMENT PROCESS AND PROCUREMENT STRATEGY 2009-2014

The Cabinet considered a report of the Interim Director of Finance on progress against national procurement initiatives and containing proposals for the update of the Council's Procurement Strategy.

RESOLVED

- (1) That the continued progress in procurement be noted.
 - (2) That the progress against the national procurement agenda be noted and endorsed.
 - (3) That the new Procurement Strategy for 2009-14, as set out in Appendix B to the report now submitted, be approved.
-

32

REVIEW OF HOUSING FINANCE

The Cabinet considered a joint report of the Director of Adult, Community and Housing Services and the Interim Director of Finance on the revisions to the Housing Revenue Account (HRA) budgets to reflect latest financial forecasts, and to confirm revised rents for council homes and to update the Members on the developments in Housing Revenue Account finance.

RESOLVED

- (1) That the Council be recommended that the revised Housing Revenue Account budget for 2009-10 outlined in Appendix 1 to the report submitted to the meeting, be approved.
- (2) That the amended rent increase for Housing Revenue Account dwellings backdated to 6th April 2009 with an average increase of £1.92 (3%) and a maximum increase of £3.06 in line with the government's proposal on reducing rent levels, be noted.
- (3) That the outcome of the national Housing Revenue Account Subsidy Review be noted.
- (4) That the Director of Adult, Community and Housing Services and Interim Director of Finance, in consultation with the Cabinet Members for Housing and Finance, be authorised to respond to the consultation paper referred to in the report.
- (5) That the new arrangements for new council house building be noted.

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

16-19 FUNDING TRANSFER – OPERATIONAL CHANGES

The Cabinet considered a report of the Director of Children's Services on changes taking place in education and training for young people.

In the discussion on the report, the Cabinet Member for Integrated Children's Services welcomed the co-operation of the Opposition Group and gave an assurance that reports to provide briefings on the manner in which it was proposed new duties for which the Council would become responsible would be submitted.

In expressing the view that the Connexions Service had not been totally successful in providing careers guidance and advice that met the needs of young people and investors, the Leader of the Opposition Group advocated that, under the new arrangements, provision for this purpose should be made jointly and in partnership with Black Country authorities and that, should neighbouring authorities not wish to participate in a joint initiative, Dudley should provide a careers service independently that would meet such needs.

RESOLVED

That the new duties that are being passed to the Local Authority in April 2010 be noted and that further updates be provided at subsequent Cabinet Meetings.

34

'VISION 2025' – A STRATEGIC PLAN FOR LEARNING

The Cabinet considered a report of the Director of Children's Services on progress made to date on developing "Vision 2025 – A Strategic Plan for Learning" and seeking Member comments on the draft vision statement.

In welcoming the initiative, the Opposition Spokesperson for Integrated Children's Services emphasised the need for the Building Schools for the Future Programme to be a quality submission and referred to the need for consultation with stakeholders in this regard.

RESOLVED

- (1) That the progress made to date on developing "Vision 2025 – A Strategic Plan for Learning" be noted.
 - (2) That Cabinet Members be invited to submit suggestions, contributions, views and thoughts they may have on the draft vision statement.
 - (3) That the work to be undertaken next, as referred to in the report now submitted, be endorsed.
-

35

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Cabinet considered a report of the Chief Executive on the first Quarterly Corporate Performance Management Report for 2009/10, relating to performance for the period 1st April to 30th June, 2009.

RESOLVED

- (1) That the content of the Quarterly Corporate Performance Management report submitted to the meeting be approved.
 - (2) That the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their terms of reference.
-

CAPITAL PROGRAMME MONITORING

The Cabinet considered a joint report of the Chief Executive and the Interim Director of Finance on progress with the implementation of the Capital Programme and which contained proposals for certain amendments to the Programme.

In the discussion on this item, reference was made to the possibility of outside bids being made for Coseley Swimming Pool, in response to which the Leader of the Council confirmed that in such event, the business cases of bids received would be looked at. In indicating that any bids would have to be submitted quickly, however, she emphasised that the decision to close Coseley Baths had been made for safety reasons and referred to the legal implications for the Council should it be found to be negligent in taking action on health and safety grounds.

RESOLVED

- (1) That the current progress with the 2009/10 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
- (2) That the Council be recommended:-
 - (a) That the use of legacy monies for Minor Works to Social Care buildings be approved and included in the Capital Programme, as set out in paragraph 5 of the report submitted to the meeting.
 - (b) That the demolition of Coseley Swimming Pool be included in the Capital Programme, as set out in paragraph 6 of the report submitted to the meeting.
 - (c) That the improvements to the Dell Stadium be included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.
 - (d) That the project to expand Hillcrest School and Community College be approved and included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.

- (e) That the contribution towards the provision of an embankment slide at Tanhouse Lane be noted and that the Capital Programme be amended accordingly; and that the Capital Programme be amended to reflect any similar future contributions to Play Pathfinder projects as necessary, as set out in paragraph 9 of the report submitted to the meeting.
- (f) That the replacement of the Corporate Storage Area Network be included in the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting.
- (g) That the demolition of the Tower Street building be included in the Capital Programme, as set out in paragraph 11 of the report submitted to the meeting.
- (h) That the Interim Director of Law, Property and Human Resources be authorised to negotiate and establish any necessary contract to facilitate the demolition of the Tower Street building.
- (i) That the Tower Street site be declared surplus to requirements and ultimately disposed of on terms to be negotiated.
- (j) That a joint-venture agreement, with a suitable partner(s) be established to facilitate the redevelopment of the Tower Street site to effect its ultimate disposal, and that the Interim Director of Law, Property and Human Resources be authorised to negotiate and establish the most advantageous economic terms and legal structure, to effect this arrangement.
- (k) That the urgent amendments to the Capital Programme, as set out in paragraphs 12 – 17 of the report submitted to the meeting be noted.

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

The Cabinet considered a report of the Director of the Urban Environment seeking approval to the Food Service Plan for 2009/10.

RESOLVED

That the Council be recommended that the Food Service Plan for 2009/10 be approved.

38

DISTRICT AND LOCAL CENTRES REVIEW

The Cabinet considered a report of the Director of the Urban Environment on the 'District and Local Centres Review 2008'.

RESOLVED

- (1) That the identification of Cradley/Windmill Hill, Lye, Netherton, Pensnett, Quarry Bank, Shell Corner and Wordsley as priorities for district and local centres regeneration activity, be approved.
 - (2) That approval be given to a review of the existing local and district centre regeneration strategies and strategies for the two new priority centres to be dealt with through the Development Plan Process as part of the Development Plan Document.
-

39

DRAFT SUPPLEMENTARY PLANNING DOCUMENT – GLASS QUARTER – APPROVAL FOR PUBLIC CONSULTATION

The Cabinet considered a report of the Director of the Urban Environment on the Draft Supplementary Planning Document "Glass Quarter" for public consultation.

RESOLVED

That the draft Supplementary Planning Document "Glass Quarter" be approved for publication for consultation for a statutory public consultation period of six weeks.

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

40

THE LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW 2008/09

The Cabinet considered a report of the Interim Director of Law, Property and Human Resources on the Annual Review 2008/09 from the Local Government Ombudsman in respect of complaints received against the Council and dealt with by the Ombudsman's office over the year ending 31st March, 2009.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report submitted to the meeting, be noted and that the Chief Executive and Directors be requested to (i) review their internal arrangements, as appropriate, and (ii) so that the response times continue to improve, they continue to ensure that requests for information on complaints received are dealt with by the date requested so that responses can be submitted to the Ombudsman's office within the time scales set.
- (2) That, given the ongoing concerns expressed by the Ombudsman regarding premature complaints, the Customer Feedback Steering Group be requested to identify the causes and possible solutions to this issue with particular regard to more effective signposting of the Council's complaints procedure, which it should be noted is likely to result in a higher number of complaints being received, with a view to reporting to Corporate Board by 8th December, 2009.
- (3) That the Annual Review be posted on the Council's website.
- (4) That a copy of the report submitted to the meeting be forwarded to the Ombudsman, together with a copy of the decision taken, as the Council's formal response to his Annual Review.

41

DAY OPPORTUNITIES FOR PEOPLE WITH A LEARNING DISABILITY

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the modernisation of the services which delivered day opportunities for people with a learning disability.

RESOLVED

- (1) That further service modernisation as detailed in the report submitted to the meeting, including the promotion of personal budgets, independent travel, and social enterprises, be approved.
- (2) That the proposals for further implementation of the Five Year Plan for day opportunities in line with Valuing People Now and the recommendations of the Learning Disability Joint Review, be approved.

- (3) That the Capital receipts for Audnam and Grange House be earmarked for the refurbishment of Amblecote Centre and improvements to other Council facilities in the community used by people with a learning disability.

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

42

SHAPING THE FUTURE OF CARE TOGETHER

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the key implications for Dudley of the Government's Green Paper on adult social care, "Shaping the Future of Care Together" published on 14th July, 2009.

RESOLVED

- (1) That the contents of the report submitted to the meeting be noted.
 - (2) That the Director of Adult, Community and Housing Services be authorised to submit a formal response to this consultation on behalf of the Council.
 - (3) That a local consultation/engagement event, to which all Members will be invited, be held on the morning of the 15th October to encourage wider debate and the responses from Dudley.
-

43

ENABLING DEVELOPMENT IN THE RECESSION

The Cabinet considered a report of the Director of the Urban Environment seeking approval to implement as appropriate a range of initiatives through the Development Control process to support developers and their regeneration partners during the current economic downturn; specifically to extend time limits for commencement of development as appropriate, and to renegotiate planning obligations, when requested.

RESOLVED

That the implementation of the variance of time limits on planning applications where appropriate, as determined by the Local Planning Authority, together with the implementation of a flexible approach to renegotiation of planning obligations and implementation of an overage clause should economic circumstances improve, be approved, subject to legal confirmation.

REALIGNMENT OF SERVICES

The Cabinet considered a report of the Director of Children's Services on the realignment of services within the Directorate of Children's Services, with proposals for a planned and phased eight months approach to review the delivery of services and develop changes that would contribute to efficiency savings and the transformation of service provision in line with performance targets and external review.

RESOLVED

- (1) That the proposed realignment of services under the divisional structure outlined in the report submitted to the meeting, be approved.
- (2) That the substantive appointment of an Assistant Director to replace the current interim arrangement, be approved.

ISSUES ARISING FROM SELECT COMMITTEES

No issues were reported on this item.

EXCLUSION OF THE PUBLIC

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

<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Single Status – Equal Pay and Equal Value Claims	1 and 4
Staffing Issues – Directorate of Adult, Community and Housing Services	1

SINGLE STATUS – EQUAL PAY AND EQUAL VALUE CLAIMS

The Cabinet considered a joint report of the Chief Executive, Interim Director of Law, Property and Human Resources and the Interim Director of Finance on Equal Pay Claims.

RESOLVED

- (1) That the strategy outlined in the report submitted to the meeting, be approved.
- (2) That the Chief Executive, in consultation with the Leader of the Council, the Cabinet Member for Personnel, the Leader of the Opposition, the Interim Director of Law, Property and Human Resources and the Interim Director of Finance, be authorised to approve the settlement of legally justifiable Equal Claims, where the settlement is affordable and financially sound, fair and reasonable.

STAFFING ISSUE - DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Director of Adult, Community and Housing Services was submitted on a request for redundancy from an employee in her Directorate, as referred to in agenda item no. 24(a).

RESOLVED

That the termination of the contract of employment of the officer referred to in the report submitted to the meeting be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report.

STAFFING ISSUE - DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Director of Adult, Community and Housing Services was submitted on a request for voluntary severance from an employee in her Directorate, as referred to in agenda item no.24(b).

RESOLVED

That the termination of the contract of employment of the officer referred to in the report submitted to the meeting be approved, on the grounds of voluntary severance, in accordance with the terms and conditions set out in the report.

The meeting ended at 7.20 pm.

LEADER OF THE COUNCIL