

MEETING OF THE CABINET

Wednesday, 14th June, 2006 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Caunt (Leader of the Council) (Chairman)
Councillors Adams, Evans, Fraser-Macnamara, Jones, Mrs. Martin, Miller, Mrs. Shakespeare and Mrs. Walker, together with the following Minority Group Members nominated to attend meetings of the Cabinet: Councillors Ali, Crumpton, G.H. Davies, Ms. Foster, Ms. Partridge, Mrs. Ridney and Tomkinson (Labour Group); and Councillor Tyler (Liberal Democrat Group)

OFFICERS:-

Director of Law and Property, Director of Adult, Community and Housing Services, Director of Children's Services, Director of the Urban Environment, the Head of Personnel and Support Services, the Senior Assistant Director of Finance, Assistant Directors of Adult, Community and Housing Services (Mr. Carter and Mr. Harris), the General Manager - Planning and Mr. Sanders (Directorate of Law and Property)

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Mrs. Millward and Sparks, the Chief Executive and the Director of Finance.

2 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Tomkinson was serving in place of Councillor Sparks as a member of the Labour Group, nominated to attend meetings of the Cabinet, for this meeting only.

3 DECLARATIONS OF INTEREST

Councillors Ms. Foster and Jones declared a Personal Interest, in accordance with the Members' Code of Conduct in Item No. 28 on the Agenda for this meeting (Proposed Judicial Review - Police Restructuring) in view of their membership of the West Midlands Police Authority.

4 MINUTES

RESOLVED

That the minutes of the Meeting of the Cabinet held on 15th March, 2006, be approved as a correct record and signed.

5 THE BEST VALUE PERFORMANCE PLAN 2006

A report of the Chief Executive was submitted advising the Cabinet of details of the Best Value Performance Plan for the current year and seeking authority for publication of the Plan and for the completed plan to be referred to Council for approval.

RESOLVED

- (1) That the contents of the Plan, as outlined in the report, be approved.
 - (2) That the completed Plan be submitted to Council for approval.
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6 LOCAL AREA AGREEMENTS

A report of the Chief Executive was submitted, outlining the national requirement placed upon the Council and its partners to prepare a three year Local Area Agreement, to be in place by March, 2007. The report also outlined some of the local arrangements in place to develop the Agreement.

RESOLVED

That the process outlined in the report for developing the draft Local Area Agreement be endorsed and that a further report be submitted to the Cabinet when a proposed Agreement is produced.

COUNCIL'S SUPPLEMENTARY PLANNING DOCUMENT FOR AFFORDABLE HOUSING

A report of the Director of the Urban Environment was submitted seeking approval to the final version of the Council's Supplementary Planning Document for Affordable Housing (SPD). The report also asked the Cabinet to note the responses made to objections received and issues raised during the public consultation on the SPD. Both the final version of the SPD and a tabulation containing the objections and issues raised and the responses given had been placed in the Members' Room and on CMIS in advance of the meeting.

In the discussion on this issue, the need for what constituted affordable housing in Dudley to be clarified was raised. The Leader agreed to write to the Minister of Housing to seek a definition in this regard.

RESOLVED

- (1) That the responses to objections received and issues raised during the public consultation on the SPD for on Affordable Housing be noted.
- (2) That the final version of the Council's SPD for Affordable Housing be approved.

EMPTY HOMES STRATEGY, 2006/07

A report of the Director of Adult, Community and Housing Services was submitted seeking approval to the proposed Empty Homes Strategy for 2006/07. Copies of the proposed Strategy Document and associated Action Plan had been placed in the Members' Room and on CMIS in advance of the meeting.

RESOLVED

- (1) That the Empty Homes Strategy 2006/07, as summarised in the report, be approved.
- (2) That the Empty Homes Strategy 2006/07 and Action Plan remain in the Members' Room for future reference.

HEALTH AND SOCIAL CARE WHITE PAPER: "OUR HEALTH, OUR CARE, OUR SAY: A NEW DIRECTION FOR COMMUNITY SERVICES"

A report of the Director of Adult, Community and Housing Services was submitted seeking consideration of the implications of this White Paper.

The White Paper related to the following issues concerning personal and responsive health and social care services that reflected people's needs and wishes: Prevention, Public Health and Wellbeing, Tackling Inequalities and more focused support for people with long term conditions and more services provided outside of hospitals, aimed at being closer to people. The Executive Summary of the White Paper prepared by the Democratic Health Network had been placed in the Members' Room and on CMIS in advance of the meeting. The report now submitted summarised Dudley's approach to implementation in respect of the various aspects of the White Paper.

RESOLVED

That the further work and strategy development to make the aspirations of the White Paper a reality in Dudley, be supported.

DUDLEY HEALTH AND WELL-BEING PARTNERSHIP STRATEGIES FOR DUDLEY

A joint report of the Director of Adult, Community and Housing Services and the Director of the Urban Environment was submitted seeking endorsement for the health strategies developed by Dudley Health and Well-Being Partnership in 2005/06.

The Strategies comprised those of major Health Inequalities; Obesity; and Accident Prevention, copies of which had been placed in the Members' Room and on CMIS in advance of the meeting.

In the discussion, in supporting the principles of the Children and Young People's Strategic Partnership Plan for 2006-09, one member enquired as to how initiatives would be financed, in response to which the Leader indicated that funding streams would become clearer in 2007 when local area agreements were in force. The Cabinet Member for Children's Services confirmed that such initiatives would have to be funded from within existing resources.

RESOLVED

That the Dudley Health and Well-Being Partnership strategies referred to in the report be endorsed.

11 QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Quarterly Corporate Performance Management Report for the fourth quarter in 2005/06 was submitted, relating to performance for the period from the 1st January, 2006 to the 31st March, 2006, under cover of a report of the Chief Executive.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report be received and approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their terms of reference.

12 REVENUE AND CAPITAL OUTTURN, 2005/06

A report of the Director of Finance was submitted setting out the provisional financial results for the year ended the 31st March, 2006.

RESOLVED

That the report be noted.

13 LOCAL PUBLIC SERVICE AGREEMENT

A joint report of the Chief Executive and Director of Children's Services was submitted on the anticipated outcome of the Council's Local Public Service Agreement and which also sought authority for the allocation of funds to partners.

RESOLVED

- (1) That the allocation of reward grant, based on current projections and as set out in Appendix 1 to the report, be approved.
 - (2) That any significant variance between the estimated and actual reward grant be the subject of a further report.
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14

REVISION OF CONTRACT STANDING ORDERS

A joint report of the Director of Law and Property and Director of Finance was submitted seeking approval to changes proposed to the Council's Contract Standing Orders.

RESOLVED

That the Council be recommended that the revised Contract Standing Orders be approved.

15

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted indicating progress with the implementation of the Capital Programme and proposing certain amendments in connection therewith.

RESOLVED

- (1) That the current progress with the 2006/07 Capital Programme, as set out in paragraph 2 and Appendix A of the report, be noted.
- (2) That the result of the Post Completion Review of a capital project, as set out in Appendix C of the report be noted.
- (3) That the Council be recommended:-
 - (a) That the expenditure of £60,000 on Stair Lifts be included in the Capital Programme, as set out in paragraph 6 of the report.
 - (b) That the Regional Housing Board allocation of £283,000 be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 7 of the report.
 - (c) That the amendments to the Public Sector Housing Capital Programme be approved, as set out in paragraph 8 of the report.
 - (d) That the project to convert the boilers at Himley Hall be approved and included in the Capital Programme, as set out in paragraph 9 of the report.

- (e) That should the application for Air Quality Monitoring grant be successful, the expenditure on air pollution dispersion modelling software be included in the Capital Programme, as set out in paragraph 10 of the report.
 - (f) That the extra Liveability works to be funded from Section 106 contributions and NPFA grant be included in the Capital Programme, as set out in paragraph 11 of the report.
 - (g) That the expenditure on bringing the pitches at Withymoor Village back into a suitable condition for play be included in the Capital Programme, as set out in paragraph 12 of the report.
 - (h) That the Specialist School project at the Sutton School be approved and included in the Capital Programme, as set out in paragraph 13 of the report.
 - (i) That the increase in Youth Capital funding be noted, and the Capital Programme be amended accordingly, as set out in paragraph 14 of the report.
 - (j) That the budget for the new Wrens Nest Primary School be increased to include £90,000 of Section 106 funding, as set out in paragraph 15 of the report.
 - (k) That the allocation of “Other Services” capital resources be approved, as set out in paragraph 18 of the report.
 - (l) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 19-22 of the report, be noted.
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(The Director of Law and Property declared a personal interest, in accordance with the Members' Code of Conduct, in this item on behalf of all members present.)

A report of the Independent Chairman of the Standards Committee on the decisions of the Standards Committee, arising from their consideration of a report from the Members' Allowances Independent Panel on the Members' Allowances Scheme for 2006/07, was submitted.

RESOLVED

- (1) That, arising from consideration of the recommendations of the Members' Allowances Independent Panel, the Council be recommended that:-
 - (1) The recommendation that there is no case for an on-going additional special responsibility allowance for Liquor Licensing work be endorsed;
 - (2) The view expressed that there is no compelling argument for the making of payments to co-opted members with particular reference to those 'statutory co-optees' serving on Scrutiny Committees dealing with Education matters be endorsed and that accordingly no such payment be made.
 - (3) The suggestion made by the Standards Committee relating to possible alternative arrangements for the payment made to Members in respect of telephone charges be not proceeded with.
- (2) That in accordance with the annual percentage increase in line with the agreed pay award for National Joint Council Local Government Services allowed for in respect of the existing Members' Allowances Scheme, approval be given to an annual increase of 2.95% on payments to be made in accordance with the scheme with effect from 1st April, 2006.

17

APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Director of Law and Property was submitted seeking consideration of the appointment of Council representatives to outside organisations for the 2006/07 municipal year.

RESOLVED

That the Director of Law and Property, in consultation with the appropriate Group Leaders, be authorised to determine the appointment of representatives to serve on the outside organisations indicated in the Appendix to the report submitted to the meeting.

18

REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Director of Finance was submitted, seeking approval to set Council rents and other charges.

RESOLVED

- (1) That a rent increase be implemented for Housing Revenue Account dwellings, with effect from 7th August, 2006, with an average increase of £2.71 and a maximum increase of £4.39 in line with Government rent guidance;
 - (2) That the charges outlined in paragraph 12 of the report be increased by 2.7% with effect from 7th August, 2006;
 - (3) That, subject to the approval of the Council, a revised budget be set for the current year to reflect the rent increase and other factors (as outlined in Appendix 1 to the report).
 - (4) That the changes to the medium term financial forecast outlined in paragraph 14 of the report, be approved.
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19

PROPOSALS FOR EXTENDING THE CHARGING POLICY FOR COMMUNITY CARE SERVICES

A report of the Director of Adult, Community and Housing Services was submitted seeking approval to proposals for extending the charging policy for community care services for adults to include people with a learning disability and those with mental health needs.

In response to an enquiry from a Member on the staff and resources necessary to implement the proposals, the Director of Adult, Community and Housing Services indicated that it was expected that the work would be contained within existing staff resources, but that the issue would be kept under review..

In response to a further question, the Cabinet Member for Adult and Community Services confirmed that consultation with service users would take place before changes were implemented with effect from 1st April, 2007.

RESOLVED

That approval be given to the recommendations and proposals in the report to extend the charging policy to people with a learning disability and those with mental health needs, as follows:-

- (1) Transport to and from day care, including Council centres, external day care and other day opportunities, e.g. community activities; work placements, where the Council arranges and pays for the transport.
 - (2) Home Care - Service users of the Older People's (aged over 65) Mental Health Team in the integrated Mental Health Service and older people with a learning disability currently subject to a charge, except for the first six weeks of care. Charging will be extended to adults, aged 18 to 64, except where they are exempt under Section 117 of the Mental Health Act.
 - (3) Where the Council pays for housing-related support through the Supporting People budget, a charge will be made on the basis that similar services, which promote independence for older people, are charged.
 - (4) That these charges apply with effect from 1st April, 2007 to allow time for consultation with service users and to prepare for implementation.
 - (5) Other Services will not fall within the Charging Policy. For example, care provided by organisations to replace in-house day care where service users cannot be managed in day centres will not be charged. Charges, which are already made for meals in day centres would continue. The uplift for social care charges, which fall outside the Charging Policy, will take effect from 1st August, 2006.
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INTRODUCTION OF PREVENTATIVE ASSISTIVE TECHNOLOGY GRANT (TELECARE)

A report of the Director of Adult, Community and Housing Services was submitted giving details of the preventative assistive technology grant made available to the Borough over 2006-08 and which also contained proposals for the implementation of Telecare in the Borough.

- (1) That the availability of grant funding to extend Preventative Assistive Technology in Dudley be noted and that this additional funding be used to supplement the existing commitment of the Council by purchasing additional Telecare equipment to monitor clients, provide assessment and visiting support for vulnerable residents and support the introduction of Telemedicine in partnership with the Primary Care Trust.
- (2) That the Council be recommended that the capital element of any expenditure be included in the capital programme.

INVESTING FOR THE FUTURE - TRANSFORMING SECONDARY PROVISION

A report of the Director of Children's Services was submitted in respect of consultation on a framework of principles intended to secure a wide consensus across Dudley Secondary Schools and partners. Consultation was proposed as a next step in securing substantial capital investment from the Building Schools for the Future Programme.

RESOLVED

That the consultation be endorsed as the next step in 'Investing for the Future' as a major component in securing capital funding to transform secondary provision across the Borough.

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>
Directorate of Finance, ICT and Procurement - Human Resource Issue	1
Directorate of Children's Services - Human Resource Issues	1
Efficiency Retirement - Directorate of the Urban Environment	3
Capital Programme Amendment	3
Proposed Judicial Review - Police Restructuring	5

23 DIRECTORATE OF FINANCE, ICT AND PROCUREMENT - HUMAN RESOURCE ISSUE

A joint report of the Head of Personnel and Director of Finance was submitted on a request for voluntary severance from within the Directorate of Finance, ICT and Procurement.

RESOLVED

That the application for voluntary severance be approved on the terms and conditions set out in the report.

24 DIRECTORATE OF CHILDREN'S SERVICES - HUMAN RESOURCE ISSUES

A report of the Director of Children's Services was submitted on Human Resource issues in respect of two staff.

RESOLVED

That the two requests for redundancy be approved on the terms and conditions set out in the report.

25

EFFICIENCY RETIREMENT REQUEST - DIRECTORATE OF THE
URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted on an efficiency retirement request made by a member of staff.

RESOLVED

That the application for efficiency retirement be approved on the terms and conditions set out in the report.

26

CAPITAL PROGRAMME AMENDMENT

A joint report of the Chief Executive and Director of Finance was submitted seeking approval to a proposed amendment to the Capital Programme and matters associated therewith.

RESOLVED

That the Council be recommended:-

That in respect of the Tower Street project, the action of the Director of the Urban Environment in submitting an outline application to Advantage West Midlands (AWM) for funding to acquire the premises in the Tower Street Opportunity Area of Dudley Town Centre be approved; the Director of the Urban Environment be authorised to submit full applications to AWM for the acquisition of individual properties and to accept any grant funding arising; the Director of Law and Property be authorised to enter into negotiations to acquire one or more premises on terms to be negotiated and agreed by him up to the limit of the funding approved; the Director of Law and Property be authorised to sign the necessary legal agreements with AWM; the Director of the Urban Environment be authorised to enter into a Joint Venture Agreement between the Council, AWM and the preferred developers and that the scheme be included in the Capital Programme.

PROPOSED JUDICIAL REVIEW - POLICE RESTRUCTURING

A report of the Chief Executive was submitted seeking authority to proceed with Judicial Review to challenge proposals by the Home Secretary for the amalgamation of the police areas of Staffordshire, Warwickshire, West Mercia and West Midlands, if this proved necessary.

RESOLVED

The Cabinet approve the following:-

- (1) For the purposes of Section 222 of the Local Government Act, 1972, Dudley Metropolitan Borough Council considers that it is expedient for the promotion or protection of the interests of the inhabitants of the area to join together with such other authorities as may agree and authorise the taking of legal proceedings for judicial review in its name in respect of the decision of the Home Secretary set out in his letter to the Authority dated the 3rd March, 2006 containing proposals for the amalgamation of the police areas of Staffordshire, Warwickshire, West Mercia and West Midlands.
- (2) That for the purposes of Section 101(1)(b) of the Local Government Act, 1972, Solihull Metropolitan Borough Council be authorised through its Solicitor to commence judicial proceedings in the name of Dudley Metropolitan Borough Council together with such other authorities who may wish to join in legal proceedings on this matter and to take all such steps as may be required to promote such proceedings as may be advised having regard to the wishes of the Authority.
- (3) To contribute with other authorities joining in the proceedings to all the costs arising out of undertaking legal proceedings on a just and equitable basis.

The meeting ended at 7.40 p.m.

LEADER OF THE COUNCIL