

## MEETING OF THE CABINET

Wednesday, 16<sup>th</sup> March, 2011 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### PRESENT:-

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

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

Councillors Ali, Ms Foster, Lowe, Ms Partridge and Mrs Ridney  
(Labour Group)

### OFFICERS:-

The Chief Executive, Director of Adult, Community and Housing Services, Director of Corporate Resources, Director of the Urban Environment, Acting Director of Children's Services, Treasurer and the Democratic Services Manager together with other officers.

---

84

### APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillor Sparks.

---

85

### DECLARATIONS OF INTEREST

Councillors Adams, Ali and L Jones declared a Personal Interest, in accordance with the Members' Code of Conduct, in respect of Agenda Item No. 10 (Dudley Town Centre Regeneration) as Members of the Dudley Regeneration Partnership Board.

---

86

### MINUTES

#### RESOLVED

That the minutes of the meeting of the Cabinet held on 9<sup>th</sup> February, 2011, be approved as a correct record and signed.

---

---

ANNUAL AUDIT LETTER 2010

A joint report of the Chief Executive and the Treasurer was submitted on the Annual Audit Letter from the external auditors, the Audit Commission.

The Cabinet received a brief presentation from Mr T Corcoran and Mr S Turner, representing the Audit Commission, on the Annual Audit Letter and the associated action plan.

In response to a question concerning the Section 75 Partnership Agreement for Lead Commissioning (Learning Disabilities - Health and Social Care Services), the Cabinet Member for Adult and Community Services reported that this complex issue was scheduled for completion within 3 months. Councillor Ali would be advised of progress.

In connection with a query relating to Equality Impact Assessments, Mr Corcoran indicated that this issue had not been the subject of separate consideration, however, this formed part of the overall assessment in respect of risk management.

**RESOLVED**

That the Annual Audit Letter, together with the views expressed by the Auditor, be noted.

---

DUDLEY BOROUGH ECONOMIC ASSESSMENT AND DUDLEY BOROUGH ECONOMIC DEVELOPMENT STRATEGY 2011/12 – 2013/14

---

A report of the Director of the Urban Environment was submitted seeking approval of the statutory Dudley Borough Economic Assessment (March 2011) and the Dudley Borough Economic Development Strategy (2011/12 – 2013/14).

The Cabinet Member for Regeneration reported that the facility existed for the documents to be kept under review in the context of changing economic circumstances.

**RESOLVED**

That the Dudley Borough Economic Assessment (March 2011) and the Dudley Borough Economic Development Strategy (2011/12 to 2013/14), be approved.

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

---

---

## CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and which proposed certain amendments to the Programme.

### RESOLVED

- (1) That the progress with the 2010/11 Capital Programme, as set out in Appendix A of the report now submitted, be noted.
- (2) That the Council be recommended:-
  - (a) That the New Homes Bonus funding for 2011/12 be allocated to support private sector housing grants, and that the Capital Programme be amended accordingly, as set out in paragraph 6 of the report now submitted.
  - (b) That the contribution of £94,000 to West Mercia Housing Group in respect of the affordable housing development at Middlepark Road, Russells Hall be approved and included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
  - (c) That the reduction in the cost of the new Archive and Local History Centre be noted and the Capital Programme amended accordingly, as set out in paragraph 8 of the report now submitted.
  - (d) That the Sedgley Hall Farm Park brook course stabilisation project be approved and included in the Capital Programme, as set out in paragraph 9 of the report now submitted.

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

---

## EUROPEAN REGIONAL DEVELOPMENT FUND (ERDF) APPLICATIONS

A joint report of the Director of the Urban Environment and the Director of Corporate Resources was submitted on the position regarding European Regional Development Fund applications and seeking approval for the criteria under which the Council would submit European Regional Development Fund applications on behalf of third party organisations.

The Cabinet Member for Regeneration reported that the financial issues identified in the report were subject to proper risk assessments. A verbal update was also given on the progress of the Innovation and Enterprise Centre project.

#### RESOLVED

- (1) That the position of the projects identified in paragraph 4 of the report now submitted, be noted.
  - (2) That the Council act as the applicant and accountable body for those projects outlined in paragraph 5 of the report now submitted, where there is a realisable chargeable asset to mitigate the risk of potential repayment of European Regional Development Fund grant.
  - (3) That the Director of Corporate Resources and the Director of the Urban Environment be authorised to undertake the necessary property valuations and legal work to ensure that the proposed charging of the assets is sufficient to protect the Council's position and the cost of this be met by the relevant third party organisations.
  - (4) That the Cabinet Member for Regeneration and the Cabinet Member for Personnel, Legal and Property, in consultation with the Director of Corporate Resources and the Director of the Urban Environment, be authorised to:-
    - (a) Submit European Regional Development Fund applications, act as the accountable body and accept grant funding, for third party led projects where there is a realisable chargeable asset and where a risk assessment has been undertaken that identifies minimal risk to the Council.
    - (b) Enter into back to back legal agreements with third parties benefiting from European Regional Development Fund grant where the Council is the applicant and accountable body to ensure grant conditions and liabilities are passed on.
    - (c) Where appropriate, to require third parties at their own expense, to secure independent expertise to confirm that the key areas of the European Regional Development Fund grant process such as procurement and defrayment of expenditure accord with European Union requirements.
-

---

WEST MIDLANDS LOCAL TRANSPORT PLAN 3, TRANSPORT SETTLEMENT AND PROPOSED TRANSPORT CAPITAL PROGRAMME FOR 2011/12 – 2014/15

---

A joint report of the Director of the Urban Environment and the Treasurer was submitted on the West Midlands Local Transport Plan and on the allocation of monies to the Council from the Transport Capital Programme for the four-year period 2011/12 to 2014/15. The report also requested the approval of the Transport Capital Programme for 2011/12 to 2014/15.

In responding to questions, the Cabinet Member for Transportation indicated that the Lead Opposition Spokesperson would be consulted on individual local safety schemes as necessary.

RESOLVED

- (1) That the allocation of monies to the Council for the Transport Capital Programme for the four-year period 2011/12 to 2014/15, be noted.
- (2) That the Director of the Urban Environment, in consultation with the Cabinet Member for Transportation, be authorised to identify, and where appropriate, implement any remedial works to Integrated Transport (IT) Block schemes of a minor nature, such as the introduction of antiskid material, the provision of variable message signs and other measures designed to improve road safety.
- (3) That any scheme within the Local Safety Schemes, Safer Routes to School or Pedestrians programmes of work, including reserve schemes, 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.
- (4) That the Director of the Urban Environment, in consultation with the Cabinet Member for Transportation, be authorised to approve the maintenance block programmes for Bridges, Roads, Street Lighting and De-trunked Roads for 2011/12 to 2014/15.

- (5) That the Director of the Urban Environment, in consultation with the Cabinet Member for Transportation, be authorised to approve the local resource funded programmes for Carriageway Maintenance, Footway Maintenance and Street Lighting for 2011/12 to 2014/15.
- (6) That the Council be recommended:-
  - (a) To support the West Midlands Local Transport Plan 3.
  - (b) That the 2011/12 to 2014/15 block allocations be included in the Capital Programme, as set out in paragraph 19 – Table 4 of the report now submitted, and that for the IT Block allocation, the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to approve the distribution of block allocations to headings.
  - (c) That the approval of schemes within the funding block headings of the IT Block for 2011/12 to 2014/15 be agreed by the Director of the Urban Environment in consultation with the Cabinet Member for Transportation.
  - (d) That budget virements as required between block headings contained within block allocations for 2011/12 to 2014/15 be agreed by the Director of the Urban Environment, in consultation with the Cabinet Member for Transportation.
  - (e) That a Dudley Metropolitan Borough Council bid and a joint Integrated Transport Authority/Metropolitan Local Authority bid for funding from the Local Sustainable Transport Fund, be endorsed.

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

---

---

## DUDLEY TOWN CENTRE REGENERATION

A joint report of the Director of the Urban Environment and the Director of Corporate Resources was submitted on the regeneration activity in and around Dudley Town Centre and seeking approval to the reinvestment of any surplus capital receipts. The report also requested approval for the partial extinguishment of the existing Compulsory Purchase powers in Dudley Town Centre and at Castle Hill.

Members commented on the funding issues associated with the regeneration plans and overall aspirations for Dudley Town Centre. Reference was also made to the launch of a public consultation exercise concerning Dudley Market Place.

### RESOLVED

- (1) That the existing Compulsory Purchase Order for the Dudley Town Centre Area Development Framework and for land at Castle Hill be extinguished, with the exception of those powers already in place for the land at Tower Street East as shown in Appendix 1 to the report now submitted.
- (2) That any surplus capital receipts generated by disposal of Council owned land and property and all other income generated through or from the Dudley Town Centre (Area Development Framework) and Castle Hill portfolios of property be ring fenced and reinvested to support the delivery of the regeneration of Dudley Town Centre and Castle Hill.
- (3) That a cashflow facility of up to £3m to support the delivery of regeneration activity in Dudley Town Centre and Castle Hill be approved to cover any timing differences between expenditure and receipt of funding as set out in paragraph 26 of the report now submitted.

---

## DRAFT SUPPLEMENTARY PLANNING DOCUMENT – ACCESS FOR ALL: DESIGNING AN INCLUSIVE BUILT ENVIRONMENT APPROVAL FOR PUBLIC CONSULTATION

A report of the Director of the Urban Environment was submitted seeking approval for public consultation on the Draft Supplementary Planning Document “Access for All: Designing an Inclusive Built Environment”, which was required under national legislation.

RESOLVED

That the draft Supplementary Planning Document “Access for All: Designing an Inclusive Built Environment” be approved for publication for a statutory public consultation period of six weeks starting on 8<sup>th</sup> April, 2011.

---

94

DRAFT REVIEW OF THE “PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT” – APPROVAL FOR PUBLIC CONSULTATION.

A report of the Director of the Urban Environment was submitted seeking approval for public consultation on the draft review of the “Planning Obligations Supplementary Planning Document “, which was required under national legislation.

RESOLVED

That approval be given to the statutory six-week public consultation on the draft review of the Planning Obligations Supplementary Planning Document starting on 8<sup>th</sup> April, 2011.

---

95

BLACK COUNTRY COLLABORATIVE WORKING

A report of the Chief Executive was submitted on the Joint Black Country meeting held on 24<sup>th</sup> November, 2010, outlining the opportunity for collaborative working and the proposals for taking this agenda forward.

The Leader maintained her commitment to ensuring that the interests of Dudley were paramount in any future discussions on collaborative working. Opposition Group Members would be kept informed of progress as necessary. The Cabinet also noted the comments made at the meeting concerning the need to ensure the most effective use of the funding from Improvement and Efficiency West Midlands.

RESOLVED

- (1) That the principles outlined in paragraph 5 of the report now submitted, be endorsed.
- (2) That the key criteria for driving the agenda, as outlined in paragraph 6 of the report now submitted, be endorsed.

- (3) That the initial phase of review activity be noted and the proposed process for taking forward the project, as outlined in paragraphs 10 and 11 of the report now submitted, be endorsed.

---

96

ISSUES ARISING FROM SELECT COMMITTEES

No issues were reported under this item.

---

97

EXCLUSION OF THE PUBLIC

RESOLVED

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 Items</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Staffing Issues – Directorate of Children’s Services (2 reports)	1
Staffing Issues – Directorate of Adult, Community and Housing Services (2 reports)	1

---

98

STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Acting Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of the officers referred to in the report, on the grounds of redundancy, if successful redeployment was not achieved before 31<sup>st</sup> March, 2011.

The Cabinet Member for Integrated Children’s Services undertook to supply more detailed information to Councillor Ms Partridge on the calculations and costs of the proposal.

RESOLVED

That the termination of the contracts of employment of the officers referred to in the report now submitted be approved, on the grounds of redundancy, if successful redeployment is not achieved before 31<sup>st</sup> March, 2011, in accordance with the terms and conditions set out in the report.

---

99

STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Acting Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of the officers referred to in the report on the grounds of redundancy effective on 31<sup>st</sup> March, 2011, in accordance with both the Managing Employees at Risk of Redundancy and the Retraining and Redeployment policies.

The Cabinet Member for Integrated Children’s Services undertook to supply more detailed information to Councillor Ms Partridge on the calculations and costs of the proposal.

RESOLVED

That the termination of the contracts of employment of the officers referred to in the report now submitted be approved, on the grounds of redundancy, with effect from 31<sup>st</sup> March, 2011, in accordance with the terms and conditions set out in the report.

---

100

STAFFING ISSUE (PB) – DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Director of Adult, Community and Housing Services was submitted seeking approval to terminate the contract of employment of the officer referred to in the report on the grounds of redundancy in accordance with the Redeployment and Retraining Policy and the Managing Employees at Risk of Redundancy Policy.

RESOLVED

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

---

**STAFFING ISSUE (DG) – DIRECTORATE OF ADULT, COMMUNITY  
AND HOUSING SERVICES**

---

A report of the Director of Adult, Community and Housing Services was submitted seeking approval to terminate the contract of employment of the officer referred to in the report on the grounds of redundancy in accordance with the Redeployment and Retraining Policy and the Managing Employees at Risk of Redundancy Policy.

**RESOLVED**

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

The meeting ended at 7.08 p.m.

**LEADER OF THE COUNCIL**