



Minutes of the Cabinet

**Wednesday, 28th June, 2023 at 6.00pm
at Saltwells Education Development Centre, Netherton**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor P Bradley (Deputy Leader - Vice-Chair)
Councillors P Atkins, I Bevan, R Buttery, D Corfield, Dr R Clinton, M Rogers
and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, K Casey, J Cowell, J Foster, P Lowe, S Ridney, P Sahota
and Q Zada.

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), C Driscoll
(Director of Children's Services), K Jones (Director of Housing and
Communities), H Martin (Director of Regeneration and Enterprise), I Newman
(Director of Finance and Legal), D Brennan (Equality, Diversity and Inclusion
Manager), M Spittle (Head of Access and Prevention, Commissioning,
Performance and Complaints) and S Griffiths (Democratic Services Manager).

1 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of
Councillors A Aston, C Bayton and S Clark.



2 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest, in accordance with the Members' Code of Conduct, as a Council housing tenant.

3 **Minutes**

Resolved

That the minutes of the meeting held on 16th March, 2023, be agreed as a correct record and signed.

4 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on progress with the implementation of the Capital Programme, including the 2022/23 outturn position, together with proposed amendments to the Capital Programme.

The Leader and Cabinet Members responded to detailed questions from Members of the Opposition Group regarding various issues referred to in the report including the project for Dudley Town Centre, the inclusion of solar panels at the design stage in key developments, the partnership approach and future monitoring in relation to the Telecare service and future works in relation to Closed Circuit Television (CCTV).

Resolved

That the Council be recommended:-

- (1) That the outturn position for 2022/23, as set out in paragraph 4 of the report and Appendix A to the report, be noted.
- (2) That progress with the 2023/24 Capital Programme, as set out in Appendix B to the report, be noted.
- (3) That the parks development budget of £200,000, as set out in paragraph 7 of the report, be approved and included in the Capital Programme.

- (4) That the reallocation of car park infrastructure capital budgets of £130,000 to Closed Circuit Television (CCTV) works at car parks, as set out in paragraph 8 of the report, be approved.
 - (5) That the transfer of capital budgets for Telecare services from Private Sector Housing to Adult Social Care, as set out in paragraph 9 of the report, be approved and included in the Capital Programme.
 - (6) That the new project of £25,000 funded by the Connected Services digital grant, as set out in paragraph 10 of the report, be approved and included in the Capital Programme.
 - (7) That the Family Hubs capital grant and expenditure of £47,000 and estimated values for future years, as set out in paragraph 11 of the report, be approved and included in the Capital Programme.
 - (8) That the additional budget of £60,000 for solar panels at Duncan Edwards Leisure Centre, as set out in paragraph 12 of the report, be approved and included in the Capital Programme.
 - (9) That a budget of £250,000 for work on Dudley Town Centre, as set out in paragraph 13 of the report, be approved and included in the Capital Programme.
 - (10) That the urgent amendment to the Capital Programme to improve tennis facilities in parks across Dudley for £284,000, as set out in paragraph 14 of the report, be approved and included in the Capital Programme.
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5 Moving Traffic Regulation Order (TRO) Enforcement

A report of the Acting Service Director – Neighbourhood Delivery was submitted seeking approval to apply for Civil Enforcement powers from the Department for Transport for Moving Traffic Contraventions under the Traffic Management Act 2004.

The Shadow Cabinet Member for Highways and Street Scene (Councillor K Casey) referred to the need for further detail and analysis of the risks, costs and benefits of the proposals. The Leader of the Opposition Group (Councillor Q Zada) referred to the need to effectively manage risks associated with equality to ensure the proposals did not have a disproportionate or adverse effect on particular communities.

The Leader requested that a full briefing be provided to the Shadow Cabinet Member for Highways and Street Scene (Councillor K Casey).

Resolved

- (1) That authority be delegated to the Director of Environment, following consultation with the Cabinet Member for Highways and Environmental Services, to consult with the Chief Constable of Police for the West Midlands, and to undertake the required 6 week minimum consultation exercise.
- (2) That subject to the outcome of the consultation referred to above, the making of an application to the Department for Transport for the adoption of Moving Traffic Contravention powers, in accordance with Part 6 of the Traffic Management Act 2004, be approved.
- (3) That the Moving Traffic Contravention Penalty Charge Notice (PCN) value be set at the higher level of £70 (reducing to £35 if paid within 21 days) in line with existing Civil Enforcement activities undertaken by the Council.
- (4) That a further report be submitted in early 2024, following the outcome of the application process, to consider the associated business case and operating policy and protocols for the Moving Traffic Contravention enforcement service.

6 Housing and Communities Governance

A report of the Director of Housing and Communities was submitted seeking approval to establish a Housing Assurance Board in response to the Social Housing Regulation Bill and considering the additional corporate risk associated with the Regulator for Social Housing's oversight of the Housing Compliance Recovery Programme.

The Cabinet Member for Housing and Safer Communities (Councillor L Taylor-Childs) responded to detailed issues and concerns raised by Members of the Opposition Group concerning the future governance arrangements. It was accepted that the proposals would be the subject of ongoing monitoring and review.

In response to a question from the Leader of the Opposition Group (Councillor Q Zada), the Cabinet Member for Housing and Safer Communities (Councillor L Taylor-Childs) gave an assurance that the proposals did not represent the start of an Arms Length Management Organisation (ALMO). In response to comments regarding a cross-party approach, the Cabinet Member indicated that the position of Chair of the proposed Customer Engagement Committee would be offered to an Opposition Councillor.

Resolved

That the Housing and Communities Directorate be authorised to create a Housing Assurance Board in preparation for forthcoming changes to the law, once the Social Housing Regulation Bill reaches Royal Assent, and that the proposals be the subject of ongoing monitoring and review.

7 Equality, Diversity and Inclusion Annual Delivery Plan

A report of the Chief Executive was submitted on the annual delivery plan for Equality, Diversity and Inclusion for the period April, 2023 to March, 2024.

In response to comments from the Leader of the Opposition Group (Councillor Q Zada), the Chief Executive assured Members of the clear and ongoing commitment to Equality, Diversity and Inclusion and ensuring a representative workforce at all levels within the organisation. During the discussion, reference was made to the need to ensure inclusivity and engagement with employee networks, including female employees, employees with specific health conditions and older employees. The Equality, Diversity and Inclusion Manager referred to ongoing work to deliver positive changes, including a strategic review of people policies.

Councillor P Lowe referred to future reports associated with Equality, Diversity and Inclusion and the need to align reporting arrangements to the Cabinet accordingly. Reference was also made to cross party liaison, effective engagement and effective ongoing scrutiny of the Equality, Diversity and Inclusion action plan.

Resolved

- (1) That the progress made against the annual plan for Equality, Diversity and Inclusion (EDI) for the period 2022/23, be noted.
- (2) That the annual plan for Equality, Diversity, and Inclusion for the current year 2023/24, be approved and endorsed.

8 Dudley Playing Pitch and Outdoor Sports Strategy (PPOSS); Dudley Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the above documents to inform future decision making. This would ensure that the Council adopted an up to date assessment and strategy to improve, invest and protect playing pitches and outdoor sports sites.

The Leader responded to queries from the Opposition Group concerning the Council's strategic approach to all sports, partnership working and engagement with relevant groups.

Resolved

That the following documents, to be used in making decisions and targeting investment in relation to Playing Pitches and Outdoor Sports, be adopted:-

- (a) Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley
 - (b) Dudley Strategy and Action Plan
 - (c) Black Country PPOSS Overarching Strategic Framework
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9 **Residential Design Guide Supplementary Planning Document (SPD)**

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the amended Residential Design Guide Supplementary Planning Document.

Resolved

That the Residential Design Guide Supplementary Planning Document be approved and adopted.

10 **Nature Conservation Site – Dudley No.1 Canal**

A report of the Director of Regeneration and Enterprise was submitted on the results and recommendations of an ecological survey carried out for Dudley No1 Canal (Brierley Hill Section). The recommendations in the report would ensure that the Council's Local Plan and planning decision making was based on up-to-date evidence and could continue to be used as the basis for robust and defensible planning decisions.

Resolved

- (1) That the proposed upgrade of a section of the Dudley No1 Canal from Sites of Local Importance for Nature Conservation (SLINC) to Sites of Importance for Nature Conservation (SINC), to be known as Delph Locks SINC, be approved.
 - (2) That the proposal to retain the northern section of the Canal as SLINC, as detailed in section 3 of the report, be noted.
 - (3) That subject to endorsement from the Birmingham and Black Country Local Sites Partnership, the Cabinet Member for Communities and Economic Delivery, together with the Director for Regeneration and Enterprise, be authorised to approve the de-designation of the central area of SINC at Ketley Quarry.
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11 **Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs)**

A report of the Director of Regeneration and Enterprise was submitted on the consideration of consultation responses and the confirmation of an Article 4 Direction in relation to small Houses in Multiple Occupation.

Resolved

That the Director of Regeneration and Enterprise be authorised to confirm an Article 4 Direction to be applied to the Council's administrative area (Borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) to come in to force on 15th September 2023.

12 **Care Experienced to be Protected Characteristic**

A report of the Director of Children's Services was submitted on a proposal to recognise care experience as a protected characteristic.

Resolved

That, following due diligence and organisational wide scoping, the recommendations set out below be approved:-

- (1) That when making any decisions in relation to policies or formulating plans, Dudley recognise that care experienced people are a vulnerable group who face discrimination.
- (2) That future decisions, services and policies made and adopted by the Council be assessed through the Council's new and improved Corporate Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic.
- (3) That work be undertaken towards a best practice model, enabling Care Experience to be integrated as if it were a Protected Characteristic.

- (4) That the Council proactively seek out and listen to the voices of care experienced people when developing appropriate new policies based on their views.
 - (5) That the Council's Corporate Parenting Board, in collaboration with the relevant stakeholders across the organisation, oversee the delivery of this commitment.
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13 **Energy Development Fund**

A report of the Deputy Chief Executive was submitted on the creation of an Energy Development Fund comprising of £1 million borrowing approval for investment in renewables to reduce the Council's carbon footprint and make financial savings.

Resolved

That the Council be recommended:

- (1) To include up to £1 million of Climate initiatives within the Capital Programme which are self-financing over the life of the projects.
 - (2) That, subject to the above, the Director of Finance and Legal, following consultation with the Cabinet Member for Climate Change and the Deputy Chief Executive, be authorised to approve individual schemes which have a business case incorporating a payback of less than 7.5 years.
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14 **Issues arising from Scrutiny Committees**

No issues were raised under this agenda item.

15 **Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

No questions were raised under this agenda item.

16 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for 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 Local Government Act 1972, as amended, as set out below:

Minute No. 17 - paragraph 3 - relating to the financial or business affairs of any particular person (including the authority holding that information).

17 **Black Country Innovative Manufacturing Organisation**

A joint report of the Deputy Chief Executive, the Director of Finance and Legal and the Director of Regeneration and Enterprise was submitted on proposed actions to take the Black Country Innovative Manufacturing Organisation (BCIMO) to a sustainable business model.

Reference was made to the work to address outstanding issues and manage the associated risks.

Resolved

- (1) That the recommendations, as set out in the report, be approved.
- (2) That the Director of Finance and Legal be authorised to increase the loan support by the amount set out in the report and to amend the Capital Programme accordingly.

The meeting ended at 7.50pm

LEADER OF THE COUNCIL