

## MEETING OF THE CABINET

Wednesday, 8<sup>th</sup> February, 2012 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### PRESENT:-

Councillor L Jones (Leader of the Council) (Chairman)  
Councillor Wright (Deputy Leader)  
Councillors Adams, Blood, P Harley, Stanley, A Turner, Vickers and Mrs Walker.

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

Councillors Ali, Crumpton, Foster, Lowe, Ms Partridge and Waltho.  
(Labour Group)

### OFFICERS:-

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, Assistant Director of Human Resources and Organisational Development, Mr Sanders, Assistant Principal Officer (Democratic Services) and other officers.

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83

### APOLOGIES FOR ABSENCE

An apology for absence from the meeting was received on behalf of Councillor Sparks.

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84

### CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Waltho was serving in place of Councillor Sparks for this meeting of the Cabinet only.

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85

### DECLARATIONS OF INTEREST

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Crumpton in respect of all relevant items on the agenda in view of the temporary employment of his sister with the Council, as a teacher.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Lowe in respect of agenda item no 11 (Inspection of Safeguarding and Looked After Children) in view of the employment of his wife in a National Health Service partner organisation as a Health Visitor.

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86

MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 7<sup>th</sup> December, 2011 and 19<sup>th</sup> January, 2012, be approved as correct records and signed.

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87

REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2012/13

A joint report of the Chief Executive and the Treasurer was submitted seeking consideration of proposals for the deployment of General Fund Revenue Resources, a number of statutory calculations that had 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 from 1<sup>st</sup> April, 2012 to 31<sup>st</sup> March, 2013.

On consideration of the report, the Leader and the Cabinet Members below confirmed that, in considering the Public Sector Equality Duty set out in the Equality Act, 2010, they had taken due account of the Equality Impact Assessments for their respective portfolios, areas of responsibility and collectively, in so far as budget proposals were concerned, as follows:

Councillor L Jones, Leader of the Council – Policy

Councillor Wright, Deputy Leader – Human Resources, Law and Governance

Councillor Mrs Walker – Children’s Services

Councillor Adams – Regeneration

Councillor Stanley – Environment and Culture

Councillor Blood – Finance

Councillor Vickers – Adult and Community Services

Councillor P Harley - Transportation

The Chief Executive and Directors then confirmed that they had advised the Leader and Cabinet Members, as appropriate, that matters relating to the Equality Impact Assessments for their respective areas of responsibility and service were complete and as good as could be expected in so far as the budget proposals were concerned, as follows:

Mr J Polychronakis, Chief Executive - Policy and all matters relating to the Chief Executive's directorate

Mr J Millar, Director of the Urban Environment – all matters relating to the Directorate of the Urban Environment

Mrs A Pope-Smith, Director of Adult, Community and Housing Services – all matters relating to the Directorate of Adult, Community and Housing Services

Ms J Porter, Acting Director of Children's Services – all matters relating to the Directorate of Children's Services

Mr P Tart, Director of Corporate Resources – all matters relating to the Directorate of Corporate Resources

It was agreed that the Equality Impact Assessments, as provided for the Leader, Cabinet Members and the Opposition Group Members nominated to attend meetings of the Cabinet be circulated to all Members of the Council.

#### RESOLVED

- (1) That the Council be recommended to approve:-
  - (a) The budget requirement for 2012/13, and service allocations as set out in the report submitted to the meeting.
  - (b) The acceptance of Council Tax Freeze Grant for 2012/13.
  - (c) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and council tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2012/13 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992 as shown in Appendix 3 of the report submitted to the meeting.
  - (d) That, having calculated the aggregate in each case of the amounts in Appendix 3, 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 2012/13.

### Valuation Bands

A	B	C	D
£750.26	£875.30	£1,000.34	£1,125.38
E	F	G	H
£1,375.47	£1,625.56	£1,875.64	£2,250.77

Plus the amounts to be notified for the Police, and Fire and Rescue Authority precepts.

- (e) The revision of 2011/12 budgets to reflect the variances set out in paragraphs 11 and 12 of the report submitted to the meeting.
- (f) The allocation of New Home Bonus funding as set out in paragraph 30 of the report submitted to the meeting.
- (g) The Medium Term Financial Strategy (MTFS) set out as Attachment A to the report submitted to the meeting.
- (2) That the appropriate Director, in consultation with their Cabinet Member, the Leader of the Council, and the Chief Executive be authorised to determine any application for a grant or loan from the Community Enterprise Fund, as set out in paragraph 30 of the report submitted to the meeting, from a social enterprise in the Borough.
- (3) That the Cabinet Members, Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report submitted to the meeting, in accordance with the Council's Financial Management Regime.
- (4) That the Chief Executive and Directors be reminded to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2012/13 budget, particularly in the context of commitments into later years and the impact that any overspending in 2012/13 will have on the availability of resources to meet future budgetary demands.
- (5) That the Director of Corporate Resources, in consultation with the Cabinet Member for Human Resources, Law and Governance, be authorised to approve flexible retirements.

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

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DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT  
AND PUBLIC SECTOR HOUSING CAPITAL

A joint report of the Chief Executive and the Treasurer was submitted on proposals for the deployment of the Housing Revenue Account and associated matters for 2012/13 and in respect of the Housing Capital Programme for the period from 2012/13 to 2016/17.

Further to paragraph 5 in the report, the views of the Dudley Federation of Tenants' and Residents' Associations, in response to the letter sent on 17<sup>th</sup> January, 2012, outlining the Government's guidance and the effects in terms of the rent increase proposed, were reported orally by the Cabinet Member for Housing, Libraries and Adult Learning.

Concerns were expressed by Members of the Opposition Group regarding the level of rent increase proposed for tenants of residential properties, in response to which the Cabinet Member drew attention to the availability of energy efficient schemes, engagement in which would mitigate overall costs to tenants.

With regard to the proposals in the report regarding the Housing Revenue Account, reference was made in the discussion to the additional housing debt it would be necessary for the Council to assume as part of the self-financing settlement, in respect of which it was confirmed that the loan that would be available to cover this sum would not be interest free. Discussion also ensued on the implications of the revised Right to Buy scheme, in which the intention to replace houses sold with new properties was confirmed.

**RESOLVED**

- (1) That a rent increase for Housing Revenue Account dwellings on 2<sup>nd</sup> April 2012 with an average increase of £5.54 (7.7%) and a maximum increase of £8.03 in line with government rent guidance, as outlined in paragraph 4 of the report submitted to the meeting, be approved.
- (2) That an increase of 5.6% in service charges, as outlined in paragraphs 6 and 8 of the report submitted to the meeting, be approved.
- (3) That an increase of 10% in heating and lighting charges for sheltered housing from an average weekly charge of £9.78 to an average weekly charge of £10.76, as outlined in paragraph 7 of the report submitted to the meeting, be approved.

- (4) That an increase from £1.90 to £2.00 for laundry tokens, as outlined in paragraph 9 of the report submitted to the meeting, be approved.
- (5) That the increase of 7.7% to the current charge for pitch licences at Oak Lane as outlined in paragraph 10 of the report submitted to the meeting, be approved.
- (6) That the maintenance of water charges at Oak Lane at the current rate of £6 per week, as outlined in paragraph 10 of the report submitted to the meeting, be approved.
- (7) That the leaseholders administration fee be maintained at current levels, as outlined in paragraph 11 of the report submitted to the meeting.
- (8) That an increase of £0.50 per month for private Telecare clients, as outlined in paragraph 12 of the report submitted to the meeting, be approved.
- (9) That the maintenance of garage rents at current levels and the dates proposed for future increases, as outlined in paragraph 13 of the report submitted to the meeting, be approved.
- (10) That the maintenance of garage plot rent and access agreements at current levels, and the dates proposed for future increases, as outlined in paragraph 13 of the report submitted to the meeting, be approved.
- (11) That the Council be recommended:-
  - (a) To approve the revised Housing Revenue Account budget for 2011/12 and the Housing Revenue Account budget for 2012/13, as outlined in Appendix 1 of the report submitted to the meeting.
  - (b) To approve the public sector housing revised capital budget for 2011/12 and the capital budget for 2012/13 to 2016/17, as outlined in Appendix 2 of the report submitted to the meeting.
  - (c) To authorise the Director of Adult, Community and Housing Services and the Director of Corporate Resources to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 26 and 27 of the report submitted to the meeting.

- (d) To authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, Libraries and Adult Learning, to manage and allocate resources to the capital programme, as outlined in paragraph 28 of the report submitted to the meeting.
- (e) To confirm that all capital receipts arising from the sale of the Housing Revenue Account assets (other than those specifically committed to support private sector housing) should continue to be used for the improvement of council homes, as outlined in paragraph 28 of the report submitted to the meeting.
- (f) To authorise the Director of Adult, Community and Housing Services to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 29 of the report submitted to the meeting.
- (g) To approve the new Housing Revenue Account medium term financial strategy, as outlined in Appendix 4 of the report submitted to the meeting.

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

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89

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

The Cabinet considered a joint report of the Chief Executive and the Treasurer on the update of the Council's capital strategy following consideration by Scrutiny Committees.

RESOLVED

That the Council be recommend to approve the draft Capital Strategy.

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90

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. The report also set out proposals in relation 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, in relation to which further information regarding estimated and actual capital expenditure and the estimated and actual Capital Financing Requirement was circulated. The report also sought approval in relation to the Council's Minimum Revenue Provision (MRP) Policy for 2012/13.

#### RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report now submitted, be noted.
- (2) That the Council be recommended:-
  - (a) That current progress with the 2011/12 Capital Programme, as set out in Appendix A of the report submitted to the meeting, be noted, and that budgets be amended to reflect the reported variances.
  - (b) That the further allocation of Disabled Facilities Grant funding of £132,000 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.
  - (c) That the Street Lighting Energy Saving Programme be approved, as set out in paragraph 8 of the report submitted to the meeting.
  - (d) That subject to obtaining planning permission, the provision of Salt Barn and Waste Transfer building facilities and related works at Lister Road Depot be approved and included in the Capital Programme, as set out in paragraph 9 of the report submitted to the meeting.
  - (e) That the 2012/13 grant allocations for schools' capital projects be noted and the associated spend included in the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting.
  - (f) That the urgent amendments to the Capital Programme, as set out in paragraphs 11 and 12 of



the report submitted to the meeting, be noted.

- (g) 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 submitted to the meeting, be agreed.
- (h) That the MRP Policy for 2012/13, be approved as set out in paragraph 17 of the report submitted to the meeting.

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

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91

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on the third Quarterly Corporate Performance Management Report for 2011/12, relating to performance for the period from 1<sup>st</sup> October to 31<sup>st</sup> December, 2011.

In response to a question regarding regeneration, the Leader of the Council confirmed that the Council had expressed interest in participating in a pilot project proposed by Mary Portas for the regeneration of town centres.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from 1<sup>st</sup> October to the 31<sup>st</sup> December, 2011 be noted and its contents approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Scrutiny Committees to consider any specific issues within their Terms of Reference.

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92

HOUSING REPAIRS AND MAINTENANCE: PROCUREMENT AND DELIVERY OF SERVICES

Further to Minute No. 72 of the meeting of the Cabinet held on 7<sup>th</sup> December, 2011, a joint report of the Directors of Adult, Community and Housing Services and Corporate Resources was submitted on the outcome of negotiations with trade unions concerning terms and conditions of employment for Building Services craft workers.

RESOLVED

That the Council be recommended:

- (1) That the progress made in respect of negotiations with the trade unions to create an organisation with agreed terms and conditions that is capable of change to meet the future needs of the service, be noted.
- (2) That officers be instructed to take the following actions on the conclusion of the ballot, either:-
  - (a) To implement the new terms and conditions in the event of a successful ballot.
  - (b) In the event of a 'no' vote, to proceed with the procurement process for a joint venture organisation.

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93

INSPECTION OF SAFEGUARDING AND LOOKED AFTER CHILDREN

A report of the Acting Director of Children's Services was submitted on the outcome of the Ofsted inspection of Safeguarding and Looked After Children Services in Dudley, which had taken place between 28<sup>th</sup> November and 9<sup>th</sup> December, 2011.

Reference was made to the scrutiny arrangements at local level and it was noted that these would involve not only the Children's Services Scrutiny Committee but also the Health and Adult Social Care Scrutiny and Health and Wellbeing Committees and other relevant bodies both corporate and within the Council.

RESOLVED

- (1) That the report on Inspection of Safeguarding and Looked after Children be noted.
- (2) That further reports be submitted to the Cabinet on the action plan and progress monitoring on a regular basis.

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CENTRAL GOVERNMENT INITIATIVE – TROUBLED FAMILIES

A report of the Acting Director of Children's Services was submitted on the Council's proposed response to the Department for Communities and Local Government initiative concerning troubled families in local communities.

RESOLVED

That the full engagement of the Borough in this initiative be approved.

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95                    COMMUNITY INFRASTRUCTURE LEVY

A report of the Director of the Urban Environment was submitted on the preparation of a Community Infrastructure Levy for the Borough to be in place by April, 2014.

The mechanisms for implementing the Levy were explained by the Head of Planning.

RESOLVED

That the preparation of a Community Infrastructure Levy for the Borough to be in place prior to April 2014, be approved.

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96                    ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

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97                    EXCLUSION OF THE PUBLIC

RESOLVED

That the public 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 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 I of Schedule 12A</u>
Staffing Issues – Directorate of Children’s Services	1

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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 contract of employment of an officer in the circumstances referred to in the report.

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 8.15 p.m.

LEADER OF THE COUNCIL