

Minutes of the Cabinet

**Wednesday 20th March, 2024 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Cabinet Members

Councillor P Bradley (Deputy Leader - Vice-Chair in the Chair)
Councillors P Atkins, R Buttery, S Clark, Dr R Clinton, M Rogers and
L Taylor-Childs.

Councillor I Kettle (Chair of the Overview and Scrutiny Committee) attended the meeting by invitation.

Opposition Group Members Nominated to attend the Cabinet

Labour Group: Councillors S Ali, C Bayton, K Casey, P Lowe, S Ridney and P Sahota.

Independent Group: Councillors S Keasey and M Westwood.

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), M Abu Affan (Director of Public Health and Wellbeing), M Bowsher (Director of Adult Social Care), C Driscoll (Director of Children's Services), H Martin (Director of Regeneration and Enterprise), I Newman (Director of Finance and Legal) and H Mills (Senior Democratic Services Officer)

Officers attending remotely via Microsoft Teams: L Fulci (Director of Digital, Customer and Commercial Services), N McGurk (Director of Environment) and F Mahon (Head of Energy, Sustainability and Climate Change).

Together with other officers and 2 members of public.

80 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Foster, A Aston, J Cowell and S Mughal.

81 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

82 **Minutes**

Resolved

That the minutes of the meeting held on 15th February, 2024, be approved as a correct record and signed.

83 **2023/2024 Revenue and Capital Programme Monitoring**

A joint report of the Chief Executive and Director of Finance and Legal was submitted on the forecast 2023/24 General Fund Revenue outturn position and to propose amendments to the Capital Programme.

In presenting the report, the Leader referred to the improvement of approximately £4 million since the previous forecast reported to Council, which was due to the Continuing Health Care income on the basis that the Integrated Care Board (ICB) would honour the result of a joint review of high-cost cases. Members were advised however, that despite extensive correspondence with the ICB a payment had yet to be confirmed and therefore there was a risk to £5.3 million of income within the forecast.

It was further commented that the report proposed a number of amendments to reduce the cost of the capital programme and the flexible use of capital receipts to meet the costs of change to make the Council financially sustainable.

In responding to a question from a Member of the Opposition Group, it was commented that the schemes referred to on pages 22 and 23 of the report had been deferred, and it was hoped that funding would be available to use in 2027 to bring the projects to fruition.

Resolved

- (1) That the forecast General Fund revenue outturn position for 2023/24 and the effect on Unallocated General Fund Reserves at 31st March, 2024, be noted.
 - (2) That the risk in relation to the Continuing Health Care Income, as reported at the meeting, be noted.
 - (3) That the Council be recommended:-
 - (a) To approve the deferral, reduction and removal of various capital budgets, as set out in paragraphs 11 to 18 of the report.
 - (b) To include in the Capital Programme the additional budget for the swimming pool works at Halesowen Leisure Centre, funded by grant, as set out in paragraphs 19 to 23 of the report.
 - (c) To approve and include in the Capital Strategy, the Flexible Use of Capital Receipts Strategy, as set out in paragraphs 24 to 26 and Appendices C and D to the report.
 - (d) To note the progress against the Capital Programme as detailed in Appendix B to the report.
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84 Spending Controls

The Cabinet considered a report of the Director of Finance and Legal on the revision of the spending controls approved by Cabinet in October 2023.

In responding to a question raised by a Member of the Opposition Group, the Cabinet Member for Housing and Homelessness clarified that whilst it was proposed for the Housing Revenue Account to be exempt from the requirement to have decisions approved by the Spending Controls Group (SCG), the principles of the spending controls would still be applied and spending would be reported on a quarterly basis, which was the practise opted by other Authorities in a similar financial position. It was further commented that as HRA was ringfenced and had already been subjected to intense scrutiny due to the current regulatory issues, being exempt would enable the SCG to focus on ensuring that the deficit in the general fund was reduced.

In responding to further questions raised it was commented that the spending controls would remain in place until unringfenced reserves returned to a level 20% of net revenue spend and whilst commemorative days would continue to be recognised by the Council, it was regrettable and inevitable that funding to support celebratory physical events would need to be reviewed as part of the spending controls.

Resolved

- (1) That the review of spending controls, as set out in the report, be noted.
- (2) That the revised process, as set out in Appendix A to the report, be approved.
- (3) That authority be delegated to the Chief Executive and Director of Finance and Legal to further refine the processes supporting the spending controls as required.

85 **Improvement and Sustainability Programme (Fit for the Future)** **Scope and Governance**

A report of the Deputy Chief Executive was considered on the scope, timeline and key financial measures of the improvement and sustainability programme, which was to be branded 'Fit for the Future'. The proposed governance arrangements, to ensure that the programme delivered the necessary benefits for the Council and its residents, were also presented.

In responding to questions and comments raised by Members of the Opposition Groups, it was considered impractical and premature to describe how the Council would look in the future at this stage. Directors had been tasked to submit contributions on the Total Operating Model, which would be deliberated by the Independent Assurance Board, before considered by Group Leaders, Cabinet and Shadow Cabinet Members which would help shape the future Council. It was further commented that work continued on the proposed new scrutiny arrangements, which would be shared with Members in due course.

Resolved

- (1) That the achievements and completion of Phase 1 of the programme, be noted.
- (2) That the detailed scopes of Phase 2, 'Fit for Purpose' at the first Programme Gateway, as detailed in Appendix 1 to the report, be approved.
- (3) That the governance of the 'Fit for the Future' Programme, as detailed in Appendix 2 to the report, be approved.

86 **Council Plan 2024-2025**

The Cabinet considered a report of the Deputy Chief Executive on the proposed new one-year Council Plan for 2024-25.

Resolved

That the Council be recommended to approve the new one-year plan for 2024-25 which focusses on those priorities and projects that will prevent a higher cost, deliver cost reductions/increased income and which will support the delivery of the Council's improvement and sustainability programme.

87 **Infrastructure Funding Statement 2023 and Neighbourhood Community Infrastructure Levy (NCIL) – Allocation of Funding**

A report of the Director of Regeneration and Enterprise was submitted to seek approval for the Infrastructure Funding Statement 2023 allocation of funding to CIL eligible projects and to use the crowdfunding platform as a pilot to allocate Neighbourhood CIL, to run alongside the UK Shared Prosperity Fund (UKSPF) programme.

In responding to questions raised by Members of the Opposition Groups, it was acknowledged that there had been a lack of awareness with regards to the ability to bid for NCIL through Community Forums, however it was anticipated that the crowdfunding platform which would be promoted on social media would make the process more visible and accessible. A list of other authorities who operated a similar crowdfunding platform would be provided to Members following the meeting. It was reported that Dudley had been in conversation with Plymouth City Council, who were considered to be an exemplar in this area, to gather an understanding of their lessons learned and how they implemented their platform.

Details with regards to the criteria matrix, a breakdown of how much money had been used in certain areas and where it had come from, and the impact of crowdfunding on the most deprived areas of the Borough in comparison to more affluent areas, to ensure equality, to be provided by the Director of Regeneration and Enterprise following the meeting.

Resolved

- (1) That the two projects which scored the highest to receive CIL funding, as detailed in Table 1 of the report, be approved.
- (2) That the use of a crowdfunding platform as a pilot to allocate Neighbourhood CIL, to run alongside the UK Shared Prosperity Fund (UKSPF) programme, be approved.
- (3) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Communities and Economic Delivery, be authorised to finalise the criteria and process for allocating NCIL funds via the crowdfunding platform.

88 **Portersfield Development Brief**

The Cabinet considered a report of the Director of Regeneration and Enterprise to seek endorsement of the Portersfield Development Brief to be used to promote and guide the comprehensive development of the key regeneration site in Dudley Town Centre.

Members of the Opposition Groups commented on the lack of vision and ambition comprised within the development brief, which was predominately residential. It was considered a prime location within the Town Centre that required significant investment to bring life back into Dudley Town Centre.

In responding, the Portersfields site was considered to be a difficult and expensive site to develop, and whilst ambitious proposals had previously been submitted these would have huge cost bearings to the Local Authority, which was not appropriate in the current climate. The local community had responded positively to the consultation and supported the proposals and it was emphasised that the development brief was a planning policy document, however when seeking a development partner, different proposals may be brought forward should the market be viable.

Resolved

- (1) That the Portersfield Development Brief, as set out in Appendix Two to the report, be endorsed.
- (2) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Communities and Economic Delivery, be authorised to make any non-substantive changes necessary to the document prior to publication.

89 **Dudley Borough Economic Regeneration Strategy**

A report of the Director of Regeneration and Enterprise was submitted on the proposed Dudley Borough Economic Regeneration Strategy.

Members of the Opposition Groups, whilst welcomed the report and the future Action Plan, were of the view that the report presented added no value in terms of how to address the challenges within the Borough which were already known to the Council. It was considered that there was a need to promote tourism to develop a stronger package across the different visitor economy attractions and to link the regeneration of the main town centres with the smaller villages and centres, to ensure the whole borough was fit for purpose and reinvented. Details with regards to the costs incurred for the appointment of SQW to prepare the Strategy and the stakeholders that were consulted as part of the strategy development were requested to be provided by the Director of Regeneration and Enterprise following the meeting.

It was commented that the report presented was the first stage in the process and the strategy was an overarching strategy that would come with local plans to filter down to smaller projects and into the smaller areas. It was envisaged that the metro interchange connectivity would support the visitor economy moving forward and would help bring footfall into the towns. It was considered that having a strategy and programme of activity in place was key and would enable the authority to bid to West Midlands Combined Authority, who were moving towards a more place-based approach in terms of funding.

Resolved

- (1) That the Dudley Borough Economic Regeneration Strategy, be approved.
- (2) That the Director of Regeneration and Enterprise, in consultation with the Cabinet Member for Communities and Economic Delivery, be authorised to implement the Strategy.
- (3) That the Director of Regeneration and Enterprise, in consultation with the Cabinet Member for Communities and Economic Delivery, be authorised to progress the procurement of a Development Partner, to support regeneration project delivery across the Borough, and to report back to Cabinet on progress at key decision points; the final appointment to be the subject of a Cabinet report.

90 **Dudley Council Climate Action Plan**

The Cabinet considered a report of the Director of Environment on the Dudley Council Climate Action Plan, Phase 1, as part of the Council's climate emergency declaration.

Members commented positively on the Action Plan and welcomed the annual update to address changing context and to monitor progress and the opportunity to insert new actions if required.

Resolved

- (1) That Dudley Council's Climate Action Plan, Phase 1 (2024-2027), as set out in Appendix 1 to the report, be approved.
 - (2) That the requirement for an annual update of the Action plan to address rapidly changing international/national/regional/local context and to review the data and evidence, monitor progress and insert new actions to further reduce the Council's carbon footprint, be noted.
 - (3) That the Director of Environment, be authorised to amend and/or make additions to the Action Plan in the interest of achieving the objectives of mitigating and adapting to climate change both in respect of the Council's own operations and activities borough-wide.
 - (4) That the establishment of a Borough Climate Partnership, as set out in the Action Plan, be approved.
 - (5) That the Director of Environment, in consultation with the Cabinet Member for Climate Change, be authorised to implement arrangements for the operation of the Partnership.
 - (6) That the report be referred to Full Council to endorse the Council's response to the climate change emergency.
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91 **Camera Enforcement**

Members considered a report of the Director of Environment in relation to an update on the existing Average Speed Enforcement Scheme and to outline the proposed changes to the partnership agreement with West Midlands Police. The financial risks in relation to the operation of the scheme and future costs were outlined in the report.

Resolved

- (1) That Dudley Council's Climate Action Plan, Phase 1 (2024-2027), as set out in Appendix 1 to the report, be approved.
- (2) That the requirement for an annual update of the Action plan to address rapidly changing international/national/regional /local context and to review the data and evidence, monitor progress and insert new actions to further reduce the Council's carbon footprint, be noted.
- (3) That the Director of Environment, be authorised to amend and/or make additions to the Action Plan in the interest of achieving the objectives of mitigating and adapting to climate change both in respect of the Council's own operations and activities borough-wide.
- (4) That the establishment of a Borough Climate Partnership, as set out in the Action Plan, be approved.
- (5) That the Director of Environment, in consultation with the Cabinet Member for Climate Change, be authorised to implement arrangements for the operation of the Partnership.
- (6) That the report be referred to Full Council to endorse the Council's response to the climate change emergency.

92 **Proposal to accommodate the Eton/Star Academies College in Stafford Street, Dudley**

A joint report of the Director of Regeneration and Enterprise, and the Director of Environment was submitted on the proposal for the Star Academies/Eton project to no longer be located on Castle Street and to seek approval for the disposal of Council land at Stafford Street, Dudley for the purposes of the Eton/Star Academies proposal to create a new college.

Following the presentation of the report, whilst Members embraced the educational opportunity aspect, Members of the Opposition made comments with regards to the reasoning for removing one car park to make alternative provisions elsewhere in the town centre, questioned which other sites had been considered and discounted and referred to the poor assumption in terms of the financial impact in that students would spend when in the town centre, particularly as the provision was for those young people who were most deprived and therefore unlikely to have surplus income available.

Resolved

- (1) That the costs, benefits and risks inherent in Star Academies proposal, be noted.
- (2) That the cessation of the work to gain vacant possession on Castle Street, be endorsed.
- (3) That the Director of Environment be authorised to undertake the work required to ascertain the impact on all town centre car parking provision and to identify possible solutions to remedy any shortfall as a result of the development.
- (4) That the Director of Environment be authorised to declare the site surplus and to implement work required to provide vacant possession of the site, including relocation of parking equipment.
- (5) That subject to the above, the Director of Regeneration and Enterprise, in accordance with the Council's Constitution, be authorised to commence work to dispose of Council owned land affected by the proposed College.

93 **Issues arising from Overview and Scrutiny Committee and Select Committees**

No issues were raised under this agenda item.

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

No questions were raised under this agenda item.

The meeting ended at 7.23pm

LEADER OF THE COUNCIL