

MEETING OF THE CABINET

Wednesday, 15th June, 2005 at 6.00 pm
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 Vickers together with the following minority group members nominated to attend meetings of the Cabinet: Councillors Ali, Crumpton, G H Davies, Mottram, Mrs Ridley and C L Woodall (Labour Group); Mrs Patrick and Tyler (Liberal Democrat Group)

Officers

The Chief Executive, Director of Education and Lifelong Learning, Director of Law and Property, Director of Social Services, Director of the Urban Environment, Head of Personnel and Support Services, Senior Assistant Director of Finance, Assistant Director of Housing (Ms Channings), and Mr Sanders (Directorate of Law and Property)

1

MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 20th April 2005, be approved.

2

DECLARATIONS OF INTEREST

A declaration of Prejudicial Interest, in accordance with the Members' Code of Conduct, was made by Councillor G H Davies in respect of item number 4 on the agenda (Remodelling Council Services) in view of the employment of a relative by the Council.

A declaration of Prejudicial Interest, in accordance with the Members' Code of Conduct was made by Councillor Mottram in respect of item number 19 on the agenda (Members' Allowances for Liquor Licensing Responsibilities) in view of his membership of the Licensing and Safety Committees and Sub-Committee No. 2 thereof.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor C L Woodall in respect of all items on the Agenda relating to St Thomas's Network and the Friends of Green Park in view of his membership of the former and chairmanship of the latter organisation.

A general declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by the Director of Law and Property on behalf of all members and officers present in relation to agenda item numbers 17 and 19 on the agenda (Member and Officer Indemnity) and (Members' Allowances for Liquor Licensing Responsibilities).

3 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Ms Foster, Mrs Millward and Sparks.

4 CHANGES IN MINORITY GROUP REPRESENTATION

It was reported that Councillors Mottram and Mrs Ridney were serving in place of Councillors Ms Foster and Sparks for this meeting of the Cabinet only.

5 ORDER OF BUSINESS

The Leader announced that Item number 10 on the agenda (Draft Local Transport Plan) would be considered as the next item on the agenda.

In reporting also that the Chief Executive had been delayed at another meeting, the Leader announced further that consideration of item no. 4 (Restructuring Council Services) would be deferred until his arrival with the remaining items being considered as the meeting reached them.

6 PROVISIONAL LOCAL TRANSPORT PLAN 2005/06 - 2010/11

A report of the Director of the Urban Environment was submitted seeking approval of the proposals of the West Midlands Metropolitan Authorities and the Passenger Transport Authority in relation to the content of the Provisional Local Transport Plan for the period from 2005/06 to 2010/11.

RESOLVED

- (1) That the Council be recommended that the provisional Local Transport Plan 2 and the revised Bus Strategy, both as referred to in the report submitted to the meeting, be approved.
- (2) That the Highway Improvement Strategy and the Indicative 5 year programme of highway improvement schemes, both as referred to in the report submitted to the meeting, be approved.

(This was a Key Decision with the Council named as Decision Taker).

7 UPDATE OF THE COUNCIL'S STRATEGY

A report of the Director of Finance was submitted containing proposals for the update of the Council's Strategy.

Reference to the changes proposed in the current strategy, to reflect current circumstances and priorities, were summarised in paragraph 2.5 of the report now submitted.

RESOLVED

That the draft Capital Strategy attached to the report submitted to the meeting, be approved as the basis of consultation with Select Committees.

8 CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted containing proposals for the amendment of the Capital Programme and matters associated therewith.

RESOLVED

- (1) That the Council be recommended:-
 - (a) That the additions to the Liveability project, and (subject to geotechnical investigations and the determination of planning applications) their inclusion in the Capital Programme, as set out in paragraph 2.2.1 of the report submitted to the meeting, be approved.
 - (b) That the schemes to utilise Section 106 funding, and (subject to the outcome of public consultation, geotechnical investigations and the determination of planning applications) their inclusion in the Capital Programme, as set out in paragraph 2.2.2 of the report submitted to the meeting, be approved.
 - (c) That the project to replace the Dome at Dudley Leisure Centre and its inclusion in the Capital Programme, as set out in paragraph 2.2.3 of the report submitted to the meeting, be approved.

- (d) That the Disability Discrimination Act works at Leisure Centres and their inclusion in the Capital Programme, as set out in Paragraph 2.2.4 of the report submitted to the meeting, be approved.
- (e) That the enhancement to the Leisure Management System and its inclusion in the Capital Programme, as set out in paragraph 2.2.5 of the report submitted to the meeting, be approved.
- (f) That the scheme to acquire premises in the Priory Street Opportunity Area of Dudley Town Centre be included in the Capital Programme, as set out in paragraph 2.2.6 of the report submitted to the meeting.
- (g) That the expenditure on replacing the Vehicle Lifts at Lister Road Garage be approved and included in the Capital Programme, as set out in paragraph 2.2.7 of the report submitted to the meeting.
- (h) That Outline Project Proposals be made to the English Partnerships Land Stabilisation Programme in respect of the Limestone Stabilisation Programme, and that the cost of preparation be included in the Capital Programme and underwritten from available capital resources as set out in paragraph 2.2.8 of the report submitted to the meeting.
- (i) That the Social Services Capital Programme for 2005/06, as set out in paragraph 2.3.1 of the report submitted to the meeting, be approved.
- (j) That the scheme to adapt bungalows in Brierley Hill as part of the Extra Care Housing initiative, and its inclusion in the Capital Programme, as set out in paragraph 2.4.1 of the report submitted to the meeting, be approved.
- (k) That the grant allocation from the Safer Strong Communities Fund be noted, and that the associated expenditure be included in the Capital Programme, as set out in paragraph 2.5.1 of the report submitted to the meeting.
- (l) That the Urgent Amendments to the Capital Programme as set out in paragraph 2.6 of the report submitted to the meeting, be noted.

- (2) That the action of the Director of the Urban Environment in submitting an increased application to Advantage West Midlands (AWM), for funding to acquire the premises in the Priory Street Opportunity Area of Dudley Town Centre be approved; that 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; that 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; that the Director of Law and Property be authorised to sign the necessary legal agreements with AWM; and that the Director of the Urban Environment be authorised to enter into a Joint Venture Agreement between the Council, AWM and the preferred developers, as set out in paragraph 2.2.6 of the report submitted to the meeting.
- (3) That current progress for the 2005/06 Capital Programme, as set out in paragraph 2.1 and Appendix A to the report submitted to the meeting, be noted.
- (4) That the results of the Post Completion Reviews of Capital Projects, as set out in paragraph 2.7 and Appendix B to the report submitted to the meeting, be noted.

(This was a Key Decision with the Council and the Cabinet named as Decision Taker).

9

REVENUE AND CAPITAL OUTTURN 2004/05

A report of the Director of Finance was submitted setting out the provisional financial results for the Council for the year ended 31 March 2005.

RESOLVED

- (1) That the draft outturn results for 2004/05 as indicated in the report submitted to the meeting, be noted.
- (2) That the effect of the General Fund Revenue Outturn on General Balances at the 31st March, 2005, be noted.
- (3) That the position on earmarked reserves at the 31st March, 2005, be noted.
- (4) That the latest forecast General Fund Revenue position for 2005/06, be noted.

10 IMPLEMENTING ELECTRONIC GOVERNMENT STATEMENT
(IEG4.5)

A report of the Director of Finance and Director of Education and Lifelong Learning (as e-champion) was submitted seeking approval for the submission of the update to the Fourth Implementing Electronic Government Statement (IEG 4.5) to the Office of the Deputy Prime Minister by 18 July 2005.

The report summarised progress in the half year since IEG 4 had been approved.

RESOLVED

- (1) That the development of IEG4.5, as stated in Section 4 of the report submitted to the meeting, be noted.
 - (2) That the Director of Finance and the Director of Education and Lifelong Learning, (as champion be authorised to submit to the Office of the Deputy Prime Minister (ODPM), the latest position for IEG4.5 on line and in time for the ODPM deadline of 18th July, 2005.
 - (3) That a copy of the IEG4.5 submission be published on the website after 18th July, 2005.
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11 REVISED DEPOSIT UNITARY DEVELOPMENT PLAN - RESPONSES
TO THE OBJECTIONS/REPRESENTATIONS TO THE PROPOSED
MODIFICATIONS - OCTOBER 2004

This item was withdrawn from the agenda.

12 FOOD SERVICE PLAN 2005/06

A report of the Director of the Urban Environment was submitted seeking approval to the Food Service Plan for 2005/06.

RESOLVED

That subject to any comments made by the Select Committee on the Environment, at its meeting to be held on 30th June 2005, the Council be recommended that the Food Service Plan for 2005/06 be approved.

(This was a Key Decision with the Council named as Decision Taker).

ANTI SOCIAL BEHAVIOUR

A report of the Director of Housing was submitted on the outcome of correspondence from the Cabinet Member for Housing to the Deputy Prime Minister requesting a review of certain legislation relating to anti social behaviour in consequence of concerns expressed by the Central Dudley Area Committee.

The changes requested and the response from government was appended to the report now submitted, together with copies of the letter from the Cabinet Member for Housing and the response from the Parliamentary Under Secretary of State at the Office of the Deputy Prime Minister. Extreme disappointment was expressed at the response particularly in view of the high profile to remedy anti social behaviour given in the government's general election manifesto.

RESOLVED

- (1) That the contents of the report submitted to the meeting, be noted.
- (2) That in response to the letter from the Officer of the Deputy Prime Minister (ODPM) now reported, in view of the commitment given by the Government in its election manifesto to the importance of addressing anti-social behaviour, the ODPM be requested further to consider changes in the law so that local housing authorities can be granted powers to deal more effectively and more quickly with tenants displaying Anti-Social Behaviour, and that representations to this effect be made also through local Members of Parliament and to the relevant Board of the Local Government Association.

REMODELLING COUNCIL SERVICES

(Having declared a personal interest in this matter, Councillor G H Davies withdrew from the meeting during consideration of the item).

A report of the Chief Executive was submitted seeking consideration of proposals for the remodelling of Council Services in order to meet the requirements of recent legislation in respect of Children and Adult Services and to make efficiency gains.

RESOLVED

- (1) That the following changes be recommended to the Council:-

- (a) The creation of a Children's Services Directorate and an Adult and Community and Housing Services Directorate with effect from the 1st July, 2006, subject to the necessary consultation with staff and Trade Unions.
- (b) The establishment of a Personnel Support Service serving all Directorates.
- (c) That the Cabinet Member portfolios for Social Services and Education and Lifelong Learning be replaced by the new portfolios for Cabinet Members in 2006/07 of Children's Services and Adult and Community Services whilst retaining the portfolio of Housing Services.
- (d) The revision of the responsibilities of Select Committees so as to ensure that a single Select Committee has responsibility for Children's Services and a single Select Committee has responsibility for Adult Services.
- (e) That a further report be submitted to the Cabinet in due course detailing the financial and all other implications of establishing the new Directorates, including specific proposals in relation to revisions to the remit of Select Committees.

15

"LEARNING FOR THE FUTURE" PROPOSALS FOR GOVERNANCE ARRANGEMENTS

The report of the Director of Education and Lifelong Learning was submitted, setting out arrangements for the governance of "Learning for the Future", the overarching development programme for all aspects of the Dudley Education Service. Details of the initiatives included in the programme were set out in paragraph 2 of the report now submitted and expanded upon in paragraphs 3-10.

RESOLVED

- (1) That the arrangements for Governance of "Learning for the Future", as referred to in the report submitted to the meeting, be endorsed.
- (2) That effective engagement of the Council and external partners, including Health, Police, Fire and Transport Authorities and the Voluntary Sector, be supported.

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

PRIMARY SCHOOLS REVIEW - DEVELOPMENT OF SPECIFIC PROPOSALS

A report of the Director of Education and Lifelong Learning was submitted seeking endorsement for the Statements of Intent and Principle that would inform the Development of Specific Proposals for a new pattern of primary school places in the Borough, through the Primary Schools Review and seeking authorisation for the Cabinet Member for Lifelong Learning to publish proposals regarding specific schools.

The report also requested approval to the utilisation of capital resources released by the implementation of specific proposals within the Primary School sector to other primary school accommodation in order to ensure that all primary school education took place in high quality buildings.

RESOLVED

- (1) That the Statement of Intent and Principle set out in the report submitted to the meeting be endorsed.
- (2) That the Cabinet Member for Lifelong Learning be authorised to publish proposals in respect of specific schools.
- (3) That the Council be recommended to authorise the reuse of capital resources released by the implementation of specific proposals within the Primary School sector to help ensure that all primary school education takes place in high quality buildings.

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

DUDLEY COUNCIL - FRAMEWORK FOR AN ACCESS STRATEGY

A report of the Chief Executive was submitted containing the proposals for the provision of strategy framework aimed at helping the Council to plan how to give citizens better access to information and services over the next five years.

RESOLVED

That the paper "Dudley Council - Framework for an Access Strategy" appended to the report submitted to the meeting, be approved, and that the paper be put through a formal consultation process with citizens, partners and businesses.

NEIGHBOURHOOD RENEWAL FUND

A report of the Chief Executive was submitted seeking approval to projects to be included in the programme of expenditure for funding from the remaining Neighbourhood Renewal Fund to be allocated for 2005/06.

In the discussion on this issue, clarification was sought on whether or not it was intention of Government that funding from this source would be continued in future years. It was strongly considered that, if the Fund was to be discontinued, an equivalent funding source for projects of the kind included in the programme should be made available.

RESOLVED

- (1) That the programme of expenditure, as set out in Appendix 1 to the report submitted to the meeting, be approved.
- (2) That the Council be recommended that the Capital element of the expenditure, as indicated in paragraph 4.2 of the report submitted to the meeting, be included in the Capital Programme.
- (3) That investigations be made to clarify the position regarding the continuation of the Neighbourhood Renewal Fund and that, should it emerge that the Fund is to be discontinued, representations for its retention or replacement by an equivalent facility be made through Members of Parliament.

MEMBER AND OFFICER INDEMNITY

A joint report of the Director of Finance and Director of Law and Property was submitted containing proposals for the provision of Officer and Member indemnities under the Local Authorities (Indemnities for Members and Officers) Order, 2004. A draft resolution for the Form of Indemnity was appended to the report now submitted.

RESOLVED

That the Council be recommended that the form of indemnity set out in Appendix 1 to the report submitted to the meeting be approved; that the relevant Directors consider whether there is any need or justification for an appointment to an outside organisation before any appointment is made or recommended; and that the external organisations concerned be requested to undertake regular risk assessments.

PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF DUDLEY M.B.C.

A report of the Monitoring Officer seeking consideration of a draft Protocol for Relationships between Members and Officers of the Council, for inclusion in the Constitution, was submitted. The draft Protocol was appended to the report now submitted.

RESOLVED

- (1) That the Council be recommended that the draft Protocol for Relationships between Members and Officers of Dudley M.B.C., as appended to the report submitted to the meeting, be approved.
- (2) That the Director of Law and Property be asked to consider the concerns expressed at the meeting at the restrictions placed on Members by the Data Protection Act 1998 when investigating issues of a personal nature, on behalf of constituents.
- (3) That the intention of the Director of Law and Property that further training on the implications of the Data Protection Act 1998 be given to Members, be noted.

MEMBERS ALLOWANCES FOR LIQUOR LICENSING RESPONSIBILITIES

(Having declared a Pecuniary Interest in this item, Councillor Mottram withdrew from the meeting during consideration of the item).

A joint report of the Director of Finance and Director of Law and Property was submitted seeking consideration of the recommendation of the Members' Allowances Independent Panel regarding allowances for Liquor Licensing responsibilities. The report also sought consideration of an alternative mechanism for annual variations for the Members' Allowances Scheme.

RESOLVED

- (1) That the Council be recommended that the recommendations of the Members' Allowance Independent Panel be approved, viz:
 - (a) The payment of Special Responsibility Allowance of £2,000 to all members of the Licensing Sub-Committees for the period April, 2005 to November, 2005.

(b) The payment of an additional £1,000 (i.e. to give a total special responsibility allowance of £3,000) to the Chairmen of the five Licensing Sub-Committees for the period April, 2005 to November, 2005.

(2) That the Council be recommended that the Scheme for Members' Allowances be amended to read "the allowances in this Scheme shall be varied with effect from the 1st April each year, in line with the agreed pay awards for NJC Local Government Services".

22

ANNUAL REPORT: MEMBERS' CODE OF CONDUCT

A report of the Monitoring Officer was submitted seeking consideration of the Annual Report on the Operation of the Members' Code of Conduct, as required under the Constitution.

RESOLVED

That the Council be recommended that the report submitted to the meeting and the action points set out in paragraph 2.11 therein be approved.

23

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 serve on outside organisations for the 2005/06 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.

24

BEST VALUE PERFORMANCE PLAN, 2005

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

RESOLVED

- (1) That the contents of the Best Value Performance Plan, as outlined in the report now submitted, be approved.
- (2) That the completed Best Value Performance Plan be submitted to the Council for approval.

25 DUDLEY BOROUGH CHALLENGE - CONSULTATION PHASE III

A report of the Chief Executive was submitted containing an update on progress on the Dudley Borough Challenge and seeking consideration of proposals for consultation on the draft strategy document in this respect.

RESOLVED

That the process for progressing the draft Strategy document “Dudley Borough Challenge” and consulting thereon, as set out in paragraph 3.5 of the report now submitted, be approved.

26 QUARTERLY CORPORATE PERFORMANCE REPORT

This item was withdrawn from the Agenda.

27 EXCLUSION OF THE PUBLIC

RESOLVED

That, under Section 100(A)(4) of the Local Government Act, 1972, 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 Schedule 12A of that Act, in particular those paragraphs of Part 1 of that Schedule indicated below:-

<u>Description of Item</u>	<u>Relevant Paragraph of Part 1 of Paragraph 12A</u>
Future development of Local Authority Residential Homes and Further Development of Housing with Care	11
Dudley South Primary Care Trust - Local Improvement Financial Trust	7
Remodelling Council Services - Personnel implications	1

28

FUTURE DEVELOPMENT OF LOCAL AUTHORITY RESIDENTIAL HOMES AND THE FURTHER DEVELOPMENT OF HOUSING WITH CARE

A joint report of the Director of Social Services and Director of Housing containing the proposals for future arrangements for residential care for older people and the further development of Housing with Care for vulnerable people was submitted.

RESOLVED

That the proposals contained in Section 3 of the report now submitted be approved, subject to Council approval in relation to the proposal in paragraph 3.4.

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

29

DUDLEY SOUTH NHS PRIMARY CARE TRUST - LOCAL IMPROVEMENT FINANCIAL TRUST

A joint report of the Chief Executive, Director of Social Services and Director of Finance containing an update on progress on this project and seeking consideration of the way forward, was submitted.

RESOLVED

- (1) That the Cabinet confirm the intention to enter into the Dudley South LIFT Partnership when the value for money and affordability of the Brierley Hill Health and Social Care Development have been resolved.
 - (2) That the Chief Executive and the Director of Social Services be authorised to continue negotiations.
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30

REMODELLING COUNCIL SERVICES - PERSONNEL IMPLICATIONS

(After this juncture, all Officers except the Chief Executive and Mr Sanders withdrew from the meeting).

A report of the chief Executive containing proposals in relation to the personnel implications of the proposals contained in the report on item 4 of the Agenda for this meeting was submitted.

RESOLVED

That the Council be recommended:-

- (1) That John Freeman be appointed to the post of Director of Children's Services, with immediate effect.
- (2) That Linda Sanders be appointed to the post of Director of Adult, Community and Housing Services, with immediate effect.
- (3) That paragraph 4.1 of the Officer Employment Procedure Rules be waived to enable the Directors to be appointed by the Council and not the Appointments Committee.
- (4) That a single Central Personnel and Training Service, reporting to Steve Woodall, the Head of Personnel Services, be established.

The meeting ended at 8.40 pm.

LEADER OF THE COUNCIL