



Minutes of the Cabinet

**Wednesday 25th October, 2023 at 6.00pm
in Committee Room 2 at the Council House,
Priory Road, Dudley**

Present:

Cabinet Members

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

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, A Aston, J Cowell, J Foster, and P Lowe.

Invitee/Observer

Councillor I Kettle (Chair of Overview and Scrutiny Committee).

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), M Bowsher (Director of Adult Social Care), 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), H Mills (Senior Democratic Services Officer) together with other Officers.

L Fulci (Director of Digital, Customer and Commercial Services attended via Microsoft Teams).



28 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors P Bradley, S Clark and D Corfield.

29 **Declarations of Interest**

No interests were declared in accordance with the Members' Code of Conduct.

30 **Minutes**

Resolved

That the minutes of the meeting held on 20th September, 2023 be confirmed as a correct record and signed.

31 **Revenue Monitoring 2023/24**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on the forecast 2023/24 General Fund revenue outturn position.

The Leader referred to the current financial position of the Council, in that a deficit of £15 million was forecast, as a result in the rise of numbers and cost for social care placements, inflation rates and a reduction in traded services. It was reiterated that Dudley was a low taxing, low spending Council, which had low reserves. It was considered prudent to introduce controls to minimise spending except where an exemption applied. The Cabinet Member for Finance, Legal and Human Resources had written to the Prime Minister outlining the financial difficulties that were being experienced by all authorities and asking for additional support to be provided. The Medium-Term Financial Strategy report that would be submitted to the Cabinet meeting in December, would outline the Council's draft plans to address the deficit and to achieve a sustainable budget.

Members of the Opposition Group expressed concerns regarding the Council's current financial position and referred to the risks that had previously been presented by the Opposition Group during the budget setting process and at the Audit and Standards Committee, which had repeatedly been disregarded.

The Leader, Cabinet Members and Officers responded to detailed questions from Members of the Opposition Group regarding the impact the financial position would have on service delivery; what measures had been implemented and assessments undertaken and how much would be saved as a result; what action had been taken since the authority had received notification of issues highlighted by external auditors in July, 2023; how did the cost of Adult Social Care compare with other Local Authorities and how would the budget constraints affect Care Quality Commissioning outcomes; what was being done to build resilience of permanent staff and the reasoning behind the shortfall in traded services.

In response to comments from the Leader of the Opposition Group (Councillor P Lowe), the Leader of the Council (Councillor P Harley) agreed to share a copy of the letter sent to the Prime Minister and would continue to keep Councillor P Lowe and Councillor S Ali (Opposition Group Spokesperson for Finance and Digital) up to date and involved in the process. The Leader commented that this would be a long-term process. A joint sustainable approach was required to protect services.

Resolved

- (1) That the forecast General Fund revenue outturn position for 2023/24 and the effect on General Balances at 31st March 2024, be noted.
 - (2) That the progress with delivery of savings, as set out in Appendix B to the report, be noted.
 - (3) That the outline of spending controls, as set out in Appendix C to the report, be approved and that authority be delegated to the Chief Executive and the Director of Finance and Legal to refine these controls as required.
-

32 **Capital Programme Monitoring**

The Cabinet considered a joint report of the Chief Executive and the Director of Finance and Legal on proposed amendments to the Capital Programme.

Resolved

That the Council be recommended:-

- (1) That the additional budget for the next allocation of UK Shared Prosperity Funding spend and grant income of £469,000, as set out in paragraph 4 of the report, be approved and included in the Capital Programme.
- (2) That the property occupied by Homescene be acquired under the authority delegated in 2021, as set out in paragraph 5 of the report.
- (3) That authority be delegated to the Chief Executive, following consultation with the Leader, to consider the outcome of the viability assessment and to determine whether to proceed to the economic assessment and that authority be delegated to the Director of Finance and Legal to amend the budget if this is the case, as set out in paragraph 6 of the report.

33 **10 Year Business Rates**

A report of the Director of Finance and Legal was submitted on the key terms agreed with Government relating to the opportunity to retain 100% of regional Business Rates for the next 10 years.

Resolved

- (1) That the performance of the West Midlands 100% Business Rates Retention pilot be noted.

- (2) That the Memorandum of Understanding (MoU) with Government regarding the offer of 10-year, 100% Business Rate Retention for the West Midlands, in accordance with the Trailblazing Devolution Deal, be approved.
-

34 **2023/2024 Housing Revenue Account Forecast Outturn**

The Cabinet considered a joint report of the Director of Housing and Communities and the Director of Finance and Legal on the latest revenue outturn for the Housing Revenue Account (HRA) for 2023/24.

The Cabinet Member for Housing and Safer Communities and the Director of Housing and Communities responded to questions raised at the meeting concerning the impact the spending control restrictions, in terms of the termination of existing interim and agency staff contracts, would have on housing services; information on the latest estimated costs payable to Savills for ongoing works associated with the Stock Condition Survey and the impact the current financial situation would have on the implementation of Community Hubs.

Resolved

That the latest Housing Revenue Account outturn forecast for 2023/24, as set out in paragraph 6 and Appendix 1 of the report, be noted.

35 **Dudley Local Plan**

The Cabinet considered a report of the Director of Regeneration and Enterprise on the Draft Dudley Local Plan, which summarised the implications of the plan for Dudley and outlined the proposed consultation process and next steps for the plan preparation.

The Leader responded to questions raised at the meeting in relation to the omission of healthcare provisions from the plan, the reasons as to why proposed developments were based around Castle Street as opposed to Hall Street and the lack of ambition to develop more affordable housing in excess of the 20% target.

Resolved

- (1) That the Draft Dudley Local Plan (as set out in Appendix 1a and 1b), the Draft Dudley Plan Policies Map (as set out in Appendix 2), the Sustainability Appraisal Reports (as set out in Appendix 3), and the Habitats Regulation Assessment (HRA) (as set out in Appendix 4) for consultation during November/December 2023, be approved.
- (2) That authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Leader (Cabinet Member for Policy) and the Deputy Leader (Cabinet Member for Communities and Economic Delivery), to make any non-substantive changes considered necessary to the Draft Dudley Local Plan, Dudley Plan Policies map, Sustainability Assessment and HRA prior to commencement of the consultation process.
- (3) That authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Leader (Cabinet Member for Policy) and the Deputy Leader (Cabinet Member for Communities and Economic Delivery), to agree the arrangements for a six-week consultation period.
- (4) That a further report summarising key issues raised during the consultation, to inform preparation of the next stage of the Plan – Regulation 19 Publication Plan, be submitted to a future meeting of the Cabinet.

36 **Black Country Local Nature Recovery Map and Strategy**

A report of the Director of Regeneration and Enterprise was submitted on the Black Country Local Nature Recovery Map and Strategy, to ensure that the Council's emerging Local Plan and planning decision making was based on up-to-date evidence and could continue to be used as the basis of robust and defensible planning decisions.

Resolved

That the Black Country Local Nature Recovery Map and Strategy, as set out in Appendix 1 to the report, for planning purposes, including strategic delivery of biodiversity net gain in Dudley, be approved and adopted.

37 Dudley MBC responses to Duty to Co-operate Correspondence with Sandwell Council

The Cabinet considered a report of the Director of Regeneration and Enterprise on a proposed response to Sandwell Council's Duty to Co-operate (DtC) correspondence, to ensure that the Council fulfilled its legal obligations under the DtC and that the interests of Dudley Borough were being fully considered in the plan-making of other local authorities.

Resolved

That the proposed Dudley Council response to Sandwell Council's Duty to Co-operate letter, as set out in Appendix 1 to the report, be noted and endorsed.

38 Issues arising from Overview and Scrutiny Committee and Select Committees

The Chair of the Overview and Scrutiny Committee (Councillor I Kettle) referred to the Quarter 1 Performance Report which was considered at the Overview and Scrutiny Committee on 19th October, 2023, in particular Performance Indicator PI 1447 - % of agency social workers (children's). The figures for the first quarter showed 26.6% agency staff were employed against a target of 15%, and although it was acknowledged that these figures may not fully reflect the current position as figures given were to the end of June, 2023 and management actions had been implemented to address issues since this date, Councillor I Kettle sought assurance that the ongoing issues were being addressed.

The Director of Children's Services gave an analysis of the long-standing workforce challenge with the key point being the safeguarding duty of the local authority. Whilst it was acknowledged that considerable progress had been made regarding recruitment, assurance could not be made that agency staff would not be used in the foreseeable future.

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

No questions were raised under this agenda item.

The meeting ended at 7.06pm

LEADER OF THE COUNCIL