

MEETING OF THE CABINET

Wednesday, 11th February, 2009 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Caunt (Leader of the Council) (Chairman)
Councillors Adams, Evans, Knowles, Simms, Mrs Shakespeare, A
Turner and Mrs Walker

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

Councillors Ali, Crumpton, Ms. Partridge and Mrs. Ridney (Labour
Group)

OFFICERS:-

Interim Chief Executive, Director of Adult, Community and Housing
Services, Director of Finance, Director of the Urban Environment,
Interim Director of Children's Services, Interim Director of Law and
Property and Mr. Sanders (Directorate of Law and Property), together
with other officers.

85

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors G H Davies, Foster, Miller, Mrs. Millward, Sparks and
Waltho

86

CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

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

87

DECLARATIONS OF INTEREST

A declaration of personal interest, in accordance with the Members'
Code of Conduct, was made by Councillor Evans in relation to Agenda
Item No. 21 (Castle Hill, Dudley), in view of his being a Trustee of
Dudley Zoo.

A declaration of personal interest, in accordance with the Members' Code of Conduct, was made by Councillor Ali in relation to Agenda Item No. 17 (Proposed Dudley Mosque and Community Training and Enterprise Centre) in view of his being a worshipper at the Mosques at Bourne Street and Castle Hill.

88

MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on the 10th December, 2008 and the 7th January, 2009 be approved as correct records and signed.

89

REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2009/10

A joint report of the Interim Chief Executive and Director of Finance 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 joint authority precepts, the Council Tax to be levied for the period from the 1st April, 2009 to 31st March, 2010.

In presenting the report, the Director of Finance drew particular attention to the issues stated in paragraphs 4(e) and 5 of the report and reported the approximate percentage of the Fire and Civil Defence Authority Precept.

RESOLVED

That the Council be recommended to approve:-

- (1) The budget requirement for 2009/10, and service allocations as set out in the report submitted to the meeting.
- (2) That the statutory amounts required to be calculated for the Council's spending; income and use of reserves; budget requirement and; transfers to and from its collection fund as referred to in Section 67(2)(b) be now calculated by the Council for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 as shown in Appendix 3 of the report submitted to the meeting.

- (3) That, having calculated the aggregate in each case of the amounts in Appendix 3 of the report submitted to the meeting, 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 2009/10:

Valuation Bands

| | | | |
|---------|---------|---------|---------|
| A | B | C | D |
| £ | £ | £ | £ |
| 739.10 | 862.28 | 985.47 | 1108.65 |
| E | F | G | H |
| £ | £ | £ | £ |
| 1355.02 | 1601.39 | 1847.75 | 2217.30 |

plus the amounts to be notified for the Police, and Fire and Civil Defence Authority precepts.

- (4) That the Cabinet Members, Interim 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.
- (5) That the Council reminds the Interim Chief Executive and Directors to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2009/10 budget, particularly in the context of commitments into later years and the impact that overspending in 2009/10 will have on the availability of general balances to support spending in 2010/11 and 2011/12.
- (6) That the Medium Term Financial Strategy (MTFS) set out as Attachment B of the report submitted to the meeting be approved, and that 2008/09 service budgets be revised to reflect the variances set out in paragraph 11 of the MTFS.

DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT (HRA) AND PUBLIC SECTOR HOUSING CAPITAL

A joint report of the Director of Adult, Community and Housing Services and the Director of Finance was submitted with proposals:-

- To set a rent increase for Council Homes;
- To review rents for garages, garage plots and access agreements;

- To set the Housing Revenue Account (HRA) budget for 2009/10 in the light of the latest Government determinations for Housing finance; and the Council's latest spending and resource assumptions.
- To set a Capital Expenditure Budget for the improvement and programmed maintenance of the Council's Housing Stock in 2009/10 to 2013/14.
- To review the medium term financial strategy for HRA and Public Sector Housing Capital.

RESOLVED

- (1) That the following be approved:
 - (a) a rent increase for HRA dwellings on 6th April 2009 with an average increase of £3.91 (6.1%) and a maximum increase of £6.71 in line with government rent guidance;
 - (b) an increase of 5% in other charges as outlined in paragraphs 6 and 8 of the report submitted to the meeting;
 - (c) an increase in heating and lighting charges for sheltered housing from an average weekly charge of £7.11 to an average weekly charge of £8.89, with increases in future years to achieve recovery of the Council's costs, as set out in paragraph 7 of the report submitted to the meeting;
 - (d) an increase from £1.60 to £1.70 for laundry tokens, as set out in paragraph 9 of the report submitted to the meeting;
 - (e) an increase in pitch licences at Oak Lane of 6.1% in line with the average increase in dwelling rents as outlined in paragraph 10 of the report submitted to the meeting;
 - (f) the maintenance of garage rents at current levels and the dates proposed for future increases as set out in paragraph 11 of the report submitted to the meeting;
 - (g) the maintenance of garage plot rent and access agreements at current levels, and the dates of future increases as set out in paragraph 11 of the report submitted to the meeting;

- (h) the revised HRA budget for 2008/9 and the HRA budget for 2009/10 outlined in Appendix 1 to the report submitted to the meeting, subject to Council approval;
- (i) an increase in management charges to leaseholders of £2 per week in order to ensure full recovery of these costs, as outlined in paragraph 15 of the report submitted to the meeting;
- (2) That the Council be recommended:-
 - (a) to approve the public sector housing revised capital budget for 2008/9 and capital budget for 2009/10 to 2013/14 attached as Appendix 2 to the report submitted to the meeting;
 - (b) to authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, to manage and allocate resources to the capital programme as outlined in paragraph 22 of the report submitted to the meeting;
 - (c) to confirm that all capital receipts arising from the sale of HRA assets (other than those specifically committed to support private sector housing) should continue to be used for the improvement of council homes as set out in paragraph 22 of the report submitted to the meeting;
 - (d) 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 23 of the report submitted to the meeting;
 - (e) to approve the medium-term financial strategy set out in Appendix 4 of the report submitted to the meeting and review this later in 2009 as outlined in paragraph 26 of the report.

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Director of Finance was submitted seeking consideration of an update to the Council's Capital Strategy, further to consideration of the draft revised strategy having been given by Select Committees

RESOLVED

- (1) That the issues raised by the Select Committee on Community Safety and Community Services, as set out in paragraph 5 of the report submitted to the meeting, be noted.
 - (2) That the Council be recommended to approve the draft Capital Strategy attached to the report submitted to the meeting.
-

92

JOINT REVIEW - COMMISSIONING SERVICES FOR PEOPLE WITH LEARNING DISABILITIES AND COMPLEX NEEDS

A report of the Director of Adult, Community and Housing Services was submitted indicating the findings and recommendations of the Joint Review on Commissioning Services for People with Learning Disabilities and Complex Needs and seeking approval to the Action Plan drawn up in consequence to the Joint Review.

RESOLVED

- (1) That the findings and recommendations in the final report of the Learning Disability Joint Review, be noted.
 - (2) That the Action Plan be approved.
-

93

DUDLEY LOCAL IMPROVEMENT FINANCE TRUST (LIFT)

A joint report of the Director of Adult, Community and Housing Services and the Director of Finance was submitted providing an update on progress with the LIFT Project; seeking approval to develop the next Health and Social Care Centre in Lye, in partnership with LIFTCO and the Dudley Primary Care Trust; and seeking approval to bid for further Private Finance Initiative credits to support the final Health and Social Care Centre in Dudley.

RESOLVED

- (1) That the development of the next Health and Social Care Centre in Lye, in partnership with LIFTCO and the Dudley Primary Care Trust, be approved.
 - (2) That a bid for further private finance initiative credits to the Department of Health, to support the Health and Social Care Centre in Dudley, be approved.
-

PARKS AND GREEN SPACES STRATEGY

In accordance with the requirements of Planning Policy Guidance Note 17 "Planning for Open Space Sport and Recreation" for the development of a green spaces strategy by Local Authorities, the report of the Director of the Urban Environment was submitted advising the Cabinet of work on-going on the Council's Parks and Green Spaces Strategy and seeking approval to use the Strategy as a basis for consultation.

RESOLVED

- (1) That the work being undertaken on the Borough's Green Spaces Strategy as summarised in the report submitted to the meeting, be noted.
 - (2) That the draft Green Spaces Strategy be approved as a basis for consultation.
-

LOCAL DEVELOPMENT SCHEME REVISION

A report of the Director of the Urban Environment was submitted seeking approval for the submission of the revised Local Development Scheme to the Government Office for the West Midlands for incorporation into the Council's Local Development Framework.

RESOLVED

- (1) That the Council be recommended that the Local Development Scheme for the period 2009-11 be approved as the operational Local Development Scheme for the Borough, to be ratified by the full Council and then submitted to the Government Office for the West Midlands in accordance with the Planning and Compulsory Purchase Act, 2004.
 - (2) That the Council be requested to authorise the Director of the Urban Environment, in consultation with the Director of the Urban Environment, to make future minor changes to the Local Development Scheme for the production of documents specifically relating to the Joint Core Strategy and associated documents being produced by the Black Country Boroughs, but that all significant alterations be submitted to the Cabinet for consideration prior to forwarding to the Government Office.
-

96

REPORT ON THE LOCAL IMPACT OF THE ECONOMIC DOWNTURN AND PROPOSALS FOR PLANNED SERVICE RESPONSE

A report of the Interim Chief Executive was submitted providing an update on how the Council and its partners had responded to date to the economic downturn and which will also contain options for a co-ordinated response to the recession.

RESOLVED

That the information contained in the report be noted and that a proposed Action Plan be reported to a future meeting.

97

UPDATING THE COMMUNITY STRATEGY AND ENGAGEMENT FRAMEWORK AND LOCAL AREA AGREEMENT

A report of the Interim Chief Executive was submitted providing an update on a range of linked developments being undertaken by the Council to provide effective community leadership, promote local community engagement and progress the implementation of the Local Area Agreement.

RESOLVED

- (1) That the work on the review of the Community Strategy to ensure that it is updated to become a fully sustainable Local Community Strategy be approved, and subject to future adoption by the full Council.
 - (2) That the proposed framework for the development of a Dudley Council Community Engagement Strategy, as outlined in the report submitted to the meeting, be approved.
 - (3) That the Interim Chief Executive, in consultation with the Leader of the Council, be authorised to approve and submit the Local Area Agreement refresh to Government at the end of February, 2009.
-

98

THE SUSTAINABLE COMMUNITIES ACT, 2007

A report of the Interim Chief Executive was submitted summarising the key points of the new Sustainable Communities Act, 2007 and which also set out proposals to establish the DOSTI Executive as the Local Sustainable Communities Panel within Dudley.

RESOLVED

That the Council be recommended:

- (1) to welcome the Sustainable Communities Act, 2007 and resolve to be fully engaged with the opportunities it provides; and
- (2) that the DOSTI Executive be established as the Sustainable Communities Panel within Dudley, as outlined in the report submitted to the meeting.

99

CAPITAL PROGRAMME MONITORING

A joint report of the Interim Chief Executive and Director of Finance was submitted on progress with the implementation of the Capital Programme and which proposed certain amendments thereto. 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 and in relation to the Council's Minimum Revenue Provision (MRP) Policy for 2009/10.

RESOLVED

- (1) That current progress with the 2008/09 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
- (2) That the Interim Director of Children's Services be authorised to submit a bid for Targeted Capital Fund - School Kitchens funding, as set out in paragraph 14 of the report submitted to the meeting
- (3) That the Council be recommended:-
 - (a) That subject to the relevant element of the Revenue Budget Strategy being agreed, the expenditure to be funded from prudential borrowing be approved, as set out in the report submitted to the meeting.
 - (b) That the funding allocation for new plots within the Oak Lane Caravan Site and the installation of a new mains foul drainage system be noted, and the expenditure be included in the Capital Programme, as set out in the report submitted to the meeting.
 - (c) That the installation of a new Memorial Wall at Gornal Wood Crematorium be approved and included in the Capital Programme, as set out in the report submitted to the meeting.

- (d) That the Capital Reward funding associated with the Free Swimming initiative be used to undertake facility planning modeling, and that this expenditure be included in the Capital Programme, as set out in the report submitted to the meeting.
- (e) That the funding for improvements to the Playing Fields and Pitch at Windsor High School be noted, and the project included in the Capital Programme, as set out in the report submitted to the meeting.
- (f) That the Capital Programme be amended to reflect the latest estimated cost of the Old Park Special School relocation project, and the disposal proceeds from the current site be earmarked to fund the project, as set out in the report submitted to the meeting.
- (g) That subject to a targeted Capital Fund - School Kitchens bid being successful, any related schemes be included in the Capital Programme, as set out in the report submitted to the meeting.
- (h) That the Information System for Parents and Providers allocation be noted, and the associated expenditure included in the Capital Programme, as set out in the report submitted to the meeting.
- (i) That the Home Access to ICT allocation be noted, and the associated expenditure included in the Capital Programme, as set out in the report submitted to the meeting.
- (j) That the ICT Strategy expenditure be approved and the Capital Programme amended accordingly, as set out in the report submitted to the meeting.
- (k) That the refurbishment of an additional Training Room / Strategic Coordination Centre for the Contingency and Disaster Management team be approved and included in the Capital Programme, as set out in the report submitted to the meeting.
- (l) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 19 - 22 of the report submitted to the meeting be noted.
- (m) 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, be approved as set out in Appendix B to the report submitted to the meeting.

- (n) That the Minimum Revenue Provision (MRP) Policy for 2009/10 be as set out in paragraph 26 of the report submitted to the meeting.
-

100 QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Interim Chief Executive was submitted setting out the third Quarterly Corporate Performance Management Report for 2008/09 which related to performance for the period from the 1st October to 31st December, 2008.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from the 1st October to the 31st December, 2008 be noted and its contents approved.
 - (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their Terms of Reference.
-

101 PROPOSED DUDLEY MOSQUE AND COMMUNITY TRAINING AND ENTERPRISE CENTRE

A report of the Interim Chief Executive was submitted providing an update on the position regarding the proposed development of land at Hall Street, Dudley, for a Mosque and Community Training and Enterprise Centre.

RESOLVED

That the content of this report be noted and that a decision on the buy-back of the land at Hall Street, Dudley, continue to be deferred pending the outcome of the application to the High Court.

102 RESPONSE TO THE ETHNIC MINORITY ACHIEVEMENT SERVICE CONSULTATION

A report of the Interim Director of Children's Services was submitted setting out the response to consultation on the funding of the Ethnic Minority Achievement Service for 2009/10 and suggesting possible options in connection therewith.

RESOLVED

That the Council be recommended that Option A in the report submitted to the meeting be approved.

103 ISSUES ARISING FROM SELECT COMMITTEES

No issues were reported under this item.

104 EXCLUSION OF THE PUBLIC

RESOLVED

That 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 Part I 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> |
|--|---|
| Castle Hill, Dudley | 3 |
| Staffing Issue - Directorate of Finance, ICT and Procurement | 1 |

105 CASTLE HILL, DUDLEY

A joint report of the Interim Chief Executive, Director of Finance and Director of the Urban Environment was submitted on the Development Agreement between the Council, Castle Hill Dudley Ltd and St. Modwen Properties plc in relation to Castle Hill.

RESOLVED

- (1) That the termination of the Development Agreement between the Council, Castle Hill Dudley Ltd. and St. Modwen Properties plc be approved, that the Interim Chief Executive, Director of the Urban Environment, Interim Director of Law and Property and Director of Finance, in consultation with the Leader of the Council and the Leader of the Opposition Group, be authorised to take the necessary action under the Agreement to secure its termination.

- (2) That the Interim Chief Executive, Director of the Urban Environment and Director of Finance, in consultation with the Leader of the Council and the Leader of the Opposition Group, be authorised to negotiate and agree and new Agreement with Advantage West Midlands, to be executed by the Interim Director of Law and Property.
-

106

DIRECTORATE OF FINANCE, ICT AND PROCUREMENT - HUMAN RESOURCE ISSUES

A report of the Director of Finance was submitted seeking consideration of a Human Resource Issue within the Directorate of Finance, ICT and Procurement.

RESOLVED

That the request for redundancy contained in the report submitted to the meeting be approved on the terms and conditions set out in the report.

The meeting ended at 7.25 pm

LEADER OF THE COUNCIL