

MEETING OF THE CABINET

Wednesday, 9th February, 2005 at 6.00 pm
at the Council House, Priory Road, Dudley

PRESENT:-

Councillor Caunt (Leader of the Council) (Chairman)
Councillors Adams, Evans, Fraser-Macnamara, Jones, Mrs Martin,
Miller, Mrs Millward, Mrs Shakespeare and J Woodall;
Minority Group Members nominated to attend meetings of the Cabinet:
Councillors Ali, Crumpton, Mrs Coulter, Ms Foster, Sparks and C L
Woodall (Labour Group); Councillors Burt and Tyler (Liberal Democrat
Group); together with the Chief Executive and other officers.

OBSERVERS:

Councillors Finch, Mrs Aston and Vickers.

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MINUTES

RESOLVED

That the minutes of the special meeting held on 5th January,
2005, be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

Councillor Adams declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 15 (Liveability Fund – Improving Parks for People) in view of his involvement with the Friends of Mary Stevens Park.

Councillor Ali declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 15 (Liveability Fund – Improving Parks for People) in view of his attendance at Friends of the Parks meetings.

Councillor Mrs Coulter declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 15 (Liveability Fund – Improving Parks for People) in view of her attendance at Friends of Netherton Park.

Councillor Mrs Coulter declared a prejudicial interest, in accordance with the Members' Code of Conduct, in agenda item no. 7 (Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital) in view of her renting two Council garages.

Councillor Fraser-Macnamara declared a prejudicial interest, in accordance with the Members' Code of Conduct, in agenda item no. 12 (Integrated Mental Health and Social Care) in view of being the Company Secretary of Dudley MIND.

Councillor Jones declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 6 (Capital Programme Monitoring and Capital Programme 2005/06) in view of his governorship of Redhill School.

Councillor C L Woodall declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 15 (Liveability Fund – Improving Parks for People) in view of his Chairmanship of Green Park.

Councillor J Woodall declared a personal interest, in accordance with the Members' Code of Conduct, in agenda item no. 15 (Liveability Fund – Improving Parks for People) in view of his membership of the Friends of the Leasowes Park, Halesowen.

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CHANGE IN REPRESENTATION OF MINORITY GROUP MEMBERS

Apologies were submitted on behalf of Councillor G H Davies. It was noted that Councillor Mrs Coulter was serving as a representative of the Labour group in place of Councillor Davies for this meeting of Cabinet only.

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REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2005/06

The Cabinet considered a report of the Director of Finance on the Council's revenue budget strategy for 2005/06. The report contained recommendations to the Council on the deployment of General Fund revenue resources, various statutory calculations that the Council was required to make and the level of Council Tax to be levied for the period 1st April to 31st March, 2006 subject to the inclusion of the joint authority precepts. The Director of Finance reported on the proposed precepts from the West Midlands Police and Fire and Civil Defence Authorities.

The Cabinet noted that work was ongoing in relation to various issues raised by members and the Director of Finance would submit the final budget report to the Council on 7th March, 2005. Reference was made to the low public attendance figures at recent consultation meetings on the Council's budget and members commented on potential initiatives to encourage greater public involvement in future years.

RESOLVED that the Council be recommended:-

- (1) That the budget requirement for 2005/06 and the service allocations, as set out in Section 3.1 of the report, be approved.
- (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 2005/06 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, as shown in Appendix 3 of the report.
- (3) That, having calculated the aggregate in each case of the amounts in Appendix 3 of the report, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, agree the following levels of Council Tax for Dudley Council services for 2005/06:

VALUATION BANDS

A	B	C	D
£626.17	£730.53	£834.89	£939.25
E	F	G	H
£1147.97	£1356.70	£1565.42	£1878.50

plus the final amounts notified for the Police and Fire and Civil Defence Authority precepts.

- (4) That the Council remind the Chief Executive and Directors to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2005/06 budget, particularly in the context of commitments into later years.
- (5) That the Council authorise the Chief Executive and Directors to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.

CAPITAL PROGRAMME MONITORING AND CAPITAL PROGRAMME 2005/06

A joint report of the Chief Executive and the Director of Finance was submitted indicating progress on the implementation of the Capital Programme. Proposals were submitted regarding the allocation of capital resources for 2005/06 and certain amendments to the Capital Programme.

Consideration was given to the 'prudential indicators' as required by the CIPFA Prudential Code for capital finance in local authorities and the Local Government Act 2003.

RESOLVED

- (1) That the Council be recommended:-
 - (a) To earmark each Supported Capital Expenditure approval (SCE) to the relevant service, but with a particular emphasis on demonstrating appropriate prioritisation within service programmes, and within spend headings, as set out in paragraph 2.3.2 of the report.
 - (b) To earmark Housing capital receipts to be spent on Housing capital schemes as set out in paragraph 2.3.3 of the report.
 - (c) To approve the Private Sector Housing Investment Programme for 2004/05 as set out in paragraph 2.5.2 of the report.
 - (d) To agree that the Education capital resources and related schemes be included in the Capital Programme as appropriate, as set out in paragraph 2.6.5 of the report.
 - (e) To agree that, subject to the relevant element of the Revenue Budget Strategy being approved, the expenditure on Street Lighting Columns be included in the Capital Programme, as set out in paragraph 2.9.3 of the report.
 - (f) To agree that the Capital Programme be amended to reflect the increased costs of the Seven Sisters Mine Infilling, as set out in paragraph 2.11.1 of the report.

- (g) To approve the scheme to remove the remaining Glass Reinforced Cement Cladding at the Ryemarket Car Park and its inclusion in the Capital Programme, as set out in paragraph 2.11.2 of the report.
- (h) To agree that the scheme to improve security at Priory Hall be included in the Capital Programme at a cost of £210,000, being funded £50,000 from Risk Management resources, and £160,000 from resources generated by the disposal of surplus assets, as set out in paragraph 2.11.3 of the report.
- (i) To approve the scheme for the All Weather Football Pitch and Changing Rooms at Redhill School (subject to a bid for grant funding being successful) and its inclusion in the Capital Programme, as set out in paragraph 2.11.4 of the report.
- (j) To approve the scheme for the All Weather Football Pitch at The Coseley School (subject to a bid for grant funding being successful and to resources being available to meet the total cost) and its inclusion in the Capital Programme, as set out in paragraph 2.11.5 of the report.
- (k) To approve the Integrated Services Digital Network (ISDN) project and its inclusion in the Capital Programme, as set out in paragraph 2.11.6 of the report.
- (l) To approve the Benefits and Customer Access To Services (CATS) Telephony project and its inclusion in the Capital Programme, as set out in paragraph 2.11.7 of the report.
- (m) To approve 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 paragraph 2.14 and Appendix C of the report.

- (n) To note the urgent amendment to the Capital programme, as set out in paragraph 2.12 of the report; arising from the decision made by the Leader of the Council, in consultation with the Director of Finance, to approve the submission of an application to DEFRA for supported borrowing of £25,000 to purchase a particulate monitor to support the air quality monitoring programme in Dudley and to authorise the Director of the Urban Environment to accept any approval for supported borrowing and to include the approval in the Capital Programme.
- (2) That the bid for grant funding for the All Weather Football Pitch and Changing Rooms at Redhill School, as set out in paragraph 2.11.4 of the report, be approved.
- (3) That the bid for grant funding for the All Weather Football Pitch at The Coseley School, as set out in paragraph 2.11.5 of the report, be approved.
- (4) That the current progress with the 2004/05 Capital Programme, as set out in paragraph 2.1 and Appendix A to the report submitted to the meeting be noted.
- (5) 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 Cabinet and the Council named as Decision Taker)

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

The Cabinet considered a report of the Directors of Housing and Finance on the setting of the Housing Revenue Account budget for 2005/06 in the light of the latest government determinations for housing finance and the most recent spending and resource assumptions.

The officers presented a 3 year forecast of Housing Revenue Account and capital resources and the Cabinet considered setting a capital expenditure budget for the improvement and programmed maintenance of the Council's housing stock in 2005/06, 2006/07 and 2007/08.

Members made reference to the installation of smoke alarms and fire detection systems in schools and residential properties together with the likely financial implications. The Assistant Director of Housing indicated that the Council was working with West Midlands Fire Service regarding the installation of smoke alarms in housing accommodation in the Borough.

RESOLVED that the Council be recommended to:-

- (1) approve the Housing Revenue Account budget for 2005/6 outlined in Appendix 1 of the report;
- (2) note the forecast Housing Revenue Account and capital resources outlined in Appendix 2 of the report;
- (3) note the risks to the forecasts as outlined in Appendix 3 of the report;
- (4) note the prudential indicators set out in Appendix 4 of the report;
- (5) approve the public-sector housing revised capital budget for 2004/5 and capital budget for 2005/8 attached as Appendix 5 of the report;
- (6) authorise the Director of Housing, in consultation with the Cabinet Member for Housing, to manage the capital programme as outlined in 2.5.5 of the report;
- (7) authorise the Director of Housing, in consultation with the Cabinet Member for Housing, to procure and enter into contracts for the delivery of the capital programme, as outlined in 2.5.6 of the report.

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

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TRANSPORT CAPITAL SETTLEMENT AND PROPOSED HIGHWAYS CAPITAL PROGRAMME FOR 2005/06

The Cabinet considered a report of the Directors of Urban Environment and Finance on the allocation of monies from the Local Transport Plan (LTP) settlement for 2005/06. Consideration was given to the detailed Highways Capital Programme for 2005/06.

Members referred to the need for Directorates to liaise closely when undertaking the works set out in the report. The Director of Urban Environment was asked to clarify the reference to 'Cot Lane type facility' in Appendix 8 of the report.

RESOLVED that the Council be recommended:-

- (1) To welcome and note the Transport Capital Settlement for 2005/2006.
- (2) To approve the report and the allocation of Transport Capital Funding as set out in Appendix 1 of the report to the meeting
- (3) To approve the following:-
 - (a) The programmes identified in Appendix 1 and referred to in paragraphs 2.10 – 2.23 inclusive of the report and authorise the Director of the Urban Environment to implement them accordingly.
 - (b) The schemes and programming identified in Appendix 2 – Bridge Strengthening; and that advance work is undertaken on bridges not included in the current year
 - (c) The schemes and programming identified in Appendix 3 – Retaining Walls; that advance work is undertaken on walls not included in the current year and that the Cabinet Member for Transportation in consultation with the Director of the Urban Environment be authorised to bring construction work forward as funding permits.
 - (d) The schemes identified in Appendix 4 – Railway Road Vehicle Incursion; that design work is undertaken as resources permit, and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to bring forward construction as funding permits.
 - (e) The schemes identified in Appendix 5 – Upgrading of Parapets; that design work be undertaken as resources permit and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to bring forward construction as funding permits.
 - (f) The structural work identified in (a) to (d) above and various works in relation to Local Safety Schemes and Safe Routes to Schools be undertaken by the Council's Partnering contractor.

- (g) The schemes identified in appendix 6 – Bus Showcase; and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to undertake work in the light of consultation and as funding is made available.
- (h) That the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to make amendments to the programmes shown in Appendix 7, 8 and 9 in the light of consultation and the availability of funding.
- (i) The acquisition of land and property purchase associated with approved schemes as funding allows.
- (j) That the Director of the Urban Environment be authorised to initiate studies into future minor improvement schemes and progress the formulation of Demand Management initiatives including strategies for both car parking and highway improvements.
- (k) The West Midlands Capital Monitoring system as set out in the report.
- (l) That the Director of Law and Property continue to retain land in the Council’s ownership adjacent to the corridors previously identified within the West Midlands Area Multi Modal Study.
- (m) That the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to identify and, where appropriate, implement any remedial works to local safety schemes of a minor nature including the introduction of antiskid material and mobile speed camera sites as referred to in Paragraph 2.9.4.
- (n) That the Director of Law and Property in conjunction with the Director of the Urban Environment be authorised to commence property acquisition by negotiation or Compulsory Purchase procedures to facilitate programmes identified in the highway capital programme.

- (o) That to enable the Brierley Hill Scheme to be progressed finance up to £1.7m be made available from the Council's Capital resources to be paid back in full following the satisfactory resolution of statutory procedures and the release of Government capital support for the scheme.

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

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MEMBERSHIP OF COMMITTEES

A report of the Chief Executive was submitted on the action to be taken as a consequence of Councillor M Davis no longer being a member of the Liberal Democrat Group. The Council was required to review proportionality on Committees in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989.

RESOLVED

That the report be referred to the Council for consideration at its meeting on 28th February, 2005.

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CONFIDENTIAL REPORTING POLICY

The Cabinet considered a report of the Director of Law and Property monitoring the operation of the Council's Confidential Reporting Policy. The report, together with a proposed modification to the policy, had been considered by the Standards Committee on 14th December, 2004.

RESOLVED

- (1) That the Council be recommended to support the amendment of paragraph 3.1.2 of the Confidential Reporting Policy as follows:-

"The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or if you have reasonable grounds for believing that it is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service."

- (2) That consideration be given to amending the list of contacts under paragraph 7.5 of the policy to include an appropriate external contact (in consultation with the Bishop of Dudley) and a female contact (the Director of Social Services).

CORPORATE PARENTING STRATEGY

The Cabinet considered a report of the Director of Social Services on the Council's role and responsibilities as corporate parent and a strategy to meet these requirements.

In view of the role of the Council as a corporate body, all Directorates would need to be actively involved and aware of their responsibilities and requirements in relation to corporate parenting. The Director of Social Services reported that all Directorates were engaged in this work and were working closely to implement the requirements under the strategy. It was accepted that the wording of the strategy would need to be kept under review.

Officers noted the comments made by members relating to the system for obtaining Criminal Records Bureau checks. A member seminar would be held on corporate parenting and all members would be encouraged to attend in view of the corporate importance of this issue.

RESOLVED that the Council be recommended:-

- (1) To note its corporate parenting responsibilities as contained in legislation and associated guidance.
- (2) To agree the Corporate Parenting Strategy.
- (3) To approve a programme of work for the Corporate Parenting Champions Group based on the action plan contained in the Corporate Parenting Strategy.
- (4) To approve a Member seminar on corporate parenting.

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

INTEGRATED MENTAL HEALTH AND SOCIAL CARE

Further to the decision of the Executive on 17th March, 2004, the Cabinet considered the governance and financial arrangements for the Integrated Mental Health and Social Care Service. Consideration was given to the secondment of Dudley MBC employees working in Mental Health Services to the integrated Mental Health and Social Care Service.

The Leader indicated that consideration would be given to the issues raised in respect of the proposed elected member representation on the Executive Group referred to in paragraph 3.1.2 of the report. The Select Committee on Good Health would be included in the reporting arrangements set out in paragraph 3.1.3 of the report. A request was made for future reports with staffing implications to include details of consultation with trade unions.

RESOLVED

- (1) That, subject to the comments of members, as referred to above, the proposed reporting arrangements to Cabinet and Good Health Select Committee, as outlined in the report, be approved,
- (2) That the draft Partnership Agreement under Section 31 of the Health Act 1999 for lead commissioning and integrated provision be endorsed.
- (3) That the draft Secondment Agreement be approved.
- (4) That the financial arrangements underpinning the integrated Mental Health and Social Care Service be approved.

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DECLARATION OF AN AIR QUALITY MANAGEMENT AREA FOR SEDGLEY

The Cabinet considered a report of the Director of the Urban Environment on the declaration of an Air Quality Management Area (AQMA) in the centre of Sedgley. The proposal had been supported by the Select Committee on the Environment and the North Dudley Area Committee. In welcoming the report, members commented on the consideration of measures to deal with traffic congestion issues in Sedgley.

RESOLVED

That approval be given to the declaration of an Air Quality Management Area (AQMA) for the centre of Sedgley, as shown on the map in appendix 1 to the report.

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BLACK COUNTRY STUDY PROJECT PLAN AND OUTCOMES FOR BLACK COUNTRY III

The Cabinet considered a report of the Director of the Urban Environment on the project plan for the Black Country Study as part of the formal revision process for the Regional Spatial Strategy. The report included details of the outcomes from the Black Country III event held on 11th – 12th October, 2004.

Members commented on the need for full consideration to be given to the implications for the Council's existing policies, plans and strategies with a view to considering amendments where necessary. Officers undertook to check the inclusion of the document on the website for the Black Country Consortium.

The Cabinet welcomed the report and recognised the importance of the document to the future of the Black Country area. There was a need for joint, collaborative and partnership working between all the stakeholders involved. A launch event was scheduled for 22nd February, 2005 and the Leader undertook to consider the organisation of a seminar for members of the Council.

RESOLVED

- (1) That the Council be recommended to endorse the Project Plan for the Black Country Study and to endorse the outcomes of the Black Country III event held in October 2004.
- (2) That the Leader consider the organisation of a seminar for members of the Council.

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

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LIVEABILITY PROJECT – IMPROVEMENT OF PARKS FOR PEOPLE – ALLOCATION OF FUNDING

The Cabinet considered a report of the Director of the Urban Environment on the allocation of £2.1m for physical improvements to parks through the Liveability Project and an update on the implementation of the project.

Reference was made to a petition submitted to the Central Dudley Area Committee on 8th February, 2005 in relation to Buffery Park. This was referred to the Cabinet Member for Leisure.

Members commented on the need to ensure that investment in parks was sustainable over a period of time. The effects of the investment needed to be properly measured and it was important that tangible outcomes were identified. There was a need to ensure appropriate levels of flexibility within the proposals and to include scope for review in the medium term. Reference was made to the need to ensure that procedures were adopted to monitor expenditure by Friends of Parks groups.

The Cabinet Member for Leisure responded to the above points and noted comments made regarding the practical operation of the appeals process.

RESOLVED

- (1) That the proposed mechanism for allocation of physical improvements funding through the Liveability Project, as set out in the report, be approved.
 - (2) That the Cabinet Member for Leisure be authorised to consider appeals from Friends of Parks Groups on their categorisation within the parks designations as detailed in the report.
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ISSUES ARISING FROM SELECT COMMITTEES (IF ANY)

No issues were raised under this item.

The meeting ended at 7.58 pm.

LEADER OF THE COUNCIL