

MEETING OF THE CABINET

Wednesday, 8th February, 2006 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, Miller,
Mrs Millward and Vickers; together with the following Minority Group
Members nominated to attend meetings of the Cabinet: Councillors Ali,
G.H. Davies, Mrs Ridley, Sparks and C.L. Woodall (Labour Group);
and Councillor Tyler (Liberal Democrat Group).

OBSERVER:-

Councillor Mrs Coulter.

OFFICERS:-

The Chief Executive, Director of Finance, Director of Law and Property,
Director of Children's Services, Director of Adult, Community and
Housing Services, Director of the Urban Environment, Head of
Personnel and Support Services, Assistant Director (Adult Care
Services), Assistant Director of Housing (Building Services), General
Manager (Planning), Head of Engineering, Head of Priority
Neighbourhoods Initiative and the Democratic Services Manager.

ALSO IN ATTENDANCE

Mr. J. Gregory (District Auditor) and Messrs. J. Elsbey and S Turner -
Audit Commission; Councillor D Williams - Audit Commission CPA
Inspection Team.

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COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA) – VISIT BY INSPECTION TEAM

The Leader welcomed Councillor David Williams to the meeting who
was attending, in an observer capacity, as a Member of the Audit
Commission's CPA Inspection Team.

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ROYAL TOWN PLANNING INSTITUTE – YOUNG PLANNER OF THE YEAR

The Leader announced that Helen Brookes-Martin (Directorate of the
Urban Environment) had been named as the Young Planner of the
Year by the Royal Town Planning Institute. The Cabinet congratulated
Mrs. Brookes-Martin and the Leader presented her with a certificate to
recognise this achievement.

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MINUTES

RESOLVED

That the minutes of the special Meeting of the Cabinet held on 10th January, 2006, be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

Councillor Caunt declared a personal interest in Agenda Item No. 10 (Remodelling of Council Services) as his daughter was employed by the gas contractor referred to in the report.

The Chief Executive recorded personal and prejudicial interests on behalf of relevant officers in respect of Agenda Item No. 14 (Scale of Fees and Expenses for Borough Council elections).

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crumpton, Ms. Foster, Mrs Martin, Mrs Patrick and Mrs Shakespeare.

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CHANGE IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Mrs. Ridney was attending as a minority group representative in place of Councillor Ms. Foster for this meeting of the Cabinet only.

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LOCAL TRANSPORT PLAN 2005/06 TO 2010/11

With reference to Minute No. 33 of the meeting of the Council held on 18th July, 2005, the Cabinet considered a report on the Local Transport Plan (LTP2) submission for the funding of West Midlands transport initiatives for the period to 2011.

The Cabinet Member for Transportation undertook to give a written response to Councillor Ali on the points raised concerning proposals for achieving specific targets in the accessibility strategy as part of LTP2. The Cabinet Member noted and responded to specific comments made at the meeting, including the need to continue with effective representations on behalf of Dudley MBC concerning Quality Bus Networks and services and the ongoing need to evaluate and report on the effectiveness and benefits of Safer Routes to Schools projects.

RESOLVED

- (1) That the Council be recommended to approve the Local Transport Plan (LTP2) for submission to the Government;
- (2) That the action taken by the Leader of the Council, to approve the West Midlands Transport Innovation Fund Bid, be confirmed.

(This was a key decision with the Cabinet and Council named as the Decision Takers).

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TRANSPORT CAPITAL SETTLEMENT AND PROPOSED HIGHWAYS CAPITAL PROGRAMME FOR 2006/07

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 2006/07. Consideration was given to the detailed Highways Capital Programme for 2006/07.

In addition to the recommendations in the report, the Cabinet Member for Transportation proposed the inclusion of an additional scheme for Hagley Road and New Road, Stourbridge in the programme for 2006/07. The Cabinet Member undertook to give a written response to Councillor Sparks on the requested information relating to the proposed additional scheme.

The Cabinet Member also noted various issues raised concerning Oakham Road/Dixons Green, Blackacre Road and Buffery Road and indicated that these matters would be investigated further.

RESOLVED

- (1) That the Transport Capital Settlement for 2006/2007 be noted.
- (2) That the Council be recommended:-
 - (a) To approve the report and the allocation of Transport Capital Funding as set out in Appendix 1 of the report.
 - (b) To approve the following:-
 - (i) The schemes identified in Appendix 2 of the report – Bridge Strengthening and that advance work be undertaken on bridges not included in the current year.

- (ii) The structural schemes indicated in Appendix 3 – Retaining Walls, Appendix 4 – Upgrading Approaches and Appendix 5 – Upgrading of Parapets; that advance work be undertaken on highway structures not included in the current year; that the Director of the Urban Environment be authorised to bring forward construction work as funding permits in respect of the schemes identified and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to consider urgent work on walls not included in the appendix.
- (iii) The scheme to relight Cinder Bank and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to approve the programme of Street Lighting improvement and the programme of Highway Maintenance as set out in the report.
- (iv) The Bus Showcase schemes identified in Appendix 6 of the report and that the Director of the Urban Environment be authorised to undertake work on bus showcase schemes as funding is made available.
- (v) The work identified at King Street, as set out in the report; the schemes identified in Appendix 7 – Local Safety Schemes, subject to the inclusion of an additional scheme for Hagley Road and New Road, Stourbridge in 2006/07; Appendix 8 – Proposed Safer Routes to School; Appendix 9 – Pedestrian Crossing Programme; and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (vi) That the Director of Law and Property, in conjunction with the Director of the Urban Environment, be authorised to acquire land and property associated with approved schemes as funding allows.
- (vii) That the Director of the Urban Environment continue to progress the highway improvement programme associated with outcomes from the Black Country Study and regeneration initiatives as set out in the report.

- (viii) That the Director of the Urban Environment support demand management as part of the West Midlands Transportation Innovation Fund Study and that a further report be submitted in due course.
- (ix) 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.
- (x) 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, the introduction of antiskid material and provision of variable speed message signs and mobile speed camera sites as set out in the report.
- (xi) That to enable the Brierley Hill Sustainable Access Network Scheme to be progressed, finance up to £2.1m 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.
- (xii) That the funding bid of £8.5m, included in the Regional Prioritisation for the Brierley Hill Scheme, be confirmed.
- (xiii) The development of a bus quality network for Brierley Hill.

(This was a key decision with the Cabinet and Council named as the Decision Takers).

APPROVAL FOR PUBLIC CONSULTATION OF THE DRAFT SUPPLEMENTARY PLANNING DOCUMENTS (SPDS) FOR NATURE CONSERVATION AND THE HISTORIC ENVIRONMENT

The Cabinet considered a report of the Director of the Urban Environment on draft Supplementary Planning Documents on the Historic Environment and Nature Conservation. The documents were programmed for public consultation from 20th February to 31st March, 2006.

Various detailed comments and observations were made at the meeting, including:-

- Further consideration to be given to the use of the term 'dynamic communities' and particular implications for the regeneration of communities.
- The need for a more detailed map of the significant watercourses and hydrological networks in the Borough.
- An explanatory note required for the term "fulling".
- Qualification was required of the population figure for 1801 (intended to be the combined population of the whole Borough).
- Further consideration to be given to the wording of the paragraphs relating to the Post Industrial Landscape.
- Clarification of references to the Township of Amblecote.
- Clarification of references to Coseley Corner.
- Further consideration to be given to the wording of the Section on bat populations in Dudley and, in particular, qualification of the reference to proposed developments requiring special scrutiny.
- Amendment required to the reference relating to the Black Redstart having bred in Birmingham in 1943.
- Further clarification required of the references in the document to the reported presence of Otters in the Borough.

The Cabinet Member for Economic Regeneration responded verbally to issues raised at the meeting and undertook to provide a written response to Councillor Sparks on a number of points where further information was required.

RESOLVED

- (1) That, subject to the comments referred to above, the Director of the Urban Environment issue the two draft Supplementary Planning Documents for public consultation.
- (2) That following public consultation and amendments, the Supplementary Planning Documents be submitted for approval and adoption in July 2006.

The Cabinet received a report on the annual audit and inspection letter from the Council's external auditors, the Audit Commission.

The District Auditor, Mr J Gregory, together with colleagues from the Audit Commission, attended the meeting and addressed the Cabinet on the conclusions and significant issues arising from the 2004/05 audit and inspection programme.

In response to a question regarding cultural services, the Cabinet Member for Leisure reported on the arrangements for and progress towards the development of a cultural strategy for the Borough.

Members commented on various issues arising from the annual audit and inspection letter and thanked the representatives of the external auditors for their report.

RESOLVED

That the contents of the Annual Audit and Inspection Letter from the Audit Commission, together with the views of the Auditor, be noted.

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REPORT ON PROGRESS IN DEVELOPING A STRATEGY FOR OLDER PEOPLE IN DUDLEY

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the development of a strategy for older people. The publication of the Older People's Strategy would support and complement the Dudley Community Strategy and the Council Plan.

Members received and welcomed the report and commented on issues associated with the introduction of the strategy document.

RESOLVED

- (1) That, subject to minor editorial amendments, the draft strategy for Older People be endorsed and that a publication launch be held at the third Older People's Consultation Conference in April 2006.
- (2) That the actions for the Council within the strategy document be endorsed for incorporation into respective Directorate Strategic Plans.

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

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REMODELLING OF COUNCIL SERVICES

The Cabinet considered a report of the Director of Adult, Community and Housing Services and the Director of Children's Services on the progress made concerning the re-modelling of Council Services, particularly in relation to the establishment of the new Directorates of Adult, Community and Housing Services and Children's Services.

The report sought approval of the outline operational and business support functional structures relating to the Directorate of Adult, Community and Housing Services and for the Director of Adult, Community and Housing Services, in conjunction with appropriate Cabinet Members, to take the necessary actions to progress the establishment of the new Directorate by April, 2006.

RESOLVED

- (1) That the progress identified in the report on establishing the Children's and Adult, Community and Housing Services Directorates be endorsed.
- (2) That the proposed outline management structure for the Directorate of Adult, Community and Housing Services, as identified in Appendix 1 to the report, be approved.
- (3) That the functional structure proposed for the delivery of Business Services within the new Directorates, as identified in Appendix 2 to the report, be approved.
- (4) That the Director of Adult, Community and Housing Services in conjunction with the relevant Cabinet Members and officers, be authorised to implement all relevant Council employment procedures and practices necessary to establish the new Directorate in line with the principles identified within the report.
- (5) That the position of the specific post-holders referred to in the report be the subject of consideration in the report submitted in the private session of this meeting.

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

The Cabinet considered a report of the Chief Executive and the Director of Finance on the Council's revenue budget strategy for 2006/07. 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, 2006 to 31st March, 2007 subject to the inclusion of the joint authority precepts.

RESOLVED that the Council be recommended:-

- (1) That the budget requirement for 2006/07 and the service allocations, as set out in paragraph 13 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 2006/07 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, as shown in Appendix 2 of the report.
- (3) That, having calculated the aggregate in each case of the amounts in Appendix 2 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 2006/07:

VALUATION BANDS

A	B	C	D
£641.69	£748.64	£855.58	£962.53
E	F	G	H
£1,176.43	£1,390.32	£1,604.22	£1,925.06

plus the amounts to be notified for the Police and Fire and Rescue 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 2006/07 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.
- (6) That the provisional Annual Efficiency Statement as set out in Attachment A to the report be noted.
- (7) That the Medium Term Financial Strategy, as set out as Attachment B to the report, be approved.

(This was a key decision with the Cabinet and Council named as the Decision Takers).

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

The Cabinet considered a report of the Director of Adult, Community and Housing Services and the Director of Finance on 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 report also recommended a rent increase for garages, the setting of a capital expenditure budget for the improvement and programmed maintenance of the Council's housing stock in 2006/07, 2007/08 and 2008/09 and a review of the medium-term financial strategy for the Housing Revenue Account and Public Sector Housing Capital.

RESOLVED that the Council be recommended to:-

- (1) Approve the Housing Revenue Account budget for 2006/07 outlined in Appendix 1 of the report.
- (2) Approve a rent of £4.00 per week for garages in the Dudley area, with effect from 5th June, 2006, and further borrowing of £236,000 earmarked for investment in garage sites in the Dudley area as outlined in paragraph 8 of the report.
- (3) Approve the public-sector housing revised capital budget for 2005/06 and capital budget for 2006/07 to 2008/09 attached as Appendix 2 to the report.
- (4) Authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, to manage the capital programme as outlined in paragraph 13 of the report.
- (5) 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 14 of the report.
- (6) Approve the extension of contracts for level access showers and access ramps as outlined in paragraph 15 of the report.
- (7) Approve the medium term financial strategy set out in Appendix 4 to the report.

(This was a key decision with the Cabinet and Council named as the Decision Takers).

**CAPITAL PROGRAMME MONITORING AND CAPITAL
PROGRAMME 2006/07**

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 2006/07 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 current progress with the 2005/06 Capital Programme, as set out in paragraph 2 and appendix A to the report be noted.
- (2) That the results of the Post Completion Reviews of capital projects, as set out in Appendix B to the report, be noted.
- (3) That the Council be recommended:-
 - (a) That each Supported Capital Expenditure (SCE) be earmarked 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 13 of the report.
 - (b) That Housing capital receipts be earmarked to be spent on Housing capital schemes, as set out in paragraph 14 of the report.
 - (c) That the Private Sector Housing Investment Programme for 2006/07 be approved, as set out in paragraph 19 of the report.
 - (d) That the Education capital resources and related schemes be included in the Capital Programme as appropriate, as set out in paragraphs 20-21 of the report.
 - (e) That the items of Social Services capital expenditure be approved and included in the Capital Programme, as set out in paragraphs 25-26 of the report.

- (f) 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 paragraph 30 of the report.
- (g) That the grant towards affordable housing at Stocking Street be approved and included in the Capital Programme, as set out in paragraph 34 of the report.
- (h) That the Section 106 funded expenditure on Lye Local Centre be included in the Capital Programme, as set out in paragraph 35 of the report.
- (i) That the expenditure to extend the children's play area at Mary Stevens Park be approved and included in the Capital Programme, as set out in paragraph 36 of the report.
- (j) That the expenditure on seating at Buffery Park be approved and included in the Capital Programme, as set out in paragraph 37 of the report.
- (k) That the replacement of doors at the Lister Road Transport Maintenance Workshops be approved and included in the Capital Programme, as set out in paragraph 38 of the report.
- (l) That the Car Park Improvements be approved and included in the Capital Programme, as set out in paragraph 39 of the report.
- (m) That the project to install a Pedestrian Crossing on Stourbridge Ring Road be approved and included in the Capital Programme, as set out in paragraph 40 of the report.
- (n) That any Children's Play Initiative projects of a capital nature be included in the Capital Programme, as set out in paragraph 41 of the report.
- (o) That subject to funding being available, the project for a Wind Turbine at the Robert Street School Environment Zone be approved and included in the Capital Programme, as set out in paragraph 42 of the report.

- (p) That the expenditure on a Corporate Booking System and its inclusion in the Capital Programme be approved, as set out in paragraph 43 of the report.
- (q) That the urgent amendment to the Capital Programme relating to Lye Children's Centre, as set out in paragraph 44 of the report, be noted.
- (r) 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 as set out in Appendix C to the report.

(This was a key decision with the Cabinet and Council named as the Decision Takers).

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SCALE OF FEES AND EXPENSES FOR BOROUGH COUNCIL ELECTIONS

The Cabinet considered a report of the Chief Executive on a review of the scale of fees and expenses for staff employed in connection with the conduct of Borough Council elections. The review took account of legislative changes to extend local election polling hours to correspond with Parliamentary election hours and associated problems being encountered with the recruitment and retention of staff for election duties.

The revised scale of fees was based on the fees paid at the Parliamentary elections in May, 2005 as recommended by the Electoral Policy Division of the Department of Constitutional Affairs.

RESOLVED

That the Scale of Fees and Expenses as contained in Appendix 'A' to the report be approved with effect for all local elections held after 1st April, 2006.

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NEIGHBOURHOOD MANAGEMENT ANNUAL REPORT

The Cabinet considered a report of the Chief Executive on the neighbourhood management annual report, which highlighted examples of good practice and the achievements of the neighbourhood management team and its partners to engage people in communities and to address local disadvantage across the Borough.

The annual report had been compiled to illustrate the neighbourhood management approach and the team's work to promote the understanding of the role of neighbourhood management and activities undertaken during the past year.

The Leader responded to specific issues raised at the meeting, including revised funding arrangements, and concerns expressed relating to the transfer of resources from individual wards.

RESOLVED

- (1) That the neighbourhood management annual report be noted.
- (2) That Directorates consider how they can reflect their contribution to the neighbourhood management approach within Directorate plans.
- (3) That the contribution of neighbourhood management to the local implementation of services and strategies be recognised.

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DUDLEY AREA DEVELOPMENT FRAMEWORK: CAVENDISH QUARTER – COMPULSORY PURCHASE POWERS

The Cabinet considered a report of the Directors of the Urban Environment and Law and Property on the use of compulsory purchase powers, if necessary, to facilitate the implementation of the Dudley Town Centre Area Development Framework (ADF) vision for the Cavendish Quarter and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order (CPO) by agreement.

RESOLVED

- (1) That subject to English Partnerships or their development partner entering into a suitable indemnity agreement to cover any costs incurred, the Council makes a Compulsory Purchase Order(s) under Section 226 (1) (a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land shown on the Plan attached to the report, or the acquisition of new rights, for the purpose of securing mixed use development including, office, residential, leisure, ancillary retail and car parking in accordance with the proposals more fully described in the Dudley Town Centre Area Development Framework.

- (2) That the Director of Law and Property, in consultation with the Cabinet Member for Economic Regeneration, be authorised to:-
- (a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - (b) acquire interests in land and new rights within the Compulsory Purchase Order(s) either by agreements or compulsorily; and
 - (c) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
- (3) That the Director of Law and Property be authorised to negotiate and complete any undertakings with English Partnerships regarding costs and any required development agreement(s) prior to the making of any Order(s).

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ISSUES ARISING FROM SELECT COMMITTEES

There were no issues arising from Select Committees.

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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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A of that Act, in particular the paragraph of Part 1 of that Schedule indicated below:-

<u>Agenda Item No</u>	<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
19	Remodelling of Council Services – Voluntary Severance.	1

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REMODELLING OF COUNCIL SERVICES – VOLUNTARY SEVERANCE

Arising from Minute No. 117 above (Remodelling of Council Services), the Director of Adult, Community and Housing Services submitted a report on two applications received for voluntary severance.

Prior to consideration of the recommendations, the Leader gave notice that the application relating to one of the post holders concerned (SF) would be withdrawn from consideration at this meeting.

RESOLVED

That the application for voluntary severance in respect of the post of Personal Assistant to the Director of Social Services (CB) be approved.

The meeting ended at 7.45 p.m.

LEADER OF THE COUNCIL