

MEETING OF THE CABINET

Wednesday, 13th December, 2006 at 6.00 p.m.
in the Council Chamber at the Council House, Dudley

PRESENT:-

Councillor Caunt (Leader - Chairman);
Councillors Adams, Evans, Fraser-Macnamara, Knowles, Mrs. Martin,
Miller, Mrs. Millward and Mrs. Walker.

Opposition Group Members nominated to attend meetings of the
Cabinet: Councillors Ali, G.H. Davies, Lowe, Mrs. Ridley, Tomkinson
and Waltho (Labour Group); and Councillor Tyler (Liberal Democrat
Group).

OFFICERS:-

The Director of Law and Property, the Director of Adult, Community
and Housing Services, the Director of Children's Services, the Director
of the Urban Environment, the Director of Finance, Head of Personnel
and Support Services, together with Democratic Services Manager and
other Officers.

72

APOLOGIES FOR ABSENCE

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

73

CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillors Lowe, Tomkinson and Waltho were
serving in place of Councillors Ms Partridge, Ms Foster and Sparks
respectively as a member of the Labour Group nominated to attend
meetings of the Cabinet, for this meeting only.

74

DECLARATIONS OF INTEREST

Councillor Mrs Ridley declared a personal interest in agenda item 7
(The Dudley Play Strategy) as she is the Chair of the Coseley School,
referred to in the appendices to the report submitted.

75

MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 1st and 23rd November, 2006, be approved as correct records and signed.

76

ADULT SOCIAL CARE – ANNUAL REVIEW OF PERFORMANCE BY COMMISSION FOR SOCIAL CARE INSPECTION

A report of the Director of Adult, Community and Housing Services was submitted on the Three Star-rating awarded to the Directorate of Adult, Community and Housing Services Directorate Adult Social Services. A copy of the letter from the Commission for Social Care Inspection dated 22nd October, 2006, indicating the award of three stars was attached as an Appendix, to the report submitted together with a copy of Part 1 of the Commission's final Record of Performance Assessment for Adult Social Care 2005-06.

The Cabinet congratulated the Directorate on achieving the three star rating.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on the award of three stars to the Directorate of Adult, Community and Housing Services Directorate Adult Social Services, be noted as evidence of further improved performance of the Adult Social Services within the Directorate of Adult, Community and Housing Services.

77

BENEFIT FRAUD INSPECTORATE (BFI) INSPECTION REPORT ON DUDLEY METROPOLITAN BOROUGH COUNCIL

A report of the Director of Finance was submitted on the outcome of the recent BFI Inspection of the Council's Benefit Services and on details of the Benefit Services score as part of the 2006 Corporate Performance Assessment (CPA) process.

The Cabinet expressed thanks to everyone concerned on the excellent outcome of the Inspection.

RESOLVED

That the information contained in the report, on the excellent outcome of the recent Benefit Fraud Inspectorate inspection of the Council's Benefit Services and on the Benefit Services score as part of the 2006 Corporate Performance Assessment process, be noted.

78

THE DUDLEY PLAY STRATEGY

A report of the Director of Children's Services was submitted on the draft manifesto, policy and intended outcomes for the Children's Play Initiative in Dudley. It was noted that the Dudley Play Strategy would be submitted to the Big Lottery Fund in March, 2007, as part of the national £155 million Children's Play Initiative.

RESOLVED

- (1) That the Manifesto for Children's Play in Dudley, the Policy for Children's Play in Dudley, the Rationale and Scope of the Policy and the portfolio of prioritised projects, as set out in Appendices 1, 2, 3 and 4 of the report submitted, in respect of the Dudley Play Strategy be endorsed and that the information set out in Appendix 5 to the report submitted, on Local Performance Indicator LIB115, be noted.
 - (2) That the £690,321 Big Lottery Fund award for children's play and work with the voluntary and community sector so as to achieve the contracted outcomes be accepted.
 - (3) That the Director of Children's Services, working with the Director of the Urban Environment be responsible for implementing the programme.
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79

CORPORATE PROPERTY POLICY: 2005-2009

A report of the Director of Law and Property was submitted on the revised Corporate Property Policy 2005-2009.

RESOLVED

That the draft Corporate Property Policy 2005-2009 be approved.

DUDLEY AREA DEVELOPMENT FRAMEWORK: CAVENDISH
QUARTER COMPULSORY PURCHASE POWERS

A joint report of the Director of the Urban Environment and the Director of Law and Property was submitted on a proposal to extend the current resolution to use compulsory purchase powers to include premises in Hall Street and Trindle Road so as to facilitate the implementation of the Dudley Town Centre Area Development Framework for the Cavendish Quarter and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order by agreement. The additional properties in Hall Street and Trindle Road were indicated on a plan attached as Appendix 1 to the report submitted.

RESOLVED

- (1) That, subject to English Partnerships or their development partner entering into a suitable indemnity agreement to cover any costs incurred, the Council make 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 as Appendix 1 to the report submitted, 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:-
 - (i) 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;
 - (ii) Acquire interests in land and new rights within the Compulsory Purchase Order(s) either by agreement or compulsorily; and

(iii) Approve agreements with landowners 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).

81

INVESTING IN THE FUTURE – TRANSFORMING SECONDARY EDUCATION

A report of the Director of Children’s Services was submitted on the progress to date in preparing for inclusion in the national Building Schools for the Future Programme and the next stage.

RESOLVED

That the information contained in the report submitted, on the progress to date in preparing for inclusion in the national Building Schools for the Future Programme and the next stage, be endorsed and that the Director of Children’s Services be authorised to further develop the Transforming Secondary Education Strategy.

82

THE GREEN PAPER “CARE MATTERS”

A report of the Director of Children’s Services was submitted on the key elements of the Green Paper “Care Matters” and on the basis of a response. It was noted that children and young people were consulted extensively during the preparation of the Green Paper and their views were set out in Annex A to the report submitted.

RESOLVED

That the Director of Children’s Services be authorised to prepare a formal response, in consultation with the Cabinet Member for Children’s Services, in line with the analysis set out at paragraph 14 of the report submitted and that the Director of Children’s Services arrange for the response to be published in a form suitable for children and young people.

83

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Director of Finance was submitted on the update of the Council's Capital Strategy following consideration by the Council's Select Committees.

Arising from the consideration given to this matter by Select Committees, the Cabinet noted the issues raised by the Select Committee on Health and Adult Social Care as indicated in paragraph 5 of the report submitted.

RESOLVED

That the Council be recommended to approve the Capital Strategy 2006-2011 attached as an appendix to the report submitted.

84

PROVISIONAL REVENUE SUPPORT GRANT SETTLEMENT,
2007/08

A report of the Director of Finance was submitted on details of the provisional Revenue Support Grant Settlement for 2007/08 and on a proposed appropriate response.

RESOLVED

That the information contained in the report submitted, on details of the provisional Revenue Support Grant Settlement for 2007/08, be noted and that the Director of Finance, in consultation with the Cabinet Member for Finance, be authorised to make an appropriate response along the following lines:-

Reiterating disappointment that the damping mechanisms applied to the Revenue Support Grant Formula are continuing to significantly restrict the level of resources available to the Council.

Expressing concern that despite growing pressure on Councils, particularly in the areas of Care of Children and Adults, and Waste Recycling and Disposal, no additional resources have been allocated by the Government, with the result that the burden will fall wholly on Council Tax payers.

85 QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Management Report for 2006/07, relating to performance for the period 1st July, 2006 to 30th September, 2006.

RESOLVED

That the Quarterly Corporate Performance Management Report for the second quarter relating to performance for the period 1st July, 2006 to 30th September, 2006, be received and approved and that the information contained within the second Quarterly Corporate Performance Management Report for 2006/07 be referred to Select Committees to consider specific issues within their terms of reference.

86 RECOMMENDATIONS FROM CENTRAL DUDLEY AREA COMMITTEE

A report of the Director of Law and Property was submitted on recommendations made at a meeting of Central Dudley Area Committee held on 7th November, 2006, relating to the North Priory Regeneration Scheme and ward member involvement in consultation on major schemes within their wards.

RESOLVED

That the content of the recommendations made at a meeting of Central Dudley Area Committee held on 7th November, 2006, in relation to the North Priory Regeneration Scheme and ward member involvement in consultation on major schemes within their wards be received and noted.

87 ANNUAL REPORT ON PROCUREMENT

A report of the Director of Finance was submitted on progress against the National Procurement Strategy, the Council's Procurement Strategy and Audit Commission recommendations in 2005. The progress achieved against 2004, 2005 and 2006 National Procurement Strategy Targets was set out in Appendix A to the report submitted.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on progress against the National Procurement Strategy, the Council's Procurement Strategy and Audit Commission recommendations in 2005, be noted and endorsed, together with the Government's priorities for procurement in local government for 2007/08.

88

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted on progress with the implementation of the Capital Programme.

RESOLVED

- (1) That the current progress with the 2006/07 Capital Programme, as set out in paragraph 2 and Appendix A to the report submitted, be noted.
- (2) That the results of the Post Completion Review of capital projects in respect of the following schemes, as set out in Appendix B to the report submitted, be noted:-

Cavity Wall Insulation Programme, 2004/05/06

Gas Fired Central Heating – Borough Wide, 2005/06

Gas Fired Central Heating to Void Properties – 2005/06

Leasowes Park – Breaches Pool – Outflow Replacement

Gawne Lane Bridge Strengthening

Ryemarket Multi-Storey Car Park Resurfacing Levels 1, 1a, 5 and 5a.

89

EMPLOYMENT EQUALITY (AGE) REGULATIONS, 2006

A report of the Head of Personnel and Support Services was submitted on the Council's response to the Employment Equality (Age) Regulations, 2006.

RESOLVED

That approval be given to the increase of the Council's default retirement age from 65 to 70 and that in the case of school based staff it would be for the governing body to adopt these arrangements as they see fit.

90

A458 BETWEEN HALESOWEN AND STOURBRIDGE – TRAFFIC MANAGEMENT MEASURES

A report of the Director of the Urban Environment was submitted on a proposal to undertake route appraisal and evaluate detailed solutions associated with the Red Route along the A458, and for it to be included in the West Midlands Phase 2 Red Route Programme Submission to the Department for Transport.

RESOLVED

- (1) That approval be given to the inclusion of the A458 route, and to its subsequent consideration, in the West Midlands Phase 2 Red Route package to be submitted to the Department for Transport.
 - (2) That it be noted that if selected as a route to be included in Phase 2 the Council would be committed to its introduction as part of its overall policy to improve conditions for the travelling public.
 - (3) That the Director of the Urban Environment be requested to submit a further report on progress with the Phase 2 Red Routes submission and the Consultation Strategy to be adopted.
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91

ISSUES ARISING FROM SELECT COMMITTEES

There were no issues arising from Select Committees.

92

EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that:-

- (a) they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated below; and
- (b) in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Item</u>	<u>Paragraph No.</u>
Dudley Local Improvement Financial Trust	3
Dudley Area Development Framework – Cavendish Quarter Compulsory Purchase Powers	3
Termination of Contract on the Grounds of Redundancy – PP	1
Termination of Contract on the Grounds of Redundancy – BH	1
Request for Voluntary Severance – JW	1

DUDLEY LOCAL IMPROVEMENT FINANCE TRUST (LIFT)

A joint report of the Chief Executive, Director of Adult, Community and Housing Services and Director of Finance was submitted on progress with the LIFT project and in respect of proposals to secure the procurement and completion of the new Health and Social Care Centre at Brierley Hill.

RESOLVED

- (1) That approval be given for the Council to enter into a Strategic Partnering Agreement, subject to the execution of a Deed of Accession on a non-exclusive basis.
- (2) That the Director of Law and Property, following consultation with the Director of Adult, Community and Housing Services and Director of Finance, be authorised to:-

- (i) Negotiate, finalise, agree and execute the Deed of Accession to the Strategic Partnering Agreement with Dudley Primary Care Trust and Dudley LIFT Co; and
 - (ii) Finalise, agree and execute on behalf of the Council the Lease Plus Agreement for the Brierley Hill Centre, together with any additional agreements deemed necessary by him to enable this project to be completed.
- (3) That the Director of Finance be authorised to issue any certificates under the Local Authorities (Contracts) Act, 1997 (if required) in relation to any of the documents set out in paragraphs 15 to 19 of the report submitted.
- (4) That the Director of Finance be indemnified, in accordance with the form of indemnity set out in Appendix 1 to the report submitted and that the form of indemnity also apply to the Chief Executive, Director of Law and Property and Director of Adult, Community and Housing Services.

94

DUDLEY AREA DEVELOPMENT FRAMEWORK: CAVENDISH QUARTER COMPULSORY PURCHASE POWERS

A joint report of the Director of the Urban Environment and the Director of Law and Property was submitted on proposed funding arrangements and the transfer of land in respect of the proposed Cavendish Quarter Development Site in Dudley Town Centre. Details in respect of the proposed project were indicated on the plan attached as Appendix A to the report submitted.

It was also noted that the Cabinet had, earlier in the meeting, approved proposals to seek Compulsory Purchase Powers for the defined English Partnerships development area for the Cavendish Quarter Opportunity Site.

RESOLVED

- (1) That, subject to English Partnerships executive approval to support the Cavendish Quarter Project, the Council be recommended to accept the offer of funding and enter into a joint venture agreement.

- (2) That, as part of the joint venture agreement, the Director of Law and Property be authorised to transfer Council-owned land to the selected developer or joint venture body in return for a share of any generated development profits or other development gains.
 - (3) That the proposals be approved in conjunction with the decisions set out in Minute No.79 above.
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95 TERMINATION OF CONTRACT ON GROUNDS OF REDUNDANCY – PP

A report of the Director of Adult, Community and Housing Services was submitted on a proposal to terminate the contract of employment of PP from the Directorate of Adult, Community and Housing Services.

RESOLVED

That approval be given to the termination of the contract of PP from the Directorate of Adult, Community and Housing Services on the grounds of redundancy.

96 TERMINATION OF CONTRACT ON GROUNDS OF REDUNDANCY – BH

A report of the Chief Executive was submitted on a proposal to terminate the contract of employment of BH from the Chief Executive's Directorate.

RESOLVED

That approval be given to the termination of the contract of employment of BH from the Chief Executive's Directorate on the grounds of redundancy.

97 REQUEST FOR VOLUNTARY SEVERANCE – JW

A report of the Director of the Urban Environment was submitted on a request for voluntary severance made by JW from the Directorate of the Urban Environment.

RESOLVED

That approval be given to the request for voluntary severance made by JW from the Directorate of the Urban Environment.

At the conclusion of the meeting, the Leader wished everyone a Merry Christmas and a Happy New Year.

The meeting ended at 7.15 p.m.

CHAIRMAN