

MEETING OF THE CABINET

Wednesday, 18th March, 2009 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Caunt (Leader of the Council) (Chairman)
Councillor Mrs. Millward (Deputy Leader)
Councillors Adams, Evans, Knowles, Miller, 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. Foster, Mottram, Ms. Partridge, Mrs.
Ridney (Labour Group)

OFFICERS:-

Interim Chief Executive, Director of the Urban Environment, Interim
Director of Children's Services, Interim Director of Law and Property,
Senior Assistant Director of Finance, Assistant Director of Adult,
Community and Housing Services (Housing) and (Learning Disability
and Mental Health), Mr. Sanders (Directorate of Law and Property) and
other officers.

ALSO IN ATTENDANCE

Messrs G Stevens and A Corcoran – Audit Commission – for agenda
item no 5 only

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors G.H. Davies and Sparks.

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CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Crumpton was serving in place of
Councillor G.H. Davies and Councillor Mottram in place of Councillor
Sparks for this meeting of the Cabinet only.

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DECLARATIONS OF INTEREST

A declaration of personal interest, in accordance with the Members' Code of Conduct, was made by Councillor Ali in relation to Agenda Item No. 6 (Dudley Borough Economic Strategy 2009/10), in view of his Directorship of the St. Thomas's Network, his substitute membership of the West Midlands Regional Assembly and his being a member of the Council for the St. Thomas's Ward.

Councillor Ali declared a personal interest, in accordance with the Members' Code of Conduct, in Agenda Item No. 17 (Transforming Secondary Education - Building Schools for the Future and Academies) in view of his being a foundation trustee of Castle High School and the attendance of three of his children at the school.

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MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on the 11th February, 2009, approved as a correct record and signed.

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ANNUAL AUDIT AND INSPECTION LETTER, 2008

The Cabinet considered a report of the Director of Finance on the Annual Audit and Inspection letter from the external auditors, the Audit Commission. Messrs. G. Stevens and A. Corcoran from the Audit Commission attended the meeting and addressed the Cabinet on the key messages, conclusions and significant issues contained within the Annual Letter.

Members welcomed the report as very positive overall and noted the actions and issues to be addressed by the Council.

Various issues were raised at the meeting, including the issue of Member involvement on the promotion of community cohesion and the circumstances of the budget overspend on the Leaps and Bounds Project. In relation to the latter, Mr Corcoran confirmed that the Council had taken appropriate action against each point raised by the auditors and stated that, in the context of the Council as a whole, the issue of the Project had not been greatly significant.

RESOLVED

That the contents of the Annual Audit and Inspection Letter submitted to the meeting and the views of the Auditor be noted.

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DUDLEY BOROUGH ECONOMIC STRATEGY, 2009/10

A report of the Director of the Urban Environment was submitted seeking approval to the Council's Economic Strategy, which had been revised for 2009/10.

In relation to Burnt Tree Island, the Cabinet Member for Transportation confirmed that local members would be involved in endeavours to mitigate traffic issues during the junction improvement.

In response to a question asked by an opposition group attendee, the Cabinet Member for the Environment and Culture clarified the criteria for funding from the Healthy Towns Initiative. It was also noted that the bid for the initiative had been drawn up and led by the Dudley Primary Care Trust, not the Council.

RESOLVED

That the revised Dudley Borough Economic Strategy for 2009/10 be approved.

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A STRATEGY FOR LEARNING DISABILITY SERVICES IN DUDLEY

A report of the Director of Adult, Community and Housing Services was submitted seeking approval for a draft Strategy for Learning Disability Services in Dudley.

The report indicated that, following a period of consultation, the Strategy had been approved by the Learning Disability Partnership Board. The Strategy would also be presented for approval to the Board of the Dudley Primary Care Trust.

RESOLVED

That the Strategy for Learning Disability in Dudley and Action Plan, as drafted, be approved.

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

SAFEGUARDING VULNERABLE ADULTS

A report of the Director of Adult, Community and Housing Services was submitted briefing the Cabinet on the Department of Health consultation on the review of the “No Secrets” guidance on safeguarding vulnerable adults and seeking approval to a set of Council accountabilities and responsibilities in this regard. The report also advised on progress with the safeguarding agenda in Dudley, and sought endorsement of the Annual Report of the Dudley Safeguarding Vulnerable Adults Board and agreement to a training plan for elected Members.

RESOLVED

- (1) That the Department of Health Consultation on the Review of the ‘No Secrets’ Guidance; the response of the Dudley Safeguarding Vulnerable Adults Board and progress with the safeguarding agenda in Dudley as set out in paragraphs 19 – 30 of the report submitted to the meeting, be noted.
- (2) That the Council accountabilities and responsibilities for safeguarding of vulnerable adults attached at Appendix A to the report submitted to the meeting, be approved.
- (3) That the Annual Report of the Dudley Safeguarding Vulnerable Adults Board, be approved.
- (4) That the training plan as set out in paragraph 33 of the report submitted to the meeting, to ensure that all elected Members receive training on safeguarding of vulnerable adults, be approved.

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

CITY REGIONAL MULTI AREA AGREEMENT FOR EMPLOYMENT AND SKILLS

A report of the Director of the Urban Environment was submitted advising the Cabinet of the development of a Multi-Area Agreement (MAA) for Employment and Skills covering the City Region area and seeking endorsement of the timetable for submission of the MAA for Employment and Skills.

RESOLVED

- (1) That the progress to date with regard to the development of a Multi Area Agreement for Employment and Skills across the City Region, be noted.
- (2) That the timetable for approval of the Multi Area Agreement outlined in paragraph 7 of the report submitted to the meeting, be endorsed.
- (3) That the Director of the Urban Environment, in consultation with the Leader of the Council and the Director of the Dudley Community Partnership be authorised to agree and finalise the Multi Area Agreement prior to its submission to the City Region Board.

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CITY REGION PILOT PROPOSAL

A report of the Director of the Urban Environment was submitted updating the Cabinet on the development of a proposal to designate the Birmingham, Coventry and the Black Country as a "Pilot City Region".

The report summarised the nature of the proposal for consideration of arrangements for progressing further stages of the bid should the proposal be successful.

The circumstances of the withdrawal of the Borough of Telford and Wrekin from membership of the City Region Partnership, in the light of paragraph 83(3) of the Local Democracy, Economic Development and Construction Bill, were explained in the report, together with the intention of the Partnership and Telford and Wrekin to continue to work closely on a collaborative basis on issues of mutual interest, most specifically in the first instance on a multi area agreement for employment and skills.

RESOLVED

- (1) That the progress to date with regard to the development of a proposal for a Pilot City Region for Birmingham, Coventry and the Black Country, be noted.
 - (2) That the Interim Chief Executive, in consultation with the Leader of the Council, be authorised to progress further stages of the bid to take the process forward on behalf of the Council, in the event that the Proposal for a Pilot City Region is successful.
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HOUSING REVENUE ACCOUNT - RENT INCREASE 2009/10

A joint report of the Director Adult, Community and Housing Services and the Director of Finance was submitted giving notification of Government proposals to reduce the national guidelines rent increase and which requested consideration of the arrangements to be made for applying for additional housing revenue account subsidy monies and the reduction of Council house rents in accordance with the revised national guideline.

RESOLVED

That, subject to there being no detrimental effect on the Council's financial position, the Cabinet Members for Housing and Finance and the Directors of Adult, Community and Housing Services and Finance, be authorised to:-

- (a) Apply for additional subsidy.
- (b) Agree new rent levels in accordance with the revised national guideline.
- (c) Report to Cabinet at the earliest opportunity on the impact on the Housing Revenue Account budget.

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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 requested authority for bids to be made for external funding.

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, in respect of Connections to Opportunities, the Director of the Urban Environment be authorised to submit full applications on behalf of the Council to Advantage West Midlands for funding for projects, and to accept any grant funding arising from the applications; and that the Interim Director of Law and Property be authorised to sign the necessary funding agreements with Advantage West Midlands and any agreements with third party organisations, as set out in paragraph 8 of the report submitted to the meeting.

- (3) That the Council be recommended:-
- (a) That the safety and security measures at the Oak Lane Traveller Site be approved and included in the Capital Programme, as set out in paragraph 5 of the report submitted to the meeting.
 - (b) That the Capital Programme be amended to reflect the increased costs of the Dudley Wood BMX Track and Fencing project, as set out in paragraph 6 of the report submitted to the meeting.
 - (c) That the Growth Point funding allocation be noted, and any associated capital spend included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.
 - (d) That subject to funding being confirmed, any capital elements of the Connections to Opportunities scheme be included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.
 - (e) That the Capital Programme be amended in respect of the revised costs of the extension of the fire alarm system at Himley Hall, as set out in paragraph 9 of the report submitted to the meeting.
 - (f) That the project to relocate Coseley Youth Centre be approved and included in the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting.
 - (g) That the extra Play Pathfinder funding allocation be noted, and the Capital Programme be amended accordingly, as set out in paragraph 11 of the report submitted to the meeting.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers)

PARTNERSHIP FOR REGENERATION

A joint report of the Interim Chief Executive, Interim Director of Law and Property and Director of Finance was submitted, seeking approval to the formalising of the existing relationship between the Council and BV Strategies Facilitating Limited through the creation of a Limited Partnership.

RESOLVED

- (1) That approval be given to the formation of a Limited Liability Partnership with BV Strategies Facilitating Limited and that the Interim Chief Executive be authorised to negotiate and approve the final form of the Limited Liability Partnership and to formalise this in a new Limited Liability Partnership Agreement, to be executed by the Interim Director of Law and Property.
- (2) That, through the medium of the Limited Liability Partnership, the participation of its officers in the promotion and use of the model elsewhere, be approved.

TRANSFER OF RESPONSIBILITY FOR THE COMMISSIONING AND FUNDING OF SOCIAL CARE FOR ADULTS WITH LEARNING DISABILITY FROM THE NATIONAL HEALTH SERVICE TO LOCAL GOVERNMENT

A report of the Director of Adult, Community and Housing Services was submitted seeking approval to arrangements to be made for the transfer of funding to the Council from the Dudley Primary Care Trust for Social Care Commissioning with effect from 1st April, 2009.

RESOLVED

That the Director of Adult, Community and Housing Services, in consultation with the Director of Finance and the Interim Director of Law and Property, and with appropriate Cabinet Members, be authorised to:

- (1) Negotiate, finalise, and agree with the Dudley Primary Care Trust (PCT) the total amount of funding for social care to transfer from the PCT to Dudley MBC with effect from 1st April, 2009.
- (2) Finalise and agree a Section 75 Agreement, which confirms the transfer amount.

- (3) Inform the Department of Health that the funding transfer has taken place by 30th June, 2009.

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

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APPROVAL FOR ADOPTION OF THE REVISED "PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT"

A report of the Director of the Urban Environment was submitted seeking approval for the formal adoption of the Council's Revised Planning Obligations Supplementary Planning document.

RESOLVED

That approval be given to the adoption of the revised Planning Obligations Supplementary Planning Document.

122

REVIEW OF LEISURE CENTRES

A report of the Director of the Urban Environment was submitted providing an update on the current position regarding the Council's Leisure Centres, with particular regard to safety issues at Coseley Baths, and which set out options for consideration based on the data provided in the report.

In the discussion on the report, Opposition Group attendees expressed their disagreement to the option in the report to close Coseley Baths in view of the condition of the building.

RESOLVED

- (1) That the report and safety concerns raised in relation to Coseley Baths, be noted.
- (2) That option C in paragraph 22 of the report submitted to the meeting be approved and implemented before the end of August 2009.
- (3) That a further report on alternative leisure provision for Coseley and surrounding area be prepared for the North Dudley Area Committee and Cabinet in consultation with the Cabinet Member for Environment and Culture and the three Ward Members for Coseley.

- (4) That a feasibility study using the “free swimming” grant be undertaken in relation to pool provision borough wide, to include evaluating any support that could be given to local schools aimed at increasing public access and participation in swimming clubs and lessons.

123

TRANSFORMING SECONDARY EDUCATION - BUILDING SCHOOLS FOR THE FUTURE AND ACADEMIES (BSF)

A joint report of the Interim Chief Executive and Interim Director of Children’s Services was submitted on the current position with regard to proposals for academies and Building Schools for the Future and which sought approval for the next steps in the development process.

The report indicated that, in the latest prioritised list of Local Authorities yet to join the BSF programme issued by the Department for Children’s, Schools and Families (DCSF) on the 3rd March, 2009, Dudley had been ranked in fifth place. This meant that subject to DCSF approval, the Council would be invited to join the programme in late Wave 7 or early Wave 8. The report set out the financial implications in relation to the revenue and capital funding for BSF but noted that the only resources reserved for supporting the programme would be those resulting from the sale of the former Cradley High School site. The site would be sold when an acceptable price could be achieved and, in the present climate, the figure could not be guaranteed.

In addition to the issue of BSF, the report considered further the position of the Council in relation to academies, in the light of recent DCSF guidance, the revenue costs that would be involved should the Council proceed with its initial proposals, the level of Government grant and capital spend implications.

RESOLVED

- (1) That the cessation of the Academy Programme in Dudley be approved with immediate effect.
 - (2) That progress to date on BSF be noted.
 - (3) That approval be given to the start of preparation work for “Readiness to Deliver”, for the next stage of the BSF process.
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REVIEW OF THE HOUSING ALLOWANCES SCHEME

A report of the Director of Adult, Community and Housing Services was submitted providing an update on the roll out of Choice Based Lettings, advising on the outcome of consultation on and progressing of, the proposed bandings scheme for housing allocations and containing recommendations for the implementation of that scheme.

RESOLVED

- (1) That the bandings scheme, as detailed in Appendix A to the report submitted to the meeting, be approved in principle and developed, further tested and implemented in accordance with a timetable to be confirmed.
 - (2) That the Bedroom Standard be not implemented within Dudley's Allocations Scheme at this time.
 - (3) That within the bands, applicants be ordered by band date (except in band 3 by number of needs and then band date), and that any applicant dropping from one band to another generally keep their earlier band date.
 - (4) That provision for exceptions to the allocations process be confirmed as outlined in paragraphs 28-31 of the report submitted to the meeting.
 - (5) That it be noted that the action above will conclude the Review of Allocations, except for the ongoing Equality Impact Assessment and the following specific pieces of work to be undertaken in 2009/10:
 - (a) The review of the process for moving on grounds of ill health or disability.
 - (b) The introduction of an Incentive Scheme to include incentives to facilitate better use of stock and to recognise good tenants in the allocations criteria.
 - (c) The review of the process for appeals.
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125 ISSUES ARISING FROM SELECT COMMITTEES

No issues were raised under this item.

126 EXCLUSION OF THE PUBLIC

RESOLVED

That 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 Part 1 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 out-weighted by the public interest in maintaining the exemption from disclosure.

Description of Item

Relevant paragraph of
Part I of Schedule 12A

Staffing issue, Directorate of the
Urban Environment

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127 STAFFING ISSUE - DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted, seeking consideration of the termination of the contract of employment of the member of staff indicated in the report, on the grounds of redundancy.

RESOLVED

That the termination of the contract of the officer referred to in the report now submitted on the grounds of redundancy, with effect from the 31st March, 2009, on the terms and conditions set out in the report, be approved.

The meeting ended at 7.50 p.m.

LEADER OF THE COUNCIL