

## MEETING OF THE CABINET – 13<sup>th</sup> FEBRUARY 2008

The Cabinet, at its meeting held on the 13<sup>th</sup> February, 2008, made the decisions indicated in respect of the items listed:

<u>Issue</u>	<u>Decision</u>
Minutes	That the minutes of the Special Meeting of the Cabinet held on 9 <sup>th</sup> January 2008 be approved as a correct record and signed, subject to the inclusion of the name of Councillor Mrs Martin in the list of Members present.
Revenue Budget Strategy and Setting the Council Tax 2008/09	<p>That the Council be recommended:</p> <ol style="list-style-type: none"><li>(1) That the budget requirement for 2008/09, and service allocations as set out in the report submitted to the meeting, be approved.</li><li>(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 2008/09 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 as shown in Appendix 3 of the report submitted to the meeting.</li><li>(3) That, having calculated the aggregate in each case of the amounts in Appendix 3 of the report submitted to the meeting, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, that the following levels of Council Tax for Dudley Council services for 2008/09 be approved:</li></ol>

### Valuation Bands

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
705.31	822.86	940.42	1057.97	1293.07	1528.18	1763.28	2115.94

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- plus the amounts to be notified for the Police, and Fire and Rescue Authority precepts.

- (4) That the Cabinet Members, Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report submitted to the meeting, in accordance with the Council's Financial Management Regime.
- (5) That the Council reminds the Chief Executive and Directors to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2008/09 budget, particularly in the context of commitments into later years and the impact that overspending in 2008/09 will have on the availability of general balances to support spending in 2009/10 and 2010/11.
- (6) That the Medium Term Financial Strategy (MTFS) set out as Attachment B to the report submitted to the meeting be approved.

Deployment of Resources:  
Housing Revenue Account  
and Public Sector Housing  
Capital

- (1) That a rent increase for Housing Revenue Account (HRA) dwellings, with an average increase of £3.34 and a maximum increase of £5.31 in line with government rent guidance, with effect from 14<sup>th</sup> April, 2008, be approved;
- (2) That an increase of 3.9% in other charges as outlined in paragraphs 8, 9 and 11 of the report submitted to the meeting, be approved;
- (3) That the increase from £1.30 or £1.39 to £1.60 for laundry tokens, and the commission payable to the local shopkeeper in Brierley Hill (paragraph 10 of the report submitted to the meeting), be approved.;
- (4) That the maintenance of garage rents at current levels and the dates proposed for future increases, set out in paragraphs 12 to 15 of the report submitted to the meeting, be approved;
- (5) That the proposed increases for garage plot rent and access agreements, and the dates of future increases, set out in paragraphs 16 and 17 of the report submitted to the meeting, be approved;
- (6) That the revised HRA budget for 2007/8 and

the HRA budget for 2008/9 outlined in Appendix 1 of the report submitted to the meeting, be approved.;

- (7) That the revised budget for the North Priory regeneration project outlined in Appendix 2 of the report submitted to the meeting, be approved;
- (8) That the Council be recommended that the public sector housing revised capital budget for 2007/8 and capital budget for 2008/9 to 2010/11 attached as Appendix 3 of the report submitted to the meeting, be approved;
- (9) That the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, be authorised to manage and allocate resources to the capital programme as outlined in paragraph 31 of the report submitted to the meeting;
- (10) That the Director of Adult, Community and Housing Services be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 32 of the report submitted to the meeting;
- (11) That the medium-term financial strategy set out in Appendix 5 of the report submitted to the meeting, be approved.

Transport Strategy and Settlement, Proposed Transport Capital Programme and Road Safety Grants 2008/09 to 2010/11

- (1) That the Transport Capital Settlement for the three year period 2008/09 – 2010/11, be noted.
- (2) That the contents of the report submitted to the meeting be approved and that the Council be recommended to approve the allocation of Transport Capital Funding for 2008/09 as set out in Appendix 1 of the report.

- (3) That the Council be recommended that the 2009/10 and 2010/11 block allocations be included in the Capital Programme as set out in paragraph 25 - Table 1 of the report submitted to the meeting, and that the Cabinet Member for Transportation in consultation with the Director of the Urban Environment be authorised to approve the distribution of block allocations to headings.
- (4) That the Council be recommended that the approval of schemes within the funding block headings for 2009/10 and 2010/11 be agreed by the Director of the Urban Environment in consultation with the Cabinet Member for Transportation.
- (5) That the Council be recommended that the Cabinet Member for Transportation in consultation with the Director of the Urban Environment be authorised to agree budget virements as required between headings contained within block allocations for 2008/09 -2010/11.
- (6) That the Director of the Urban Environment in consultation with the Cabinet Member for Transportation be authorised to approve programmes associated with the Road Safety Grant 2008/09 -2010/11.
- (7) That the following be approved:
  - (a) The Transport Strategy for Dudley
  - (b) The schemes and programming identified in Appendix 2 of the report submitted to the meeting – Bridge Strengthening.
  - (c) The schemes and programming identified in Appendix 3 of the report submitted to the meeting – Retaining Walls, and that the Director be authorised to bring construction work forward as risk assessment dictates and funding permits.

- (d) The schemes identified in Appendix 4 of the report submitted to the meeting, – Railway Road Vehicle Incursion and that the Director of the urban Environment be authorised to bring forward construction as funding permits.
- (e) The schemes identified in Appendix 5 of the report submitted to the meeting – Upgrading of Parapets and that the Director of the Urban Environment be authorised to bring forward construction as funding permits.
- (f) The schemes identified in appendix 6 of the report submitted to the meeting – Bus Showcase and that the Director of the Urban Environment be authorised to undertake work as funding is made available.
- (g) The schemes and programming identified in appendix 7 of the report submitted to the meeting – Local Safety Schemes and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (h) The schemes and programming identified in appendix 8 of the report submitted to the meeting – Proposed Safer Routes To School Measures and that the Director of the Urban Environment be authorised to undertake work from reserve programme as funding permits.
- (i) The schemes and programming identified in appendix 9 of the report submitted to the meeting – Pedestrian Crossing Programme 2008-09 and that the Director of the Urban Environment be authorised to undertake work from reserve programme as funding permits.

- (j) That the Director of the Urban Environment continues to initiate studies into future minor improvement schemes identified in appendices 1 and 10 of the report submitted to the meeting.
- (k) That the Director of the Urban Environment in consultation with the Cabinet Member for Transportation 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 to be funded from the Local Safety Scheme Heading.
- (l) That the Director of Law and Property in conjunction with the Director Urban Environment commences property acquisition by negotiation for schemes identified in appendices 1 and 6 of the report submitted to the meeting, as required.
- (m) That any scheme within the Local Safety Schemes, Safer Routes to School or Pedestrian Crossing programmes of work, including reserve schemes, which can not be implemented within the relevant timescale or financial resources available for that particular programme of works be deferred and submitted for re-assessment for possible inclusion in a future programme of works.
- (n) That the Director of the Urban Environment continues to progress the highway improvement programme associated with outcomes from the Black Country Study and regeneration initiatives as set out in Appendices 1 & 10 of the report submitted to the meeting.

- (o) That Director of the Urban Environment in consultation with the Cabinet Member for Transportation be authorised to approve the programme of Street Lighting improvement and the programme of Highway Maintenance.
- (p) That the actions of the Director of the Urban Environment in the de-trunking of the A449 be approved.
- (q) That the Director of the Urban Environment in consultation with the Cabinet Member for Transportation be authorised to negotiate the terms associated with the de-trunking of the A456 and the A4123.
- (r) That the Director of the Urban Environment seek approval to an application to the Highways Agency in the sum of £750,000 towards delivering safety improvements at the Grange roundabout on the A456, and that the Director of the Urban Environment be authorised to accept the aforementioned grant.
- (s) That the Director of the Urban Environment be authorised to enter into a Section 8 agreement with Sandwell MBC regarding future maintenance responsibilities on the A4123.
- (t) The re-profiling of the Brierley Hill Sustainable Access Network grant expenditure as shown in paragraph 17 of the report submitted to the meeting.

Update of the Council's Strategy

That the Council be recommended that the draft Capital Strategy attached to the report submitted to the meeting be approved

Future Configuration of  
Mental Health Services in  
Dudley and Walsall

- (1) That the Council join the new Dudley - Walsall Mental Health Partnership Trust subject to:
  - Approval by the Secretary of State.
  - Agreement by the PCTs to the appointment of a Director at Board level with lead responsibility for social care and for ensuring that the Councils' statutory duties in Mental Health including the Approved Social Worker (ASW) service are discharged.
  - The appointment of an elected Member from the Council to the new Commissioning Body.
  - The new Trust remaining accountable to the Director of Adult, Community and Housing Services and to the Cabinet for the social care agenda and performance of social care services in Mental Health. (Arrangements must be in place to ensure that the new Trust can provide the data on Mental Health Services which the Council needs to report to CSCI for the annual performance assessment).
- (2) That it be noted that when the Secretary of State's decision is received, a Shadow Partnership Trust Board, with a Chairman and Chief Executive, will be established in advance of a new Trust being formed, this being expected to be in place on 1<sup>st</sup> July 2008.
- (3) That the assumptions made in this report regarding the transfer of staff, the drawing up of partnership agreements and the financial implications be accepted.
- (4) That the Council endorse the objection, as reported orally at the Cabinet meeting, with regard to the proposed designation of 'Black Country Mental Health NHS Foundation Trust' to describe the new Foundation Trust for Sandwell Mental Health Services.



Dudley Borough Strategy for Adults with Physical and Sensory Disabilities (2008-10)	That the Strategy as drafted, be approved.
Cradley/Windmill Hill Local Centre Regeneration Plan	That the Cradley/Windmill Hill Local Centre Regeneration Plan be adopted as a Development Control Guidance Note.
Local Government and Public Involvement in Health Act 2007	<p>(1) That the report submitted to the meeting be noted.</p> <p>(2) That the following views be expressed regarding the proposals in relation to elections:</p> <p>(a) That no change to the current election arrangements of retirement of Members by thirds should be made.</p> <p>(b) That the number of Members per ward of 3 should not be changed.</p> <p>(c) That ward name changes should be considered in due course, with priority being given to reviewing the name of the Cradley and Foxcote Ward.</p> <p>(d) That the current policy regarding community governance whereby the establishment of parish councils within the borough is not supported, should be continued.</p>
Capital Programme Monitoring and Capital Programme 2008/09 – 2010/11	<p>(1) That current progress with the 2007/08 Capital Programme, as set out in Appendix A of the report submitted to the meeting be noted.</p> <p>(2) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report submitted to the meeting be noted.</p> <p>(3) That the Director of the Urban Environment be authorised to submit a HLF Stage 1 application for Priory Park and Ruin, as set out in paragraph 32 of the report submitted to the meeting.</p>

That the Council be recommended:

- (a) That each 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 11 of the report submitted to the meeting..
- (b) That Housing capital receipts be earmarked to be spent on Housing capital schemes as set out in paragraph 12 of the report submitted to the meeting.
- (c) That the Private Sector Housing Investment Programme for 2008/09 – 2010/11 be approved, and amended in respect of the extra £128,000 for Disabled Facilities Grants in 2007/08 as set out in paragraphs 16-17 of the report submitted to the meeting.
- (d) That the Children's Services capital resources and related schemes be included in the Capital Programme as appropriate, and that the grants identified as non-ring fenced be earmarked to the relevant initiatives, as set out in paragraphs 18-21 of the report submitted to the meeting.
- (e) That the allocation of Adult Social Care capital resources be approved and included in the Capital Programme, as set out in paragraph 23 of the report submitted to the meeting.
- (f) That the Waste Infrastructure grant allocation be allocated as set out in paragraph 24 of the report submitted to the meeting..
- (g) 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 paragraphs 25-26 of the report submitted to the meeting.

- (h) That the Capital Programme be amended in respect of any capitalisation directions received, as set out in paragraph 27 of the report submitted to the meeting.
- (i) That the HIV/AIDS Grant 2007/08 be used for improvements at Summit House as set out in paragraph 30 of the report submitted to the meeting.
- (j) That the additions to the Liveability project be approved and included in the Capital Programme, and the Director of the Urban Environment be authorised to accept the relevant grants, as set out in paragraph 31 of the report submitted to the meeting.
- (k) That the budget for improvements to Saltwells Nature Reserve be increased by £7,000, as set out in paragraph 33 of the report submitted to the meeting.
- (l) That subject to a satisfactory feasibility study, the relocation of the Home and Hospital Education service to the current Rosewood School site be approved, and the project to adapt the site be approved and included in the Capital Programme, as set out in paragraph 34 of the report submitted to the meeting.
- (m) That the Council's Short Break Pathfinder status and funding allocation be noted, and the related Capital spend be included in the Capital Programme, as set out in paragraph 35 of the report submitted to the meeting.
- (n) That the Schools Flood Recovery grant be used to improve the drainage of the school field at the Crestwood School, as set out in paragraph 36 of the report submitted to the meeting.
- (o) That the project to install a standby generator at Himley Hall be approved and included in the Capital Programme, as set out in paragraph 37 of the report submitted to the meeting.

- (p) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 38-42 of the report submitted to the meeting be noted.
- (q) That the Prudential Indicators as required to be determined by the IPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C of the report submitted to the meeting, be approved.
- (r) That subject to the anticipated legislative changes being enacted, the Minimum Revenue Provision Policy for 2008/09 be as set out in paragraph 50 of the report submitted to the meeting.

Area Based Grant

That the position in relation to area based grant, as outlined in the report submitted to the meeting, be noted.

North Priory Estate  
Regeneration Project

That the contents of the report submitted to the meeting be noted and the proposal for the disposal of the site to Bromford Housing Group, upon terms and conditions to be negotiated and agreed by the Director of Law and Property, be approved.

Revision of the Local  
Development Scheme (LDS)

- (1) That the Local Development Scheme for the period 2008 –10, as the operational Local Development Scheme for the borough, be approved and that the document be submitted to the Government Office for the West Midlands in accordance with the Planning and Compulsory Purchase Act, 2004.
- (2) That the Cabinet Member for Economic Regeneration, in consultation with the Director of the Urban Environment, be authorised to make minor changes to the Local Development Scheme for which introduction of documents specifically relating to the Joint Core Strategy and associated documents being produced by the black country boroughs.
- (3) That all significant alterations be submitted to Cabinet prior to forwarding to the Government Office.

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| Public Consultation on the Brierley Hill Area Action Plan Preferred Options                         | <p>(1) That the Brierley Hill Area Action Plan Preferred Options document, as made available for inspection in the Member's Room and on the Committee Management Information System, be approved as a basis for public consultation.</p> <p>(2) That it be noted that the consultation period will commence in March, 2008, to coincide with it being undertaken by Wolverhampton City Council.</p> <p>(3) That the Cabinet Member for Economic Regeneration, in consultation with the Director of the Urban Environment, be authorised to make any further minor amendments to the document prior to its publication for consultation.</p>  |
| The Black Country Joint Core Strategy – Approval of the Preferred Options Document for Consultation | <p>(1) That the Preferred Options Document, as made available for inspection in the Member's Room and the Committee Management Information Service, be approved as part of the consultation process to assist in the formulation of the Black Country Joint Core Strategy.</p> <p>(2) That the Cabinet Member for Economic Regeneration, in consultation with the Director of the Urban Environment, be authorised to make any further minor amendments to the document prior to its publication for consultation.</p> <p>(3) That it be noted that the consultation period will commence in March 2008, to coincide with that being undertaken by Wolverhampton City Council.</p> |
| Complaint to the Local Government Ombudsman – Housing Matter  | <p>(1) That the report of the Local Government Ombudsman on this matter, as attached as Appendix 1 to the report submitted to the meeting, be noted.</p> <p>(2) That the finding of maladministration be not accepted for the reasons set out in the Report of the Director of Law and Property submitted to the meeting.</p> <p>(3) That, on a without prejudice basis, compensation be paid to the complainant as recommended by the Ombudsman.</p>  |

- (4) That the level of compensation for the replacement cost of the vegetation be determined by an independent valuer to be appointed in consultation with the complainant and the contractor.
- (5) That the Council seek to recover the compensation payable from the contractor.
- (6) That the Director of Law and Property write to the Ombudsman to explain the decision of the Cabinet.

Exclusion of the Public

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 12(A) to the Local Government Act, 1972, as specified below, and, in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant Paragraph of Part 1 of Schedule 12A</u>
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Staffing Issues – Chief Executive’s Directorate	1
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Staffing Issues – Directorate of Children’s Services	1
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Establishment of Member/Officer Negotiating Panel	4
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Staffing Issues – Chief Executive’s Directorate

That the requests for voluntary severance from the persons indicated in the report submitted to the meeting be approved on the terms and conditions set out in the report.

Staffing Issues – Directorate of Children’s Services

The decision that the proposals in the report submitted to the meeting for the termination of the Contracts of Employment of the staff indicated on the grounds of redundancy be approved on the terms and conditions set out in the report.

Establishment of  
Member/Officer Negotiating  
Panel

- (1) That the establishment of the Negotiating Panel proposed in the report submitted to the meeting, to undertake further negotiations and make recommendations relating to the Single Status Agreement be approved and that the membership of the Panel comprise the following:-

The Leader of the Council, The Deputy Leader of the Council and the Cabinet Members for Personnel, Legal and Property and Finance, together with the Chief Executive and the Directors of Finance and the Urban Environment.

- (2) That the Negotiating Panel submit recommendations to the Cabinet for consideration in due course with a view to concluding a settlement around all aspects of the Single Status Agreement.

The details of each of the above items are set out in the reports submitted to the meeting of the Cabinet held on 13<sup>th</sup> February 2008. Copies of the public reports are available from Democratic Services in the Directorate of Law and Property (contact Richard Sanders, 01384 815236 or e-mail [richard.sanders@dudley.gov.uk](mailto:richard.sanders@dudley.gov.uk)) or on the Council's Website [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Council Decision Meetings/Committee Information.

Except where matters have been referred to full Council, the decisions will come into force, and may then be implemented, on the expiry of five working days of 18<sup>th</sup> February 2008, unless a Select Committee objects to a decision and calls it in.

J POLYCHRONAKIS  
DIRECTOR OF LAW AND PROPERTY

The Council House  
Priory Road  
Dudley  
West Midlands

Dated: 18<sup>th</sup> February 2008