

MEETING OF THE CABINET

Wednesday, 12th September, 2007 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Fraser-Macnamara (Deputy Leader) (in the Chair);
Councillors Adams, Evans, Knowles, Miller, Mrs Millward Mrs.
Shakespeare and Mrs. Walker.

Opposition Group Members appointed to attend meetings of the
Cabinet:

Councillors Ali, Crumpton, G H Davies, Ms. Partridge, Sparks and Mrs
Wilson (Labour Group);

Councillor Ms Craigie (Liberal Democrat Group).

OFFICERS:-

The Chief Executive, Director of Adult , Community and Housing
Services, Director of Children's Services, Director of Finance, Director
of Law and Property, Director of the Urban Environment, Head of
Personnel and Support Services and Mr Sanders (Directorate of Law
and Property).

29 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of
Councillors Caunt Mrs. Martin, Ms Foster, Mrs Ridley and Tyler.

30 **CHANGES IN REPRESENTATION OF MINORITY GROUP_** **MEMBERS**

It was reported that Councillor Mrs Wilson was serving in place of
Councillor Ms Foster, and Councillor Ms Craigie in place of Councillor
Tyler, for this meeting of the Cabinet only

31 DECLARATIONS OF INTEREST

Councillor Ms Craigie declared a personal interest, in accordance with the Members Code of Conduct, in respect of item number 15 on the agenda (Review of Housing Finance) in view of her being a leaseholder of a Council property and Secretary of the Dudley Leaseholders' Association.

Councillor Mrs Wilson declared a personal interest in item number 15 on the agenda in view of her being a tenant of a Council flat in Dudley.

Councillor G H Davies and Mrs Wilson indicated their intention to withdraw from the meeting during consideration of item 5 on the agenda (Extra Care Housing – Partnership Agreement) in view of their being members of the Development Control Committee.

32 MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 13th June and 23rd July 2007, be approved as a correct record and signed.

33 PROVIDING A MODERN LIBRARY SERVICE IN DUDLEY MBC –
MODERNISATION PROGRAMME

The Cabinet considered a report of the Director of Adult, Community and Housing Services containing proposals for a modernised and more flexible Dudley Library Service which aimed to be more customer focused and meet local aspirations as well as national library standards. The report also contained proposals for the amendment of the Capital Programme to undertake refurbishment and improvements to certain libraries to ensure that they would be maintained as a modern asset at the heart of communities.

A resolution by the Central Dudley Area Committee, from its meeting held on 11th September, 2007, requesting the Cabinet to suspend decision making in relation to the proposed closure of a number of estate offices and libraries, until such time as a proper programme of public consultation had been undertaken, involving the direct engagement of the affected service users, was circulated and considered. Also considered at this juncture was a letter from the Head Teacher of Brook Primary School advocating the retention of the

public library recently installed at the school and a petition from traders in High Street, Quarry Bank requesting the retention of the library and estate office situated at that location.

In supporting the resolution of the Central Dudley Area Committee, the Shadow Leader questioned some of the calculations referred to in the report. The Shadow Leader and other opposition spokespersons also advocated the retention of certain libraries recommended for closure.

RESOLVED

- (1) That the plans for modernising the Dudley Library Service as set out in the report submitted to the meeting, be approved and that the implementation of the plans be supported.
- (2) That the Council be recommended:
 - (a) That the disposal of the Council's assets identified in paragraph 20 of the report submitted to the meeting be approved, and that the capital receipts from such disposals be used to contribute towards financing the library modernisation programme; and
 - (b) That the additional expenditure for the library modernisation programme be approved, and the Capital Programme be amended accordingly, as set out in paragraph 13 of the report submitted to the meeting.

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

34

EXTRA CARE HOUSING – PARTNERSHIP AGREEMENT

(Having indicated their intention to withdraw from the meeting during consideration of this item, in view of their membership of the Development Control Committee, Councillors G.H. Davies and Mrs Wilson duly left the room during consideration of the item).

A report of the Director of Adult, Community and Housing Services was submitted updating the Cabinet on the current position on the Extra Care Housing Project and seeking endorsement to the proposed outcome of the Partnership Agreement.

A DVD presentation by one of the Council's proposed partners, Midland Heart, illustrating a scheme operating in Coventry, was given.

RESOLVED

- (1) That the progress so far, as set out in the report submitted to the meeting and the presentation given, be acknowledged and that the partnering arrangements be supported.
- (2) That the envisaged capital receipt be earmarked to assist with future extra care housing developments.

35 UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

The Cabinet considered a report of the Director of Finance on proposed consultation arrangements for updating the Council's Capital Strategy.

RESOLVED

That the draft Capital Strategy, as attached to the report submitted to the meeting, be approved as a basis of consultation with Select Committees.

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

36 DUDLEY PLAY STRATEGY AND CHILDREN'S PLAY INITIATIVE

A report of the Director of Children's Services was submitted advising the Cabinet of the award of monies from the Big Lottery Fund for this Initiative, which comprised part of the Dudley Play Strategy endorsed by the Council in December 2006.

RESOLVED

- (1) That the successful Big Lottery Fund award be noted and that additional reports be submitted to future meetings of the Cabinet throughout the lifetime of the programme for this project.
- (2) That the Director of Children's Services, working with the Director of the Urban Environment, be responsible for implementing the programme.

37 DUDLEY ARCHIVES AND LOCAL HISTORY SERVICE RELOCATION

The Cabinet considered a report of the Director of Adult, Community and Housing Services containing proposals for the relocation of Dudley Archives and Local History Service to a site on or near the Black Country Living Museum, through the development of a partnership with Sandwell MBC and the Museum.

RESOLVED

- (1) That the relocation of the Archives Service to a site in or near to the Black Country Living Museum be approved.
- (2) That the commissioning of an updated feasibility study be approved.
- (3) That the Director of Adult, Community and Housing Services be authorised to develop partnership proposals with Sandwell MBC and the Black Country Living Museum, subject to agreement by Sandwell MBC and the Board of the Black Country Museum Trust Limited.
- (4) That the Director of Law and Property be authorised to undertake legal agreements pertinent to securing an appropriate site for the location of the archives.

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

38 LOCAL AREA AGREEMENT

The Cabinet received a report outlining recent developments on the negotiation and implementation of Dudley's Local Area Agreement.

The report indicated that, while detailed guidance surrounding the exact requirements for the new Local Area Agreement framework was awaited, the indications were that local strategic partnerships would be required to agree with the Government some 35 key outcomes, drawn from an overall set of 200 national measures. Additionally, local partnerships would be able to agree local outcomes over and above the number of 35, which they would not have to report back on to the Government.

In noting the arrangements, the Cabinet Member for Children's Services considered it essential that the administrative machinery should be geared to ensure that action on outcomes was not delayed.

RESOLVED

That the contents of the report, as submitted to the meeting, be noted.

39 FOOD SERVICE PLAN 2007/08

The Cabinet considered a report of the Director of the Urban Environment seeking approval of the Food Service Plan for 2007/08.

RESOLVED

That the Council be recommended to approve the Food Service Plan for 2007/08.

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

40 QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Cabinet considered the first Quarterly Corporate Performance Management Report for 2007/08, which related to performance for the period from 1st April to 30 June, 2007.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from 1st April to 30th June, 2007 be received and its content approved.

- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their respective terms of reference.
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41 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND ACCESS ARRANGEMENTS

The Cabinet considered a report of the Chief Executive on the aims and the procedures involved with regard to a statutory review of polling districts, polling places and polling stations being conducted in accordance with new legislative provisions.

RESOLVED

- (1) That the statutory duty to undertake the review of polling districts, polling places and access arrangements be noted and the process and timescales outlined in the Appendices to the report submitted to the meeting be endorsed.
 - (2) That the Council be recommended to authorise the Cabinet to take any necessary action in connection with the review and that a further report be submitted to the Cabinet at its meeting to be held on 31st October 2007.
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42 SPENDING PROJECTIONS 2007/08

The Cabinet considered a report of the Director of Finance on the projected financial out-turn of the Council for 2007/08 and containing proposals for action to be taken in respect of certain budget heads.

RESOLVED

That the Council be recommended:

- (1) That the projected net overspending, as set out in paragraph 2 of the report submitted to the meeting, be noted.
- (2) That the allocations from General Balances to fund the projected overspending on Children's Services of £3m and the Chief Executive's Directorate of £300,000 be approved.

- (3) That the allocation of £483,000 from general reserves to support training for employment (to be recouped as a first call on any Performance Reward Grant in 2009/10), be approved as set out in paragraph 5 of the report submitted to the meeting.
 - (4) That the projected underspending in the Directorates of Adult, Community and Housing Services and Finance, ICT and Procurement be noted and transferred to General Balances.
 - (5) That the need to exercise stringent budgetary control for the remainder of the current financial year, in accordance with the Council's approved financial management regime be reiterated to all Cabinet Members, Directors and budget holders.
 - (6) That the effects on the Council's medium term financial plan be noted.
 - (7) That action be taken to replenish general balances when the opportunity arises.
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43 REVIEW OF HOUSING FINANCE

The Cabinet considered a joint report of the Director of Adult, Community and Housing Services and the Director of Finance containing proposals for revisions to the Housing Revenue Account Budgets to meet its latest financial forecasts.

RESOLVED

- (1) That the Council be recommended:
 - (a) That the revised Housing Revenue Account budget for 2007/08, as set out in Appendix 1 to the report submitted to the meeting, be approved.
 - (b) That the increase of £858,000 in the public sector housing capital budget, as detailed in the Capital Programme Monitoring report on the agenda for this meeting (resolution 6(a) to minute no 44 below refers), be approved.

- (2) That the closure programme, as outlined in paragraphs 6 to 10 of the report submitted to the meeting to fund the initiatives referred to in the report to the meeting of the Cabinet held on 12th February, 2007 and to enable the introduction of a gardening initiative for voids, the elderly and people with disabilities, be approved.

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

44 CAPITAL PROGRAMME MONITORING

The Cabinet considered a joint report of the Chief Executive and the Director of Finance on progress relating to the implementation of the Capital Programme and containing a number of proposed amendments to the Capital Programme.

RESOLVED

- (1) That current progress with the 2007/08 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
- (2) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report submitted to the meeting, be noted.
- (3) That in respect of Brierley Hill Regeneration the Director of the Urban Environment be authorised to submit outline and full applications to Advantage West Midlands for funding, as set out in paragraph 12 of the report submitted to the meeting.
- (4) That the recommendation of the Brierley Hill Area Committee that the capital receipt resulting from the disposal of land to Stourbridge College be earmarked for the regeneration of Brierley Hill, as set out in paragraph 13 of the report submitted to the meeting, be noted but that no action be taken.
- (5) That in respect of the Extra Care Housing programme, the sites at Russells Hall and Whitehouse Street, Coseley be declared surplus to requirements and the Director of Law and Property be authorised to negotiate the disposal of the sites on terms and conditions to be agreed with the strategic partner, as set out in paragraph 7 of the report submitted to the meeting.

- (6) That the Council be recommended:
- (a) That the Public Sector Housing Capital Programme be amended, as set out in paragraph 5 of the report submitted to the meeting.
 - (b) That an extra £2m be made available for expenditure on Disabled Facilities Grants over the next two years, as set out in paragraph 6 of the report submitted to the meeting.
 - (c) That the expenditure on stair lifts be approved and included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.
 - (d) That the extra resources for Social Care Minor Works, be noted and the Capital Programme be amended accordingly, as set out in paragraph 9 of the report submitted to the meeting.
 - (e) That the enhancements to the Liveability Programme be approved, and the Capital Programme be amended accordingly, as set out in paragraph 10 of the report submitted to the meeting.
 - (f) That the improvements at Crystal, Dudley and Halesowen Leisure Centres be approved and included in the Capital Programme, as set out in paragraph 11 of the report submitted to the meeting.
 - (g) That in respect of Brierley Hill Regeneration, subject to funding applications being successful:
 - the Director of the Urban Environment be authorised to accept any grant funding arising;
 - the Director of Law and Property be authorised to sign the necessary legal agreements with Advantage West Midlands;
 - any relevant capital expenditure be included in the Capital Programme, as set out in paragraph 12 of the report submitted to the meeting.

- (h) That the grant allocation for Mobile ICT to support Children's Social Workers be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 14 of the report submitted to the meeting.
- (i) That the budget for the Big Lottery Children's Play projects be increased to include the extra Section 106 and Fair Share resources, as set out in paragraph 15 of the report submitted to the meeting.
- (j) That the specialist status funding totalling £120,000 be used for a Vocational Centre at the Rosewood School, and that £50,000 of Standards Grant funding be used for kitchen improvements, as set out in paragraph 16 of the report submitted to the meeting.
- (k) That the School Travel Plan Grant allocation be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 17 of the report submitted to the meeting.
- (l) That the allocation of Diploma Gateway funding be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 18 of the report submitted to the meeting.
- (m) That the expenditure on computer server replacement be approved and included in the Capital Programme, as set out in paragraph 19 of the report submitted to the meeting.
- (n) That the capital element of the Local Area Agreement Pump Priming Grant expenditure be included in the Capital Programme, as set out in paragraph 20 of the report submitted to the meeting.
- (o) That the Safer Stronger Communities Fund grant allocation be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 21 of the report submitted to the meeting.
- (p) That the urgent amendment to the Capital Programme, as set out in paragraph 22 of the report submitted to the meeting be noted.

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

45 ANNUAL LETTER 2006/07 FROM THE LOCAL GOVERNMENT OMBUDSMAN IN RESPECT OF COMPLAINTS MADE AGAINST THE COUNCIL

The Cabinet considered a report of the Director of Law and Property on the content of the Annual Letter 2006/07 from the Local Government Ombudsman in respect of complaints received against the Council and dealt with by the Ombudsman's office over the year ended 31st March, 2007.

RESOLVED

- (1) That the information contained in the report submitted to the meeting, and its Appendices, be noted and that the Chief Executive and Directors be requested to review their internal arrangements, as appropriate, to ensure that the requests for information on complaints received are dealt with by the date requested so that responses can be submitted to the Ombudsman's office within the timescales set.
 - (2) That the Annual Letter be posted on the Council's Website.
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46 PROPOSAL FOR THE DECLARATION OF A WHOLE BOROUGH AIR QUALITY MANAGEMENT AREA FOR DUDLEY MBC

The Cabinet considered a report of the Director of the Urban Environment seeking approval for the declaration of a whole Borough Air Quality Management Area for Dudley MBC and the revocation of the two existing air quality management orders for Brierley Hill and Sedgley.

RESOLVED

That the two existing air quality orders for Brierley Hill and Sedgley be revoked and that a Borough-Wide Air Quality Management Area, incorporating the two former air quality management areas at Brierley Hill and Sedgley, be declared.

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

47 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 of 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 paragraph 12A</u>
Request for early retirement.	1

48 REQUEST FOR EARLY RETIREMENT

The Cabinet considered a report of the Head of Personnel and Support Services on a request for early retirement.

RESOLVED

That the request for early retirement on behalf of the officer referred to in the report submitted to the meeting be approved, on the terms and conditions referred to in the report.

The meeting ended at 8.20 pm

LEADER OF THE COUNCIL