

MEETING OF THE CABINET

Wednesday, 30<sup>th</sup> June, 2010 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

PRESENT: -

Councillor Mrs. Millward (Leader of the Council) (Chairman)  
Councillor L. Jones (Deputy Leader of the Council)  
Councillors Adams, D. Blood, Mrs. Faulkner, P. Harley, Simms, Stanley, A. Turner  
and Mrs. Walker.

together with the following Minority Group Members appointed to attend meetings of  
the Cabinet -

Councillors Ali, Foster, Hanif, Islam, Ms. Partridge and Mrs. Ridney.

Officers:-

Chief Executive, Director of Adult, Community and Housing Services, Director of  
Corporate Resources, Director of the Urban Environment, Assistant Director of  
Children's Services (Transforming Futures (Strategic Planning)), Mr Sanders  
(Directorate of Law, Property and Human Resources) and other officers.

1	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>Apologies for absence from the meeting were received on behalf of Councillors Lowe and Sparks.</p>
2	<p><u>CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS</u></p> <p>It was reported that Councillors Hanif and Islam were serving in place of Councillors Lowe and Sparks, respectively, for this meeting of the Cabinet only.</p>
3	<p><u>DECLARATIONS OF INTEREST</u></p> <p>Councillors Ali and Islam declared a Personal Interest, in accordance with the Members Code of Conduct, in respect of Agenda Item No. 13 (Community Cohesion Strategy and Action Plan) in view of their being worshippers at Dudley Mosque.</p>
4	<p><u>MINUTES</u></p> <p>RESOLVED</p>

That the minutes of the meetings of the Cabinet held on 17<sup>th</sup> March and 26<sup>th</sup> April, 2010 be approved as a correct record and signed.

5 REVENUE AND CAPITAL OUT-TURN, 2009/10

A report of the Treasurer was submitted setting out the provisional financial results for the Council for the year ended 31<sup>st</sup> March, 2010.

RESOLVED

- (1) That the draft out-turn results for 2009/10, including Value for Money efficiencies be noted.
- (2) That the effect of the General Fund Revenue Out-turn on General Balances at 31<sup>st</sup> March, 2010, be noted.
- (3) That the position on earmarked reserves at 31<sup>st</sup> March, 2010, be noted.
- (4) That the latest forecast General Fund Revenue position for 2010/11 be noted.

6 COUNCIL PLAN, 2013: THREE YEAR REFRESH

A report of the Chief Executive was submitted seeking endorsement for the proposed structure of the Council Plan policy framework for 2010-13, in the light of the long-term priorities of the Community Strategy and relationship with the Next Generation Local Area Agreement, the Medium Term Financial Strategy and the Human Resource Strategy.

Reference was made in the discussion to sustainable energy efficient measures being undertaken in schools, with particular reference being made to the initiatives undertaken at Roberts Primary School and some other schools. In response to a question, the Cabinet Member for Environment and Culture agreed to arrange for the supply of recycling bins to schools to be considered.

RESOLVED

That the Council be recommended:-

- (1) that the policy framework of the revised Council Plan be endorsed;  
and
- (2) that the alignment of the Council Plan and Directorate Strategic Plans to the Community Strategy, be noted.

## REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Treasurer was submitted providing an update on developments in Housing Revenue Account (HRA) finance; and proposing revisions to HRA budgets to reflect latest financial forecasts and revisions to the Public Sector Housing Capital Programme. The report also sought consideration of the Council's response to a Government consultation paper on specific proposals for the reform of HRA funding, which would provide a financial model for each Housing Authority.

### RESOLVED

- (1) that the response to the consultation on HRA funding reform be approved, as set out in Appendix 1 to the report now submitted;
- (2) that the Council be recommended that, in principle, all capital receipts arising from the sale of HRA assets continue to be used for the improvement of council homes (other than those specifically committed to support private sector housing);
- (3) that the continued uncertainty around future years' funding arrangements for the HRA be noted;
- (4) that the Council be recommended to approve the revised HRA budget for 2010-11 as set out in Appendix 2 to the report now submitted;
- (5) that the Council be recommended to approve the amendments to the Public Sector Housing capital programme for 2010 -11 to 2014 -15 (Void Property Improvements, Community Energy Savings Programme);
- (6) that the Council be recommended to approve the addition of the Orchard Street scheme to the public sector housing capital programme within the new build housing programme;
- (7) that the repurchase of the three former Right to Buy homes at Orchard Street from Black Country Housing Group (BCHG) be approved;
- (8) that the re-taking of ownership of all of the nine former Council owned homes, the site plots and the associated land at Orchard Street be approved;

	<p>(9) that negotiations with BCHG's proposed contractor be undertaken and that, subject to value for money being demonstrated, agreement be entered into with them to undertake the development on a similar design and build basis, or to seek alternative procurement arrangements in accordance with the Council's standing orders if this is not possible;</p> <p>(10) that the refund to BCHG of the direct costs they have incurred in progressing the scheme to this stage, these being the costs the Council would have incurred if it had progressed the scheme from inception, be approved.</p>
8	<p><u>DRAFT DEVELOPMENT STRATEGY DEVELOPMENT PLAN DOCUMENT FOR PUBLIC CONSULTATION</u></p> <p>A report was submitted seeking approval for the scoping and issues stage of the Development Strategy Development Plan Document (DPD) to proceed to public consultation.</p> <p>RESOLVED</p> <p>That the Scoping and Issues Development Strategy DPD be approved for publication for a statutory public consultation period of six weeks between 30<sup>th</sup> July, 2010 and 10<sup>th</sup> September, 2010.</p>
9	<p><u>CONSULTATION ON THE HALESOWEN AREA ACTION PLAN "OPTIONS" STAGE DOCUMENT</u></p> <p>A report of the Director of the Urban Environment was submitted seeking approval for the Halesowen Area Action Plan Options Document to be used as a basis for statutory public consultation from July, 2010.</p> <p>RESOLVED</p> <p>That the Halesowen Area Action Plan Options Document be approved as a basis for public consultation for the period from 30<sup>th</sup> July, 2010 to 10<sup>th</sup> September, 2010.</p>
10	<p><u>SUPPORTING PEOPLE STRATEGY, 2010-15</u></p> <p>A report of the Director of Adult, Community and Housing Services was submitted seeking consideration of a new draft Supporting People Strategy for the period 2010-15. The new draft Strategy provided information on the current and predicted demand for low level housing related support and contained recommendations aimed at shaping investment decisions for the five year period.</p>

RESOLVED

That the Strategy, as drafted, be noted and approved.

11

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Treasurer was submitted on progress with the implementation of the Capital Programme and which proposed certain amendments to the Programme. The report also sought approval to the amendment of 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.

RESOLVED

- (1) That current progress with the 2010/11 Capital Programme, as set out in Appendix A of the report now submitted be noted.
- (2) That the results of the Post Completion Review of capital projects, as set out in Appendix C of the report now submitted be noted.
- (3) That the land at Brierley Hill known as "Site C" be leased to Stourbridge College at a peppercorn rent, and that the Director of Corporate Resources be authorised to enter into the necessary agreements, as set out in paragraph 12 of the report now submitted.
- (4) That the Council be recommended:
  - (i) That the refurbishment of Amblecote Special Education Centre be included in the Capital Programme, together with any other projects that can be funded from surplus resources from the disposals detailed, as set out in paragraph 6 of the report now submitted.
  - (ii) That the Disabled Facilities Grant and Regional Housing Pot resources be noted and that the associated expenditure be included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
  - (iii) That the Capital Programme be amended to reflect the increased costs of the Oak Lane Refurbishment, as set out in paragraph 8 of the report now submitted.
  - (iv) That the Security Works at Stourbridge and Gornal Wood Crematoria be approved and included in the Capital Programme, as set out in paragraph 9 of the report now submitted.

- (v) That the funding for Practical Cooking Spaces project at Oldswinford Hospital School be noted, and that the project be included in the Capital Programme, as set out in paragraph 10 of the report now submitted.
- (vi) That the capital programme be amended in respect of the Sycamore Adventure Centre, as set out in paragraph 11 of the report now submitted.
- (vii) That the Asset Management Plan and Area Committee allocations be approved and included in the Capital Programme, as set out in paragraph 13 of the report now submitted
- (viii) That the funding reductions for Highways and Transport be noted, that the Director of the urban Environment be authorised to agree details in consultation with the Cabinet Member for Transportation, and that the Capital Programme be amended accordingly, as set out in paragraph 14 of the report now submitted.
- (ix) That the Treasurer be authorised to include any lease-financed equipment expenditure in the Capital Programme, subject to being satisfied that it constitutes value for money and is affordable, as set out in paragraph 20 of the report now submitted.
- (x) That the annual vehicle acquisition allowance in the Capital Programme be increased to £3.5m, subject to periodic review, as set out in paragraph 21 of the report now submitted.
- (xi) That the amended Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act, 2003, as set out in Appendix B to the report now submitted, be approved.
- (xii) That the urgent amendments to the Capital Programme, as set out in paragraphs 15 to 18 of the report now submitted, be noted.

12

VISION 2025 AND DUDLEY GRID FOR LEARNING STRATEGY PROCUREMENT

A report of the Director of Children's Services was submitted, informing the Cabinet of progress made on the procurement of the Dudley Grid for Learning 3 (DGFL) ICT Strand of Vision 2025 and which sought approval to progress key phases of the Competitive Dialogue Procurement Process through to the award of contract.

RESOLVED

- (1) That the progress made to date on the procurement of the next DGFL Contract, be noted.
- (2) That the work to be undertaken next be endorsed, and that the tight timescales be noted.
- (3) That the Chief Executive, in consultation with the Cabinet Member for Children's Services, the Opposition spokesperson for Children's Services and the Director of Corporate Resources, be authorised to make all necessary decisions with regard to the procurement process and the award of the contract.

13

COMMUNITY COHESION STRATEGY AND ACTION PLAN

A report of the Chief Executive was submitted seeking approval to the Community Cohesion Strategy for 2009-11, including the associated Action Plan.

A lengthy discussion ensued in relation to the arrangements regarding the proposed march by the English Defence League (EDL) in Dudley on 17<sup>th</sup> July, 2010 and feedback from the march held by that group in April, 2010. In response to questions asked regarding Member involvement, the Chief Executive reported orally about the measures being taken in this regard and specified the nature of discussions with the relevant agencies, including the Police. He also explained the rationale regarding the timescale for preparatory meetings.

With regard to press engagement regarding the EDL, the Deputy Leader of the Council wished to place on record his appreciation of the responsible reporting of the issue of the march and the activities of the EDL by the Express & Star and the News Group.

Reference was made in the discussion to the position regarding the Mosque, in relation to which the Chief Executive explained that negotiations were continuing. He confirmed that, as soon as a firm proposal had emerged, arrangements for consultation would be made.

Further to consideration of the report now submitted, in response to a question, the Leader indicated that she would support the appointment of a Community Cohesion Working Group of Members.

RESOLVED

That the Community Cohesion Strategy for 2009-11 and the associated Action Plan be approved.

14

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Quarterly Corporate Performance Management Report for the fourth quarter of 2009/10, relating to the period from the 1<sup>st</sup> January to 31<sup>st</sup> March, 2010 was submitted.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report be received and its content approved.
- (2) That the information contained in the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their Terms of Reference.

15

PETITION SCHEME

A report of the Director of Corporate Resources was submitted seeking consideration of a Petition Scheme for the Council, and the arrangements for electronic petitions, in compliance with the requirements of the Local Democracy, Economic Development and Construction Act, 2009.

RESOLVED

That, subject to the inclusion of provision in the scheme for petitions to be triggered, signed or organised only by persons who work, live or study in the local authority area, including under 18s, the Council be recommended:

- (i) That the requirement for a Petitions Scheme to be in operation from June, 2010 and for the e-petitions facility to be operational by December, 2010, be noted.
- (ii) That a Petition for Debate (by the full Council) be triggered by a petition of at least 3000 petitioners.
- (iii) That a Petition to hold an Officer to Account (for consideration by the appropriate Select Committee) be triggered by a petition of over 1000 petitioners in number.
- (iv) That a submission including 10 or more names be normally regarded as an ordinary petition but that the Petitions Officer be authorised to accept a lower number at his discretion in appropriate circumstances.
- (v) That the presenter of a petition be allowed to speak for a maximum of three minutes on the subject of the petition at the relevant meeting of the Council or Committee, unless the time is extended by the Mayor or Committee Chairman, as appropriate.



- (vi) That Ward Councillors be afforded speaking rights of three minutes at any meeting of a Committee (of which they are not an ordinary member) when a petition relevant to their ward is being considered.
- (vii) That, in addition to the requirements of Council Procedure Rule 4.1, the receipt of Ordinary Petitions be notified to the Group Leaders, the appropriate Cabinet Member and the relevant Ward Members and that Council Procedure Rule 4.1 be amended accordingly.
- (viii) That the above provisions be encapsulated into the Petition Scheme and that the draft Petition Scheme attached to this report be approved.
- (ix) That the Director of Corporate Resources be formally designated as the Council's Petitions Officer and that the scheme be administered by Democratic Services.
- (x) That the Director of Corporate Resources be instructed to report to the Council on the operation of the Scheme as part of the annual review of the Constitution.
- (xi) That the Council be recommended to incorporate the Petition Scheme in the Council's Constitution and to make consequential amendments to the existing provisions.
- (xii) That the Director of Corporate Resources be authorised to undertake the procurement of the on-line e-Petitions facility.

16

APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Director of Corporate Resources was submitted seeking consideration of the appointment of Council Representatives to Outside Organisations for the 2010/11 Municipal Year.

RESOLVED

That, subject to the inclusion of a representative of the West Midlands Road Safety Partnership Board, the Director of Corporate Resources, in consultation with the Leader of the Council and the Minority Group Leader, as appropriate, be authorised to determine the appointment of representatives to serve on the outside organisations indicated in the appendix to the report now submitted.

17

DELIVERING THE 2011 CENSUS

A report of the Chief Executive was submitted advising the Cabinet of the 2011 Census process, the actions that the Council was being asked to perform to support the Census; the reasons why the actions described were necessary and the manner in which they were to be delivered.

RESOLVED

That the approach being adopted to co-ordinate and deliver the 2011 Census activities in Dudley Borough be approved.

18

ISSUES ARISING FROM SELECT COMMITTEES

No issues were reported under this item.

19

EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I 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-weighed by the public interest in maintaining the exemption from disclosure:

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Staffing Issue - Directorate of Finance, ICT and Procurement (1)	1
Staffing Issues - Directorate of Finance, ICT and Procurement (2)	1

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STAFFING ISSUE - DIRECTORATE OF FINANCE, ICT AND PROCUREMENT (1)

A report of the Director of Corporate Resources was submitted seeking approval to the termination of the Contract of Employment of the officer referred to in the report on the grounds of redundancy.

RESOLVED

That the request to terminate the contract of the officer referred to in the report now submitted on the grounds of redundancy on the date and under the terms and conditions proposed in the report, be approved.

STAFFING ISSUES - DIRECTORATE OF FINANCE, ICT AND PROCUREMENT  
(2)

A joint report of the Director of Corporate Resources and the Interim Director of Finance seeking approval to terminate the Contracts of Employment of two officers in the Directorate of Finance, ICT and Procurement on the grounds of redundancy was submitted.

RESOLVED

That the request to terminate the Contracts of Employment of the two Officers referred to in the report now submitted on grounds of redundancy on the dates and terms and conditions proposed in the report be approved.

The meeting ended at 7.25 p.m.

LEADER OF THE COUNCIL