



Meeting of the Cabinet

Wednesday, 17th September, 2014 at 6.00pm
In Committee Room 2 at the Council House, Priory Road, Dudley

Agenda - Public Session **(Meeting open to the public and press)**

1. Apologies for absence.
2. To report any changes in representation of opposition group members.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting on 3rd July, 2014 as a correct record.

Budget, Strategic, Policy and Performance Issues

5. Capital Programme Monitoring (Key decision).
6. Corporate Quarterly Performance Management Report.

Service Related Corporate Issues

7. Tenant Involvement Arrangements
8. The Local Government Ombudsman's Annual Review Letter 2014
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).
10. To report on any issues arising from Scrutiny Committees.



Director of Corporate Resources

Dated: 9th September, 2014

Distribution:

Members of the Cabinet:

Councillor D Sparks (Leader - Chair)

Councillor P Lowe (Deputy Leader)

Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster, R Harris, G Partridge and S Turner

Opposition Group Members nominated to attend meetings of the Cabinet:

Conservative Group:

Councillors P Harley, R James, P Miller, G Simms, D Vickers and M Wood

UKIP Group:

Councillors P Brothwood and K Turner

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- The Democratic Services contact officer for this meeting is Richard Sanders, Telephone 01384 815236 or E-mail richard.sanders@dudley.gov.uk

Minutes of the meeting of the Cabinet

Thursday, 3rd July, 2014 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

Present:

Councillor D. Sparks - Leader of the Council (in the Chair)
Councillor P. Lowe - Deputy Leader (Vice Chair)
Councillors K. Ahmed, H. Bills, D. Branwood, T. Crumpton, J. Foster,
R. Harris, G. Partridge and S. Turner

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P. Harley, R. James, I. Kettle, P. Miller, D. Vickers and M. Wood (Conservative Group); Councillors P. Brothwood and K. Turner (UKIP Group)

Officers:-

J. Polychronakis (Chief Executive), J. Millar (Director of the Urban Environment), V. Little (Director of Public Health), A. Pope-Smith (Director of Adult, Community and Housing Services), P. Sharratt (Interim Director of Children's Services), P. Tart (Director of Corporate Resources), I. Newman (Treasurer), T. Reilly (Assistant Director, Human Resources and Organisation), R. Sanders (Assistant Principal Officer, Democratic Services) and other officers.

1.

Mr Bob Jones

The Leader referred to the death of the Police Commissioner, Bob Jones. Members and officers present stood in silent tribute to Mr Jones' memory.

2.

Changes in representation of Opposition Group Members

Councillor Kettle was serving in place of Councillor Simms for this meeting of the Cabinet only.

3.

Declarations of Interest

A pecuniary interest in agenda item no 17 (Corporate Senior Management Restructure) was made by the Chief Executive on behalf of the officers present.

4. **Minutes**

Resolved

That the minutes of the meeting of the Cabinet held on 12th March, 2014, be approved as a correct record and signed.

5. **Revenue Outturn 2013/14 and Medium Term Financial Strategy**

The Cabinet considered a report of the Chief Executive and the Treasurer indicating the provisional revenue outturn position for the year ended 31st March, 2014 and seeking consideration of the latest General Fund Revenue position for 2014/15 and a Medium Term Financial Strategy to 2017/18.

Equality Impact Assessments carried out in the subject areas indicated in paragraph 50 of the report had been circulated to all Members of the Cabinet and the Members of the Opposition Groups appointed to attend Cabinet meetings in advance of the meeting date.

A number of questions were asked by members of the Opposition Groups on the updated position on savings indicated in paragraph 24 of the report and on the details of savings proposed in Appendix 4, to which the Cabinet Member for Finance and the Cabinet Members responsible for the particular issues referred to, responded. The Leader of the Conservative Group agreed to accept a written reply in respect of a question he asked on whether there were areas in the Borough where wheelie bins remained to be supplied.

Resolved

- (1) That the draft General Fund and Housing Revenue Account outturns for 2013/14, be noted.
- (2) That the effect of the General Fund Revenue Outturn on General Balances at 31st March 2014 be noted.
- (3) That the position on General Fund earmarked reserves at 31st March 2014, be noted.
- (4) That the savings proposals for future years set out in paragraph 25 and Appendix 4 of the report be noted and it be noted also that these will be brought back for further consideration by Cabinet on 29th October, 2014, together with any other savings proposals identified prior to that date.

- (5) That the proposal to use Public Health grant to support Sports Development and Park Rangers be noted and that it also be noted that these, together with other proposals for the use of Public Health grant, will be brought back to Cabinet on 29th October, 2014.
- (6) That the various issues and risks which may continue to affect the 2014/15 position and will need to be taken into account in finalising budget proposals for 2015/16, and the Medium Term Financial Strategy, be noted.
- (7) That the Council be recommended to approve:
 - (a) That An “Expressions of Interest” process for voluntary redundancy to open from July through to early September 2014 with clear communication relating to priority given to areas of savings and that the process will be for a register to be held for future consideration including budget saving requirements and service restructures.
 - (b) That Directors through Human Resources may continue to offer the opportunity of volunteering for redundancy to any employee whose service is undergoing a restructure involving the saving of posts as it may be that some employees did not express an interest through the corporate process that might wish to consider this option if and when their service is reviewed.
 - (c) the continued delegation for approval of voluntary redundancies to the Cabinet Member for Human Resources, Legal, Property and Health and the Director of Corporate Resources, and of compulsory redundancies to the Cabinet Member for Human Resources, Legal, Property and Health and the Assistant Director for Human Resources and Organisational Development.
- (8) That Council be recommended to amend the 2014/15 General Fund revenue budget to reflect the current year savings set out in paragraph 25 of the report.

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

6. **Capital Programme Monitoring**

The Cabinet considered a joint report of the Chief Executive and Treasurer on progress with the implementation of the Capital Programme, including the 2013/14 outturn position, and which proposed amendments to the Programme.

Resolved

That the Council be recommended:

- (1) That the outturn position for 2013/14, as set out in paragraphs 3 and 4 and Appendix A of the report, be noted.
- (2) That current progress with the 2014/15 Capital Programme, as set out in Appendix B of the report be noted, and that budgets be amended to reflect the reported variance.
- (3) That the Disabled Facilities Grant funding allocations be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 7 of the report.
- (4) That a budget of £192,000 for the refurbishment of Holloway Hall Chambers to provide new council homes be included in the Capital Programme as set out in paragraph 8 of the report.
- (5) That the Community Capacity Grant allocation be noted and that the associated spend on relevant Adult Personal Social Services projects be included in the Capital Programme as set out in paragraph 9 of the report.
- (6) That subject to the grant application being successful, the Castle Hill Development Extension project be approved and included in the Capital Programme, as set out in paragraph 10 of the report.
- (7) That the project to extend Dudley Cemetery be approved and included in the Capital Programme, as set out in paragraph 11 of the report.
- (8) That the funding allocation for the Cradley Forge Mushroom Green Embankment be noted, and that the project be included in the Capital Programme as set out in paragraph 12 of the report.

- (9) That the capital expenditure of £100,000 funded by the pothole grant be included in the Capital Programme, as set out in paragraph 13 of the report.
- (10) That the Urgent Amendment to the Capital Programme, as set out in paragraph 14 of the report, be noted.

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

7. **Public Consultation on the Dudley Borough Development Strategy “Preferred Options” document**

The Cabinet considered a report of the Director of the Urban Environment seeking approval for the Preferred Options stage of the Dudley Borough Development Strategy document which was proposed to be used as a basis for public consultation commencing in July, 2014 for a period of nine weeks.

Resolved

That the Dudley Borough Development Strategy Preferred Options document be approved as a basis for public consultation commencing on Friday, 11th July, 2014 for a period of nine weeks.

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

8. **Adoption of the “Let’s Get Dudley Active” - Dudley Physical Activity and Sports Strategy 2014-19**

The Cabinet considered a joint report of the Director of the Public Health and the Director of the Urban Environment seeking approval for the adoption of the “Let’s Get Dudley Active” - Physical Activity and Sports Strategy for Dudley

Resolved

- (1) That the Council adopts “Let’s Get Dudley Active”, the Dudley Physical Activity and Sport Strategy 2014-2019.
- (2) That the Council signs the Dudley Charter for Physical Activity and Sport.
- (3) That the Council facilitates the Physical Activity and Sport Commission and that the Cabinet Member for Health and Wellbeing represents the Council on the Commission.

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

9. **Corporate Quarterly Performance Management report**

The Cabinet considered the report of the Chief Executive under cover of which the fourth Corporate Quarterly Performance Management Report for 2013/14, relating to performance for the period 1st January to 31st March, 2014, was submitted.

Resolved

- (1) That the Corporate Quarterly Performance Management Report be approved.
- (2) That the consideration of the report by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee be noted.

10. **Consultation on the Community Infrastructure Levy (CIL) Revised Draft Charging Schedule and recommendation to Council for subsequent submission**

The Cabinet considered a report of the Director of the Urban Environment regarding the development of a Community Infrastructure Levy (CIL) and which sought approval for the revised Draft Charging Schedule and revised Draft Regulation 123 List to be published for a six week period for consultation and recommendation to the Council that the draft Charging Schedule subsequently be submitted to the Secretary of State for independent examination.

Resolved

- (1) That the publication of the revised Draft CIL Charging Schedule for a six week period of public consultation between 11th July to 22nd August, 2014, be approved.
- (2) That the Council be recommended that following public consultation, the CIL Draft Charging Schedule be submitted to the Secretary of State for Independent Examination in accordance with Regulation 19 of the CIL Regulations 2010.
- (3) That the Director of the Urban Environment, in consultation with the Leader of the Council and Cabinet Member for Regeneration, be authorised to agree any minor changes to the document prior to submission to the Secretary of State.

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

11. **Food Service Plan 2014/15**

The Cabinet considered the report of the Director of the Urban Environment seeking approval to the contents of the Food Service Plan for 2014/15.

Resolved

That the Council be recommended that the Food Service Plan for 2014/15 be approved.

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

12. **Health Scrutiny Committee Review of Tobacco Control**

The Cabinet considered the recommendations of the Health Scrutiny Committee regarding their review of Tobacco Control.

Resolved

That the recommendations of the Health Scrutiny Committee and corresponding Action Plan set out in Appendix 1 of the report be endorsed for referral to external agents and partner organisations.

13. **Appointment of Council Representatives to outside organisations**

The Cabinet considered a report of the Director of Corporate Resources on the appointment of Council representatives to outside organisations for the 2014/15 municipal year.

Resolved

(1) That the Director of Corporate Resources, in consultation with the Leader of the Council and the Opposition Group Leaders, as appropriate, be given delegated authority to determine the appointment of representatives to serve on the outside organisations.

(2) That the Director of Corporate Resources, in consultation with the Leader, be authorised to make an appointment of a Member to serve on the Board of the West Midlands Strategic Migration Partnership.

14. **Exclusion of the public and press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individuals as defined under Part I of Schedule 12A of the Local Government Act, 1972 (as amended).

(With the exception of the Chief Executive, the officers at the meeting left the room at this juncture)

15. **Corporate Senior Management Restructure**

A report of the Chief Executive on this matter was submitted.

Resolved

- (1) That the Cabinet endorse the proposed new structure at Appendix 3 of the report submitted to the meeting for formal consultation in accordance with the Procedure and Timetable set out at Appendix 4, and authorise the Chief Executive to take all necessary steps with regard to the consultation
- (2) That the Equality Impact Assessment set out in Appendix 5 to the report submitted to the meeting be endorsed.
- (3) That the use of the JNC scheme for job evaluation for second, third and fourth tier posts, with the evaluations being independently undertaken by West Midlands Employers, be approved
- (4) That the arrangements for the recruitment and appointment of a new Chief Executive be noted.

The meeting ended at 7 p.m.

LEADER OF THE COUNCIL

Meeting Of the Cabinet – 17th September 2014

Joint Report of the Chief Executive and Treasurer

Capital Programme Monitoring

Purpose of Report

1. To report progress with the implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.

Background

3. The table below summarises the current 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

| | 2014/15 | 2015/16 | 2016/17 |
|---|----------------|----------------|----------------|
| | £'000 | £'000 | £'000 |
| Public Sector Housing | 42,730 | 40,334 | 41,162 |
| Other Adult, Community & Housing | 6,379 | 4,184 | 550 |
| Urban Environment | 31,626 | 13,579 | 5,873 |
| Children's Services | 28,493 | 751 | 161 |
| Corporate Resources | 2,451 | 1,658 | 1,366 |
| Total spend | 111,679 | 60,506 | 49,112 |
| Revenue | 14,192 | 13,400 | 13,687 |
| Major Repairs Reserve (Housing) | 22,279 | 22,558 | 22,847 |
| Capital receipts | 18,540 | 13,662 | 9,507 |
| Grants and contributions (inc. Lottery) | 27,361 | 8,011 | 183 |
| Capital Financing Requirement* | 29,307 | 2,875 | 2,888 |
| Total funding | 111,679 | 60,506 | 49,112 |

*This will be funded internally from the Council's cashflow resources as far as possible, rather than from external debt.

Note that the capital programme for future years is in particular subject to government grant allocations, some of which have not yet been announced.

4. In accordance with the requirements of the Council's Financial Regulations, details of progress with the 2014/15 Programme are given in Appendix A. It is proposed that the current position be noted, and that budgets be amended to reflect the reported variances. An update on progress with the Council's most significant capital schemes is shown in Appendix B.

Urban Environment

Clayton Park Outdoor Gym

5. The Capital Programme currently includes £39,000 for the construction of an Outdoor Gym in Clayton Park, Coseley from Public Health funding and available Section 106 receipts generated from within the Coseley ward. However, in order to build a facility comparable to those which have proven a success in other parks in the Borough an additional £17,000 is required. This can be met from savings elsewhere in the Programme and available revenue resources.

It is proposed that the increase in budget be approved and the Capital Programme amended accordingly.

A459 Pedestrian Crossing Improvements

6. As part of the West Midlands Local Sustainable Transport Fund 'Smart Network Smarter Choices' project, the Council has been allocated £210,000 to improve existing pedestrian crossing facilities on the A459 corridor in the Sedgley area.

The facilities at the following locations will be upgraded to improve both pedestrian safety and reduce delays for vehicular traffic.

- High Street near Townsend Avenue
- High Street near Bull Ring
- Dudley Street near Bull Ring
- High Holborn at Tipton Street traffic signals
- Dudley Road near Arcal Street

It is proposed that the expenditure be approved and included in the Capital Programme.

Corporate Resources

Transforming our Workplace (ToW)

7. This project includes the disposal of 12 surplus office sites in Dudley town centre by the Council's joint venture company, PSP Dudley LLP. The former Abberley Street Pupil Referral Unit / IT Training Unit is one of those sites. During the disposal process the Council received an expression of interest for a community asset transfer from the Afro Caribbean Community Network for this site.

It is proposed that the site is therefore withdrawn from the sites being disposed of as part of ToW and replaced by the Church Street Education Centre site in Pensnett, which will become surplus to requirements following Children's Services relocation to offices at Mary Stevens Park. The value of the Church Street site will be, as a minimum, equivalent to that lost by the omission of the Abberley Street site. The Board of PSP Dudley LLP is in support of the substitution of sites.

Replacement of Franking machines.

8. The Curatorial Services team frank (process) outgoing mail for some 72 teams located throughout the borough. On average some 30,000 items of mail are franked each month. The two franking machines that are used have come to the end of their 5 year lease / hire contracts and new machines need to be procured. The decision as to whether to procure two new machines has been considered as part of the Corporate Post review and it has been determined that there is and will still be a need for two

franking machines in the years to come. Quotes for replacements have been received and it is expected that the total cost will be no more than £30,000. This cost can be met from the Corporate Resources revenue budget.

It is proposed that the project is approved and included within the Capital Programme.

Urgent Amendment to the Capital Programme

Pothole Funding

9. The Council has been awarded a further £567,000 by the Department for Transport to be spent in 2014/15. It is planned to address 7,000 sq metres of potholes, patching and repair of highways defects via revenue expenditure of £367,000, and to undertake capital expenditure of £200,000 on the enhancement of 25 roads to stop the formation of potholes which will be added to the micro-asphalting programme. In order to implement the works prior to the onset of cold and damp weather, a decision (ref. DUE/36/2014) was made by the Leader of the Council in consultation with the Treasurer on 21st August 2014 that this capital expenditure be added to the Capital Programme.

Post Completion Review of Capital Projects

10. The Post Completion Review required by Contract standing orders have now been undertaken for the following scheme, with a copies of the proforma summarising the review attached at Appendix C.

Children's Services

The Coseley School – Re-roofing project

It is proposed that this be noted.

Finance

11. This report is financial in nature and information about the individual proposals is contained within the body of the report.

Law

12. The Council's budgeting process is governed by the Local Government Act 1972, the Local Government Planning and Land Act 1980, the Local Government Finance Act 1988, the Local Government and Housing Act 1989, and the Local Government Act 2003.

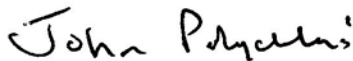
Equality Impact

13. These proposals comply with the Council's policy on Equality and Diversity.
14. With regard to Children and Young People:

- The Capital Programme for Children's Services will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
- Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
- There has been no direct involvement of children and young people in developing the proposals in this report.

Recommendations

15. That the result of the Post Completion Review of relevant capital projects, as set out in Appendix C be noted
16. That the Abberley St. site is withdrawn from the sites being disposed of as part of the Transforming our Workplace project and replaced by the Church Street Education Centre site in Pensnett, as set out in paragraph 7.
17. That the Council be recommended:
 - That current progress with the 2014/15 Capital Programme, as set out in Appendix A be noted, and that budgets be amended to reflect the reported variances.
 - That the increase in budget for the Clayton Park Outdoor Gym be approved and the Capital Programme amended accordingly, as set out in paragraph 5.
 - That the expenditure on the A459 pedestrian crossing improvements be approved and included in the Capital Programme, as set out in paragraph 6.
 - That the expenditure on the replacement of franking machines be approved and included in the Capital Programme, as set out in paragraph 8.
 - That the Urgent Amendment to the Capital Programme, as set out in paragraph 9, be noted.



John Polychronakis
Chief Executive



Iain Newman
Treasurer

Contact Officer: John Everson
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List of Background Papers

Relevant resource allocation notifications.

2014/15 Capital Programme Progress to Date

| Service | Budget £'000 | Spend to 31st July £'000 | Forecast £'000 | Variance £'000 | Comments |
|-------------------------------------|-------------------------|--|---------------------------|---------------------------|-----------------|
| Public Sector Housing | 42,730 | 10,601 | 42,730 | | |
| Other Adult, Community & Housing | 6,379 | 2,064 | 6,379 | | |
| Urban Environment | 31,626 | 3,692 | 31,444 | -182 | See note |
| Children's Services | 28,493 | 2,422 | 28,493 | | |
| Corporate Resources | 2,451 | 653 | 2,451 | | |
| TOTAL | 111,679 | 19,432 | 111,497 | -182 | |

Note:

- Cost reduction of £152,000 on Sedgley Hall Brook project following detailed analysis and scoping of the scheme (will reduce borrowing requirement);
- Saving of £13,000 on Redhouse Cone project as a result of electrical works costing less than originally estimated (funding to be returned to revenue);
- Lower than expected costs of £12,000 on Wollescote Park Pathways project (proposed to be used to fund extra costs of Clayton Park Outdoor Gym, as set out in paragraph 5 above);
- Minor savings of £5,000 on s106 funded Environmental Management projects.

Progress with Major Capital Schemes

Adult, Community and Housing

New Council Housing

The Council has been successful in securing match funding from the Homes and Communities Agency (HCA) from the Care and Specialised Support Housing Fund. Design work has commenced and a contract award made for the 14 two bedroom apartments for people with learning disabilities and who are on the autistic spectrum at the former depots at Norfolk Road, Wollaston and The Walk, Sedgley, and 3 two bedroom three person houses also at The Walk, procurement of a contractor is ongoing and tender evaluation is currently being undertaken.

Work is also continuing on feasibility studies for other potential new build housing and conversions of non-domestic properties across the borough and Pre-Application has commenced with the Local Planning Authority on a number of potential sites. Topographical and environmental habitat surveys and site investigations have been commissioned and a delivery plan is being developed. The bid submitted to the HCA for the conversion of Arcal Lodge in Sedgley into 14 units has been successful and design work is progressing.

Schemes are expected to be delivered within budget.

Dementia Gateways

Works are underway on the second dementia gateway at Brett Young in Halesowen with completion now anticipated for September 2014. Final costs are still to be established but schemes are expected to be delivered within budget.

Urban Environment

Street Lighting

Street lighting improvement works are in progress and the Street Lighting Central Management System (CMS) is now fully commissioned and operational. 16,500 of the Council's 32,000 street lights can now be controlled via the CMS system remotely to help save energy; 10,500 of these can be dimmed. Spend is forecast to be within budget.

Better Bus Area

The proposals which involve the construction of a new signal controlled pedestrian crossing on the A4036 Pedmore Road, and the creation of additional road space and signal controls to facilitate bus priority measures at the junction of the Boulevard with Mill St, Brierley Hill were granted planning permission in March 2014. Main works commenced on site in July 2014 with substantial completion programmed for the end of October. Spend is forecast to be within budget.

Mary Stevens Park

Recruitment of 3 year Heritage Ranger post complete and new staff due to start in mid July, volunteering for project work is being established. The design team was recruited in June and detailed design work will start mid July with capital work due to start beginning of 2015. Spend is forecast to be within budget.

Castle Hill

New Access Road: Phase 1a was completed during October 2012. Phase 1b (link road and roundabout) was completed April 2013.

Phase 2 onwards: This comprises the secondary route, recreational route, car parking and Visitor Hub. Planning permission was granted on 12th March 2013. The design team are currently working on detailed designs on a phased basis. Works commenced onsite for the initial phase of the secondary route on 23rd September 2013 and was completed February 2014. Works commenced on the lower level car parks on 4th December 2013, and completed March 2014. Works to upper level car park commenced April 2014, and was completed July 2014. Further phased works to commence October 2014, with final completion currently projected for April 2015.

Castle Hill Additional Funding

BCLM Schools Reception Building. Planning application has now been submitted, works are anticipated to commence January 2015, with an anticipated completion of July 2015

Spend is forecast to be within budget.

Dudley Marketplace and Town Centre

The first phase of the overall Dudley Market Place Public Realm scheme, which is Castle Street/New Street, is substantially complete and opened to full access on 10th August. There are some outstanding works in this location, seasonal tree planting being programmed for November and the construction work to the Earl of Dudley statue which has not yet been programmed in. The second phase has now started and the construction of the market stalls is well under way. Spend is forecast to be within budget.

Children's Services

DGfL3

Dudley Grid for Learning (DGfL) 3 includes a programme of ICT equipment upgrade and renewal across financial years 2013/14 & 2014/15. Consultation with schools to ascertain their priorities for the 'refresh' programme is complete. Refresh of ICT infrastructure and classroom equipment has now commenced phased roll out across the school estate. The programme and associated expenditure is therefore on schedule to bring improvement to schools ICT as planned.

Corporate Resources

Transforming our Workplace (ToW)

The project is now nearing completion. Work to offices at 3/5 St James's Road has now been completed and approximately 80% of the staff due to relocate there have done so. Alterations to offices at Mary Stevens Park Stourbridge have also been completed and the final group of Children's Services staff will have moved in by September. Various minor works to the Council House complex are in progress. The release of 12 surplus office sites has commenced with 6 office sites having now been sold. The overall programme of work is currently running to budget and is scheduled to complete in September 2014.

Appendix C

Title of Scheme: The Coseley School – Re-roofing project.

Date of Cabinet approval: 20/06/2013

(i.e. inclusion in Capital Programme) This project was funded from the Capital Maintenance Grant approved by Cabinet on the above date.

Budget at Tender Stage: £276,000

Planned Completion date: 22/04/2014

Outturn Cost: £268,000

Actual completion date: 02/05/2014

Variation from Budget at Tender Stage: -£8,000

Delay: 8 working days.

Reason for Cost Variation and / or Delay in Completion (please indicate if any variation has previously been reported to Cabinet):

Final Account has been agreed and the unspent contingency (an allowance included within tender for any unforeseen circumstances whilst on site) will be released back to the Capital Maintenance Grant budget. Cost variations were reported at regular intervals through PIT (Project Implementation Team).

Original Objectives of Scheme (please indicate when and to whom these were reported):

The project was prioritised through the Council's AMP (Asset Management Plan) Scoring Matrix mechanism that targets capital resources where they will have the greatest impact on raising educational Standards and improving the overall quality of school buildings. Also, the School's Governing body and Senior Management Team highlighted the project as a priority in the School's Building Development Plan.

Following a meeting of the AMP Consultation Group held on 8th May 2013 the unanimous decision by the group was to recommend that the Directorate proceed with the Re-roofing Scheme at The Coseley School. The Director of Children's Services agreed to the programme at Capital Board that also took place on 1st May 2013.

The completed project has offered a permanent solution to the roof failure and has provided a school environment that is equipped for 21st century teaching and learning.

Have these Objectives been met? (If "No" please provide explanation):

Yes.

Signed by: Pauline Sharratt..... (Acting Director)

Date: 2nd September 2014

Meeting of the Cabinet – 17th September, 2014

Corporate Quarterly Performance Management Report

Report of the Chief Executive

Purpose of Report

1. To present the first Corporate Quarterly Performance Management Report for 2014/15, relating to performance for the period 1st April to 30th June, 2014.

Background

2. The overriding purpose of the Corporate Quarterly Performance Management Report is to provide the Cabinet with a regular update on the management of services and performance levels being achieved within the Council, across the seven Council Plan thematic priorities. Prior to submission to Cabinet the report is scrutinised by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee.

3. The report contains the following sections:

Section 1: a brief introduction.

Section 2: a performance summary of key performance indicators and actions.

Section 3: more detailed progress on the key performance indicators and the key actions identified to determine our delivery of the Council Plan priorities.

Section 4: current sickness absence information.

Section 5: corporate risk status report

A full copy of the Corporate Quarterly Performance Management Report is available on the Internet via the Committee Management Information System. A paper copy can be sent to any Member on request.

Finance

4. There are no direct financial implications.

Law

5. The Council may do anything which is incidental to conducive to or which facilitates the discharge of its functions under Section 111 of the Local Government Act, 1972.

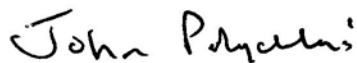
Equality Impact

6. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report.

The Corporate Quarterly Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

Recommendation

7. It is recommended that Cabinet
 - Receives the Corporate Quarterly Performance Management Report and approves its content.
 - Notes that the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee considered the report on 4th September, 2014.



John Polychronakis
Chief Executive

Contact Officers: Geoff Thomas ext 5270 / Michael Wooldridge ext 4737

Cabinet Meeting, Wednesday 17th September 2014

Report of the Director of Adult, Community & Housing Services

Tenant Involvement Arrangements

Purpose of Report

- 1) To formally end the existing arrangements as structured through the Area Housing Panels.
- 2) To advise Cabinet of the changed involvement arrangements.
- 3) Approve the changed arrangements for expenditure of the Community and Environmental budget.

Background

- 4) Under the Localism Act 2011 responsibility for regulation of social housing passed to the Homes and Communities Agency and a new regulatory framework was introduced. All registered providers are required to meet the relevant standards.
- 5) A key aspect of the regulation is the tenant involvement and empowerment standard (in place from 1 April 2012) which states that: registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in:-
 - a) The formulation of their landlord's housing related policies and strategic priorities;
 - b) The making of decisions about how housing related services are delivered, including the setting of service standards;
 - c) The scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved.
 - d) In Dudley we have established the Take Control project to work in partnership with tenants and residents to take empowerment to a new level. The aim is to ensure that services are accountable and contestable by tenants and residents in the Borough in order to achieve excellence in our housing services.
- 6) This work enhances the quality and scope of community engagement and involvement in the Borough and marks progress in our commitment to work in close partnership with tenants and residents.

- 7) We held a Tenant's Conference on 22nd September 2012 which was attended by over 80 people (both tenants and Elected Members). Tenants recognised the progress made through the Area Housing Panels along with the need to move even further on their journey to secure greater influence over the service they receive. The Dudley Federation of Tenants and Residents Association (DFTRA) involved as many tenants' representatives as possible to develop a new structure and approach which will include a Board and range of challenge groups.
- 8) The four priorities as identified by tenants and residents are:
 - Greater opportunity to influence decisions
 - The ability to and scrutinise housing services
 - Have more involvement opportunities
 - To improve communication
- 9) Proposals for a new Tenants Board were put forward in January 2014 and appointments to the interim Board were made in June/July 2014. Membership includes tenants, residents, leaseholders, with advisory support from the Cabinet Member & Shadow Cabinet Member for Housing and the Assistant Director of Housing Management. A comprehensive training programme has been devised and delivered alongside an ongoing development programme.
- 10) Copies of the Tenant structure and Road Map, which plots progress to date, have been placed in the Members room and are complimentary to this report.

Area Housing Panels

- 11) The establishment of five Area Housing Panels with both Member and Tenant representation was approved by the Council's Executive on 6th June 2002 forming part of a report entitled 'Developing Dudley's Council Housing Service'.
- 12) The Area Housing Panels were established in the light of best practice from preparatory work for stock transfer around the devolution of control to service users.
- 13) Area Housing Panels have been successful in that they forged a partnership between Members and tenants to pro-actively monitor performance and influence change in service development.
- 14) The role of the Area Housing Panels was intended to be "largely consultative" with the intention over time of introducing a decision-making framework. The Area Housing Panels made recommendations in regard to expenditure of the community safety and environmental budget.
- 15) The intention is that the Area Panels will cease once the Tenants Board is in place and responsibilities transferred.

Finance

- 16) The operating costs will be met from existing budgets within the HRA.
- 17) Following recommendations by the Tenant's Board, approval of the Community Safety & Environment budget will be obtained in accordance with Council process.

Law

- 18) Social housing tenants have the right to hold their landlord to account through the tenant scrutiny arrangements introduced in the Localism Act 2011.
- 19) By virtue of section 21 of the Housing Act 1985 the general management, regulation and control of its stock is vested in the Council.
- 20) Section 111 of the Local Government Act 1972 enables the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its functions.

Equality Impact

- 21) The new arrangement will have a clear regard to our duties under the Equalities Act 2010 and an initial assessment has been completed. A full assessment will be completed during the period of the interim board arrangements and impacts monitored throughout implementation.

Recommendation

That the Council be recommended:

- 15) To approve the disestablishment of the Area Housing Panels.
- 16) To offer support to our tenants in the development of a structure that will assist them in achieving their priorities as list in '8' above.
- 17) To approve a transfer of responsibility from the Area Housing Panels to the Tenants Board to make recommendation(s) relating to expenditure of the Community Safety & Environment budget.
- 18) That the Constitution and Terms of Reference of the Tenants Board be approved as set out in the appendices attached.



.....
Andrea Pope-Smith
Director of Adult, Community & Housing Services

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List of Background Papers

Report to Executive, 6th June 2002 – Developing Dudley's Council Housing Services

Appendix - Dudley MBC

Dudley Housing Board Constitution

Terms of Reference

1. The purpose of Board is for the benefit of all in Dudley, to improve decision making and provide challenge in Housing Services
2. Objectives
 - a. To represent tenants, residents and leaseholders, to ensure that the council provides housing services that meets residents needs and are of the highest standard
 - b. To operate in the interests of the whole Borough and not as individuals or areas
 - c. To continually review and improve housing services
 - d. To provide an opportunity for tenants and residents to examine housing service's performance and procedures
 - e. To challenge and question staff who manage and deliver the service
 - f. Make recommendations to senior managers and Lead Member on how housing services can be improved
 - g. Recommend the discretionary element of community safety and environmental budget for implementation by the Assistant Director of Housing Services
 - h. To commission and receive Service Reviews and reports from Theme Groups
 - i. To receive and comment on key strategic policies including:
 - i. Divisional Plan,
 - ii. Housing Strategy,
 - iii. Housing Revenue Account
 - j. The Board will not cover the following:
 - i. Operations staffing (although strategic reviews of staffing structures will be referred to the Board),
 - ii. Procurement decisions (where staff are already delegated to take decisions),
 - iii. Individual cases (which are best handled through other mechanisms)
3. Membership and Quorum
 - a. The membership is 13 comprising 11 Community Representatives and 2 co-opted places.
 - b. In attendance as observers with speaking rights will be the Cabinet Member for Housing along with one representative from each political group.

- c. Membership includes 11 Community Representatives. Within these 11 places there are 6 places reserved for tenants, 2 for residents and 1 for a leaseholder.
- d. No staff or councillor to be eligible as a Community Representative.
- e. The appointment of the Community Representatives is through a selective process including a person specification, interview and assessment. Within the criteria for selection will be an acknowledgement of ensuring a representative membership in terms of geographical coverage and diversity. Decision on appointments will be made by an Interview Panel made up of a Council Officer and a DFTRA Officer with the option of an external advisor. The Interview Panel will submit a report with recommendations to the Cabinet Member for Housing for approval copied to DFTRA and the Board.
- f. In the event that there are more suitable candidates than places then suitable candidates who are not placed on the Panel can become reserves with the ability of the Board to bring them onto the Board in the event of a vacancy.
- g. Membership also includes 2 co-opted places. The two co-opted places will be staff nominated by the Assistant Director of Housing Services. The Assistant Director will also act as an advisor to the Board.
- h. Community Representative membership is for 3 years with renewal for a further three years based on assessment of performance in the role by the Interview Panel. Maximum term of six years.
- i. Failure to attend three meetings of the Board shall result in immediate removal from the Board.
- j. Quorum is 7

4. Operation of the Board

- a. Voting shall be by a simple majority of the Board although the Chair will seek consensus on all decisions. The Chair of the meeting shall have a casting vote.
- b. Election of Chair and Vice Chair. These shall be Community Representatives. The Chair will have delegated authority to act on behalf of the Board between meetings (and the Vice Chair on their behalf in the absence of the Chair) and will report back to the Board about all decisions taken under delegated authority.
- c. Frequency of meetings – meeting will be held at least four times per year. Meetings will not to take place during election purdah.
- d. Access to Information. An information sharing protocol will be prepared and agreed.
 - i. This should cover the ability to request information for the Board and Service Reviews
 - ii. That staff will respond promptly to requests for information and explain if there are delays in providing information

- iii. The Board can commission reports (which are appropriate in scale and the role of the Board)
- iv. The Board will respect confidentiality in all its work and abide by Dudley procedures on the Data Protection Act and related legislation

5. Monitoring of Performance

- a. The Board will receive quarterly updates and reports on the following:
 - i. Key Performance Indicators
 - ii. Satisfaction data
 - iii. Complaints and feedback
 - iv. Value for money
 - v. Risk Register
- b. The Board will use this information to identify topics for Service Review
- c. The Board is able to request the format in which it receives reports

6. Service Reviews

- a. The Board will commission Service Reviews and appoint 5 representatives from the Board to carry out Service Reviews including a Lead Representative. In identifying topics the Board will have regard to the views of the Management Team and Internal Audit to ensure reviews are timely and appropriate. The Board can also invite other tenants, residents and leaseholders to be co-opted onto Service Review Teams.
- b. Dudley MBC will support these reviews through a lead Policy Officer, with responsibility for the service area under review, and a support Officer with responsibility for servicing the Service Review. Dudley MBC may also ensure external advice as needed to support Service Reviews.
- c. Service Review Teams will agree Objectives, Methods and Questions at the beginning of each Review and agree all activities with the lead Policy and Support officers
- d. Service Reviews will have regard to existing customer groups in the area being investigated.
- e. Service Reviews will conclude their work by discussing their draft findings with the lead Policy Officer and then submitting their draft report to the Assistant Director of Housing Services. This will be discussed with the Assistant Director and a final version of the report agreed. The Assistant Director will also ensure there is an agreed Action Plan.
- f. Service Reviews will report to the Board in the form of a Report with recommendations plus the agreed Action Plan.
- g. In the event of a disagreement the Board will consider both the Report and the Directors response.

- h. The Board will consider the Report and respond to its recommendations.
- i. The Board may also set up Working Groups which will work cooperatively with staff and report to the Board.

7. Work Programme

- a. The Board will develop and agree an annual rolling Work Plan to set out the work programme of the Board and to fit in with the Dudley MBC business planning cycle
- b. In developing the Work Plan the Board will take account of Dudley MBC policies and plans, including the Divisional Plan, Internal Audit programme and the Council's own scrutiny programme.

8. Support for the Board

- a. Support for the Board will come primarily through the Participation Development Team
- b. Board members will be provided with the loan of a laptop/iPad and internet access subject to signing a Guardianship form and training on how best to use these
- c. Board members will be able to claim expenses for travel and subsistence incurred in their activity for the Board in line with Council policies and procedures
- d. The Board will be provided with venue, minutes and papers sent in advance 5 working days before a Board meeting
- e. A budget will be established to support the operation of the Board
- f. Training will be provided for all members and attendance is an important part of membership of the Board (including the annual review of the Board and its members). Content will be informed by an annual skills audit. This may include on-line training provided by the Council
- g. The Board will be able to access any mystery shopping/tenant inspectors set up by the Council
- h. The Board will be able to access external advice

9. Code of Conduct

- a. All Board Members must agree to abide by the Terms of Reference and Code of Conduct
- b. All Board Members must operate in the interests of the whole Borough and not as individuals or areas
- c. Code of Conduct based partly on existing Code of Conduct for Tenant Group and includes:
 - i. General conduct including acting on behalf of all residents and not for personal gain
 - ii. Conduct of meetings
 - iii. Discrimination

- iv. Confidentiality
- v. Political Affiliation
- vi. Conflicts of Interest
- vii. Use of IT equipment
- viii. Breach of the Code of Conduct

10. Accountability

- a. The Board operates within an elected Council with defined responsibilities for the Council, Cabinet and Cabinet Members.
- b. All decisions relating to major financial or policy matters rest with the Cabinet Member for Housing, Cabinet and Council. The Board will inform and advise the Cabinet Member on these matters
- c. When making recommendations on allocation of the discretionary elements of community based safety and environmental improvement budgets the Board will be aware of safeguards that support decision-making and take note of all legal advice, be aware of political sensitivities and respect the governance framework of the Council.
- d. There will be an Annual Review of effectiveness of the Board and its members including views from Board members, councillors, staff and tenants who engage with the Board, attendance at meetings and training events and capturing the impact of the Board.
- e. In the event of a dispute between a recommendation of the Board and the Cabinet Member for Housing, the Chair of the Board shall meet with the Cabinet Member, advised by the Assistant Director of Housing, to discuss the matter and understand the reason for the dispute.

11. Communication

- a. Details of membership of the Board will be made available on the website
- b. All minutes of the Board (excepting any confidential information) shall be published on the website
- c. All Service Reviews and agreed Action Plans shall be published on the website
- d. There will be an Annual Report of the Board
- e. Quarterly summaries of the work of the Board will be published in Home Affairs and in staff bulletins and made available to tenants, the wider public and stakeholders
- f. Councillors shall be kept informed on the activity and outcomes of the Board
- g. To abide by the Media Protocol when considering contacting the press

12. Partnership Working

- a. The Board will be aware of the wider work of Dudley Council such as the Quality of Life Standards pilot and the opportunity to engage with such approaches to support the work of the Board
- b. The Board will invite DFTRA to attend all meetings as observers and maintain a respectful relationship with them
- c. The Board will be aware of the work of the Council's own scrutiny structures and engage with them as appropriate.

13. These Terms of Reference will be reviewed annually to ensure they meet the purpose of the Board. The Cabinet Member for Housing will approve any necessary amendments under delegated powers.

14. Closure of the Board

- a. That in the event of the Council deciding to close the Board that closure will take place immediately

Annex 1

a. Interim Board Objective

- i. To agree the functions of the Board, such as its constitution, formal application process for membership and code of conduct, in preparation for formal implementation in April 2015
- ii. To consider options for the Community Safety and Environmental budget for April 2015 onwards
- iii. To monitor the discretionary element of the Community Safety and Environmental Budget
- iv. To consider at which point Board meetings should become open to the public

Annex 2 Information Sharing Protocol

Meeting of the Cabinet – 17th September, 2014

Report of the Director of Corporate Resources

The Local Government Ombudsman's Annual Review Letter 2014

Purpose of Report

1. To note the Annual Review Letter for 2014 from the Local Government Ombudsman and information in respect of complaints received against this Council and dealt with by the Ombudsman's office over the year ending 31st March, 2014.

Background

2. Attached as Appendix 1 to this report is a copy of the Annual Review Letter of the Local Government Ombudsman for the year ended 31st March 2014.

As indicated in the letter this is the first full year of recording complaints under their new business model so the figures shown in the table, also attached, will not be directly comparable to previous years. Details of the descriptions used in respect of decisions made is also attached.

3. Based on information held by the Council however, the following details can be given:-
 - The number of complaints investigated in 2014 – 19 – has reduced from the 25 considered in 2013.
 - Of the complaints received, 7 were in respect of education and children's services (1 complainant made 3 complaints relating to school appeals) 4 were in respect of housing, (from 1st April, 2013, the Housing Ombudsman Service also dealt with some types of housing complaint), 7 in respect of various Directorate of the Urban Environment activities, for example planning and development, allotments and trees and 1 in respect of adult care services.
 - In respect of the 3 complaints upheld, 1 involved alleged noise nuisance from a neighbouring property which was remedied by the Council agreeing to undertake noise monitoring; another was a housing matter remedied by the award of £250 to the complainant and a recognition of faults in the way the Council dealt with information received on housing applications and the third was an adult care services case regarding top up fees for residential care remedied by the payment of a £2,000 contribution to legal fees and of £200 to the person concerned.

Finance

4. There are no direct financial implications arising from the content of this report. Any compensation determined, arising from an investigation by the Local Government Ombudsman, is met from existing Directorate budgets.

Law

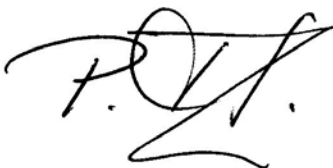
5. The Commission for Local Administration was created under Parts I and 3 of the Local Government Act 1974.

Equality Impact

6. This report accords with the Council's Equality Policy. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council. Some of the complaints made concern children and young people and so, dependent on the remedy proposed, if any, there may have been either a direct or indirect impact on them.

Recommendations

7. That the information contained in the report, and Appendix to the report, submitted be noted and that the Chief Executive and Directors be requested to:-
 - (a) Review their internal arrangements, as appropriate; and
 - (b) Continue to ensure that requests for information on complaints received are dealt with by the date requested. This will ensure that responses can be submitted to the Ombudsman's office within the timescale set and the Council's excellent performance on response times can be maintained.
8. That all Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
9. That the Annual Review Letter be posted on the Council's website.



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Director of Corporate Resources

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BACKGROUND PAPERS

The Local Government Ombudsman's Annual Review Letter for the year ended 31st March 2014.

7 July 2014

By email

Mr John Polychronakis
Chief Executive
Dudley Metropolitan Borough Council

Dear Mr John Polychronakis

Annual Review Letter 2014

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

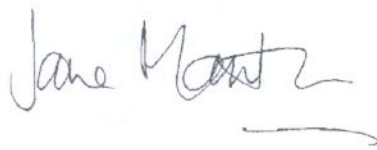
Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Dudley Metropolitan Borough Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

| Local authority | Adult care services | Benefits and tax | Corporate and other services | Education and children's services | Environmental services and public protection and regulation | Highways and transport | Housing | Planning and development | Total |
|-----------------|---------------------|------------------|------------------------------|-----------------------------------|---|------------------------|---------|--------------------------|-------|
| Dudley MBC | 4 | 7 | 5 | 25 | 15 | 6 | 13 | 5 | 80 |

Decisions made

| Local authority | <u>Detailed investigations carried out</u> | | Advice given | Closed after initial enquiries | Incomplete/Invalid | Referred back for local resolution | Total |
|-----------------|--|------------|--------------|--------------------------------|--------------------|------------------------------------|-------|
| | Upheld | Not upheld | | | | | |
| Dudley MBC | 3 | 16 | 4 | 25 | 1 | 38 | 87 |