

## **MEETING OF THE CABINET**

Wednesday, 12<sup>th</sup> December, 2007 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### **PRESENT:-**

Councillor Caunt (Leader of the Council) (Chairman);  
Councillors Adams, Evans, Fraser-Macnamara, Knowles,  
Mrs. P. Martin, 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. Foster, Ms. Partridge and  
Mrs. Ridney (Labour Group);  
Councillor Ms. Boleyn (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 the Democratic Services Manager  
together with other officers.

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### **BLACK COUNTRY URBAN PARK – BIG LOTTERY BID**

Prior to the commencement of the formal agenda, the Leader reported  
on the announcement that the £50 million Big Lottery prize had been  
awarded to the Sustrans project.

Although this was disappointing news, the Leader paid tribute to  
employees of the Council and elected Members, who had been actively  
involved in the production, presentation and promotion of the Black  
Country bid. He expressed appreciation for the considerable efforts of  
local organisations and agencies, including the Black Country  
Consortium, the local media, Advantage West Midlands, the Learning  
and Skills Council and the many people in the Black Country who had  
supported the bid.

It was acknowledged that the campaign had been effective in raising  
the profile of the Black Country area. Positive efforts would continue  
with a view to achieving the long-term plans, aims and overall  
aspirations of the Black Country Urban Park project.

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67      APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Sparks and Tyler.

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68      CHANGES IN REPRESENTATION OF OPPOSITION GROUP MEMBERS

It was reported that Councillor Ms. Boleyn was serving in place of Councillor Tyler for this meeting of the Cabinet only.

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69      DECLARATIONS OF INTEREST

Councillor Caunt declared a personal interest, in accordance with the Members' Code of Conduct, in respect of Agenda Item No. 13 (Capital Programme Monitoring – Reference to West Midlands Historic Buildings Trust) as he knew the Chairman of the organisation.

Councillors Knowles declared a personal interest, in accordance with the Members' Code of Conduct, in respect of Agenda Item No. 13 (Capital Programme Monitoring – Reference to West Midlands Historic Buildings Trust) as he knew Members of the organisation and worked closely with them.

Councillor Caunt declared a personal interest, in accordance with the Members' Code of Conduct, in respect of Agenda Item No. 19 (Birmingham International Airport) as a Member of the Board of Directors.

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70      MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 31<sup>st</sup> October, 2007 be approved as a correct record and signed.

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71      ANNUAL PERFORMANCE ASSESSMENT OF SOCIAL CARE SERVICES FOR ADULTS IN DUDLEY

The Cabinet received a report of the Director of Adult, Community and Housing Services on the annual performance assessment letter from the Commission for Social Care Inspection.

RESOLVED

That the excellent 'three stars' performance of the Council's adult and social care services within the Directorate of Adult, Community and Housing Services be noted.

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72      ANNUAL PERFORMANCE ASSESSMENT OF CHILDREN'S SERVICES

The Cabinet considered a report of the Director of Children's Services on the Annual Performance Assessment of Children's Services and feedback received following the Annual Performance Assessment. The letter from Ofsted on the 2007 Annual Performance Assessment of services for children and young people in Dudley MBC was submitted.

RESOLVED

- (1) That the information on the Annual Performance Assessment process be noted.
  - (2) That the contents of the Annual Performance Assessment Letter be welcomed.
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73      DRAFT JOINT COMMISSIONING FRAMEWORK AND STRATEGY FOR HEALTH AND ADULT SOCIAL CARE

The Cabinet considered a joint report of the Director of Adult, Community and Housing Services and the Director of Children's Services on the draft Joint Commissioning Framework and Strategy for Health and Social Care.

The Cabinet noted the work in progress within the Council to develop the strategy, on a joint basis between Directorates, and the process of working together with Dudley Primary Care Trust.

RESOLVED

- (1) That the progress made on developing a draft Joint Commissioning Framework for Dudley be noted.
  - (2) That the commissioning priorities, set out in paragraph 10 of the report now submitted, be endorsed.
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DEVELOPMENT OF A COMMUNITY COHESION STRATEGY FOR THE BOROUGH

The Cabinet considered a joint report of the Chief Executive and the Director of Adult, Community and Housing Services on the proposed framework for the development of a partnership Community Cohesion Strategy.

Reference was made to the ongoing work in progress and the need to work closely with Dudley Community Partnership to develop the Strategy. It was intended to submit the draft strategy to a future meeting of Dudley Community Partnership, prior to undertaking public consultation. Members commented on the draft strategy, the suggested local vision of community cohesion and the areas of focus arising from the review of local and national issues.

Members commented on the process for developing the strategy and referred to the need for effective community engagement and for full and active involvement of local ward Councillors in the development of the policy and associated resource allocation decisions.

RESOLVED

- (1) That the progress in developing a Borough Community Cohesion Strategy, the proposed vision for Community Cohesion and the suggested areas of focus be noted.
- (2) That an appropriate reference be included in the document to emphasise the need for active engagement and involvement of local ward Councillors.

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INVESTING IN THE FUTURE – TRANSFORMING SECONDARY EDUCATION

The Cabinet considered a report of the Director of Children's Services on the national programme of Building Schools for the Future (BSF). BSF was the largest ever capital investment programme for schools and was intended to transform the outcomes of secondary education for young people through the creation of world class schools fit for the 21<sup>st</sup> Century. It was envisaged that the successful inclusion of Dudley in the programme would result in capital investment in excess of £200m from 2010.

The Cabinet considered the progress made in preparation for the BSF programme, the draft strategy for change as a basis for further discussion and the resources required to manage the programme successfully.

Members referred to the need for a full, detailed, inclusive and effective consultation on the proposals and draft strategy for change. The Cabinet Member for Children's Services gave an undertaking that a full, fair and robust process of consultation would be carried out, to include monthly progress meetings with the two Opposition Group Spokespersons for Children's Services.

**RESOLVED**

- (1) That the draft Strategy for Change, including the proposals set out in paragraphs 19 to 22 of the report now submitted, be endorsed.
- (2) That the Director of Children's Services be authorised to use the draft Strategy for Change and proposals as a basis for further discussion with the Department for Children, Schools and Families.
- (3) That the draft Strategy for Change and proposals be subject to a full consultation process taking account of the views expressed at the meeting.

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

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76

**BIRMINGHAM, COVENTRY AND BLACK COUNTRY CITY REGION –  
PROGRESS REPORT AND COMPANY LIMITED BY GUARANTEE**

The Cabinet considered a report of the Director of the Urban Environment on the progress of the Birmingham, Coventry and Black Country City Region and proposals for Dudley Metropolitan Borough Council to become a member of the proposed Limited Company.

**RESOLVED**

- (1) That the report be noted.
- (2) That approval be given for Dudley Metropolitan Borough Council to become a member of the proposed company.

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

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## QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Cabinet received a report of the Chief Executive on the Quarterly Corporate Performance Management report for the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2007.

The Chief Executive reported that the Council's progression to a "four star" rating was being prevented by non-compliance with the Government's 13 week target for determining major planning applications. Representations had been made to the effect that this target was a 'perverse' indicator of performance. Major schemes were of such significance that the Council's overriding duty was to ensure that schemes were of high quality and appropriate for their proposed setting taking into account the future regeneration of the Borough.

### RESOLVED

- (1) That the Quarterly Corporate Performance Management Report be approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Select Committees to consider specific issues within their terms of reference.

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## PROVISIONAL REVENUE SUPPORT GRANT SETTLEMENT

The Cabinet considered a report of the Director of Finance on the provisional Revenue Support Grant (RSG) for 2008/09 to 2010/11 and associated issues.

### RESOLVED

- (1) That the details of the Provisional RSG Settlement for 2008/09 to 2010/11 be noted.
- (2) That the Director of Finance, in consultation with the Cabinet Member for Finance, be authorised to make an appropriate response along the following lines:-
  - Reiterating disappointment that the damping mechanisms applied to the RSG formula are continuing to significantly restrict the level of resources available to the Council; and

- Expressing concern that despite growing pressures on Councils, particularly in the areas of Care of Children and Adults, and Waste Recycling and Disposal, sufficient additional resources have not been allocated by the Government, with the result that the burden will fall on Council Tax payers.

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79

## CAPITAL PROGRAMME MONITORING

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

In connection with paragraph 7 of the report (South Black Country Innovation Campus), the Leader acknowledged the contribution made by the former Select Committee on Economic Regeneration to this initiative. In respect of paragraph 11 of the report (Pooled Treatment Budget), the Leader clarified that the capital sum of £61,000 would be transferred to the Council if it was agreed that the Council should manage the scheme.

### RESOLVED

- (1) That the progress with the 2007/08 Capital Programme, as set out in Appendix A to the report, be noted.
- (2) That in respect of the South Black Country Innovation Campus:
  - (a) The Director of the Urban Environment be authorised to:
    - (i) submit an outline and full application on behalf of Dudley MBC to Advantage West Midlands (AWM) for contributory funding for the South Black Country Innovation Campus;
    - (ii) submit funding applications under the 2007-13 European Programme to support the revenue and capital requirements of the South Black Country Innovation Campus;
    - (iii) accept any grant funding arising from the AWM and European funding applications;

(iv) approve a procurement exercise commensurate with the size and scope of the project and enter into a Joint Venture Agreement between the Council and the preferred developer;

(b) The Director of Law and Property be authorised to sign the necessary legal agreements with AWM;

as set out in paragraph 7 of the report now submitted.

(3) That in respect of Lye and Wollescote Cemetery Chapel:

(a) the West Midlands Historic Buildings Trust (WMHBT) be supported in the submission of an application to the Heritage Lottery Fund for funding of the estimated cost of repair, restoration and conversion of £500,000;

(b) subject to funding being approved, the Director of Law and Property be authorised to dispose of the Chapel to the WMHBT on terms to be agreed;

as set out in paragraph 9 of the report now submitted.

(4) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report, be noted.

(5) That the Council be recommended:

(a) That the Big Lottery funding award in respect of Stevens Park, Wollescote be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 5 of the report.

(b) That the Disabled Crossing Programme budget be increased by £40,000, as set out in paragraph 6 of the report.

(c) That subject to the necessary external funding being forthcoming, the South Black Country Innovation Campus project, be included in the Capital Programme, as set out in paragraph 7 of the report.

(d) That the Waste Recycling Environmental Ltd. (WREN) grant allocation for Cotwall End Valley Local Nature Reserve be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 8 of the report.



- (e) That subject to funding being found from internal resources, the project to relocate the Benefits Shop to the former banking hall be approved and included in the Capital Programme, as set out in paragraph 10 of the report.
- (f) That the allocation of Pooled Treatment Budget funding be noted, and that if the funding is to be managed by the Council, the related expenditure be transferred to the Council and included in the Capital Programme, as set out in paragraph 11 of the report.
- (g) That the urgent amendments to the Capital Programme, as set out in paragraphs 12 and 13 of the report, be noted

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

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80      LOCAL AREA AGREEMENT

The Cabinet considered a report of the Chief Executive on the progress made on the preparation of the revised Local Area Agreement (LAA) for the Borough, to be adopted with effect from June, 2008.

RESOLVED

That the progress on developing the revised LAA for the Borough and the range of issues comprising the long list of priorities, be noted.

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81      REVIEW OF POLLING DISTRICTS, POLLING STATIONS AND ACCESS ARRANGEMENTS

Further to Minute No. 40 of the Council meeting held on 15th October, 2007, the Cabinet considered a report of the Chief Executive on a review of polling districts and polling places in the Borough in accordance with the statutory provisions of the Electoral Administration Act 2006 and the Representation of the People Act 1983.

RESOLVED

- (1) That the Chief Executive, together with appropriate officers, meet with Councillor Crumpton to discuss specific concerns regarding the proposal to change the polling place for polling districts U04 and U07 from Tanhouse Estate Office to Providence Methodist Church, Colley Gate.
- (2) That, subject to (1) above, the proposed alterations to polling places as detailed in the report, including details of existing and proposed arrangements, submissions, the Returning Officer's comments and the final recommendations contained in Appendix A of the report now submitted, be approved.

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82            APPROVAL FOR ADOPTION OF THE 'PLANNING OBLIGATIONS' SUPPLEMENTARY PLANNING DOCUMENT

With reference to Minute No. 20 of the meeting of the Cabinet held on 13<sup>th</sup> June, 2007, the Director of the Urban Environment reported on proposals for the formal adoption of the Council's Planning Obligations Supplementary Planning Document.

RESOLVED

That the Planning Obligations Supplementary Planning Document be approved and adopted.

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

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83            ISSUES ARISING FROM SELECT COMMITTEES

There were no issues arising from Select Committees.

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84            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 outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Birmingham International Airport	3
Staffing Issue – Directorate of the Urban Environment	1

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85      BIRMINGHAM INTERNATIONAL AIRPORT

The Cabinet considered a report of the Director of Law and Property on options for the review of the current Districts' Side Agreement dated 26<sup>th</sup> March, 1997, in respect of Birmingham International Airport, together with a revised Shareholders' Agreement.

RESOLVED

- (1) That a new Districts' Side Agreement for Birmingham International Airport be approved to incorporate the changes summarised in paragraph 4 of the report now submitted, and the Director of Law and Property be authorised to execute the Agreement on behalf of the Council and to take any other necessary action to implement this decision.
- (2) That the Director of Law and Property be authorised to agree amendments to the Shareholders' Agreement, as described in paragraphs 6 to 8 of the report now submitted, and to execute a new Shareholders' Agreement on behalf of the Council.

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86      STAFFING ISSUE – DIRECTORATE OF THE URBAN ENVIRONMENT

The Cabinet considered a report of the Director of the Urban Environment on proposals to deal with a redundancy situation that had arisen within his Directorate.

RESOLVED

That the proposal to terminate the contract of employment of the member of staff referred to in the report (LH), on the grounds of redundancy, and in accordance with the terms and conditions specified in the report, be approved.

At the conclusion of the meeting, the Leader wished everyone a Merry Christmas and a Happy New Year.

The meeting ended at 7.10 p.m.

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LEADER OF THE COUNCIL