

MEETING OF THE CABINET

Wednesday, 28th October, 2009 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

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

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

Councillors Ali, K. Finch, Lowe, Ms. Partridge, Mrs. Ridney and Sparks
(Labour Group)

OFFICERS:-

Chief Executive, Director of Adult, Community and Housing Services,
Director of Children's Services, Director of the Urban Environment,
Interim Director of Law, Property and Human Resources, Interim
Director of Finance, Assistant Director (Human Resources and
Citizenship), Democratic Services Manager (Directorate of Law,
Property and Human Resources) and other officers.

OBSERVERS:-

Councillors Ahmed and M. Davis

50

APOLOGY FOR ABSENCE

An apology for absence from the meeting was received on behalf of
Councillor Foster.

51

CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor K. Finch was serving in place of
Councillor Foster for this meeting of the Cabinet only.

52

DECLARATIONS OF INTEREST

Councillor Ali declared a personal and prejudicial interest, in accordance with the Members' Code of Conduct, in respect of Agenda Item No. 11 (Proposed Dudley Mosque and Community and Training Enterprise Centre) in view of his worshipping at Dudley Central Mosque on a fairly regular basis and as a community member of a short-life working group. Councillor Ali left the meeting during consideration of this item.

53

MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on the 9th September, 2009, be approved as a correct record and signed.

54

CHANGE IN ORDER OF BUSINESS

RESOLVED

That Agenda Item No. 10 be considered as the next item of business, in view of the attendance of representatives of the Care Quality Commission at the meeting.

55

CARE QUALITY COMMISSION SERVICE INSPECTION OF ADULT SOCIAL CARE 2009

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the service inspection of Adult Social Care in Dudley by the Care Quality Commission (CQC). The report of the CQC was circulated.

The CQC service inspection judgement was that Dudley was performing adequately in respect of Safeguarding Adults and providing Improved Quality of Life for Older People, with a rating of 'promising' in terms of the capacity to improve. An action plan to address issues raised in the inspection report had been produced and made available to Members.

The Lead Inspector appointed by the CQC, Lynette Ranson, together with Debbie Widdowson, were present at the meeting. Following her presentation, Lynette Ranson responded to a range of issues and questions from Members, particularly on significant concerns expressed regarding the methodology and process used for conducting the inspection. Lynette Ranson indicated that the inspection had been carried out following a nationally agreed model and process that would be applied to all inspections carried out by the CQC. Progress against the action plan would be monitored and reported back to the Cabinet as necessary.

RESOLVED

That the Care Quality Commission Report be noted and the Action Plan supported.

56

CORPORATE PROPERTY POLICY: 2009 - 2014

The Cabinet considered a report of the Interim Director of Law, Property and Human Resources on the revised Corporate Property Policy 2009 – 2014.

RESOLVED

That the draft Corporate Property Policy 2009 – 2014, be approved.

57

CAPITAL PROGRAMME MONITORING

The Cabinet considered a joint report of the Chief Executive and the Interim Director of Finance on progress with the implementation of the Capital Programme and which contained proposals for certain amendments to the Programme.

RESOLVED

- (1) That the current progress with the 2009/10 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
- (2) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report submitted to the meeting, be noted.
- (3) That the Director of Adult, Community and Housing Services be authorised to bid for Social Housing Grant, as set out in paragraph 5 of the report submitted to the meeting.

- (4) That a Compulsory Purchase Order(s) be made pursuant to Section 226(1) of the Town and Country Planning Act 1990 (as amended) for the acquisition of land at Castle Hill, Dudley, for the purposes of regenerating the Castle Hill site, as set out in urgent decision sheet ref. DUE/56/2009 and paragraph 8 of the report submitted to the meeting.
- (5) That the Council be recommended:-
- (a) That subject to the bid for Social Housing Grant being successful, the project to build new Council Homes be included in the Capital Programme, as set out in paragraph 5 of the report submitted to the meeting.
 - (b) That the extra works relating to the refurbishment of the Lister Road Garage Toilets at a cost of £20,000 be approved, and the Capital Programme amended accordingly, as set out in paragraph 6 of the report submitted to the meeting.
 - (c) That the drainage works at the former Council landfill site at Mucklow Hill at a cost of £100,000 be approved, and included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.
 - (d) That, subject to funding being available, the acquisition of land at Castle Hill by the Council be included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.
 - (e) That the Schools Travel Plan Grant funding of £76,000 be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 9 of the report submitted to the meeting.
 - (f) That the Integrated Children's Systems Grant funding of £65,000 be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting.

- (g) That the additional Play Pathfinder funding allocation of £17,000 be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 11 of the report submitted to the meeting.
- (h) That a Multi Use Games Area be constructed as part of the new Coseley Youth Centre, at a cost of £65,000, and the Capital Programme amended accordingly, as set out in paragraph 12 of the report submitted to the meeting.
- (i) That the £13,000 of remaining funding from the capital project to install an infill roof at Dudley Market be used to carry out necessary improvement works on obsolete electrical supplies feeding the Market, and to purchase enhanced ICT equipment for collection of Market tolls, as set out in paragraph 13 of the report submitted to the meeting.
- (j) That the Offender – Based Interventions funding allocation of £33,000 be noted, and that the related expenditure be included in the Capital Programme, as set out in paragraph 14 of the report submitted to the meeting.
- (k) That the expenditure of a further £9,000 on Contingency and Disaster Management Accommodation be approved, and the Capital Programme amended accordingly, as set out in paragraph 15 of the report submitted to the meeting.

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

58

16 – 19 FUNDING TRANSFER – THE BLACK COUNTRY SUB-REGIONAL GROUP PROPOSAL

The Cabinet considered a report of the Director of Children’s Services on the draft Stage 2 proposal for a Sub-regional Grouping of the four Black Country Authorities: the City of Wolverhampton, and the Boroughs of Dudley, Sandwell and Walsall.

The report detailed the arrangements to manage 16-19 commissioning following the transfer of responsibility for 16-18 funding from the Learning and Skills Council to Local Authorities and outlined the guidance provided by the Department for Children, Schools and Families (DCSF).

RESOLVED

That the proposed Sub-regional Group governance arrangements and structures, as outlined in the report submitted to the meeting, be approved.

59

ANNUAL REVIEW OF THE CONSTITUTION

The Cabinet considered a report of the Interim Director of Law, Property and Human Resources on the annual review of the Council's Constitution.

RESOLVED

That the Council be recommended:-

- (1) That the annual review of the Constitution be noted.
- (2) That the Interim Director of Law, Property and Human Resources continue to monitor and review the Scheme of Delegation and Responsibility for Functions, as referred to in paragraph 8 of the report submitted to the meeting.
- (3) That the two proposed ward name changes, as referred to in paragraph 10 of the report submitted to the meeting, be formally pursued as soon as possible.
- (4) That a decision on the Council's future Executive Arrangements, as referred to in paragraphs 12 and 13 of the report, be made by the Council prior to 31st December, 2009.
- (5) That the Councillor Call for Action procedure, as referred to in paragraph 24 and Appendix 1 to the report submitted to the meeting, be approved and the Interim Director of Law, Property and Human Resources be authorised to make the necessary amendments to the Constitution.
- (6) That the arrangements to integrate the scrutiny of the Local Area Agreement and partner organisations into the existing working arrangements of the five Select Committees, as referred to in paragraph 34, be approved and the Interim Director of Law, Property and Human Resources be authorised to make any consequential amendments to the Constitution.

- (7) That the amendments to the Protocol for Area Committees, as set out in paragraph 36 of the report submitted to the meeting, be approved.
- (8) That a further report be submitted in due course on any necessary revisions to the Constitution once the provisions outlined in the Local Democracy, Economic Development and Construction Bill are enacted.

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

60

TRANSFORMING SOCIAL CARE: THE RESOURCE ALLOCATION SYSTEM

The Cabinet considered a report of the Director of Adult, Community and Housing Services on the details of a Resource Allocation System, which would enable Adult Social Care resources to be allocated fairly. The report also sought approval for officers to carry out consultation on changes to the Fairer Charging policy.

RESOLVED

- (1) That the progress made with implementing Self-directed Support, be noted.
- (2) That a single Resource Allocation System across all client groups, as set out in paragraphs 19 to 35 of the report submitted to the meeting, be approved.
- (3) That the proposals to pilot the Resource Allocation System with a limited sample of new cases, be noted.
- (4) That the Director of Adult, Community and Housing Services be authorised to agree the final version of the Resource Allocation System following evaluation of the pilot.
- (5) That public consultation be undertaken on proposed changes to the Council's charging policy and that a further report be submitted to the Cabinet in February 2010.

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

61

PROPOSED DUDLEY MOSQUE AND COMMUNITY TRAINING AND ENTERPRISE CENTRE

The Cabinet considered a report of the Chief Executive on the position regarding the proposed development of land at Hall Street, Dudley, for a Mosque and Community Training and Enterprise Centre, together with possible options for developing the site of the existing Mosque at Castle Hill/Birmingham Street.

The Cabinet was informed of the need to undertake further discussions with all interested parties before proceeding with any proposal.

RESOLVED

- (1) That the report be noted.
- (2) That the Chief Executive be authorised to have further discussions with the Management Committee of Dudley Mosque and then submit a report to a future meeting of the Cabinet.

62

ANNUAL REVIEW OF EQUALITY AND DIVERSITY 2009

The Cabinet considered a report of the Interim Director of Law, Property and Human Resources on the annual review of equality and diversity for 2009.

RESOLVED

That the annual review of equality and diversity for 2009, be approved.

63

BUILDING SCHOOLS FOR THE FUTURE – READINESS TO DELIVER SUPPORTING STATEMENT

The Cabinet considered a report of the Director of Children's Services on the progress made on Building Schools for the Future and the work to be undertaken to progress this initiative.

RESOLVED

- (1) That the progress made to date on developing the Building Schools for the Future submission, be noted.
 - (2) That the work to be undertaken, as outlined in the report submitted to the meeting, be endorsed.
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64

ISSUES ARISING FROM SELECT COMMITTEES

No issues were reported on this item.

65

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 1 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 paragraphs of Part 1 of Schedule 12A</u>
The Connexions Service in Dudley	1 and 3
Staffing Issues - Directorate of the Urban Environment	1
Staffing Issues - Directorate of the Urban Environment	1 and 2
Staffing Issues – Directorate of Children’s Services	1 and 2
Staffing Issues – Directorate of Adult, Community and Housing Services	1

66

THE CONNEXIONS SERVICE IN DUDLEY

The Cabinet considered a report of the Director of Children’s Services on the current position regarding the Connexions Service in Dudley; the future options available to maintain the service in the event that Black Country Connexions ceased to be viable from April 2010; and the recommended courses of action.

The Cabinet noted that the figure of 75, as included in the first option under paragraph 7 of the report, should be amended to read ‘7.5’.

RESOLVED

That in the interests of securing arrangements that provide both fitness for purpose and maximum efficiency, and in view of the time restraints:-

- (1) The continuing exploration of all three options summarised in the report submitted to the meeting, be approved.
- (2) That authorisation be given to the Director of Children's Services and the Interim Director of Finance, in consultation with the Cabinet Member for Children's Services, the Cabinet Member for Finance, and the Opposition Spokesperson for Children's Services, to make all necessary decisions (including the letting of contracts and entering into agreements) in order to facilitate the continuing effective provision of the Connexions Service with effect from 1st April, 2010, or an earlier date should that become necessary.

67

STAFFING ISSUES - DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted on a request for redundancy from three employees in his Directorate, as referred to in the report submitted.

RESOLVED

That the termination of the contract of employment of the officers referred to in the report submitted to the meeting be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report.

68

STAFFING ISSUE - DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted on proposals for the re-alignment of the Engineering, Traffic and Transportation Service together with a request for voluntary redundancy from an employee in his Directorate, as referred to in the report submitted.

RESOLVED

- (1) That the restructuring proposals, as set out in the report submitted to the meeting, be approved.

- (2) That the termination of the contract of employment of the officer referred to in the report submitted to the meeting be approved, on the grounds of voluntary redundancy, in accordance with the terms and conditions set out in the report.
 - (3) That the submission of future reports to deliver sustainable management structures, be approved.
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69

STAFFING ISSUES - DIRECTORATE OF CHILDREN'S SERVICES

A report of the Director of Children's Services was submitted on a request for redundancy from an employee in his Directorate, as referred to in the report submitted.

RESOLVED

That the termination of the contract of employment of the officer referred to in the report submitted to the meeting be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report.

70

STAFFING ISSUES - DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Director of Adult, Community and Housing Services was submitted on a request for redundancy from two employees in her Directorate, as referred to in the report submitted.

RESOLVED

That the termination of the contract of employment of the officers referred to in the report submitted to the meeting be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report.

The meeting ended at 7.40 p.m.

LEADER OF THE COUNCIL