



## **Minutes of the Cabinet**

**Thursday 15<sup>th</sup> February, 2024 at 6.00pm  
in Committee Room 2 at the Council House,  
Priory Road, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader - Chair)

Councillor P Bradley (Deputy Leader – Vice-Chair)

Councillors P Atkins, I Bevan, R Buttery, D Corfield, S Clark, Dr R Clinton, M Rogers and L Taylor-Childs.

#### **Opposition Group Members Nominated to attend the Cabinet**

Labour Group - Councillors K Casey, J Cowell, J Foster, P Lowe and P Sahota.

Independent Group – Councillors S Keasey and M Westwood.

#### **Officers**

B Heran (Deputy Chief Executive), M Abu Affan (Director of Public Health and Wellbeing), M Bowsher (Director of Adult Social Care), C Driscoll (Director of Children's Services), M Farooq (Lead for Law and Governance (Monitoring Officer)), H Martin (Director of Regeneration and Enterprise) (via MS Teams), I Newman (Director of Finance and Legal), H Mills (Senior Democratic Services Officer) together with other officers.

#### **Invitee**

Councillor I Kettle

#### **Observers**

Councillors R Collins and J Martin

Together with 4 Members of the public



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58 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor S Ali.

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59 **Declarations of Interest**

In relation to Agenda Item No. 13 (West Midlands Combined Authority – Formal Ratification of the Single Settlement Memorandum of Understanding (MoU) between the West Midlands Combined Authority and His Majesty’s Government), Councillor K Casey declared a Pecuniary interest in any matters directly affecting his employment with West Midlands Combined Authority.

Councillor J Cowell declared a non-pecuniary interest in relation to Agenda Item No. 6 (Review of Housing Finance) as a Council tenant.

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60 **Minutes**

**Resolved**

That the minutes of the meetings held on 13<sup>th</sup> December, 2023 and 11<sup>th</sup> January, 2024, be approved as a correct record and signed.

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61 **Capital Programme Monitoring**

A joint report of the Deputy Chief Executive and Director of Finance and Legal was submitted on progress with the implementation and proposed amendments in respect of the Capital Programme. The report also proposed the ‘prudential indicators’ required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2023 (update December 2021), the updated Capital Strategy and the Minimum Revenue Provisions (MRP) Policy for 2024/25.

## **Resolved**

That the Council be recommended:-

- (1) To note the progress with the 2023/24 Capital Programme, as set out in Appendix A to the report.
  - (2) To approve the additions and amendments to the Capital Programme, as set out in paragraphs 10 to 21 of the report.
  - (3) To agree the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix B to the report.
  - (4) To approve the updated Capital Strategy as set out in Appendix C to the report.
  - (5) To approve the Minimum Revenue Provision (MRP) Policy for 2024/25, as set out in paragraph 25 of the report.
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### **62 Medium Term Financial Strategy 2024/25**

The Cabinet considered a joint report of the Deputy Chief Executive and Director of Finance and Legal on the deployment of General Fund revenue resources, a number of statutory calculations that had to be made by the Council and the Council Tax to be levied for the period 1<sup>st</sup> April, 2024 to 31<sup>st</sup> March, 2025.

In referring to paragraph 5 of the report and in response to a comment made by Councillor S Keasey, the Cabinet Member for Finance and Legal indicated that he would take into consideration the inclusion of companies with charitable aims, who's registered office was in and/or provided services to people who lived in the Dudley Borough, for discretionary business rates relief.

The main Opposition Group Leader (Councillor P Lowe) welcomed the more in-depth information provided on the Councils current financial situation and acknowledged the work that had been undertaken by the Section 151 Officer and other Council Officers to achieve necessary savings. The Opposition Group would continue to work collectively with the Leadership to ensure stability of the Council's financial situation.

The Leader commented positively on the impact of the implementation of the spending controls and recognised that whilst the Council's financial position was more positive than reported in October and January, work on the transformation of the operating model needed to continue to ensure sustainability.

## **Resolved**

- (1) That the Council be recommended to note:-
  - (a) The actions of the External Auditors as set out in paragraphs 13 and 14 of the report.
  - (b) The forecast variances to budget in 2023/24 and progress with delivery of savings as set out in paragraph 18 and Appendices C and D to the report.
  - (c) The advice of the Director of Finance and Legal on future saving measures and Council Tax as set out in paragraph 54 of the report.
- (2) That the Council be recommended, with effect from 1st April 2025, that for properties which have been unoccupied and unfurnished for between one and five years, an Empty Homes Premium of 100% is applied, resulting in a 200% Council Tax charge being payable in these circumstances, as set out in paragraph 33 of the report.
- (3) That the Council be recommended, with effect from 1st April 2025, that for properties that have been empty and furnished for more than one year, a premium of 100% is applied, resulting in a 200% Council Tax charge being payable in these circumstances, and that authority be delegated to the Director of Finance and Legal, following consultation with the Cabinet Member for Finance, Legal and Human Resources, to approve a policy for exceptions to this premium as set out in paragraph 34 of the report.
- (4) That the Council be recommended, with effect from 1st April 2025, that discretionary business rates relief be limited to charities whose registered office is in and/or only provide services to people who live in the Dudley Borough and that authority be delegated to the Director of Finance and Legal, following consultation with the Cabinet Member for Finance,

Legal and Human Resources, to amend the policy to give effect to this change as set out in in paragraph 39 of the report.

- (5) That the Director of Finance and Legal be authorised, following consultation with the Cabinet Member for Finance, Legal and Human Resources and the Opposition Spokesperson for Finance and Digital, to approve any changes to the budget proposals resulting from final decisions on the West Midlands Combined Authority Transport Levy and non-transport funding contributions, as set out in paragraph 40 of the report.
- (6) That, subject to any amendments arising from the above, the Council be recommended to approve the following:-
  - (a) The budget for 2024/25, and Directorate allocations (including the Public Health budget) as set out in the report.
  - (b) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and Council Tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2024/25 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992 as set out in Appendix M to the report.
  - (c) That, having calculated the aggregate in each case of the amounts in Appendix M, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, agrees the following levels of Council Tax for Dudley Council services for 2024/25.

**Valuation Bands**

A £	B £	C £	D £	E £	F £	G £	H £
1,097.80	1,280.77	1,463.74	<b>1,646.71</b>	2,012.64	2,378.58	2,744.51	3,293.41

- (d) The Medium-Term Financial Strategy as set out in the report.
  - (7) That the Council be recommended to determine that a referendum relating to Council Tax increases is not required in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992, as set out in paragraph 52 of the report.
  - (8) That the Council be recommended to authorise Cabinet Members, the Chief Executive, Deputy Chief Executive and Directors to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.
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## 63 **Review of Housing Finance**

A joint report of the Director of Housing and Communities and the Director of Finance and Legal was submitted on the latest Housing Revenue Account (HRA) financial forecasts for 2022/23 and to set rents for Council Homes and the HRA budget for 2024/25. The report also provided an update on the Capital Expenditure Budget for strategic investment and necessary programmed maintenance of the Council's housing stock for 2023/24 to 2026/27.

Following the presentation of the report, Councillor J Cowell referred to paragraph 5 of the report, and commented on the lack of detail with regard to the additional charges and how this would be implemented, included in the Review of Housing Finance report submitted to the Housing and Safer Communities Select Committee in January, 2024, which prevented Members the opportunity to challenge and formulate formal recommendations. In referring to paragraph 6 of the report, Councillor J Cowell also referred to the concerns, queries and reservations that were raised by the Housing Board about the proposals.

In responding to comments and questions raised, the Cabinet Member for Housing and Safer Communities advised that the additional charges applied would be specific to each individual tenant, as services differed and therefore that level of detail would be difficult to include within a report. Specific details would be communicated to tenants accordingly in due course, however the maximum each tenant would pay equated to £12.50. Members were assured that there was a commitment to improve services and additional work was being undertaken to improve customer

communication. A support fund to assist tenants experiencing difficulties in paying the increased services charges had been allocated and a discretionary policy was currently being developed. It was clarified that the support fund would not impact upon discretionary housing payments and that there was an array of support available for residents that were experiencing difficulties to meet their payments.

## **Resolved**

- (1) That the latest Housing Revenue Account (HRA) outturn forecast for 2023/24, as set out in paragraphs 8 to 14 and Appendix 1 to the report, be noted.
- (2) That an increase in rents for HRA dwellings by 7.7% from 1st April 2024, as set out in paragraphs 15 to 17 of the report, be approved.
- (3) That the introduction of service charges at full cost recovery, as set out in paragraph 18 of the report, be approved.
- (4) That the Council be recommended:-
  - (a) To approve the HRA revenue budget for 2024/25, as set out in paragraphs 19 to 21 and Appendix 2 to the report.
  - (b) To approve the public sector housing revised capital budgets for 2024/25 to 2026/27 attached as Appendix 3, noting consultation arrangements outlined in paragraphs 4 to 7 of the report.
  - (c) To authorise the Director of Housing and Communities and the Director of Finance and Legal to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 24 to 29 and Appendix 3 of the report and that expenditure funded from such resources be added to the Capital Programme.
  - (d) To authorise the Director of Housing and Communities, following consultation with the Cabinet Member for Housing and Safer Communities, to manage and allocate resources to the capital programme as outlined in paragraphs 24 to 29 and Appendix 3 to the report.

- (e) To authorise the Director of Housing and Communities, following consultation with the Cabinet Member for Housing and Safer Communities, to develop and implement service charges as outlined in paragraph 18 of the report.
  - (f) To confirm that all capital receipts arising from the sale of HRA assets (other than any receipts that may be specifically committed to support private sector housing) should continue to be used for the improvement of Council homes, as set out in paragraphs 24 to 29 and Appendix 3 to the report.
  - (g) To authorise the Director of Housing and Communities to continue to buy back former right to buy properties, to buy other properties, and to buy land where required to assemble a viable site for housing development, subject to a robust assessment of good value for money and sustainability in terms of lettings, maintenance and major works, as set out in paragraphs 24 to 29 and Appendix 3 to the report.
  - (h) To authorise the Director of Housing and Communities to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraphs 24 to 29 and Appendix 3 to the report.
  - (i) To endorse the HRA medium term financial strategy.
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## 64 **Dudley Council Pay Policy 2024/25**

The Cabinet considered a report of the Deputy Chief Executive on the Council's annual Pay Policy Statement to comply with Sections 38 and 39 of the Localism Act 2011. The Statement articulated the Council's policies towards a range of issues relating to the pay of the workforce, particularly the most senior staff (or 'Chief Officers') and the relationship of their pay to the lowest paid employees.



## **Resolved**

That the Council be recommended to approve the Pay Policy Statement for 2024/2025.

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### **65 Gender Pay Gap Report 2023 – Snap shot date 31<sup>st</sup> March 2023**

A report of the Deputy Chief Executive was submitted on the Gender Pay Gap report 2023, which was due for publication by 30<sup>th</sup> March 2024, in accordance with the requirements of the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

In responding to questions raised by Members of the Opposition Group, it was commented that a snap shot for 2024 would be available by March 2024, and that comparative information between the private and public sector could be included in future reports. Work continued to ensure female employees had access to training and development opportunities to encourage progression on the pay spine and an opportunity for growth.

## **Resolved**

That the Gender Pay Gap 2023 report, attached at Appendix 1, be approved for public disclosure and thereafter the report be published and data reported to the Government before 30<sup>th</sup> March 2024 to ensure compliance with the requirements of the 2017 Regulations.

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### **66 Annual Review of the Constitution**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on the annual review of the Constitution.

## **Resolved**

That the Council be recommended:-

- (1) To endorse the revision of Article 6 and the associated Scrutiny Procedure Rules as incorporated in Part 4 of the Constitution.

- (2) To extend the trial of the revised 'Question Time' session at Full Council meetings for the remainder of this municipal year and that, subject to the outcome of the trial, the necessary revisions to Council Procedure Rule 11 be incorporated in the Constitution for the 2024/25 municipal year.
  - (3) To note the inclusion of the revised Contract Standing Orders, as approved by the Audit and Standards Committee, within Part 5 of the Constitution.
  - (4) To note the provisions of Council Procedure Rule 24.6 and the associated legal provisions concerning the recording of meetings.
  - (5) To endorse the provisions in Article 12 of the Constitution (Officers), including the deputising arrangements in the absence or inability to act of the Chief Executive.
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## 67 **Suspension of Council Plan 2022-2025**

The Cabinet considered a report of the Deputy Chief Executive on a proposal to suspend the Council Plan 2022 – 2025.

### **Resolved**

That the Council be recommended to:-

- (1) Suspend the existing Council Plan for the period April 2022 to March 2025 and replace it with a focussed one-year plan for 2024/25.
  - (2) Approve a one-year Council Plan for 2024-25 focussed on those priorities and projects that will prevent a higher cost, deliver cost reductions/ increased income and the delivery of the Council's improvement and sustainability programme.
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68 **Traffic Regulation Orders Process Review**

A report of the Acting Service Director – Neighbourhood Delivery was submitted on proposed changes to Dudley’s existing Traffic Regulation Order Policy. The proposed changes were to update the assessment process in line with current transport priorities and would reduce the length of time taken for requests to be assessed, advertised and implemented, improving the customer experience. The report also outlined the proposed changes to the advertising process to make street notices more user-friendly, accessible and inclusive for members of the public.

**Resolved**

- (1) That the information provided in Appendix C (Technical note Dudley TRO Process Review) and the recommendations as set out in the report in relation to requests for Traffic Regulation Orders (TRO’s), be noted and endorsed.
- (2) That the proposed new Traffic Regulation Order process as set out in Appendix A to the report, be adopted, and the following actions be authorised:-
  - i. All new requests for TROs be directed through a revised process which takes place three times a year, instead of annually, except for Developmental, Temporary, Emergency/Urgent or Experimental Orders and disabled parking bays, which are dealt with by separate processes.
  - ii. All new requests are acknowledged and then undergo an initial ‘feasibility check’ to ensure they meet key criteria. Unsuccessful requests will be discounted, and the requestor advised as soon as practical.
  - iii. Predefined scoring process is used to prioritise requests, and ward members being notified of TRO’s being proposed prior to public consultation.
  - iv. That the website is updated with information on the new assessment method and expected timescales.

- (3) That the revised format of site notices as recommended in Appendix A to the report, to make them more visible and easier to access the relevant TRO information, be approved.
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69 **On-Street Disabled Parking Places**

The Cabinet considered a report on a revised policy for the provision of On Street Disabled Parking Places within the Borough and to define the basis on which a decision to provide these parking places would be made by Officers.

Following the presentation of the report, Members of the Opposition Groups made comments and requested clarification with regard to what would happen to existing disabled bays allocated to individual persons and in situations when there was more than one disabled resident in the same street; how did the revised policy compare with other local authorities; had a detailed Equality Impact Assessment (EIA) been undertaken and how would the revised policy be communicated to residents.

It was reported that one or two disabled places were proposed to be provided within 50 metres of a property and that due to capacity issues, several authorities were also choosing to adopt statutory control parking bays. It was further commented that whilst the details had been omitted from the report an extensive EIA had been undertaken and the Disability Group fully supported the revised Policy. Current parking permits would remain in place until they were due for renewal and would be converted to a statutory parking bay at that time.

**Resolved**

That the adoption of the On-Street Disabled Parking Places policy, replacing the previous policy approved on 21<sup>st</sup> December, 2022, enabling enforceable Disabled Parking places in safe locations providing Blue Badge holders and those assisting with the mobility of blue badge holders access to appropriate spaces, be approved.

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70 **West Midlands Combined Authority – Formal ratification of the Single Settlement Memorandum of Understanding (MoU) between the West Midlands Combined Authority and His Majesty’s Government**

A report of the Director of Regeneration and Enterprise was submitted on the single settlement memorandum of understanding (MoU) between the West Midlands Combined Authority and His Majesty’s Government following in principal approval of the draft MoU by the Mayor and Portfolio Leaders on 3<sup>rd</sup> November, 2023.

**Resolved**

- (1) That the single settlement MoU between West Midlands Combined Authority and Her Majesty’s Government, as set out at appendix 1 of the report, be ratified.
- (2) That the high-level next steps for single settlement negotiations and implementation ahead of the first single settlement allocation, which is likely to be 1<sup>st</sup> April, 2025, be noted.

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71 **Dudley MBC response to the Sandwell Local Plan consultation, Telford and Wrekin Local Plan Consultation and South Staffordshire Council Duty to Cooperate letter response**

The Cabinet considered a report of the Director of Regeneration and Enterprise on recent Local Plan consultations undertaken by other Local Planning Authorities and Duty to Cooperate (DtC) correspondence received from South Staffordshire Council, together with officer responses that had been submitted, to ensure that the Council fulfilled its legal obligations under the DtC and that the interests of Dudley Borough were fully considered in the plan-making activities of other local authorities.

Arising from the presentation of the report, Members of the Opposition Group commented on the need to work collaboratively with neighbouring authorities to ensure that proposed housing developments, which were located close to the Dudley boundary, did not impact or put pressure on Dudley’s amenities and highways, and that the impact to Dudley Town Centre from proposed improvements to bordering towns be mitigated.

## Resolved

- (1) That the summary of the Local Plan consultations, including the key issues arising for Dudley MBC, be noted.
- (2) That the Officer response to the Sandwell Local Plan Consultation, as set out in Appendix 1 to the report, be noted.
- (3) That the Officer response to the Telford and Wrekin Local Plan consultation, as set out in Appendix 2 to the report, be noted.
- (4) That the Officer response to the South Staffordshire Duty to Cooperate letter, as set out in Appendix 3 to the report, be noted.

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72 **Issues arising from Overview and Scrutiny Committee and Select Committees**

No issues were raised under this agenda item.

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73 **Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

No questions were raised under this agenda item.

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The meeting ended at 7.11pm

LEADER OF THE COUNCIL