

Minutes of the Cabinet

**Wednesday, 15th December, 2021 at 6.00 pm
In Committee Room 2, The Council House, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillors N Barlow, R Buttery, S Clark, I Kettle, K Shakespeare and L Taylor-Childs

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, K Ahmed, A Aston, C Bayton, S Ridney, P Sahota and Q Zada

Officers

K O'Keefe – Chief Executive, B Heran – Deputy Chief Executive, I Newman – Director of Finance and Legal, I Lahel – Head of Integrated Commissioning Performance and Partnership and S Smith – Team Manager (Licensing and Waste Enforcement)

Officers Attending on Microsoft Teams

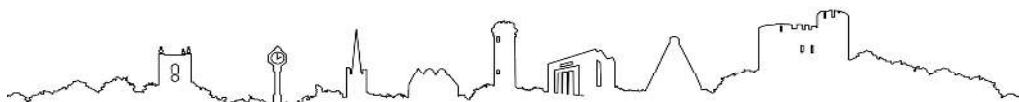
H Martin – Director of Regeneration and Enterprise
C Driscoll – Director of Children's Services
M Farooq – Lead for Law and Governance (Monitoring Officer)
W Beese - Communications and Public Affairs Support Officer
M Johal – Senior Democratic Services Officer

37 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors C Barnett, J Foster, S Keasey, P Lowe, S Phipps and D Vickers.

38 Declarations of Interest

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.



39 **Minutes**

Resolved

That the minutes of the meeting held on 28th October, 2021 be approved as a correct record and signed.

40 **Capital Programme Monitoring**

The Cabinet considered a report of the Chief Executive and the Director of Finance and Legal on proposed amendments to the Capital Programme.

Resolved

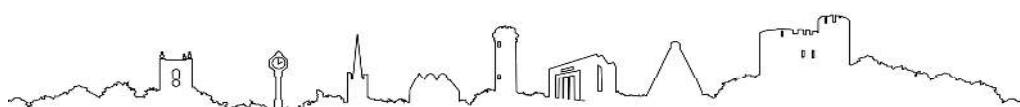
That the additional costs identified for the Himley Road Homes for Sale scheme, be approved and included in the Capital Programme, as set out in paragraph 5 of the report submitted.

41 **Medium Term Financial Strategy**

The Cabinet considered a joint report of the Chief Executive and the Director of Finance and Legal on the latest General Fund revenue position for 2021/22 and provisional Medium Term Financial Strategy (MTFS) to 2024/25. It was noted that the proposals in the report would be the subject of public consultation and considered by Scrutiny Committees before returning to Cabinet on 17th February, 2022 and submitted to Full Council for a final decision on 7th March, 2022.

The Opposition Spokesperson for Finance and Legal referred to paragraph 33 of the report relating to the risk analysis and expressed concerns about the number of risks and that the associated impact on finances was not clear. It was also considered that the Comprehensive Spending Review had not addressed the challenges faced by Local Authorities and the impact on services was questioned together with any proposed mitigation for spending pressures given the ongoing situation with the Pandemic. Reference was also made to paragraph 51 of the report and it was queried what budget proposals had been identified as having a significant equality impact that subsequently required an assessment to be undertaken.

The Cabinet Member for Finance and Legal indicated that difficult decisions had to be made taking into account the ongoing pressures and uncertainty of the Pandemic.



In responding to the equality impact assessment, (EIA), the Director of Finance and Legal commented that initial assessments of proposals had been undertaken to identify those requiring EIA's with a view to final documentation being completed in March. Some assessments for Directorates were already completed and updated each year on a rolling basis.

A Member of the Opposition referred to the delivery of the Medium Term Financial Strategy and queried the reasons for the delays of the schemes, together with the timescales, particularly relating to the Leisure Centres and whether discounts applicable would still be available. In responding the Director of Regeneration and Enterprise indicated that the process had been delayed for a short period of time due to consideration being given to profitability. However, further details could be provided.

The Director of Finance and Legal responded to other queries and indicated that in his opinion the Council were financially sustainable for the short term based on current reserves and assumptions, however further savings or increases in income would need to be made in the long term.

Resolved

- (1) That the actions of the External Auditors, as set out in paragraph 5 of the report submitted, be noted.
- (2) That the forecast variances to budget in 2021/22 and progress with delivery of savings, as set out in paragraph 9 and Appendices B and C of the report submitted, be noted.
- (3) That the various issues and risks which will need to be taken into account in finalising Budget proposals for 2022/23 and the Medium Term Financial Strategy, be noted.
- (4) That the preliminary financial strategy, as outlined in the report submitted, be approved as a basis for scrutiny and consultation.

42 **Home to School Transport Policy**

The Cabinet considered a report of the Director of Children's Services detailing the changes proposed to the Council's approach and policy on the provision of Home to School Transport Support to children and young people.

Arising from the presentation of the report it was suggested that the matter be considered by the appropriate Scrutiny Committee as part of the consultation process.



In responding to a query from the Opposition Spokesperson relating to extension of the consultation period given ongoing restrictions due to the Pandemic, the Cabinet Member for Children and Young People stated that they were already consulting above and beyond the statutory period from 28 to 90 days. However, consideration would be given to an extension if required given the uncertainty of the Pandemic and associated restrictions.

The Deputy Leader of the Opposition also referred on the need to consider suitable communication methods appropriate to the types of communities residing in certain Wards, particularly those with high black, minority ethnic backgrounds and economically challenged areas to ensure all were engaged in the consultation process.

Resolved

- (1) That the information contained within the report about the proposed changes be noted.
- (2) That the Director of Children's Services be authorised to organise and conduct statutory consultation on the proposals.

43 To Submit Stage 2 Business Case for the Towns Fund Deal

A report of the Director of Regeneration and Enterprise was submitted to update the Cabinet on progress and on the subsequent award announcement in July 2021.

The Opposition Spokesperson referred to the Towns Fund insurance backed contract and queried if a claim was made whether it would affect the insurance rates on future schemes, particularly given the risks of the financial gap between the bid and the current estimated cost of delivery. The Director of Regeneration and Enterprise undertook to respond in writing to the query. However, it was pointed out the contract was intended to reduce the risk to the Council as risks and savings were shared. In responding to further queries relating to the financial gap in delivery, it was reported that it was estimated to be in the region of £2 million but measures would be taken to reduce costs and to negotiate and work with all parties with a view to driving the gap down to zero. Other options would also be explored to offset borrowing.

At this juncture the Leader reported on the recent announcement that the Secretary of State would not be calling in the planning application relating to the demolition of the former Hippodrome and adjacent land and buildings.

Resolved

- (1) That the submission of the Stage 2 Business Case to the Department of Levelling Up, Housing and Communities (DLUHC) for the £25m Towns Fund to build a Health Innovation Centre on Castle Hill, be approved.
- (2) That the Director of Regeneration and Enterprise submit a report to the Cabinet in due course, seeking authority for the Council to use its Compulsory Purchase Powers, to enable the site assembly, if willing negotiations to make land and property transactions cannot be satisfactorily concluded.

44 **The Brierley Hill Plan – Approval of Issues and Options Report for Consultation**

A report of the Director of Regeneration and Enterprise was submitted to present the Brierley Hill Plan (Issues and Options Report) consultation document.

The Opposition Spokesperson for the West Midlands Combined Authority considered the need to adapt the consultation process taking into account any associated restrictions with the ongoing Covid-19 Pandemic to ensure people had the opportunity to take part in the consultation process.

Resolved

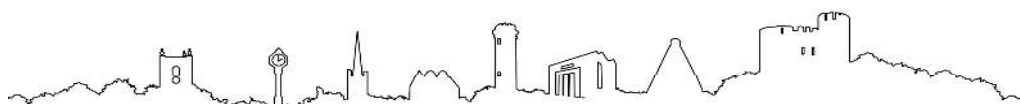
- (1) That the Brierley Hill Plan, as set out in Appendix 1 to the report submitted, be approved for a seven-week consultation period from 10th January to 28th February 2022, to be carried out in line with the Council's adopted Statement of Community Involvement 2020.
- (2) That the Director of Regeneration and Enterprise be authorised to make any non-substantive changes considered necessary to the document, and any associated consultation documents, prior to their publication.

45 **Infrastructure Funding Statement 2020/2021**

The Cabinet considered a report of the Director of Regeneration and Enterprise on the Infrastructure Funding Statement 2020/21.

Resolved

That the Infrastructure Funding Statement 2020/21 be approved.



46 **Section 141 Policing and Crime Act 2017 Review of Cumulative Impact Assessment Policy 2022**

The Cabinet considered a report of the Acting Director of Public Realm on a recommendation from the Licensing and Safety Committee concerning the Cumulative Impact Policy currently in place in respect of an area of Stourbridge Town Centre.

Resolved

That the recommendation of the Licensing and Safety Committee be endorsed and the Council be recommended to approve the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge Town Centre.

47 **Review of Gambling Policy (Statement of Principles)**

The Cabinet considered a report of the Acting Director of Public Realm on the recommendations of the Licensing and Safety Committee concerning the review of Statement of Principles for the Gambling Act 2005.

Resolved

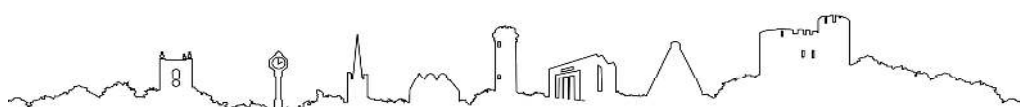
- (1) That the recommendations of the Licensing and Safety Committee, be endorsed.
- (2) That the Council be recommended to approve the revised Gambling Policy (Statement of Principles).

48 **Annual Review of the Constitution**

The Cabinet considered a report of the Lead for Law and Governance (Monitoring Officer) on the annual review of the Constitution.

During the ensuing discussion, Members complained about the lack of sanctioning powers following breaches of the Code.

The Deputy Leader of the Opposition Group commented on the need to support Councillors and explained about the issues experienced in Wards, particularly around financial documentation relating to grants considered by Community Forums, which should initially be vetted by Officers. The Leader of the Council indicated that initial preparation work should be undertaken by relevant Officers before submitting grant applications to the Forums for consideration.



Resolved

That the Council be recommended to approve:-

- (a) The recommendations of the Audit and Standards Committee concerning the adoption of the revised Members' Code of Conduct and Standards Arrangements, effective from 6th May, 2022, together with the necessary revision of the Constitution, as set out in paragraphs 6 to 12 and Appendix 1 of the report submitted.
- (b) The amendments to the Petition Scheme, as set out in paragraphs 13, 14 and Appendix 2 of the report submitted.
- (c) The incorporation of the Best Consideration Protocol into Part 6 of the Constitution, as set out in paragraph 15 of the report submitted.
- (d) The amendment of Article 4.02(a) and Cabinet Procedure Rule 1.2(c) to reflect the process for making amendments to the Scheme of Delegation in Part 3 of the Constitution, as set out in paragraphs 16 and 17 of the report submitted.
- (e) The arrangements for making nominations concerning the appointment of Honorary Aldermen and Honorary Alderwomen, as set out in paragraphs 18 to 21 of the report submitted.

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

Pursuant to Cabinet Procedure Rule, 2.5, formal notice in writing had been given to the Monitoring Officer by Councillor C Bayton (Opposition Spokesperson for West Midlands Combined Authority) to ask the Leader the following question:-

“My question at the public debate at full Council on 29th November. My question to the Leader then was at what point will the Black Country Plan (BCP) be presented to all 72 councillors to vote on either adoption or rejection? In order to maintain democracy in the borough it is vital that all 72 elected members have the opportunity to represent, and be seen to represent, the views of the residents they are elected to serve.”

Response from the Leader:-

“Following the recent Black Country Plan consultation, a revised version of the draft Plan will be prepared. This version of the Plan will form the Publication Plan which will be published, subject to Cabinet approval, for consultation in summer 2022.



Following the consultation in summer 2022, the Publication version of the Plan will be amended. It will then be considered by Cabinet and Full Council in early 2023 to seek approval to submit the Plan to the Secretary of State for an independent examination by the Planning Inspectorate.

The submission of the Plan will allow the important process of the Examination in Public (EiP) to take place. This is a crucial aspect of Plan preparation where an independent planning inspector is appointed by the Government to examine the 'soundness' and legal compliance of the Plan. Importantly, the Inspector will also have the opportunity to consider all the consultation responses made to the most recent Publication draft of the Local Plan, which the Council will have previously consulted. The EiP process is therefore an opportunity for those who made objections to the Plan at the Publication stage to have their views considered by the Inspector. At this stage we expect the examination to take place during 2023.

Subject to the outcome of the examination process, Full Council will then be asked to formally adopt the Black Country Plan. This is likely to be in Spring 2024”.

The meeting ended at 6.55 pm

LEADER OF THE COUNCIL

