

Minutes of the Cabinet

Wednesday, 23rd September, 2020 at 6.00 pm
Microsoft Teams Meeting

Present:

Cabinet Members

Councillor D Vickers (Deputy Leader – Vice-Chair in the Chair)
Councillor P Harley (Leader)
Councillors N Barlow, S Clark, I Kettle, S Phipps, K Shakespeare and L Taylor

Opposition Group Members Nominated to attend the Cabinet

Councillors K Ahmed, S Ali, C Barnett, C Bayton, K Casey, J Foster, P Lowe and S Ridney

Observer

Councillor S Keasey

Officers

K O'Keefe – Chief Executive, M Williams – Acting Deputy Chief Executive, I Newman – Director of Finance and Legal, M Bowsher – Director of Adult Social Care, H Martin – Director of Regeneration and Enterprise, P Davies – Director of Housing and Community Services, H Ellis – Acting Director of Children's Services, M Farooq – Monitoring Officer, P Mountford – Head of Planning and Regeneration, R Cooper – Head of Financial Services, B Hughes – Assistant Team Manager (Waste and Fleet Care), V Marshall – Communications and Public Affairs Officer, S Griffiths – Democratic Services Manager and M Johal – Senior Democratic Services Officer

8 Apologies for Absence

Apologies for absence were received on behalf of Councillors R Buttery, A Lees, J Martin and Q Zada.



9 **Minutes**

Resolved

That the minutes of the meeting held on 6th July, 2020, be approved as a correct record and signed.

10 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on progress with the implementation of the Capital Programme, together with proposed amendments to the Capital Programme.

In discussing the various projects it was agreed that a response would be provided to Councillor S Ridney on the proposed and incurred expenditure from the uncommitted 14-19 Diplomas, Special Educational Needs and Disabilities grant and balances to date. With regard to a query on the design work with both Halesowen and Crystal Leisure Centres it was agreed that a briefing would be arranged with the Shadow Cabinet Member.

Resolved

That the Council be recommended:-

- (1) That progress with the 2020/21 Capital Programme, as set out in Appendix A to the report submitted, be noted
 - (2) That the Very Light Rail expenditure totalling £943,000 be included in the Capital Programme, as set out in paragraph 6 of the report.
 - (3) That the project to provide 170 cremated remains graves at Gornal Wood Cemetery be approved and included in the Capital Programme, as set out in paragraph 7 of the report.
 - (4) That the Maitland Road Children's Home refurbishment be funded from uncommitted 14-19 Diplomas, Special Educational Needs and Disabilities capital grant balances, as set out in paragraph 8 of the report.
 - (5) That the urgent amendments to the Capital Programme be noted, as set out in paragraphs 9 to 11 of the report.
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11 **General Fund Revenue Monitoring 2020/21**

A joint report of the Chief Executive and Director of Finance and Legal was submitted providing a forecast on the General Fund Revenue outturn position for 2020/21.

In referring to consideration of budget proposals by Scrutiny Committees, it was suggested that the submission of budget proposals be at the earliest opportunity and during the normal cycle of Committees in November, 2020. However, it was accepted that there may be further amendments or adjustments which could be subsequently reported in due course.

Resolved

That the forecast General Fund revenue outturn position for 2020/21 and the effect on General Balances at 31st March, 2021, be noted.

12 **The Local Government and Social Care Ombudsman's Annual Review Letter 2020**

A report of the Chief Executive was submitted on the Annual Review Letter for 2020 from the Local Government and Social Care Ombudsman and on information in respect of complaints received against the Council and dealt with by the Ombudsman's office for the period 1st April, 2019 to 31st March, 2020.

Discussion ensued on the case concerning the findings against the Council in relation to third party top-ups for adult social care residential and nursing placements and the stance of the Council. The Council had communicated regularly with the Ombudsman and had been fully transparent in sharing the legal advice received from Counsel. However, although requests had been made by the Council, the Ombudsman's own legal interpretation and advice had not been forthcoming. The Director of Adult Social Care indicated that a detailed response would be issued from the Council and it would be shared with the Cabinet and Shadow Cabinet Members. In response to a query it was stated that the Ombudsman would be publish a non-compliance statement in the media. At this juncture there was no legal action pending against the Council but it is possible that the LGO may choose to do so in the future.

Resolved

- (1) That the contents of the report and the Annual Review be noted.
- (2) That Directors continue to ensure that requests for information on complaints are dealt with by the date requested to ensure that the Council maximises its performance on response times and remedy of complaints is maintained.



- (3) That all Directorates continue to monitor and review their complaints actively to underpin ongoing good practice to achieve timely local satisfactory resolution of complaints wherever possible.
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13 **Dudley Local Development Scheme 2020 and Dudley Local Plan Update**

A report of the Director of Regeneration and Enterprise was submitted seeking approval for the updated Local Development Scheme 2020 and providing an update on the Dudley Local Plan. The report also set out an update on the Dudley Local Plan preparation.

Resolved

- (1) That the revisions to the Local Development Scheme (LDS) be approved.
 - (2) That following adoption, the Director of Regeneration and Enterprise be authorised to make any minor modifications necessary to the Local Development Scheme that may be required prior to making it available to the public.
 - (3) That the update to the Local Plan Process be noted.
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14 **Community Infrastructure Levy (CIL) Funding Approval 2020 and Revised CIL Instalments Policy to Reflect Covid-19**

A report of the Director of Regeneration and Enterprise was submitted on the partial spend of CIL receipts and temporary relaxation of the CIL payment deadlines, together with a revised CIL Instalments Policy to reflect recently updated Government guidance.

A response would be provided to Councillor S Ridney to confirm the spend of the allocation of £30,000 to the Canal and River Trust.

Resolved

- (1) That the rolling forward of remaining CIL monies for consideration of spend be approved.
- (2) That the transfer of up to £60,000.00 Capital and Revenue Infrastructure CIL receipts to Shell Corner Partnership following receipt of costings and completion for public realm improvements to Shell Corner, be approved, and if work is not completed by September 2022, the monies be made available to alternative projects.

- (3) That the transfer of £8,367.91 Capital and Revenue Infrastructure CIL receipts to Black Country Radio, following receipt of detailed costings and completion of works for studio equipment relating to the new digital studio, be approved, and if work is not completed by September 2022, the monies be made available to alternative projects.
- (4) That the revised CIL Instalments Policy (September 2020) be approved.
- (5) That the revised CIL Instalments Policy (2020) be adopted with effect from 24th September 2020.

15 **Statement of Community Involvement**

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the Statement of Community Involvement 2020 (SCI).

Reference was made to 'permitted development' which allowed certain works, operations and changes of use to be undertaken without the requirements of planning permission. It was considered appropriate to err on the side of caution and regular monitoring of standards be undertaken given some dwellings in the Town Centre had been converted from offices to residential accommodation with no additional infrastructure impacting on the quality and living environment. It was requested that a list of types of works that could be classed as permitted developments, together with changes of use, be compiled and circulated to all Cabinet and Shadow Cabinet Members for information.

Resolved

- (1) That the adoption of the Statement of Community Involvement 2020 (SCI) be approved.
- (2) That following adoption, the Director of Regeneration and Enterprise be authorised to make any minor modifications necessary to the SCI, for instance to reflect further changes to Government regulations and guidance.

16 **Towns Fund – Proposals for Dudley Town Centre and the Driverless Vehicle Consortium**

A report of the Director of Regeneration and Enterprise was submitted on Dudley Town Centre's bid for the Government's Towns Funds initiative and Driverless Vehicle Consortium activity since January 2020.



In response to a query about the membership of the Dudley Town Deal Board, the Director of Regeneration and Enterprise indicated that it was permissible to extend the Membership to include a Councillor and she would approach the Board at the next meeting.

Resolved

- (1) That the report be noted.
- (2) That the development of the bid based around a Higher Educational Institute on Castle Hill be noted.
- (3) That the progression of related land and property negotiations be approved.

17 **Review of Licensing Policy**

A report of the Acting Director of Public Realm was submitted on the Licensing Policy following consultation with relevant authorities and interested parties.

Resolved

That the Council be recommended to approve the Licensing Policy.

The meeting ended at 7.11 pm

LEADER OF THE COUNCIL

