

Minutes of the Cabinet

Thursday, 17th December, 2020 at 6.00 pm
Microsoft Teams Meeting

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor D Vickers (Deputy Leader – Vice-Chair)
Councillors N Barlow, R Buttery, 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 Bayton, K Casey, J Foster, P Lowe, J Martin, and S Ridney

Also in Attendance

Councillor I Bevan

Officers

K O’Keefe – Chief Executive, M Williams – Acting Deputy Chief Executive, M Bowsher – Director of Adult Social Care, H Martin – Director of Regeneration and Enterprise, I Newman – Director of Finance and Legal, P Davies – Director of Housing and Community Services, G Dean – Acting Director of Public Realm, M Farooq – Lead for Law and Governance (Monitoring Officer), R Cooper – Head of Financial Services, I Lahel – Head of Integrated Commissioning Performance and Partnership, P Mountford – Head of Planning and Regeneration, Head of Planning, K Arnold – Communications and Public Affairs Officer, M Johal – Senior Democratic Services Officer and H Shepherd – Democratic Services Officer

31 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors C Barnett and Q Zada.

32 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members’ Code of Conduct.



33 **Minutes**

Resolved

That the minutes of the meeting held on 23rd November, 2020 be approved as a correct record and signed.

34 **Medium Term Financial Strategy**

A joint report of the Chief Executive and Director of Finance and Legal was considered on the latest General Fund revenue position for 2020/21 and provisional Medium-Term Financial Strategy (MTFS) to 2023/24.

Arising from the presentation of the report, and in response to a request, the Cabinet Member for Finance and Legal and Director for Finance and Legal agreed to arrange a separate briefing with the Shadow Member the following week given the late information received on the Local Authority's settlement. Another briefing session would also be arranged in the New Year for all Shadow Opposition Spokespersons.

A request was also made on all communications relating to progression on achieving a Fair Deal for Dudley. Although a response had been received from Officers to emails sent, a political perspective was welcomed.

Resolved

- (1) That the actions of the External Auditors, as set out in paragraph 6 of the report submitted, be noted.
- (2) That the forecast variances to budget in 2020/21 and progress with the delivery of savings, as set out in paragraph 9 of the report and Appendices B and C, be noted.
- (3) That the various issues and risks to be taken into account in finalising the budget proposals for 2021/22 and the Medium-Term Financial Strategy, be noted.
- (4) That the preliminary financial strategy, as outlined in the report, be approved as a basis for scrutiny and consultation.

35 **Review of Housing Finance**

A joint report of the Director of Housing and Community Services and the Director of Finance and Legal was considered on the latest financial forecasts for the Housing Revenue Account (HRA) budgets for 2020/21.

The proposals in the report were subject to consideration by the Place Scrutiny Committee prior to approval by Cabinet on 11th February, 2021, and where relevant, Council on 22nd February, 2021.

Resolved

- (1) That the latest Housing Revenue Account budget forecast for 2020/21 and the revised Public Sector Housing capital programme for 2020/21, as set out in paragraphs 6 to 10 of the report and Appendices 1 and 2, be noted.
- (2) That the other proposals as outlined in paragraph 2 of the report be approved as a basis for scrutiny.

36 **Infrastructure Funding Statement 2019/20**

A report of the Director of Regeneration and Enterprise was considered on the Infrastructure Funding Statement 2019/20 and on the process for allocating Community Infrastructure Levy (CIL) Funds.

Resolved

- (1) That the Infrastructure Funding Statement 2019/20 be approved.
- (2) That 10% of Community Infrastructure Levy (CIL) Capital and Revenue Infrastructure Funding (currently 80% of total CIL receipts) be reserved for large strategic projects.
- (3) That the revised methodology for allocating CIL funds, as set out in the Infrastructure Funding Statement, be approved.



37 **Alterations to Designations of Nature Conservation Sites**

A report of the Director of Regeneration and Enterprise was submitted on the results and recommendations of ecological surveys (nature conservation habitat surveys) carried out on a number of separate sites that had either previously been identified as having potential to be designated as nature conservation sites or required up-to-date ecological surveys to ascertain if their previously identified existing ecological habitat status remained valid and appropriate based on the latest ecological evidence.

In response to queries from the Opposition it was confirmed that it was an iterative process and other sites in the Borough would be considered for inclusion in the future. Sites awarded local importance status for nature conservation were offered a degree of protection over other areas and there was a policy presumption against development. However, where there was suitable mitigation, some sensitive developments could take place.

Resolved

- (1) That approval be given to no change of existing Sites of Local Importance for Nature Conservation (SLINC) designations and Sites of Importance for Nature Conservation at:-
 - Watery Lane SLINC and SINC (Wordsley); and;
 - Coopers Wood and Lyeclose Meadow SINC (Land South of Manor Way).

- (2) That designations of new SLINCs be approved at:-
 - Roundhill, Holbeache Land SLINC (Kingswinford);
 - Ashwood Haye Fields SLINC (Kingswinford);
 - Racecourse Lane SLINC (Norton);
 - Manor Abbey Farm SLINC; formed from the Brickyard and Manor Abbey Hedgerows (Land south of Manor Way (Halesowen));
 - Raddens Pastures SLINC; covering Raddens Pastures (Land South of Manor Way (Halesowen));
 - Lyeclose Farm SLINC; covering Lyeclose Farm (Land South of Manor Way (Halesowen)); and;
 - Illey Hall Farm SLINC; covering Illey Hall Farm (Land South of Manor Way (Halesowen)).

- (3) That the designations of a new SINC be approved at:-
 - St Mary's Abbey Remains SINC; covering St Mary's Abbey Remains and Manor Way Tip.



- (4) That the amalgamation of the Tributary of Illey Brook SINC, Lyeclouse Lane Wood SINC, Illey Hall Farm SLINC and Illey Brook SLINC into a single designated site, Kitwell Brook Valley SINC (Land South of Manor Way (Halesowen), together with an extension to the SINC Boundary around the existing Tributary of Illey Brook SINC, be approved.
- (5) That proposals for revised Sites of Local Importance for Nature Conservation (SLINC) and Sites of Importance for Nature Conservation (SINC) boundary designations be approved at:-
 - Brick Kiln Lane SINC (Gornal); and;
 - Conference Wood and Gornal Sewage Works SLINC (Gornal).
- (6) That approval be given to a boundary adjustment to an existing SLINC and the inclusion of several hedgerows within the SLINC Designations:-
 - Caslon Wood SLINC (Cradley and Wollescote).
- (7) That changes to the site designations to be included in the Black Country Draft Plan which is due to be submitted to Cabinet in July 2021, be authorised.

38 **Community Infrastructure Levy (CIL) Neighbourhood Funding**

A report of the Director of Regeneration and Enterprise was considered on amendments to the procedure and allocation of monies for the Neighbourhood Funding account statement of the Community Infrastructure Levy.

Resolved

- (1) That the equal split of the CIL Neighbourhood Funding account between each Community Forum at the end of each financial year (based on the number of Wards in each Community Forum) and the amended procedure for how CIL Neighbourhood Funding will be applied for and allocated, be approved.
- (2) That the Director of Regeneration and Enterprise (subject to no Ward member objections) or Cabinet Member for Regeneration and Enterprise (with Ward member objections) be authorised for CIL Neighbourhood Funding spend.

39 **Towns Fund – Update on Progress**

A report of the Director of Regeneration and Enterprise was considered seeking approval for the Council to enter into a Memorandum of Understanding with Dudley College which sets out the principles of a partnership framework to work together on a project to develop Dudley by submitting a Stage 1 bid to the Secretary of State under the Towns Fund Programme.

In response to a query the Leader and the Cabinet Member for Regeneration and Enterprise confirmed that all avenues would be explored to plug funding shortfalls. However, it was pointed out that the majority of large infrastructure/regeneration projects were not initially planned by being fully funded. It was imperative to quickly take up opportunities to apply for funding by putting forward schemes as soon as the opportunity arose. The Cabinet Member for West Midlands Combined Authority and the Shadow Opposition Member were commended for their efforts and work in representing Dudley and ensuring the Borough received its fair share of funding.

Resolved

- (1) That approval be given to the Council entering into a Memorandum of Understanding with Dudley College to cover the initial bid period and to set out the broad principles of what will be required from partners in the event that the bid is successful.
- (2) That should the bid be successful the Council's next steps be noted as follows:-
 1. Using its Compulsory Purchase Order (CPO) powers to acquire, either by negotiation or compulsion, all the necessary plots of land and legal interests, subject to all of the necessary tests being met and the costs of both the CPO itself and the acquisition monies being fully funded and drawn down from the bid monies.
 2. Obtaining valuations of all of the land currently owned by the Council and ensuring that Section 123 Local Government Act 1972 being met in respect of the proposed disposal.
 3. Alternatively, in respect of 2 above that the Council will consider the General Disposal Consent being met to provide that any undervalue contributes to the achievement of the promotion or improvement of economic well being, promotion or improvement of social well being or the promotion or improvement of environmental well being for the whole or any part of its area or of all or any persons resident in the area and the value of the undervalue is £2,000,000 or less.
 4. That all the necessary land and property assembly and disposal transactions are negotiated and agreed by the Council. The options for the disposal of the substantive site are either a freehold land disposal or a long term lease being granted. When all parties reach

an agreement on the best 126 way forward, the Council enters into all the necessary agreements/legal documentation to facilitate the delivery of the scheme within the successful bid.

- (3) That the Director of Regeneration and Enterprise be authorised to submit the Stage 1 Towns Fund Bid and accompanying Town Investment Programme, once endorsed by the Towns Fund Board at the January 2021 meeting.

40 **Extra Care Provision / Development in Dudley**

A report of the Director of Adult Social Care was considered on a market/development opportunity in Dudley for the provision of a purpose-built Extra Care scheme, together with potential to add a multipurpose nursing hub at Phase 2.

Arising from the presentation of the report the Cabinet Member for Adult Social Care, the Director of Adult Social Care and the Head of Integrated Commissioning Performance and Partnership responded to queries from the Opposition Spokesperson. In doing so comments relating to the need to maintain a balance in residential care homes and extra care placements was acknowledged. The Council were confident that scheme placements would be filled by people requiring the appropriate level of need and this had been based on a detailed market position statement, there currently being no extra care provision in Brierley Hill together with the demographic makeup of the local population.

The request to scrutinise the business case was recognised and this could be available for inspection at the appropriate juncture in the procurement process so that Councillors had a robust understanding of the risks. It was noted that there was currently a task and finish group comprising of representatives from across the Council to include legal, housing and commercial expertise to negotiate agreements. In terms of considering and discounting any other options that were available, the Director of Adult Social Care highlighted the importance of reacting swiftly to an opportunity that presented itself and it was believed that the partnership was in the interests of the Borough and essentially to people in Brierley Hill with care needs.

The Head of Integrated Commissioning Performance and Partnership presented figures relating to the social rent. Members were assured that the level of rent fixed at £165 would only increase in line with the Consumer Price Index each year but would not go above the current housing benefit levels and assurances had been given by the provider and developer to this effect.

Resolved

Subject to the necessary approval by Full Council

- (1) That the entering into a long-term lease arrangement on the basis the financial and legal obligations are offset by way of an underlease to a reputable housing association be approved and included in the project in the Capital Programme.
- (2) That the Director of Adult Social Care, following consultation with the Director of Finance and Legal, the Director of Housing and Community Services and the relevant Cabinet Members be authorised to implement the programme of work needed to ensure successful delivery.
- (3) That the Director of Adult Social Care be authorised to identify a preferred Housing Association and Care Provider through current frameworks available to the Council in line with Procurement Regulations and negotiate leases.

The meeting ended at 6.41 pm

LEADER OF THE COUNCIL

