

## MEETING OF THE CABINET

Tuesday, 12<sup>th</sup> February, 2013 at 5.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)  
Councillor Ali (Deputy Leader)  
Councillors K Ahmed, Crumpton, Foster, Islam, Lowe, Partridge, Waltho  
and Wood

together with the following Opposition Group Members appointed to  
attend meetings of the Cabinet:-

Conservative Group - Councillors Blood, Evans, Harley, K Turner,  
Vickers, Mrs Walker, Wright and James (observer).

### OFFICERS:-

The Chief Executive, Director of Corporate Resources, Director of  
Children's Services, Director of the Urban Environment, Director of  
Adult, Community and Housing Services, Director of Public Health,  
Treasurer, Assistant Director of Corporate Resources (Human  
Resources and Organisational Development) and the Democratic  
Services Manager, together with other officers.

### OBSERVER:-

Councillor Sykes

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### CHANGES IN REPRESENTATION OF OPPOSITION GROUP MEMBERS

The Leader congratulated Councillor Harley on his recent election as  
Leader of the Opposition Group.

Councillor Harley had notified the Director of Corporate Resources of  
the necessary changes in the nominations of Opposition Group  
representatives to attend meetings of the Cabinet.

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### DECLARATIONS OF INTEREST

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

A pecuniary interest was declared on behalf of the Chief Executive,  
Directors, Assistant Directors and the Treasurer in respect of Agenda  
Item No. 10 (Pay Policy Statement) in view of the financial information  
and employment terms and conditions referred to in the report.

A pecuniary interest was declared on behalf of the Director of Public Health in respect of Agenda Item No. 14 (Next Stages of Health Reform – Implications for the Council) in view of the references in the report to the role and future employment of the Director of Public Health.

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MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 6<sup>th</sup> December, 2012, be approved as a correct record and signed.

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REVENUE BUDGET STRATEGY AND SETTING THE COUNCIL TAX 2013/14

A joint report of the Chief Executive and the Treasurer was submitted seeking consideration of proposals for the deployment of General Fund Revenue Resources, a number of statutory calculations that had to be made by the Council and, subject to the receipt of the Police and Fire precepts, the Council Tax to be levied for the period from 1st April, 2013 to 31st March, 2014.

Cabinet Members responded to questions from opposition group representatives on the budget proposals, in particular the 'big question' consultation process and the associated costs; proposals relating to children's centres, regeneration, transport and roads maintenance, shared services and the increase in the Police precept. The report would be the subject of full debate at the meeting of the Council on 4<sup>th</sup> March, 2013.

RESOLVED

- (1) That the Council be recommended to approve:-
  - (a) The budget for 2013/14, and service allocations as set out in the report submitted to the meeting.
  - (b) The acceptance of Council Tax Freeze Grant for 2013/14.
  - (c) 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 2013/14 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government Finance Act 1992 as shown in Appendix 8 of the report submitted to the meeting.

- (d) That, having calculated the aggregate in each case of the amounts in Appendix 8 to the report submitted to the meeting, 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 2013/14.

Valuation Bands

A	B	C	D
£750.25	£875.29	£1,000.33	£1,125.37
E	F	G	H
£1,375.46	£1,625.54	£1,875.62	£2,250.75

- plus the amounts to be notified for the Police and Fire and Rescue precepts.

- (e) The revision of 2012/13 budgets to reflect the variances set out in paragraph 8 of the report submitted to the meeting.
- (f) That the Chief Executive, in consultation with the Director of Public Health and the Cabinet Member for Health and Wellbeing, be authorised to determine the allocation of the available public health grant funding for 2013/14.
- (g) That the 20% discretionary rates relief currently awarded by the Council to Voluntary Aided (VA) schools be removed from 2014/15.
- (h) The Medium Term Financial Strategy as set out in the report.
- (2) That the Treasurer be authorised, in consultation with the Cabinet Member for Finance and the Opposition Spokesperson for Finance, to approve any minor changes resulting from final details of the grant to compensate for the doubling of Small Business Rate Relief, prior to the Council on 4<sup>th</sup> March, 2013, as set out in paragraph 22 of the report submitted to the meeting.
- (3) 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.

- (4) That the one-off savings from a referendum not being required be noted and that more detailed proposals for the use of the savings be reported to the Council on 4<sup>th</sup> March, 2013.
- (5) That Cabinet Members, the Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.
- (6) That the Chief Executive and Directors be reminded to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2013/14 budget, particularly in the context of commitments into later years and the impact that any overspending in 2013/14 will have on the availability of resources to meet future budgetary demands.

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

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DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT AND PUBLIC SECTOR HOUSING CAPITAL

A joint report of the Chief Executive and the Treasurer was submitted on proposals for the deployment of the Housing Revenue Account and associated matters for 2013/14 and in respect of the Housing Capital Programme for the period from 2012/13 to 2017/18.

The Cabinet Member for Housing, Libraries and Adult Learning undertook to supply a written response to a Member in relation to issues concerning void properties.

RESOLVED

- (1) That a rent increase for Housing Revenue Account dwellings on 1st April, 2013, as outlined in paragraph 4 of the report submitted to the meeting, be approved with an average increase of £3.59 (4.6%) and a maximum increase of £5.85 in line with Government rent guidance.
- (2) That an increase of 2.6% in service charges as outlined in paragraphs 6 and 8 of the report submitted to the meeting, be approved.

- (3) That an increase of 10% in heating and lighting charges for sheltered housing from an average weekly charge of £11.92 to an average weekly charge of £13.11 other than at The Gables where charges will remain at their current rates, as outlined in paragraph 7 of the report submitted to the meeting, be approved.
- (4) That an increase for laundry tokens from £2.00 to £2.10, as outlined in paragraph 9 of the report submitted to the meeting, be approved.
- (5) That the increase of 2.6% to the current charge for pitch licences at Oak Lane, as outlined in paragraph 10 of the report submitted to the meeting, be approved.
- (6) That an increase of 2.6% in water charges at Oak Lane to £6.16 per week, as outlined in paragraph 10 of the report submitted to the meeting, be approved.
- (7) That the leaseholders' administration fee be maintained at current levels as outlined in paragraph 11 of the report submitted to the meeting.
- (8) That an increase of £0.50 per month for private Telecare clients, as outlined in paragraph 12 of the report submitted to the meeting, be approved.
- (9) That the maintenance of garage rents at current levels and the dates proposed for future increases as outlined in paragraph 13 of the report submitted to the meeting, be approved.
- (10) That the maintenance of garage plot rent and access agreements at current levels, and the dates proposed for future increases, as outlined in paragraph 13 of the report submitted to the meeting, be approved.
- (11) That the Council be recommended:-
  - (a) To approve the revised Housing Revenue Account budget for 2012/13 and the Housing Revenue Account budget for 2013/14, as outlined in Appendix 1 of the report submitted to the meeting.
  - (b) To approve the public sector housing revised capital budget for 2012/13 and the capital budget for 2013/14 to 2017/18, as outlined in Appendix 2 of the report submitted to the meeting.

- (c) To authorise the Director of Adult, Community and Housing Services and the Director of Corporate Resources to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 23 and 24 of the report submitted to the meeting.
- (d) To authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, Libraries and Adult Learning, to manage and allocate resources to the capital programme, as outlined in paragraph 25 of the report submitted to the meeting.
- (e) To confirm that all capital receipts arising from the sale of Housing Revenue Account assets (other than those specifically committed to support private sector housing) should continue to be used for the improvement of Council homes, as outlined in paragraph 25 of the report submitted to the meeting.
- (f) To authorise the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, Libraries and Adult Learning, to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 26 of the report submitted to the meeting.
- (g) To approve the Housing Revenue Account medium term financial strategy, as outlined in Appendix 4 of the report submitted to the meeting.

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

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A DUDLEY MBC POLICY FOR COMMUNITY ASSET TRANSFER AND THE IMPLEMENTATION OF THE SEPARATE LEGAL PROCESS FOR THE COMMUNITY RIGHT TO BID WITH REGARD TO ASSETS OF COMMUNITY VALUE

A joint report of the Director of Adult, Community and Housing Services and the Director of Corporate Resources was submitted on the policy relating to Community Asset Transfer and on the procedure established to meet the new legal duty for Councils' to manage the Community Right to Bid procedure with regard to Assets of Community Value in accordance with the Localism Act 2011.

RESOLVED

- (1) That the Community Asset Transfer policy, as referred to in the report submitted to the meeting, be approved and adopted.
- (2) That the new legal duty for the Council with regard to the community right to bid and assets of community value list, be noted.
- (3) That the procedure set out in the report and appendices submitted to the meeting for managing the process for nomination, listings and disposal of Assets of Community Value and determining applications for compensation, be approved.
- (4) That the Director of Corporate Resources, in consultation with the Cabinet Member for Human Resources, Law and Governance, be authorised to make any necessary amendments to the Community Asset Transfer Policy and the Community Right to Bid procedure to reflect any further advice received or in the light of operational experience.

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

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CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and which proposed certain amendments. The report also set out proposals in relation to the "Prudential Indicators" as required to be determined by the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities and the Local Government Act, 2003. The report also sought approval in relation to the Council's Minimum Revenue Provision (MRP) Policy for 2013/14.

In relation to wheeled bins, reference was made to the cost of adapting the existing fleet of vehicles and any further necessary expenditure that might be necessary to implement the service. The Cabinet Member for Environment and Culture reported that the detailed costs would be provided, however, it was not anticipated that the service changes would lead to any compulsory redundancies. The Council's waste and recycling strategy was currently being developed in draft form. Weekly refuse collections would be retained and the access criteria for the collection of wheeled bins would be based on individual needs in the same way as for the collection of green bins.

Reference was also made to the improvement works to the car-park infrastructure. Consultation with ward Councillors was requested in any cases where it was being proposed to introduce parking charges.

#### RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report, be noted.
- (2) That in response to the Department for Transport's intention to devolve funding to Local Transport Bodies for major transport schemes, the development of a Black Country "assurance framework" be supported, as set out in paragraph 21.
- (3) That the Council be recommended:-
  - (a) That current progress with the 2012/13 Capital Programme, as set out in Appendix A of the report submitted to the meeting be noted, and that budgets be amended to reflect the reported variances.
  - (b) That the further allocation of Disabled Facilities Grant (DFG) funding of £263,000 be noted and the associated expenditure included in the Capital Programme, and that a further £350,000 of Adult Social Care revenue resources be used to fund DFGs, as set out in paragraph 7 of the report submitted to the meeting.
  - (c) That the contribution of £100,000 to the redevelopment of Gibbs Road House be approved and included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.



- (d) That the contribution of £68,000 to the improvement works being undertaken to CHADD House be approved and included in the Capital Programme, as set out in paragraph 9 of the report submitted to the meeting.
- (e) That the £550,000 allocation for Housing Assistance Grants be continued on an ongoing basis and included in the Capital Programme, as set out in paragraph 10 of the report submitted to the meeting.
- (f) That the Community Capacity Grant allocations be noted, and the associated spend on relevant Adult Personal Social Services projects be included in the Capital Programme, as set out in paragraph 11 of the report submitted to the meeting.
- (g) That the award from the Fuel Poverty fund be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 12 of the report submitted to the meeting.
- (h) That the Council's contribution of £120,000 to the re-provision of the Saltwells Wardens' Base be approved and the project be included in the Capital Programme, as set out in paragraph 13 of the report submitted to the meeting.
- (i) That the Weekly Collection Support Scheme funding allocation for Recycling be noted, and that the related project be approved and included in the Capital Programme, as set out in paragraph 14 of the report submitted to the meeting.
- (j) That the Wheeled Bins project be approved and included in the Capital Programme, as set out in paragraph 15 of the report submitted to the meeting.
- (k) That the Recycling Bunker project be approved and included in the Capital Programme, as set out in paragraph 16 of the report submitted to the meeting.
- (l) That the Depot Improvements project be approved and included in the Capital Programme, as set out in paragraph 17 of the report submitted to the meeting.

- (m) That the Stourbridge Crematorium Improvement project be approved and included in the Capital Programme, as set out in paragraph 18 of the report submitted to the meeting.
- (n) That the funding allocation for Highway Maintenance be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 19 of the reports submitted to the meeting.
- (o) That the submission of the bid in partnership with Wolverhampton City Council for Local pinch point funding to improve the A4123 Birmingham New Road junction with Shaw Road be approved and that, subject to the bid being successful, the project be included in the Capital Programme, as set out in paragraph 20 of the report submitted to the meeting.
- (p) That the improvement works to Car Park Infrastructure be approved and included in the Capital Programme, as set out in paragraph 22 of the report submitted to the meeting.
- (q) That the allocation of capital funding for New 2 Year Old Places be noted and the associated spend included in the Capital Programme, as set out in paragraph 23 of the report submitted to the meeting.
- (r) That the Capital Programme be amended to include an increase in the capital budget of £472,000 for the Transforming Our Workplace project, as set out in paragraph 24 of the report submitted to the meeting.
- (s) That 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 C of the report submitted to the meeting, be agreed.
- (t) That the Minimum Revenue Provision (MRP) Policy for 2013/14 be approved as set out in paragraph 29 of the report submitted to the meeting.

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

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CORPORATE QUARTERLY PERFORMANCE REPORT

A report of the Chief Executive was submitted on the second Corporate Quarterly Performance Report for 2012/13, relating to performance for the period from 1<sup>st</sup> October to 31<sup>st</sup> December, 2012.

RESOLVED

- (1) That the Corporate Quarterly Performance Report for the period from 1<sup>st</sup> October to 31<sup>st</sup> December, 2012 be noted and its contents approved.
- (2) That the referral of the report to Scrutiny Chairs, for consideration of the future arrangements for scrutinising the corporate quarterly performance report, be noted.

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PAY POLICY STATEMENT

A report of the Director of Corporate Resources was submitted giving an overview of the requirements contained in the Localism Act 2011 to prepare an annual pay policy statement. The updated statement would be submitted to the Council on 25<sup>th</sup> February, 2013. The draft policy statement set out the anticipated position as at 1<sup>st</sup> April, 2013.

RESOLVED

That the Council be recommended to approve the Pay Policy Statement as set out in the Appendix to the report submitted to the meeting.

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APPROVAL FOR ADOPTION OF THE NEW HOUSING DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT – REVISED 2013

A report of the Director of the Urban Environment was submitted on the Council's New Housing Development Supplementary Planning Document (SPD) – Revised 2013.

RESOLVED

That the New Housing Development Supplementary Planning Document – Revised 2013 be approved and that the cancellation of Planning Guidance Note 3, be noted.

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

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ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

A report of the Director of Corporate Resources was submitted on the governance arrangements for the future management and administration of the Ernest Stevens Trusts.

## RESOLVED

- (1) That the Council be recommended:-
  - (a) That an Ernest Stevens Trusts Management Committee be established with the terms of reference set out in Appendix 1 to the report submitted to the meeting.
  - (b) That the Committee comprise a total of six Members, with one Councillor being appointed to represent each of the following wards in accordance with the overall political balance requirements of the Local Government and Housing Act 1989 (currently Labour 4; Conservative 2):-
    - Cradley and Wollescote
    - Lye and Stourbridge North
    - Norton
    - Pedmore and Stourbridge East
    - Quarry Bank and Dudley Wood
    - Wollaston and Stourbridge Town
  - (c) That the Chair and Vice-Chair and Members be appointed to serve on the Committee for the remainder of this municipal year based on nominations to be submitted to the Director of Corporate Resources by the two Group Leaders.
  - (d) That no special responsibility allowances be paid to the Chair and Vice Chair of the Committee pending a review of the Members' Allowances Scheme during 2013.

LOCAL WELFARE ASSISTANCE

A report of the Director of Corporate Resources was submitted on the implications of the local provision of the Social Fund and seeking approval to deliver the proposed local service.

RESOLVED

- (1) That the Transitional Local Welfare Assistance Scheme 2013/14, as attached as Appendix 2 to the report, be approved together with the proposals to deliver local welfare assistance as set out in the report now submitted.
- (2) That the Director of Corporate Resources be authorised to administer all aspects of the Scheme.
- (3) That the Director of Corporate Resources be authorised to make any required amendments to the 2013/14 scheme in consultation with the Cabinet Member for Finance and the Opposition Spokesperson for Finance.

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

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NEXT STAGES OF HEALTH REFORM – IMPLICATIONS FOR DUDLEY COUNCIL

A report of the Chief Executive was submitted on the implications of the next stages of health reform for Dudley Council and associated proposals to approve action for public health transition.

RESOLVED

- (1) That the progress made on implementing health reform within the Dudley Council area and the issues that the new arrangements raise for the Council as a health-improving Council, be noted.
- (2) That the Chief Executive, in consultation with the Cabinet Member for Health and Wellbeing, be authorised to agree all matters associated with the transfer of staff and functions from Dudley Primary Care Trust to the Council, subject to the Council's satisfaction with all aspects of the transition as required and in line with the relevant and applicable timescales.
- (3) That the Chief Executive be authorised to confirm with the Department of Health that Valerie Little, as the current post holder within NHS Dudley, be confirmed in the role of Director of Public Health Designate for Dudley Council.

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ADULT SOCIAL CARE - LOCAL ACCOUNT 2011/12

A report of the Director of Adult, Community and Housing Services was submitted on the Adult Social Care Local Account 2011/2012. The Cabinet welcomed and supported the production of the Local Account document and the associated ongoing work.

RESOLVED

That the Adult Social Care Local Account 2011/12 be approved.

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FORWARD PLAN OF KEY DECISIONS

A report of the Director of Corporate Resources was submitted on the Forward Plan of Key Decisions for the four-month period commencing 1<sup>st</sup> February, 2013.

RESOLVED

That the Forward Plan of Key Decisions be noted.

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ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

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The meeting ended at 6.07 p.m.

LEADER OF THE COUNCIL