

## **MEETING OF THE CABINET**

Wednesday, 21<sup>st</sup> September, 2005 at 6.00 p.m.  
In Committee Room 2 at the Council House, Dudley

### **PRESENT:-**

Councillor Caunt (Leader of the Council) (Chairman)  
Councillors Adams, Evans, Jones, Miller, Mrs Millward, Mrs Shakespeare and Vickers together with the following Minority Group Members nominated to attend meetings of the Cabinet: Councillors Ali, Crumpton, G H Davies, Ms Foster, Tomkinson and C.L. Woodall (Labour Group) and Councillor Tyler (Liberal Democrat Group).

### **Officers**

The Director of Law and Property, the Director of Adult, Community and Housing Services, the Director of Children's Services, the Director of Finance, the Director of the Urban Environment, Head of Personnel and Support Services, the Assistant Directors of Housing (Ms. Channings, Mr. Harris and Mr. Sims), the Assistant Director of Social Services (Learning Disability), Mrs. Ford (Principal Planning Policy Manager, Directorate of the Urban Environment), Mr. Pattinson (General Manager, Planning, Directorate of the Urban Environment) and Mr Sanders (Directorate of Law and Property)

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### **MINUTES**

#### **RESOLVED**

That the minutes of the special meeting of the Cabinet held on the 12<sup>th</sup> July, 2005, be approved as a correct record and signed.

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### **DECLARATIONS OF INTEREST**

A declaration of personal interest, in accordance with the Members' Code of Conduct, was declared by Councillor C.L. Woodall in respect of paragraph 6 of Agenda Item No. 5 (Capital Programme Monitoring) in view of his membership of the Friends of Green Park.

A declaration of personal interest, in accordance with the Members' Code of Conduct was made by Councillor Ali in respect of Agenda Item No. 16 (Annual Review of Equality and Diversity, 2005) in view of his membership of the Dudley Racial Equality Council.

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Fraser-Macnamara, Mrs. Martin, Mrs. Patrick and Sparks and the Chief Executive.

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CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Tomkinson was serving in place of Councillor Sparks as a representative of the Labour Group for this meeting of the Cabinet only.

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CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted containing proposals for the amendment of the Capital Programme and matters associated therewith.

RESOLVED

- (1) That current progress with the 2005/06 Capital Programme, as set out in paragraph 2 and Appendix A to the report submitted to the meeting be noted.
- (2) That the results of the Post Completion Reviews of capital projects, as set out in paragraph 17 and Appendix B to the report submitted to the meeting be noted.
- (3) That the Council be recommended:
  - (a) That the amendments to the Public Sector Housing Capital Programme, as set out in paragraph 3 of the report submitted to the meeting, be approved.
  - (b) That the expenditure on the Kickstart project and its inclusion in the Capital Programme, as set out in paragraph 4 of the report submitted to the meeting, be approved.

- (c) That the Capital Programme be amended to reflect latest cost estimates in respect of the Seven Sisters Mine Stabilisation, and that the Chief Executive be authorised to accept the most favourable offer from English Partnerships in respect of grant funding, as set out in paragraph 5 of the report submitted to the meeting.
- (d) That the Capital Programme be amended in respect of the Green Park Sports Centre project, as set out in paragraph 6 of the report submitted to the meeting.
- (e) That the revised funding application to Advantage West Midlands in respect of the Brierley Hill LIFT Land Reclamation scheme be noted and the Capital Programme be amended accordingly, as set out in paragraph 7 of the report submitted to the meeting.
- (f) That the Waste Performance and Efficiency Grant be allocated, and the associated expenditure be included in the Capital Programme, as set out in paragraph 8 of the report submitted to the meeting.
- (g) That the expenditure on Stairlifts and its inclusion in the Capital Programme, as set out in paragraph 9 of the report submitted to the meeting, be approved.
- (h) That for the next 3 years, Social Services resource allocations in the form of Supported Capital Expenditure be split between a small annual minor works programme and works required to modernise property and other assets as part of the modernisation of Day Opportunity Services, as set out in paragraph 10 of the report submitted to the meeting.
- (i) That the School Travel Plans grant allocation be noted and the associated expenditure be included in the Capital Programme, as set out in paragraph 11 of the report submitted to the meeting.
- (j) That the Extended Schools capital grant allocations be noted and the associated expenditure be included in the Capital Programme, as set out in paragraph 12 of the report submitted to the meeting.

- (k) That the Capital Programme be amended as necessary to include any relevant Dudley Council Plus expenditure to be funded from LPSA Reward Grant, as set out in paragraph 13 of the report submitted to the meeting.
- (l) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 14 - 16 of the report submitted to the meeting, be noted.

(This was a Key Decision with the Council named as Decision Taker in respect of the recommendations).

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## REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Director of Finance was submitted seeking approval to the setting of Council rents and other charges and matters associated therewith.

### RESOLVED

- (1) That a rent increase be implemented for Housing Revenue Account dwellings from 7th November 2005, with an average increase of £2.11 and a maximum increase of £4.14 in line with Government Rent Guidance.
- (2) That a rent increase of £11.03 be implemented for Oak Lane Gypsy Site from 7th November 2005.
- (3) That rent and other charges be applied at the re-opened Lye Homeless Centre as detailed in the table following paragraph 8 of the report submitted to the meeting.
- (4) That a furniture charge of £18.41 per week be implemented for all furnished properties from 7th November 2005.
- (5) That new annual charges for garage plots and Access Agreements be applied as outlined in the table following paragraph 10 in the report submitted to the meeting, with effect from 1st April 2006.
- (6) That the Council be recommended that a revised budget be set for the current year to reflect the rent increase and other factors, as outlined in Appendix 2 to the report submitted to the meeting.

- (7) That the longer term forecast outlined in paragraph 12 and Appendix 3 to the report submitted to the meeting be noted.

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

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### CHOICE BASED LETTINGS

A report of the Director of Adult, Housing and Community Services seeking approval to the development and introduction of the system of Choice Based Lettings in Dudley was submitted.

The report indicated the wish of Government for all Local Authorities to operate Choice Based Lettings by 2010. Reference was also made in the report to the use of the Select Committee on the Environment as an initial sounding board for the system and the nature of the investigations by the Select Committee.

#### RESOLVED

- (1) That the contents of the report submitted to the meeting on this matter be noted.
- (2) That the introduction of Choice Based Lettings be approved.
- (3) That the Select Committee on the Environment oversee the process involved in the introduction of Choice Based Lettings and that a final proposal on the issue be submitted to the Cabinet in due course for final approval prior to introduction.

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

(Councillor Jones requested that his discomfort with resolution (3) above, be recorded.)

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### HOUSING ASSISTANCE SCHEME

A report of the Director of Adult, Community and Housing Services on the second annual review of the Housing Assistance Scheme in Dudley was submitted.

#### RESOLVED

- (1) That the information contained in the report submitted to the meeting be accepted.

- (2) That, as it becomes fully operational, further monitoring reports on the activity of the Housing Assistance Scheme be submitted to the appropriate Select Committee.

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

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TENANCY CONDITIONS

A report of the Director of Adult, Community and Housing Services on proposed revised Conditions of Tenancy was submitted. The proposed revised Conditions were appended to the report now submitted.

RESOLVED

That the Council be recommended that the revised Tenancy Conditions, to come into force on 1st January 2006, be approved.

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

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46

A STRATEGY FOR LEARNING DISABILITY SERVICES IN DUDLEY

A report of the Director of Adult, Community and Housing Services seeking approval to a draft Strategy for Learning Disability Services in Dudley was submitted.

The draft Strategy was attached to the report now submitted. The report indicated that the Strategy had been approved by the Learning Disability Partnership Board and would also be presented for approval to the Board of the Primary Care Trust

RESOLVED

That the draft Strategy for Learning Disability Services in Dudley, as attached to the report submitted to the meeting, be approved.

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

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QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive setting out the quarterly corporate performance management report for the first quarter in 2005, was submitted.

In the discussion, reference was made to the issue of Strategic Monitored TRisks/High Net Status Risks insofar as they related to the provision of school places and the primary school review. A discussion ensued in which members of the minority groups expressed concerns about certain proposals in the primary school review and the consultation period thereon. The Leader and the Director of Children's Services clarified the procedure for consulting on and determining proposals.

RESOLVED

That the Quality Performance Report, as circulated separately with the Agenda for the Cabinet meeting be received and approved.

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**ADOPTION OF THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN AS THE OPERATIVE DEVELOPMENT PLAN FOR THE BOROUGH**

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A report of the Director of the Urban Environment was submitted seeking approval to the Revised Deposit Unitary Development Plan as the operative Development Plan for the Borough.

RESOLVED

That the Council be recommended:-

- (1) That the Revised Deposit Unitary Development Plan be approved; that the formal date of adoption of the plan be approved as 17th October 2005 and that the plan become operative on 18th October 2005.
- (2) That the formal adoption notice be published.

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

(The Cabinet Member for Economic Regeneration paid tribute to and asked to place on record his appreciation for the work undertaken by Sandra Ford, Principal Planning Policy Manager in the Directorate of the Urban Environment for her work in bringing the Unitary Development Plan to this stage.)

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## DUDLEY AREA DEVELOPMENT FRAMEWORK: COMPULSORY PURCHASE ORDERS

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A joint report of the Director of the Urban Environment and the Director of Law and Property was submitted seeking consideration of the use of compulsory purchase powers, if necessary, to facilitate the implementation of the Area Development Framework and for the authorisation of the acquisition of property and rights within any proposed Compulsory Purchase Order, by agreement.

### RESOLVED

- (1) That subject, in each case, to the prior approval of a suitable source of funding, the Council makes Compulsory Purchase Orders under Section 226 (1) (a) of the Town and Country Planning Act 1990 for the acquisition of the land within one or more of the areas shown on the Plan attached to the report submitted to the meeting, for the purpose of securing mixed use development including retail, office, residential, leisure and car parking in accordance with the proposals more fully described in the Dudley Town Centre Area Development Framework.
- (2) That the Director of Law and Property, in consultation with the Cabinet Member for Economic Regeneration be authorised to:-
  - (i) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (ii) Acquire interests in land and new rights within the compulsory purchase order(s) either by agreements or compulsorily; and
  - (iii) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
- (3) That the Director of Law and Property be authorised to negotiate and complete any relevant undertaking from a developer(s) and any required development agreement(s) prior to the making of any order(s).



(This was a Key Decision with the Cabinet named as decision taker).

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## CORNBOW CENTRE, HALESOWEN: COMPULSORY PURCHASE ORDER

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A Joint report of the Director of the Urban Environment and the Director of Law and Property was submitted seeking consideration of the use of compulsory purchase powers, if necessary, to facilitate the extension of the Cornbow Shopping Centre and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order, by agreement.

### RESOLVED

- (1) That subject to the prior completion of an appropriate indemnity agreement, the Council makes a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 for the acquisition of the leasehold interests within the areas shown by a broad line on the Plan attached to the report submitted to the meeting and described generally in Appendix A to that report, for the purpose of extending the Cornbow Shopping Centre and reconfiguring existing retail units.
- (2) That the Director of Law and Property, in consultation with the Cabinet Member for Economic Regeneration be authorised to:-
  - (i) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (ii) To acquire interests in land and new rights within the Compulsory Purchase Order, either by agreements or compulsorily; and
  - (iii) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
- (3) That the Director of Law and Property be authorised to negotiate and complete the required undertaking from the developer and the necessary development agreement, prior to the making of any Order.

(This was a Key Decision with the Cabinet named as decision taker).

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51                    ANNUAL LETTER 2004/05 FROM THE LOCAL GOVERNMENT  
OMBUDSMAN IN RESPECT OF COMPLAINTS MADE AGAINST THE  
COUNCIL

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A report of the Director of Law and Property was submitted seeking consideration of the content of the annual letter 2004/05 from the Local Government Ombudsman in respect of complaints received against the Council and dealt with by the Ombudsman's Office over the year ending the 31<sup>st</sup> March, 2005

The annual letter was attached to the report now submitted, together with a tabulation indicating the nature of the complaints received and their outcome and notes supplied by the Commission to assist interpretation of the Local Authorities' statistics.

RESOLVED

That the information contained in the report submitted to the meeting, and its appendices, be noted and that Directors be requested to review their internal arrangements, as appropriate, to ensure that requests for information on complaints received are dealt with by the date requested so that responses can be submitted to the Ombudsman's Office within the set timescales.

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52                    ANNUAL REVIEW OF EQUALITY AND DIVERSITY 2005

A report of the Director of Law and Property was submitted, attached to which was the annual review of Equality and Diversity for the Council for 2005.

RESOLVED

That the annual review of equality and diversity, as attached to the report submitted to the meeting, be approved.

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53                    ANNUAL REPORT OF THE SELECT COMMITTEE ON GOOD  
HEALTH FOR 2004/05

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The annual report of the Select Committee for 2004/05 was submitted.

RESOLVED

That the annual report of the Select Committee on Good Health for 2004/05, as set out in the report submitted to the meeting, be referred to the Council without comment.

54 ANNUAL REPORT OF THE SELECT COMMITTEE ON ECONOMIC REGENERATION 2004/05

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The annual report of the Select Committee for 2004/05 was submitted.

RESOLVED

That the annual report of the Select Committee on Economic Regeneration for 2004/05, as set out in the report submitted to the meeting, be referred to the Council without comment.

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55 EXCLUSION OF THE PUBLIC

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A of that Act, in particular the paragraph of Part 1 of that Schedule indicated below:-

<u>Agenda Item No</u>	<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
21	Capital Programme Implementation and Amendment	8

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56 CAPITAL PROGRAMME IMPLEMENTATION AND AMENDMENT

A joint report of the Chief Executive and Director of Finance was submitted seeking approval to two issues relating to the implementation and amendment of the Capital Programme.

RESOLVED

- (1) That the capital budget for the Lye Gyrotory Scheme be increased as necessary to allow for extra anticipated costs in the range indicated in the report submitted to the meeting and that this be funded from proceeds from capital receipts resulting from the sale of land originally acquired for the Lye Bypass or Dudley Southern Bypass, as set out in paragraph 2 of that report.

- (2) That the replacement of the outlet to Breaches Pool in Leasowes Park be included in the capital programme at the estimated cost referred to in the report submitted to the meeting and that the work be undertaken by the contractor referred to in paragraph 3 of that report.

(This was a Key Decision with the Council named as Decision Maker).

The meeting ended at 7.25 pm.

LEADER OF THE COUNCIL