

Minutes of the Meeting of the Cabinet

Wednesday 19th July, 2017 at 6.00 pm
In Committee Room 2 at The Council House, Dudley

Present:

Cabinet Members:

Councillor P Harley (Leader – Chair)
Councillor D Vickers (Deputy Leader – Vice-Chair)
Councillors N Barlow, S Clark, L Jones, I Kettle, P Miller, A Millward,
K Shakespeare and D Stanley

Opposition Group Members Nominated to attend the Cabinet:

Councillors P Lowe, J Foster, I Cooper, J Martin, D Sparks and Q Zada (Labour Group); Councillor D Perks (UKIP Group)

Officers:

T Oakman (Strategic Director People), M Bowsher (Chief Officer Adult Social Care), S Butcher (Chief Officer Children's Services), S Edwards (Lead for Education Outcomes), I Newman (Chief Officer Finance and Legal Services), M Farooq (Lead for Law and Governance) and S Griffiths (Democratic Services Manager)

11 **Apologies for Absence**

An apology for absence from the meeting was received on behalf of Councillor P Brothwood.

12 **Minutes**

Resolved

That the minutes of the meeting of the Cabinet held on 29th June, 2017, be approved as a correct record and signed.

13 **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.

14 **Improved Better Care Fund 2017/18 – 2019/20**

A report of the Strategic Director People was submitted on the Improved Better Care Fund conditions, performance required to meet the investment conditions, proposed use of the monies (finance schedule) and the Council's terms and conditions for the National Health Services (Clinical Commissioning Group and Dudley Group of Hospitals) to commit the necessary investment.

An additional £2 billion had been announced nationally in the 2017 Spring Budget for Councils to spend on adult social care over the next three years. The value of the investment in Dudley was £7,218,226 in 2017/18, £4,461,449 in 2018/19 and £2,208,698 in 2019/20. The funding was non-recurrent and distinct to the social care precept.

The report set out details of the Improved Better Care Fund Conditions, key risks and issues, the financial implications including the Better Care Fund resources available to the local authority, the proposed allocation of the Improved Better Care Fund Grant and the Council's terms and conditions for the National Health Service (including the performance targets attached to the local authority investment).

The Cabinet Member for Adult Social Care, the Strategic Director People and the Chief Officer Adult Social Care gave a presentation on the report and responded to detailed questions concerning the proposed funding allocation, the need for effective, targeted use of the additional resources, the implications relating to the Multi-Care Provider and Sustainability and Transformation Plans, priorities for early intervention and assurances relating to the non-recurring nature of the investment, the ongoing implications for the local authority, the need for further detailed discussions with partners and effective performance monitoring to ensure the required outcomes were achieved.

The Cabinet welcomed the report and the additional investment in Dudley. Further engagement would take place with partner organisations through the Dudley Health and Wellbeing Board with a view to ensuring the successful delivery of the Improved Better Care Fund and the achievement of the required outcomes.

Resolved

- (1) That the Improved Better Care Fund (IBCF) conditions, be noted.
- (2) That the performance required to meet the IBCF conditions by Dudley MBC, Dudley Clinical Commissioning Group, the Dudley Group of Hospitals and other Local Authorities, be noted.
- (3) That the proposed use of the funding be approved.
- (4) That the Lead for Law and Governance be authorised to execute all contract documentation and to affix the Common Seal of the Council to the Section 75 Agreement.

- (5) That the performance targets specified in Appendix 3 be noted.
 - (6) That the Strategic Director People be authorised to negotiate the terms and conditions with partners as set out in the report.
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15 **Localised Council Tax Reduction Scheme 2018/19**

A report of the Chief Officer Finance and Legal Services was submitted providing an update on the revised localised Council Tax Reduction (CTR) Scheme that had been in place since 2013. The report set out the proposed timetable for consultation and approval of the CTR scheme for 2018/19. Approval was sought to undertake consultation on the proposals in advance of recommendations being submitted to the Council in December, 2017.

The Cabinet received the proposals as a basis for consultation. In response to a request from a Member relating to the minimum Council tax payable based on 2017/18 levels, the Chief Officer Finance and Legal Services undertook to provide comparator information for 2016/17.

Resolved

- (1) That the timetable required to develop a revised Council Tax Reduction Scheme for 2018/19, be noted.
 - (2) That the proposals set out in paragraph 22 of the report be approved as a basis for consultation.
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16 **Creation of a Regional Adoption Agency – Adoption@Heart**

A report of the Strategic Director People was submitted on a proposal to create a new Regional Adoption Agency (RAA) to be named Adoption@Heart. This would combine the adoption services for the local authority areas of Dudley MBC, Sandwell MBC, Walsall MBC and the City of Wolverhampton. It was envisaged that establishing a single agency would allow the four local authorities to achieve a more efficient and effective use of resources and improve outcomes for children, adopters and others gaining from adoption services.

Approval was sought for the RAA to be established as a Local Authority Trading Company (LATC), constituted as a Community Interest Company (CIC) and a Company Limited by Shares (CLS).

The Cabinet welcomed the report and expressed thanks for the leading role being taken by Dudley MBC in developing the proposals. Members sought assurances regarding the ongoing arrangements for democratic and political accountability. The Chief Officer Children's Services reported that the Chair of the Executive Board would present reports to appropriate groups, for example the Children's Corporate Parenting Board. The governance arrangements would be considered further during the next 3 months and feedback would be given in due course.

Resolved

- (1) That the proposals for the establishment of the Adoption@Heart Regional Adoption Agency (RAA), be approved.
 - (2) That the RAA be established as a Local Authority Trading Company (LATC), an organisation wholly owned by the participating local authorities.
 - (3) That the Company be constituted as a Community Interest Company (CIC) and a Company Limited by Shares (CLS).
 - (4) That a further report be submitted to the Cabinet in October, 2017 concerning the full details of the LATC, including costings.
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17 Parental Responsibility Measures and Absence from School

A report of the Strategic Director People was submitted on the code of conduct for the issue of penalty fines in relation to promoting improved school attendance and behaviour. The code of conduct had been the subject of consultation with Head Teachers prior to implementation from 1st September, 2017.

The Cabinet noted that it was the responsibility of the local authority to consult with schools and maintain a code of conduct on the issue of penalty fines. The code set out the criteria to be used to trigger the use of a penalty fine.

An addendum to the report was circulated at the meeting by the Cabinet Member for Children's Services. The Cabinet considered the inclusion of the additional paragraphs set out in the Addendum, subject to the following additional amendments:

- Paragraph 19 - The guidance relating to the Local Authority's Code of Conduct identifies that unauthorised absence due to holidays taken during term without the school's permission can trigger the issuing of a fixed penalty notice of £60 (if paid within 21 days of receipt), rising to £120 if paid after 21 days but within 28 days.
- Paragraph 20 - Since September 2013 headteachers have only been allowed to make a discretionary decision to allow term time absence ***in exceptional circumstances***. If an event can reasonably be scheduled outside of term time then it would not be normal to authorise absence.

Resolved

That, subject to the incorporation of the Addendum, as circulated at the meeting and as amended above, the Code of Conduct – Fixed Penalty Notices, be approved and adopted.

The meeting ended at 7.15 p.m.

LEADER OF THE COUNCIL