

Minutes of the Meeting of the Cabinet

Wednesday, 11th September, 2019 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, R Buttery, I Kettle, A Lees, S Phipps and K Shakespeare

Opposition Group Members Nominated to attend the Cabinet

Councillors K Ahmed, S Ali, C Bayton, K Casey, J Foster, B Gentle, P Lowe,
J Martin, S Ridney and Q Zada

Observers

Councillors J Cowell, A Finch and S Keasey

Officers

K O'Keefe – Chief Executive, M Samuels – Strategic Director People,
I Newman – Chief Officer Finance and Legal Services, M Williams – Chief Officer
Environmental Services, M Farooq – Lead for Law and Governance/Monitoring
Officer, J Catley - Head of Customer Connected Services and S Griffiths –
Democratic Services Manager

14 **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors
S Clark and L Taylor.

15 **Changes in Representation of Opposition Group Members**

There were no changes in the representation of Opposition Group Members.

16 **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.

17 **Minutes**

Resolved

That the minutes of the meeting of the Cabinet held on 27th June, 2019 be approved as a correct record and signed.

18 **Capital Programme Monitoring and Revenue Funding Bid**

A joint report of the Chief Executive and the Chief Officer Finance and Legal Services was submitted on the implementation of and proposed amendments to the Capital Programme together with the approval of a bid for revenue funding.

The following points were noted during discussion of this item:

- Queries were raised concerning funding for the Wednesbury to Brierley Hill Metro Extension (including a risk analysis relation to the HS2 project), expenditure identified as 'at risk' in connection with the Very Light Rail (VLR) Test Track 2 project and the implications of the potential loss of European Social Funding for the Black Country Impact programme. The Leader requested that Officers provide a briefing to the Opposition Spokesperson for Finance, Council Sustainability and Transformation.
- Issues were raised concerning Leisure Centres, including the need to share the detailed business plan and to clarify the forecast cost of £31.3m as referred to in the report. In relation to Dudley Leisure Centre, reference was made to the need to review the provision of a 24/7 hour gymnasium and undertake further discussions with the Clinical Commissioning Group (CCG) concerning health/General Practitioner provision in the new Leisure Centre, including a facility for the initial treatment of sporting injuries.
- Reference was made to the need for further strategic discussions in relation to the Multi-Specialty Community Provider with a view to the wider integration of various plans and projects.
- The Closed Circuit Television (CCTV) Control Room Project was welcomed, however, it was essential that Ward Councillors were consulted on the siting of cameras within the Borough.
- In connection with the Dudley Townscape Heritage Initiative, concerns were expressed regarding the proposed project for the former Crown Public House. The Strategic Director Place would provide further information.

Resolved

- (1) That the Council be recommended:
 - (a) That current progress with the most significant capital schemes be noted.
 - (b) That the Boundary Signage project, as set out in paragraph 8 of the report, be approved and included in the Capital Programme.
 - (c) That subject to grant funding being confirmed, £2.33m of expenditure relating to the Very Light Rail Test Track 2 be included in the Capital Programme, and that pending such confirmation expenditure up to £250,000 be authorised 'at risk', as set out in paragraph 9 of the report.
 - (d) That the capital budget for the Leisure Centre replacement and refurbishment project be increased as set out in paragraph 11 of the report.
 - (e) That the urgent amendments to the Capital Programme be noted.
 - (2) That the Strategic Director Place be authorised to continue developing an application for an extension of the Black Country Impact project to 2023, submit the proposal to the Department for Work and Pensions by the deadline of 26th September 2019, and in the event that the bid is successful, accept the funding, enter into relevant funding agreements with partners, and deliver the funded programme expenditure.
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19 Adult Social Care Peer Challenge Feedback – 17th – 19th July, 2019

A report of the Strategic Director People was submitted on feedback from the Adult Social Care Peer Challenge undertaken during July, 2019. Findings were summarised in the report and these would be set out in formal letter to the Council to be published in due course.

Members acknowledged the positive report and expressed thanks to all staff involved. Assurances were given that the identified opportunities and challenges would be addressed as a matter of urgency as part of the ongoing improvement plan and in line with other corporate developments. A report would be submitted to the Health and Adult Social Care Scrutiny Committee.

Resolved

- (1) That the findings from the Peer Challenge be noted.
- (2) That the Chief Officer Adult Social Care be authorised to drive the improvements identified in the report.

- (3) That the Leader and the Cabinet Member for Health and Adult Social Care write formally to the adult social care workforce to acknowledge the excellent outcome of the challenge.

20 **Response to Local Government and Social Care Ombudsman Report**

A report of the Strategic Director People was submitted on a response to the Local Government and Social Care Ombudsman Report (Reference No.17016386).

Members emphasised the need to ensure that changes within the Special Educational Needs and Disability (SEND) service were fully implemented to prevent any repeat of the circumstances of this case. Comments were also noted concerning future working arrangements between Members and Officers.

Resolved

- (1) That the findings and recommendations in the Local Government and Social Care Ombudsman's report be accepted.
- (2) That the actions taken to remedy the performance of the Council be endorsed.
- (3) That the wider actions taken to improve the quality of the Special Educational Needs and Disability (SEND) service be approved.

21 **Local Area Special Education Needs and Disability (SEND) inspection**

A report of the Strategic Director People was submitted on the outcome of the joint inspection undertaken by Ofsted and the Care Quality Commission (CQC) to judge the effectiveness of the provision for children and young people with Special Educational Needs and/or Disabilities (SEND). The report detailed the actions being taken to produce a draft statement of action in response to the findings and a more comprehensive Post Ofsted Action Plan (POAP).

Members noted significant concerns arising from the inspection and supported action to address the concerns and areas for improvement as a matter of urgency. Reference was made to the need to address cultural change within Children's Services and to ensure accountability in delivering the improvements over a two-year period.

Resolved

- (1) That the key areas of strength and weakness from the Ofsted inspection, together with the requirement to submit a Written Statement of Action, be noted.

- (2) That the timetable of suggested actions for developing the Written Statement of Action be approved.
- (3) That the Head of Education Outcomes be authorised to lead on the Written Statement of Action for the local authority (LA) within the agreed timetable, involving collaborative working with Head of Whole Life Disability (LA operational lead for SEND), Head of Integrated Commissioning, Performance and Partnerships (LA commissioning lead for SEND), officers from Health and Wellbeing, the SEND Implementation Group, the Parent Carer Forum and the Dudley Clinical Commissioning Group.
- (4) That the list of actions identified for the Post Ofsted Action Plan (POAP) for the Local Area SEND Inspection, together with the opportunity to shape some of the key actions before the first draft of the POAP is completed, be noted.

22 **The Local Government and Social Care Ombudsman's Annual Review Letter 2019**

A report of the Strategic Director Place/Deputy Chief Executive was submitted on the Annual Review Letter for 2019 from the Local Government and Social Care Ombudsman. The report contained information about complaints received against the Council and dealt with by the Ombudsman's office for the period 1st April, 2018 to 31st March, 2019.

Officers noted the request for a more detailed analysis in future reports, including an anonymised summary of complaints that had been upheld following a detailed investigation by the Ombudsman.

Resolved

- (1) That the report and the Annual Review Letter from the Local Government and Social Care Ombudsman be noted.
- (2) That the Strategic Executive Board and Chief Officers 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 the 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 resolution of complaints wherever possible.

23 **The Dudley Group NHS Foundation Trust – Care Quality Commission Report**

A report of the Health and Adult Social Care Scrutiny Committee was submitted on the recommendations following a detailed scrutiny of the Dudley Group NHS Foundation Trust – Care Quality Commission Report.

Thanks were expressed to the Chair and Members of the Scrutiny Committee. The improvement of services provided in Dudley Borough Hospitals would be the subject of an ongoing process of scrutiny and review.

Resolved that the recommendations of the Health and Adult Social Care Scrutiny Committee, as set out below, be endorsed:

- (1) To welcome the assurances given by the Dudley Group National Health Service (NHS) Foundation Trust on the changes being implemented to respond to the Care Quality Commission (CQC) inspections and support the continuous improvement of the services provided in Dudley Borough Hospitals.
- (2) To place on record the appreciation of the hard work and dedication of all staff involved.
- (3) To support the proactive and collaborative approach to partnership working between the NHS, the Council, the Clinical Commissioning Group and all partners to continue the improvement journey following the CQC report.
- (4) To endorse the further development of a joint, co-ordinated strategy to reduce the numbers of people who attend the Emergency Department unnecessarily and at the right stage in health.
- (5) To note that a detailed action plan has been submitted to the CQC and that arrangements are in place to ensure the ongoing monitoring of progress.

The meeting ended at 7.10 p.m.

LEADER OF THE COUNCIL