

## MEETING OF THE EXECUTIVE

Monday, 5<sup>th</sup> July, 2004 at 6.00 p.m.

### PRESENT:-

Councillor Caunt (Leader of the Council) (Chairman)  
Councillors Adams, Evans, Fraser-macnamara, Mrs Martin, Miller,  
Mrs. Millward and J. Woodall; the following Minority Group Members  
nominated to attend meetings of the Executive: Councillors Ali,  
Crompton, G.H. Davies, Mrs. Ridley and C.L. Woodall (Labour Group);  
Councillors Burt and Tyler (Liberal Democrat Group), together with the  
Chief Executive, Director of Education and Lifelong Learning, Director  
of Finance, Director of Housing, Director of Law and Property, Director  
of Social Services, Director of the Urban Environment and Mr. Sanders  
(Directorate of Law and Property).

### Also in attendance:

Councillor Ms. Partridge (for agenda item no. 22 (a)).

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### MINUTES

#### RESOLVED

That the minutes of the Meeting of the Executive held on 17<sup>th</sup>  
March, 2004, be approved as a correct record and signed,  
subject to the inclusion of the name of Councillor Miller in the list  
of members present.

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### DECLARATIONS OF INTEREST

Declarations of a Personal Interest, in accordance with the Members  
Code of Conduct were made by the following Members in respect of  
the issues indicated:

Councillors Evans and Tyler in respect of agenda item no. 6 (Update of  
the Council's Capital Strategy) in so far as the report and the draft  
Capital Strategy related to the Castle Hill Redevelopment, in view of  
their directorships of Dudley and West Midlands Zoological Society Ltd.

Declarations of a Prejudicial Interest, in accordance with the Members'  
Code of Conduct were made by Councillor Fraser-macnamara in  
respect of agenda item numbers 13 and 14 (Section 117 of the Mental  
Health Act, 1983 and Resettlement of Ridge Hill Residents,  
respectively), in view of his directorship of Dudley MIND.

3 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Ms Foster, Jones, Mrs Shakespeare and Sparks.

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4 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

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

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5 CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted, indicating progress on the implementation of the Capital Programme and containing proposals in relation to certain amendments to the Programme.

Two figures in the report were corrected orally by the Director of Finance at the meeting.

RESOLVED

- (1) That the Council be recommended:-
- (a) That the project to upgrade the Leisure Centre ICT system, and its inclusion in the Capital Programme, as set out in paragraph 2.2.1 of the report now submitted, be approved.
  - (b) That the Highfields Park Skatepark Project be approved, subject to planning consent being received and included in the Capital Programme, as set out in paragraph 2.2.2. of the report now submitted.
  - (c) That, subject to planning consent being received and to confirmation that the scheme can be implemented within the funding available, the Hurst Green Park Multi-Use Games Area Project and its inclusion in the Capital Programme, as set out in paragraph 2.2.3. of the report now submitted, be approved.

- (d) That the Capital Programme be amended to include the extra costs associated with the Seven Sisters Project, as set out in paragraph 2.2.4 of the report now submitted.
- (e) That the Car Park Improvement Capital Programme for 2004/05, as set out in paragraph 2.2.5. of the report now submitted, be approved.
- (f) That the amendments to the Highways Capital Programme, as set out in paragraph 2.2.6, of the report now submitted, be approved.
- (g) That the increased Modernisation Funding Allocations be noted and the Capital Programme be amended accordingly, as set out in paragraph 2.3.1. of the report now submitted.
- (h) That the Adult and Community Disabled Discrimination Act and Minor Works Capital Allocations be noted and that the schemes to be funded be included in the Capital Programme, as set out in paragraph 2.3.2 of the report now submitted.
- (i) That the Youth Service Special Educational Needs and Disability Act Allocation be noted and that the schemes to be funded be included in the Capital Programme, as set out in paragraph 2.3.3. of the report now submitted.
- (j) That the Magistrates' Courts funding allocation be noted and that the Capital Programme be amended accordingly, as set out in paragraph 2.4.1. of the report now submitted.
- (k) That the Dudley Market Roof Infilling Project be approved, subject to a full technical evaluation and appraisal and included in the Capital Programme, as set out in paragraph 2.5.1. of the report now submitted.
- (l) That the Council House ICT Recabling Project and its inclusion in the Capital Programme, as set out in paragraph 2.5.2. of the report now submitted, be approved.

- (m) That the additions to the Public Sector Housing Capital Programme 2004-7 be approved and that the agreement with the existing external Building Surveyors be extended to deliver the remainder of the Housing for the 21<sup>st</sup> Century Project, as set out in paragraph 2.6.1. of the report now submitted.
- (n) That the Building Safer Communities grant allocation be noted and that the associated expenditure be included in the Capital Programme, as set out in paragraph 2.7.1. of the report now submitted.
- (o) That the grant allocation for Improving Management Information be noted and that the associated expenditure be included in the Capital Programme, as set out in paragraph 2.8.1. of the report now submitted.
- (p) That the Parkes Hall refurbishment project and its inclusion in the Capital Programme, as set out in paragraph 2.8.2. of the report now submitted, be approved.
- (q) That the urgent amendment to the Capital Programme relating to the Local Public Service Agreement, and the reasons therefor, be noted and that the expenditure of £1m on Structural Highway Repairs also be included in the Capital Programme, as set out in paragraph 2.9.1. of the report now submitted.

That current progress with the 2004/05 Capital Programme, as set out in paragraph 2.1 and Appendix A to the report now submitted, be noted.

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

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6

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Director of Finance was submitted containing proposals for an update of the Council's Capital Strategy.

RESOLVED

That the draft Capital Strategy, as attached to the report now submitted, be approved as the basis for consultation with Select Committees.

(This was a Key Decision, with the Council named as Decision Maker following consultation with Select Committees on the draft Strategy).

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7

REVENUE AND CAPITAL OUT-TURN 2003/04

A report of the Director of Finance was submitted on the provisional financial results of the Council for the year ended the 31<sup>st</sup> March, 2004.

RESOLVED

That the Council be recommended:

- (1) That the draft out-turn results for 2003/04 be noted.
- (2) That the effect of the General Fund Revenue out-turn on General Balances at 31<sup>st</sup> March, 2004 be noted.
- (3) That the position on Earmarked Reserves at 31st March 2004 be noted and that a further report be submitted to the Executive following the review of Earmarked Reserves later in the year.

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8

COUNCIL PLAN 2004/05

A report of the Chief Executive was submitted seeking approval to the 2004/05 update to the ongoing Council Plan. The draft update to the Plan was circulated at the meeting.

RESOLVED

That the Council be recommended that the 2004/05 update to the ongoing Council Plan, as circulated at the meeting, be approved.

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9

BEST VALUE PERFORMANCE PLAN, 2004

A report of the Chief Executive was submitted indicating the proposed contents of the Best Value Performance Plan for the current year and seeking authority for the submission of the completed Plan to the Council for approval.

RESOLVED

That the content of the Plan, as outlined in the report now submitted, be approved and that the Chief Executive be authorised to submit the completed Best Value Performance Plan for 2004 to the Council for approval.

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## CORPORATE BOARD REPORT ON LEADERSHIP AND PEOPLE MANAGEMENT

A report of the Chief Executive was submitted setting out the report of the Leadership and People Management Improvement Group on Leadership and Management Values and Behaviours.

The Values and Behaviours were built around and arose from the values of the authority as stated in the Council Plan, with the aim of promoting a clear link between the Council Plan and management competencies. Those Values and Behaviours were set out in Appendix 2 to the report.

The report sought the approval and support of the Executive for a number of issues proposed to implement and embed the Values and Behaviours as set out in Appendix 2.

### RESOLVED

- (1) That the content of the report and Appendices 1 and 2 thereto, be noted.
- (2) That the approach of the Leadership and People Management Improvement Group towards implementation of the Values and Behaviours for Managers and Leaders of Dudley M.B.C., as summarised in the report now submitted, be endorsed.

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11

## THE CHILDREN BILL - THE DUDLEY APPROACH

A joint report of the Director of Social Services and the Director of Education and Lifelong Learning was submitted setting out the background to the Children Bill and containing proposals for a Dudley approach, which would include partnership arrangements with the Dudley Community Partnership. The six part approach proposed in the report included the establishment of a high level Dudley Children's and Young Person's Partnership.

### RESOLVED

- (1) That the main contents of the Children Bill, as summarised in the report now submitted, be noted; that the need to modify local partnership structures to take account of this significant development be accepted and that the proposed "six strand" Dudley Approach to preparation for implementation be approved.

- (2) That approval in principle be given to the establishment of a high level Children's and Young People's Strategic Partnership Board and the redesignation of the Children and Young Person's Partnership as the Children and Young People's Implementation Group, subject to further discussions with other agencies, for formal proposal to the Dudley Community Partnership on the 14<sup>th</sup> July, 2004.
- (3) That the structural issues cited in paragraphs 2.2 and 2.8 of the report now submitted, relating to Children's Services, including the Children's Services Director and the development of a Children's Trust be noted, and that the approach that Dudley should consider these issues further in the context of the Dudley Approach, referred to in paragraph 2.7 of the report now submitted and the legislation, when passed, be endorsed.

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12

INSPECTION FINDINGS OF THE COMMISSION FOR SOCIAL CARE INSPECTION IN RESPECT OF DUDLEY'S FOSTERING SERVICE

A report of the Director of Social Services was submitted, containing proposals arising from the inspection findings of the Commission for Social Care Inspection in respect of the Council's Fostering Service. The report sought approval of the Action Plan to meet the strategic and good practice requirements from the inspection.

RESOLVED

That the report of the inspection of Dudley's Fostering Service be received and that the Action Plan for service improvement following the Fostering Inspection be approved.

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13

SECTION 117 OF THE MENTAL HEALTH ACT, 1983

A report of the Director of Social Services was submitted on the work being undertaken in consequence of the Ombudsman's Special Report on the funding of after-care under Section 117 of the Mental Health Act, 1983 and the financial implications in connection therewith. In this regard, the report sought approval to a reimbursement policy to respond effectively to the Ombudsman's requirements which would require identification and repayment to clients who had been incorrectly charged under Section 117.

RESOLVED



- (1) That the policy of the Directorate of Social Services on reimbursement of charges made under Section 117 of the Mental Health Act, 1983 as set out in paragraphs 2.6 to 2.9 (inclusive) of the report now submitted be approved.
- (2) That the financial provision to cover the cost of reimbursement, as set out in Section 4 of the report now submitted, be approved.

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14

#### RESETTLEMENT OF RIDGE HILL HOSPITAL RESIDENTS

A report of the Director of Social Services was submitted on the latest developments with the Ridge Hill Project involving the resettlement of people with learning disabilities into the community. The report requested agreement for the making of a contribution to the costs of the Project.

#### RESOLVED

- (1) That progress on the resettlement of people with learning disabilities from Ridge Hill into the community be noted.
- (2) That a contribution of up to £300,000 be made from the financial year 2006/07, subject to the following conditions:
  - (a) That the contribution will be badged against (i) the direct costs of the community placements for the residents and (ii) particular services or posts currently funded by the Primary Care Trust, which would free up National Health Service money for the resettlement.
  - (b) That the contribution will be reduced should there be any disinvestment by the Primary Care Trust in other Learning Disability Services on the principle that the Council should not have to contribute twice.
  - (c) That the contribution is fixed and that, should the final costs of the scheme exceed the agreed projections, the Council would not expect to make a further contribution and that, similarly, the Council's contribution would be reduced if the cost of the Project turned out to be less than expected.

- (3) That a further updating report be submitted to the Executive in September, 2004.

(This was a Key Decision not included in the Forward Plan for which Access to Information Procedure Rule 15(b) had been invoked).

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15

ANTI-FRAUD AND CORRUPTION STRATEGY

A report of the Director of Finance was submitted, seeking endorsement to a draft strategy on anti-fraud and corruption and for the inclusion of the strategy in the Constitution. The draft strategy was attached to the report now submitted.

RESOLVED

That the Council be recommended to approve the Anti-Fraud and Corruption Strategy, as attached to the report now submitted, for inclusion in Part 6 of the Constitution.

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16

DEVELOPING HOUSING SERVICES

A report of the Director of Housing was submitted, on the outcomes of development work in significant areas in which the Directorate had been engaged, providing details of associated Service Improvement Plan targets. The areas of work undertaken related to the development and submission to the Office of the Deputy Prime Minister (ODPM) of a Housing Strategy for 2004-2008; the production and submission to the ODPM of a Housing Revenue Account Business Plan; the carrying out of a Tenants' Satisfaction Survey; and engagement in the Audit Commission's Inspections of Housing's Strategic and Supporting People Services. The report also gave details of performance against targets in key areas of service.

RESOLVED

That the contents of the report be noted, together with the Service Development and Improvement targets set out in Appendix 1 to the report.

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17

REVIEW OF CONSTITUTION

A report of the Director of Law and Property was submitted in accordance with a requirement under Article 15 of the Constitution, requiring the Director, as Monitoring Officer, to monitor and review the operation of the Constitution in order to ensure that its aims and principles were given full effect. The report covered the following

specific areas: Area Committees; the Scheme of Delegation; Council Procedure Rules; Access to Information Procedure Rules; Contracts and Standing Orders; the Members' Allowances Scheme; and the Licensing Act, 2003.

The report contained a number of proposals and it was indicated that these had been discussed with the Group Leaders.

Particular consideration was given at the meeting to the following issues: the minimum number of members required to call in a decision, where a Select Committee comprised fewer than ten members in number; the amount of capital expenditure allocated to Area Committees; the issue of split representation from the Cradley and Foxcote and Quarry Bank and Dudley Wood Wards on the Stourbridge, Halesowen, Brierley Hill and Central Dudley Area Committees in consequence of the assurance given by the Leader at the Annual Council Meeting that this issue would be reviewed; and issues on which Ward Members were to be consulted on proposed refusals of applications relating to land disposals.

The Director of Law and Property was also requested to include a note in the Constitution to indicate that the composition of Committees must comply with the rules on proportionality, subject to certain exceptions, as required by the Local Government and Housing Act, 1989.

#### RESOLVED

That the Council be recommended:

- (1) That the general overview in Section 3 of the report now submitted be endorsed.
- (2) That the arrangements for dealing with property reports set out in paragraph 4.3 of the report now submitted be approved, subject to the addition of reference to allotments in the third bullet point in point 2 of paragraph 4.3 of the report.
- (3) That the Scheme of Delegation be amended as set out in paragraphs 5.1 - 5.8 of the report now submitted and that paragraph 5.9 regarding future amendments to the Scheme of Delegation be approved.
- (4) That the amendments to the Council Procedure Rules set out in Section 6 of the report now submitted be approved.
- (5) That the procedure for making urgent non-key decisions be the same as for urgent key decisions.

- (6) That Contract Standing Orders be amended as set out in Section 8 of the report now submitted.
- (7) That the Members' Allowances Scheme be amended as set out in Section 9 of the report now submitted.
- (8) That the Terms of Reference, composition and onward delegation to the Director of Law and Property of the Licensing and Safety Committee be amended as set out in Section 10 of the report now submitted, with effect from the 1<sup>st</sup> September, 2004.
- (9) That Select Committee Procedure Rule 15(b)(ii) be amended to provide that the minimum number of members of at least two political groups required to call in a decision be four, where the total composition of a Select Committee is fewer than ten in number.
- (10) That, since the North Dudley Area Committee comprises four, rather than five, wards, the Capital budget allocation for that Committee be set at £40,000.
- (11) That no change be made to the existing member representation on Area Committees.
- (12) That a note be added to the Constitution to the effect that the composition of Committees must comply with the rules on proportionality, subject to certain exceptions, as specified in the Local Government and Housing Act, 1989.

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18

APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Chief Executive was submitted seeking consideration of Council representatives to certain outside organisations for the 2004/05 Municipal Year.

RESOLVED

- (1) That the nominations of the Conservative Group as set out in the paper circulated at the meeting, be approved.

- (2) That the remaining places referred to in the Appendix to the report now submitted be allocated at the discretion of the Labour and Liberal Democrat groups to those groups and that the Chief Executive, in consultation with the minority group leaders, as appropriate, be authorised to make the appointments.
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CORPORATE PERFORMANCE REPORT

A report of the Chief Executive setting out the fourth quarterly Corporate Performance Report for 2004/05 relating to performance for the period from 1<sup>st</sup> January, 2004 to 31<sup>st</sup> March, 2004, was submitted.

RESOLVED

That the content and style of the Corporate Performance Report relating to the fourth quarter for 2004/05, as submitted to the meeting, be approved.

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20

ANNUAL REPORT OF THE SELECT COMMITTEE ON CULTURE AND RECREATION

The annual report of the Select Committee on Culture and Recreation for 2003/04 was submitted.

The report was presented by the Chairman of the Committee for 2003/04 Councillor Tyler

RESOLVED

That the annual report of the Select Committee on Culture and Recreation be referred to the Council.

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21

ANNUAL REPORT OF THE SELECT COMMITTEE ON LIFELONG LEARNING

The annual report of the Select Committee on Lifelong Learning for 2003/04 was submitted.

The report was presented by the Chairman of the Committee, Councillor Mrs Ridney.

RESOLVED

That the annual report of the Select Committee on Lifelong Learning be referred to the Council.

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SELECT COMMITTEE ON ECONOMIC VITALITY AND JOBS -  
REVIEW OF THE DECISION TO RESTRUCTURE THE CURATORIAL  
SERVICES

A report of the Lead Officer to the former Select Committee on Economic Vitality and Jobs on a resolution made by the Committee following scrutiny given to the decision of the Executive to restructure the Curatorial Services for the Council House and Office Buildings in Central Dudley was submitted.

The background to the decision was explained by Councillor Ms Partridge, the Chairman of the Select Committee in 2003/04.

RESOLVED

That the resolution of the Select Committee be referred to the Council.

The meeting ended at 7.15 pm.

LEADER OF THE COUNCIL