

MEETING OF THE CABINET

Wednesday, 20th June, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

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

together with the following Minority Group Members appointed to attend meetings of the Cabinet

Councillors Blood, Harley, L Jones, Miller, Mrs Shakespeare and Mrs Walker (Conservative Group)

OFFICERS:-

The Chief Executive, Director of Adult, Community and Housing Services, Director of Corporate Resources, Director of the Urban Environment, Acting Director of Children's Services, Treasurer, Assistant Director of Human Resources and Organisational Development and Mr Sanders (Assistant Principal Officer, Democratic Services) – Directorate of Corporate Resources.

ALSO IN ATTENDANCE

Director of Public Health

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Crumpton, Vickers and Wright.

2 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Miller had been appointed to serve as a Minority Group representative in place of Councillor Vickers, for this meeting of the Cabinet only.

3 DECLARATIONS OF INTEREST

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Ali in respect of agenda item number 17 (Public Health) in view of his employment in the National Health Service in a neighbouring Primary Care Trust.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Lowe in respect of agenda item number 13 (Complaint to the Local Government Ombudsman – Enforcement Matter) since he was acquainted with some of the people referred to in the Ombudsman's report.

4 MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 14th March and 26th April, 2012, be approved as correct records and signed.

5 REVENUE AND CAPITAL OUTTURN 2011/12

A report of the Treasurer was submitted setting out the provisional financial results for the Council for the year ended 31st March, 2012.

RESOLVED

- (1) That the draft outturn for 2011/12 be noted.
- (2) That the effect of the General Fund Revenue Outturn on General Balances at 31st March, 2012, be noted.
- (3) That the position on earmarked reserves at 31st March, 2012, be noted.
- (4) That the latest forecast General Fund Revenue position for 2012/13, be noted.

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

REVIEW OF HOUSING FINANCE

A joint report of the Director of Adult, Community and Housing Services and the Treasurer was submitted providing an update on developments in Housing Revenue Account (HRA) finance; and proposing revisions to HRA budgets to reflect latest financial forecasts and revisions to the Public Sector Housing Capital Programme. The report also contained proposals regarding the retention of receipts arising from right to buy sales, together with information concerning changes to right to buy discounts and funding. The report also sought agreement to key priorities for the 30 year Business Plan for the HRA.

A question on management costs was asked, in relation to which the Cabinet Member for Housing, Libraries and Adult Learning agreed to arrange for a written response to be sent to the Member who raised the issue.

RESOLVED

- (1) That receipts arising from right to buy sales, above the current budgeted level, be retained, so long as these additional receipts are used for provision of affordable rented council homes, as set out in paragraph 8 of the report submitted to the meeting.
- (2) That the Director of Adult, Community and Housing Services be authorised to sign the agreement with the Department for Communities and Local Government to retain additional right to buy receipts and use these for provision of affordable rented council homes, as set out in paragraph 8 of the report submitted to the meeting.
- (3) That the key elements of the Housing Revenue Account 30 Year Business Plan be approved as set out in paragraph 9 of the report submitted to the meeting.
- (4) That the Council be recommended:-
 - (a) To approve the revised Housing Revenue Account budget for 2012/13, as set out in paragraph 6 and Appendix 1 of the report submitted to the meeting.
 - (b) To approve the revised Public Sector Housing capital programme for 2012/13 to 2016/17, as set out in paragraph 7 and Appendix 2 of the report submitted to the meeting.

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

7

COUNCIL PLAN 2013: 2012 ANNUAL REFRESH

A report of the Chief Executive was submitted on the 2012 Council Plan refresh in line with the Council Plan policy framework for 2010-13.

RESOLVED

That the Council Plan 2012 refresh be endorsed and the alignment of Cabinet priorities to Council Plan and Directorate Strategic Plans be noted.

8

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 to the Programme.

RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B of the report submitted to the meeting, be noted.
- (2) That the Council be recommended:-
 - (a) That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
 - (b) That the additional resources of £0.078m identified from usable housing capital receipts be earmarked for Disabled Facilities Grants, and that the Capital Programme be amended accordingly, as set out in paragraph 5 of the report submitted to the meeting.
 - (c) That the Oak Lane Improvements budget be increased by £105,000, and the Capital Programme amended accordingly, as set out in paragraph 6 of the report submitted to the meeting.
 - (d) That the MOT Testing Facility project be approved and included in the Capital Programme, as set out in paragraph 7 of the report submitted to the meeting.

- (e) That Area Committee Capital Allocations unspent from previous years and rolled forward into 2012/13 be no longer restricted to funding capital projects, as set out in paragraph 8 of the report submitted to the meeting.
- (f) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 9 and 10 of the report submitted to the meeting, be noted.

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

9

IMPLEMENTING THE LOCALISM ACT 2011

A joint report of the Chief Executive and the Director of Corporate Resources was submitted on progress to date in ensuring legal compliance with the Localism Act, 2011 and consistency with the Council Plan on placing Dudley among the best boroughs in the country through strong community engagement and the associated community-focussed developments around “Our Society in Dudley”.

RESOLVED

- (1) That the content of the report and the corporate direction proposed by the Localism Act Steering Group be approved.
- (2) That the ongoing work, as set out in the report submitted to the meeting, be endorsed and the relevant Cabinet Members, the Chief Executive and Directors be authorised to pursue the implementation of the various provisions of the Localism Act 2011 as relevant to their particular areas of responsibility.
- (3) That the corporate progress be monitored by the Director of Corporate Resources through the Localism Act Steering Group.
- (4) That the repeal of the Petitions provisions be noted and the Chairs of Scrutiny Committees be requested to consider and report back to the Cabinet on the revision of the existing Petitions Scheme as contained in the Constitution.

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

10

QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on the fourth Quarterly Corporate Performance Management Report for 2011/12, relating to performance for the period 1st January to 31st March, 2012.

In the discussion, the Leader of the Council confirmed that it remained the intention that the manner in which performance was monitored would be reviewed and that the issue of performance would continue to be discussed at the regular meetings held between the Shadow Leader and himself.

RESOLVED

- (1) That the Quarterly Corporate Performance Management Report for the period from the 1st January to the 31st March, 2012 be noted and its contents approved.
- (2) That the information contained within the Quarterly Corporate Performance Management Report be referred to Scrutiny Committees to consider specific issues within their Terms of Reference.

11

LOCALISED COUNCIL TAX SUPPORT (REBATE) SCHEME 2013/14

A report of the Director of Corporate Resources was submitted updating members regarding the Coalition Government's proposals for a new, localised council tax support (rebate) scheme from April 2013 and to seek approval to consult on a preferred scheme for Dudley for 2013/14 in advance of final decision-making by the full Council later in the municipal year.

In the discussion, in response to a question, the Cabinet Member for Finance confirmed the funding implications for the preferred option, as set out in the report now submitted. In response to a further question, the Cabinet Member indicated that the Equality Impact Assessment would not be affected since the preferred option was aimed at addressing the circumstances of vulnerable groups.

RESOLVED

That the option to match the eligibility rules and award levels of the existing Council Tax Benefit Scheme be agreed as the Council's preferred option for its 2013/14 localised Council Tax Support Scheme and that consultation proceed on this basis.

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

12 APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

A report of the Director of Corporate Resources was submitted seeking consideration of the appointment of Council representatives to outside organisations for the 2012/13 Municipal Year.

RESOLVED

That the Director of Corporate Resources, in consultation with the Leader of the Council and the Opposition Group Leader, as appropriate, be authorised to determine the appointment of representatives to serve on the outside organisations indicated in the Appendix to the report submitted to the meeting.

13 COMPLAINT TO THE LOCAL GOVERNMENT OMBUDSMAN – ENFORCEMENT MATTER

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on the conclusions of the Local Government Ombudsman into a complaint made in respect of an enforcement matter and which sought approval to the proposed remedy.

RESOLVED

- (1) That the content of the Ombudsman's report, attached as Appendix A to the report submitted to the meeting, be noted and that approval be given for the payment of compensation to the complainant and the 27 households most directly affected.
 - (2) That the Ombudsman's report be referred to the Environment Scrutiny Committee for consideration and comment.
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14 REVIEW OF THE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT – APPROVAL TO ADOPT

A report of the Director of the Urban Environment was submitted seeking consideration of the adoption of the reviewed Parking Standards Supplementary Planning Document.

RESOLVED

That approval be given to the adoption of the Parking Standards Supplementary Planning Document, as reviewed.

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

15 DRAFT NEW HOUSING DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT UPDATE – APPROVAL FOR PUBLIC CONSULTATION

A report of the Director of the Urban Environment was submitted seeking approval to the draft update to the New Housing Development Supplementary Planning Document for the purpose of publication for public consultation.

In the discussion, the Cabinet Member for Regeneration confirmed that arrangements would be made for Member consultation.

RESOLVED

That approval be given to the publication of the draft New Housing Development Supplementary Planning Document Update for public consultation for 6 weeks starting on 10th September, 2012.

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

16 CONSULTATION ON THE FUTURE OF NEW BRADLEY HALL

A report of the Director of Adult, Community and Housing Services was submitted on the outcome of the formal consultation process regarding the future of New Bradley Hall residential care home.

RESOLVED

- (1) That New Bradley Hall remain open as a residential care home for long term residents: for the duration of their stay for current residents and for the foreseeable future.
- (2) That a Stakeholder Working Group comprising Members of both political groups and other stakeholders be set up to consider the full range of the wider implications for all older people in the Borough.

- (3) That deliberations around New Bradley Hall be fed into a much wider review in the light of the impending White Paper and Social Care Bill for a complete review of adult social care strategy, this to be carried out at the highest level by a relevant Scrutiny Committee and that the Stakeholder Working Group above feed into the wider review.
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17 PUBLIC HEALTH

A report of the Chief Executive was submitted seeking on further consideration of the arrangements for the transfer of the Public Health service to the Council.

In relation to the location of the service within the Chief Executive's directorate, the Leader of the Council explained that a central directorate was proposed in view of the different disciplines involved in Public Health.

RESOLVED

- (1) That minute number 111 of the meeting of the Cabinet held on 14th March 2012 be rescinded.
 - (2) That the Office of Public Health be located within the Directorate of the Chief Executive and the Director of Public Health report directly to the Chief Executive.
 - (3) That the report be noted.
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18 ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

19 EXCLUSION OF THE PUBLIC

RESOLVED

That 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 Part 1 of Schedule 12A to the Local Government Act, 1972, as specified below and, in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

Description of Item

Relevant paragraph of
Part I of Schedule 12A

Staffing Issues – Directorate of
Children’s Services

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STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Acting Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of the officers referred to in the report, on the grounds of compulsory redundancy, if successful redeployment is not achieved by 31st August, 2012.

RESOLVED

That the termination of the contracts of employment of the officers referred to in the report submitted to the meeting, on the grounds of redundancy, and the negotiated enhanced severance payments, in accordance with the terms and conditions set out in the report, be approved, should successful redeployment not be achieved by 31st August, 2012.

The meeting ended at 6.40p.m.

LEADER OF THE COUNCIL