

Minutes of the Meeting of the Cabinet

Monday, 11th February, 2019 at 6.00 pm
In Committee Room 2 at The Council House, Dudley

Present:

Cabinet Members

Councillors Q Zada (Leader – Chair)
Councillor J Foster (Deputy Leader – Vice-Chair)
Councillors K Ahmed, C Bayton, K Casey, B Gentle, P Lowe, J Martin,
G Partridge and S Ridney

Opposition Group Members Nominated to attend the Cabinet

Councillor P Harley, N Barlow, R Buttery, S Clark, I Kettle, A Lees,
K Shakespeare, L Taylor and S Phipps

Officers

S Norman – Chief Executive, M Samuels Strategic Director People,
I Newman – Chief Officer Finance and Legal Services, S Butcher – Chief
Officer Children’s Services, M Bowsher – Chief Officer Adult Social Care,
A McCormick – Chief Officer Transformation and Performance, M Rogers –
Chief Officer Housing, M Farooq – Lead for Law and Governance, R Cooper
– Head of Financial Services, C Howes – Senior Account Manager,
C Ludwig – Finance Manager and M Johal – Senior Democratic Services
Officer

47 **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.

48 **Minutes**

Reference was made to Minute No 37 in relation to the Big Lottery Reaching
Communities Fund and the request for specific details on what the monies
from the grant would be spent on. A response to the question had been
received but the specific query had not been answered. An article in the
press was referred to where mention had been made of certain items the
funding was being used for eg placements, residential homes and training.
The Member again asked for a response to his question be provided to
specify what the funding was being used on. The Strategic Director People
undertook to provide a written response within the next three days.

Resolved

That the minutes of the meeting of the Cabinet held on 6th December, 2018 be approved as a correct record and signed.

49 **Revenue Budget Strategy and Setting the Council Tax 2019/20**

A joint report of the Chief Executive and Chief Officer Finance and Legal Services was submitted on the deployment of General Fund revenue resources, a number of statutory calculations to be made by the Council and the Council Tax to be levied for the period 1st April, 2019 to 31st March, 2020.

Arising from the presentation several comments and queries were made by the Opposition Spokespersons, in particular clarification was sought on the £6 million deficit given the Council retained 100% of business rates. Reference was also made to the pressures on the catering trading account and it was queried whether the service was now making a profit or whether it was being subsidised. Queries were also raised on measures to address fly-tipping and bulky waste, expenditure relating to unauthorised traveller encampments and the Closed Circuit Television (CCTV) Control Room. In relation to CCTV a Member of the Opposition Group was stated that they had been out of operation for five days over the Christmas period and that 40% of the cameras were still not working. Details of the relocation of the control room (whether the whole system would be moved, proposed staffing arrangements and specific details on what the investment would be spent on) were also requested.

In responding to queries raised the Chief Officer Finance and Legal Services referred to the Business Rates Retention Scheme and explained that some Local Authorities received top-up grants and others had to pay a tariff to the Government. Although in the past Dudley had been a “top-up” authority and received money it had now been categorised as a tariff paying authority. The payment was forecast for 2019/20 and confirmation could not be given on whether this would be a one-off payment as future proposals were unknown at this stage.

The Cabinet Member Finance, Council, Sustainability and Transformation indicated that he was unaware that the CCTV system had been out of operation. The concept behind the proposals for CCTV involved the merging of segregated systems with a view to locating to one base.

Queries relating to pressures on the catering trading account, fly-tipping and bulky waste were addressed. In responding to the specific query on bulky waste collection and inequalities in offering special collections to those residing on Council estates only, the point was acknowledged and it was stated that this was a pilot scheme which could potentially be extended to other areas.

Clarification was provided on the proposed savings associated with Dudley Town Hall by increasing the catering and bar offer in that savings would be achieved by initial investment to renovate the specified areas and by bringing the services in-house which would result in the significant savings being achieved.

Insofar as the expenditure relating to unauthorised traveller encampments it was indicated that the rationale behind the allocation of funding would be explained as part of the agenda item on the review of the traveller's transit site provision in Dudley to be considered later in the meeting.

Resolved

- (1) That the Council be recommended to note:-
 - (a) The actions of the External Auditors as set out in paragraph 13 of the report.
 - (b) The forecast variances to budget in 2018/19 and progress with the delivery of savings as set out in paragraph 14 and Appendices A and B of the report.
- (2) That the Council be recommended, with effect from 1st April 2019, that for properties which have been empty (i.e. unoccupied and unfurnished) for more than two years, an Empty Homes Premium of 100% is applied, resulting in a 200% Council Tax charge being payable in these circumstances.
- (3) That the Chief Officer Finance and Legal Services be authorised, following consultation with the Cabinet Member for Finance, Council Sustainability and Transformation and the Opposition Spokesperson for Finance and Legal Services, to approve any minor changes to the budget proposals resulting from final decisions on the West Midlands Combined Authority Transport Levy and non-transport funding contributions, as set out in paragraph 43 of the report.
- (4) That, subject to any amendments arising from the above, the Council be recommended to approve the following:
 - (a) The budget for 2019/20, and Directorate allocations (including the Public Health budget) as set out in the report.
 - (b) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and Council Tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2019/20 in

accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992 as shown in Appendix L of the report.

- (c) That, having calculated the aggregate in each case of the amounts in Appendix L, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, agrees the following levels of Council Tax for Dudley Council services for 2019/20.

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
885.74	1033.36	1180.98	1328.60	1623.85	1919.10	2214.34	2657.21

- (d) The Medium Term Financial Strategy as set out in the report.

- (e) The Pay Policy Statement 2019 as set out in Appendix N to the report.

- (5) That the Council be recommended to determine that a referendum relating to Council Tax increases is not required in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992.

- (6) That the Council be recommended to authorise Cabinet Members, the Chief Executive, Strategic Directors and Chief Officers to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.

50 **Capital Programme Monitoring**

A joint report of the Chief Executive and Chief Officer, Finance and Legal Services was submitted on progress with the implementation of the Capital Programme and a number of proposed amendments. The report also set out the proposed 'Prudential Indicators' as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003 and sought approval of the proposed Council's Capital Strategy and the Council's Minimum Revenue Provision (MRP) Policy for 2019/20.

Arising from the presentation of the report reference was again made to expenditure in the sum of £650,000 to be spent on Dudley Town Hall to create an improved bar and catering facility and it was queried how income would be maximised and savings made given the amount of investment needed. Also, reference was made to the cost of £850,000 to refurbish the

former Museum building and it was queried how the total cost, including the money spent on the Town Hall equating to £1.5 million, would be measured in achieving best value. It was further queried whether it was prudent to set aside this amount of money for improvements to venues given budgetary cuts on other essential services. In responding the Leader confirmed that the initial investment for refurbishments was a “one-off” expenditure leading to a recurrent income generation which would eventually bring in an income stream over and above the initial investment. In relation to proposed contracts these would be assessed in line with Council processes in the form of competitive tendering to ensure best value for money was being achieved. A detailed business plan in respect of proposed improvements and income generation for Dudley Town Hall was available and could be shared with Opposition Spokespersons, if required.

Reference was made to Town Centre Recycling Bins and specifically to proposals for the installation of on-street recycling bins placed at various locations across the Borough. Concerns were expressed given these type of bins were previously removed because of problems with anti-social behaviour and fly-tipping. An investment of £55,000 was required to purchase and install the bins and concerns were expressed that no resource had been allocated to emptying the bins placing additional strain on existing resources. It was further commented that contents could potentially be contaminated resulting in waste being taken to landfill leading to increased landfill waste. It was considered resources should be targeted to encourage and increase home recycling instead as waste was less likely to be contaminated.

In responding to concerns raised the Leader of the Council stated that provision of recycling bins across the Borough would be an additional option for residents to recycle their waste. Insofar as contamination the bins could be segregated to reduce contamination levels and the placement of various bins across the Borough would help to increase recycling.

In referring to Leisure Centres, with regard to a previous query relating to reviewing the design, an undertaking was given that the information would be provided to the Opposition Group.

Reference was again made to the CCTV Control Room and it was queried how the proposed upgrade to the equipment would present the Council with opportunities to generate income once the system was operational. Problems with the current cameras was reiterated and it was queried whether there were any plans to resolve these issues. In responding the Chief Executive reported that the current equipment was not digital and out-dated which was the reason for the proposed investment. Discussions were being held with the police with a view to relocating the control room to St James Road where the police were now based. New updated digital equipment would potentially generate income as businesses would be offered the opportunity to “buy in” and organisations were more likely to consider this option given state of the art equipment.

Resolved

That the Council be recommended:

- (1) That progress with the 2018/19 Capital Programme, as set out in Appendices A and B be noted, and that budgets be amended to reflect the variances reported in Appendix A to the report.
- (2) That the replacement of the push wall of the Green Waste Barn be approved and included in the Capital Programme, as set out in paragraph 10 of the report.
- (3) That the replacement of the CCTV system at Lister Road Depot be approved and included in the Capital Programme, as set out in paragraph 11 of the report.
- (4) That the expenditure of £40,000 residual grant in respect of the Cradley Forge project be approved, and included in the Capital Programme, as set out in paragraph 12 of the report.
- (5) That the project to restore Stevens Park, Quarry Bank be approved and the capital element included in the Capital Programme, as set out in paragraph 13 of the report.
- (6) That the Tackling Roadside Nitrogen Dioxide allocation be noted and the associated projects included in the Capital Programme, as set out in paragraph 14 of the report.
- (7) That the car parking improvements at Brierley Hill and Stourbridge Family Centres be approved and included in the Capital Programme, as set out in paragraph 15 of the report.
- (8) That subject to the relevant revenue budget strategy proposal being agreed, the Dudley Interchange contribution of £3m be approved and included in the Capital Programme, as set out in paragraph 16 of the report.
- (9) That the former Museum and Dudley Town Hall project be approved and included in the Capital Programme, as set out in paragraph 17 of the report.
- (10) That subject to the relevant revenue budget strategy proposal being agreed, the Closed Circuit Television (CCTV) Control Room project be approved and included in the Capital Programme, as set out in paragraph 18 of the report.

- (11) That the urgent amendment to the Capital Programme, as set out in paragraph 19 of the report, be noted.
- (12) That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C to the report, be agreed.
- (13) That the Capital Strategy, as set out in Appendix D to the report, be approved.
- (14) That the Minimum Revenue Provision (MRP) Policy for 2019/20 be approved as set out in paragraph 23 of the report.

51 **Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital**

A joint report of the Strategic Director Place and the Chief Officer Finance and Legal Services was submitted on proposals for the deployment of the Housing Revenue Account (HRA) and Public Sector Housing Capital.

Resolved

- (1) That the reduction of rents for Housing Revenue Account (HRA) dwellings by 1% from 1st April, 2019, as referred to in paragraphs 3 to 5 of the report, be approved.
- (2) That the changes to service charges, as detailed in paragraphs 6 and 8 of the report, be approved.
- (3) That the maintenance of current heating and lighting charges for sheltered housing with an average weekly charge of £14.92, as detailed in paragraph 7 of the report, be approved.
- (4) That the reduction of the current charge for pitch licences at Oak Lane by 1%, as outlined in paragraph 9 of the report, be approved.
- (5) That an increase of 2.7% for water charges at Oak Lane to £6.67 per week, as referred to in paragraph 9 of the report, be approved.
- (6) That an increase of £20 in the leaseholders' administration fee from £100 to £120 per annum, and an increase of £10 in the charge for the leasehold information pack, from £50 to £60 (plus VAT), as outlined in paragraphs 10 and 11 of the report, be approved.
- (7) That an increase of 2.1% (30p per month) for private Telecare Clients, as outlined in paragraph 12 of the report, be approved.
- (8) That the Council be recommended to approve the revised HRA budget for 2018/19 and the HRA budget for 2019/20, as outlined in

Appendix 1, and the consultation arrangements set out in paragraph 4 of the report be noted.

- (9) That the Council be recommended to approve the public sector housing revised capital budgets for 2018/19 to 2022/23, attached as Appendix 2, and the consultation arrangements outlined in paragraph 4 of the report be noted.
- (10) That the Council be recommended to authorise the Strategic Director Place and the Chief Officer Finance and Legal Services to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock as outlined in paragraphs 27 and 28 of the report and that expenditure funded from such resources be added to the Capital Programme.
- (11) That the Council be recommended to authorise the Strategic Director Place, following consultation with the Cabinet Member for Housing and Residents Welfare, to manage and allocate resources to the capital programme, as outlined in paragraph 29 of the report.
- (12) That the Council be recommended to confirm that all capital receipts arising from the sale of HRA assets (other than any receipts that may be specifically committed to support private sector housing) should continue to be used for the improvement of council homes, as set out in paragraph 29 of the report.
- (13) That the Council be recommended to authorise the Strategic Director Place to continue to buy back former right to buy properties, to buy other properties, and to buy land where required to assemble a viable site for housing development, subject to a robust assessment of good value for money and sustainability in terms of lettings, maintenance and major works, as set out in paragraph 30 of the report.
- (14) That the Strategic Director Place be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 31 of the report.
- (15) That the Council be recommended to endorse the HRA medium term financial strategy and thirty year business plan attached as Appendix 3 to the report.

52 **Medium Term Improvement Plan for Children's Services**

A report of the Strategic Director People was submitted on the Medium Term Improvement Plan for Children's Services providing Cabinet with an overview of the emerging planning and improvement process for the Children's Services Division, following the Ofsted Inspection undertaken in October/November, 2018.

Resolved

- (1) That the formal report of the Ofsted Inspection be noted.
 - (2) That, subject to any required amendments, the Medium-Term Improvement Plan be approved.
 - (3) That the requirement for the Medium-Term Improvement Plan to be supported by an Operational Action Plan, providing a performance tool to support delivery of the Improvement Plan, be noted and that the Action Plan be agreed by the Strategic Director People and the Cabinet Member for Children and Young People, subject to formal approval by Ofsted in March 2019.
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53 School Organisation, Place Planning and Updated Place Planning Strategic Plan

A report of the Strategic Director People was submitted on work undertaken to ensure that school places kept up with demand with regards to residential developments and demographic pressures and advising of the plans in process.

Resolved

That the School Place Planning Strategic Plan be approved.

54 Review of Travellers Transit Site Provision in Dudley Borough

A report of the Strategic Director Place was submitted on the outcome of the review of the decision to locate a temporary Travellers Transit site at Budden Road, Coseley, announced during September 2018.

Arising from the presentation of the report several comments and queries were made by the Opposition Group, including the following:-

- Concerns raised on proposed costs estimated to be in the region of £300,000 for enforcement and to provide additional security at vulnerable sites across the Borough.
- Reference made to the establishment of a team of Environment Enforcement Officers and the powers of these Officers was queried together with the length of time it would take for action to be taken. The Police had previously given an undertaking that where there were incursions travellers would be moved on if they had not vacated the site in two hours. Being on a site for no longer than two hours was considered to be more of a deterrent than placing barriers or bollards.

- Reference was made to the previous report submitted to Cabinet in February 2018 and conflicting information contained in the previous and current report were highlighted.
- Access to the Budden Road site being inappropriate for the intended use was refuted.
- Discussions held at the Place Scrutiny Committee were referred to together with consultation that had been undertaken as well as work conducted in identifying potential sites.
- The omission of the contamination issue in the report was referred to and it was queried whether this was no longer a problem and the site may now be used for alternative use.
- Insofar as the recommendation seeking implementation of a Borough wide injunction against Unauthorised Encampments, it was indicated that this issue had previously been considered and advice was given to the contrary. It was further stated that Walsall Council had recently been refused a Borough-wide injunction without a transit site.
- The Leader of the Opposition Group suggested that the item be deferred subject to cross party discussions taking place with relevant Officers to consider the way forward.

Resolved

- (1) That as a result of the review of the proposed provision of a temporary Transit site at Budden Road, Coseley, the project be discontinued.
- (2) That Officers be directed to identify smaller scale sites suitable for provision of a permanent Travellers Transit site and based on an assessment of each, make recommendations as to the preferred site and costs thereof, to be presented to a future meeting of the Cabinet.
- (3) That the establishment of a team of Environmental Enforcement Officers be approved.
- (4) That a programme of additional measures, including enhanced security, be developed and implemented on sites vulnerable to Unauthorised Encampments following engagement with the communities concerned.
- (5) That responsibility for finalising the detail of the Environmental Enforcement Team and programme of preventative and security measures be delegated to the Strategic Director Place following consultation with the Cabinet Member for Housing and Residents Welfare.

- (6) That officers be directed to seek the implementation of a borough wide injunction against Unauthorised Encampments.
- (7) That the Leader of the Council write to the Mayor of West Midlands Combined Authority asking him to press the government to legislate to enable a WMCA wide use of transit sites.

55 **The Local Government and Social Care Ombudsman's Annual Review Letter 2018**

A report of the Chief Officer Transformation and Performance was submitted on the Annual Review Letter for 2018 from the Local Government and Social Care Ombudsman and information in respect of complaints received against the Council and dealt with by the Ombudsman's Office.

Resolved

- (1) That the report and the Annual Review Letter 2018 from the Local Government and Social Care Ombudsman be noted.
- (2) That 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 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.
- (4) That the Cabinet endorse the recommendation of the Strategic Director People, as set out in Appendix 3 to the report, concerning the Local Government and Social Care Ombudsman's findings regarding Third Party Top-Ups and that the Council continue to permit third party contributions to be arranged between the care provider and the third party without Council involvement.

The meeting ended at 8.10 p.m.

LEADER OF THE COUNCIL