

**Minutes of the proceedings of the Council
Monday, 11th October, 2021 at 6.00pm
in the Council House, Priory Road, Dudley**

Present:

Councillor A Millward (Mayor)
Councillor S Greenaway (Deputy Mayor)
Councillors K Ahmed, R Ahmed, S Ali, A Aston, M Aston, N Barlow, C Barnett, C Bayton, D Bevan, I Bevan, R Body, D Borley, P Bradley, R Burston, R Buttery, B Challenor, S Clark, J Clinton, R Clinton, R Collins, D Corfield, J Cowell, T Crumpton, A Davies, P Dobb, M Evans, A Finch, K Finch, J Foster, B Gentle, M Hanif, D Harley, P Harley, A Hopwood, Z Islam, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, K Lewis, P Lowe, P Miller, S Mughal, C Neale, N Neale, S Phipps, K Razzaq, S Ridney, J Roberts, M Rogers, P Sahota, S Saleem, K Shakespeare, D Stanley, A Taylor, E Taylor, L Taylor-Childs, S Waltho, M Westwood, T Westwood and Q Zada together with the Chief Executive and other Officers

Prayers

The Mayor led the Council in saying the international prayer for peace. Councillor D Stanley led the Council in saying the Lord's Prayer.

25 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors P Atkins, P Drake, C Elcock, A Goddard, A Lees, S Henley, W Sullivan and D Vickers.

26 **Declarations of Interest**

Declarations of interest, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillor A Aston – Pecuniary interest in any matters directly affecting his employment by the West Midlands Ambulance Service.

Councillor M Evans - Any matters relating to the Castle Hill development and all references to Dudley Zoo - Non-pecuniary interest as a member of Dudley and West Midlands Zoological Society Ltd.

Councillors D Stanley and A Taylor - West Midlands Combined Authority (WMCA) – Transport Delivery Committee - Non-pecuniary interests as Members of the Committee.

Councillor P Miller - Any matters relating to adult social care - Non-pecuniary interest as his wife was receiving visits from Gateway Dementia Centre in Brettell Lane.

Councillor R Burston - Capital Programme Monitoring (Metro Complementary Measures, Dudley Interchange, Portersfield Link); any references to the West Midlands Local Transport Plan and any references to West Midlands Combined Authority - Pecuniary interest in any matters directly affecting his employment.

Councillor I Bevan – Any references to Dudley Group NHS Foundation Trust / Russells Hall Hospital – Pecuniary interest in any matters directly affecting his employment.

Councillor Q Zada – Minutes of the Cabinet, references to health issues and any matters affecting his portfolio of property investments – Pecuniary interest in any matters directly relating to his employment or relevant to his portfolio of property investments.

Councillors N Barlow and P Miller – Any references to West Midlands Fire and Rescue Authority - Non-pecuniary interests as Members of the Authority.

Councillor E Taylor - Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest as her daughter was employed at Russells Hall Hospital.

Councillor S Waltho - Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest as a nominated Member of the Council of Governors on the Dudley Group of Hospitals.

Councillor C Neale - Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest in view of his wife's employment.

Councillor N Neale - Minutes of the Health and Adult Social Care Scrutiny Committee or health issues generally - Pecuniary interest in any matters directly affecting her employment with Dudley Group of Hospitals (NHS) Foundation Trust.

Councillor Z Islam – Matters relating to Children's Services – Non-pecuniary interest due to his daughter's employment with Fort Advocacy Services Ltd. who were occasionally commissioned by Children's Services to provide independent advocacy services and her involvement with the Dudley Advocacy Charity as an independent parent advocate.

Councillors K Ahmed and C Bayton – Minutes of the Cabinet – Non-pecuniary interests insofar as their ward was affected by the Black Country Plan.

Councillor K Ahmed – Minutes of the Cabinet – Pecuniary interest in any matters which might directly affect his portfolio of property investments.

Councillor P Lee – Minutes of the Children’s Services Scrutiny Committee - Non-pecuniary interest as he was a foster carer in the Borough.

Councillor K Lewis - Minutes of the Children’s Services Scrutiny Committee - Non-pecuniary interest as she worked as a childcare provider.

Councillor R Clinton - Minutes of the Children’s Services Scrutiny Committee - Non-pecuniary interest as he was employed as a university lecturer at University College Birmingham.

Councillors D Stanley and M Westwood – Minutes of the Development Control Committee - Non-pecuniary interests in Planning Application No. P21/0315 – 46 Zoar Street, Lower Gornal, Dudley, as Councillor D Stanley had lodged an objection against the application and Councillor M Westwood was the Chair of Governors at Redhall Primary School, who had also raised an objection.

Councillor S Mughal – Minutes of the Development Control Committee - Planning Application No. P21/1486 – 36 St Marks Road, Dudley – Pecuniary interest as the applicant.

(NB: In relation to the Minutes of the Development Control Committee on 13th September, 2021, it was noted that applications had been considered which involved Members of the Council as applicants. All the applications had been considered impartially on material planning grounds).

27 **Minutes**

Resolved

That the minutes of the meeting held on 12th July, 2021 be approved as a correct record and signed.

28 **Mayor’s Announcements**

(a) **Awards**

The Mayor reported on the following award-winning achievements:

- Project Rita (Reminiscence Interactive Therapy Activities) - Gold Award at the Public Sector Transformation Awards.
- Housing Maintenance - Order of Distinction from the Royal Society for the Prevention of Accidents.



- Public Realm:

Waste Services – 2020 Local Authority Advisory Committee’s Best Partnership of the Year Award and the Association of Public Service Excellence Best Public/Private Partnership Working Initiative Award.

Green Care - Green Flag status retained at:

- Buffery Park
- Huntingtree Park
- Silver Jubilee Park
- Leasowes Park
- Mary Stevens Park
- Priory Park
- Saltwells Nature Reserve; and
- Wrens Nest National Nature Reserve

Community Green Flag Award - Abbey Road Allotments.

Green Care and Street Cleansing - Britain in Bloom 2021 - Gold Awards for Stourbridge and Halesowen.

Street Cleansing - finalists in the Best Performer Category at the Association of Public Service Excellence Performance Networks Awards 2021.

Refuse Collection, Roads, Highways and Winter Maintenance Services and Street Lighting - Most Improved Performer Category at the Association of Public Service Excellence Performance Networks Awards 2021.

- National award from the England Illegal Money Lending Team for initiatives in tackling loan sharks and making communities safer.
- Ministry of Defence - Employer Recognition Scheme Silver Award winners for 2021.
- M Abuaffan, Head of Adults and Older People’s Public Health - Presidents Medal from the Faculty of Public Health.
- Local Government Chronicle Awards - B Kaur and the Public Health Team for the successful pilot of a pharmacy led lateral flow testing initiative; Bereavement Services praised and shortlisted for Team of the Year.
- Human Resources and Organisational Development - award for the approach to digital learning.

- Revolution for Schools Team - Education Business Award for work to support schools during the pandemic by sourcing and obtaining Personal Protective Equipment.
- M Watkins, (Craft Apprentice in Housing Maintenance) - winner of the Association for Public Service Excellence Apprentice of the year - Building Skills category.
- Black Country Radio and the Friends and Residents of Buffery Park - Queen's Award for Voluntary Service.
- M Farooq, Lead for Law and Governance – winner of the Inspirational Leader Award and the Democratic Services Team – winners of the Democratic Functions and Governance award from Lawyers in Local Government.

The Council placed on record its appreciation for the hard work and dedication of the employees and others involved. Individual Members then commented on the various awards, achievements and other ongoing activities.

(b) Programme of Events

The Mayor reported on the following:

- Himley Bonfire and Fireworks - 6th November, 2021
- Armistice Service – 11th November, 2021
- Remembrance Sunday Service - 14th November, 2021
- Christmas Lights switch-on events:
 - Halesowen and Stourbridge - 20th November, 2021
 - Dudley and Brierley Hill - 27th November, 2021
 - Sedgley - 28th November, 2021

(c) Charity Fundraising

The Mayor thanked everyone who had supported the Mayor's Ball and Civic Awards event. Thanks were also extended to Councillors and others who had climbed Ben Nevis and to Councillor S Waltho for running the virtual London Marathon to raise charity funding.

29 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

The recommendations of the Cabinet were moved by Councillor P Harley and seconded by Councillor S Clark.



During the debate, comments were made concerning the Portersfield development, including regeneration of the former Cavendish House site, together with the associated financing arrangements. Reference was also made to proposed developments in the Cradley/Colley Gate area.

Following the debate, the motion was put to the meeting and it was

Resolved

- (1) That progress with the 2021/22 Capital Programme, as set out in Appendix A to the report, be noted.
- (2) That the inclusion of the Buffery Park Play Area project in the Capital Programme, as set out in paragraph 4 of the report, be noted.
- (3) That the expenditure of £180,000 on the Driver Simulator and specialist tools for Very Light Rail (VLR) testing be included in the Capital Programme, as set out in paragraph 5 of the report.
- (4) That the recommendations of the Cabinet concerning the regeneration of the Portersfield area of Dudley Town Centre, as set out in paragraph 6 of the report, be approved.
- (5) That the urgent amendment of the Capital Programme, as set out in paragraph 7 of the report, be noted.

30 **Food and Feed Service Plan 2021/22**

A report of the Cabinet was submitted.

It was moved by Councillor N Barlow, seconded by Councillor S Clark and

Resolved

That the Food and Feed Service Plan 2021/22 be approved and adopted.

31 **Treasury Management**

A report of the Audit and Standards Committee was submitted.

It was moved by Councillor A Taylor, seconded by Councillor S Clark and

Resolved

That the report be noted.

32 Notices of Motion

(a) Houses of Multiple Occupation

Pursuant to Council Procedure Rule 12, Councillor A Aston had given notice of the following motion on 29th September, 2021.

“Since changes to planning regulations in 2010, the change of use from a dwelling house (class C3) to a house of multiple occupation (HMO) (class C4) is possible under permitted development rights and planning applications are not needed.

Badly managed or inappropriately located HMOs can have a negative effect on the local community.

This Council calls for the introduction of a Borough wide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the removal of permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class).

Whilst this Article 4 Direction will require further work from landlords to prepare and submit planning applications for the creation of small HMOs from dwelling houses, it is not considered that this will reduce the availability and affordability of housing in the Borough or increase homelessness. The direction will provide a means for Dudley MBC (via the planning process) to properly consider the implications of new HMOs that are created, avoid excessive concentrations and continue to monitor their distribution and their effects on the wider area.”

The motion was moved by Councillor A Aston and seconded by Councillor J Foster.

The following amendment was moved by Councillor S Phipps and seconded by Councillor L Taylor-Childs.

“This Council notes that the change of use from a dwelling house (class C3) to a small house of multiple occupation (HMO) (class C4) is possible under permitted development rights. A small HMO having between three and six occupiers.

Under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, planning authorities may remove permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class). Where this direction has been enacted, a full planning application must then be submitted to open a new C4 HMO, which would then be dealt with under planning policy.



This Council notes that, under Paragraph 53 of the National Planning Policy Framework (NPPF), an Article 4 direction should:

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre).
- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

It is also noted that the Draft Black Country Plan, Policy HOU6, introduces a policy on HMOs which introduce a range of new limitations on the development of new HMOs within the plan area, inclusive of the entire Dudley Borough.

Given the negative impact that the uncontrolled proliferation of HMOs can have on a geographical area, this Council resolves:

1. The Director for Regeneration and Enterprise be requested to gather the evidence base required for a decision to be made on the introduction of an Article 4 Direction.
2. The Deputy Chief Executive be requested to strengthen licensing requirements for the operation of HMOs, so that existing and new HMOs can be better monitored, and landlords held responsible for any negative impact on communities.
3. That the above are reported at a future meeting of the Cabinet.”

Councillor A Aston was afforded a right to reply to the debate and indicated that he accepted the amendment. The amendment was put to the vote and carried. The motion, as amended, thereupon became the substantive motion for any further debate by the Council.

The substantive motion was put to the vote and it was:

Resolved that:

This Council notes that the change of use from a dwelling house (class C3) to a small house of multiple occupation (HMO) (class C4) is possible under permitted development rights. A small HMO having between three and six occupiers.



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3. That the above are reported at a future meeting of the Cabinet.

(b) Impact of Austerity

Pursuant to Council Procedure Rule 12, Councillor P Lowe had given notice of the following motion on 29th September, 2021:

“This Council recognises the impact that austerity continues to have on our Council and the people that we represent.

This Council further notes that Government funding cuts continue to have a detrimental impact on our ability to address the crisis that we have in social care provision, housing, and many other essential Council services.

Dudley Council believe that the 72 Councillors have a duty to represent the interests of the people that we are elected to serve.

This Council therefore resolves to:

- Jointly write to the Government to demand additional funding so that we can invest in rebuilding our communities.
- Re-ignite the Fair Deal for Dudley campaign that highlighted the multi-million cuts to our funding since 2010.
- Re-establish and build on our local procurement promise building a 'Dudley model' using the principles of the Preston model.

Additionally, we recognise the impact that austerity is having on the working conditions of thousands of people employed in our borough. Many are threatened with being fired and re-hired if they refuse to accept less pay and worse conditions. This is no way to treat hard working Dudley residents after months of pandemic hardship.

We note that this practice has been banned in Ireland, Spain and France and believe it should be banned here in the UK to defend Dudley workers.

We therefore resolve to write to the Government:

- in the spirit of our Fair Deal for Dudley campaign, to demand additional funding
- stating our position on the use of fire and rehire and to call upon Government to act in respect of unscrupulous employers that adopt this practice.”

The motion was moved by Councillor P Lowe and seconded by Councillor S Ridney.

The following amendment was moved by Councillor S Clark and seconded by Councillor L Taylor-Childs:



“This Council recognises the importance of responsible financial management of Local Authority Finances. It is well known that pressures on services are increasing, from Mental Health to road repairs, and it is vital that Local Authorities adapt to the changing nature of Local Government financing.

Since 2018 this administration has creatively and responsibly managed the finances of this Authority which has not only led to the residents of Dudley receiving high quality front line services, enhanced green care and increased mental health services, but is seeing the most aspirational regeneration programme of our generation.

To further enhance the financial position of this authority, this administration is committed to local wealth creation by encouraging investment into our borough along with ensuring that Dudley is an attractive place for leisure and tourism.

This Council resolves to:

- Acknowledge that this administration has a duty to responsibly manage the finances of this authority to protect the wellbeing of the residents of this borough.
- Acknowledge that total reliance on Government Funding is wholly irresponsible and recognise the significant benefits to the borough which have been brought about by this administration taking a commercial approach to generate income and drive efficiencies.”

At this juncture the Mayor indicated that, pursuant to Council Procedure Rule 12.5, the 30 minutes allowed to deal with all notices of motion had expired.

This motion/amendment, together with the other remaining motions on the agenda, would therefore stand referred to the next ordinary meeting of the Council. The notices of motion would be included in the summons for that meeting in accordance with Council Procedure Rule 12.2.

33 **Questions under Council Procedure Rule 11**

Written Questions

No written questions were submitted in advance.

Verbal Questions to the Leader, Cabinet Members and Chairs

The Leader of the Council (Councillor P Harley) responded to a question from Councillor D Bevan concerning Dudley’s City Status bid.



The Chair of the Audit and Standards Committee (Councillor A Taylor) responded to questions from Councillor J Cowell concerning the submission of information to the external auditor in relation to the valuation of land, buildings and housing stock. A written response would be provided.

The Cabinet Member for Regeneration and Enterprise (Councillor S Phipps) responded to a question from Councillor N Neale concerning developments and improvements in the Colley Gate/Cradley High Street area.

The Cabinet Member for Regeneration and Enterprise (Councillor S Phipps) responded to a question from Councillor I Bevan concerning progress on the Carbon Reduction Scheme.

The Cabinet Member for Housing and Community Services (Councillor L Taylor-Childs) responded to questions from Councillor A Aston concerning library services, including the pay, terms and conditions of employment practices of Greenwich Leisure Ltd. in relation to library employees.

The Cabinet Member for Public Realm (Councillor K Shakespeare) responded to a question from Councillor C Neale concerning access to civic amenity facilities following the cessation of the agreement with Wolverhampton City Council for the use of the Anchor Lane amenity site by Dudley residents.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to a question from Councillor D Corfield concerning the free-swimming initiative for children and families during school holidays.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to a question from Councillor R Collins concerning partnership working with the voluntary sector and other organisations to improve the lives of children in the Borough.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor S Saleem concerning the Kingswinford North and Wall Heath Youth Club and the Council's vision for the provision of services for young people.

The Cabinet Member for Finance and Legal (Councillor S Clark) responded to questions from Councillor S Ali concerning the impact of reductions in Universal Credit.

The Cabinet Member for Health and Adult Social Care (Councillor N Barlow) responded to questions from Councillor C Bayton concerning the maintenance of existing levels of adult social care services in the context of ongoing budget pressures.

The Cabinet Member for Health and Adult Social Care (Councillor N Barlow) responded to questions from Councillor K Finch concerning staffing issues in adult social care services. A written response would be provided.

The Cabinet Member for Health and Adult Social Care (Councillor N Barlow) responded to questions from Councillor Q Zada concerning proposals for mental health services, with specific reference to the Woodside Day Centre.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor R Body concerning the arrangements and the venue for Council meetings in the context of the ongoing Covid-19 situation.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor S Keasey concerning the unacceptable use of derogatory and insulting terms in the context of political debate.

The Leader of the Council (Councillor P Harley) and the Cabinet Member for Regeneration and Enterprise (Councillor S Phipps) responded to questions from Councillor E Taylor concerning the Council House refurbishment project and the need to replace the audio system in the Council Chamber.

At this juncture the Mayor announced that the one-hour period allowed for questions had now expired and any Members indicating to ask a question could either submit it in writing or raise the question at the next appropriate meeting.

34 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 8.20 pm

MAYOR