

**Minutes of the proceedings of the Council
Monday, 28th February, 2022 at 6.00pm
in the Council House, Priory Road, Dudley**

Present:

Councillor A Millward (Mayor)
Councillor S Greenaway (Deputy Mayor)
Councillors K Ahmed, S Ali, A Aston, M Aston, P Atkins, N Barlow, C Barnett, C Bayton, D Bevan, I Bevan, R Body, D Borley, R Burston, R Buttery, B Challenor, S Clark, J Clinton, R Clinton, R Collins, D Corfield, J Cowell, T Crumpton, A Davies, P Dobb, P Drake, C Elcock, M Evans, A Finch, K Finch, J Foster, B Gentle, A Goddard, M Hanif, D Harley, P Harley, S Henley, A Hopwood, Z Islam, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, P Lowe, P Miller, S Mughal, C Neale, N Neale, S Phipps, K Razzaq, S Ridney, M Rogers, P Sahota, S Saleem, K Shakespeare, D Stanley, W Sullivan, 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.

44 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors R Ahmed and P Bradley.

45 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 received visits from Gateway Dementia Centre in Brettell Lane.

Councillor R Burston - Agenda Item 6(b) - Capital Programme Monitoring – References to Metro Complementary Measures, Dudley Interchange and associated highway work and Brierley Hill Future High Streets; Minutes of the Future Council Scrutiny Committee – References to Midland Metro operations and Wednesbury to Brierley Hill Metro extension – pecuniary interest in any matters directly affecting his employment with West Midlands Combined Authority.

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 – 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.



Councillor P Lee – Minutes of the Children and Young People Scrutiny Committee - Non-pecuniary interest as a foster carer in the Borough.

Councillor K Lewis - Minutes of the Children and Young People Scrutiny Committee - Non-pecuniary interest as a child-care provider.

Councillor P Atkins – Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest due to his employment with the Dudley Group NHS Foundation Trust.

Councillor S Henley – Minutes of the Housing and Public Realm Scrutiny Committee - Non-pecuniary interest in references to Safe and Sound (Dudley Community Safety Partnership) due to his employment with West Midlands Fire Service.

Councillor R Ahmed – Minutes of the Development Control Committee (Planning Application No. P21/1819 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley) - in accordance with Council Procedure Rule 24.1.4 she had taken no part in the discussion or voting on this application as the interest related to the disclosable pecuniary interests in respect of a member of her family.

46 **Minutes**

Resolved

That the minutes of the meeting held on 29th November, 2021 be approved as a correct record and signed.

47 **Mayor's Announcements**

(a) **Ukraine**

The Mayor reported that Dudley Council House had been lit in blue and yellow, the colours of the Ukrainian flag, as a mark of respect and as a show of unity with the people of Ukraine at this time.

(b) **David Vickers and Albert Hankon**

The Mayor reported on the death of the Deputy Leader, Councillor David Vickers and former Councillor Albert Hankon. The Council observed a period of silence as a token of respect to their memory. Members of the Council then paid individual and personal tributes.

The Council also undertook a minute of applause in tribute to the life of David Vickers.

48 **Petition for Debate – Charges for Green Waste Collection and Improve Recycling Facilities in Dudley**

Pursuant to the Council's Petition Scheme, a Petition for Debate containing over 3,000 signatures had been received. The petition related to charges for green waste collection and improving recycling facilities in Dudley.

The Petition Organiser, Cat Eccles, attended the meeting and addressed the Council.

Pursuant to Council Procedure Rule 14, the petition was the subject of a debate by the Council. At the conclusion of the debate, it was reported that the petition would be referred to the Cabinet Member for Public Realm for consideration.

49 **Council Plan 2022-2025 Update**

A report of the Cabinet was submitted.

It was moved Councillor P Harley, seconded by Councillor S Clark and

Resolved

That the draft Council Plan for 2022/25 be endorsed setting out our ambitions to be the place of choice for living, working, learning, visiting and delivering a service for our residents that we are proud of.

50 **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 potential recognition of the contribution of Marsh and Baxter Ltd. to the local area in connection with the Brierley Hill High Street Area Action Zone project; assessing the community impact in connection with stalled and derelict sites; the Red House Cone restoration project and the monitoring of enforcement activity in connection with CCTV cameras in Lye.

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 Appendices A and B to the report, be noted.

- (2) That the amendment to the Transport Capital Programme, as set out in paragraph 10 of the report, be approved.
- (3) That the urgent amendment to the Capital Programme, as set out in paragraph 11 of the report relating to Himley Road Homes for Sale, be noted.
- (4) That the Tipton Road fence capital project, as set out in paragraph 12 of the report, be approved.
- (5) That the additional items for the Very Light Rail project, as set out in paragraph 13 of the report, be approved.
- (6) That the Social Care digitisation project and associated spend of £224,000, as set out in paragraph 14 of the report, be approved.
- (7) That the capital projects proposed in the Medium-Term Financial Strategy, as set out in paragraphs 15 to 20 of the report, be added to the Capital Programme subject to the approval of revenue funding by the Council on 7th March, 2022.
- (8) That the Prudential Indicators as required to be determined by the Chartered Institute of Public Finance and Accountancy (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.
- (9) That the updated Capital Strategy, as set out in Appendix D to the report, be approved.
- (10) That the Minimum Revenue Provision (MRP) Policy for 2022/23, as set out in paragraph 24 of the report, be approved.

51 **Dudley Council Pay Policy 2022/23**

A report of the Cabinet was submitted.

It was moved Councillor P Harley, seconded by Councillor S Clark and

Resolved

That the Dudley Council Pay Policy Statement for 2022/23 be approved.

52 **Annual Review of the Constitution**

A report of the Cabinet was submitted.

It was moved Councillor P Harley, seconded by Councillor S Clark and



Resolved

- (1) That the recommendations of the Audit and Standards Committee concerning the adoption of the revised Members' Code of Conduct and Standards Arrangements be approved with effect from 6th May, 2022, together with the necessary revision of the Constitution, as set out in paragraphs 6 to 12 and Appendix 1 to the report.
 - (2) That the amendments to the Petition Scheme, as set out in paragraphs 13, 14 and Appendix 2 to the report, be approved.
 - (3) That the Best Consideration Protocol, as referred to in paragraph 15 of the report, be incorporated into Part 6 of the Constitution.
 - (4) That Article 4.02(a) and Cabinet Procedure Rule 1.2(c) be amended to reflect the process for making amendments to the Scheme of Delegation in Part 3 of the Constitution, as set out in paragraphs 16 and 17 of the report.
 - (5) That the arrangements for making nominations concerning the appointment of Honorary Aldermen and Honorary Alderwomen, as set out in paragraphs 18 to 21 of the report, be approved.
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53 **Section 141 Policing and Crime Act 2017 - Review of Cumulative Impact Assessment Policy 2022**

A report of the Cabinet was submitted.

It was moved Councillor K Shakespeare, seconded by Councillor S Clark and

Resolved

That the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge Town Centre be approved.

54 **Review of Gambling Policy (Statement of Principles)**

A report of the Cabinet was submitted.

It was moved Councillor K Shakespeare, seconded by Councillor S Clark and

Resolved

- (1) That the responses to the consultation and review of the Council's Gambling Policy (Statement of Principles) be noted.
- (2) That the revised Gambling Policy (Statement of Principles) be approved and adopted.

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

A report of the Cabinet was submitted.

The recommendations of the Cabinet were moved by Councillor L Taylor-Childs and seconded by Councillor S Clark.

During the debate, comments were made concerning tenant consultation and participation, issues relating to the standard of housing services and the increased financial burden being placed on tenants resulting from the rent increase.

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

Resolved

- (1) That the latest Housing Revenue Account (HRA) financial forecast for 2021/22 be noted and the HRA budget for 2022/23, as outlined in Appendix 1 to the report, be approved, noting the consultation arrangements outlined in paragraph 4 of the report.
- (2) That the public sector housing revised capital budgets for 2021/22 to 2026/27, attached as Appendix 2 to the report, be approved, noting the consultation arrangements outlined in paragraph 4 of the report.
- (3) That the Director of Housing and Community Services and the Director of Finance and Legal be authorised to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 34 and 35 of the report, and that expenditure funded from such resources be added to the Capital Programme.
- (4) That the Director of Housing and Community Services, following consultation with the Cabinet Member for Housing and Community Services, be authorised to manage and allocate resources to the capital programme as outlined in paragraph 36 of the report.

- (5) That the Council 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 36 of the report.
 - (6) That the Director of Housing and Community Services be authorised 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 37 of the report.
 - (7) That the HRA medium term financial strategy and thirty-year business plan, attached as Appendix 3 to the report, be endorsed.
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56 **Invitation to Become an 'Opted In' Authority – Public Sector Audit Appointments**

A report of the Cabinet was submitted.

It was moved Councillor S Clark, seconded by Councillor L Taylor-Childs and

Resolved

That the Council opt in to the national scheme for auditor appointments.

57 **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

- (1) That the treasury activities in 2021/22, as outlined in the report, be noted.
 - (2) That the Treasury Strategy 2022/23, attached as Appendix 2 to the report, be approved.
 - (3) That the Director of Finance and Legal be authorised to affect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.
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Impact of Austerity

The Mayor reported that, at the meeting of the Council on 11th October, 2021, the following motion had been moved by Councillor P Lowe and seconded by Councillor S Ridney:

“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 following amendment had been 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.”

Prior to the debate on the amendment, Councillor P Lowe raised a point of order pursuant to Council Procedure Rule 14.12. The point of order related to potential non-compliance with Council Procedure Rule 14.6(a), which provided that the effect of any amendment should not be to negate the motion. Following advice from the Monitoring Officer, the Mayor was of the view that the amendment was appropriate for consideration by the Council.

The amendment was the subject of debate by the Council. During the debate on the amendment 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.

59 **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 Cabinet Member for Regeneration and Enterprise (Councillor S Phipps) responded to a question from Councillor R Collins concerning the building of new homes on derelict land.

The Cabinet Member for Public Realm (Councillor K Shakespeare) responded to questions from Councillor A Aston concerning the Anchor Lane amenity site and the progress of efforts to ensure appropriate access to waste and recycling facilities for residents in the north of the borough.

The Cabinet Member for Housing and Community Services (Councillor L Taylor-Childs) responded to a question from Councillor C Neale concerning the siting of CCTV cameras in Kent Street, and the need to tackle ongoing anti-social behaviour, including the potential siting of CCTV cameras inside or in the vicinity of the block in Pale Street, Upper Gornal.

The Chair of the Health and Adult Social Care Scrutiny Committee (Councillor M Rogers) responded to a question from Councillor R Burston concerning the implications of compulsory Covid-19 vaccinations for care workers.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor S Keasey concerning the ongoing situation in Ukraine.

The Leader of the Council (Councillor P Harley) responded to questions and comments from Councillors D Corfield, K Finch and D Stanley concerning the Ministry of Defence - Employer Recognition Scheme Silver Award and the need to champion and provide further recognition and support to the armed forces, ex-service personnel and veterans in the borough.

The Leader of the Council (Councillor P Harley) responded to a question and comments from Councillors P Lowe and Q Zada concerning potential discussions between the Group Leaders on aspects of the procedures for Full Council meetings.

60 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 8.45 pm

MAYOR



Working as One Council in
the historic capital of the Black Country



CL/44