

Annual Meeting of the Council

**Thursday, 19th May, 2022 at 6.00pm
in the Council Chamber,
at the Council House, Priory Road, Dudley**

You are hereby summoned to attend the annual meeting of the Dudley Metropolitan Borough Council for the purpose of transacting the business set out in the numbered agenda items listed below.

Agenda - Public Session **(Meeting open to the public and press)**

1. To elect the Mayor of the Borough for the 2022/23 Municipal Year
2. The Mayor to make and subscribe to the required declaration
3. To elect the Deputy Mayor of the Borough for the 2022/23 Municipal Year

Note: There will be a short adjournment to enable robing to take place

4. The Deputy Mayor to make and subscribe to the required declaration

Note: There will be speeches by the new and former Mayor and the presentation of badges

5. Apologies for absence
6. **Minutes**

To approve as a correct record and sign the minutes of the meeting of the Council held on 11th April, 2022

7. Mayor's announcements
8. To receive any declarations of interest under the Members' Code of Conduct

9. Leader of the Council (Pages 1 – 2)
10. Appointment and Membership of the Cabinet and Committees for 2022/23 and related matters (Pages 3 – 12)
11. Constitution and Scheme of Delegation (Pages 13 – 15)
12. Programme of Meetings for 2022/23 (Pages 16 – 24)
13. Appointments/Nominations to Other Bodies (Pages 25 – 26)
14. To consider any business not on the agenda which by reason of special circumstances the Mayor is of the opinion should be considered at the meeting as a matter of urgency under the provisions of the Local Government Act 1972



Kevin O'Keefe
Chief Executive

Dated: 11th May, 2022

Distribution:

All Members of the Council

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Health and Safety

- Windows/doors will be opened to provide adequate ventilation.
- Please ensure you sanitise your hands when arriving and leaving the building. Hand washing facilities are also available on site.
- Hand sanitiser and antibacterial wipes are available at various locations.
- All persons entering or working in the Council House are encouraged to wear face masks in communal areas and when moving around the building.
- Face masks may be removed when you are participating in the meeting.
- All people attending are encouraged to undertake Lateral Flow Tests twice a week. Anyone testing positive should not attend and should seek further advice.
- Do not attend if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- All people are encouraged to be vaccinated to limit any potential ill-health effects.
- Please be respectful of everyone's personal space and preferences when you attend meetings.

Public Gallery

- Seating in the public gallery is subject to limits on capacity and will be allocated on a 'first come' basis.

Toilets

- Toilet facilities are available on site. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services.



Private and Confidential Information

- Agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

Recording and Reporting

- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- The meeting will be recorded and broadcast on the Council's YouTube Channel. The webcast can be viewed by clicking on the following link
<https://www.youtube.com/user/dudleymbc>

General

- Public Wi-Fi is available in the Council House.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

**Minutes of the proceedings of the Council
Monday, 11th April, 2022 at 6.00 pm
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, P Atkins, 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, P Drake, C Elcock, M Evans, A Finch, J Foster, B Gentle, M Hanif, D Harley, P Harley, S Henley, A Hopwood, Z Islam, L Johnson, S Keasey, I Kettle, A Lees, K Lewis, P Lowe, P Miller, S Mughal, C Neale, N Neale, S Phipps, K Razzaq, S Ridley, M Rogers, P Sahota, S Saleem, K Shakespeare, D Stanley, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, 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.

67 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors K Finch, A Goddard, E Lawrence, P Lee, J Roberts and S Waltho.

68 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 a Member 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 No. 5(a) – Capital Programme Monitoring (Metro Complementary Measures and Dudley Interchange) and Agenda Item No. 6 – Annual Overview and Scrutiny Report (West Midlands Local Transport Plan, Wednesbury to Brierley Hill Metro Extension and West Midlands Combined Authority Investment) – 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 – Any references to Russells Hall Hospital - Non-pecuniary interest relating to her daughter's employment.

Councillor N Neale – Minutes of the Children and Young People Scrutiny Committee and health issues generally - Pecuniary interest in any matters directly affecting her employment with Dudley Group of Hospitals (NHS) Foundation Trust.

Councillor C Neale - Non-pecuniary interest in view of his wife's 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 S Greenaway – Minutes of the Children and Young People Scrutiny Committee (Home to School Transport Policy) – Non-pecuniary interest as a Member of the Appeals Committee.

Councillor K Lewis – Minutes of the Children and Young People Scrutiny Committee – Non-pecuniary interest as an Early Years Provider.

69 **Mayor's Announcements**

(a) **International Day Against Homophobia, Biphobia, Intersex Discrimination and Transphobia**

The International Day Against Homophobia, Biphobia, Intersex Discrimination and Transphobia would take place on 17th May, 2022. Dudley Council would be marking this day with a civic event on Coronation Gardens at 11:30am and everyone was welcome to join.

(b) **Freedom of the Borough Garden Party**

The Freedom of the Borough Garden Party would take place at Himley Hall on 17th May, 2022 between 2.00pm and 5.00pm. The Freedom of the Borough would be presented to the National Health Service (NHS), Public Health, Adult Social Care, Children's Services, Bereavement Services and the Voluntary Sector.

(c) **Councillors Not Seeking Re-election**

The Mayor reported that Councillors R Burston, C Elcock, A Finch, B Gentle, Z Islam, J Roberts and S Waltho were not seeking re-election on 5th May, 2022. The Mayor placed on record her appreciation of the dedicated public service given by those Members. The Council then paid individual tributes to the retiring Members and expressed best wishes for the future.

70 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

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

Resolved

- (1) That progress with the 2021/22 Capital Programme, as set out in Appendix A to the report, be noted.
- (2) That the amendment to the capital programme relating to Red House Glass Cone Hot Glass Studio, as set out in paragraph 6 of the report, be confirmed.

- (3) That the recommendations of the Cabinet concerning Extra Care Provision/ Development in Dudley, as set out in paragraph 7 of the report, be approved.
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71 **Appointment of the Director of Housing and Communities**

A report of the Appointments Committee was submitted.

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

Resolved

That, subject to the necessary pre-employment checks, Kathy Jones be appointed to the post of Director of Housing and Communities, in accordance with the salary and terms and conditions of employment applicable to the post, with effect from a date to be agreed.

72 **Annual Overview and Scrutiny Report 2021/22**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

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

Resolved

That the annual Overview and Scrutiny Report for 2021/22 be received and noted.

73 **Notices of Motion**

The Mayor reported that following consultation with the Group Leaders, consideration of the notices of motion on the agenda would be deferred until the next ordinary meeting of the Council.

74 **Questions under Council Procedure Rule 11**

The Mayor reported that, following consultation with the Group Leaders, the Question Time session would be limited to thirty-minutes for this meeting only.

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 questions from Councillor S Saleem concerning the next stages of the Black Country Plan particularly in relation to two green belt sites in the Kingswinford North and Wall Heath ward that had initially been included in the Plan for possible development.

The Leader (Councillor P Harley) responded to a question from Councillor D Bevan concerning regeneration and inward investment into the Borough arising from attendance at important events such as MIPIM.

The Cabinet Member for Digital, Customer and Commercial Services (Councillor S Keasey) responded to a question from Councillor D Corfield concerning the future of the Netherton Arts Centre.

The Leader (Councillor P Harley) responded to a question from Councillor R Collins concerning the Brockmoor Community Centre and adjacent land.

The Leader (Councillor P Harley) responded to a question from Councillor S Keasey on the importance of working with community groups, with particular reference to the achievements of the Friends of All Saints Graveyard in Sedgley.

The Cabinet Member for Health and Adult Social Care (Councillor N Barlow) undertook to arrange for a written response to questions asked by Councillor C Elcock relating to block contracts provided by agencies involving carer services.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to a question from Councillor P Bradley regarding the SEND Improvement Programme and an update on ongoing actions.

The Leader (Councillor P Harley) responded to questions from Councillor C Barnett regarding the lack of funding for improvements at Stevens Park, Quarry Bank and whether funding had been committed to attend the MIPIM event in 2023.

A further question was asked by Councillor A Aston regarding attendance at the MIPIM event and seeking confirmation whether any private sponsorships had been sought or obtained together with the details of any subsequent signed contracts.

At this juncture, the Mayor indicated that the time allowed for questions had expired. Any Members indicating to ask a question could either submit it in writing or raise the question at the next appropriate meeting.

75 **Urgent Business**

There was no urgent business for consideration at this meeting.

76 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

77 **Dudley's Temporary Workforce Project**

A report of the Cabinet was submitted.

It was moved by Councillor S Keasey, seconded by Councillor S Clark and

Resolved

That the recommendations of the Cabinet, as set out in the report, be approved and adopted.

The meeting ended at 7.46 pm

MAYOR



Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Leader of the Council

Purpose

1. To report on the provisions of the Council's Constitution concerning the position of the Leader of the Council.

Recommendation

2. That the Council elect the Leader in accordance with the provisions of the Constitution.

Background

3. The Council's Procedure Rules require that the Leader shall be appointed at the annual meeting of the Council (as and when necessary). Article 7 of the Constitution prescribes that the Leader will hold office for a period of four years or until:
 - (a) his/her term of office as a Councillor expires; or
 - (b) he/she resigns from the office; or
 - (c) he/she is no longer a Councillor; or
 - (d) he/she is removed from office by resolution of the Council.
4. In accordance with the provisions of the Constitution, the Leader's current term of office expires in May, 2022.

Finance

5. There are no direct financial implications arising from this report.

Law

6. Statutory provisions regarding the Constitution are contained in the Local Government Act 2000, as amended, the Localism Act 2011 and any Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Risk Management

7. The ongoing arrangements for the election of the Leader are contained in the Council's Constitution. There are no implications for the Council's Risk Management Framework.

Equality Impact

8. Decisions of the Leader on policy issues and the implementation of the Council Plan framework involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

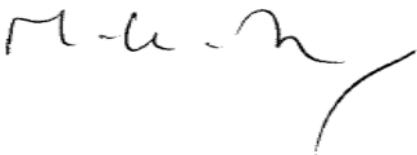
9. There are no direct implications.

Commercial/Procurement

10. The Leader has a key role in overseeing the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

Council Priorities

11. The Leader has a key role in the delivery of all Council priorities including the Borough Vision, Council Plan and the Future Council Programme.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Appointment and Membership of the Cabinet and Committees for 2022/23 and Related Matters

Purpose of Report

1. To receive a report on the appointment of the Deputy Leader and Members of the Cabinet and to consider the appointment and membership of Committees and related matters for the 2022/23 municipal year.

Recommendations

2. That the Council note the report to be circulated at the meeting concerning the appointment of the Deputy Leader and Members of the Cabinet for the 2022/23 municipal year, together with the designation and appointment of Cabinet Members.
3. That the structure of Committees for 2022/23 be approved on the basis set out in this report and the lists to be circulated at the meeting.
4. That the terms of reference and functions of Committees, as set out in Part 3 of the Constitution, be approved subject to any consequential amendments arising from decisions made at this meeting.
5. That, with the exceptions referred to in this report, the composition and membership of Committees for the 2022/23 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989, as shown on the lists to be circulated at the meeting.
6. That with regard to the Children and Young People Scrutiny Committee, the Health and Adult Social Care Scrutiny Committee and the Ernest Stevens Trusts Management Committee, the proposals in relation to co-opted representatives and the arrangements for the filling of vacancies for co-opted members be approved.

7. That the Licensing and Safety Committee be appointed in 2022/23 to undertake the statutory Committee functions in accordance with the Licensing Act 2003 and that the Committee comprise 12 Members.
8. That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees established by the Licensing and Safety Committee or to any Sub-Committee established by the Audit and Standards Committee to hear complaints against Members under the Members' Code of Conduct.
9. That the appointment of Chairs and Vice-Chairs be approved in accordance with the lists to be circulated at the meeting.
10. That the arrangements for substitutes on Committees, as set out in Council Procedure Rules, be reaffirmed for the 2022/23 municipal year.
11. That the Planning (Site Visits) Working Group be appointed for the 2022/23 Municipal Year to undertake visits to sites where the Committee has resolved that there should be a site visit and that the Working Group comprise all Members of the Planning Committee.
12. That Scrutiny Working Groups be appointed for the 2022/23 Municipal Year for each of the Scrutiny Committees and that the membership of the Working Groups comprise all Members of the relevant Scrutiny Committees.
12. That the Dudley Health and Wellbeing Board be established in 2022/23 on the basis set out in this report.
13. That a report on the future arrangements for Community Forums be submitted to the Cabinet and the Council in due course.
14. That the Monitoring Officer be authorised to take any necessary and consequential actions that are required to implement the proposals contained in this report and any other decisions that are taken at this meeting of the Council.

Background

Appointment of the Deputy Leader and Cabinet Members

15. Article 7 of the Council's Constitution prescribes that the Cabinet will consist of the Leader together with at least 2, but not more than 9 other Councillors appointed to the Cabinet by the Leader. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.



16. The Cabinet will comprise of 10 members (including the Leader) with the designations shown on the lists to be circulated at the meeting. The list of responsibilities and executive functions allocated to Cabinet Members (and onward delegations to Officers) is set out under Part 3 of the Constitution and will be updated with any consequential changes arising from this meeting.
17. The Leader will report at the meeting concerning the appointment of the Deputy Leader and the designation of Cabinet Members for the 2022/23 municipal year. The Constitution provides that Cabinet Members appointed by the Leader shall hold office until:
 - (a) they resign from office; or
 - (b) they are no longer Councillors; or
 - (c) they are removed from office, either individually or collectively, by the Leader.
18. Cabinet Procedure Rules provide that other political groups on the Council may nominate Members from their Group to attend meetings of the Cabinet. Such Members may speak at the meeting but may not vote. It is the Council's practice that all Shadow Cabinet Members are invited to attend Cabinet meetings.

Appointment and Membership of Committees

19. The Council's Procedure Rules prescribe that the Council, at its Annual Meeting, will appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions, and will:
 - (a) decide the size and terms of reference for Committees;
 - (b) appoint Chairs and Vice-Chairs for Committees;
 - (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
 - (d) receive nominations of Councillors to serve on each Committee.

Proposals in respect of the above and the nominations of the political groups regarding Members to serve on each Committee will be circulated at the meeting.

20. There are currently 2 political groups represented on the Council:-

Conservative (46 seats)

Labour (26 seats)

The proportionality Regulations provide that a political group is constituted where two or more Members of the Council give notice that they wish to be treated as a group.



21. Under Sections 15 and 16 of the Local Government and Housing Act 1989, the Council is required to provide for political balance on Committees. It is proposed that the composition of the following Committees be determined in accordance with political balance:

Scrutiny Committees
Appeals Committee
Appointments Committee
Audit and Standards Committee
Children's Corporate Parenting Board
Planning Committee
Ernest Stevens Trusts Management Committee
Licensing and Safety Committee
Taxis Committee

22. The political balance 'rules' provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council.

23. Section 17 of the Local Government and Housing Act 1989 authorises the Council to approve different arrangements (eg: not reflecting political balance) provided that no Member of the Council votes against them.

Overview and Scrutiny Arrangements for 2022/23

24. it is proposed to establish the following Scrutiny Committees for 2022/23:

Children and Young People Scrutiny Committee
Climate Change and Environment Scrutiny Committee
Future Council Scrutiny Committee
Health and Adult Social Care Scrutiny Committee
Housing and Public Realm Scrutiny Committee

25. It is proposed that each of the Scrutiny Committees should comprise 13 elected Members, subject to compliance with the overall political proportionality requirements. The dates of meetings of the Climate Change and Environment Scrutiny Committee will be agreed following consultation with the Chair and Vice-Chair. The terms of reference of this new Scrutiny Committee will be considered at the first meeting of the Committee in the municipal year.

26. Ongoing consultation is taking place on items for inclusion in the Annual Scrutiny Programme. Flexibility will be retained to respond to any issues that arise during the year. To assist with developing the Annual Scrutiny Programme it is proposed that Working Groups be established for each of the Scrutiny Committees. The Working Groups will comprise all Members of the relevant Scrutiny Committee and be chaired by the relevant Scrutiny Committee Chair. The Working Groups will initially consider the Annual Scrutiny Programme for 2022/23 and subsequently consider



any other business that is allocated to them during the year within the remit of each Scrutiny Committee.

27. Informal meetings of the Chairs and Vice Chairs of Scrutiny Committees are also being scheduled during the municipal year.

Terms of Reference and Onward Delegation of Functions

28. The terms of reference and onward delegation of functions are set out in Part 3 of the Constitution. The Council has previously delegated authority to the Monitoring Officer to make any urgent, necessary or consequential changes to the Constitution arising from Council restructuring and to reflect any changes in legislation or other statutory provisions. It is proposed that this delegation should remain in place for 2022/23.

Appointment of Co-opted Representatives

29. Statutory co-opted Members will be appointed to serve on the Children and Young People Scrutiny Committee in 2022/23. The co-opted representatives will only have voting rights in relation to matters concerning education.
30. The five non-elected voting Members are made up of:-
- Three Parent Governor Representatives (representing Secondary, Primary and Special Schools)
 - Two Church Representatives (representing the Worcester Diocesan Board of Education and the Archdiocese of Birmingham).
31. Where these are available, the names of the persons nominated for 2022/23 will be included in the lists to be circulated at the meeting.
32. A co-opted member (without voting rights) representing Dudley Healthwatch has previously been co-opted onto the Health and Adult Social Care Scrutiny Committee. It is proposed that this should continue for 2022/23. The name of the person nominated will be included in the lists to be circulated at the meeting.
33. The Ernest Stevens Trusts Management Committee has previously agreed to appoint three non-elected, non-voting members (one from each of the Friends Groups from Mary Stevens Park Stourbridge, Stevens Park Quarry Bank and Stevens Park, Wollescote). This provides independence on the Committee and safeguards to protect each charity's beneficiaries. Co-opted representatives are appointed to serve on the Committee for a period of three years. Where available, the names of the co-opted Members will be included in the lists circulated at the meeting.



34. To mitigate any delay in their serving, the Council has previously authorised the Monitoring Officer, following consultation with the Leader, to appoint non-elected co-opted Members to fill any vacancies that might arise from time to time. Approval is requested for the same facility to apply in 2022/23.

Licensing Act 2003 – Statutory Functions

35. In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. The Licensing and Safety Committee undertakes the statutory functions under the 2003 Act, with the exception of the approval of the licensing policy and any other specific functions that may be reserved to full Council. The Committee comprised 12 Members in 2021/22. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2022/23, it is proposed to appoint Licensing Sub-Committees on the same basis as the previous year. The establishment of the Sub-Committees, together with the appointment of Members and allocation of functions, will be considered at the first meeting of the main Committee in the 2022/23 municipal year.
36. The Council has previously decided to waive the proportionality requirements in respect of the Licensing Sub-Committees. It is proposed that the waiver be re-affirmed for 2022/23.

Appeals Committee

37. The Appeals Committee has delegated powers to determine all appeals in cases where a right of appeal to elected members exists under any of the Council's policies or procedures.
38. It is recommended that the Appeals Committee comprise 5 elected members appointed in line with overall political proportionality. Council Procedure Rule 5 will apply to the appointment of substitute members as referred to below.

Member Complaints and Standards Matters

39. The Audit and Standards Committee has previously established a Standards Sub-Committee to hear and determine complaints against Members and Co-opted Members. The appointment of the Sub-Committee will be considered at the first meeting of the Audit and Standards Committee in the municipal year.

Substitute Members of Committees

40. Council Procedure Rule 5 provides for the appointment of substitute Members on Committees. The arrangements for the appointment of substitute Members have worked successfully and it is recommended that they be continued in 2022/23.



41. The Council Procedure Rules provide that a substitute Member shall only be appointed in that capacity if he/she is otherwise eligible to serve on the body concerned. This includes a requirement, particularly in the case of quasi-judicial meetings (eg: Planning and Appeals Committees), that the Member concerned has undertaken the necessary training as required by the Council.

Changes to the Composition of Committees

42. Regulations made under the Local Government and Housing Act 1989 require the Council's Committees to reflect the overall political balance of the Council and take account of the wishes of political groups when allocating Members to Committees. From time to time during the municipal year, it may be necessary for changes to be made in the allocation of Committee Memberships to reflect the wishes of the political groups. Under Article 4.02 of the Constitution, the Monitoring Officer is authorised to make any necessary changes to the composition of Committees that might arise from time to time in accordance with the requirements of the Leaders of political groups.

Planning Committee

43. In view of its public profile and to be consistent with other Black Country Councils, it is proposed to redesignate the Development Control Committee as the Planning Committee. A Site Visits Working Group has previously been established to allow for site visits by Members. Site visits are undertaken in appropriate circumstances as provided for in the Code of Conduct for Members and Officers dealing with planning matters (as set out in the Council's Constitution). The Working Group will comprise all Members of the Planning Committee. It is proposed that the Site Visits Working Group be established on the same basis for 2022/23.

Dudley Health and Wellbeing Board

44. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 make provision for the disapplication and modification of certain enactments relating to local authority committees, including the rules on proportionality. The Regulations aim to provide local areas with the flexibility and freedom to shape health and wellbeing boards to fit local circumstances.
45. The Dudley Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2012 and operates within its own terms of reference and associated governance arrangements.
46. The Chair and Vice-Chair are appointed by the Board at its first meeting in the municipal year.

Community Forums

47. The Council has previously established 10 Community Forums. The Community Forums comprise the elected representatives of the following wards:-



- Amblecote/ Cradley and Wollescote/ Lye and Stourbridge North
- Belle Vale/ Hayley Green and Cradley South
- Brierley Hill/Brockmoor and Pensnett
- Castle and Priory/ St James's/ St Thomas's
- Coseley East/ Sedgley
- Gornal/ Upper Gornal and Woodsetton
- Halesowen North/Halesowen South
- Kingswinford North and Wall Heath/Kingswinford South/Wordsley
- Netherton, Woodside and St Andrew's/ Quarry Bank and Dudley Wood
- Norton/Pedmore and Stourbridge East/Wollaston and Stourbridge Town

Physical meetings of Community Forums were suspended during the Covid-19 Pandemic. A cycle of 'virtual' meetings of Community Forums was held during the previous municipal year. A report on the future arrangements for Community Forums will be submitted to the Cabinet and the Council in due course.

Finance

48. The financial implications arising from the proposals in this report will be met from existing resources.

Law

49. The relevant statutory provisions regarding the Constitution and arrangements with respect to executive functions are contained in Part II of the Local Government Act, 2000, as amended, and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
50. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
51. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
52. If it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no Member of the Council voting against it (Section 17 of the 1989 Act).
53. The rules on proportionality do not apply to the Community Forums because the Forums are not Committees of the Council and they comprise all the ward councillors for the areas concerned.

54. The implications of the Localism Act 2011 have been reflected in this report, including the freedoms to consider governance structures and the provisions relating to standards.
55. The duty to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the proportionality duty does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act (eg functions under the Gambling Act 2005). The Council has previously agreed that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Licensing Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring Member determination. This is also applied to any Sub-Committee established by the Audit and Standards Committee to consider complaints against Members under the Council's standards arrangements.
56. The rules on proportionality do not apply to the Dudley Health and Wellbeing Board established under Section 194 of the Health and Social Care Act 2012. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 specifically disapply the proportionality rules in respect of Health and Wellbeing Boards.
57. The effects and principles contained in Section 499 of the Education Act 1996, Department for Education and Science Circular 19/99 and the Education (Parent Governor Representatives) Regulations 2001 are reflected in the proposals in respect of the appointment of co-opted representatives to serve on the Children and Young People Scrutiny Committee.

Risk Management

58. This report deals with the Council's governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Risk Management Framework.

Equality Impact

59. The requirements to consider the Council's policies on equality and diversity, along with duties under the Equality Act 2010, are fully reflected in the Council's governance structures and decision-making processes. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.



Human Resources/Organisational Development

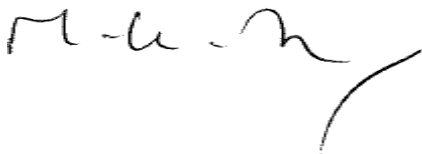
60. The Council's governance arrangements will be administered from existing resources.

Commercial/Procurement

61. Decisions taken by the Council, the Cabinet and Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.

Council Priorities

62. This report deals with the Council's governance arrangements to underpin the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme. Reports to meetings and decision takers will include details of how proposals impact on or contribute to Council priorities.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2022/23 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

Recommendations

2. That the Constitution and Scheme of Delegation be reaffirmed for the 2022/23 municipal year.
3. That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
4. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.

Background

5. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
6. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29th April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.

7. The Constitution provides that amendments to the Scheme of Delegation may be approved by the Leader of the Council by way of a Delegated Decision Sheet. The Leader of the Opposition Group is notified of any proposed changes before a decision is made by the Leader.
8. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the [Council's Website](#)
9. The Council has previously delegated authority to the Monitoring Officer to update and amend the Constitution in line with any ongoing restructuring activity and to reflect any other necessary legislative or statutory provisions. It is proposed that this delegation be reaffirmed and allocated to the Monitoring Officer in line with the duties of the statutory post to maintain the Constitution.
10. As the Council's Monitoring Officer, I will keep the Constitution under review and submit a report on the annual review of the Constitution to the Cabinet and the Council in due course.

Finance

11. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

Law

12. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
13. The duty to designate an officer as the Monitoring Officer is contained in Section 5 of the Local Government and Housing Act 1989. In order to ensure a separation of roles, the person designated as the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.

Risk Management

14. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.



Equality Impact

15. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

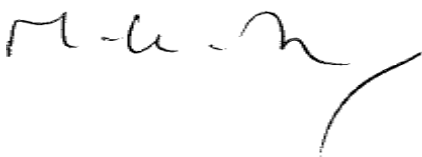
16. There are no direct implications arising from this report.

Commercial/Procurement

17. There are no direct implications for the potential to commercially trade or a positive / negative impact on our customer base. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Council Priorities

18. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Programme of Meetings for 2022/2023

Purpose of Report

1. To approve a programme of meetings of the Council, Cabinet and Committees for the 2022/23 municipal year.

Recommendations

2. That the programme of meetings of the Council, Cabinet and Committees for the 2022/23 municipal year be approved.

Background

3. The Council's Constitution requires that the programme of ordinary meetings for the year be approved at the Annual Meeting of the Council.
4. A schedule of proposed meeting dates for the 2022/23 municipal year is attached.
5. In line with the Constitution the programmed dates and times of meetings, as approved by the Council, can only be changed if the Monitoring Officer is satisfied that exceptional circumstances apply following consultation with the relevant Chair and Vice-Chair (for example due to inclement weather, significant national events or lack of business).
6. A report on the future arrangements for Community Forums will be submitted to the Cabinet and the Council in due course.

Finance

7. The financial implications arising from the organisation of all meetings will be met from approved budgets.

Law

- 8. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, as amended, the Localism Act 2011 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Risk Management

- 9. Reports to the Council, Cabinet and Committees will include a paragraph to ensure proper consideration of any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

- 10. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

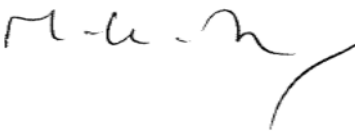
- 11. Council, Cabinet and Committee meetings will be administered within existing resources.

Commercial/Procurement

- 12. Where relevant, decisions taken by the Council, the Cabinet and its Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

Council Priorities

- 13. Reports to meetings will include an assessment of how individual proposals contribute to the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)



PROGRAMME OF MEETINGS 2022/2023

MAY 2022

Thursday	12 th	Welcome to the Council – New Councillor Induction	9.30am
Wednesday	18 th	Mandatory Training – Members’ Code of Conduct (Microsoft Teams)	6.00pm
Thursday	19 th	Annual Council	6.00pm
Monday	23 rd	Mandatory Training – Planning Committee	4.00pm
Monday	23 rd	Planning Committee	6.00pm
Wednesday	25 th	Mandatory Training – Taxis Committee	5.00pm
Wednesday	25 th	Mandatory Training – Licensing and Safety Committee	6.00pm
Monday	30 th	Licensing and Safety Committee	6.00pm

JUNE 2022

Thursday	2 nd	Spring Bank Holiday	
Friday	3 rd	Her Majesty The Queen’s Platinum Jubilee Holiday	
Monday	6 th	Taxis Committee	6.00pm
Tuesday	7 th	Licensing Sub-Committee 1	10.00am
Wednesday	8 th	Future Council Scrutiny Committee	6.00pm
Thursday	9 th	Housing and Public Realm Scrutiny Committee	6.00pm
Monday	13 th	Children and Young People Scrutiny Committee	6.00pm
Wednesday	15 th	Health and Adult Social Care Scrutiny Committee	TBC
Thursday	16 th	Dudley Health and Wellbeing Board	4.00pm
Tuesday	21 st	Licensing Sub-Committee 2	10.00am

Wednesday	22 nd	Planning Committee	6.00pm
Wednesday	29 th	Cabinet	6.00pm
Thursday	30 th	Audit and Standards Committee	6.00pm

JULY 2022

Tuesday	5 th	Licensing Sub-Committee 3	10.00am
Tuesday	5 th	Labour Group	6.30pm
Wednesday	6 th	Taxis Committee	6.00pm
Thursday	7 th	Conservative Group	6.00pm
Monday	11 th	Council	6.00pm
Wednesday	13 th	Planning Committee	6.00pm
Thursday	14 th	Health and Adult Social Care Scrutiny Committee	6.00pm
Monday	18 th	Ernest Stevens Trusts Management Committee	6.00pm
Tuesday	19 th	Licensing Sub-Committee 4	10.00am
Wednesday	20 th	Cabinet (Special Meeting)	6.00pm
Thursday	21 st	Children's Corporate Parenting Board	6.00pm

AUGUST 2022

Tuesday	2 nd	Licensing Sub-Committee 1	10.00am
Thursday	11 th	Taxis Committee	6.00pm
Tuesday	16 th	Licensing Sub-Committee 2	10.00am
Wednesday	17 th	Planning Committee	6.00pm
Monday	29 th	Bank Holiday	
Tuesday	30 th	Licensing Sub-Committee 3	10.00am

SEPTEMBER
2022

Monday	5 th	Children and Young People Scrutiny Committee	6.00pm
Wednesday	7 th	Future Council Scrutiny Committee	6.00pm
Thursday	8 th	Health and Adult Social Care Scrutiny Committee	6.00 pm
Monday	12 th	Planning Committee	6.00pm
Tuesday	13 th	Licensing Sub-Committee 4	10.00am
Wednesday	14 th	Taxis Committee	6.00pm
Thursday	15 th	Dudley Health and Wellbeing Board	4.00pm
Wednesday	21 st	Housing and Public Realm Scrutiny Committee	6.00pm
Thursday	22 nd	Cabinet	6.00pm
Monday	26 th	Audit and Standards Committee	6.00pm
Tuesday	27 th	Licensing Sub-Committee 1	10.00am

OCTOBER
2022

Tuesday	4 th	Labour Group	6.30pm
Thursday	6 th	Conservative Group	6.00pm
Monday	10 th	Council	6.00pm
Tuesday	11 th	Licensing Sub-Committee 2	10.00am
Wednesday	12 th	Planning Committee	6.00pm
Thursday	13 th	Taxis Committee	6.00pm
Monday	24 th	Ernest Stevens Trusts Management Committee	6.00pm
Tuesday	25 th	Licensing Sub-Committee 3	10.00am

Wednesday	26 th	Meeting of Scrutiny Chairs and Vice-Chairs	6.00pm
Thursday	27 th	Cabinet	6.00pm

NOVEMBER
2022

Tuesday	8 th	Licensing Sub-Committee 4	10.00am
Wednesday	9 th	Children and Young People Scrutiny Committee	6.00pm
Thursday	10 th	Taxis Committee	6.00pm
Monday	14 th	Health and Adult Social Care Scrutiny Committee	6.00pm
Wednesday	16 th	Planning Committee	6.00pm
Thursday	17 th	Housing and Public Realm Scrutiny Committee	6.00pm
Tuesday	22 nd	Licensing Sub-Committee 1	10.00am
Tuesday	22 nd	Labour Group	6.30pm
Wednesday	23 rd	Future Council Scrutiny Committee	6.00pm
Thursday	24 th	Conservative Group	6.00pm
Monday	28 th	Council	6.00pm

DECEMBER
2022

Thursday	1 st	Dudley Health and Wellbeing Board	4.00pm
Monday	5 th	Audit and Standards Committee	6.00pm
Tuesday	6 th	Licensing Sub-Committee 2	10.00am
Thursday	8 th	Taxis Committee	6.00pm
Monday	12 th	Planning Committee	6.00pm
Wednesday	14 th	Cabinet	6.00pm
Tuesday	20 th	Licensing Sub-Committee 3	10.00am

JANUARY
2023

Tuesday	10 th	Licensing Sub-Committee 4	10.00am
Wednesday	11 th	Planning Committee	6.00pm
Thursday	12 th	Taxis Committee	6.00pm
Wednesday	18 th	Future Council Scrutiny Committee	6.00pm
Thursday	19 th	Children and Young People Scrutiny Committee	6.00pm
Tuesday	24 th	Licensing Sub-Committee 1	10.00am
Wednesday	25 th	Health and Adult Social Care Scrutiny Committee	6.00pm
Thursday	26 th	Housing and Public Realm Scrutiny Committee	6.00pm
Monday	30 th	Ernest Stevens Trusts Management Committee	6.00pm

FEBRUARY
2023

Wednesday	1 st	Licensing and Safety Committee	6.00pm
Tuesday	7 th	Licensing Sub-Committee 2	10.00am
Wednesday	8 th	Planning Committee	6.00pm
Monday	13 th	Audit and Standards Committee	6.00pm
Wednesday	15 th	Taxis Committee	6.00pm
Thursday	16 th	Cabinet	6.00pm
Tuesday	21 st	Licensing Sub-Committee 3	10.00am
Tuesday	21 st	Labour Group	6.30pm
Thursday	23 rd	Conservative Group	6.00pm
Monday	27 th	Council	6.00pm

Tuesday	28 th	Labour Group	6.30pm
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MARCH 2023

Thursday	2 nd	Conservative Group	6.00pm
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Monday	6 th	Council (Council Tax)	6.00pm
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Tuesday	7 th	Licensing Sub-Committee 4	10.00am
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Wednesday	8 th	Planning Committee	6.00pm
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Thursday	9 th	Dudley Health and Wellbeing Board	4.00pm
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Thursday	9 th	Taxis Committee	6.00pm
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Monday	13 th	Children and Young People Scrutiny Committee	6.00pm
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Wednesday	15 th	Future Council Scrutiny Committee	6.00pm
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Thursday	16 th	Cabinet	6.00pm
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Tuesday	21 st	Licensing Sub-Committee 1	10.00am
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Thursday	23 rd	Children's Corporate Parenting Board	6.00pm
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Wednesday	29 th	Housing and Public Realm Scrutiny Committee	6.00pm
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Thursday	30 th	Meeting of the Chairs and Vice-Chairs of Scrutiny Committees	6.00pm
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APRIL 2023

Monday	3 rd	Ernest Stevens Trusts Management Committee	6.00pm
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Tuesday	4 th	Licensing Sub-Committee 2	10.00am
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Wednesday	5 th	Taxis Committee	6.00pm
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Friday	7 th	Good Friday	
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Monday	10 th	Easter Monday	
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Tuesday	11 th	Labour Group	6.30pm
Thursday	13 th	Conservative Group	6.00pm
Monday	17 th	Council	6.00pm
Tuesday	18 th	Licensing Sub-Committee 3	10.00am
Wednesday	19 th	Planning Committee	6.00pm
Thursday	20 th	Audit and Standards Committee	6.00pm
Monday	24 th	Health and Adult Social Care Scrutiny Committee	6.00pm

MAY 2023

Monday	1 st	Bank Holiday	
Tuesday	2 nd	Licensing Sub-Committee 4	10.00am
Thursday	4 th	Municipal Elections	
Thursday	18 th	Annual Council	6.00pm

Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Appointments/Nominations to Other Bodies

Purpose of Report

1. To consider arrangements for the making of appointments/nominations to other bodies.

Recommendation

2. That the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Opposition Group Leader, be authorised to make appointments/nominations to other bodies as required.

Background

3. The Council makes appointments and nominations to serve on various other bodies. [Details of the appointments made in 2021/22](#) are available on the Council's website.
4. In view of the urgency in making various appointments/nominations it is proposed that the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Opposition Group Leader, be authorised to make any appointments or nominations that are required. Details of the appointments/ nominations made will be published on the Council's website.

Finance

5. The financial implications arising from these appointments/nominations will be met from existing resources.

Law

- 6. The statutory provisions relating to the above matters are contained in Section 111 of the Local Government Act, 1972, Sections 15-18 of the Local Government and Housing Act, 1989, and the relevant provisions of the Local Government Act, 2000.

Risk Management

- 7. The Council has adopted a general indemnity in relation to Members and Officers. To limit potential risks, a register is maintained of all appointments to outside organisations. Before making or recommending such appointments, the Council considers whether there is any current need or justification for one or more representatives of the Council to serve on the organisation in question.

Equality Impact

- 8. Depending on the nature of the organisations concerned, their activities will impact to a greater or lesser extent on equality and diversity issues, community groups or on services to children and young people.

Human Resources/Organisational Development

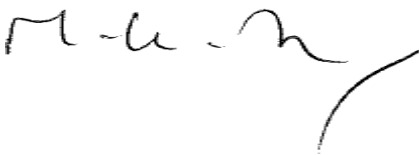
- 9. There are no direct implications arising from this report.

Commercial/Procurement

- 10. The Council Plan includes reference to maximising value from procurement, delivering social value and developing a commercial focus. The Council works in partnership with a range of external bodies and organisations in this regard.

Council Priorities

- 11. Effective partnership working with other bodies and organisations underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

