

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 3RD DECEMBER, 2007
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

PRESENT:-

Councillor Stanley (Mayor)
Councillor Burston (Deputy Mayor)
Councillors Adams, Ahmed, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, D. Blood, Mrs. E. Blood, Body, Ms. Boleyn, Caunt, Mrs. Collins, Cotterill, Mrs. Coulter, Mrs. Cowell, Ms. Craigie, Crumpton, G.H. Davies, J. R. Davies, Mrs. Dunn, Evans, Mrs. Faulkner, J. Finch, K. Finch, Ms. Foster, Fraser-Macnamara, Hanif, Harley, Ms. Harris, Hill, Islam, Jackson, James, Mrs. Jordan, Knowles, Lavender, Lowe, J. Martin, Mrs. P. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Rahman, Mrs. Ridley, Roberts, Mrs. Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Taylor, Tomkinson, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Mrs. Walker, Waltho, While-Cooper, C. Wilson, Mrs. M. Wilson, Woodall and Wright; together with the Director of Law and Property and other Officers.

RECORDING OF PROCEEDINGS

In accordance with Council Procedure Rule 24.5, the Council gave its consent to a recording of this meeting being made.

PRAYERS

The Mayor's Chaplin led the Council in prayer.

50 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Jones and Kettle.

51 **DECLARATIONS OF INTEREST**

Members declared interests, in accordance with the Members' Code of Conduct, as follows:-

Councillor Ms. Harris – Minute No. 32 of the Brierley Hill Area Committee (Dudley Local Improvement Finance Trust (LIFT) – Personal interest as the Chair of the Dudley Primary Care Trust.

Councillor Ms. Harris – Minute No. 34(3) of the Brierley Hill Area Committee (Capital Allocation - Hawbush and District Community Association) – Personal interest in view of her having a seat on the Board.

Councillors Nottingham and Islam – Minute No. 33 of the Brierley Hill Area Committee (Transforming Secondary School Education) – Personal interests as School Governors.

Councillors Mrs. M. Wilson and Southall – Minute No. 26 of the Brierley Hill Area Committee (Land at Albion Street) – Personal interests as Members of the Development Control Committee.

Councillor Rahman – Minute No. 51 of the Central Dudley Area Committee (Application for Purchase of Car Park opposite 43 Halesowen Road, Netherton) – Personal interest as a patient of the doctor making the application.

Councillors Mrs. Aston, J. Finch and K. Finch – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Sycamore Green School Premises) – Personal interest as the Ward Members for Castle and Priory had assisted with the application.

Councillor Cotterill – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Quarry Bank Community Association) – Personal interest as an Honorary Member of the organisation.

Councillor Mrs. Coulter – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Netherton News Group) – Personal interest as a member of the organisation was a friend.

Councillor Mrs. Coulter – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Dudley Cancer Support) – Personal interest as a member of the Management Committee of the organisation.

Councillor Mrs. Coulter – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Sycamore Green School Premises) – Personal interest as the Chair of the Pupil Referral Unit Management Committee.

Councillor Rahman – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations – Netherton News Group) – Personal interest as he was acquainted with members of the Group.

Councillor Body – Minute No. 51 of the Halesowen Area Committee (Land Issues – Disposal of Surplus Land, Cradley High School) – Personal interest as the Chair of Homer Hill Friends of the Park.

Councillor Mrs. Faulkner – Minute No. 48 of the Halesowen Area Committee (Responses to Questions Raised at the Halesowen Area Committee held on 6th September 2007) – Personal interest in any reference to Whittingham Road as a resident in the area.

Councillor Hill – Minute No. 50 of the Halesowen Area Committee (Earls High School Foundation Application for Grants) – Personal interest as a Governor at Earls High School.

Councillor James – Minute No. 50 of the Halesowen Area Committee (Earls High School Foundation Application for Grants) – Personal interest in view of his Governorship at Earls High School.

Councillor Mrs. H. Turner – Minute No. 51 of the Halesowen Area Committee (Land Issues – Disposal of Surplus Land - Cradley High School and Holt Farm Primary School) – Prejudicial interest as a Member of the Development Control Committee.

Councillor Mrs H. Turner – Minutes of the Halesowen Area Committee (any reference to Cradley Speedway) – Prejudicial interest as a Member of the Development Control Committee.

Councillor Tyler – Minute No. 38 of the Select Committee on Regeneration, Culture and Adult Education (Call-In Decision - Providing a Modern Library Service in Dudley MBC - Modernisation Programme) – Personal interest as the Chair of Wall Heath Cyber Centre mentioned in the responses to Members questions on the improvement plans for Dudley Library Services.

Councillor Rahman – Minute No. 44 of the Select Committee on Regeneration, Culture and Adult Education (Review of Netherton Regeneration Centre) – Personal interest as an attendee at meetings of Netherton Regeneration Centre Strategy Steering Group.

Councillor Southall – Minute No. 49 of the Select Committee on Regeneration, Culture and Adult Education (Sports Village Position Statement) – Personal interest in the light of the reference to the interest of Dudley Town Football Club as a Council member of the Birmingham County Football Association to whom the Club were affiliated.

Councillor Southall – Minute No. 46 of the Select Committee on Regeneration, Culture and Adult Education (Planning Obligations) – Personal interest as a member of the Development Control Committee in that he was engaged in the decision making process on which the report was based.

Councillor K. Turner – Minutes of the Select Committee on Regeneration, Culture and Adult Education - Prejudicial interest in respect of any reference to Castle Hill as a Trustee of Dudley Zoo.

Councillor Tyler – Minute No. 43 of the Select Committee on Regeneration, Culture and Adult Education (Dudley Archives and Local History Service Relocation) – Personal interest in view of his wife being employed at the Black Country Living Museum.

Councillor Tyler – Minute No. 46 of the Select Committee on Regeneration, Culture and Adult Education (Planning Obligations) – Personal interest as the Chair of Wall Heath Cyber Centre.

Councillor Tyler – Minute No. 46 of the Select Committee on Regeneration, Culture and Adult Education (Planning Obligations) – Personal interest as a Trustee of Dudley Zoo and Dudley Zoo Services.

Councillor C. Wilson – Minute No. 43 of the Select Committee on Regeneration, Culture and Adult Education (Dudley Archives and Local History Service Relocation) – Personal interest relating to his membership of the Development Control Committee.

Councillor C. Wilson – Minute No. 46 of the Select Committee on Regeneration, Culture and Adult Education (Planning Obligations) – Prejudicial interest as a member of the Development Control Committee.

Councillor Mrs. Jordan – Minute No. 27 of the Select Committee on Health and Adult Social Care (Joint Overview and Scrutiny Committee to Consider the Future Configuration of Mental Health Services in Dudley and Walsall) – Personal interest in view of a family member receiving a service relevant to the report.

Councillor Ms. Boleyn – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of her Governorship of Maidensbridge Primary School.

Councillor Mrs. Coulter – Minute Nos 27 to 36 of the Select Committee on Children’s Services – Personal interest as the Chair of the Pupil Referral Unit Management Committee.

Councillor Mrs. Dunn – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of her Governorship of the Huntingtree Primary and Cradley Church of England Primary Schools.

Councillor Hill – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of his Governorship of Earls High School.

Councillor Nottingham – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of his Governorship of the Crestwood School.

Councillor Mrs. Ridley – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of her Governorship of The Coseley, Christchurch Church of England Primary and Hurst Hill Primary Schools.

Councillor Wright – Minute Nos. 27 to 36 of the Select Committee on Children’s Services – Personal interest in view of his Governorship of Ellowes Hall School.

Councillor Mrs. H. Turner – Minute No. 41(vi) of the Development Control Committee (Plans and Applications to Develop P07/1183 – 43 Worcester Street, Stourbridge) – Prejudicial interest as the developer making the application was known to her.

Councillor C. Wilson – Minute No. 41(ii) of the Development Control Committee (Plans and Applications to Develop P07/1752 – 11 Chaffinch Road, Stourbridge) – Prejudicial interest as he had previously discussed the matter with the applicant and had expressed an opinion on the development.

Councillor Southall – Minute No. 41(xiv) of the Development Control Committee (Plans and Applications to Develop P07/1561 – The Dell Stadium, Bryce Road, Pensnett) – Prejudicial interest as a Council Member of the Birmingham County Football Association.

Councillor Wright – Minute No. 41(viii) of the Development Control Committee (Plans and Applications to Develop P07/1493 - 59 High Park Crescent, Dudley) – Prejudicial interest as he had previously expressed an opinion on the application.

Councillor Mrs. H. Turner – Minute No. 46(viii) of the Development Control Committee (Plans and Applications to Develop P07/1649 – Hickton Steels, Corner of George Road and Stourbridge Road, Halesowen) – Prejudicial interest as the developer making the application was known to her.

Councillor C. Wilson – Minute No. 46(vi) of the Development Control Committee (Plans and Applications to Develop P07/1546 – Oldswinford School Sports Hall, Union Street, Stourbridge) – Prejudicial interest as his wife was employed as a teacher at the School, and consequently he was acquainted with the Headteacher and Governors.

Councillor K. Finch – Minute No. 46(v) of the Development Control Committee (Plans and Applications to Develop P07/1527 – Royal British Legion Club, Park Road, Quarry Bank, Brierley Hill) – Prejudicial interest as an active Member of the Lower Gornal branch of the Royal British Legion.

Councillor Mrs. Coulter – Minute No. 69 of the Taxis Committee (Review of Private Hire Driver's Licence – Mr ST) – Prejudicial interest in that the person and/or their families were known to her.

Councillors Caunt, Sparks and Tyler – Minute No. 56 of the Cabinet (Delivering the Masterplan for Dudley Town Centre) – Personal interest in view of their directorships of Dudley Zoo Limited.

Councillor Tyler – Minute No. 56 of the Cabinet (Delivering the Masterplan for Dudley Town Centre) – Personal interest in view of his directorship of Dudley Zoo Services Limited.

Councillor Ali – Minute No. 54 of the Cabinet (City Strategy and Implications for Dudley MBC) – Personal interest in view of his directorship of St. Thomas' Community Network.

Councillor Burston – Minute No. 41(ix) of the Development Control Committee (Plans and Applications to Develop P07/1495 – Development at 111 Blackberry Lane, Halesowen) – Personal interest as development was at a neighbouring property to his own; the redevelopment of which he had formally commented on.

Councillors A. Turner and K. Turner – Minute No. 41(vi) of the Development Control Committee (Plans and Applications to Develop P07/1183 – 43 Worcester Street, Stourbridge) – Prejudicial interests as both known to the developer.

Councillors A. Turner and K. Turner – Minute No. 46(viii) of the Development Control Committee (Plans and Applications to Develop P07/1649 – Hickton Streets, Corner of George Road and Stourbridge Road, Halesowen) – Prejudicial interests as both known to the developer.

Councillor Mrs. Collins – Minute No. 43 of the Select Committee on Regeneration, Culture and Adult Education (Dudley Archives and Local History Service Relocation) – Personal interest as a member of the Development Control Committee and prejudicial interest as a Committee Member of the Friends of the Dudley Archives.

Councillor Mrs. Collins – Minute No. 46 of the Select Committee on Regeneration, Culture and Adult Education (Planning Obligations) – Prejudicial interest as a member of the Development Control Committee.

Councillor Ms. Harris – Agenda Item No. 5(a) (Capital Programme Monitoring) – Personal interest as the Chair of Dudley Primary Care Trust.

Councillor Ms. Harris – Minute No. 27 of the Select Committee on Health and Adult Social Care (Future Configuration of Mental Health Services in Dudley and Walsall) – Personal interest as the Chair of Dudley Primary Care Trust – providers of Mental Health Services in the Borough.

Councillor Ms. Harris – Minute No. 51(4) of the Central Dudley Area Committee (Application for Purchase of Car Park Opposite 43 Halesowen Road, Netherton) – Personal interest as the Chair of Dudley Primary Care Trust.

Councillor Burston – Minute No. 47 of the Halesowen Area Committee (Establishment of Working Group for the Consideration of Bus Services) - Personal interest as employed by CENTRO.

Councillor Ali – Delegated Decision No. 51 (St. Thomas's Community Network – Community Assets Fund Application) – Personal interest as Director of St. Thomas's Community Network.

52

MINUTES

RESOLVED

That the minutes of the extraordinary meeting and the meeting of the Council held on 15th October, 2007 be approved as correct records and signed.

53

MAYOR'S ANNOUNCEMENTS

(a) Caring for Kids Project

The Mayor announced that Mark Annetts had been awarded the Student of the Year by the Chartered Institute of Personnel Development for the Black Country in recognition of his work in connection with the Caring for Kids Project. The Council expressed its congratulations and the Mayor presented Mark Annetts with his award.

(b) Castle High School – 2007 Education Business Art and Craft Award

The Mayor announced that Castle High School had received the 2007 Education Business Art and Craft Award for providing art education of the very highest standards. The Council expressed its congratulations to all involved and the Mayor presented representatives of the School with an award.

(c) Civic Carol Service

The Mayor reported that the Civic Carol Service would be held on Thursday, 20th December, 2007 at 7.30pm at St. James The Great Church, Lower Gornal.

54

CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

The recommendations, as set out in the report, were moved by Councillor Caunt and seconded by Councillor Fraser-Macnamara.

During the debate on paragraph 4 and recommendation 20 in the report (Providing a Modernised Library Service in Dudley MBC – Modernisation Programme), several members expressed comments and concerns about the closure of local libraries and requested that their comments, concerns and objections be recorded in the minutes. At the conclusion of the debate, the Mayor indicated that Members had the opportunity to record their opposition to the proposals in accordance with Council Procedure Rule 16.5 (Right to Require Individual Vote to be Recorded).

RESOLVED

- (1) That the contribution of £217,000 to Bromford Housing Group towards the provision of rented bungalows at Wrens Nest Road be approved and included in the Capital Programme, as set out in paragraph 3 of the report.
- (2) That the proposals for the disposal of the Council's assets, the use of the capital receipts arising therefrom and the additional expenditure, in relation to the modernisation of the Library Service, as set out in the resolution of the Cabinet, at its meeting held on 12th September, 2007, and indicated in paragraph 4 of the report, be approved and that the Capital Programme be amended accordingly.
- (3) That the budget for the Wordsley High Street improvements be increased, and £25,000 of the related capital receipt be earmarked, as set out in paragraph 5 of the report.
- (4) That the project to upgrade Saltwells Local Nature Reserve be approved and included in the Capital Programme, as set out in paragraph 6 of the report.
- (5) That the project to expand the mess-room and toilets and upgrade electrical services at the Stourbridge Civic Amenity Site be approved and included in the Capital Programme, as set out in paragraph 7 of the report.
- (6) That the Flood Damage grant funding be noted and the related expenditure be included in the Capital Programme, as set out in paragraph 8 of the report.
- (7) That the feasibility works at Cradley Forge Embankment be approved and included in the Capital Programme, as set out in paragraph 9 of the report.
- (8) That the budget for the Council House (Mary Stevens Park) Security Improvements be increased by £8,000 as set out in paragraph 10 of the report.

- (9) That any land or property acquisitions in connection with the Dudley Area Development Framework be included in the Capital Programme, as set out in paragraph 11 of the report.
- (10) That the extra expenditure on the Children's Centres at Olive Hill and Highgate Primary Schools be approved and included in the Capital Programme, as set out in paragraph 12 of the report.
- (11) That the allocation of a £46,000 grant to Aquarius towards the refurbishment of their premises at Cottage Street be approved and included in the Capital Programme, as set out in paragraph 13 of the report.
- (12) That the urgent amendment to the Capital Programme, as set out in paragraph 14 of the report, be noted.

(Councillors Ahmed, Ali, Mrs. Aston, Body, Ms. Boleyn, Mrs. Collins, Cotterill, Mrs. Coulter, Ms. Craigie, Crumpton, G.H. Davies, J. R. Davies, J. Finch, K. Finch, Ms. Foster, Hanif, Ms. Harris, Islam, Mrs. Jordan, Lavender, Lowe, J. Martin, Mottram, Ms. Partridge, Rahman, Mrs. Ridley, Roberts, Sparks, Tomkinson, Tyler, Waltho, While-Cooper and Mrs. M. Wilson voted against resolution (2) above and requested that their names be so recorded in the minutes).

55

ANNUAL REPORT : MEMBERS' CODE OF CONDUCT

A report of the Standards Committee was submitted.

It was moved by Councillor Fraser-Macnamara, seconded by Councillor Caunt and

RESOLVED

- (1) That the Annual Report on the operation of the Members' Code of Conduct be approved.
 - (2) That the Monitoring Officer be authorised to place an advertisement for a third independent member of the Standards Committee.
 - (3) That the Standards Committee be authorised to interview appropriate candidates and to make an appointment.
-

LICENSING POLICY

A report of the Licensing and Safety Committee was submitted. In presenting the report, the Chairman of the Licensing and Safety Committee thanked all Members and Officers for their work in connection with the review of the Licensing Policy.

It was moved by Councillor Ryder, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the Council's Licensing Policy, as now reviewed, be approved and adopted.

NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 12
A Million People: Black Country as an Urban Park

Pursuant to Council Procedure Rule 12, Councillor Caunt had given notice of a motion in respect of the above.

The motion was moved by Councillor Caunt, seconded by Councillor Fraser-Macnamara and, following a debate, it was

RESOLVED

That this Council welcomes the decision of the BIG Lottery Fund to include the "A Million People: Black Country as an Urban Park" bid in the shortlist of four projects to go forward to a televised vote running from 9.00am on 26th November to 12 noon on 10th December 2007.

The Council recognises that the BIG Lottery vote provides a once in a lifetime opportunity for people to make a real difference to their communities and the environment in which they live and create a superb natural and urban environment for all to enjoy. Our greatest strength is the ambition and active involvement of the people and communities who live here.

In the Black Country we are proud of the past and passionate about our future. This project promises to promote the Black Country as a dynamic and desirable place in which to live, work, invest and visit.

The Black Country as an Urban Park project will provide a focus for transformation and participation for the one million people who live in the Black Country, both environmentally and socially.

This Council therefore:

- (1) Calls upon the citizens of Dudley to support the bid by participating and voting in support of the Urban Park in ITV's televised vote either by:
 - registering and voting at the BIG Lottery website (from 26th November to 12.00 noon on 10th December, 2007) <http://www.thepeoples50million.org.uk/forum/people.php>
 - voting via the telephone lines between 7th December (9.00am) and 10th December (12.00 noon).
 - (2) Calls upon all Councillors to support and publicise the campaign in their meetings and contacts with constituents, the general public and other organisations.”
-

58

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions under Council Procedure Rule 11, there were no decisions that the Leader, Cabinet Members or Chairmen agreed to have reconsidered.

At the conclusion of the meeting, the Mayor wished everyone a Happy Christmas and a peaceful, prosperous New Year.

The meeting ended at 7.30 p.m.

MAYOR