

MEETING OF THE EXECUTIVE

Wednesday, 8th September, 2004 at 6.00 p.m.

PRESENT:-

Councillor Fraser-Macnamara (In the Chair)
Councillors Adams, Evans, Jones, Mrs Martin, Miller, Mrs. Millward, Mrs Shakespeare and J. Woodall; the following Minority Group Members nominated to attend meetings of the Executive: Councillors Ali, Crumpton, Ms Foster, Sparks and C L Woodall (Labour Group) and Councillors Burt and Tyler (Liberal Democrat Group), together with the Chief Executive, Director of Education and Lifelong Learning, Director of Finance, Director of Housing, Director of Law and Property, Director of Social Services, Director of the Urban Environment and Mr. Sanders (Directorate of Law and Property).

23

MINUTES

RESOLVED

That the minutes of the Meeting of the Executive held on 5th July, 2004, be approved as a correct record and signed.

24

DECLARATIONS OF INTEREST

A declaration of personal interest, in accordance with the Members Code of Conduct, was made by Councillor Fraser-Macnamara in respect of paragraph 2.14(a) of agenda item number 22 (Annual Report of the Select Committee on Economic Regeneration 2003/04) in view of his membership of the Black Country Area Board of the Prince's Trust.

A declaration of a personal interest, in accordance with the Members' Code of Conduct, was made by Councillor Tyler in respect of paragraph 2.3.3 of agenda item number 6 (Capital Programme Monitoring) in so far as it related to Maidensbridge Primary School in view of his Chairmanship of the Governing Body of that school.

A declaration of a personal interest, in accordance with the Members' Code of Conduct, was made by Councillor Tyler in respect of item 11 on the agenda (Revised Deposit Unitary Development Plan - Proposed Modifications) in so far as it related to Castle Hill in view of his directorship of Dudley and West Midlands Zoological Society Limited.

Declarations of a personal and a prejudicial interest, in accordance with the Members' Code of Conduct, were made by Councillor Tyler in respect of item 17 on the agenda (future of the Summerhill School Block) and in item 18 on the agenda (the draft Corporate Property Policy) in view of his membership of the Friends of Dudley Archives.

Councillors Evans and Sparks declared a personal interest in item number 11 on the Agenda (Revised Deposit Unitary Development Plan - proposed modifications) in so far as it related to Castle Hill in view of their directorship of Dudley and West Midlands Zoological Society Limited.

Councillor Miller declared a personal interest, in accordance with the Members' Code of Conduct, in item 6 on the agenda (Capital Programme Monitoring) in so far as it related to the Glynne Primary School in view of his governorship of that school.

25 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Caunt and G H Davies.

26 LEISURE CENTRES REVIEW AND STRATEGY FOR FUTURE PROVISION

A report of the Director of the Urban Environment was submitted setting out the findings of the independent review commissioned in respect of Leisure Centre and Swimming Pool provision in the Borough, in which four options regarding an outline strategy for future provision were set out.

In a lengthy debate, members of the minority groups expressed their opposition to option 4, which advocated the closure of Brierley Hill Leisure Centre with no replacement.

RESOLVED

That the Council be recommended:-

- (1) That option 4 in the report of the Director of the Urban Environment submitted to the meeting be approved.
- (2) That a consultation exercise be undertaken to engage the widest range of public opinion on the issue and that the results be reported back to the Executive in due course.

- (3) That the Select Committee on Culture and Recreation be requested to consider the feasibility of providing alternative leisure and swimming facilities in the Briestey Hill area.

(This was a Key Decision with the Executive named as Decision Taker)

27

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Director of Finance was submitted, indicating progress on the implementation of the Capital Programme and containing proposals in relation to certain amendments to the Programme.

RESOLVED

- (1) That the Council be recommended:-
- (a) That the overall project to enhance the 311 bus route at Holly Hall be approved and that the elements of the project for which funding is now available be included in the Capital Programme, as set out in paragraph 2.2.1 of the report submitted to the meeting.
 - (b) That the Kinloch Drive Footpath and Cycleway Project and its inclusion in the Capital Programme, as set out in paragraph 2.2.3 of the report submitted to the meeting, be approved.
 - (c) That, subject to funding from the Central Dudley Area Committee, the project for additional works at the Russells Hall Skatepark and its inclusion in the Capital Programme, as set out in paragraph 2.2.4 of the report submitted to the meeting be approved.
 - (d) That the scheme to demolish properties at 51, 53, 59 and 61 Pensnett Road, Holly Hall and its inclusion in the Capital Programme, as set out in paragraph 2.2.5 of the report submitted to the meeting, be approved.

- (e) That the extra expenditure on the Footshole Mines Drainage Scheme be approved and that the Capital Programme be amended accordingly, as set out in paragraph 2.2.6 of the report submitted to the meeting.
- (f) That the funding for Neighbourhood Learning in Deprived Communities be noted and that the associated expenditure be included in the Capital Programme, as set out in paragraph 2.3.1 of the report submitted to the meeting.
- (g) That the award of School Travel Plan Grant be noted and that the associated expenditure be included in the Capital Programme as set out in paragraph 2.3.2 of the report submitted to the meeting.
- (h) That the capital projects to be funded or enhanced by resources from schools' delegated revenue budgets and reserves, or from their own fund raising activities, be automatically included in the Capital Programme (once notified by schools) subject to the Director of Education and Lifelong Learning being satisfied that there are no health and safety concerns and that the Director of Education and Lifelong Learning and the Director of Finance being satisfied that school finances are being properly managed, as set out in paragraph 2.6.3 of the report submitted to the meeting.
- (i) That the expenditure on Security and Health and Safety Projects at Schools, and its inclusion in the Capital Programme, as set out in paragraph 2.3.4 of the report submitted to the meeting be approved.
- (j) That the Kick Start Project and its inclusion in the Capital Programme, as set out in paragraph 2.4.1 of the report submitted to the meeting be approved.

- (k) That the Mental Health Supported Capital Expenditure be used to fund schemes that will enable adults with mental health problems to enter and retain work and to access opportunities for social participation and that this expenditure be included in the Capital Programme as set out in paragraph 2.5.1 of the report submitted to the meeting.
- (l) That the urgent amendments to the Capital Programme, and the reasons therefor, as set out in paragraph 2.6 of the report submitted to the meeting be noted.
- (2) That the Director of the Urban Environment be authorised to submit a detailed application for a partnership scheme in a conservation area for Dudley Town Centre and that the necessary 50% match funding of up to a maximum of £300,000 over three years be provisionally underwritten from the Council's capital resources, subject to contributions being actively pursued from the private sector and other regeneration partners, as set out in paragraph 2.2.2 of the report submitted to the meeting.
- (3) That the results of the Post Completion Reviews of Capital Projects, as set out in paragraph 2.7 and Appendix B of the report submitted to the meeting be noted.
- (4) That current progress with the 2004/05 Capital Programme, as set out in paragraph 2.1 and Appendix A to the report submitted to the meeting be noted.

(This was a Key Decision with the Council named as Decision Taker).

A joint report of the Director of Housing and Director of Finance was submitted seeking approval to an increase in Council rents in October 2004, in line with government rent guidance; reporting on the Government's three year review of rent re-structuring and seeking approval to dispose of a number of garage sites and to increase rents for the remaining garages in line with the recommendations of Area Panels.

RESOLVED

- (1) That a rent increase be implemented from 25th October 2004 with an average increase of £2.00 and a maximum increase of £3.88.
- (2) That variations to the current year budget to reflect the rent increase, as outlined in table 3 in the report submitted to the meeting, be approved.
- (3) That the Government's three year review of rent restructuring be noted and that the Lead Member for Housing and the Director of Housing be authorised to respond to the consultation in that regard.
- (4) That the disposal of Red category garage sites as defined by the Area Panels be approved and that the proceeds be earmarked for the delivery of the Decent Homes Standard.
- (5) That garage rent increases be implemented as set out in Table 4 in the report submitted to the meeting, with effect from 22nd November 2004.
- (6) That the creation of earmarked one off budgets for garage improvements, as set out in Table 5 in the report submitted to the meeting, be approved in principle, subject to formal approval being granted through the Council's normal budget setting process in due course.

(This was a Key Decision with the Executive named as Decision Taker).

29

ANNUAL REVIEW OF THE HOUSING ASSISTANCE SCHEME

In accordance with the decision of the Executive, at its meeting held on 9th July 2003, a report of the Director of Housing was submitted setting out the first Annual Review of the Housing Assistance Scheme in Dudley.

RESOLVED

That the first Annual Review of the Housing Assistance Scheme in Dudley, as set out in the report now submitted, be noted.

(This was a Key Decision with the Executive named as Decision Taker).

30

CORPORATE PROCUREMENT STRATEGY

A report of the Director of Finance was submitted seeking approval to a Corporate Procurement Strategy for the Council for the period 2004-07 and to the appointment of the Lead Member for Finance as Member Champion for Procurement.

RESOLVED

- (1) That, subject to the addition of a bullet point in paragraph 3.1 of Appendix A to refer to Fair Trade, the Corporate Procurement Strategy and associated Action Plans, as set out in Appendices (a) and (b) of the report submitted to the meeting, be approved.
- (2) That the appointment of the Lead Member for Finance as Member Champion for Procurement be approved.

31

ELECTED MEMBER "CHAMPIONS" FOR VULNERABLE PEOPLE USING SOCIAL SERVICES

A report of the Director of Social Services was submitted seeking approval to the continued involvement of elected members as "champions" for vulnerable people using Council Social Services and indicating the names and roles of the members nominated in that capacity.

In the discussion on this item, Councillor Rahman was nominated to fill the vacancy for a member of the Labour Group on the Children's Champion Group referred to in paragraph 2.4 of the report. It was noted that the vacancy for a Conservative nominee remained outstanding.

RESOLVED

- (1) That the work of Member Champions, as indicated in the report submitted to the meeting, be noted.
- (2) That the nominations for Member Champions, as set out in paragraph 2.3 of the report submitted to the meeting, be endorsed.
- (3) That the membership of the Children's Champion Group as set out in paragraph 2.4 of the report submitted to the meeting be noted; that Councillor Rahman be appointed to fill the vacancy indicated for the member of the Labour Group on that body and that it be noted that arrangements are in hand for the nomination of a representative of the Conservative Group to fill the vacancy for that Group on the body.

32

REVISED DEPOSIT UNITARY DEVELOPMENT PLAN - PROPOSED MODIFICATIONS

A report of the Director of the Urban Environment was submitted seeking approval to modifications to the Revised Deposit Unitary Development Plan.

RESOLVED

That the Council be recommended that the modifications to the Revised Deposit Unitary Development Plan as set out in Appendix 1 to the report submitted to the meeting be approved.

(This was a Key Decision with the Council named as Decision Taker).

33

FOOD SERVICE PLAN 2004/05

A report of the Director of the Urban Environment was submitted seeking approval to the Food Service Plan for 2004/05.

RESOLVED

That the Council be recommended that the Food Service Plan for 2004/05, as summarised in the attachment to the report submitted to the meeting and as set out in full in the Members' Room, be approved.

(This was a Key Decision with the Council named as Decision Taker).

34

INSPECTION FINDINGS OF THE COMMISSION FOR SOCIAL CARE INSPECTION IN RESPECT OF DUDLEY'S ADOPTION SERVICE

A report of the Director of Social Services was submitted on the inspection findings of the Commission for Social Care Inspection in respect of the Adoption Service operated by Dudley MBC. The report also sought approval to an action plan aimed at meeting the statutory and good practice requirements arising from the inspection.

In presenting the report, the Director of Social Services indicated that negotiations were continuing with the Adoption Team on certain points, including the question of a formal management qualification, but that it was anticipated that these would be resolved by the due date.

RESOLVED

- (1) That the report of the inspection of Dudley's Adoption Services, as summarised in the report submitted to the meeting, be noted and that the action plan to meet the statutory requirement and deliver service improvement, as set out in the Appendix 3 to the report submitted to the meeting, be approved.
 - (2) That the statutory requirement that the Executive must receive six monthly reports on the management and outcomes of the Adoption Service be noted.
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CRIME PREVENTION UNDER THE HIGHWAYS ACT 1980 - PUBLIC RIGHTS OF WAY

A report of the Director of the Urban Environment was submitted on new legislation under the Highways Act 1980 that, under certain circumstances, allowed public rights of way to be closed or diverted, by Order, to prevent crime.

RESOLVED

- (1) That the procedures for identifying and formulating a programme of closures and diversions of public rights of way, under Sections 118B and 119B of the Highways Act 1980, as set out in paragraphs 2.14 to 2.20 of the report submitted to the meeting, be approved.
- (2) That the establishment of the Capital Budget to fund the costs associated with such programmes be considered when capital resources for 2005/06 are discussed.
- (3) That a report on 'alleygating' be submitted to a future meeting of the Executive.

MIDLAND METRO LINE 2 - STRATEGIC PARK AND RIDE

A report of the Director of the Urban Environment was submitted on views expressed by the Halesowen Area Committee, at its meeting held on 13th July 2004, in respect of the development of the strategic park and ride scheme associated with the proposed Midland Metro Phase 2 Line from Birmingham City Centre at Five Ways to Quinton, insofar as Midland Metro's proposals affected Quinton Meadows.

RESOLVED

That the comments of the Halesowen Area Committee relating to Quinton Meadows be endorsed; that Centro be so advised and that a further report be submitted to the Executive when more detailed proposals are known.

TITLE ENMAINGING OF CRITICAL ORDINARY WATERCOURSES

A report of the Director of the Urban Environment was submitted seeking agreement to the transfer of Critical Ordinary Watercourses, and the costs associated therewith, to the Environment Agency.

RESOLVED

That the transfer to the Environment Agency of the Critical Ordinary Watercourses indicated in Appendix A to the report submitted to the meeting, together with the maintenance costs of £5,800 be approved and that this work be not contracted back to the Council.

38

THE ARCHIVES AND LOCAL HISTORY SERVICE

A report of the Director of Education and Lifelong Learning was submitted seeking approval in principle to the re-location of the Archives and Local History Service from its present premises at Mount Pleasant, Coseley to the "C" block at the Summerhill School, Kingswinford. The decision to re-locate had been made initially by the Lead Member for Education and Lifelong Learning, acting under delegated powers, but this had been called in and considered by the Select Committee on Culture and Recreation. The decision of the Select Committee in respect of the call in was indicated in the report now submitted.

RESOLVED

- (1) That the relocation of the archives and local history service to "C" block at the Summerhill School, Kingswinford, be approved, subject to the conditions referred to in Section 1 of the report submitted to the meeting.
- (2) That the Council be recommended that the allocation of the capital receipt from the disposal of the current site to the relocation of the archives and local history service to the Summerhill School be approved.

39

DRAFT CORPORATE PROPERTY POLICY

A report of the Director of Law and Property was submitted seeking approval to a Corporate Property Policy, as drafted and attached to the report now submitted.

RESOLVED

That the Corporate Property Policy, as attached to the report submitted to the meeting, be approved.

40

ANNUAL REVIEW OF EQUALITY AND DIVERSITY 2004

A report of the Director of Law and Property seeking consideration of the Annual Review of Equality and Diversity was submitted. The Annual Review was attached to the report now submitted.

RESOLVED

That the Annual Review of Equality and Diversity, as attached to the report submitted to the meeting, be approved.

41

THE FUTURE OF NEIGHBOURHOOD MANAGEMENT (FORMERLY "THE PRIORITY NEIGHBOURHOOD INITIATIVE")

A report of the Chief Executive was submitted seeking consideration of revised arrangements proposed in respect of responsibility for Neighbourhood Management through the Dudley Community Partnership, rather than by the Council.

RESOLVED

- (1) That the handover of responsibility for neighbourhood management to the Dudley Community Partnership be supported.
 - (2) That the development of Neighbourhood Forums and Neighbourhood Action Plans, supported by the management of deprived neighbourhoods on a core and cluster model, be supported.
 - (3) That the significant role of Neighbourhood Management in the co-ordination of strategies and activities in deprived areas of the Borough be recognised.
 - (4) That the Executive contribute to and support the future of Neighbourhood Management in the Borough through its representatives on the Local Strategic Partnership.
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42

ANNUAL REPORT OF THE SELECT COMMITTEE ON GOOD HEALTH

The annual report of the Select Committee on Good Health was submitted for consideration by the Executive prior to its submission to Council.

RESOLVED

That the annual report of the Select Committee on Good Health for 2003/04, as set out in the report submitted to the meeting, be referred to the Council.

43

ANNUAL REPORT OF THE FORMER SELECT COMMITTEE ON ECONOMIC VITALITY AND JOBS FOR 2003/04

The annual report of the former Select Committee on Economic Vitality and Jobs for 2003/04 was submitted for consideration prior to its submission to Council.

RESOLVED

That the annual report of the Select Committee on Economic Vitality and Jobs for 2003/04 as set out in the report submitted to the meeting be referred to the Council.

44

EXCLUSION OF THE PUBLIC

RESOLVED

That, under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of the business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, in particular that paragraph of Part 1 of that Schedule indicated below:

<u>Description of Item</u>	<u>Relevant Paragraphs of Part 1 of Schedule 12A</u>
Capital Programme Implementation and Amendment	7 and 8

45

CAPITAL PROGRAMME IMPLEMENTATION AND AMENDMENT

A joint report of the Chief Executive and Director of Finance was submitted seeking approval to issues relating to the implementation and amendment of the Capital Programme.

RESOLVED

That the Council be recommended:-

- (1) That the Director of Law and Property be authorised to negotiate with the owner of the property referred to in the report submitted to the meeting to purchase the site and that the costs of demolition and purchase of the site of the property be included in the Capital Programme
- (2) That the Director of Law and Property be authorised to take an assignment of the lease of the property referred to in the report submitted to the meeting, on terms to be negotiated by him, and that the fit out costs be included in the Capital Programme subject to resources being identified.

(This was a Key Decision with the Council named as Decision Taker).

The meeting ended at 9.05 pm.

LEADER OF THE COUNCIL