

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE MEETING HELD ON**  
**MONDAY, 8TH MARCH, 2004 AT 6.00 P.M.**

**PRESENT:-**

Councillor Tomkinson (Mayor)  
Councillor Knowles (Deputy Mayor)  
Councillors Adams, Ali, Ameson, Aston, Banks, Blood, Bowkley, Bradney, Bramall, Burston, Burt, Caunt, Cody, Collins, Cotterill, Coulter, Cowell, Craigie, Crumpton, Darby, G H Davies, J Davies, Dunn, Evans, Faulkner, Finch, Fletcher, Foster, Fraser-Macnamara, Hanson, Harris, Hart-Bowman, Jackson, James, Johnson, Jones, Kettle, Lomax, Lowe, Male, Martin, Miller, Millward, Mottram, Musk, Nicholls, Partridge, Patrick, Powell, Rahman, Ridley, Ryder, Shakespeare, Sheppard, Simms, Southall, Sparks, Stanley, Sunter, Mrs Turner, K Turner, Tyler, Waltho, White, Whitehouse, Wilson, C L Woodall, J Woodall and Zarab; together with the Chief Executive and other Officers.

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**PRAYERS**

Dennis Brett of the Baha'i Community led the Council in prayer.

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**MINUTES**

**RESOLVED**

That the minutes of the Meeting of the Council held on 1<sup>st</sup> March, 2004, be approved as a correct record and signed.

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**DECLARATIONS OF INTEREST**

Councillor Wilson declared a personal interest in Item 5 (a)(i) of the Agenda for this meeting (Capital Programme Monitoring and Capital Programme 2004/05) in so far as it related to the Brier School, of which she was a Governor.

Councillor C L Woodall declared a personal interest in Item 5 (a)(i) of the Agenda in so far as it related to the Regeneration Zone – Pillar 4 – Job Linking and Neighbourhood Learning, in view of his membership of the Regeneration Zone Board, and in so far as it related to Green Park in view of his position as a member of the Green Park Committee.

Councillor Harris declared a personal interest in Minute numbers 89, 97 and 102 of the Meeting of the Executive held on 11<sup>th</sup> February 2004 and in all references to the proposed new Doctors Surgery in Sedgley in the Minutes of the meeting of the North Dudley Area Committee held on 4<sup>th</sup> February 2004, in view of her position as Chair of the Dudley Beacon and Castle Primary Care Trust.

Councillor Ali declared a personal interest in Minute numbers 77(2) and 79 of the meeting of the Central Dudley Area Committee held on 5<sup>th</sup> February 2004, in view of the fact that he knew the applicants in both cases.

Councillor Mrs Coulter declared a personal interest in item 5(a)(i) of the Agenda for this meeting (Capital Programme Monitoring and Capital Programme 2004/05) in so far as it related to the Brier School, in view of the fact that her son attended the School.

Councillor Mrs Coulter also declared a personal interest in the subject of delegated decision numbers 1 and 66 relating to home to school transport, in view of the fact that her son used this facility.

Councillor Lowe declared a personal interest in the Minutes of the Select Committee on Good Health held on 20<sup>th</sup> January 2004 in view of his position as a union representative working in the Health Service.

Councillor Aston declared a personal interest in Minute 81 of the meeting of the North Dudley Area Committee held on 4<sup>th</sup> February 2004, in view of the fact that she was a member of Age Concern.

Councillor J W Davies declared a personal interest in Item 5(a)(i) of the Agenda for this meeting (Capital Programme Monitoring and Capital Programme 2004/05) in so far as it related to Green Park, in view of the fact that he attended meetings of the Green Park Committee as a Ward Councillor.

Councillor Finch declared a personal interest in Minute 78(2) (Applications in respect of land and property owned by the Council) of the meeting of the North Dudley Area Committee held on 4<sup>th</sup> February 2004, in view of the fact that he lived in one of the properties concerned and in Minute 81 of the same meeting (Delegated Capital Budget) in view of his position as Chair of the Trustees of the Ruiton Windmill, and a prejudicial interest in Minute 83(h) of the same meeting (The Future of Peggy's Meadow) as a member of the Development Control Committee.

Councillor Whitehouse declared a personal interest in Item 5(a)(i) of the Agenda for this meeting (Capital Programme Monitoring and Capital Programme 2004/05) in so far as it related to the Supporting People Programme, in view of his employment by an organisation receiving Supporting People funding.

Councillor Whitehouse also declared a personal interest in Item 4 of the Agenda (regarding his resignation from the Labour Group on the Council).

Councillor Burston declared a personal interest in Item 5(a)(i) of the Agenda (Capital Programme Monitoring and Capital Monitoring 2004/05) in so far as it related to Brettell Lane Bridge, in view of his employment by Centro.

Councillor Southall declared a personal interest in Planning Application P03/0758, referred to in the Minutes of the Development Control Committee held on 23<sup>rd</sup> February 2004, in view of the fact that the applicant was known to him.

Councillor Fraser-Macnamara declared the following prejudicial interests:-

In Minute 68 (Transport and Air Quality Plan for Brierley Hill) of the meeting of the Brierley Hill Area Committee held on 3<sup>rd</sup> February 2004, due to the proximity of business premises of Blount Macnamara.

In planning application number P03/1545, referred to in Minute 83(iv) of the meeting of the Development Control Committee held on the 12<sup>th</sup> January 2004, in respect of clients of Blount Macnamara.

In Minute 98 (The Enforcement Policy of the Development and Environmental Protection Division of the Directorate of the Urban Environment) of the meeting of the Executive held on 13<sup>th</sup> February 2004, in respect of his Directorship of a Care and Residential Home Group operating within the Borough.

In Minute 78 (Applications in respect of land and property owned by the Council) of the meeting of the North Dudley Area Committee held on 4<sup>th</sup> February 2004, in respect of clients of Blount Macnamara.

Councillor Collins declared a personal interest in Minute 82 (Dye/Wollescote Cemetery Chapel) of the meeting of the Stourbridge Area Committee held on 9<sup>th</sup> February 2004, in view of the fact that her son was a member of the West Midlands Historic Buildings Trust.

Councillor Bramall declared a prejudicial interest in Minute 80 (Capital Allocations) of the meeting of the Stourbridge Area Committee held on the 9<sup>th</sup> February 2004, in view of his membership of St. Michael's Church.

Councillor Johnson declared a personal interest in Minute 43 of the meeting of the Select Committee on Good Health held on 20<sup>th</sup> January 2004, as a user of chiropody services.

A report of the Chief Executive was submitted asking the Council to determine action to be taken in consequence of the resignation of Councillor Whitehouse from membership of the Labour Group.

On the motion of Councillor Sparks, seconded by Councillor Caunt, it was

RESOLVED

That no action be taken on the seats entitlement for groups on Committees at the present time for the reasons explained in paragraph 2.4 of the report now submitted and that the vacancies on Committees and other bodies of which Councillor Whitehouse has served until now as a representative of the Labour Group remain unfilled until after the June elections.

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CAPITAL PROGRAMME MONITORING AND CAPITAL PROGRAMME 2004/05

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A report of the Executive was submitted.

On the motion of Councillor Caunt, seconded by Councillor Powell it was

RESOLVED

- (1) That each Supported Capital Expenditure approval be earmarked to the relevant service, but with a particular emphasis on demonstrating appropriate prioritisation within service programmes, and within spend headings, as set out in paragraph 2.3.2. of the report now submitted.
- (2) That Housing capital receipts be earmarked to be spent on Housing capital schemes, as set out in paragraph 2.3.3. of the report.
- (3) That the Private Sector Housing Investment Programme for 2004/05, as set out in paragraph 2.5.2. of the report, be approved.
- (4) That the Education capital resources and related schemes be included in the Capital Programme as appropriate, as set out in paragraph 2.6.6. of the report.
- (5) That the Social Services Supported Capital Expenditure approval be used for the projects detailed in paragraph 2.7.1. of the report.

- (6) That the Other Services element of available capital resources be allocated as set out in paragraph 2.8.3. of the report.
- (7) That subject to confirmation of funding, the budget for the Hartshill Feasibility Study be increased to £90,000 as set out in paragraph 2.10.1. of the report.
- (8) That the Director of the Urban Environment be authorised to take all necessary steps to secure Advantage West Midlands funding to enable the Job Linking and Neighbourhood Learning project to proceed and also accept any resultant grant offer, as set out in paragraph 2.10.2. of the report.
- (9) That the Director of the Urban Environment be authorised to accept the Black Country Knowledge Society funding for the E-Learning Solutions For Business project, and any further associated grant offers, and to take all necessary steps to secure any other potential sources of funding to support and develop the activities of Dudley Gateway, as set out in paragraph 2.10.3. of the report.
- (10) That the Wolverhampton Street/Priory Street Public Space Enhancement project (and any preliminary costs subject to funding approval from Advantage West Midlands) be included in the Capital Programme, as set out in paragraph 2.10.4. of the report.
- (11) That the capital budgets for the Dibdale and Tanhouse Open Space projects be increased by £32,000 and £9,000 respectively, as set out in paragraph 2.10.5. of the report.
- (12) That the revised scheme cost and funding package for the Green Park project be approved, as set out in paragraph 2.10.6. of the report.
- (13) That the increase in the budget for the Gornal Wood Cemetery Extension project be approved, as set out in paragraph 2.10.7. of the report.
- (14) That up to £3m of vehicle acquisition costs be included in the Capital Programme in 2004/05 and each year thereafter, subject to periodic review, as set out in paragraph 2.10.8. of the report.

- (15) That approval be given to the use of £1.1m Supplementary Credit Approval to be transferred from Centro for the transport capital projects set out in paragraph 2.10.9. of the report.
- (16) That the response received from the Department for Transport in respect of Compensation for Businesses Affected by Roadworks be noted and that the Borough's Members of Parliament be lobbied on this matter, as set out in paragraph 2.10.10. of the report.
- (17) That the costs of appointing the consultants referred to in paragraph 2.10.11. of the report be included in the Capital Programme.
- (18) That the project to relocate the Amblecote Community Library to The Brook Primary School site, its inclusion in the Capital Programme and the earmarking of the proceeds from the sale of the existing Library site towards the funding of the project be approved, as set out in paragraph 2.10.12. of the report.
- (19) That the capital budget for the Campus 21 project be increased by £470,000, as set out in paragraph 2.10.13. of the report.
- (20) That the Learning Disability Development Fund resources be accepted in principle, subject to further consideration and approval of the preferred project, as set out in paragraph 2.10.14. of the report.
- 21 That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003 be approved, as set out in paragraph 2.11 and Appendix B of the report.

CODE OF CORPORATE GOVERNANCE

A report of the Executive was submitted.

On the motion of Councillor Caunt, seconded by Councillor Powell, it was

RESOLVED

- (1) That the Code of Corporate Governance for Dudley MBC, as attached to the report now submitted, be approved for inclusion in Part 6 of the Constitution.

- (2) That an Action Plan be devised for the implementation of any procedures or arrangements referred to in the Code of Corporate Governance that have not already been put into effect.
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DUDLEY CORONERSHIPS

A report of the Executive was submitted.

On the motion of Councillor Caunt, seconded by Councillor Powell, it was

RESOLVED

That, subject to the approval of Sandwell MBC and Walsall MBC, an application be made to the Home Secretary for an Order amalgamating the three Coroners Districts for the Metropolitan Boroughs of Dudley, Sandwell and Walsall, and that the Director of Law and Property be authorised to take all necessary action to implement this decision.

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DEPLOYMENT OF RESOURCES, HOUSING REVENUE ACCOUNT AND PUBLIC-SECTOR HOUSING CAPITAL

A report of the Executive was submitted.

On the motion of Councillor Evans, seconded by Councillor Fraser-Macnamara, it was

RESOLVED

- (1) That the Housing Revenue Account Budget for 2004/2005, outlined in Appendix 2 to the report now submitted, be approved.  
That the forecast Housing Revenue Account and Capital Resources outlined in Appendix 3 of the report, be noted.
- (3) That the prudential indicators set out in Appendix 4 of the report be noted.
- (4) That the proposal to give further consideration to prudential borrowing levels as part of the Stock Options Appraisal (as referred to in paragraph 2.4.3. of the report), be approved.
- (5) That the Public-Sector Housing Revised Budget for 2003/04 and Capital Budget for 2004-7, attached as Appendix 5 to the report now submitted, be approved.



- (6) That the Director of Housing, in consultation with the Lead Member for Housing, be authorised to manage the Programme as outlined in paragraph 2.5.9. of the report now submitted.
- (7) That the Director of Housing, in consultation with the Lead Member for Housing, be authorised to procure and enter into contracts for the delivery of the Programme as outlined in paragraph 2.5.10. of the report.

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TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

On the motion of Councillor J R Davies, seconded by Councillor Rahman, it was

RESOLVED

- (1) That the Treasury Management Activity in 2003/04, as set out in Sections 2.3, 2.4 and 2.5 of the report now submitted, be approved.
- (2) That the Treasury Strategy 2004/05, attached as Appendix 1 to the report now submitted, be approved.
- (3) That the Director of Finance be authorised to effect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.

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MOTION UNDER COUNCIL PROCEDURE RULE 12.1

The motion in the name of Councillor Burt set out in Agenda Item 6 and the amendment to it had been debated at the last meeting but, due to the expiry of the 30 minutes time limit prescribed in the Council Procedure Rules, the matter had not been disposed of at that meeting.

The Mayor drew the Council's attention to the fact that the proposer of the amendment at the last meeting had been Councillor Lomax and not Councillor Fraser-Macnamara as stated in the Agenda.

During further debate on the amendment, the Mayor informed the Council that the 30 minutes allowed for dealing with the Notice of Motion had expired. This motion would therefore stand referred to the next meeting of the Council, to be included in the Summons for that meeting in accordance with Council Procedure Rule 12.2.

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions under Council Procedure Rule 11 there were no decisions which the Leader, Lead Members or Chairs agreed to have reconsidered but Councillor Jones agreed that Minute 85 of the meeting of the Stourbridge Area Committee held on 9th February, 2004 would be amended to include the Committee's decision about the installation of repeater lights at Oldswinford Cross.

The meeting ended at 7.30 p.m.

MAYOR

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