

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON
MONDAY, 21ST JULY, 2003, AT 6.00 P.M.

PRESENT:-

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

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PRAYERS

Pastor Jackson, of the New Testament Church of God, led the Council in
prayer.

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MINUTES

RESOLVED

That the minutes of the Annual Meeting of the Council held on
15th May, 2003, be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

Councillor Fletcher declared a personal interest, in accordance with the
Members' Code of Conduct, in the subject of minute no. 12 of the meeting
of the Central Dudley Area Committee held on 18th June, 2003 (The
Hospitality and Tourism Academy) in view of his office as a governor of
Dudley College.

On behalf of the members of the Labour Group on the Development
Control Committee, Councillor Sunter declared a personal interest in the
subject of item 4 on the agenda (the report of the Chief Executive and

Director of the Urban Environment on Castle Hill, Dudley) indicating that those members would listen to but not participate in the debate or the voting on the item. Councillor Stanley, on behalf of the Members of the Conservative Group on the Development Control Committee, and Councillor Davis also declared a personal interest in the subject of item 4.

Councillors Ali and C L Woodall declared a personal interest in the subject of the minutes of the meeting of the Executive held on 4th June, 2003 insofar as they related to the Arc of Opportunity, in view of their membership of the Board of the Black Country South West Birmingham Regeneration Zone.

Councillor Ali declared a personal interest in the subject of the minutes of the meeting of the Select Committee on Good Health held on 25th June, 2003, insofar as they related to Primary Care Trusts, in view of his employment by the South Birmingham Primary Care Trust.

Councillor Sparks declared a personal interest in the subject of item 4 on the agenda (Report of the Chief Executive and the Director of the Urban Environment on Castle Hill, Dudley) in view of his Chairmanship of the Board of the Dudley and West Midlands Zoological Society Ltd but indicated his intention to speak on the item as he would not be able to do so at the Zoo Board.

Councillor Rahman declared a personal interest in the subject of minute no. 116 (Capital Allocations) of the meeting of the Central Dudley Area Committee held on 31st March, 2003, insofar as it related to the grant made to the Netherton and Woodside Partnership Movement for office equipment, in view of his association with the Partnership Movement.

Councillor Ms Foster declared a personal interest in the subject of item no. 8(a) (Notice of Motion received from Councillor Sheppard on 5th June, 2003) in view of her membership of the Henry Doubleday Research Association.

Councillor Waltho declared a prejudicial interest in the subject of item no. 7(g) (Dudley South Primary Care Trust: Local Improvement Financial Trust) in view of his non-executive directorship of the Dudley South Primary Care Trust.

Councillor Ms Harris declared a prejudicial interest in the subject of item 7(g) and minute no. 13 of the meeting of the Executive held on 4th June, 2003 (Dudley South NHS Primary Care Trust – Local Improvement Financial Trust) in view of her Chairmanship of the Dudley Beacon and Castle Primary Care Trust.

Councillor Ms Harris also declared a personal interest in the subject of item no. 8(a) in view of her membership of the Henry Doubleday Research Association.

Councillor Lowe declared a personal interest in the subject of item 7(g) in view of his employment as a Trade Union Representative whose clients included employees of the Dudley South Primary Care Trust.

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Councillors Adams and Mrs Dunn declared a personal interest in the subject of minute no. 88 of the Special Meeting of the Select Committee on Lifelong Learning held on 31st March, 2003 (progress reports on Rufford Primary School, Stourbridge and Crestwood Park Primary School, Kingswinford) in view of their being governors of Rufford Primary School.

Councillor Burston declared a personal interest in the subject of item 7(a) (Capital Programme Monitoring) insofar as it related to the Kingswinford Road Improvements; in the subject of the reference made to Centro in minute 88 (Ward Issues) of the meeting of the North Dudley Area Committee held on 3rd April, 2003 and in the subject of minute no. 24 (Ward Issues) of the meeting of the North Dudley Area Committee held on 17th June, 2003, in respect of the issue of the operation of bus services in North Dudley in view of his employment by Centro.

Councillor K Turner declared a personal interest in the subject of minute no. 12 (Delegated Capital Budget) of the meeting of the Halesowen Area Committee held on 9th June, 2003, insofar as it related to the grant made to Lutley Primary School, in view of his governorship of that school.

Councillor Evans declared a personal interest in the subject of item 4 on the agenda in view of his directorship of the Dudley and West Midlands Zoological Society Ltd.

Councillor J Woodall declared a personal interest in the subject of minute no. 15 of the meeting of the Brierley Hill Area Committee held on 5th June, 2003, minute no. 14 of the meeting of the Halesowen Area Committee held on 9th June, 2003, minute no. 19 of the meeting of the Stourbridge Area Committee held on 9th June, 2003, minute no. 19 of the meeting of the North Dudley Area Committee held on 17th June, 2003, minute no. 21 of the meeting of the Central Dudley Area Committee held on 18th June, 2003 and minute no. 21 of the meeting of the Executive held on 9th July, 2003 (all relating to Magistrates' Courts) in view of his office as a Magistrate.

Councillors Blood and Southall declared a personal interest in the subject of item no. 7(a) insofar as it related to paragraph 3.3 (Scheme for New and Refurbished Perimeter Fencing at King George V Park, Wordsley) and its inclusion in the Capital Programme in view of their membership of the Friends of Wordsley Park.

Councillors Caunt and Powell declared a personal interest in the subject of minute no. 16 (Capital Allocations) of the meeting of the Stourbridge Area Committee held on 9th June, 2003, insofar as it related to the grant made to the Stourbridge Navigation Trust, in view of their directorships of the Trust.

Councillor Fraser-Macnamara declared a prejudicial interest in the subject of minute no. 137 of the meeting of the Development Control Committee held on 7th April, 2003, in relation to Planning Application No. P03/1057, in view of the applicant being a client of Blount Macnamara Limited. Councillor Fraser-Macnamara also declared a personal interest in the subject of item 4 on the agenda, in view of his directorship of the Black Country Living Museum; in the subject of minute no. 8 (Plans and Applications to Develop) of the meeting of the Development Control Committee held on 28th May, 2003, insofar as it related to Planning Application No. P02/1522, in view of the close proximity of the application site to Councillor Fraser-Macnamara's residential address; and in the subject of minute no. 15 (Plans and Applications to Develop) of the meeting of the Development Control Committee held on 23rd June, 2003, insofar as it related to Planning Application No. P03/0507 in view of the close proximity of the application site to the premises of Blount Macnamara Limited.

Councillor Miller declared a personal interest in the subject of item no. 7(g) in view of his membership of the NHS Primary Care Trust Local Improvement Financial Trust.

Councillor Tyler declared a personal interest in the subject of item 4 on the agenda in view of his membership of the Dudley and West Midlands Zoological Society Limited.

Councillors Mrs Coulter and Mrs Ridney declared a personal interest in the subject of minute no. 12 (School Performance) of the Special Meeting of the Select Committee on Lifelong Learning held on 10th July, 2003 insofar as it related to Netherton Church of England Primary School, in view of their governorships of that School.

The Mayor, Councillor Tomkinson, declared a personal interest in the subject of item 4 in view of her directorship of the Dudley and West Midlands Zoological Society Limited.

The Chief Executive, on his own behalf, and on behalf of the Corporate Directors, the Assistant Director of the Urban Environment (Economic Regeneration) and the Head of Personnel and Support Services declared an interest in accordance with Sections 5 and 7 of the Code of Conduct for Employees in the subject of item 6 on the agenda (Report of the Select Committee on Economic Vitality and Jobs and the decision of the Executive relating to the Senior Officers' Salary Review) and in the subject of minute 15 of the meeting of the Executive held on 4th June, 2003 and in minute 12 of the Special Meeting of the Select Committee on Economic Vitality and Jobs held on 26th June, 2003, on the same matter.

MAYOR'S ANNOUNCEMENTS(a) Former Councillor P Hickman

The Mayor reported with sadness on the recent death of former Councillor Hickman. Members of the Council stood in silence in his memory following which Group Leaders and other members paid tributes to him. The Mayor was asked to send a letter of condolence to Mr Hickman's family.

(b) Councillor D H Sparks, OBE

The Mayor congratulated Councillor Sparks on his award of the Order of the British Empire in the recent honours list.

(c) Mayor's Charities

The Mayor reported that Diabetes UK and Hope would be the charities she would be supporting during her year of office.

(d) Mayor's Reception

The Mayor reported that her reception would be held at Brierley Hill Civic Hall on Friday, 19th September, 2003 at 7.00 pm.

APOLOGIES FOR ABSENCE

An apology for absence from the meeting was received on behalf of Councillor Sheppard.

ORDER OF BUSINESS

On the motion of Councillor Sunter, seconded by Councillor C L Woodall, it was

RESOLVED

That, pursuant to Council Procedure Rule 13(c), the remaining items of business on the agenda be considered in the following order:

Items 4, 7 (a) to (h) inclusive, 8(a) and (b), 9 (a) and (b), 10, 5, 6, 12 and 11.

REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF THE URBAN ENVIRONMENT ON CASTLE HILL, DUDLEY

A joint report of the Chief Executive and the Director of the Urban Environment was submitted.

On the motion of Councillor Caunt, and seconded by Councillor Powell, consideration of the report was approved.

After debate, it was moved by Councillor Caunt and seconded by Councillor Powell

That the Council is minded to proceed in taking forward the development of Castle Hill, Dudley, with St Modwen and Castle Hill Dudley Ltd and, in this regard:

- (a) That the Director of Law and Property be authorised to enter into:
- (i) An agreement for the sale or lease and development of the Castle Hill development on the terms outlined in the report now submitted, on the basis of a long lease of all the land owned by the Council to St Modwen on terms and conditions to be agreed by the Director of Law and Property, except the housing land which will be transferred freehold;
 - (ii) A shareholder's agreement with St Modwen;
 - (iii) A six month extension to the existing Exclusivity Agreement; and
- In consultation with the Lead Member for Economic Development and the Chief Executive, any other agreement necessary to secure the development.
- (b) That a report setting out the arrangements for the implementation programme for the development be submitted to a future meeting of the Executive.

On the motion being put to the vote, there was a demand by six members under Council Procedure Rule 16.4 that a recorded vote be taken.

The following members voted for the motion:

Councillors Adams, Ali, Mrs Ameson, Mrs Aston, Bradney, Bramall, Burston, Burt, Caunt, Cody, Mrs Collins, Cotterill, Mrs Coulter, Mrs Cowell, Crumpton, G H Davies, J R Davies, Mrs Dunn, Mrs Faulkner, Finch, Fletcher, Ms Foster, Fraser-Macnamara, Hanson, Ms Harris,

Johnson, Jones, Knowles, Lomax, Lowe, Male, Mrs Martin, Miller, Mrs Millward, Mottram, Miss Nicholls, Ms Partridge, Mrs Patrick, Powell, Rahman, Mrs Ridley, Ryder, Mrs Shakespeare, Simms, Sparks, Tomkinson, Turner, Mrs Turner, Tyler, Waltho, Mrs White (Whitehouse, C L Woodall and J Woodall (54).

The following members voted against the motion:

Councillors Blood, Ms Craigie, Darby, Ms Hart-Bowman and Kettle (5).

The following members abstained:

Councillors Evans, Jackson and Musk (3)

The motion was therefore carried and it was

RESOLVED

That the Council is minded to proceed in taking forward the development of Castle Hill Dudley, with St Modwen and Castle Hill Dudley Ltd and in this regard:

- (a) That the Director of Law and Property be authorised to enter into:
 - (i) An agreement for the sale or lease and development of the Castle Hill development on the terms outlined in the report now submitted, on the basis of a long lease of all the land owned by the Council to St Modwen on terms and conditions to be agreed by the Director of Law and Property, except the housing land which will be transferred freehold;
 - (ii) A shareholder's agreement with St Modwen;
 - (iii) A six month extension to the existing Exclusivity Agreement; and
 - (iv) In consultation with the Lead Member for Economic Development and the Chief Executive, any other agreement necessary to secure the development.
- (b) That a report setting out arrangements for the implementation programme for the development be submitted to a future meeting of the Executive.

CAPITAL PROGRAMME MONITORING

A report of the Executive was submitted.

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

RESOLVED

- (1) That current progress with the 2002/03 Capital Programme, as set out in paragraph 2.1 and Appendix A, of the report to the Executive attached to the report now submitted, be noted.
- (2) That, subject to confirmation of Advantage West Midlands funding, the Capital Programme be amended to include the revised Stone Street Square project at a cost of up to £650,000, as set out in paragraph 2.2.1 of the report to the Executive attached to the report now submitted.
- (3) That the scheme for new and refurbished perimeter fencing at King George V Park, Wordsley, and its inclusion in the Capital Programme, as set out in paragraph 2.2.2 of the report to the Executive attached to the report now submitted, be approved.
- (4) That, subject to planning permission and the outcome of geotechnical investigations, the scheme to provide Youth Play Facilities at Russells Hall Open Space, and its inclusion in the Capital Programme, as set out in paragraph 2.2.3 of the report to the Executive attached to the report now submitted, be approved.
- (5) That the replacement of the Mobile Compactor and Waste Storage Containers at the Stamford Road Civic Amenity Site, and their inclusion in the Capital Programme, as set out in paragraph 2.2.4 of the report to the Executive attached to the report now submitted, be approved.
- (6) That the budget for the Kingswinford Road Improvement Scheme be increased by £70,000 and the Capital Programme be amended accordingly, as set out in paragraph 2.2.5 of the report to the Executive attached to the report now submitted.
- (7) That the indicative Schools Modernisation resources be accepted and that the schemes to be funded be included in the Capital Programme, as set out in paragraph 2.3.1 of the report to the Executive attached to the report now

submitted.

- (8) That the Targeted Capital Funding scheme at the Holly Hall School Maths and Computing College, and its inclusion in the Capital Programme, as set out in paragraph 2.3.2 of the report to the Executive attached to the report now submitted, be approved.
- (9) That the scheme for a classroom extension at Sledmere Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.3 of the report to the Executive attached to the report now submitted, be approved.
- (10) That the scheme for a new Nursery Unit at Quarry Bank Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.4 of the report to the Executive attached to the report now submitted, be approved.
- (11) That the allocation of the Neighbourhood Learning in Disadvantaged Communities resources be approved and the associated expenditure be included in the Capital Programme, as set out in paragraph 2.3.5 of the report to the Executive attached to the report now submitted.
- (12) That the resources allocated by the Learning and Skills Council for Adult and Community Learning Disability Discrimination Act compliance and minor works be accepted, and that the schemes to be funded be included in the Capital Programme, as set out in paragraph 2.3.6 of the report to the Executive attached to the report now submitted.
- (13) That, subject to the necessary increase in Government funding, the budget for the Netherton Park Family Centre and Neighbourhood Nursery be increased to £547,000 as set out in paragraph 2.3.7 of the report to the Executive attached to the report now submitted.
- (14) That the funding for the Dudley Magistrates Court extension be accepted and the inclusion of the scheme in the Capital Programme, as set out in paragraph 2.4.1 of the report to the Executive attached to the report now submitted be approved.
- (15) That the urgent decisions and the reasons therefor in respect of the Brettell Lane bridge reconstruction be noted, and that the revised arrangements for the St. Anne's Road bridge reconstruction, as set out in paragraph 2.5.1 of the

report to the Executive attached to the report now submitted, be approved.

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- (16) That representations be made to the appropriate agencies regarding the need for compensation to be made payable to traders adversely affected by road closures of an intermediate or lengthy duration.
- (17) That the results of the Post Completion Reviews of Capital Projects, as set out in paragraph 2.6 (a) and Appendix B of the report to the Executive attached to the report now submitted, be noted.
- (18) That in connection with the anticipated amendments to legislation and the introduction of the CIPFA Prudential Code, the anticipated flexibilities be initially used only within the constraints of existing revenue resources, and that specific proposals for use of the flexibilities be brought back to the Executive for consideration in due course, as set out in paragraphs 2.7.1 – 2.7.4 of the report to the Executive attached to the report now submitted.

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MEMBERS ALLOWANCES

A report of the Executive was submitted.

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

RESOLVED

- (1) That the Chief Executive, Director of Finance and Director of Law and Property, in consultation with the three group leaders, be authorised to approve a new Members' Allowance Scheme, effective from 30th September, 2003, drawn up in accordance with the decision of the Executive at its meeting held on 4th June, 2003, to make no change to the allowances currently payable, and that a report seeking confirmation to the new scheme be submitted to the meeting of the Council to be held on 13th October, 2003.
- (2) That the proposed scheme be referred to the Standards Committee for consideration regarding pensions for members prior to its becoming effective.

APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE BODIES

A report of the Executive was submitted. A list of proposed appointments was circulated by Councillor Caunt.

It was moved by Councillor Caunt and seconded by Councillor Powell:

- (1) That the appointment of Council representatives to outside bodies be made on the basis of the number of members of each political group and/or officers as set out in the list now circulated and that the Chief Executive, in consultation with the respective group leaders, be authorised to appoint representatives to the outside bodies indicated in the report.
- (2) That no appointment be made to the West Midlands Low Pay Unit and Dudley High Arcal Partnership Homes Limited.
- (3) That no director appointment be made to the Beacon Centre Management Committee.

It was moved as an amendment by Councillor Sunter and seconded by Councillor C L Woodall.

That the Council representation on outside bodies, as now proposed, be approved, subject to the following amendments in representation:

	<u>Con- serv- ative</u>	<u>Labour</u>	<u>Liberal Demo- crat</u>	<u>Officer</u>
Black Country South West	-	1	-	-
Birmingham Arc of Opportunity				
Co-operation Black Country Ltd	1	-	-	-
Local Government	-	1	-	-
Superannuation Scheme – Superannuation Committee and Investment Advisory Sub- Committee Joint Consultative Group				
Black Country Groundworks Trust	1	-	-	-

On being put to the vote, the amendment was carried.

The substantive motion was then put to the vote and carried and it was therefore

RESOLVED

- (1) That the appointment of Council representatives to outside bodies be made on the basis of the number of members of each political group and/or officers listed below and that the Chief Executive, in consultation with the respective group leaders, be authorised to appoint representatives to the outside bodies indicated:

	<u>Con- serv- ative</u>	<u>Labour</u>	<u>Liberal Demo- crat</u>	<u>Officer</u>
Beacon Centre for the Blind	2	1	-	-
Dudley Caribbean and Friends Association	1	-	-	-
Dudley CAB Management Committee	-	1	-	-
Dudley Racial Equality Council and Executive Committee	1	1	-	-
Dudley Ring and Ride Advisory Committee	1	1	-	-
Local Government Information Unit Management Committee	1	-	-	-
St Thomas's Community Network	-	1	-	-
Thomas Corbett Charity for the Blind	1	-	-	-
Wordsley Housing Society	1	1	-	-
Black Country South West	-	1	-	-
Birmingham Arc of Opportunity	-	-	-	-
Co-operation Black Country Ltd	1	-	-	-
Dudley Community Business Trust	1	-	-	-
Dudley Town Centre Forum Steering Committee	-	-	-	1
Heart of England Tourist Board	1	1	-	-
Tourism Council	-	-	-	-
Local Government Superannuation Scheme – Superannuation Committee and Investment Advisory Sub-Committee Joint Consultative Group	-	1	-	-
West Midlands Enterprise Board (AGM only)	1	-	-	-
Wolverhampton Business Airport Consultative Committee	-	-	1	-
Cancer Support – Dudley MBC – Executive Committee	-	1	-	-
Continuing Health Care Panel – Primary Care Trusts	2	2	2	-

CHART (formerly West Midlands Health Research Unit) – Management Committee	1	1	-	-
Black Country Groundworks Trust	1	-	-	-
Dudley Canal Trust (Trips) Ltd	2	1	-	-
DMBC Horticultural Advisory Council	2	2	2	-
Dudley and Sandwell Transport Users Consultative Committee	1	-	-	-
Local Government Association Urban Commission	-	1	-	1
Midland Joint Advisory Council for Environmental Pollution		1	-	-
National Society for Clean Air		-	-	2
National Trust Management Committee for Kinver Edge	2	1	-	-
South Staffs Water (WMLGA appt)	1	-	-	-
West Midlands Canals Forum	-	-	1	-
Dudley Victims Support Scheme – Management Committee	-	1	-	-
West Midlands Police – Crime Reduction Panel	1	1	-	-
Aston University – Convocation of	1	-	-	-
Dudley Learning Partnership	Lead Member and Director			
Early Years Development and Child Care Partnership	2	2	1	-
Standing Advisory Council for Religious Education	-	1	1	-
Black Country Living Museum Board	2	2	1	1
Dudley Arts Council	2	1	1	-
Earls Gymnastics Club	1	-	-	-
James Grove Sports Ground Recreational Trust	1	-	-	-
Museums Association	-	1	-	-
Redhouse Glassworks Museum	1	1	1	-
West Midlands Regional Museums Council	1	1	-	-
West Midlands Museums Board of Management	1	-	-	-
West Midlands Arts Management Council	1	1	-	-

- (2) That no appointment be made to the West Midlands Low Pay Unit and Dudley High Arcal Partnership Homes Limited.

- (3) That no director appointment be made to the Beacon Centre Management Committee.

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FINANCIAL STRATEGY AND REVENUE BUDGET MONITORING

A report of the Executive was submitted.

It was moved by Councillor Powell and seconded by Councillor Caunt:

- (1) That the outline medium term spending and resource projection summarised in Appendix A to the report to the Executive attached to the report now submitted be noted.
- (2) That, subject to the development of a medium term financial plan, the action that will need to be taken to balance ongoing spending levels with available resources, be noted.
- (3) That the action proposed in Section 4 and Appendix B to the report to the Executive attached to the report now submitted to transfer a total of £2m to General Balances in the current year be approved.
- (4) That regular financial monitoring reports, in accordance with the Council's Financial Management Regime be submitted to the Executive.

Amendment

It was moved as an amendment by Councillor Sunter, seconded by Councillor CL Woodall:

That the proposals set out in paragraph 3.3 of the report of the Executive be deleted and the following substituted therefor:

That the Council notes:

- (a) that there is insufficient information on which the Council can make a decision on the proposed £2m transfer to General Balances.
- (b) that no risk statement is attached to the appendices in the report
- (c) that no apparent consideration has been given to inspection reports into the running of Council services – including the Joint Review of Social Services, OFSTED, the Comprehensive Performance Assessment and the Best Value inspections.
- (d) that the most recently circulated proposals for reduction in budgets differ from those given to the Executive

- (e) that the opportunity to improve services via redirection of savings has not been taken into account in the decision making process.
- (f) the lack of transparency of the 'jobs embargo' or delayed filling of posts or posts 'frozen' has resulted in unknown risks being taken in the Council's name.
- (g) the failure to produce any meaningful criteria by which those jobs submitted for approval to the Lead Member for personnel matters are judged.
- (h) that over recent years budget predictions made at this time of year invariably overstate the eventual budget shortfall and overstate the necessary Council Tax rise and therefore it is premature to alter the Council's financial strategy for 2003/2004 so early in the financial year.

and therefore resolves

- (i) to reject the £2m package of cuts in appendix 2 as extreme
- (j) that the Chief Executive be instructed to ensure that the Leaders of the three political groups on the Council are notified within 10 working days of any post becoming vacant and whether it is the intention to delay the appointment of a replacement or delete the post with an appropriate statement of risk.
- (k) that any proposed cutback must be agreed by the full Council as a budget decision.
- (l) that the next scheduled full meeting of the Council receives a report on the budget making process for 2004/2005 with targets set and options for budget changes together with risk assessments for each option
- (m) and that the aforementioned report in (l) above should outline the strategy by which the Executive intends to arrive at a budget which achieves the maximum consensus across the political groups on the Council.

At the start of the debate on the amendment, it was moved by Councillor Sunter, seconded by Councillor C L Woodall and

RESOLVED

That pursuant to Council Procedure Rule 13(l), Council Procedure Rules 14.9 (b) and (c) be suspended to enable Councillor Sunter, as mover of the amendment, to reply as the final speaker in the debate on this issue and for Councillor Powell, as the mover of the original motion, to reply to the original motion as penultimate speaker in the debate.

After further debate, the amendment was put to the vote and was carried.

The amended motion, as the substantive motion, was then put to the vote and was carried and it was therefore

RESOLVED

- (1) That the outline medium term spending and resource projection summarised in Appendix A to the report to the Executive attached to the report now submitted be noted.
- (2) That, subject to the development of a medium term financial plan, the action that will need to be taken to balance ongoing spending levels with available resources, be noted.
- (3) That the Council notes:
 - (a) that there is insufficient information on which the Council can make a decision on the proposed £2m transfer to General Balances.
 - (b) that no risk statement is attached to the appendices in the report.
 - (c) that no apparent consideration has been given to inspection reports into the running of Council services – including the Joint Review of Social Services, OFSTED, the Comprehensive Performance Assessment and the Best Value inspections.
 - (d) that the most recently circulated proposals for reduction in budgets differ from those given to the Executive.
 - (e) that the opportunity to improve services via redirection of savings has not been taken into account in the decision making process.

- (f) the lack of transparency of the 'jobs embargo' or delayed filling of posts or posts 'frozen' has resulted in unknown risks being taken in the Council's name.
- (g) the failure to produce any meaningful criteria by which those jobs submitted for approval to the Lead Member for personnel matters are judged.
- (h) that over recent years budget predictions made at this time of year invariably overstate the eventual budget shortfall and overstate the necessary Council Tax rise and therefore it is premature to alter the Council's financial strategy for 2003/2004 so early in the financial year.

and therefore resolves

- (i) to reject the £2m package of cuts in appendix 2 as extreme.
- (j) that the Chief Executive be instructed to ensure that the Leaders of the three political groups on the Council are notified within 10 working days of any post becoming vacant and whether it is the intention to delay the appointment of a replacement or delete the post with an appropriate statement of risk.
- (k) that any proposed cutback must be agreed by the full Council as a budget decision.
- (l) that the next scheduled full meeting of the Council receives a report on the budget making process for 2004/2005 with targets set and options for budget changes together with risk assessments for each option.
- (m) and that the aforementioned report in (l)) above should outline the strategy by which the Executive intends to arrive at a budget which achieves the maximum consensus across the political groups on the Council.
- (4) That regular financial monitoring reports, in accordance with the Council's Financial Management Regime, be submitted to the Executive.

REVENUE AND CAPITAL OUTTURN 2002/03

A report of the Executive was submitted.

On the motion of Councillor Powell, seconded by Councillor Mrs Martin, it was

RESOLVED

- (1) That the outturn results for 2002/03 be noted, subject to the views of the External Auditor.
- (2) That the effects of the General Fund Revenue Outturn on General Balances at 31st March, 2003, be noted.
- (3) That the position on earmarked reserves at 31st March, 2003 be noted.
- (4) That a further report be submitted to the Executive following the review of earmarked reserves later in the year.

SCRUTINY AND THE SELECT COMMITTEE ON GOOD HEALTH

A report of the Executive was submitted.

On the motion of Councillor Miller, seconded by Councillor Adams, it was

RESOLVED

- (1) That the report to the Executive attached to the report now submitted be received and accepted.
- (2) That the allocation of £50,000 to support the Select Committee on Good Health to meet its new responsibilities relating to the overview and scrutiny of the Local Social and Health Care economy, as discussed at the meeting of the Select Committee on Good Health held on 6th July, 2003, be formally endorsed and that the funding be used to appoint a Scrutiny and Research Officer (Good Health) plus administrative support.
- (3) That the revised terms of reference of the Select Committee on Good Health set out in Appendix 1 of the report to the Executive attached to the report now submitted be approved and that the Constitution be amended accordingly.

28

DUDLEY SOUTH NHS PRIMARY CARE TRUST – LOCAL
IMPROVEMENT FINANCIAL TRUST

A report of the Executive was submitted.

On the motion of Councillor Miller, seconded by Councillor Adams, it was
RESOLVED

That the decision of Executive on this matter, as set out in paragraph 2.3 of the report now submitted and the reason for the urgency, as set out in paragraph 2.4 of the report, be noted.

29

FOOD SERVICE PLAN

A report of the Executive was submitted.

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

RESOLVED

That the Food Service Plan for 2003/04 be approved.

30

MOTIONS UNDER COUNCIL PROCEDURE RULE 12.1

(a) Councillor Sheppard had given Notice of a Motion in the following terms:

This Council recognises that

- Genetic modification of crop plants is a relatively new branch of science and technology;
- That there is still scientific debate about the safety of GM crops;
- That the commercial growing of GM crops presents legal, economic, social and ethical problems that have not yet been properly addressed:

The Council therefore declares that Dudley MBC will, so far as is possible, be kept free of GM crops and GM food and feed.

The Council therefore commits:

- To ensuring that no GM crops are grown on land over which it has control;

- To adopting a GM-free policy for all goods and services for which the Council is directly responsible;
- To declaring Dudley MBC to be a GM Free Area;
- To considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) be added to such marketing consent so as to exempt Dudley MBC from the scope of such consent.

In Councillor Sheppard's absence, the motion was moved by Councillor Bramall.

Councillor Bramall sought the Council's consent under Council Procedure Rule 14.7 (a) to amend the motion by the substitution of the words "the Council therefore declares that Dudley MBC will, so far as is possible, be kept free of GM crops and GM food and feed. The Council therefore commits:" in the ninth, tenth and eleventh line of the notice of motion, as printed at item no. 8 (a) on the Council agenda, by the following:

"the Council intends to investigate the feasibility of declaring that Dudley MBC will, so far as possible, be kept free of GM crops and GM food and feed.

The Council therefore instructs the Select Committee on the Environment to prepare a report and recommendations for the next Council meeting to enable the Council to commit itself as appropriate;"

Councillor Ms Craigie seconded the amended motion.

The Council indicated its consent to this amendment of the motion.

At this juncture, pursuant to Council Procedure Rule 13 (j), Councillor Sunter moved, Councillor C L Woodall seconded and it was

RESOLVED

That the question be now put.

On being put to the vote, the amended motion was approved and it was

RESOLVED

This Council recognises that

- Genetic modification of crop plants is a relatively new branch of science and technology;

- That there is still scientific debate about the safety of GM crops;
- That the commercial growing of GM crops presents legal, economic, social and ethical problems that have not yet been properly addressed:

The Council intends to investigate the feasibility of declaring that Dudley MBC will, so far as possible, be kept free of GM crops and GM food and feed.

The Council therefore instructs the Select Committee on the Environment to prepare a report and recommendations for the next Council meeting to enable the Council to commit itself as appropriate:

- To ensuring that no GM crops are grown on land over which it has control;
- To adopting a GM-free policy for all goods and services for which the Council is directly responsible;

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- To declaring Dudley MBC to be a GM Free Area;
- To considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) be added to such marketing consent so as to exempt Dudley MBC from the scope of such consent.

(b) In view of the decision referred to in Minute 25 regarding Financial Strategy and Revenue Budget Monitoring, Councillor Caunt agreed that the Notice of Motion in his name set out at item no. 8 (b) on the agenda now fell, pursuant to Council Procedure Rule 15.1, and was withdrawn.

31 ANNUAL REPORT OF THE SELECT COMMITTEE ON CULTURE AND RECREATION

The annual report of the Select Committee on Culture and Recreation was submitted.

On the motion of Councillor Tyler, seconded by Councillor Burt, it was

RESOLVED

That the annual report of the Select Committee on Culture and Recreation for 2002/03 as now submitted, be received and that the Committee's work programme for 2003/04 be approved.

32 ANNUAL REPORT OF THE SELECT COMMITTEE ON LIFELONG LEARNING

The annual report of the Select Committee on Lifelong Learning was submitted.

On the motion of Councillor Mrs Ridley, seconded by Councillor Sunter, it was

RESOLVED

That the annual report of the Select Committee on Lifelong Learning for 2002/03 be received, and that the Committee's work programme for 2003/04 be approved.

33

BEST VALUE PERFORMANCE PLAN 2003

A report of the Chief Executive seeking consideration of the Best Value Performance Plan for 2003 was submitted.

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

RESOLVED

That the Best Value Performance Plan, as available on the Council's website and in the Members' Room, be approved.

34

EXCLUSION OF THE PUBLIC

On the motion of the Mayor, seconded by the Deputy Mayor, it was

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 business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A of that Act, in particular that paragraph of Part 1 of that Schedule indicated below:

<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Report of the Select Committee on Economic Vitality and Jobs on the Decision of the Executive relating to the Senior Officers' Salary Review	1

At this juncture, in addition to the press and public, the Chief Executive, the Corporate Directors, the Assistant Director of the Urban Environment (Economic Regeneration) and the Head of Personnel and Support Services left the Council Chamber.

REPORT OF THE SELECT COMMITTEE ON ECONOMIC VITALITY
AND JOBS ON THE DECISION OF THE EXECUTIVE RELATING TO
THE SENIOR OFFICERS' SALARY REVIEW

A report of the Select Committee on Economic Vitality and Jobs was submitted on the Select Committee's scrutiny, following a call-in of the Executive's decision on the Senior Officers' Salary Review.

It was moved by Councillor Ms Partridge and seconded by Councillor Sunter:

That the report of the Select Committee on Economic Vitality and Jobs on the decision of the Executive relating to the Senior Officers' Salary Review, as printed in the blue papers, in the interests of expediency and progress, be now referred back to the Executive for further, fuller and final determination.

Pursuant to Council Procedure Rule 13(j), it was then moved by Councillor Sunter, seconded by Councillor C L Woodall and

RESOLVED

That the question be now put.

On being put to the vote, the motion was approved and it was therefore

RESOLVED

That the report of the Select Committee on Economic Vitality and Jobs on the decision of the Executive relating to the Senior Officers' Salary Review, as printed in the blue papers, in the interests of expediency and progress, be now referred back to the Executive for further, fuller and final determination.

READMISSION OF THE PUBLIC

Following consideration of the item referred to in Minute 35 above, the press and public were readmitted to the meeting.

The Chief Executive, the Corporate Directors, the Assistant Director of the Urban Environment (Economic Regeneration) and the Head of Personnel and Support Services also returned to the Council Chamber.

MATTER OF URGENCY UNDER THE PROVISIONS OF SECTION 100(B) (4) OF THE LOCAL GOVERNMENT ACT, 1972

A request by Councillor Sunter for the amendment of Council Procedure Rule 5.2 to be considered at this meeting as matter of urgency, in order to mitigate logistical difficulties being encountered under the current substitution arrangements and to enable each political group to have more flexibility in the nomination of substitutes to Committees, was approved by the Mayor.

In amplifying his request to have the item considered as urgent business, Councillor Sunter confirmed that there had been consultation with the other two Group Leaders on the matter and that they had agreed to the issue being raised at this juncture.

It was then moved by Councillor Sunter, seconded by Councillor C L Woodall and

RESOLVED

That Council Procedure Rule 5.2 be deleted and replaced by the following with Immediate effect:-

“5.2 For each Committee, the Council will appoint all other members of the each political group as substitutes for each Group on that Committee. Members of the Executive will not be appointed as substitutes if they are not eligible to be members of that Committee. Any substitute nominated by a political group should be notified to the Director of Law and Property at least one hour before the start of the meeting.”

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.

The time of 9.30 pm having been reached, following reference to the minutes of the meeting of the Halesowen Area Committee held on 9th June, 2003, pursuant to Council Procedure Rule 10.2 (b), members were invited to direct any questions on the remaining minutes and decisions to the appropriate Select Committee.

The meeting ended at 9.30 p.m.

MAYOR

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