

**Meeting of the Cabinet – 28<sup>th</sup> October 2009**

**Report of the Chief Executive**

**Proposed Dudley Mosque and Community Training and Enterprise Centre**

**Purpose of Report**

1. To provide an update on the position regarding the proposed development of land at Hall Street, Dudley, for a Mosque and Community Training and Enterprise Centre and to consider further discussions with representatives of Dudley Mosque.

**Background**

2. At its meeting on 11<sup>th</sup> February 2009 the Cabinet considered my report on the proposed Dudley Mosque and Community Training and Enterprise Centre at Hall Street. At the time I advised Cabinet that the Council had applied for a judicial review of the decision by the Planning Inspector to grant planning permission for the development at Hall Street, thereby overturning the decision of the Development Control Committee.
3. The Cabinet was also reminded of the Council's right of buy-back of the site at Hall Street on the grounds that the Community Training and Enterprise Centre had not been completed or substantially completed by the 31<sup>st</sup> December 2008.
4. In the circumstances, the Cabinet resolved to defer a decision on the exercise of the right of buy-back pending the outcome of the application to the High Court.
5. The hearing of the High Court application took place in Birmingham in July 2009 but unfortunately the Court did not accept any of our grounds challenging the decision of the Planning Inspector. The application was, therefore, dismissed and the planning permission granted by the Planning Inspector still stands.
6. Despite the legal proceedings I have continued to have cordial discussions with representatives of the Mosque regarding improvements to the existing Mosque site at Castle Hill/Birmingham Street as a more viable alternative to the Hall Street development.

7. The Mosque have already invested in their current site by acquiring a former lighting shop and converting it into a Community Centre which also accommodates Radio Ramadan.
8. Since the decision of the High Court, I have had further meetings with representatives of the Mosque to encourage this development. Following consultation with the Leader and Deputy Leader, I have suggested to the Mosque that we appoint a joint working group to examine the viability of further developing the existing site at Castle Hill, which would be partly funded by the re-purchase by the Council of the land at Hall Street in due course.
9. In my view this would be a sensible and proportionate way forward which, if successful, would achieve the twin benefits of investment at the Castle Hill site and the development of Hall Street.

### **Finance**

10. Repurchase of the land at Hall Street would result in a capital cost to the Council, and would need to be included in the capital programme. No funds are currently earmarked for the purchase, but any future development opportunities of the Hall Street site may result in further capital receipts for the Council.

### **Law**

11. Section 120 of the Local Government Act 1972 enables the Council to acquire land for any of its functions or for the benefit, improvement or development of its area.
12. Under the Race Relations (Amendment) Act 2000 the Council has a general duty to work towards the elimination of unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.
13. Part 2 of the Equality Act 2006 prohibits discrimination on the basis of religion or belief including the disposal of property.

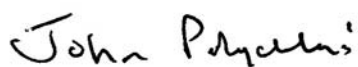
### **Equality Impact**

14. The equality implications of re-purchasing the land at Hall Street have previously been addressed in an Equality Impact Assessment reported to the Cabinet in February 2009.

## **Recommendation**

15. It is recommended that :-

- (a) The Chief Executive be authorised to appoint a joint working group with Dudley Mosque to examine options for developing their site at Castle Hill/Birmingham Street and
- (b) The Interim Director of Law, Property and Human Resources be authorised to agree terms for the re-purchase of the site at Hall Street, when appropriate.



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John Polychronakis  
Chief Executive

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## **List of Background papers**

1. Lease of Hall Street site dated 16<sup>th</sup> May 2003
2. Transfer of Freehold of Hall Street site dated 17<sup>th</sup> May 2005
3. Decision of Planning Inspector dated 17<sup>th</sup> July 2008
4. Order of the High Court dismissing the judicial review application by the Council dated 28<sup>th</sup> July 2009.