

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 19TH JULY, 2010
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT: -

Councillor Miller (Mayor)
Councillor Evans (Deputy Mayor)
Councillors Adams, Ahmed, Ali, Mrs Ameson, Mrs Aston, Attwood, Banks, Barlow, D Blood, Mrs E Blood, Body, Burston, Caunt, Cotterill, Mrs Cowell, Crumpton, G H Davies, J D Davies, J R Davies, M Davis, Mrs Dunn, Mrs Faulkner, A Finch, K Finch, Foster, Mrs Greenaway, Hanif, Mrs Harley, P Harley, Ms Harris, Hill, Islam, James, J Jones, L Jones, Kettle, Knowles, Lowe, J Martin, Mrs P Martin, Mrs Millward, Mottram, Nicholls, Ms Partridge, Mrs Ridley, Mrs Rogers, Ryder, Mrs Shakespeare, Simms, Southall, Sparks, Stanley, Taylor, A Turner, Mrs H Turner, K Turner, Tyler, Vickers, Mrs Walker, Waltho, Mrs Westwood, Ms While-Cooper, C Wilson, Ms Wood, J Woodall, P Woodall and Wright, together with the Chief Executive and other Officers.

PRAYERS

The Mayor's Chaplain led the Council in prayer.

19 **APOLOGIES**

Apologies for absence were received on behalf of Councillors Mrs Jordan, Mrs Roberts and Mrs M Wilson.

20 **DECLARATIONS OF INTEREST**

Declarations of Personal and Prejudicial Interests, in accordance with the Members' Code of Conduct, were made by the following in respect of the matters indicated:

Councillor Ms Wood – Minute No. 11 of Central Dudley Area Committee (Appointment of Working Groups) in relation to Russells Hall Hospital – Personal interest as she visited the Hospital weekly to represent Members of Unison.

Councillor Banks – Minute No. 12 of Stourbridge Area Committee (Tesco's Proposals For a Development in Stourbridge Town Centre) – Personal and prejudicial interest as a member of the Development Control Committee.

Councillor Banks – Minute No. 15 of Stourbridge Area Committee (Capital Allocations – Amblecote History Society) - Personal interest as a member.

Councillor Barlow – Minute No. 12 of Stourbridge Area Committee (Tesco's Proposals For a Development in Stourbridge Town Centre) – Personal and prejudicial interest as a member of the Development Control Committee.

Councillor Mrs Cowell – Minute No. 15 of Stourbridge Area Committee (Capital Allocations - Application by 15th Stourbridge Norton St Michael's Scout Group) – Personal interest in view of her relationship with the applicant.

Councillor Mrs Cowell – Minute No. 16 of Stourbridge Area Committee (Stevens Park and Recreation Ground Foundation Trust – Application by 15th Stourbridge Norton St Michael's Scout Group) – Personal interest in view of her relationship with the applicant.

Councillor Knowles – Minute No.15 of Stourbridge Area Committee (Capital Allocations – Application by St Thomas's Parochial Church) – Personal and prejudicial interest as President of the fund raising committee of the applicant.

Councillor Mrs P Martin – Minute No. 15 of Stourbridge Area Committee (Capital Allocations – Application by the Amblecote History Society) – Personal interest in view of her Chairmanship of the Society.

Councillor Mrs Rogers – Minute No. 15 of Stourbridge Area Committee (Capital Allocations - Application by 15th Stourbridge Norton St Michael's Scout Group) – Personal interest in view of her relationship with the applicant.

Councillor Mrs Rogers – Minute No. 16 of Stourbridge Area Committee (Stevens Park and Recreation Ground Foundation Trust –Application by 15th Stourbridge Norton St Michaels's Scout Group) – Personal interest in view of her relationship with the applicant.

Councillor C Wilson - Minute No. 13 of Stourbridge Area Committee (Tesco's Proposals For a Development in Stourbridge Town Centre) – Personal and prejudicial interest in view of his membership of the Development Control Committee.

Councillor Southall – Minute No. 16 of Brierley Hill Area Committee (Highways Minor Works Capital Programme for 2010/11 – reference to Fairhaven School in relation to a Safer Routes to School Scheme) - Personal interest as two grandchildren attended the School and his daughter was a School Governor.

Councillor Southall – Minute No. 97(iii) of the Development Control Committee (Planning Application No. P10/0226 - Land to Rear of 15 Ashwood Avenue, Wordsley) – Personal and prejudicial interest as he had been contacted by the applicant regarding issues with the site; he had been copied into correspondence with the Planning Section and he knew certain residents of Ascot Gardens.

Councillor Wright – Minute No. 7(ix) of the Development Control Committee (Planning Application No. P10/0456 - Redhall Road, Lower Gornal) – Personal and prejudicial interest as a personal friend of the applicant.

Councillor Wright – Minute No. 13(i) of the Development Control Committee (Planning Application No. P10/0387 - 5 and 7 Flavells Lane, Lower Gornal) – Personal and prejudicial interest in view of him being a friend, having worked for and gone to school with the applicant.

Councillor Wright – Minute No. 13(iii) of the Development Control Committee Planning Application number P10/0646 (Harvington House, 10 Parsons Street, Dudley) – Personal and prejudicial interest as a friend of a resident in Metropolitan Lofts, which was referred to in the report to the Committee.

Councillors Ali and Islam – Minute No. 13 of the Cabinet (Community Cohesion Strategy and Action Plan) – Personal interest as worshippers at Dudley Mosque.

Councillor C Wilson - Delegated Decision No. 36 (reference to Wychbury Park, Wychbury Road, Wollescote) - Personal and prejudicial interest in view of his significant involvement in representing local residents living on the periphery of the Park.

Councillors Mrs Aston, A Finch and K Finch – Agenda Item No. 5(b) - (Capital Programme Monitoring – reference to Sycamore Adventure Centre) - Personal interest as attendees at meetings for Old Park and Greens Committee.

Councillor Burston - Minute No. 14 of North Dudley Area Committee (Transport Issues) - Personal interest on account of his employment with CENTRO.

Councillor J R Davies - Agenda Item No. 5(c) (Review of Housing Finance) - Personal interest as a relative lived in Council accommodation.

Councillor Ali and C Wilson – Delegated Decision No.61 (Staffing Issues) – Personal and prejudicial interests as Directors of St Thomas’s Network.

21 MINUTES

RESOLVED

That the Minutes of the annual meeting of the Council held on 20th May, 2010 be approved as a correct record and signed.

22 MAYOR'S ANNOUNCEMENTS

(a) Philip Lawrence Award and Princess Diana Community Awards

The Mayor referred to the production of two DVDs titled 'Fostering Reality' and 'Handle With Care', which had recently received recognition in the above awards. Following remarks from Councillor Mrs Walker, the young people and adults involved in this work received certificates from the Mayor in recognition of their achievements and success.

(b) Councillor D M Caunt MBE

On behalf of the Council, the Mayor congratulated Councillor Caunt on receiving the MBE in the Queen's Birthday Honours List.

(c) Councillor D Sparks OBE

On behalf of the Council, the Mayor congratulated Councillor Sparks on his election as Leader of the Labour Group for the Local Government Association and on his appointment as one of the Vice-Chairmen of this key national body.

(d) Charity Cricket Match

The Mayor reported that the Charity Cricket match between Members and Officers would take place at Stourbridge Cricket Club, Amblecote Road, Stourbridge at 5.00pm on 30th July, 2010.

(e) The Mercian Regiment

The Council observed a minute of silence as a mark of respect to all the personnel from the Mercian Regiment who had lost their lives on active service in Afghanistan.

23 COUNCIL PLAN 2013 – 3 YEAR REFRESH

A report of the Cabinet was submitted.

It was moved by Councillor Mrs Millward, seconded by Councillor L Jones and

RESOLVED

- (1) That the policy framework of the revised Council Plan be endorsed.
- (2) That the alignment of the Council Plan and Directorate Strategic Plans to the Community Strategy be noted.

24 CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Mrs Millward, seconded by Councillor L Jones and

RESOLVED

- (1) That the refurbishment of Amblecote Social Education Centre be included in the Capital Programme, together with any other projects that can be funded from surplus resources from the disposals detailed, as set out in paragraph 4 of the report now submitted.
- (2) That the Disabled Facilities Grant and Regional Housing Pot resources be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 5 of the report now submitted.
- (3) That the Capital Programme be amended to reflect the increased costs of the Oak Lane Refurbishment, as set out in paragraph 6 of the report now submitted.
- (4) That the Security Works at Stourbridge and Gornal Wood Crematoria be approved and included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
- (5) That the funding for the Practical Cooking Spaces project at Oldswinford Hospital School be noted, and the project be included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (6) That the Capital Programme be amended in respect of the Sycamore Adventure Centre, as set out in paragraph 9 of the report now submitted.
- (7) That the Asset Management Plan and Area Committee allocations be approved and included in the Capital Programme, as set out in paragraph 10 of the report now submitted.
- (8) That the funding reductions for Highways and Transport be noted, that the Director of the Urban Environment be authorised to agree details in consultation with the Cabinet Member for Transportation, and that the Capital Programme be amended accordingly, as set out in paragraph 11 of the report now submitted.
- (9) That the Treasurer be authorised to include any lease-financed equipment expenditure in the Capital Programme, subject to his being satisfied that it constitutes value for money and is affordable, as set out in paragraph 17 of the report now submitted.
- (10) That the annual vehicle acquisition allowance in the Capital Programme be increased to £3.5m, subject to periodic review, as set out in paragraph 18 of the report now submitted.

- (11) That the amended Prudential Indicators as required to be determined by the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in paragraph 19 and Appendix A of the report now submitted, be approved.
 - (12) That the urgent amendments to the Capital Programme, as set out in paragraphs 12 to 16 of the report now submitted, be noted.
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25 REVIEW OF HOUSING FINANCE

A report of the Cabinet was submitted.

It was moved by Councillor Simms, seconded by Councillor L Jones and

RESOLVED

- (1) That approval in principle be given to the continuation of all capital receipts arising from the sale of Housing Revenue Account (HRA) assets being used for the improvement of Council homes (other than those specifically committed to support private sector housing).
 - (2) That the continued uncertainty around future years' funding arrangements for the HRA be noted.
 - (3) That the revised HRA budget for 2010/11, as set out in Appendix 1 to the report now submitted, be approved.
 - (4) That the amendments to the Public Sector Housing Capital Programme for 2010 -11 to 2014 -15 (Void Property Improvements, Community Energy Savings Programme) be approved.
 - (5) That the addition of the Orchard Street scheme to the public sector housing Capital Programme within the new build housing programme be approved.
 - (6) That the issues dealt with by the Cabinet under delegated powers, as referred to in paragraph 12 of the report now submitted, be noted.
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26 PETITION SCHEME

A report of the Cabinet was submitted.

It was moved by Councillor A Turner, seconded by Councillor L Jones and

RESOLVED

- (1) That the requirement to adopt a Petition Scheme and for the e-petitions facility to be operational by December, 2010, be noted.
- (2) That a Petition for Debate (by the full Council) be triggered by a petition of at least 3,000 petitioners.
- (3) That a Petition to hold an Officer to Account (for consideration by the appropriate Select Committee) be triggered by a petition of over 1,000 petitioners in number.
- (4) That a submission including 10 or more names be normally regarded as an ordinary petition but that the Petitions Officer be authorised to accept a lower number at his discretion in appropriate circumstances.
- (5) That the presenter of a petition be allowed to speak for a maximum of three minutes on the subject of the petition at the relevant meeting of the Council or Committee, unless the time is extended by the Mayor or Committee Chairman, as appropriate.
- (6) That Ward Councillors be afforded speaking rights of three minutes at any meeting of a Committee (of which they are not an ordinary member) when a petition relevant to their ward is being considered.
- (7) That, in addition to the requirements of Council Procedure Rule 4.1, the receipt of Ordinary Petitions be notified to the Group Leaders, the appropriate Cabinet Member and the relevant Ward Members and that Council Procedure Rule 4.1 be amended accordingly.
- (8) That petitions be triggered, signed or organised only by persons who work, live or study in the local authority area, including under 18s.
- (9) That the above provisions be encapsulated into the Petition Scheme and that the draft Petition Scheme attached to the report now submitted be approved.
- (10) That the Director of Corporate Resources be formally designated as the Council's Petitions Officer and that the Petition Scheme be administered by Democratic Services.
- (11) That the Director of Corporate Resources be instructed to report to the Council on the operation of the Scheme as part of the annual review of the Constitution.

- (12) That the Petition Scheme be incorporated in the Council's Constitution and that the Director of Corporate Resources be authorised to make consequential amendments to the existing provisions.
- (13) That the Director of Corporate Resources be authorised to undertake the procurement of the on-line e-Petitions facility.
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27 ANNUAL REPORT OF THE SELECT COMMITTEE ON CHILDREN'S SERVICES

The annual report of the Select Committee was submitted.

It was moved by Councillor Vickers, seconded by Councillor L Jones and

RESOLVED

That the annual report be received and noted.

28 ANNUAL REPORT OF THE SELECT COMMITTEE ON COMMUNITY SAFETY AND COMMUNITY SERVICES

The annual report of the Select Committee was submitted.

It was moved by Councillor C Wilson, seconded by Councillor Caunt and

RESOLVED

That the annual report be received and noted.

29 ANNUAL REPORT OF THE SELECT COMMITTEE ON REGENERATION, CULTURE AND ADULT EDUCATION

The annual report of the Select Committee was submitted.

It was moved by Councillor K Turner, seconded by Councillor Caunt and

RESOLVED

That the annual report be received and noted.

30 AMENDMENT OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

A report of the Licensing and Safety Committee was submitted.

It was moved by Councillor Ryder, seconded by Councillor Mrs Ameson and

RESOLVED

- (1) That, with effect from 1st September, 2010, the Council adopt the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as a consequence of the coming into force of Section 27 of the Police and Crime Act 2009, on 6th April, 2010, giving local authorities in England and Wales the power to regulate sexual entertainment venues as sex establishments.
 - (2) That the Director of Corporate Resources be authorised to agree any consequential amendments to the Constitution and arrangements for the publication of the required Notices to bring this matter into effect.
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31 CODE OF CORPORATE GOVERNANCE – AMENDMENT TO THE CONSTITUTION

A report of the Director of Corporate Resources was submitted.

It was moved by Councillor Mrs Millward, seconded by Councillor L Jones and

RESOLVED

- (1) That the revised Code of Corporate Governance, as attached to the report now submitted, be approved and incorporated in the Council's Constitution.
 - (2) That the terms of reference of the Audit Committee as set out in Part 3 of the Constitution (Responsibility for Functions) be amended to include all necessary action associated with the determination of the Council's Corporate Governance arrangements.
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32 QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

The meeting ended at 7.00 p.m.

MAYOR