

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY 16TH OCTOBER, 2006
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

PRESENT:-

Councillor Stanley (Deputy Mayor)
Councillors Adams, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Blood, Body, Ms. Boleyn, Bradney, Burston, Burt, Caunt, Mrs. Collins, Cotterill, Mrs. Coulter, Mrs. Cowell, Ms. Craigie, Crumpton, G.H. Davies, J. R. Davies, M. Davis, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Finch, Ms. Foster, Fraser-Macnamara, Harley, Ms. Harris, Hill, Islam, Jackson, James, Johnston, Jones, Mrs. Jordan, Kettle, Knowles, Lowe, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Mrs. Pearce, Rahman, Mrs. Ridley, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Taylor, A. Turner, Mrs. H Turner, K Turner, Tyler, Mrs Walker, Waltho, C Wilson, Mrs. M. Wilson and Wright; together with the Chief Executive and other Officers.

39

PRAYERS

In the absence of the Mayor's Chaplain, Revd. Tony Attwood led the Council in prayer.

40

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of the Mayor (Councillor Woodall) and Councillor Tomkinson.

41

DECLARATIONS OF INTEREST

Members declared interests, in accordance with the Members' Code of Conduct, as follows:-

Councillor Burston – personal interest in Agenda Item No. 5(a)(i) - Capital Programme Monitoring - Relocation of the 'People Using Local Services Everyday' (PULSE) Team from Halas House – in view of his wife being an employee of Halas House.

Councillor Burston – personal interest in Minute No. 27 of North Dudley Area Committee (Transport Issues) – in view of his employment by CENTRO.

Councillor Burston – personal interest in Minute No. 17 of the Select Committee on the Environment (Bus Patronage and Concessionary Passes) – in view of his employment by CENTRO.

Councillors Body, Crumpton and Ms. Partridge - personal and prejudicial interests in Minute No. 31 of Halesowen Area Committee (Delegated Capital Budget) – as Trustees of Beechtree Miners Welfare Institute.

Councillor Miller - personal interest in Minute No. 31(f) of Brierley Hill Area Committee (Capital Allocations - Allocation to Townsend Place Tenants Association) – in view of business interests at Townsend Place.

Councillor Ms. Harris - personal interest in Minute No. 10 of the Select Committee on Health and Adult Social Care (Work Programme of the Committee for 2006/07) – as the Chair of Dudley Primary Care Trust.

Councillor Ms. Harris – personal interest in Minute No. 17 of the Select Committee on Health and Adult Social Care (Health Reform in England - Update and Commissioning Framework) - as the Chair of Dudley Primary Care Trust.

Councillor Ms. Harris - personal interest in Minutes Nos. 36(x) and 41(ii) of the Development Control Committee (Plan No. P06/1136 relating to 33 Summerhill Road, Coseley) - as a neighbour and one of the objectors to the application.

Councillor Ms. Harris - personal interest in Delegated Decision Summary No. 6 (LIFT Scheme - Brierley Hill) - as Chair of Dudley Primary Care Trust, partners in the LIFT company.

Councillor Mrs. Aston - personal interest in Minute No. 31(b) of North Dudley Area Committee (Delegated Capital Budget relating to Age Concern) - as a Member of the Age Concern Committee.

Councillor Mrs. Aston - personal interest in Minutes Nos. 27(i) and (ii) of the Development Control Committee (Plan Nos. P06/0962 and P06/0963 relating to the Beacon Centre for the Blind, Wolverhampton Road East, Wolverhampton) - as a Member of the Beacon Centre Advisory Panel.

Councillors A. Turner and K. Turner - personal and prejudicial interests in Minutes Nos. 34(i) and (ii) of the Development Control Committee (Plan Nos. P06/1197 and P06/1198 relating to 32 Market Street, Stourbridge) - as the applicant was a personal friend.

Councillor Johnston - personal interest in Delegated Decision No. 43 (Creation of a Loans Officer within the Castle and Crystal Credit Union) – as a Director of the Castle and Crystal Credit Union.

Councillor Mrs. Coulter – personal interest in the Minutes of the Select Committee on Regeneration, Culture and Adult Education - as an attendee of the Friends of Netherton Park meetings.

Councillor Mrs. Coulter – personal interest in Minute No. 23 of the Audit Committee (Annual Audit Report in relation to the Directorate of Children's Services) - as a Governor of Netherton Church of England School and Chairperson of the Pupil Referral Unit Management Committee.

Councillor Mrs. Coulter - personal interest in Delegated Decision Summary No. 75 (Sycamore Green Primary School Site – Change of Use) - as the Chairperson of the Pupil Referral Unit Management Committee.

Councillor Ali – personal and prejudicial interest in Delegated Decision Summary No. 27 (Grants Awarded for Summer Events in Dudley) – as the Chairman of the St. Thomas's Community Games Association.

Councillors J. R. Davies and Waltho - personal and prejudicial interest in Delegated Decision Summary No. 27 (Grants Awarded for Summer Events in Dudley) – in view of their involvement with the St. Thomas's Community Games Association.

Councillor Lowe – personal interests in the Minutes of the Select Committee on Health and Adult Social Care, in view of his position as a UNISON Official representing Members in the Primary Care Trust, as follows:-

Minute No. 10 (Work Programme of the Committee for 2006/07);

Minute No. 12 (Future Configuration of Mental Health Services in the Black Country);

Minute No. 17 (Health Reform in England: Update and Commissioning Framework).

Councillor Ms. Craigie – personal interest in Agenda Item 5(a)(i) (Capital Programme Monitoring – Children's Services – Schools Travel Plan Grant) – as a Governor at Ellowes Hall School, Stickley Lane.

Councillor Ms. Craigie – personal interest in Minute No. 31 of the Council (Review of Housing Finance) – as Secretary of Dudley Residential Leasehold Association.

Councillor Mrs. Ameson – personal interest in Delegated Decision Summary No. 43 (Creation of a Loans Officer within the Castle and Crystal Credit Union) – as a Member of the Board of Directors of the Castle and Crystal Credit Union.

Councillor M. Davis - personal interest in respect of any agenda item relating to Social Services - in view of his being a service user.

Councillor Donegan – personal and prejudicial interests in respect of the Minutes of Stourbridge Area Committee, as follows:-
Minute No. 34(2) - (Application for Freehold Title of Unit 5 Bromley Street, Lye, Stourbridge) - in view of the solicitor for the applicant being a family friend; and
Minute No. 35 (Capital Allocation - Lye Town Football and Social Club) - in view of his membership of the Club.

Councillor Burston - personal interest in Minute No. 35 of Halesowen Area Committee (Leisure Provision in Halesowen) - as a Member of the Friends of Huntingtree Park.

Councillor Taylor - personal interests in Minute No. 35 of Halesowen Area Committee (Leisure Provision in Halesowen) – as a Member of the Friends of Leasowes Park and a Governor at Olive Hill Primary School.

Councillor Mrs H. Turner - personal interests in Minute No. 35 of Halesowen Area Committee (Leisure Provision in Halesowen) - as a Member of the Friends of Huntingtree Park and a Governor at Olive Hill Primary School.

Councillor K. Turner - personal interest in Minute No. 35 of Halesowen Area Committee (Leisure Provision in Halesowen) - as a Member of the Friends of Huntingtree Park.

Councillor Body - personal interest in Minutes of the Halesowen Area Committee (all references to Pedmore College of Technology) - in view of his son being a pupil at that College.

Councillor Mrs H. Turner - personal interest in Minute No. 43 of Halesowen Area Committee (Consultation Proposals to Close Halesowen (Church of England) Primary School) - in view of her being a Member on the Electoral Register and regular worshipper at St Margaret's.

Councillor K. Turner - personal interest in Minute No. 43 of Halesowen Area Committee (Consultation Proposals to Close Halesowen (Church of England) Primary School) in view of him being a Member on the Electoral Register and regular worshipper at St Margaret's.

Councillors Mrs. Ameson and Ryder – personal interests in Minute No. 29 of North Dudley Area Committee (Public Consultation on the Gambling Act 2005 and Draft Policy) – in view of Membership of the Licensing and Safety Committee.

Councillors G. H. Davies and Wright – personal interests in Minute No. 30 of North Dudley Area Committee (relating to land in Vale Street) - as Members of the Development Control Committee.

Councillor Blood – personal interest in Minute No. 31(1)(c) of Brierley Hill Area Committee (Capital Allocations in respect of the application made by the Samaritans) - in that the representative of that organisation was known to him.

Councillor Blood – personal interest in Minute No. 31(1)(i) of Brierley Hill Area Committee - (Capital Allocations in respect of the application by Round Oak Bereavement Information Network Support) - as the representative of that organisation was known to him.

Councillor Ms. Foster – personal interests in Minutes Nos. 31(1)(e) and (g) of Brierley Hill Area Committee - (Capital Allocations in respect of the applications made by Brockmoor Community Centre and Pensnett and District Community Association) - as a member of the Management Committee of those Associations.

Councillor Islam – personal interest in Minute No. 31(1)(a) of Brierley Hill Area Committee – (Capital Allocations in respect of the application made by Hawbush and District Community Association) - as a Local Authority representative on that body.

Councillor Mrs. Jordan – personal interest in Minutes Nos. 31(1)(e) and (g) of Brierley Hill Area Committee – (Capital Allocations in respect of the applications made by Brockmoor Community Centre and Pensnett and District Community Association) - as a member of the Management Committee of those bodies.

Councillor Tyler – personal interest in Minute No.31(1)(l) of Brierley Hill Area Committee – (Capital Allocations in respect of the application made by Wall Heath Community Association) - as a member of that Association

Councillor Tyler - personal interest in Minute No.31(1)(c) of Brierley Hill Area Committee – (Capital Allocations in respect of the application made by the Samaritans) - in that he had spoken to the representative of that body about the application.

Councillor Crumpton – personal interest in the Minutes of the Select Committee on Regeneration, Culture and Adult Education (any matters relating to Friends of Parks) - in view of his membership of Wollescote Friends of the Park.

Councillor J. R. Davies – personal interest in Minute No. 20 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) and any other references to Friends of Parks Groups - in view of his attendance at meetings as a local Councillor.

Councillor J. R. Davies – personal interest in Minute No. 18 of the Select Committee on Regeneration, Culture and Adult Education (Work Programme of the Committee and its Working Groups for 2006/2007 – relating to proposed consideration of the work of Dudley and District Citizens Advice Bureau) - in view of his involvement in the Sandwell Citizens Advice Bureau.

Councillor Rahman – personal interest in Minute No. 20 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) – in view of his involvement with the Friends of Netherton Park and his attendance at meetings as a local Councillor.

Councillor Southall – personal interest in Minute No. 20 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) – in view of his attendance at meetings of the Friends of Wordsley Park.

Councillor K. Turner - personal interests in Minute No. 20 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) – relating to any references to Dudley Zoo as a Trustee of Dudley Zoo and in any other agenda items relating to his involvement with the Friends of Parks.

Councillor Tyler – personal interests in Minute No. 20 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) – as a Trustee of Dudley Zoo and in any other agenda items relating to the Castle Hill development.

Councillor Mrs. Dunn – personal interest in Minute No. 22 of the Select Committee on Children’s Services (Halesowen CE Primary School) in view of the location of the school in the electoral ward for which she was a Council member and in view of her attendance at fundraising events for the School.

Councillor Ms. Partridge - personal interest in Minute No. 21 of the Select Committee on Children’s Services (Cradley High School) in view of the location of Cradley High School in the electoral ward for which she was a Council member.

Councillor Taylor - personal interest in Minute No. 23 of the Audit Committee (Annual Audit Report in relation to the Children’s Services Directorate) - as a Governor of Olive Hill Primary School.

Councillor Burston - personal interest in Minute No. 23 of the Audit Committee (Annual Audit Report in relation to the Children’s Services Directorate) in view of him being a Governor of Earls High School.

Councillor Mrs. Collins – personal and prejudicial interest in respect of Minute No. 21(i) of the Development Control Committee (Plan No. P05/2527 – Rolling Mills Site, Bradley Road, Stourbridge – Outline residential (all matters reserved)) – in view of her son being a Director of the Stourbridge Navigation Trust.

Councillor Banks – personal and prejudicial interest in Minutes Nos. 27(i) and (ii) of the Development Control Committee (Plan Nos. P06/0962 and P06/0963 relating to the Beacon Centre for the Blind, Wolverhampton Road East, Wolverhampton) – as a member of the Beacon Centre Advisory Panel and Redevelopment Committee.

Councillor Mrs H. Turner – personal and prejudicial interest in Minutes Nos. 34(i) and (ii) of the Development Control Committee (Plan Nos. P06/1197 and P06/1198 relating to 32 Market Street, Stourbridge) in view of the applicant being a family friend.

Councillors G. Davies and Mottram - personal interests in Minute No. 43(ii) of the Development Control Committee (Plan No. P06/1403 – 8 Bourne Street, Woodsetton – Certificate of lawfulness for a proposed C3 dwelling house) – in view of previous comments made at other public meetings.

Councillor Mottram - personal and prejudicial interest in Minute No. 18(vi) of the Tree Preservation Orders Committee (Plan No. P06/1501 – 37 Church Road, Brierley Hill) - as the applicant was known to him and he had discussed the matter with the applicant prior to the meeting of the Committee.

The Chief Executive – personal interest in Minute No. 48 of the Cabinet (Dudley Town Centre Regeneration – Redevelopment of Dudley Civic Quadrant) in that:-

- (a) he had been a contributor to the book entitled Public Sector Plc, as referred to in the report to the Cabinet meeting; and
- (b) in view of the involvement with Public Sector plc, as referred to above, a Director of that organisation was personally known to him as a friend.

DEPUTY MAYOR'S ANNOUNCEMENTS(a) Mayor – Councillor John Woodall

The Deputy Mayor gave a progress update on the situation regarding the Mayor and the Council requested that the Chief Executive write to Councillor Woodall to convey the Council's best wishes for a speedy recovery to good health.

(b) Mrs. Deni Caunt

The Deputy Mayor referred, in sympathetic terms, to the recent death of Mrs Deni Caunt. The Council observed a period of silence as a token of respect to the memory of Mrs. Caunt. Councillor Caunt thanked colleagues for their support, assistance and expressions of sympathy following his recent bereavement.

(c) Remembrance Sunday

The Deputy Mayor reported on the arrangements being made for Remembrance Sunday on 12th November, 2006.

(d) Honorary Alderman Ceremony

The Deputy Mayor reported on the arrangements for the Honorary Alderman Ceremony for Mr. C. L. Woodall MBE, to be held on 31st October, 2006 at Dudley Concert Hall.

CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-Macnamara and

RESOLVED

- (1) That the development of the Burnt Tree Island scheme be approved and included in the Capital Programme, as set out in paragraph 3 of the report.
- (2) That the first year's total capital cost of the Dudley Town Centre Townscape Heritage Initiative (THI) project of £110,000 be included in the Capital Programme for 2007/08 as set out in paragraph 4 of the report.

- (3) That the sum of £175,000 be included in the Capital Programme to cover the site investigation works for the stabilisation of the Seven Sisters mines, as set out in paragraph 5 of the report.
 - (4) That the Schools Travel Plan grant allocation be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 6 of the report.
 - (5) That in respect of the extension to Cornbow Shopping Centre, the contingent liability for future compensation payments be noted (together with the indemnity received from the developer to cover such costs), and that any such expenditure be included in the Capital Programme, as set out in paragraph 7 of the report.
 - (6) That the Safer Stronger Communities Fund grant allocation be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 8 of the report.
 - (7) That the Emergency Planning Offices project be included in the Capital Programme, as set out in paragraph 9 of the report.
 - (8) That the works to the Mere Centre to accommodate the 'People Using Local Services Everyday' (PULSE) Team be approved and included in the Capital Programme, as set out in paragraph 10 of the report.
 - (9) That the urgent amendments to the Capital Programme, as set out in paragraphs 11 and 12 of the report be noted.
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45

CONFIRMATION OF JOINT WORKING WITH THE OTHER THREE
BLACK COUNTRY AUTHORITIES ON THE PRODUCTION OF A JOINT
CORE STRATEGY DOCUMENT

A report of the Cabinet was submitted.

It was moved by Councillor Knowles, seconded by Councillor Fraser-Macnamara and

RESOLVED

- (1) That joint working with Sandwell Metropolitan Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council be confirmed and approved for the production of a joint Core Strategy Development Plan Document.

- (2) That any necessary procurement of work and services, jointly with the other Authorities, to assist in the production of the document be approved providing that sufficient resources can be identified and evaluated.
 - (3) That approval be given for the Memorandum of Understanding to be signed by the Leader on behalf of the Council.
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46

SPECIAL POLICY REGARDING CUMULATIVE IMPACT IN STOURBRIDGE TOWN CENTRE

A report of the Licensing and Safety Committee was submitted.

It was moved by Councillor Ryder, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the Special Policy regarding the Cumulative Impact in Stourbridge Town Centre, as set out in the report, be approved.

47

TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

It was moved by Councillor Burston, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the treasury management activity set out in the report be approved in accordance with the Treasury Policy Statement and Treasury Management practices.

48

NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 12

On 18th September, 2006, Councillor Cotterill had given notice of a motion pursuant to the provisions of Council Procedure Rule 12.

It was moved by Councillor Cotterill and seconded by Councillor Ms. Foster:

“That this Council resolves, in conjunction with West Midlands Police, to publicise throughout the Borough, in accordance with Home Office guidelines, the names and facial image of recipients of Anti-Social Behaviour Orders.”

The following amendment was moved by Councillor Mrs. Millward and seconded by Councillor Blood:-

“That the word ‘Borough’ be removed from the motion and replaced with the words ‘area covered by the Order’.”

During the debate on the amendment, pursuant to Council Procedure Rule 14.11, it was moved by Councillor Jones and duly seconded:-

“That the question be now put to the vote.”

The closure motion was thereupon put to the vote and carried.

The amendment was subsequently put to the vote and carried. The original motion, as amended, thereupon became the substantive motion.

During the ensuing debate on the substantive motion, and with the consent of the Council, the following amendment was moved by Councillor Burt and seconded by Councillor Tyler:-

“That the words ‘throughout the area covered by the Order’ be deleted from the substantive motion.”

During the debate on the amendment, pursuant to Council Procedure Rule 14.11, it was moved by Councillor Caunt, duly seconded and agreed:-

“That the question be now put to the vote.”

The amendment was subsequently put to the vote and carried. The substantive motion, as amended, was thereupon put to the vote and it was:-

RESOLVED

That this Council resolves, in conjunction with West Midlands Police, to publicise, in accordance with Home Office guidelines, the names and facial image of recipients of Anti-Social Behaviour Orders.

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

The meeting ended at 8.32 pm