

Meeting of the Council

Monday, 7th October, 2019 at 6.00pm
in the Council Chamber at the Council House, Priory Road, Dudley

You are hereby summoned to attend a meeting of the Dudley Metropolitan Borough Council for the purpose of transacting the business set out in the numbered agenda items listed below.

Agenda - Public Session **(Meeting open to the public and press)**

Prayers

1. Apologies for absence
2. To receive any declarations of interest under the Members' Code of Conduct
3. [To confirm and sign the minutes of the meeting held on 8th July, 2019 as a correct record](#)
4. Mayor's Announcements
5. To receive reports and recommendations from meetings as follows:

Meeting of the Cabinet dated 11th September, 2019

Councillor P Harley to move:

- (a) [Capital Programme Monitoring \(Pages 1 - 14\)](#)

Meeting of the Audit and Standards Committee dated 23rd September, 2019

Councillor A Taylor to move

- (b) [Treasury Management \(Pages 15 - 22\)](#)

6. [Appointment of Independent Person - Member Complaints and Standards Matters \(Pages 23 - 25\)](#)



7. Notices of Motion

- (a) To consider the following notice of motion received from Councillor P Lowe on 31st January, 2019:

Divestment Motion - Fossil Fuels

“Dudley Council recognises that:

1. Burning fossil fuels poses a serious risk to the stability of the climate upon which our well-being and economy depend.
2. Research demonstrates that up to 80% of the world’s proven fossil fuel reserves will have to remain unburnt if we are to have a reasonable chance of keeping global warming to less than 2 degrees Celsius, the globally agreed target for climate change mitigation.
3. Since 80% of fossil fuels must remain in the ground, the reserves of the fossil fuel industry risk becoming ‘stranded assets’ with little or no value – representing a substantial financial risk for those that invest in them.
4. West Midlands Pension Fund currently has over £490 million invested in the oil, coal and gas industries. This is environmentally and financially irresponsible.
5. To date, over 700 institutions representing over \$5trillion in assets have committed to some form of divestment from fossil fuel companies.

In response to this Dudley Council pledges to:

A) Review its Investment Strategy and develop and implement a Responsible Investment Policy, which rules out new investments in Fossil fuel companies.

B) Call on West Midlands Pension Fund to divest from fossil fuels by mandating its representative on the Pension Fund Committee to call for the development and adoption of Responsible Investment policies which:

- (1) Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies;
- (2) Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within 4 years;
- (3) Set out an approach to quantifying and addressing climate change risks affecting all other investments, and

- (4) Focus future investments on areas that minimise climate change risk.”
- (b) To consider the following notice of motion received from Councillor R Buttery on 13th February, 2019:

The Smallest Things Employer with Heart Charter - Supporting Parents of Premature Babies

“Parents facing the worry and uncertainty of visiting their premature baby in hospital should not spend that time as maternity or paternity leave. The Council understands that premature babies need more time; time to develop, time to grow and time for mums and babies to bond at home after neonatal intensive care.

The Council also understands that returning to work can be a difficult time for parents of premature babies and that babies born too soon can have ongoing medical needs, requiring regular hospital appointments and check-ups.

This Council commits to signing up to the Smallest Things Employer with Heart Charter, supporting parents of premature babies, and resolves to:

- (1) Extend maternity leave for mothers who give birth prematurely (before 37 weeks gestation) by the number of days a baby was born prior to their due date. We will pay extended leave at full pay and this may be classed as compassionate leave.
- (2) Give partners the time they need to be with their baby in hospital, receiving at least two weeks’ paid compassionate leave on the birth of their premature baby. Partners may wish to save or split their parental leave, being there when their baby comes home from hospital. We understand that plans may change depending upon the baby’s medical needs, that additional compassionate leave may be required and that the date a baby will come home from hospital is rarely set in stone.
- (3) Support parents returning to work following the birth of a premature baby by following the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, considering formal and informal flexible working patterns and offering additional paid or unpaid leave.
- (4) Instruct the Chief Executive to bring forward the necessary amendments to the Council’s Family Friendly Policy and Procedures for formal approval by the Cabinet Member for Finance, Council Sustainability and Transformation.”

- (c) To consider the following notice of motion received from Councillor P Lowe on 10th May, 2019:

Stourbridge College

“This Council notes with concern the decision of BMet to close Stourbridge College with effect from 1st August, 2019.

This Council further notes the negative impact that this will have upon educational provision in Stourbridge.

Stourbridge College has served thousands of students for many years and is an essential part of the local community and economic prosperity. It is essential that this provision is maintained for future generations.

This Council resolves to call upon BMet to:

- Immediately cease the planned closure and reconsider this course of action.
- Fully consult with Trade Unions representing workers at the college to ensure educational provision is maintained.
- Fully engage with Dudley Council, appropriate community groups, students and the wider community about the decisions regarding ongoing access to FE and vocational provision in Stourbridge.
- Commit to maintain current educational provision at Stourbridge College.”

- (d) To consider the following notice of motion received from Councillor J Martin on 26th June, 2019:

Free TV Licences

“This Council fully supports the Age UK Campaign - Switched Off: Save Free TV for Older People.

For over a million of our oldest citizens the TV is their constant companion and window on the world. And now it's under threat. Up to 3.7 million pensioners who previously received a free TV licence will now have to pay for it.

Free TV licences were given to the over-75s in 2000/01, as part of a Labour Government programme to reduce pensioner poverty and isolation.



In 2015 the Conservative Government announced, as part of the licence fee and charter negotiation, that the BBC and not the Government should take responsibility for free TV Licence funding for the over-75s from 2020.

Ever since then, the BBC has been pondering if it can afford to take on the cost which was expected to total £745m - a fifth of the BBC's current budget.

The BBC has now announced it cannot afford to fund free TV licences for all the over 75s and that it will means test pensioners - meaning that only those households in receipt of Pension Credit will still be eligible.

Means-testing may sound fair but in reality it means 650,000 of our poorest pensioners, just above the Pension Credit threshold, facing a big new annual bill they simply can't afford.

One in four over-65s say the TV is their main form of companionship, according to Caroline Abrahams, charity director of Age UK. She said 'Make no mistake, if this scheme goes ahead we are going to see sick and disabled people in their eighties and nineties who are completely dependent on their cherished TV for companionship and news forced to give it up. Elderly people are likely to feel 'enormous anxiety and distress, and some anger too', she said, adding 'But in the end this is the Government's fault, not the BBC's. The Government pushed the scheme onto the BBC in 2015, without asking the public what we think or providing the funding to sustain it.'

Therefore, Dudley Council urges the Government to provide funding for free TV licences for everyone over 75 who needs one and instructs the Council's Chief Executive to write to the Prime Minister to notify him of this."

- (e) To consider the following notice of motion received from Councillor C Barnett on 26th June, 2019:

Climate Emergency

"In response to the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, I move that this Council commits to declare a 'Climate Emergency' that requires urgent action.



This Council commits to:

Take actions to ensure that the Council's activities achieve a net-zero carbon footprint by 2030;

Take actions to ensure that 100% of energy consumed by the Council's full range of functions is derived from renewable or sustainable sources by 2030;

Ensure that all strategic decisions, budgets and approaches to planning decisions are developed mindful of a target of a net-zero carbon footprint by 2030;

Encourage all partners to set a target of a net-zero carbon footprint across the Dudley Borough by 2030 and provide the support and guidance they need to achieve that target;

Support the Strategic Executive Board in creating short, medium and long-term action plans, goals and budgets that support this motion within an agreed timeframe;

Support Scrutiny Committees in understanding how to incorporate the impact of climate change and the target of a net-zero carbon footprint into all future scrutiny work;

Request that the Place Scrutiny Committee set up a Climate Change Action Group, involving Council stakeholders and representative groups from across the Dudley Borough. The Group should seek advice from appropriate climate science and solutions experts, businesses and other relevant parties;

The Climate Change Action Group will scrutinise the strategies and actions being developed by the Council in line with the target of net-zero carbon footprint by 2030 and develop any necessary recommendations;

Ensure that preparations for the 2020/21 budget cycle account for any immediate actions the Council will take to address this emergency and to implement this motion;

Call on the UK Government to provide the powers, resources and additional funding to make the target of a zero-carbon footprint by 2030 achievable."



- (f) To consider the following notice of motion received from Councillor K Casey on 26th June, 2019:

Community Defibrillators

“This Council recognises the importance of improving the safety of all residents in all communities across our Borough and is committed to help improve the health and well-being of local residents.

An Automatic External Defibrillator (AED) is a portable electronic device that automatically diagnoses life-threatening sudden cardiac arrest in a patient and is able to treat them through Defibrillation. Defibrillation is one of the four links in the ‘chain of survival’ – a series of actions that improve a person’s chances of surviving cardiac arrest. The four links are:

- Early recognition
- Early cardio-pulmonary resuscitation
- Early defibrillation
- Post resuscitation care

There are a number of different providers and types of AED but essentially they all do the same thing:

- Analyse the victim’s heart rhythm
- Determine if a shock is required
- Provide voice and/or visual prompts to assist the rescuer.

Up to seven out of 10 people who suffer a cardiac arrest could survive if they are treated with a defibrillator within the first five minutes.

Although some defibrillators are available across the Borough, their distribution is uneven, leaving gaps in the network.

Therefore this Council resolves to:

- Review its provision of defibrillators across its entire public estate;
- Review and commit to installing 1 AED in each of the 24 wards across the Borough, looking at public parks, community centres, leisure facilities and areas of high public footfall;
- Undertake a programme of training for staff who have daily contact with the public in the use of Defibrillators and Cardiopulmonary resuscitation (CPR);

- Instruct Officers to work with colleagues in the NHS to identify gaps in the existing network and to seek any necessary funding approvals to implement this motion;
- Request that the Mayor in his civic leadership role bring together charities and campaign groups working in this field along with other key stakeholders to shape an action plan for adequate training in the community in locations where the new provision is introduced, ensuring that all local residents are aware of the Public Access Defibrillators and how to use them.”

(g) To consider the following notice of motion received from Councillor J Foster on 26th June, 2019:

Wi-Fi for Community Centres

“In Dudley Borough there are 31 Community Centres covering the area. The impact of austerity means that many people in Dudley rely on Community Centres for work-based support and leisure activities, including hire for events such as wedding receptions, wakes and birthday parties at low cost compared to private commercially run venues. They also host many friendship clubs which help tackle the problem of loneliness faced by many older people in our communities who are on fixed incomes and cannot afford to engage in most privately-run age appropriate leisure activities.

However, with the rising cost of maintenance and energy bills, many Community Centres struggle to make ends meet. Due to cuts in its own budget, the Council can only afford to provide limited advice and support. These factors place these essential facilities at risk of loss to the very communities that rely on the activities and services they provide the most.

One type of support the Council could offer is the provision of free Wi-Fi to the 14 Community Centres that currently do not have Wi-Fi facilities. The installation of Wi-Fi would enable Community Centres to extend their hire offer to a wider range of customers, for example, training providers and local companies looking for a cost-effective venue for a business meeting. Community Centres could therefore generate more income that will enable them to be financially sustainable for the long term and sufficiently viable to continue to offer activities and services to those in their communities that need them most.

Should all Community Centres currently without provision take up this offer, there would be a total one off installation cost of £49,000 and, for each Centre, annual costs of between £2200 and £3500.



This Council therefore instructs officers to bring forward detailed proposals as part of the budget process to offer free Council Wi-Fi facilities to all Community Centres currently without provision.”

- (h) To consider the following notice of motion received from Councillor S Ridney on 20th August, 2019:

Child Poverty

“The Council notes:

The increase in child poverty in Dudley since the Tory administration is alarming with predictions of 1 in 3 children living below the poverty line. In Dudley that is approximately 29 per cent.

Alongside this is the increasing number of food banks in the country. Also, in an increasing number of cases, families are being supported during school holidays to feed their children by churches and voluntary organisations.

The current freeze on Benefits and the rollout of Universal Credit are partly to blame for these increases.

The Council calls on the Government:

1. To review its welfare strategy with a view to providing more support for the most vulnerable in our society.
2. To take urgent steps to address this appalling trend and to reinstate ambitious targets for lowering child poverty.
3. To take urgent action to help those who are most affected by poverty.

In addition, the Council asks:

That the Leader of the Council writes to the Local Government Minister expressing our dismay at these trends and seeking his support in requesting additional funds to be provided to Local Authorities by Central Government to help those most disadvantaged.”



- (i) To consider the following notice of motion received from Councillor C Bayton on 20th August, 2019:

National Health Service (NHS)

“This Council notes that the NHS is facing severe financial pressures, with approximately 80% of hospitals now in financial deficit. Experts in the field say the additional funding money is simply not enough to address the fundamental challenges facing the NHS, or fund essential improvements to services that are flagging.

Health experts from the Nuffield Trust, Health Foundation and King’s Fund predict tight spending in recent years and increasing demand for services have been “taking a mounting toll on patient care”. They add that there is “growing evidence that access to some treatments is being rationed and that quality of care in some services is being diluted.”

In Dudley, the main provider of hospital services (the Dudley Group NHS Foundation Trust) is having to make financial efficiencies to make ends meet and whilst the Council supports the principles of integrated care as defined in the Multi-Specialty Care Provider (MCP), the Council cannot see the justification for developing a new independent organisation where the national direction is to reduce infrastructure. The Council support all necessary money to be directed to delivering patient care.

This Council wishes to record its clear support for the National Health Service and for prioritising patient care. The Council instructs the Chief Executive to:

1. Write to all the local MPs to express our concerns about the risk to the NHS with the development of an independent organisation;
2. Direct all support to the integration of Community and Primary Care services without the need to invest in setting up a separate independent organisation;
3. Work with the Clinical Commissioning Group (CCG) to identify a solution that reduces bureaucracy and directs all money to the delivery of patient care;
4. Work with the CCG to amend the current model of the MCP so that it removes the necessity for a separate organisational form.”



- (j) To consider the following notice of motion received from Councillor J Martin on 20th August, 2019:

A single use plastic free Dudley

“Dudley residents are very aware of the increasing amount of evidence showing the significant impact of disposable plastic items on the world's oceans, waterways, marine life, human health and the impact of litter on our communities. The Council will commit to:

1. Develop a robust strategy to make Dudley Council a ‘single-use plastic free’ authority by the end of 2019, including an end to the purchase and procurement of single use plastics through the supply chain;
2. End the sale and provision of single use plastic products such as bottles, cups, cutlery and drinking straws in Council buildings; and
3. to encourage local businesses, organisations, schools and communities to move away from single-use plastics and use sustainable alternatives as well as to support beach cleans and other events which aim to raise awareness of the issues of single-use plastics.”

- (k) To consider the following notice of motion received from Councillor P Lowe on 23rd August, 2019:

Homelessness

“In accordance with international human rights treaties and in line with domestic law and the democratic and humanist values that underpin it, we, Dudley Metropolitan Borough Council (“the Council”) declare:

It is the constant concern of the Council to respect and uphold the rights of people who are experiencing homelessness, in particular their right to housing. While working towards that goal we are determined not to contribute in any way to the harsh and inhuman conditions too often experienced by people who do not have a place to live.

We believe that it is the responsibility of all individuals, businesses and organisations, and of all local authorities, including ourselves, to commit themselves to improving the living conditions of people who are homeless and to lessen the negative effects of homelessness.

To help achieve this, and in common with cities throughout Europe, we believe that it is important to re-state that every person who is experiencing homelessness is entitled to the same treatment as any other resident in the area. No one should be denied rights because they are homeless.

In particular we commit ourselves to making effective the following rights:

1. THE RIGHT TO HOUSING

The most important right a homeless person has is to exit homelessness. Services supporting access to appropriate housing must be accessible to all homeless people. In partnership with other competent public authorities, the Council shall work to ensure that there are sufficient routes into housing to meet need.

2. THE RIGHT TO SHELTER

Where housing cannot be immediately provided, there must be access to decent emergency accommodation for all homeless people. The Council is committed to ensuring that there is sufficient emergency accommodation available to all, so that no one is forced to sleep rough for want of a bed.

3. THE RIGHT TO USE PUBLIC SPACE

People who are homeless should have the same right to use public space and to move freely within it, and to rest in it, as anyone else. This includes, but is not limited to, access to pavements, parks, public transport and public buildings on the same terms as any other member of the public.

4. THE RIGHT TO EQUAL TREATMENT

The Council is committed to ensuring that their staff and services uphold the right to equal treatment for all, without discriminating against the homeless.

5. THE RIGHT TO A POSTAL ADDRESS

The Council shall secure that homeless people who need one have an effective postal address of last resort.

6. THE RIGHT TO SANITARY FACILITIES

The Council commits to providing access for all homeless people to basic sanitary facilities – running water (drinking fountains), showers and toilets sufficient to allow for the level of hygiene appropriate to maintaining human dignity.



7. THE RIGHT TO EMERGENCY SERVICES

The right to emergency services – social services, health services, the police and the fire service – on equal terms with any other member of the public, without being discriminated against because of their housing situation or their physical appearance.

8. THE RIGHT TO VOTE

The right to vote, to be included on the electoral register and to be given the necessary documents to prove their identity when voting in elections, without being discriminated against because of their housing situation.

9. THE RIGHT TO DATA PROTECTION

People who are homeless have the right to data protection, with their data only being shared by public and other services with their consent and only for the purposes of providing services and solutions to them. Homeless people have the same right as everyone else to exercise control over their personal details, particularly their health information, their criminal record if they have one, their housing and their private life and family history.

10. THE RIGHT TO PRIVACY

The right to privacy must be respected and protected to the fullest extent possible in all types of accommodation, including communal accommodation structures and informal accommodation lived in by homeless people. The Council is committed to working to ensure that all emergency accommodation provided can deliver on this right.

11. THE RIGHT TO SURVIVAL PRACTICES

The right to carry out practices necessary to survival within the law. While the Council strives for a Borough in which such practices are not necessary, we recognise that where people have no other option they will seek support from other people through begging or foraging for discarded food to survive. Such survival practices should not be criminalised as such, or banned, or arbitrarily confined to specific areas.

12. THE RIGHT TO RESPECT FOR PERSONAL PROPERTY

People who are homeless should have their belongings, including tents and sleeping bags, respected by everyone including public servants. They should never be damaged or thrown away or be removed without compelling need, and if they are removed they should be made available for collection without charge.



13. THE RIGHT TO LIFE

The right to life requires public authorities to take measures to preserve life. When people who are homeless (including people in emergency accommodation) die, the Council is committed to ensuring that their deaths are recorded as such, and that in each case there is a reasonable public investigation in order to understand the causes of death and what might have prevented it.

8. Questions from Members under Council Procedure Rule 11
9. To consider any business not on the agenda which by reason of special circumstances the Mayor is of the opinion should be considered at the meeting as a matter of urgency under the provisions of the Local Government Act 1972

Distribution:

All Members of the Council



Chief Executive

Dated: 27th September, 2019



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