

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE MEETING HELD ON MONDAY, 23<sup>RD</sup> FEBRUARY 2009**  
**AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:-**

Councillor Burston (Mayor)  
Councillor Mrs. P. Martin (Deputy Mayor)  
Councillors Adams, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Barlow, D. Blood, Mrs. E. Blood, Body, Ms. Boleyn, Caunt, Cotterill, Mrs. Coulter, Mrs. Cowell, Crumpton, J. D. Davies, J. R. Davies, M. Davis, Mrs. Dunn, Evans, Mrs. Faulkner, J. Finch, K. Finch, Foster, Hanif, Mrs. D. Harley, P. Harley, Ms. Harris, Hill, Islam, James, Jones, Mrs. Jordan, Kettle, Knowles, Lowe, J. R. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, 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, Ms. While-Cooper, C. Wilson, Woodall and Wright; together with the Interim Chief Executive and other Officers.

**PRAYERS**

The Mayor's Chaplain led the Council in prayer.

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**APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Ahmed, G. H. Davies, Mrs Greenaway and Mrs Wilson.

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**DECLARATIONS OF INTEREST**

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

Councillors Mrs Aston, J Finch and K Finch – the references in the report at agenda item number 6(b)(iv) (Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital) and in delegated decision number 8 to the North Priory Regeneration Project and demolition of properties – personal interests as ward representatives on the North Priory Project Board.

Councillor Mrs Aston – Minute number 21 of the meeting of Licensing Sub-Committee 2 held on 16<sup>th</sup> December, 2008 (Revocation of House to House Collections Licence in respect of Beacon Centre for the Blind and Mary Stevens Hospice – Mr D H and Mr P S) – personal interest as the Council's representative on the Beacon Centre for the Blind.

The Mayor (Councillor Burston) – Paragraph 17 of agenda item number 6(b)(i) (Update of the Council's Capital Strategy) in so far as it related to Midland Metro and Local Bus Stations and minute numbers 46 and 63 (both Transport Issues) for meetings of the North Dudley Area Committee held on 3<sup>rd</sup> December, 2008 and 28<sup>th</sup> January, 2009, respectively – personal interests in view of his employment by Centro.

Councillor Mrs Coulter – Paragraph 16 of agenda item number 6(b)(i) (Update of the Council's Capital Strategy) in so far as it related to the Brierley Hill Local Improvement Finance Trust (LIFT) Facility – personal interest as her son has attended the Brierley Hill LIFT Facility.

Councillor Mrs Coulter – Paragraph 33 of agenda item number 6(b)(i) in relation to Links to Partners – personal interest as a school governor.

Councillor Mrs Coulter – Agenda item number 6(b)(iv) (Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital) – personal and prejudicial interest as the family rents two garages from the Council.

Councillor Mrs Coulter – Minute 65 of the Meeting of the Cabinet held on 10<sup>th</sup> December, 2008 (Annual Performance Assessment of Social Care Services for Adults in Dudley) – personal and prejudicial interest as her son is a recipient of a financial allowance for social care services provided for him.

Councillor P. Harley – Agenda item number 7 (Notice of Motion by Councillor Crumpton) – personal interest as a governor of the Brier School.

Councillor J R Davies – all references in both the agenda and supporting papers and the minutes of meetings of committees regarding the Revenue Budget Strategy in relation to grants to the Dudley Citizens Advice Bureau – personal interest in view of Councillor Davies having colleagues at the Dudley Citizen's Advice Bureau.

Councillor Foster – Minute 71 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 (Fire Issues) – personal and prejudicial interest as an employee of the West Midlands Fire Service.

Councillor Ms Harris – any references in the agenda papers to matters relating to health and social care in so far as they related to the business of Dudley Primary Care Trust as partners, co-commissioners and co-providers of services in the Borough – personal interest as Chair of Dudley Primary Care Trust.

Councillor Nottingham – Paragraph 12 of agenda item number 6(b)(i) and agenda item number 7 (Notice of Motion by Councillor Crumpton); Minute 45 of the Special Meeting of the Select Committee on Children’s Services held on 25<sup>th</sup> November, 2008 (Call in of Cabinet Decision on Building Schools for the Future and Academies) Resolution to Minute 52 of the Meeting of the Cabinet held on 29<sup>th</sup> October, 2008); Minute 47(c) and (d) of the Meeting of the Brierley Hill Area Committee held on 4<sup>th</sup> December, 2008 (Public Forum) in relation to academies; and Minute 58 of the Special Meeting of the Brierley Hill Area Committee held on 6<sup>th</sup> January, 2009 (Consultation on Proposals to close Pensnett High School and Crestwood School in order to establish a new Academy) – personal and prejudicial interests as the Chair of the governors of the Crestwood School.

Councillor Mrs Ridney – a personal and prejudicial interest in agenda item number 6(b)(i) – Update of the Council’s Capital Strategy in relation to Caring Matters in view of her mother residing in Council sheltered accommodation.

Councillor Mrs Rogers – Paragraph 18 of agenda item number 6(b)(i) – Update of the Council’s Capital Strategy in relation to the Heritage Lottery Fund Submissions for Mary Stevens Park – personal interest as Chairman of the Friends of Mary Stevens Park and her attendance at stakeholder meetings regarding the submission.

Councillor K Turner – Paragraph 19 of agenda item number 6(b)(i) – Update of the Council’s Capital Strategy in relation to the Castle Hill Development – personal and prejudicial interests as a trustee of Dudley Zoological Gardens.

Councillor Vickers – Paragraph 16 of agenda item number 6(b)(i) – Update of the Council’s Capital Strategy in relation to people with a learning disability – personal interest as Member Champion for Learning Disabilities.

Councillors Southall and Mrs Wilson - Minute 45 of the meeting of Brierley Hill Area Committee held on 4<sup>th</sup> December, 2008 (Proposed Brierley Hill High Street Conservation Area - results of public consultation and Conservation Area Management proposals) - Personal interest as a member of the Development Control Committee. Councillor Southall did not speak or vote on this issue and Councillor Mrs.Wilson was not in attendance at the meeting.

Councillors D Blood, Ms Boleyn, P Harley, Southall and Tyler - Minute 58 of the meeting of the Brierley Hill Area Committee held on 6<sup>th</sup> January, 2009 (Consultation on proposals to close Pensnett High School and Crestwood School in order to establish a new Academy) - Personal interests as Governors of Belle Vue, Maidensbridge, The Brier, Belle Vue and Maidensbridge Primary Schools, respectively. Councillor Southall also declared a personal interest in this issue as a member of the Council's Development Control Committee and did not speak or vote on the matter.

Councillor Miller- Minute 58 of the meeting of the Brierley Hill Area Committee held on 6<sup>th</sup> January, 2009 - Personal interest as Chairman of the Governors of Fairhaven Primary School and as Governor of the Glynne Primary School.

The Mayor (Councillor Burston) - Minute 77 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 (Halesowen Town Centre Development) In relation to Halesowen Bus Station - Personal interest as an employee of Centro.

Councillor Mrs Faulkner - Minute 80 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 (Proposed Traffic Regulation Orders - Hawne Lane, Halesowen and surrounding area) - Personal interest as a resident living in the area of the proposed Traffic Regulation Order.

Councillors Hill and James - Minute 78 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 (the Earls High School Foundation - Final Accounts)- Personal interests as Governors of Earls High School.

Councillor James- Minute 72 of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 (Public Forum), in relation to a question on Tree Preservation Orders at Bundle Hill-Personal interest as Chairman of the Tree Preservation Orders Committee.

Councillor Ms Nicholls - Minute 72 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 in relation to the question asked on Tree Preservation Orders at Bundle Hill - Personal interest as a member of the Tree Preservation Orders Committee.

Councillor Taylor- Minute 72 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 in relation to a question asked on the modification of a planning application in respect of Coombes Wood Wedge - proposed cricket pitch - Personal interest as a Governor of Olive Hill Primary School, a school connected with the proposed Coombes Wood development.

Councillor Mrs Turner- Minute 72 of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 in relation to the question on the modification of the planning application in respect of Coombes Wood Wedge - proposed cricket pitch - Personal and prejudicial interest a member of the Development Control Committee. Councillor Mrs Turner left the Chamber during consideration of this minute.

Councillor K. Turner- Minutes 70 and 71 (Police issues) and (Fire issues) of the meeting of Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 and any other items on the Agenda of the meeting of the Halesowen Area Committee held on 22<sup>nd</sup> January, 2009 which might have arisen at the meeting in relation to references to the West Midlands Fire Service - Personal and Prejudicial interest as a member of the West Midlands Fire Authority. Councillor K. Turner left the meeting room during consideration of these minutes.

Councillor Wright- Minute 51 of the meeting of the Development Control Committee held on 24<sup>th</sup> November, 2008 (Plans and Applications to Develop) in relation to planning application numbers PO8/1460 and PO8/1266 - Personal and Prejudicial interest in both applications as the applicant was known to him as a friend. Councillor Wright left the meeting room during consideration of this minute.

Councillor Wright - Minute 51 of the meeting of the Development Control Committee held on 24<sup>th</sup> November, 2008 in relation to planning application number PO8/1491 - Personal interest as Councillor Wright had expressed an opinion on the proposed development previously, in his capacity as a ward member.

Councillor Mrs Coulter - Minutes 118 (Review of Private Hire Driver's Licence - Mr M A) and 119 (Review of Private Hire and Hackney Carriage Driver's Licences-Mr A K) of the meeting of the Taxis Committee held on 11<sup>th</sup> December, 2008 - Personal interest in view of friendship with Beacon taxi base owners.

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MINUTES

RESOLVED

That the minutes of the meeting of the Council held on 1<sup>st</sup> December, 2008 be approved as a correct record and signed.

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MAYOR'S ANNOUNCEMENTS(a) Death of Honorary Alderman Celia Hough

The Mayor referred, with regret to the recent death of Honorary Alderman and former Councillor and Mayor of the Borough, Celia Hough. The Council stood in silent tribute to Mrs Hough's memory.

(b) Schools Debate

The Mayor reported on the Schools' debate held at the Council House on 31<sup>st</sup> January 2009. In registering his appreciation of the standard of debate of the event, the Mayor expressed his gratitude to the pupils and teachers who had participated.

(c) Black Country Student Awards and Star Pupil Awards

The Mayor presented certificates and congratulated three winners of the Black Country Student Awards and three winners of Star Pupil Awards, all from schools in Dudley.

It was moved by the Mayor, seconded by Councillor Caunt and

RESOLVED

That, pursuant to Council Procedure Rule 24.5, the meeting consent to the taking of photographs of the recipients in the Council Chamber.

(d) Mayor's Ball

The Mayor reported on the availability of tickets for the Mayor's Ball from the Mayor's Secretary.

APPOINTMENT OF AN OFFICER AND DEPUTY RESPONSIBLE FOR THE PROPER ADMINISTRATION OF THE COUNCIL'S FINANCIAL AFFAIRS, UNDER AND IN ACCORDANCE WITH SECTION 151 OF THE LOCAL GOVERNMENT ACT, 1972

A report of the Interim Chief Executive was submitted.

It was moved by Councillor Caunt, seconded by Councillor Mrs Millward and

RESOLVED

That Mr W Baker be appointed as the officer of the Council responsible for the proper administration of the financial affairs of the Council under, and in accordance with, Section 151 of the Local Government Act, 1972 with effect from 1<sup>st</sup> April, 2009, and that Mr I Newman be appointed as Deputy Section 151 Officer with effect from that date.

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CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Mrs. Millward and

RESOLVED

- (1) That subject to the relevant element of the Revenue Budget Strategy being agreed, the expenditure to be funded from prudential borrowing be approved, as set out in paragraphs 5-6 of the report now submitted.
- (2) That the funding allocation for new plots within the Oak Lane Caravan Site and the installation of a new mains foul drainage system be noted, and the expenditure be included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
- (3) That the installation of a new Memorial Wall at Gornal Wood Crematorium be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (4) That the Capital Reward funding associated with the Free Swimming initiative be used to undertake facility planning modelling, and that this expenditure be included in the Capital Programme, as set out in paragraph 9 of the report now submitted.
- (5) That the funding for improvements to the playing fields and pitch at Windsor High School be noted, and the project included in the Capital Programme, as set out in paragraph 10 of the report now submitted.
- (6) That the Capital Programme be amended to reflect the latest estimated cost of the Old Park Special School relocation project, and the disposal proceeds from the current site be earmarked to fund the project, as set out in paragraph 11 of the report now submitted.

- (7) That subject to a targeted Capital Fund - School Kitchens bid being successful, any related schemes be included in the Capital Programme, as set out in paragraph 12 of the report now submitted.
- (8) That the Information System for Parents and Providers allocation be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 13 of the report now submitted.
- (9) That the Home Access to ICT allocation be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 14 of the report now submitted.
- (10) That the ICT Strategy expenditure be approved and the Capital Programme amended accordingly, as set out in paragraph 15 of the report now submitted.
- (11) That the refurbishment of an additional Training Room / Strategic Coordination Centre for the Contingency and Disaster Management team be approved and included in the Capital Programme, as set out in paragraph 16 of the report now submitted.
- (12) That the Urgent Amendments to the Capital Programme, as set out in paragraphs 17-21 of the report now submitted be noted.
- (13) That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix A to the report now submitted, be approved.
- (14) That the Minimum Revenue Provision (MRP) Policy for 2009/10 be approved as set out in paragraph 25 of the report now submitted.

(Having declared a personal and prejudicial interest in this item insofar as it related to the Brierley Hill Local Improvement Trust Facility and to Caring Matters, respectively, Councillors Mrs Coulter and Mrs Ridney left the Council Chamber during consideration of the report on those issues)

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Mrs Millward and



RESOLVED

- (1) That the issues raised by the Select Committee on Community Safety and Community Services, as set out in paragraph 5 of the report submitted, be noted.
- (2) That the Capital Strategy for the period from 2009 – 2014, as drafted and attached to the report submitted, be approved.

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THE SUSTAINABLE COMMUNITIES ACT, 2007

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Mrs Millward and

RESOLVED

- (1) That the Council welcome the Sustainable Communities Act 2007 and resolve to be fully engaged with the opportunities that it provides, and
- (2) That the proposals to establish the Dosti Executive as the Sustainable Communities Panel within Dudley, as outlined in the report now submitted, be approved.

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UPDATING THE COMMUNITY STRATEGY AND ENGAGEMENT FRAMEWORK AND LOCAL AREA AGREEMENT

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Mrs Millward and

RESOLVED

- (1) That the work on the review of the Community Strategy to ensure that it is updated to become a fully sustainable local community strategy be approved and that the Strategy be subject to a future adoption by the full Council.
- (2) That the proposed framework for the development of a Dudley Council Community Engagement Strategy, as outlined in the report now submitted, be approved.

- (3) That the Interim Chief Executive, in consultation with the Leader of the Council, be authorised to approve and submit the Local Area Agreement Refresh to Government at the end of February, 2009.

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DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT  
AND PUBLIC SECTOR HOUSING CAPITAL

(Having declared a personal and prejudicial interest in accordance with the Members' Code of Conduct in this item, Councillor Mrs Coulter withdrew from the Council Chamber during consideration of the item)

A report of the Cabinet was submitted.

It was moved by Councillor Evans, seconded by Councillor Mrs Millward and

RESOLVED

- (1) That the revised Housing Revenue Account (HRA) budget for 2008/09 and the HRA budget for 2009/10 outlined in Appendix 1 to the report submitted, be approved.
- (2) That the public sector housing revised capital budget for 2008/09 and capital budget for 2009/10 to 2013/14 attached as Appendix 2 to the report submitted, be approved.
- (3) That the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, be authorised to manage and allocate resources to the capital programme as outlined in paragraph 22 of the report now submitted.
- (4) That the Council confirm that all capital receipts arising from the sale of HRA assets (other than those specifically committed to support private sector housing) continue to be used for the improvement of Council homes as outlined in paragraph 22 of the report now submitted.
- (5) That the Director of Adult, Community and Housing Services be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 23 of the report now submitted.
- (6) That the medium-term financial strategy set out in Appendix 4 of the report submitted be approved and that this be reviewed later in 2009 as outlined in paragraph 26 of the report.

LOCAL DEVELOPMENT SCHEME REVISION

It was moved by Councillor Knowles, seconded by Councillor Caunt and

## RESOLVED

- (1) That the Local Development Scheme for the period 2009 – 2011 be approved as the operational Local Development Scheme for the Borough and submitted to the Government Office for the West Midlands in accordance with the Planning and Compulsory Purchase Act, 2004.
- (2) That the Director of the Urban Environment, in consultation with the Cabinet Member for Economic Regeneration, be authorised to make future minor changes to the Local Development Scheme for the production of documents specifically relating to the Joint Core Strategy and associated documents being produced by the Black Country Boroughs, but that all significant alterations be submitted to the Cabinet for consideration prior to forwarding to the Government Office.

TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

It was moved by Councillor Taylor, seconded by Councillor Caunt and

## RESOLVED

- (1) That the Treasury Management activities in 2008/09, as set out in the report now submitted, be approved.
- (2) That the Treasury Strategy for 2009/10, as set out in Appendix 1 to the report now submitted, be approved.
- (3) That the Director of Finance be authorised to effect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.

NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 12

(Having declared a personal and prejudicial interest, in accordance with the Members' Code of Conduct in this item, Councillor Nottingham withdrew from the Council Chamber during consideration of the item)

Pursuant to Council Procedure Rule 12, Councillor Crumpton had given notice of the following motion:

"This Council is deeply concerned that it has had no voice in the secondary education of children within the Borough.

The Council notes

- The recent decision taken by the Cabinet to defer a bid for inclusion within the Building Schools for the Future programme.
- The recent decision taken by the Cabinet to bid for inclusion in the Academies programme.
- The financial offer made by Headteachers of all Secondary Schools in the Borough towards the costs associated with the Building Schools for the Future Programme.

The Council believes that, notwithstanding the fact that the Cabinet has acted within the Constitution, it should have had a full opportunity to debate this exceedingly important matter prior to the decisions being taken.

This Council is also extremely concerned that consultation about the preferred site for the Academy replacing the Crestwood and Pensnett Schools has not been undertaken in any meaningful manner.

The Council is particularly concerned that the January meeting of the Brierley Hill Area Committee took no account of the views expressed by the majority of the public who attended when resolving that the Academy should be sited on the Crestwood site.

This Council now resolved

- (1) That residents should have a direct say in the future site of the Academy replacing Crestwood and Pensnett Secondary Schools. That this should be undertaken by a direct mailing to all residents within 1500 metres of the main entrance to each of those schools. The mailing should provide sufficient information for residents to make an informed decision and directly ask the question “Should the Academy be sited at the Crestwood School site or the Pensnett School site?”
- (2) That this consultation should take place immediately.
- (3) That the results of the consultation should be brought back to full Council (a special meeting if necessary) for decision and that the Secretary of State should be advised of the outcome.”

The motion was moved by Councillor Crumpton and seconded by Councillor Foster.

Pursuant to Council Procedure Rule 14.10 (c) it was moved by Councillor Sparks, seconded by Councillor Caunt and

#### RESOLVED

That the question be now put.

Pursuant to Council Procedure Rule 16.4, at the demand of in excess of six members present at the meeting. The voting on the above motion was recorded as follows:

For the motion (25);

Councillors Sparks, Ali, Ms Partridge, Lowe, Foster, Mrs Ridney, Waltho, Crumpton, Islam, Hanif, Body, Mottram, Ms. Harris, Cotterill, Ms While-Cooper, Mrs Coulter, K Finch, Mrs Aston, J Finch, J R Davies, Mrs Jordan, Mrs Roberts, J Martin, Ms Boleyn, Tyler

Against the motion (40);

Councillors Taylor, Mrs Blood, K Turner, Wright, Mrs Faulkner, Hill, Attwood, Barlow, Mrs Cowell, P Harley, J D Davies, Banks, Mrs H Turner, Mrs Dunn, Ms Nicholls, Mrs Ameson, Simms, Mrs Walker, Evans, Miller, Adams, Mrs Shakespeare, Knowles, A Turner, Mrs Millward, Caunt, Davis, Jones, Mrs Harley, Stanley, Woodall, Ryder, Kettle, Southall, James, Vickers, Mrs Rogers, C Wilson, D Blood, Mrs Martin

The motion was therefore lost.

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 Chairman agreed to have reconsidered. An undertaking was given, however, by the Chairman of the Select Committee on Regeneration, Culture and Adult Education that regular reports on Section 106 Expenditure would be submitted to that Committee.

The meeting ended at 8.30 p.m.

MAYOR