

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 26TH NOVEMBER, 2012
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT:

Councillor Mottram (Mayor)
Councillor A Finch (Deputy Mayor)
Councillors A Ahmed, K Ahmed, Ali, Mrs Ameson, Arshad, A Aston, M Aston, Attwood, Mrs Billingham, Bills, Blood, Body, Boleyn, Branwood, Burston, Casey, Caunt, Cotterill, Cowell, Crumpton, Davies, Duckworth, Elcock, Evans, K Finch, Foster, Hale, Hanif, Harley, Harris, Hemingsley, Herbert, Hill, J Jones, L Jones, Jordan, Kettle, Lowe, Marrey, J Martin, Mrs P Martin, Miller, Ms Nicholls, Partridge, Perks, Ridney, Roberts, Mrs Rogers, Russell, Mrs Shakespeare, Mrs Simms, Sparks, Taylor, Mrs H Turner, K Turner, S Turner, Tyler, Vickers, Mrs Walker, Waltho, C Wilson, Wood, Woodall, Wright and Zada together with the Chief Executive and other Officers.

PRAYERS

The Mayor's Chaplain led the Council in prayer.

46 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Islam, James, Mrs Westwood and M Wilson.

47 **DECLARATIONS OF INTEREST**

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillor Body – Minute No. 22(a)(iii) of the Halesowen Area Committee (Petition from the Friends of Homer Hill Park and the presentation made to the Area Committee meeting) – Non-Pecuniary Interest as the Chair of Homer Hill Friends Group.

Councillor Russell – Minute No. 31(1) of the Halesowen Area Committee (Area Committee Grants) regarding the application for a grant to the Earls Gymnastics Club – Pecuniary Interest in view of her youngest child attending the Club and her oldest child attending the School.

Councillor Russell – Minute No. 31(8) of the Halesowen Area Committee (Area Committee Grants) regarding the application for a grant to Hasbury Pre-School – Non-Pecuniary Interest in view of one of her children attending Hasbury School.

Councillors Ridney and Wright – Minute No. 25 of the Regeneration, Culture and Adult Education Scrutiny Committee (Revision of the Playing Pitch Strategy) - Non-Pecuniary Interests as Councillor Ridney was a member of the IEB at The Coseley School and Councillor Wright was as a Governor of Ellowes Hall School.

Councillor Wright – Minute No. 39(iii) of the Development Control Committee (Planning Application P12/0733 – Change of use from Vacant Garage to Education Facility) – Non-Pecuniary Interest in view of reference made to the West Midlands Fire Service, as a Member of the West Midlands Fire and Rescue Authority.

Councillor Wright – Minute No. 39(v) of the Development Control Committee (Planning Application P12/1005 – Land Adjacent to Tipton Road, Dudley). Non-Pecuniary Interest in view of reference made to the Black Country Living Museum as a Trustee.

Councillor Wright – Minute No. 43(x) and 43(xiv) of the Development Control Committee (Planning Application P12/1127 – 16 Moden Hill, Sedgley, Dudley) and (Planning Application P12/1016 – 13D Vale Street, Amblecote) – Non-Pecuniary Interests in view of reference made to the West Midlands Fire Service, as a Member of the West Midlands Fire and Rescue Authority.

Councillor Wright – Minute No. 43(xiii) of the Development Control Committee (Planning Application P12/0866 – 1 Chapel Walk, Lower Gornal, Dudley) – Non-Pecuniary Interest as he personally knew the applicant and the objector.

Councillor Roberts – Minute No. 43(i) of the Development Control Committee (Planning Application P12/0612 – The Holly Hall School, Scotts Green Close, Dudley) - Pecuniary Interest as a Governor of the Academy.

Councillor Wright - References to Midland Heart - Non-pecuniary interest as a tenant of Midland Heart.

Councillor Crumpton - All matters affecting schools - Non-pecuniary interest as a relative works as a supply teacher.

Councillor A Aston - References to matters affecting West Midlands Ambulance Service (WMAS) - Pecuniary interest as an employee of WMAS.

Councillors M Aston, A Finch and K Finch - Capital Programme Monitoring (Priory Park Heritage Lottery Fund (HLF) Project) - Non-pecuniary interest as Councillor A Finch was Chair and the other Councillors attended meetings of the Friends of Priory Park.

Councillor Mrs Rogers - References to Mary Stevens Park and Swinford Common (Stevens Park and Recreational Foundation Trust). Non-pecuniary interest as Chair of the Friends of Mary Stevens Park.

Councillor Boleyn - Minute No. 25 of the Regeneration, Culture and Adult Education Scrutiny Committee (Revision of the Playing Pitch Strategy) and Mayor's Announcements regarding Kewford Eagles Football Club - Non Pecuniary Interest as a Charity Trustee and Vice-Chair of Kewford Eagles Football Club.

Councillor Boleyn - Minute No. 22 of the Regeneration, Culture and Adult Education Scrutiny Committee (Revenue Budget Strategy) - Pecuniary Interest as Secretary to the Trustees of British Glass Foundation.

48 MINUTES

RESOLVED

That the minutes of the extraordinary meeting and the meeting of the Council held on 8th October, 2012 be confirmed as correct records and signed.

49 MAYOR'S ANNOUNCEMENTS

(a) Dementia Strategy

The Mayor reported that the Directorate of Adult, Community and Housing Services had received an award relating to the Dementia Strategy. Following remarks from Councillor Waltho, the Mayor presented the award to representatives of the Directorate and the Council congratulated the employees concerned.

(b) Kayleigh Fisher – Green Care Team

The Mayor reported that Kayleigh Fisher, an apprentice with the Council's Green Care Team had been nominated as a finalist in the National Association for Public Service Excellence apprentice of the year awards. Following remarks from Councillor Foster, the Mayor presented Kayleigh with a trophy and the Council congratulated her on this achievement.

(c) Connexions Team – Directorate of Children's Services

The Mayor reported that the Connexions Team based in the Directorate of Children's Services had been accredited with a national quality mark for the support provided to young people. Following remarks from Councillor Crumpton, the Mayor presented the award to representatives of the Connexions Team and the Council congratulated all concerned.

(d) Kewford Eagles Football Club, Wall Heath - Queen's Award for Voluntary Service

The Mayor reported that the Kewford Eagles Football Club, Wall Heath had recently received the 2012 Queen's Award for Voluntary Service. Following remarks from Councillor Boleyn, the Mayor presented the award to the Chairman and the President of the Football Club. The Council congratulated everyone involved with the Club on this significant achievement.

(e) Councillor Malcolm Knowles and Honorary Alderman Harold Jackson MBE

The Mayor referred in sympathetic terms to the recent deaths of Councillor Malcolm Knowles and Honorary Alderman Harold Jackson MBE. The Council observed a period of silence as a token of respect to their memory. Members of the Council then paid individual tributes.

(f) Remembrance Sunday and Armistice Day

The Mayor thanked everyone involved for the excellent organisation in connection with the Remembrance Sunday and Armistice Day arrangements.

(g) Civic Carol Service

The Mayor reported that the Civic Carol Service would be held on 20th December, 2012 at Christ Church, Coseley.

(h) Cheese and Wine Tasting Charity Evening – 28th November, 2012

The Mayor reported that a cheese and wine tasting charity evening would be held on 28th November, 2012.

(i) Mayor's Attendant – "Coast to Coast" Charity Challenge

The Mayor reminded the Council that sponsorship forms were available for Mike Crannage's Coast to Coast Challenge in Costa Rica during February 2013.

50 CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Sparks, seconded by Councillor Ali and following a debate

RESOLVED

- (1) That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report now submitted, be noted and that budgets be amended to reflect the reported variances.
 - (2) That the Capital Programme be amended in respect of the revised funding of the Priory Park project, as set out in paragraph 6 of the report now submitted.
 - (3) That expenditure to be funded from the Short Break grant be included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
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51 REVENUE BUDGET STRATEGY 2013/14

A joint report of the Chief Executive and Treasurer was submitted.

It was moved by Councillor Lowe, seconded by Councillor Ali and following a debate

RESOLVED

- (1) That the 2012/13 budgets be amended, as set out in paragraphs 4 and 5 of the report now submitted.
 - (2) That Council Tax discounts and exemptions be amended, and the Empty Property Premium applied, from 1st April, 2013, as set out in paragraph 7 of the report now submitted.
 - (3) That the strategy for employee related budget savings, as set out in paragraph 10 of the report now submitted, be endorsed.
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52 LOCALISED COUNCIL TAX REDUCTION SCHEME 2013/14

A report of the Director of Corporate Resources was submitted.

It was moved by Councillor Lowe, seconded by Councillor Sparks and following a debate

RESOLVED

- (1) That, following consideration of the outcomes of the consultation and the equality impact assessment, approval be given to adopt the Government's default scheme for the 2013/14 localised council tax reduction scheme, with amendments for the full disregard of all war disablement and war windows pensions.

- (2) That the Director of Corporate Resources be authorised to make any required amendments to the scheme arising from the publication of the Government regulations expected in November following consultation with the Leader, the Leader of the Opposition Group and the Cabinet Member for Finance subject to the details of any amendments made being reported to all Members of the Council.

53 PUBLICATION OF THE HALESOWEN AREA ACTION PLAN

A report of the Cabinet was submitted.

It was moved by Councillor Sparks, seconded by Councillor Lowe and following a debate

RESOLVED

- (1) That following approval of the Publication of the Halesowen Area Action Plan for a statutory period of public consultation, approval be given for the Halesowen Area Action Plan to be submitted to the Secretary of State so that it may be subjected to a Public Examination.
- (2) That the Director of the Urban Environment, in consultation with the Leader of the Council, the Cabinet Member for Regeneration and the Opposition Spokesperson for Regeneration, be given delegated authority to agree any minor recommended changes to the document prior to submission to the Secretary of State, following consultation which concludes on 21st December, 2012 and that any such changes be notified to all Members of the Council.

54 GAMBLING POLICY

A report of the Cabinet was submitted.

The Cabinet Member for Human Resources, Law and Governance referred to the forthcoming retirement of Janet Elliott, Licensing Officer in the Directorate of Corporate Resources. The Cabinet Member placed on record her thanks to Mrs Elliott for her long and dedicated professional service to Dudley MBC and wished her a long, happy and healthy retirement. Other Members spoke in support of these comments, which were endorsed by the Council.

It was moved by Councillor Partridge, seconded by Councillor Bills and

RESOLVED

That the Gambling Policy, as set out in Appendix 1 to the report now submitted, be approved and adopted.

REVIEW OF AREA COMMITTEES

A report of the Cabinet was submitted.

It was moved by Councillor Sparks and seconded by Councillor Lowe

- (1) That the recommendations of the special meeting of the Cabinet held on 13th November, 2012 in relation to Review of Area Committees be approved and adopted; and
- (2) That the Chairs and Vice-Chairs of the Community Forums be appointed in accordance with the table circulated at the meeting and that the names of the members to serve be submitted to the Director of Corporate Resources by the Leaders of the political groups.

The following amendments to the relevant paragraphs in the report were moved by Councillor L Jones

Paragraph 32 - That the Council nominate Members to serve as the Chairs and Vice-Chairs of Community Forums **[add the words – “based on the political balance of each Forum or where membership is equally balanced, on terms to be agreed by the Forum Members”]**, initially with effect from the first meeting in February, 2013 until the annual meeting of the Council in May, 2013.

Paragraph 33 - That, pending a review of the Members Allowances Scheme in 2013, **[add the words, “no special responsibility payments be made.” and delete the remainder of the paragraph]**.

Paragraph 34 - That the payment of Special Responsibility Allowances to the existing Chairs and Vice-Chairs of Area Committees cease with **[add the word “immediate” and delete the rest of the paragraph after the word effect]**.

With the consent of the meeting, and the mover and seconder of the original motion, the amendments were accepted.

The amended motion was thereupon put to the meeting and it was

RESOLVED

- (1) That the outcome of consultation be noted and the issues raised be taken into account in the implementation and ongoing review of the proposals.
- (2) That 9 Community Forums be established, on the basis outlined in the report, to replace the existing Area Committee structure and that the Community Forums maintain a clear focus on community engagement and participation.

- (3) That the revised structure and area arrangements be funded from existing resources.
- (4) That the proposed dates of meetings of the Community Forums for the remainder of the municipal year be as set out in Appendix 4 to the report and that the meetings of Area Committees previously programmed in 2013 be no longer proceeded with.
- (5) That the Council nominate Members to serve as the Chairs and Vice-Chairs of Community Forums based on the political balance of each forum or where the membership is equally balanced, on terms to be agreed by the Forum Members, initially with effect from the first meeting in February, 2013 until the annual meeting of the Council in May, 2013 and that the names of the members to serve be submitted to the Director of Corporate Resources by the Leaders of the political groups.
- (6) That, pending a review of the Members Allowances Scheme in 2013, no special responsibility payments be made.
- (7) That the payment of Special Responsibility Allowances to the existing Chairs and Vice-Chairs of Area Committees cease with immediate effect.
- (8) That the Director of Corporate Resources, in consultation with the Cabinet Member for Finance, be authorised to determine the reallocation of any unspent Area Committee local area budgets to the Community Forums on a ward by ward basis in due course.
- (9) That the Director of Corporate Resources be authorised to organise development sessions for Members and Officers and to determine any other consequential arrangements to ensure the implementation of the Community Forums from February, 2013.
- (10) That the revised area arrangements be the subject of an ongoing review to ensure that they remain flexible and a full review of the operation of the Community Forums be undertaken after 12 months of experience.

56 ANNUAL REVIEW OF THE CONSTITUTION

A report of the Cabinet was submitted.

It was moved by Councillor Sparks, seconded by Councillor Lowe and

RESOLVED

- (1) That the standards arrangements produced by the Monitoring Officer under delegated powers, as set out in Appendix 1 of the report now submitted, be endorsed.
 - (2) That the Petition Scheme, as set out in Appendix 2 of the report now submitted, be approved.
 - (3) That Article 10 of the Constitution be revised, as set out in the amended Appendix 3 as circulated at the meeting, to reflect the replacement of Area Committees with the new Community Forums.
 - (4) That the Director of Corporate Resources be given delegated authority to action recommendations from the Community Forums in respect of area budgets, as referred to in paragraph 16 of the report now submitted.
 - (5) That the revisions and updates to the scheme of delegation, as referred to in paragraph 18 of the report now submitted, be approved and adopted.
 - (6) That the provisions for the 'reference up' of decisions, as set out in paragraph 19 of the report now submitted, be approved and incorporated in Article 7.06 of the Constitution.
 - (7) That the arrangements for calling special meetings of any Committee, as referred to in paragraph 20 of the report now submitted, be approved to ensure consistency in all parts of the Constitution.
 - (8) That the Council's existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented to the Council in advance of the 2013/14 municipal year.
 - (9) That the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, be noted and that the Director of Corporate Resources be authorised to make any consequential changes to the Access to Information Procedure Rules in Part 4 of the Constitution.
 - (10) That the Forward Plan of Key Decisions be reported to all ordinary meetings of the Cabinet, as referred to in paragraph 30 of the report now submitted.
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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 Chairs agreed to have reconsidered.

The Council noted the need to amend reference to the Cabinet Member for Human Resources in Minute No. 22(a)(iii) of Halesowen Area Committee to make reference to Councillor Partridge who had been speaking on this occasion in her capacity as a ward Councillor for Cradley and Wollescote.

The Mayor wished all Members and Officers a happy Christmas and a peaceful, prosperous new year.

The meeting ended at 8.15pm

MAYOR