

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE MEETING HELD ON MONDAY, 13TH OCTOBER, 2008**  
**AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:-**

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

**PRAYERS**

The Mayor's Chaplain led the Council in prayer.

---

33

**APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Attwood, Ms. Boleyn, G. H. Davies, Ms. Harris and Tyler.

---

34

**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:

Councillor Ms. Boleyn – Minute No. 19 of Brierley Hill Area Committee (Matters raised at the previous meeting of the Committee in so far as the item related to stray and illegally grazed horses) - Personal interest in view of her membership of the Royal Society for the Prevention of Cruelty to Animals.

Councillor Ms. Foster – Minute No. 18 of Brierley Hill Area Committee (Capital Allocations - in so far as the item related to the application received from West Midlands Fire Service) - Personal and Prejudicial interest in view of her employment with West Midlands Fire Service.

Councillor Tyler – Minute No. 18 of Brierley Hill Area Committee (Capital Allocations) in so far as the item related to the applications received from the Kingswinford Methodist Church and St Andrew’s United Reform Church - Personal interest in that he had encouraged those bodies to apply for an allocation.

Councillor Body – Minute No. 16 of Halesowen Area Committee (Cradley High School Leisure Centre) - Personal interest as the Chair of the Friends of Homer Hill Park and meetings were held at Cradley High School.

Councillor Body – Minute No. 17 of Halesowen Area Committee (Community Renewal Service) - Personal interest as the Vice-Chair of Cradley Community Centre and a Trustee of Community Centres.

Councillor Body – Minute No. 18 of Halesowen Area Committee (Delegated Capital Budget) - Personal interests as the Chair of the Friends of Homer Hill Park; an application for funding had been received from the Friends of Homer Hill Park and he had supported the application for funding for the Heritage Boards.

Councillor Crumpton – Minute No. 17 of Halesowen Area Committee (Community Renewal Service) - Personal interest as a Trustee of Community Centres.

Councillor Ms. Partridge – Minute No. 17 of Halesowen Area Committee (Community Renewal Service) - Personal interest as a Trustee of Community Centres.

The Mayor (Councillor Burston) – Minutes of Halesowen Area Committee (Responses to Questions Raised at the Halesowen Area Committee held on 12<sup>th</sup> March 2008 and Halesowen Town Centre Development regarding references to Centro) - Personal interests in view of him being employed by Centro.

The Mayor (Councillor Burston) – Minute No. 20 of Halesowen Area Committee (Earls High School Foundation – Application for Grants) - Personal interest as a Governor of the School. \_

Councillor Hill – Minute No. 17 of Halesowen Area Committee (Community Renewal Service) - Personal interest as the Vice-Chairman of Shell Corner Partnership.

Councillor Hill – Minute No. 20 of Halesowen Area Committee (Earls High School Foundation – Application for Grants) – Personal interest as a Governor of the School. \_

Councillor James – Minute No. 20 of Halesowen Area Committee (Earls High School Foundation – Application for Grants) - Personal interest as a Governor of the School. \_

Councillors Taylor and Woodall – Minute No. 17 of Halesowen Area Committee (The Leasowes Restoration) - Personal interest as Members of the Friends of Leasowes. \_

Councillor A Turner – Minute No. 13 of Halesowen Area Committee (Public Forum) – Personal and prejudicial interest with regard to the question about the closure of driving test centres in view of him being a licensed driving instructor.

Councillors Mrs. H. Turner and K. Turner - Minute No. 13 of Halesowen Area Committee (Public Forum) – Personal and Prejudicial interest with regard to the question about the closure of driving test centres in view of their son being a licensed driving instructor.

Councillor K. Turner – Minute No. 17 of Halesowen Area Committee (Community Renewal Service - reference to Groundwork) – Personal and Prejudicial interest as a Director and Treasurer of Groundwork Black Country. \_

Councillor K. Turner – Minute No. 17 of Halesowen Area Committee (Community Renewal Service) - Personal interest as a Member of the Caslon Community Partnership. \_

Councillor K. Turner – Minute No. 18 of Halesowen Area Committee (Delegated Capital Budget - application from the West Midlands Fire Service) – Personal and prejudicial interest in view of him being a member of the West Midlands Fire and Rescue Authority.

The Mayor (Councillor Burston) – Minute No. 41 of Halesowen Area Committee (Halesowen Town Centre Development) - Personal interest in so far as the item related to Halesowen Bus Station, in view of his employment by CENTRO.

Councillor Hill – Minute No. 33 of Halesowen Area Committee (Shell Corner Regeneration Strategy) - Personal interest as Vice-Chairman of the Shell Corner Partnership.

Councillors Hill and James – Minute No. 39 of Halesowen Area Committee (Capital Allocations - application made by Earls High School) - Personal interest in view of their Governorship of the School.

Councillors Adams, Attwood and Mrs. Rogers – Minute No. 33 of Stourbridge Area Committee (Repair to Gates at Mary Stevens Park) - Personal interests in view of their membership, Chairmanship and Vice Chairmanship of the Friends of Mary Stevens Park Group.

Councillor Ryder – Minute No. 29 of North Dudley Area Committee (Fire Service Issues) - Personal and prejudicial interest in view of his membership of the West Midlands Fire and Rescue Authority.

Councillors Mrs. Millward and Wright – Minute No. 35 of North Dudley Area Committee (Capital Allocations – Application by Baggeridge Social Club) - Personal and prejudicial interest as Trustees of the Social Club.

Councillor Mrs. Faulkner – Minute No. 11 of the Select Committee on Health and Adult Social Care (Dudley Dignity in Care Report Programme) - Personal interest as the Council's Adult Social Care Champion - Personalisation.

Councillor Woodall – Minute No. 19 of the Select Committee on Regeneration, Culture and Adult Education (The Leasowes Restoration Project) – Personal interest as a member of the Friends of Leasowes.

Councillor Nottingham – Minute No. 22 of the Select Committee on Children's Services (Building Schools for the Future and Academies) – Personal interest in view of his Governorship of one of the schools proposing to be awarded Academy status.

Councillor Mrs. H. Turner – Minute No. 15(i) of the Development Control Committee (Plan No. P08/0852 – Struggling Man Inn Public House, Prospect Row, Dudley) – Personal and prejudicial interest in that the developer was known to her.

Councillor Mrs. M. Wilson – Minute No. 15(ii) of the Development Control Committee (Plan No. P07/0962 – 11 The Straits, Dudley) – Personal and prejudicial interest as the applicant was known to her.

Councillor Wright – Minute No. 21(i) of the Development Control Committee (Plan No. P08/0803 Land off Central Drive (rear of former number 23 Grosvenor Road) Lower Gornal, Dudley) – Personal and prejudicial interest in view of his having worked for the applicant in the past.

Councillor Mrs. H. Turner – Minute No. 29(xiii) of the Development Control Committee – Plan No. P08/1155 (The Fountain Inn Public House, 21 Victoria Road, Quarry Bank, Brierley Hill) - Personal and prejudicial interest in that the developer was known to her.

Councillor Wright – Minute No. 34(i) of the Development Control Committee (Plan No. P08/0803 - Land off Central Drive (rear of former number 23 Grosvenor Road) Lower Gornal) - Personal and prejudicial interest in that he had been employed on a sub-contractual basis with the developer.

The Mayor (Councillor Burston) - Agenda item No. 6(a) (Annual Report of the Select Committee on the Environment - Dudley Bus Review) - Personal interest on account of employment by CENTRO.

The Mayor (Councillor Burston) – Agenda item No. 6(b) (Annual Report of the Select Committee on Health and Adult Social Care - Autism Strategy) - Personal interest on account of DART being the predecessor organisation of the No Limits Community Project, one of the Mayoral charities.

The Mayor (Councillor Burston) - Minute No. 27 of the Select Committee on Health and Adult Social Care (Treatment of Age Related Muscular Degeneration) - Personal interest on account of his mother receiving treatment by Dudley Primary Care Trust in connection with muscular degeneration.

Councillor M. Davis - All items relating to social services - Personal interest as a service user.

Councillors Mrs. Aston, J. Finch and K. Finch - Agenda Item No. 5(a) (Capital Programme Monitoring - Play Pathfinder – Sycamore Green Centre) - Personal interests as attendees at meetings of the Committee in respect of Sycamore Green.

Councillor Mrs. Aston – Agenda Item No. 9 (Annual Report of the Select Committee on Health and Adult Social Care - Reference to West Midlands Ambulance Service) - Personal interest as her son works for West Midlands Ambulance Service.

Councillor Nottingham – Minute No. 19(d) of Brierley Hill Area Committee (references to Pensnett/Crestwood Academy) - Personal interest as a Governor of The Crestwood School.

Councillor Nottingham - Agenda item No. 7 (Financial Regulations and Standing Orders relating to Contracts let by the Governing Body of a School) - Personal interest as a School Governor.

Councillor J D Davies - Any references in the agenda papers to Post Office Closures - Personal interest in view of part-time employment at Moor Street Post Office, Brierley Hill.

Councillors Mrs Coulter and Vickers - Agenda Item No. 5(a) (Capital Programme Monitoring - Play Pathfinder – reference to an adventure playground at Sycamore Green Centre) - Personal interest as Members of the Management Committee of the Pupil Referral Unit.

Councillors A Turner and K Turner - Minutes of the Development Control Committee – Plan No. P08/1155 (The Fountain Inn Public House, Quarry Bank) and P08/0852 – (Struggling Man Inn Public House, Dudley) - Personal and prejudicial interests as the developer was a friend and associate.

Councillor J R Davies - Delegated Decision 59 (Approval of Citizens' Advice Bureau Grant for 2008/09) - Personal interest as colleagues work in that organisation.

The Mayor (Councillor Burston) – Minute No. 30 of North Dudley Area Committee (Youth Issues – Cheap Travel Initiative) – Personal interest in view of employment by Centro.

Councillor Mrs. Rogers – Agenda Item No. 6(a) (Annual report of the Select Committee on the Environment) – Personal interest as a Committee Member of the Norton and Iverley Action Group.

Councillor Waltho – Agenda Item No. 6(b) (Annual report of the Select Committee on Health and Adult Social Care) – Personal interest as a Member of the Council of Governors – Dudley Group of Hospitals.

Councillor Mrs. Walker – Agenda Item No. 6(b) (Annual report of the Select Committee on Health and Adult Social Care) – Personal interest in view of having a daughter employed at Russells Hall Hospital.

Councillor Mrs. Faulkner – Agenda Item No. 6(b) (Annual report of the Select Committee on Health and Adult Social Care) – Personal interest in view of her passive membership in respect of Dudley Group of Hospitals.

---

35

MINUTES

RESOLVED

That the minutes of the meetings of the Council held on 14<sup>th</sup> July, 2008 be approved as a correct record and signed.

---

36

MAYOR'S ANNOUNCEMENTS

(a) Death of Former Councillors Terry Powell and John Corns and Mr. Mike Holder

The Mayor referred, in sympathetic terms, to the recent death of former Councillors Terry Powell and John Corns. Reference was also made to the death of former Chief Superintendent Mike Holder. The Council stood in silent tribute as a token of respect to their memory. Members of the Council paid tributes to the former Councillors and to Mr. Holder.

(b) Charity Football Match

The Mayor reported that a Charity Football Match had been held on Friday, 26<sup>th</sup> September, 2008 between teams representing Members and Officers. Councillor Waltho addressed the Council and collected the trophy on behalf of the Councillors Team who had won the match by 6 goals to 2. A donation was also made to the Mayor's charities.

(c) Brierley Hill LIFT Project – Safety Award

The Mayor reported that Neil Phipps, a participant in the Dudley MBC/Future Skills local labour initiative, had recently received a safety award in connection with the Brierley Hill LIFT Project. Following remarks by Councillor Knowles, the Council expressed its congratulations to Neil on this achievement.

(d) Stourbridge in Bloom

The Mayor reported that Stourbridge had received a golden award for its entry in Heart of England in Bloom. Mary Stevens Park had also received an award for horticultural excellence. Following remarks from Councillor Knowles, the Mayor presented the awards to David Harcourt from the Chamber of Trade. The Council congratulated everyone involved in these achievements.

---

37

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 the Adult, Community and Housing Information and Communication Technology (ICT) Strategy projects be approved and included in the Capital Programme, as set out in paragraph 3 of the report now submitted.
- (2) That a Section 8 agreement be entered into with Staffordshire County Council, and that the drainage works at Norton Road / County Lane, Stourbridge be approved and included in the Capital Programme, as set out in paragraph 4 of the report now submitted.
- (3) That the scheme to refurbish the toilets at Lister Road Garage be approved and included in the Capital Programme, as set out in paragraph 5 of the report now submitted.
- (4) That the successful grant applications for the Townscape Heritage Initiative (THI) project be noted, and the related expenditure included in the Capital Programme, as set out in paragraph 6 of the report now submitted.
- (5) That the improvements at Wrens Nest Nature Reserve be approved, and included in the Capital Programme, as set out in paragraph 7 of the report now submitted.

- (6) That the project for the stabilisation of the Step Shaft Mine be included in the Capital Programme as described in paragraph 8 of the report now submitted.
  - (7) That the Play Pathfinder grant allocation be noted, and that subject to final Department for Children, Schools and Families approval, the associated expenditure be included in the Capital Programme, as set out in paragraph 9 of the report now submitted.
  - (8) That the Capital Programme be amended to include the costs resulting from the flooding incident at the Highfields site, as set out in paragraph 10 of the report now submitted.
  - (9) That the urgent amendments to the Capital Programme, as set out in paragraphs 11 to 14 of the report now submitted, be noted.
- 

38

COMMUNITY RENEWAL STRATEGY

A report of the Cabinet was submitted.

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

RESOLVED

That the draft multi-agency Community Renewal Strategy be approved.

---

39

REVISED CODE OF CORPORATE GOVERNANCE

A report of the Cabinet was submitted. In moving the recommendations, Councillor Caunt indicated that the word "food" in the heading on page 27 of the report should be amended to read "good".

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

RESOLVED

That the revised Code of Corporate Governance, as set out in Appendix 1 to the report now submitted, be approved.

---

40

REVIEW OF THE CONSTITUTION

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the report be noted.
- (2) That the Audit Committee be authorised to determine any amendments to Financial Regulations and Contract Standing Orders, including those relating to Schools.

---

41

SPENDING PROJECTIONS 2008/09

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the allocations from General Balances to fund the budget adjustments, as set out in paragraph 4 of the report now submitted, be approved.
- (2) That the spending pressures, as outlined in paragraph 5 of the report now submitted, be noted.
- (3) That the Council reiterates to all Cabinet Members, the Chief Executive, Directors and budget holders the need to exercise stringent budgetary control for the remainder of the current financial year in accordance with the Council's Approved Financial Management Regime.
- (4) That the effects on the Council's Medium Term Financial Plan be noted.
- (5) That action be taken to replenish General Balances when the opportunity arises.

---

42

FOOD SERVICE PLAN 2008/09

A report of the Cabinet was submitted.

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

RESOLVED

That the Food Service Plan of the Directorate of the Urban Environment for 2008/2009 be approved.

---

43

ANNUAL REPORT OF THE SELECT COMMITTEE ON THE ENVIRONMENT

The annual report of the Select Committee on the Environment was submitted. In moving the recommendation, the Chairman of the Select Committee thanked Members and Officers for their work in support of the Committee.

The recommendation in the report was moved by Councillor Mrs. Cowell and seconded by Councillor D. Blood. Following a debate, it was noted that the concerns expressed by Members relating to bus services would be raised with Centro and the Select Committee would consider associated issues at future meetings as appropriate. The motion was put to the meeting and it was

RESOLVED

That the annual report of the Select Committee on the Environment for 2007/08 be approved and adopted.

---

44

ANNUAL REPORT OF THE SELECT COMMITTEE ON HEALTH AND ADULT SOCIAL CARE

The annual report of the Select Committee on Health and Adult Social Care was submitted. In moving the recommendation, the Chairman of the Select Committee thanked Members, Officers and Partners for their work in support of the Committee.

It was moved by Councillor Mrs. Ridney and seconded by Councillor Mrs. Faulkner:

“That the annual report of the Select Committee on Health and Adult Social Care for 2007/08 be approved and adopted.”

The following amendment was moved by Councillor Woodall and seconded by Councillor D. Blood:

“That paragraph 32 be deleted from the report.”

Following a debate, a suggestion was made by the Chairman of the Select Committee that the original motion should be amended to the effect that paragraph 32 should be retained in the report and that the matter should be referred back to the Select Committee to consider the concerns expressed by the Council, in particular the conditions allowing cross contamination/infections to take place. With the consent of the mover of the amendment, and of the meeting, the amended motion was put and it was

RESOLVED

That the annual report of the Select Committee on Health and Adult Social Care for 2007/08 be approved and adopted subject to the concerns expressed by the Council on paragraph 32 of the report being referred back to the Select Committee on Health and Adult Social Care for further consideration.

---

45                    FINANCIAL REGULATIONS AND STANDING ORDERS

A report of the Audit Committee was submitted.

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

RESOLVED

That the revised Financial Regulations and School Standing Orders be approved and adopted.

---

46                    TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

It was moved by Councillor Taylor, duly seconded and

RESOLVED

- (1) That the treasury management activity, as set out in the report now submitted, be noted.
  - (2) That the revised Annual Investment Strategy, as set out in Appendix 2 to the report now submitted, be approved.
- 

47                    APPOINTMENT OF CO-OPTED MEMBER TO THE SELECT COMMITTEE ON HEALTH AND ADULT SOCIAL CARE

A report of the Select Committee on Health and Adult Social Care was submitted.

It was moved by Councillor Mrs. Ridney, duly seconded and

RESOLVED

- (1) That provision be made to appoint a non- elected, non-voting Co-opted Member of the eventual LINK to the Select Committee on Health and Adult Social Care in due course.

- (2) That the Director of Law and Property, in consultation with the Leader of the Council, be authorised to appoint the Co-opted Member and to deal with the filling of any vacancies that arise from time to time.
- 

48

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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 9.17 p.m.

MAYOR