

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 12TH OCTOBER, 2009
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT:-

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

PRAYERS

The Mayor's Chaplain led the Council in prayer.

32 **APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Mrs. Cowell, Crumpton, Mrs. Faulkner, Mottram and Mrs. M. Wilson.

33 **DECLARATIONS OF INTEREST**

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

Councillor A. Turner – Minute No. 28 of Stourbridge Area Committee (Capital Allocations – Application by Lye and Wollescote Partnership Group) - Personal and prejudicial interest as secretary of the Partnership Group.

Councillor Lowe – Minute No. 28 of Stourbridge Area Committee (Capital Allocations – Application by Lye and Wollescote Partnership Group) - Personal interest as an attendee at the Partnership Group.

Councillor Hanif – Minute No. 28 of Stourbridge Area Committee (Capital Allocations – Application by Lye and Wollescote Partnership Group) – Personal and prejudicial interest as a member the Partnership Group.

Councillor Mrs. Rogers – Minute No. 29 of Stourbridge Area Committee (Mary Stevens Park Heritage Lottery Fund Bid and Gates) - Personal interest as Chairman of the Friends of Mary Stevens Park.

Councillor Mrs. Rogers – Minute No. 31 of Stourbridge Area Committee (Healthy Towns Project) – Personal interest as Chairman of the Friends of Mary Stevens Park.

Councillor Body – Minute No. 37 of Halesowen Area Committee (Delegated Capital Budget - application by the Cradley Community and Welfare Association) - Personal and prejudicial interest as Vice-Chairman of that organisation.

Councillor Ahmed – Minute No. 34 of Central Dudley Area Committee (Ward Issues – reference to Stepping Stone Street) – Personal interest as a resident in Stepping Stone Street.

Councillors Mrs. Millward and Wright – Minute No. 40 of North Dudley Area Committee (Delegated Capital Budget – request by Baggeridge Social Club for an extension to time for claiming grant) - Personal and prejudicial interests in view of their appointment by the Council as trustees of the Baggeridge Social Club.

Councillors Mrs. Aston, J. Finch and K. Finch – Minute No. 8 of the Select Committee on Health and Adult Social Care (Report on the Annual Review of the Directorate of Adult, Community and Housing Services Equality and Diversity Action Plan 2008/09) – Personal interests as Ward Members on the North Priory Project Board.

Councillor Hill – Minute No. 27 of the Audit Committee (Exceptions to Standing Orders) – Personal interest as a governor at a School referred to in the report.

Councillor Mrs. H. Turner – Minutes Nos. 13(i) and 21(i) of the Development Control Committee (Planning application P09/0138 - 50 High Street, Quarry Bank) – Personal and prejudicial interest as the Developer was known to her.

Councillor C. Wilson – Minutes Nos. 13(xviii) and 21(iii) of the Development Control Committee (Planning application P09/0508 - Land to the rear of Skansen, Ounty John Lane, Stourbridge) – Personal and prejudicial interest as the applicant was a friend of some thirty years duration.

Councillor Ryder – Minute No. 22(i) of the Development Control Committee (Planning application P09/0517 - Café Casita, Clarence Street, Dudley) - Personal and prejudicial interest as he had spoken to protestors prior to the application being determined.

Councillor Southall – Minute No. 29(xv) of the Development Control Committee (Planning application P09/0994 - Dudley Employees Sports and Social Club, Hillcrest Avenue, Brierley Hill – Erection of 6 No. Lighting Columns) – Personal and prejudicial interest as the Secretary of the Club submitting the application had been known to him for many years.

Councillor Southall – Minute No. 29(xix) of the Development Control Committee (Planning application P09/0848 - 2 Sandringham Road, Wordsley, Stourbridge – Two Storey Side and Single Storey Rear Extensions (following demolition of Existing Garage)) - Personal and prejudicial interest as his house overlooked the applicant's property; he was a resident at one of the ten properties to which a notification letter had been sent and the applicants and objectors were known to him.

Councillor Wright – Minute No. 28 of the Development Control Committee (Planning Obligations) – Personal interest as a tenant of Midland Heart.

Councillor K. Finch – Minute No. 29(ix) of the Development Control Committee (Planning application P09/0892 - Former Sycamore Green Primary School, Sycamore Green, Parkes Hall Estate, Dudley – Change of use of land from D1 (School) to D2 to include construction of an Adventure Playground and Playbarn with associated Upgrading of Existing Access Routes) – Personal interest insofar as he had attended meetings and been involved in discussions concerning this site.

Councillor Wright – Minute No. 33(xiii) of the Development Control Committee (Planning application P09/0471 - 17 Smithy Lane, Brierley Hill) - Personal and prejudicial interest as the applicant was known to him.

Councillors Mrs. E. Blood and Southall – Minute No. 14(x) of the Tree Preservation Orders Committee (Planning application P09/0889 – 67 Stream Road, Kingswinford) – Personal interests as the applicant had been a personal acquaintance of Councillor Mrs. Blood and the applicant was a member of the congregation of the Church, which Councillor Southall attended.

Councillors Mrs. Aston, J. Finch and K. Finch - Minute No. 13(ii) of the Development Control Committee (Plan No. P08/1918 – Newey Business Park) - Personal interests - had attended meeting with developers as Ward Councillors.

Councillor Wright - Delegated Decision No. 49 (Ellowes Hall Sports College – Sports Facility) - Personal and prejudicial interest as a Governor of Ellowes Hall Sports College.

Councillor Wright - Any references in the agenda papers to Midland Heart - Personal and prejudicial interest as a tenant.

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

Councillor Ms. Harris - Any references in the agenda papers to matters relating to health and social care in so far as they relate 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 Burston - Agenda Item No. 5(i) Capital Programme Monitoring – Paragraph 14 (Bus Showcase schemes) - Personal interest on account of employment with CENTRO.

Councillor Burston - Minute No. 36 of North Dudley Area Committee (Transport Issues) - Personal interest on account of employment with CENTRO.

Councillors A. Turner and K. Turner – Minutes Nos. 13(i) and 21(i) of the Development Control Committee (Planning application P09/0138 - 50 High Street, Quarry Bank) – Personal and prejudicial interest as the Developer was known as a friend.

Councillor J. R. Davies – Agenda Item No. 5(d) – Review of Housing Finance – Personal interest as a close relative was a Council tenant.

34

MINUTES

RESOLVED

That the minutes of the meeting held on 13th July, 2009, be approved as a correct record and signed.

35

MAYOR'S ANNOUNCEMENTS

(a) Death of Honorary Alderman John Simpson and Mr. Dennis Pitchford

The Mayor referred, in sympathetic terms, to the death of Honorary Alderman John Simpson, who was a Dudley Councillor between 1980 and 2003 and served as Mayor of the Borough in 1994/95. The Mayor also informed the Council of the recent death of the former Dudley MBC Treasurer, Mr. Dennis Pitchford.

The Council stood in silent tribute as a token of respect to their memory. Members then paid individual tributes to John Simpson and Dennis Pitchford.

(b) Royal Town Planning Institute – ‘Today’s Leader’ Award

The Mayor reported that Annette Roberts, Planning Policy Manager in the Directorate of the Urban Environment, had received the ‘Today’s Leader’ Award from the Royal Town Planning Institute. Following remarks from Councillor Jones, the Mayor presented the award to Annette and the Council congratulated her on this outstanding achievement.

(c) Charity Football and Cricket Matches

The Mayor reported that the annual football and cricket matches between Council Members and Officers had raised over £3,000 for her Charity Fund. The Mayor thanked everyone involved in organising the events, in particular, Councillor Hanif, Members and Officers who participated, the Dell Stadium and Stourbridge Cricket Club for hosting the successful events. The Mayor then presented the trophies to the winners and runners-up.

36

CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the use of legacy monies for Minor Works to Social Care buildings be approved and included in the Capital Programme, as set out in paragraph 3 of the report now submitted.
- (2) That the demolition of Coseley Swimming Pool be included in the Capital Programme, as set out in paragraph 4 of the report now submitted.
- (3) The improvements to the Dell Stadium be included in the Capital Programme, as set out in paragraph 5 of the report now submitted.
- (4) That the project to expand Hillcrest School and Community College be approved and included in the Capital Programme, as set out in paragraph 6 of the report now submitted.

- (5) That the contribution towards the provision of an embankment slide at Tanhouse Lane be noted and the Capital Programme be amended accordingly; and that the Capital Programme be amended to reflect any similar future contributions to Play Pathfinder projects as necessary, as set out in paragraph 7 of the report now submitted.
- (6) That the replacement of the Corporate Storage Area Network be included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (7) That the demolition of the Tower Street Building be included in the Capital Programme as set out in paragraph 9 of the report now submitted.
- (8) That the Interim Director of Law, Property and Human Resources be authorised to negotiate and establish any necessary contract to facilitate the demolition of the Tower Street building.
- (9) That the Tower Street site be declared surplus to requirements and ultimately disposed of on terms to be negotiated.
- (10) That a joint venture arrangement, with a suitable partner(s), be established to facilitate the redevelopment of the Tower Street site to effect its ultimate disposal, and that the Interim Director of Law, Property and Human Resources be authorised to negotiate and establish the most advantageous economic terms and legal structure, to effect this arrangement.
- (11) That the urgent amendments to the Capital Programme, as set out in paragraphs 10 to 15 of the report now submitted, be noted.

37

SPENDING PROJECTIONS 2009/10

A report of the Cabinet was submitted.

It was moved by Councillor D. Blood, seconded by Councillor Mrs. Millward and

RESOLVED

- (1) That the forecast overspending set out in paragraph 4 of the report now submitted, be noted.

- (2) That the “earmarking” of General Balances to fund the projected overspending in the Directorate of Children’s Services, if ultimately required, be approved.
 - (3) That the transfer of the projected underspending in Finance, ICT and Procurement to General Balances, be noted.
 - (4) That the Council reiterates to all Cabinet Members, 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.
 - (5) That the effects on the Council’s Medium Term Financial Strategy be noted.
 - (6) That action be taken to replenish General Balances when the opportunity arises.
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38

FOOD SERVICE PLAN 2009/10

A report of the Cabinet was submitted.

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

RESOLVED

That the Food Service Plan for 2009/10 be approved.

39

REVIEW OF HOUSING FINANCE

A report of the Cabinet was submitted.

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

RESOLVED

That the revised Housing Revenue Account budget for 2009/10, as set out in Appendix 1 to the report now submitted, be approved.

40

NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 12

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

“This Council recognises the national and international impact that our Glass Making heritage has and acknowledges the recognition that this Borough receives from these endeavours.

In addition, this Council recognises the feasibility review that is currently being undertaken of the Red House Cone and its ability to house the Broadfield House collection. We recognise the further scrutiny that was conducted by the relevant Select Committee in September this year. However, as a result of community consultation, we have concluded that this study is too limited.

This Council believes that all steps should be taken to enable this Borough to properly celebrate our Glass collection and therefore, seeks the establishment of a National Glass Museum within its Glass Quarter that will become nationally and internationally renowned. This would demonstrate the commitment that this Council has to meeting the aspirations of the people of this Borough and beyond.

We therefore resolve to

- Enhance the terms of reference of the feasibility study to add consideration of the development of a Museum of national importance for the people of this Borough.
- Source external funding to support a partnership plan for the museum.
- Establish a joint working party involving representatives of all political groups on the Council.
- Consider how this project could integrate other facets of our history such as the canal network, to establish a first class visitor attraction.
- Fully engage local experts, glass enthusiasts and other interested parties that have an invaluable insight into our glass collection, for example ‘The Friends’ and historical groups.
- Determine that all profits from any land or property disposal be ring-fenced for the establishment of the said Museum.”

An amendment was moved by Councillor Mrs. Millward, and duly seconded, to delete the last sentence of the second paragraph and to delete the first bullet point from the fourth paragraph of the motion.

The amendment was accepted by the mover of the original motion. With the consent of the meeting the motion, as amended, thereupon became the substantive motion. Following a debate, the substantive motion was put to the meeting and it was

RESOLVED

That this Council recognises the national and international impact that our Glass Making heritage has and acknowledges the recognition that this Borough receives from these endeavours.

In addition, this Council recognises the feasibility review that is currently being undertaken of the Red House Cone and its ability to house the Broadfield House collection. We recognise the further scrutiny that was conducted by the relevant Select Committee in September this year.

This Council believes that all steps should be taken to enable this Borough to properly celebrate our Glass collection and therefore, seeks the establishment of a National Glass Museum within its Glass Quarter that will become nationally and internationally renowned. This would demonstrate the commitment that this Council has to meeting the aspirations of the people of this Borough and beyond.

We therefore resolve to

- Source external funding to support a partnership plan for the museum.
- Establish a joint working party involving representatives of all political groups on the Council.
- Consider how this project could integrate other facets of our history such as the canal network, to establish a first class visitor attraction.
- Fully engage local experts, glass enthusiasts and other interested parties that have an invaluable insight into our glass collection, for example 'The Friends' and historical groups.
- Determine that all profits from any land or property disposal be ring-fenced for the establishment of the said Museum.

The Annual Report of the Select Committee was submitted.

It was moved by Councillor Mrs. H. Turner, seconded by Councillor Mrs. Millward and

RESOLVED

That the Annual Report of the Select Committee on the Environment for 2008/09 be received and noted.

42

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

The Annual Report of the Select Committee was submitted.

It was moved by Councillor Mrs. Ridney, seconded by Councillor K. Turner and

RESOLVED

That the Annual Report of the Select Committee on Health and Adult Social Care for 2008/09 be received and noted.

43

TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

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

RESOLVED

That the treasury management activity, as set out in the report now submitted, be noted.

44

EXECUTIVE ARRANGEMENTS – LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

A report of the Interim Director of Law and Property was submitted.

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

RESOLVED

- (1) That the Council note the options set out in paragraph 6 of the report now submitted, which are the subject of public consultation.
 - (2) That, following the period of public consultation, a further report be submitted to the Council on 30th November, 2009 to determine its future governance arrangements and pass the necessary resolution.
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APPEALS PANEL (CHILDREN'S SERVICES TRANSPORT)

A report of the Interim Director of Law and Property was submitted.

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

RESOLVED

- (1) That an Appeals Panel (Children's Services Transport) be established, comprising three elected Members, with the terms of reference set out in paragraph 6 of the report now submitted.
- (2) That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to the Appeals Panel for the remainder of the 2009/10 municipal year.
- (3) That the Director of Children's Services be authorised to make any necessary amendments to the Council's existing transport policy documents to make reference to the revised appeals process.
- (4) That the Interim Director of Law, Property and Human Resources be authorised to make any consequential amendments to the Council's Constitution arising from this decision.
- (5) That the membership of the Appeals Panel comprise two members of the Conservative Group and one member of the Labour Group and that nominations be submitted to the Interim Director of Law, Property and Human Resources in due course.

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 Chairmen agreed to have reconsidered.

The meeting ended at 8.12 p.m.

MAYOR