



Annual Meeting of the Council

**Thursday, 16th May, 2024 at 6.00pm
In the Council Chamber,
The Council House, Priory Road, Dudley**

You are hereby summoned to attend the annual 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. To elect the Mayor of the Borough for the 2024/25 Municipal Year
2. The Mayor to make and subscribe to the required declaration
3. To elect the Deputy Mayor of the Borough for the 2024/25 Municipal Year

Note: There will be a short adjournment to enable robing to take place

4. The Deputy Mayor to make and subscribe to the required declaration

Note: There will be speeches by the new and former Mayor and the presentation of badges

5. Apologies for absence



6. Minutes (Pages 5 - 13)

To approve as a correct record and sign the minutes of the meetings of the Council held on 15th April, 2024

7. Mayor's announcements

8. To receive any declarations of interest under the Members' Code of Conduct

9. Leader of the Council (Pages 14 - 15)

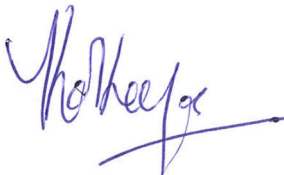
10. Appointment and Membership of the Cabinet and Committees for 2024/25 and related matters (Pages 16 - 25)

11. Constitution and Scheme of Delegation (Pages 26 - 29)

12. Programme of Meetings for 2024/25 (Pages 30 - 31)

13. Appointments/Nominations to Other Bodies (Pages 32 - 34)

14. 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



Kevin O'Keefe
Chief Executive

Dated: 8th May, 2024

Distribution:

All Members of the Council

Meetings at Dudley Council House:

Health and Safety

- Please ensure you comply with any health and safety instructions applicable to the venue.

Public Gallery

- Seating in the public gallery is subject to limits on capacity and will be allocated on a 'first come' basis.

Toilets

- Toilet facilities are available on site. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are staff who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

Recording and Reporting

- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- The public session of this meeting will be recorded and broadcast on the Council's [YouTube Channel](#)

General

- Public Wi-Fi is available.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

If you are reading these documents on an electronic device, you have saved the Council £7.00 (on average) per printed agenda and helped reduce the Council's carbon footprint

Minutes of the proceedings of the Council

Monday, 15th April, 2024 at 6.00pm
in the Council Chamber, The Council House, Priory Road, Dudley

Present:

Councillor A Goddard (Mayor)
Councillor P Lee (Deputy Mayor)
Councillors S Ali, A Aston, M Aston, P Atkins, C Barnett, C Bayton, D Bevan, I Bevan, H Bills, D Borley, S Bothul, P Bradley, R Buttery, K Casey, B Challenor, S Clark, Dr R Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, K Denning, P Dobb, P Drake, M Dudley, C Eccles, J Elliott, M Evans, J Foster, M Hanif, D Harley, P Harley, S Henley, A Hopwood, S Keasey, I Kettle, E Lawrence, A Lees, K Lewis, W Little, P Lowe, J Martin, P Miller, S Mughal, N Neale, S Phipps, R Priest, A Qayyum, K Razzaq, C Reid, S Ridley, M Rogers, T Russon, P Sahota, D Stanley, C Sullivan, A Taylor, E Taylor, L Taylor-Childs, A Tromans, M Webb, K Westwood, and M Westwood, together with the Chief Executive and other Officers.

Prayers

The Mayor led the Council in prayer.

78 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Clinton, M Howard, L Johnson and Q Zada.

79 Declarations of Interest

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

Councillor A Aston – Pecuniary interest in any matters directly affecting his employment with West Midlands Ambulance Service.

Councillor M Evans and A Taylor - Any matters relating to Castle Hill development and all references to Dudley Zoo - Non-pecuniary interests as Members of Dudley and West Midlands Zoological Society Limited.

Councillors D Stanley and A Taylor - West Midlands Combined Authority – Transport Delivery Committee - Non-pecuniary interests as Members of the Committee.

Councillor P Miller - Any matters relating to adult social care – Non-pecuniary interest as his wife received care in a care home.

Councillor K Casey – Pecuniary interest in any matters directly affecting his employment with West Midlands Combined Authority.

Councillor I Bevan – Any references to Dudley Group NHS Foundation Trust/Russells Hall Hospital – Pecuniary interest in any matters directly affecting his employment.

Councillors I Kettle and W Little – Any references to West Midlands Fire and Rescue Authority - Non-pecuniary interests as Members of the Authority.

Councillor E Taylor - Non-pecuniary interest as her daughter was employed by Dudley Group NHS Foundation Trust.

Councillor N Neale – Minutes of the Health and Adult Social Care Scrutiny Committee – Pecuniary interest in any matters directly affecting her employment with the Dudley Group NHS Foundation Trust.

Councillor S Henley – Any references to matters affecting West Midlands Fire Service – Pecuniary interest in any matters directly affecting his employment.

Councillor J Foster – Any references to West Midlands Employers (WME) - Pecuniary interests in any matters directly affecting her self-employment as a HR consultant/investigator with WME as a client.

80 **Minutes**

Resolved

That the minutes of the meetings held on 26th February and 4th March, 2024 be approved as correct records and signed.

81 **Mayor's Announcements**

(a) **Mayor's Ball and Civic Awards**

The Annual Charity Ball and Civic Awards would take place on 19th April, 2024 at the Copthorne Hotel, Brierley Hill.

(b) **Councillors Not Seeking Re-Election**

The Mayor reported that Councillors M Aston, C Barnett, R Buttery, M Evans, J Elliott, M Howard, A Hughes, A Lees and Q Zada were not seeking re-election on 2nd May, 2024. The Mayor placed on record the Council's appreciation of their dedicated public service and expressed best wishes for the future.

Members then made individual comments and tributes were paid to the retiring Councillors.

82 **2023/24 Revenue and Capital Programme Monitoring**

A report of the Cabinet was submitted.

The recommendations of the Cabinet were moved by Councillor P Harley and seconded by Councillor P Bradley.

Following the debate, Councillor P Harley exercised his right of reply pursuant to Council Procedure Rule 14.9.

The motion was put to the meeting and it was

Resolved

- (1) That the deferral, reduction and removal of various capital budgets, as set out in paragraphs 11 to 18 of the report, be approved.
 - (2) That the additional budget for the swimming pool works at Halesowen Leisure Centre funded by grant, as set out in paragraphs 19 to 23 of the report, be included in the Capital Programme.
 - (3) That in respect of the Health Innovation Dudley (HID) Towns Fund project, a maximum provision of £1.871m be made in the capital programme to meet the project's cost pressures including the maximum 'pain share' and that this be funded by prudential borrowing if further external funding cannot be secured as set out in paragraph 24 of the report.
 - (4) That the Flexible Use of Capital Receipts Strategy, as set out in paragraphs 26 to 28 and Appendices C and D to the report, be approved and added into the Capital Strategy.
 - (5) That the progress against the Capital Programme as detailed in Appendix B to the report, be noted.
-

83 Council Plan 2022-25

A report of the Cabinet was submitted.

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

That the new one-year Council Plan for 2024-25 which focusses on those priorities and projects that will prevent a higher cost, deliver cost reductions/increased income and which support the delivery of the Council's improvement and sustainability programme, be approved and adopted.

84 **Dudley Council Climate Action Plan**

A report of the Cabinet was submitted.

The recommendation of the Cabinet was moved by Councillor Dr R Clinton and seconded by Councillor P Bradley.

Following the debate, Councillor Dr R Clinton exercised his right of reply pursuant to Council Procedure Rule 14.9.

The motion was put to the meeting and it was

Resolved

That the report and the action plan, setting out the Council's response to the climate change emergency, be endorsed.

85 **Overview and Scrutiny Annual Report 2023/24**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

The recommendation in the report was moved by Councillor I Kettle and seconded by Councillor P Bradley.

Councillor I Kettle exercised his right of reply to the debate pursuant to Council Procedure Rule 14.9. A response would be provided to Councillor C Bayton concerning a comment made about the membership of the Climate Change Select Committee.

Resolved

That the annual Overview and Scrutiny Report for 2023/24 be received and noted.

86 **Notice of Motion**

Tackling Anti-Social Use of Off-Road Vehicles

Further to Minute No. 69 of the Council meeting held on 26th February, 2024, a notice of motion, as set out in the agenda, had been moved by Councillor R Priest and seconded by Councillor J Clinton.

Councillor L Taylor-Childs had moved an amendment, as set out in the agenda, which had been seconded by Councillor N Neale.

Councillor S Phipps had moved a closure motion pursuant to Council Procedure Rule 14.11, which had been seconded, to the effect that the amendment be now put to the vote.

In accordance with Council Procedure Rule 14.11(b) the Mayor was of the opinion that the matter had been sufficiently discussed. The closure motion was put to the vote and carried.

Councillor R Priest was afforded his right of reply pursuant to Council Procedure Rule 14.9.

The amendment was put to the meeting and carried. The motion, as amended, became the substantive motion.

Following further debate on the substantive motion, Councillor R Priest was afforded the right of reply pursuant to Council Procedure Rule 14.9. The substantive motion was put to the vote and it was

Resolved that

Anti-social use of off-road vehicles, including quadbikes, motorbikes, scramblers and mini motors is an issue that affects many parts of the borough, and is causing particular nuisance in parks and green spaces. While the use of these vehicles is permitted on private land with the land-owner's permission, the Road Traffic Act 1988 prohibits their use where no permission has been given.

The Council recognises that tackling the anti-social use of off-road vehicles requires a proactive multi-agency approach involving the local authority, neighbourhood police teams, the wider West Midlands Police and the West Midlands Police and Crime Commissioner.

This issue is prevalent in a number of areas in the borough including, but not limited to, Wollescote Park, Quarry Bank, Wordsley and Brierley Hill. It is recognised that, locally, there has been a joined-up approach to tackling this issue within the Community Safety Partnership. However, this work is hindered by the lack of regional support and resource from the Police and Crime Commissioner.

Both strategy and resource is important to tackling this issue; the PCC recently funded just three off-road bikes for Police use across the West Midlands area. The Council expresses its dissatisfaction with the response of the Police and Crime Commissioner for failing to adequately fund resource to address the issue of the anti-social use of off-road vehicles in the Dudley Borough.

The Council therefore resolves to:

- Recognise the impact this behaviour is having on local residents and businesses and resolves to renew its approach to tackling the issue.
- Instruct the Chief Executive and relevant Cabinet Member to write to the West Midlands Police and Crime Commissioner informing them of this motion, and the Council's dissatisfaction with the response of the Police and Crime Commissioner for failing to adequately address the issue of the anti-social use of off-road vehicles in the Dudley Borough.
- Identify a single point of contact within the Community Safety Team for reporting the specific incidents of the anti-social use of off-road bikes. These figures will be communicated to the Police via existing reporting methods within the Community Safety Partnership, with a focus on ensuring intelligence (such as addresses of stored bikes) being followed up by Police and/or Housing Management.

- Instruct the Chief Executive and relevant Cabinet Member to write to the Mayor of the West Midlands Combined Authority in May, once the result of the election to the post is known, requesting an urgent meeting to develop a strategy to tackle the anti-social use of off-road vehicles. This meeting should involve appropriate Cabinet Members, Ward Councillors, community groups and other affected organisations such as the Canal and River Trust.
- Consider the implementation of physical preventative measures, such as trip rails, fencing and entry points when the financial position of the authority allows.

Ensure that the Council is utilising deployable CCTV, where intelligence indicates there would be a benefit to investigations, to monitor problem areas.

87 **Questions from Members (Council Procedure Rule 11)**

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

That under Council Procedure Rule 22.1, the provisions of Council Procedure Rule 11 be suspended for the duration of this meeting to enable the revised Question Time session to take place as outlined by the Mayor.

Questions to the Leader, Cabinet Members and Chairs

The Leader of the Council (Councillor P Harley) responded to questions from Councillor P Sahota concerning the sale and development of the former Dudley Leisure Centre site in Wellington Road, Dudley.

The Cabinet Member for Children's Services and Education (Councillor R Buttery) responded to questions from Councillor S Ridney seeking clarification as to whether any Dudley child was homed in or outside of Borough in an Ofsted unregistered home and what action was taken should an unregistered home in the borough be identified.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor P Lowe concerning the achievements of the controlling political administration and issues raised previously concerning the disclosure of information relating to confidential discussions at the Independent Assurance Board.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor R Collins concerning the process for dealing with complaints made under the Member's Code of Conduct and the implications of referring investigations to external solicitors.

The Cabinet Member for Highways and Environmental Services (Councillor D Corfield) responded to a question from Councillor D Bevan concerning the Green Waste collection service.

The Cabinet Member for Highways and Environmental Services (Councillor D Corfield) responded to questions from Councillor R Priest concerning the repair of potholes.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor S Phipps concerning the Dudley Local Plan.

At this juncture, the Mayor indicated that the 30 minutes allowed for questions had expired. Members indicating to ask a question could either send it in writing or raise the question at the next appropriate meeting.

88 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 7.55 pm

MAYOR

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Leader of the Council

Purpose

1. To report on the provisions of the Council's Constitution concerning the position of the Leader of the Council.

Recommendation

2. That the Council elect the Leader in accordance with the provisions of the Constitution.

Background

3. The Council's Procedure Rules require that the Leader shall be appointed at the annual meeting of the Council (as and when necessary). Article 7 of the Constitution prescribes that the Leader will hold office for a period of four years or until:
 - (a) his/her term of office as a Councillor expires; or
 - (b) he/she resigns from the office; or
 - (c) he/she is no longer a Councillor; or
 - (d) he/she is removed from office by resolution of the Council.
4. In accordance with the Constitution, the Leader's current term of office expires in May, 2024.

Finance

5. There are no direct financial implications arising from this report.

Law

6. Statutory provisions regarding the Constitution are contained in the Local Government Act 2000, as amended, the Localism Act 2011 and any Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Risk Management

7. The ongoing arrangements for the election of the Leader are contained in the Council's Constitution. There are no implications for the Council's Risk Management Framework.

Equality Impact

8. Decisions of the Leader on policy issues and the implementation of the Council Plan framework involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

9. There are no direct implications.

Commercial/Procurement

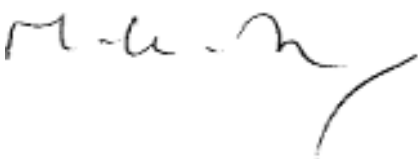
10. The Leader has a key role in overseeing the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

Environment/Climate Change

11. The Leader has a key role in overseeing the Council's approach to environmental sustainability and tackling climate change.

Council Plan

12. The Leader has a key role in the delivery of all Council Plan objectives.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Appointment and Membership of the Cabinet and Committees for 2024/25 and Related Matters

Purpose of Report

1. To receive a report on the appointment of the Deputy Leader and Members of the Cabinet and to consider the appointment and membership of Committees and related matters for the 2024/25 municipal year.

Recommendations

2. That the Council note the report to be circulated at the meeting concerning the appointment of the Deputy Leader and Members of the Cabinet for the 2024/25 municipal year, together with the designation and appointment of Cabinet Members.
3. That the structure of Committees for 2024/25 be approved as set out in the lists to be circulated at the meeting.
4. That the terms of reference and functions of Committees, as set out in Part 3 of the Constitution, be approved subject to any necessary amendments arising from decisions made at this meeting.
5. That, with the exceptions referred to in this report, the composition and membership of Committees for the 2024/25 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989, as shown on the lists to be circulated at the meeting.
6. That the proposals for the appointment of co-opted representatives to serve on relevant Committees and the arrangements for the filling of vacancies be approved.

7. That the Licensing and Safety Committee be appointed in 2024/25 to undertake the statutory Committee functions in accordance with the Licensing Act 2003 and that the Committee comprise 12 Members.
8. That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees established by the Licensing and Safety Committee or to any Sub-Committee established by the Audit and Standards Committee to hear complaints against Members under the Members' Code of Conduct.
9. That the appointment of Chairs and Vice-Chairs be approved in accordance with the lists to be circulated at the meeting.
10. That the arrangements for substitutes on Committees, as set out in Council Procedure Rules, be reaffirmed for the 2024/25 municipal year.
11. That the Planning (Site Visits) Working Group be appointed for the 2024/25 Municipal Year to undertake visits to sites where the Committee has resolved that there should be a site visit and that the Working Group comprise all Members of the Planning Committee.
12. That Working Groups be appointed for the 2024/25 Municipal Year for Scrutiny/Select Committees, as appropriate, and that the membership of the Working Groups comprise all Members of the relevant Committees.
13. That the Dudley Health and Wellbeing Board be re-established in 2024/25 on the basis set out in this report.
14. That the 'Your Home, Your Forums' be re-established in 2024/25 on the basis previously approved by the Council.
15. That the Monitoring Officer be authorised to take any necessary and consequential actions that are required to implement the proposals contained in this report and any other decisions that are taken at this meeting of the Council.

Background

Appointment of the Deputy Leader and Cabinet Members

16. Article 7 of the Council's Constitution prescribes that the Cabinet will consist of the Leader together with at least 2, but not more than 9 other Councillors appointed to the Cabinet by the Leader. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
17. The Cabinet will comprise members (including the Leader) with the designations shown on the lists to be circulated at the meeting. The list of responsibilities and executive functions allocated to Cabinet Members (and onward delegations to Officers) is set out under Part 3 of the Constitution and will be updated with any consequential changes arising from this meeting.
18. The Leader will report at the meeting concerning the appointment of the Deputy Leader and the designation of Cabinet Members for the 2024/25 municipal year. The Constitution provides that Cabinet Members appointed by the Leader shall hold office until:
 - (a) they resign from office; or
 - (b) they are no longer Councillors; or
 - (c) they are removed from office, either individually or collectively, by the Leader.
19. Cabinet Procedure Rules provide that other political groups on the Council may nominate Members from their Group to attend meetings of the Cabinet. Such Members may speak at the meeting but may not vote. It is the Council's practice that all Shadow Cabinet Members are invited to attend formal Cabinet meetings.

Appointment and Membership of Committees

20. The Council's Procedure Rules prescribe that the Council, at its Annual Meeting, will appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions, and will:

- (a) decide the size and terms of reference for Committees;
- (b) appoint Chairs and Vice-Chairs for Committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors to serve on each Committee.

Proposals in respect of the above and the nominations of the political groups regarding Members to serve on each Committee will be circulated at the meeting.

21. There are currently 3 political groups represented on the Council:-

Conservative (34 seats)
Labour (34 seats)
Liberal Democrat (3 seats)

There is one independent Member. The proportionality Regulations provide that a political group is constituted where two or more Members of the Council give notice that they wish to be treated as a group.

22. Under Sections 15 and 16 of the Local Government and Housing Act 1989, the Council is required to provide for political balance on Committees. The composition of Committees, in accordance with political balance, will be set out in the lists to be circulated at the meeting.
23. The political balance 'rules' provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council.
24. Section 17 of the Local Government and Housing Act 1989 authorises the Council to approve different arrangements (eg: not reflecting political balance) provided that no Member of the Council votes against them.

Scrutiny Arrangements for 2024/25

25. It is proposed to establish Committees for 2024/25 in accordance with the lists to be circulated at the meeting.
26. Ongoing consultation is taking place on items to be considered by Scrutiny/Select Committees. Flexibility will be retained to respond to any issues that arise during the year. It is proposed that Working Groups are established for the Committees as appropriate.

Terms of Reference and Onward Delegation of Functions

27. The terms of reference and onward delegation of functions are set out in Part 3 of the Constitution. The Council has previously delegated authority to the Monitoring Officer to make any urgent, necessary or consequential changes to the Constitution arising from Council restructuring and to reflect any changes in legislation or other statutory provisions. It is proposed that this delegation should remain in place for 2024/25.

Appointment of Co-opted Representatives

28. Co-opted Members will be appointed to serve on the relevant Committees in 2024/25 in accordance with the lists circulated at the meeting.
29. To mitigate any delay in their serving, the Council has previously authorised the Monitoring Officer, following consultation with the Leader, to appoint non-elected co-opted Members to fill any vacancies that might arise from time to time. Approval is requested for the same facility to apply in 2024/25.

Licensing Act 2003 – Statutory Functions

30. In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. The Licensing and Safety Committee undertakes the statutory functions under the 2003 Act, with the exception of the approval of the licensing policy and any other specific functions that may be reserved to full Council. The Committee comprised 12 Members in 2023/24. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2024/25, it is proposed to appoint Licensing Sub-Committees on the same basis as the previous year. The establishment of the Sub-Committees, together with the appointment of Members and allocation of functions, will be considered at the first meeting of the main Committee in the 2024/25 municipal year.
31. The Council has previously decided to waive the proportionality requirements in respect of the Licensing Sub-Committees. It is proposed that the waiver be re-affirmed for 2024/25.

Member Complaints and Standards Matters

32. The Audit and Standards Committee has previously established a Standards Sub-Committee to hear and determine complaints against Members and Co-opted Members. The appointment of the Sub-Committee will be considered at the first meeting of the Audit and Standards Committee in the municipal year.

Substitute Members of Committees

33. Council Procedure Rule 5 provides for the appointment of substitute Members on Committees. The arrangements for the appointment of substitute Members have worked successfully and it is recommended that they be continued in 2024/25.
34. The Council Procedure Rules provide that a substitute Member shall only be appointed in that capacity if he/she is otherwise eligible to serve on the body concerned. This includes a requirement, particularly in the case of quasi-judicial meetings (eg: Planning and Licensing Committees), that the Member concerned has undertaken the necessary training as required by the Council.

Changes to the Composition of Committees

35. Regulations made under the Local Government and Housing Act 1989 require the Council's Committees to reflect the overall political balance of the Council and take account of the wishes of political groups when allocating Members to Committees. From time to time during the municipal year, it may be necessary for changes to be made in the allocation of Committee Memberships to reflect the wishes of the political groups. Under Article 4.02 of the Constitution, the Monitoring Officer is authorised to make any necessary changes to the composition of Committees that might arise from time to time in accordance with the requirements of the Leaders of political groups.

Planning Committee

36. A Site Visits Working Group has previously been established to allow for site visits by Members. Site visits are undertaken in appropriate circumstances as provided for in the Code of Conduct for Members and Officers dealing with planning matters (as set out in the Council's Constitution). The Working Group will comprise all Members of the Planning Committee. It is proposed that the Site Visits Working Group be established on the same basis for 2024/25.

Dudley Health and Wellbeing Board

37. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 make provision for the disapplication and modification of certain enactments relating to local authority committees, including the rules on proportionality. The Regulations aim to provide local areas with the flexibility and freedom to shape health and wellbeing boards to fit local circumstances.
38. The Dudley Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2012 and operates within its own terms of reference and associated governance arrangements.
39. The Chair and Vice-Chair are appointed by the Board at its first meeting in the municipal year.

Your Home, Your Forums

40. The Council has previously established 5 Forums. The Forums comprise the elected representatives of the following wards:-

Brierley Hill

- Brierley Hill and Wordsley South/Brockmoor and Pensnett/Kingswinford North and Wall Heath/Kingswinford South/Wordsley North

Dudley North

- Coseley/Gornal/Sedgley/Upper Gornal and Woodsetton

Dudley

- Castle and Priory/Netherton and Holly Hall/Quarry Bank and Dudley Wood/St James's/St Thomas's

Halesowen

- Belle Vale/Cradley North and Wollescote/Halesowen North/Halesowen South/Hayley Green and Cradley South

Stourbridge

- Amblecote/Lye and Stourbridge North/Norton/Pedmore and Stourbridge East/Wollaston and Stourbridge Town

It is proposed that the Forums are re-established for 2024/25 on the same basis as in the previous municipal year.

Finance

41. The financial implications arising from the proposals in this report will be met from existing resources.

Law

42. The relevant statutory provisions regarding the Constitution and arrangements with respect to executive functions are contained in Part II of the Local Government Act, 2000, as amended, and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
43. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
44. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
45. If it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no Member of the Council voting against it (Section 17 of the 1989 Act).
46. The rules on proportionality do not apply to the Your Home Your Forums because the Forums are not Committees of the Council and they comprise all the ward councillors for the areas concerned.
47. The implications of the Localism Act 2011 have been reflected in this report, including the freedoms to consider governance structures and the provisions relating to standards.
48. The duty to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the proportionality duty does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act (eg functions under the Gambling Act 2005). The Council has previously agreed that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Licensing Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring

Member determination. This is also applied to any Sub-Committee established by the Audit and Standards Committee to consider complaints against Members under the Council's standards arrangements.

49. The rules on proportionality do not apply to the Dudley Health and Wellbeing Board established under Section 194 of the Health and Social Care Act 2012. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 specifically disapply the proportionality rules in respect of Health and Wellbeing Boards.
50. The effects and principles contained in Section 499 of the Education Act 1996, Department for Education and Science Circular 19/99 and the Education (Parent Governor Representatives) Regulations 2001 are reflected in the proposals in respect of the appointment of co-opted representatives to serve on the relevant Committee(s).

Risk Management

51. This report deals with the Council's governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Risk Management Framework.

Equality Impact

52. The requirements to consider the Council's policies on equality and diversity, along with duties under the Equality Act 2010, are fully reflected in the Council's governance structures and decision-making processes. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

53. The Council's governance arrangements will be administered from existing resources.

Commercial/Procurement

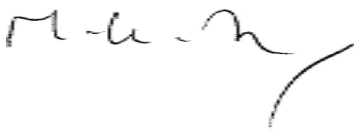
54. Decisions taken by the Council, the Cabinet and Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.

Environment/Climate Change

55. Within our governance arrangements, the Council requires that all reports should include an assessment of the impact on the environment. The Council has declared a Climate Emergency and reports on individual proposals should address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2030. In addition, individual reports should consider how the proposals support the [United Nations sustainable development goals](#)

Council Plan

56. This report deals with the Council's governance arrangements to underpin the delivery of the Council Plan objectives.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2024/25 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

Recommendations

2. That the Constitution and Scheme of Delegation be reaffirmed for the 2024/25 municipal year.
3. That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
4. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.
5. That the Council note that a further report will be submitted during this municipal year on the outcome of a review of the Constitution as part of the Fit for the Future Governance workstream.

Background

6. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.

7. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29th April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
8. The Constitution provides that amendments to the Scheme of Delegation may be approved by the Leader of the Council by way of a Delegated Decision Sheet. The Leader of the Main Opposition Group is notified of any proposed changes before a decision is made by the Leader.
9. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the [Council's Website](#)
10. The Council has previously delegated authority to the Monitoring Officer to update and amend the Constitution in line with any ongoing restructuring activity and to reflect any other necessary legislative or statutory provisions. It is proposed that this delegation be reaffirmed and allocated to the Monitoring Officer in line with the duties of the statutory post to maintain the Constitution.
11. Council Procedure Rule 11 (Questions by Members at Full Council Meetings) has been updated to reflect the revised procedure that was successfully piloted in the 2023/24 municipal year. This is in line with the decision of the Council on 26th February, 2024.
12. As part of the Governance workstream of the Fit for the Future Programme, a full review of the Council's Constitution is being undertaken. This work is being supported by the Centre for Governance and Scrutiny. A further report on the review will be submitted to the Council during this municipal year.

Finance

13. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources. The resource implications of engaging external support in relation to the review of the Constitution are subject to ongoing consideration.

Law

14. Relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
15. The duty to designate an officer as the Monitoring Officer is contained in Section 5 of the Local Government and Housing Act 1989. In order to ensure a separation of roles, the person designated as the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.

Risk Management

16. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

17. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

18. There are no direct implications arising from this report.

Commercial/Procurement

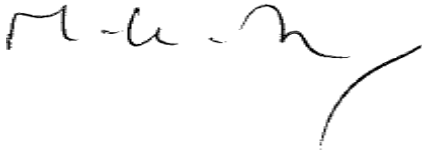
19. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Environment/Climate Change

20. The Council's Constitution and governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2030.

Council Plan

21. This report deals with the Council's Constitution, which underpins the delivery of the Council Plan objectives.

A handwritten signature in black ink, appearing to read 'M-Farooq', with a long, sweeping underline that extends to the right.

**Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)**

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Programme of Meetings for 2024/2025

Purpose of Report

1. To approve a programme of meetings of the Council, Cabinet and Committees for the 2024/25 municipal year.

Recommendation

2. That the programme of meetings of the Council, Cabinet and Committees for the 2024/25 municipal year, as circulated at the meeting, be approved.

Background

3. The Council's Constitution requires that the programme of ordinary meetings for the year be approved at the Annual Meeting of the Council.
4. A schedule of proposed meeting dates for the 2024/25 municipal year will be circulated at the meeting.
5. In line with the Constitution the programmed dates and times of meetings, as approved by the Council, can only be changed if the Monitoring Officer is satisfied that exceptional circumstances apply following consultation with the relevant Chair and Vice-Chair (for example due to inclement weather, significant national events or lack of business).

Finance

6. The financial implications arising from the organisation of all meetings will be met from approved budgets.

Law

7. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, as amended, the Localism Act 2011 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Risk Management

8. Reports to the Council, Cabinet and Committees will include a paragraph to ensure proper consideration of any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

9. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

10. Council, Cabinet and Committee meetings will be administered within existing resources.

Commercial/Procurement

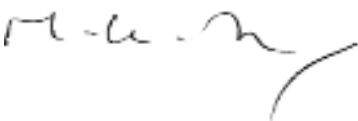
11. Where relevant, decisions taken by the Council, the Cabinet and its Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

Environment/Climate Change

12. The Council's governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2030.

Council Plan

13. Reports to meetings will include an assessment of how individual proposals contribute to the delivery of the Council Plan objectives.



.....
Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Appointments/Nominations to Other Bodies

Purpose of Report

1. To consider arrangements for the making of appointments/nominations to other bodies.

Recommendation

2. That the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Leader of the Main Opposition Group, be authorised to make appointments/nominations to other bodies as required.

Background

3. The Council makes appointments and nominations to serve on various other bodies. Details of the appointments made in 2023/24 are available on the Council's website.
4. In view of the urgency in making various appointments/nominations it is proposed that the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Leader of the Main Opposition Group, be authorised to make any appointments or nominations that are required. Details of the appointments/ nominations made will be published on the Council's website.

Finance

5. Any financial implications arising from these appointments/nominations will be met from existing resources.

Law

6. The statutory provisions relating to the above matters are contained in Section 111 of the Local Government Act, 1972, Sections 15-18 of the Local Government and Housing Act, 1989, and the relevant provisions of the Local Government Act, 2000.

Risk Management

7. The Council has adopted a general indemnity in relation to Members and Officers. To limit potential risks, a register is maintained of all appointments to outside organisations. Before making or recommending such appointments, the Council considers whether there is any current need or justification for one or more representatives of the Council to serve on the organisation in question.

Equality Impact

8. Depending on the nature of the organisations concerned, their activities will impact to a greater or lesser extent on equality and diversity issues, community groups or on services to children and young people.

Human Resources/Organisational Development

9. There are no direct implications arising from this report.

Commercial/Procurement

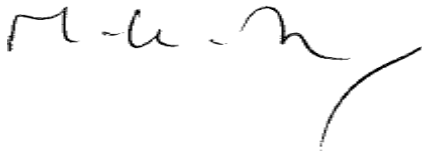
10. The Council Plan includes reference to maximising value from procurement, delivering social value and developing a commercial focus. The Council works in partnership with a range of external bodies and organisations in this regard.

Environment/Climate Change

11. The Council's commitment to environmental sustainability and tackling climate change is reflected in partnership working with a range of other bodies and organisations to which appointments are made.

Council Plan

12. Effective partnership working with other bodies and organisations underpins the delivery of the Council Plan objectives.



.....
Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)